

M E M O R A N D U M

To: Town Commission
From: Tom Harmer, Town Manager
Report date: April 16, 2021
Meeting date: May 3, 2021
Subject: Ordinance 2021-02, Amending Chapter 34.50, Firefighters' Retirement System, *Disability*

Recommended Action

Forward Ordinance 2021-02 to the June 7, 2021 Regular Meeting for second reading and public hearing.

Background

In 2019, the Florida Legislature passed Chapter 2019-21, Laws of Florida, which mandates certain employer-funded cancer benefits for Firefighters. Firefighters who are diagnosed with certain cancers are eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.

In order to be entitled, the firefighter must:

- Be employed full-time as a firefighter;
- Be employed by the State, university, city, county, port authority, special district, or fire control district;
- Have been employed by his or her employer for at least five continuous years;
- Not have used tobacco products for at least the preceding five years; and
- Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer.

The employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

For disability and death benefits, the employer must consider a firefighter permanently and totally disabled if diagnosed with one of the 21 enumerated cancers and meets the retirement's plan definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Moreover, the cancer or the treatment of cancer is deemed to have occurred in the line of duty, resulting in higher disability and death benefits.

The legislation created §112.1816, Florida Statutes and as applied to the Town's Consolidated Retirement System, it provides that firefighters who are permanently and

totally disabled as a result of certain specified types of cancers, or the treatment of those cancers are considered to be disabled in the line of duty. The Board of Trustees for the Town of Longboat Key Consolidated Retirement System has recommended that the Town adopt this ordinance amending the Firefighters' Retirement System to incorporate the State cancer benefits law for firefighters into the Town's Code.

The proposed Code language was prepared by the Board of Trustees' legal counsel, Ron Cohen and reviewed by the Consolidated Retirement System Board of Trustees at its February 17, 2021 quarterly meeting. The Board of Trustees notified the Town staff of the requested change. The Town Manager and Town Attorney reached out to the Town's special counsel for pension matters (Jim Linn of Lewis, Longman & Walker) to review the proposed language on behalf of the Town. Mr. Linn agreed with the inclusion of the substantive language in the Code, but recommended that it be inserted as a newly created paragraph, Subsection (B)(3) of Section 34.50 of the Code.

Ordinance 2021-02, amends Town Code Chapter 34 Employment Policies, Section 34.50 Disability, to include language providing such benefit, as a newly created paragraph in the Town Code, in accordance with F. S. §112.1816.

Staff Recommendation

Forward Ordinance 2021-02 to the June 7, 2021 Regular Meeting for second reading and public hearing.

Attachments

Ordinance 2021-02 (Available at the Town Clerk's office)

End of Agenda Item