

CHAPTER 69A-64 FIREFIGHTERS DEATH BENEFITS

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69A-64.001 Scope.

These rules apply to each employer as defined herein.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Formerly 4A-64.001.

69A-64.002 Definitions.

For purposes of this rule chapter, the following words or terms found in this rule chapter or in Section 112.191, F.S., have the following definitions.

- (1) "Department" means the Department of Financial Services.
- (2) "Division" means the Division of State Fire Marshal.
- (3) "Engaged in the performance of his or her firefighter duties" means that the firefighter is or was in the process of, or in the act of:
 - (a) Engaging in any activity which is within the firefighter's job or position description or scope of employment, regardless of whether the firefighter was actually "on duty" at his or her place of employment or not; or
 - (b) Responding to any emergency or reasonably believing that he or she is responding to an emergency; or
 - (c) Fighting a fire or engaging in any emergency life or property saving activity; or
 - (d) Returning from responding to any emergency or from having reasonably believed that he or she was responding to an emergency.
- (4) "In the line of duty" means engaged in the performance of his or her firefighter duties, as defined in this section.
- (5) "Which has been determined to have been caused by an act of arson" means that the Division of State Fire Marshal or any other investigating agency having jurisdiction to investigate fires and arson such as the local law enforcement authority or the local fire department has made a determination that the fire was caused by an act of arson, as contemplated by Section 806.01, F.S. It is not necessary to prove beyond a reasonable doubt in a court of law that an act of arson was committed, or was committed by a specific person.

Nothing in this rule chapter is intended to, or does, limit any portion of Section 112.191, F.S., in any manner with respect to benefits payable under any other standard set forth therein.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Formerly 4A-64.002.

69A-64.003 Ability to Pay Benefits.

- (1) Each employer shall maintain an ability to pay the benefits provided under Section 112.191, F.S.
- (2) Each employer shall, at request of the Division, provide the Division with evidence of such ability to pay benefits.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Formerly 4A-64.003.

69A-64.004 Designation of Beneficiary or Beneficiaries.

- (1) Each firefighter who has a beneficiary or beneficiaries who may become eligible for payments under Section 112.191, F.S., shall file with his or her employer a designation of beneficiary or beneficiaries.
- (2) Each employer shall maintain in its possession such designation of beneficiary or beneficiaries until the subject firefighter is no longer associated in any manner with such employer.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Formerly 4A-64.004.

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, 2005 through June 30, 2006, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2005, which is the most recent month for which data is available as of the time of the adjustment, are:

- (a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$53,999.14.
- (b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$53,999.14.
- (c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$161,997.42.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05.