



**COUNTY ATTORNEY'S OFFICE**  
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## MEMORANDUM

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*  
Kate Latorre, Senior Assistant County Attorney *KL*  
Contact: (407)836-7320

DATE: September 27, 2021

SUBJECT: **Consent Agenda Item for October 12, 2021**  
*Proposed New Administrative Regulation, titled "Firefighter: Death Benefits"*

**I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:**

At the request of the Risk Management Division, the regulation was created to mirror the Florida Statute for firefighter death benefits. The regulation provides that the County shall provide death benefits consistent with Section 112.191, Florida Statutes, when a firefighter, while engaged in the performance of the firefighter's duties, is accidentally killed or receives accidental bodily injury which results in the loss of the firefighter's life.

**II ACTION REQUESTED:**

Approval of proposed New Administrative Regulation 2.12.12, titled "Firefighter: Death Benefits"

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DATE: October 14, 2021

TO: Anna Caban, Legal Administrative Supervisor  
County Attorney's Office, BCC

FROM: Katie Smith, Deputy Clerk *XP for KS*  
Comptroller Clerk of the BCC

SUBJECT: Administrative Regulation 2.12.12 titled "Firefighter: Death Benefits"

The above-referenced item was approved by the BCC on October 12, 2021. The Comptroller Clerk's Office will need a copy of the Administrative Regulation to complete the documentation for the file.

Upon forwarding the document to the Comptroller Clerk's Office, attach a transmittal slip or cover memo to the attention of the Deputy Clerk, identifying the document by name, agenda item number, and date of BCC approval.

Your assistance in accounting for Board-approved documents is very much appreciated.

ks:np


dl: Jeffrey J. Newton, County Attorney, BCC [email]

Nicholas Gonzalez, County Administrator's Office, BCC [email]

Pending File

# DRAFT OF NEW ADMIN REG

09/08/2021

 <div style="text-align: center;"><b>ORANGE COUNTY ADMINISTRATIVE REGULATIONS</b></div>	No.: 2.12.12 NEW
	Date:
	Approved By:
Title: <b><u>FIREFIGHTER: DEATH BENEFITS</u></b>	Page 1 of 2

## I. POLICY

The County shall provide death benefits in accordance with Section 112.191, Florida Statutes (the "Law"), when a firefighter, while engaged in the performance of the firefighter's duties, is accidentally killed or receives accidental bodily injury which results in the loss of the firefighter's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

## II. PROCEDURES

### A. Review Committee

Upon the death of an Orange County employee classified as a firefighter, a committee comprised of a representative from the Human Resources Department, the Fire Rescue Department and the Risk Management Division shall convene a meeting to review evidence to determine whether the circumstances of the employee's death meet the requirements of the Law and allow for the payment of certain death benefits.

### B. Litigation

If the Review Committee determines that the circumstances of the employee's death do not meet the requirements of the Law and allow for the payment of death benefits, and a survivor of the employee or other party seeks payment of death benefits through litigation, the Risk Management Division shall control the litigation through the Risk Management Program.

### C. Benefits Payable

If the Review Committee determines that the circumstances of the employee's death do meet the requirements of the Law and allow for the payment of death benefits, the benefits shall be paid, as follows:



## ORANGE COUNTY ADMINISTRATIVE REGULATIONS

No.: 2.12.12 NEW

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1. Any applicable lump-sum death benefits shall be paid through the Risk Management Program.
2. The costs of any applicable continuing health insurance plan benefits shall be paid through the Orange County Fire Rescue Department.

**FOR MORE INFORMATION CONTACT:** Risk Management, Fire Rescue

**REFERENCE:** Section 112.191, Florida Statutes