

## Pollock, Cherry

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**From:** Castleman, David  
**Sent:** Tuesday, October 19, 2021 3:48 PM  
**To:** Pollock, Cherry  
**Subject:** RE: Lt. Mario Moya Memorial Sign Legislation

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, October 19, 2021 7:00 PM  
**Flag Status:** Flagged

Cherry,

Everything from the State that applied to Captain Barber will also apply to Lt. Moya. His name will be added to the Fallen Firefighter Memorial in Tallahassee and Ocala at the State Fire College.

Hope this helps

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*David S. Castleman, MPA, RPM*  
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**From:** Pollock, Cherry <[CPollock@coj.net](mailto:CPollock@coj.net)>  
**Sent:** Tuesday, October 19, 2021 2:47 PM

**To:** Castleman, David <DavidS@coj.net>  
**Subject:** RE: Lt. Mario Moya Memorial Sign Legislation

Hi Chief Castleman – I will start on the legislation. Do you have any information from the state that you would like me to add?

Thank you.

## **Cherry Shaw Pollock**

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Office of General Counsel  
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Jacksonville, FL 32202  
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**From:** Castleman, David <DavidS@coj.net>  
**Sent:** Tuesday, October 19, 2021 2:41 PM  
**To:** Pollock, Cherry <CPollock@coj.net>  
**Subject:** FW: Lt. Mario Moya Memorial Sign Legislation  
**Importance:** High

Good Afternoon Cherry,

Chief Powers confirmed this morning that CM Boylan will sponsor the legislation for the memorial sign for Lt. Moya and CM R. White will co-sponsor. I will get by FS 42 this week to identify the two sign locations but if you could prepare the draft legislation I would appreciate it. His personnel file is attached.

Thank you

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**From:** Castleman, David  
**Sent:** Friday, September 10, 2021 11:00 AM  
**To:** Pollock, Cherry <CPollock@coj.net>  
**Subject:** FW: Lt. Mario Moya Personnel File  
**Importance:** High

Good Morning Cherry,

As you may have heard, JFRD suffered its very first COVID-related LODD just a few weeks ago. With that, we will also want to honor Lieutenant Mario J. Moya with the same memorial street sign as we are currently working on for Cpt. Barber. Lt. Moya was 50 years of age, DOB: 3/23/1970. Lt. Moya passed away on August 18, 2021. Lt. Moya was assigned to Rescue 42 on the B-shift and served the Mandarin community in which he and his family lived for the majority of his 17 year career.

I will get with Chief Powers and CM White to sponsor the legislation and I will also get you the locations where we will want to place the street signs.

Thank you and have a great weekend,

Chief Castleman

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**From:** Cullen, Archie <[ACullen@coj.net](mailto:ACullen@coj.net)>  
**Sent:** Thursday, September 9, 2021 12:02 PM  
**To:** Castleman, David <[DavidS@coj.net](mailto:DavidS@coj.net)>  
**Cc:** Cullen, Archie <[ACullen@coj.net](mailto:ACullen@coj.net)>; Frost, Maria <[MFrost@coj.net](mailto:MFrost@coj.net)>; Mike, Cynthia <[CMike@coj.net](mailto:CMike@coj.net)>  
**Subject:** RE: Lt. Mario Moya Personnel File  
**Importance:** High

Chief Castleman...

Attached are the relevant documents that were located in Lt. Moya's personnel file.

Let us know if you need anything further....thanks.

*Archie Cullen*

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Florida Joint Council of Fire & Emergency Services  
221 Pinewood Drive – Tallahassee, FL 32303

## Florida Joint Council of Fire and Emergency Services Firefighter Line-of-Duty Death Memorial Selection Process

*Ratified April 16, 2021*

### **Purpose**

The purpose of this Florida Joint Council of Fire and Emergency Services (Joint Council) policy is to develop a process, review standard and selection criteria, for those members of Florida's Fire Service who have reportedly died in the line of duty for inclusion on the Florida Fallen Firefighter Memorial(s).

### **Responsibilities**

**Division of State Fire Marshal Bureau of Firefighter Standards and Training (BFST) –** BFST will prepare a list of fallen firefighters for consideration of their names being placed on the memorials. The listing will include information concerning the request such as, date of demise, circumstances of the death, federal memorial standing and other available information.

**Joint Council –** The Joint Council has taken on the responsibility of maintaining the Florida Fallen Firefighter Memorial(s); at the State Fire College in Ocala and Fallen Firefighter Memorial Monument at the State Capitol in Tallahassee. An important part of this responsibility is to make recommendations to Florida's Chief Financial Officer/State Fire Marshal regarding who will be placed on the memorials. Therefore, it is important and necessary to develop guidelines on how those recommendations evolve. The Joint Council will review ALL submitted request for inclusion, at least once a year, and will render a decision prior to the Annual Fallen Firefighters Memorial Service.

\* Acceptance for inclusion on the Memorials in no way impacts decisions made by local, state, and federal officials regarding the award of other line-of-duty death benefits.

### **Selection Consideration Criteria/Guidelines**

**National Fallen Firefighters Memorial -** Line-of-duty fatalities include any injury or illness sustained while on-duty that proves fatal. The term "on-duty" refers to being involved in operations at the scene of an emergency, whether it is a fire or non-fire incident; responding to or returning from an incident; performing other officially assigned duties such as training, maintenance, public education, inspection, investigations, court testimony, fundraising; and being on-call, under orders, or on standby duty except at the individual's home or place of business. An individual who experiences a heart attack or other fatal injury at home while he or

she prepares to respond to an emergency is considered on-duty when the response begins. A firefighter that becomes ill while performing fire department duties and suffers a heart attack shortly after arriving home or at another location may be considered on-duty since the inception of the heart attack occurred while the firefighter was on-duty.

**Background:** On December 15, 2003, the President of the United States signed into law the Hometown Heroes Survivors Benefit Act of 2003. After being signed by the President, the Act became Public Law 108-182. The law presumes that a heart attack or stroke are in the line of duty if the firefighter was engaged in non-routine stressful or strenuous physical activity while on-duty and the firefighter became ill while on-duty or within 24 hours after engaging in such activity.

The inclusion criteria for this study have been impacted by this change in the law. Previous to December 15, 2003, firefighters that became ill as the result of a heart attack or stroke after going off-duty needed to register some complaint of not feeling well while still on-duty in order to be included in this study. For firefighter fatalities after December 15, 2003, firefighters will be included in this study if they become ill as the result of a heart attack or stroke within 24-hours of a training activity or emergency response. Firefighters that become ill after going off-duty where the activities while on-duty were limited to tasks that did not involve physical or mental stress will not be included in this study.

A fatality may be caused directly by an accidental or intentional injury in either emergency or non-emergency circumstances, or it may be attributed to an occupationally related fatal illness. A common example of a fatal illness incurred on-duty is a heart attack. Fatalities attributed to occupational illnesses would also include a communicable disease contracted while on-duty that proved fatal when the disease could be attributed to a documented occupational exposure.

Firefighter fatalities are included in this report even when death is considerably delayed after the original incident. When the incident and the death occur in different years, the analysis counts the fatality as having occurred in the year in which the incident took place.

**State of Florida, Recognized Deaths Caused by a Presumptive Illness – Before July 1, 2019** it was difficult to identify fatalities that resulted from cancer, which can develop over long periods of time and may be related to occupational exposure to hazardous materials or toxic products of combustion.

**Background:** On July 1, 2019, section 112.1816, Florida Statutes, the Firefighters; Cancer Diagnosis law was enacted. Based on this law, firefighters who meet the new criteria may be submitted for possible inclusion on the memorial, regardless of the date they died.

**Criteria** - The criteria for inclusion are listed in section 112.1816 (1 and 2), Florida Statutes and includes:

- Career firefighters employed for at least 5 continuous years
- Has not used tobacco products for at least the preceding 5 years
- Deaths occurring up to 10 years post fire service employment

The specific qualifying types of cancer and definitions for "Firefighter", "Volunteer Firefighter" and "Employer" is below. The cancer law (s. 112.1816, F.S.) as written does not specifically include volunteer firefighters and cancer-related deaths prior to July 1, 2019. However the Joint Council desires to include deaths that would have been eligible to receive benefits under

Chapter 112.1816, but were excluded because the firefighter was a volunteer. The Joint Council also desires to include deaths attributable to a cancer diagnosis that occurred prior to the enactment of the law, and would have complied with the provisions of the law had it been in place at the time of the illness.

112.1816 Firefighters; cancer diagnosis. -

(1) As used in this section, the term:

(a) "Cancer" includes:

1. Bladder cancer. 2. Brain cancer. 3. Breast cancer. 4. Cervical cancer. 5. Colon cancer. 6. Esophageal cancer. 7. Invasive skin cancer. 8. Kidney cancer. 9. Large intestinal cancer. 10. Lung cancer. 11. Malignant melanoma. 12. Mesothelioma. 13. Multiple myeloma. 14. Non-Hodgkin's lymphoma. 15. Oral cavity and pharynx cancer. 16. Ovarian cancer. 17. Prostate cancer. 18. Rectal cancer. 19. Stomach cancer. 20. Testicular cancer. 21. Thyroid cancer

(b) "Employer" has the same meaning as 112.191, F.S. ("Employer" means a state board, commission, department, division, bureau, or agency, or a county, municipality, or other political subdivision of the state. (s. 112.191, F.S.)

(c) "Firefighter" means an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

(d) "Volunteer firefighter" means an individual who holds a current and valid Volunteer Firefighter Certificate of Completion issued by the division under s. 633.408. (s. 633.102(35), F.S.).

To apply for inclusion under the Cancer Diagnosis law, the *REQUEST FOR INCLUSION-CANCER, Florida Fallen Firefighter Memorial* form must be completed in its entirety, with required attachments as detailed on the form, and submitted to the BFST. The form must also be reviewed and signed by the current Fire Chief of the department/agency of the deceased member.

**PTSD and the Fire Service:** Firefighters are more likely to develop Post Traumatic Stress Disorder (PTSD) compared to the general population due to their exposure to significant traumatic incidents incurred in the line of duty. The Trauma Stress Continuum spans the career of the firefighter and for some, the traumatic events can leave a heavy emotional shadow that is hard to overcome.

The fire service has worked collaboratively to create a law to care for first responders suffering from PTSD. October 1, 2018, the Florida legislature enacted Workers' Compensation Benefits for First Responders in section 112.1815 (5 and 6), Florida Statutes.

To further address this issue, the fire service vows to remove the previous barriers of the stigma that is associated with seeking mental health in the fire service. New training and education

components have been developed for firefighters to recognize PTSD, to provide access to professional mental health professionals, and peer support counseling.

To recognize the struggle with PTSD in the fire service, a marker will be added to the Florida Fallen Firefighter Memorials to acknowledge the loss of lives gone too soon due to the tragic events regarding firefighter mental health. After consultation with mental health professionals, it was determined that the marker should be devoid of specific names, departments or incidents. The Florida Joint Council of Fire and Emergency Services and the staff of the Florida State Fire Marshal made this decision after reviewing research in the field of PTSD and in consideration of what may be a sensitive issue for the family.

### **Selection Process**

The Chair of the Joint Council will appoint a Memorial Review Committee to investigate all request for inclusion. The committee will conduct a preliminary review of each request and submit its findings and recommendation to the Joint Council for a final binding vote.

In keeping with the National Fallen Firefighter Memorial guidelines, specific cases will be **excluded from consideration** for inclusion on the Florida Fallen Firefighter Memorials:

- (a) Deaths attributed to suicide.
- (b) Deaths attributed to alcohol or controlled substance abuse.
- (c) Deaths resulting from the firefighter acting in a grossly negligent manner at the time of his/her death.

Once approved the family will be notified and the name of the deceased will be added to each memorial. These individuals' names will be recognized and dedicated at the next Annual Fallen Firefighter Memorial Service.