



HB 1393

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A bill to be entitled

An act relating to firefighters and paramedics; creating s. 112.183, F.S.; providing that death or disability due to cancer suffered by a firefighter or paramedic employed by the state or its political subdivisions is presumed accidental and suffered in the line of duty under certain conditions; authorizing purchase of insurance by local governments; providing criteria for physical exams for firefighters and paramedics; requiring the employing agency to keep records and notify firefighters and paramedics of their reported exposure to known carcinogens; providing that firefighters and paramedics employed on the effective date of the act need not comply with physical examination requirements; providing an effective date.

WHEREAS, U.S. Department of Labor statistics show firefighting to be the nation's most dangerous occupation, with an on-the-job death rate of more than twice that of law enforcement officers and nearly five times greater than the average for all industries, and

WHEREAS, firefighters and paramedics are trained to risk their lives or bodily injury to protect the lives and property of the public, and

WHEREAS, firefighters and paramedics are exposed by reason of their employment to smoke, fumes, and burning substances of a toxic, carcinogenic, or poisonous nature and are required by their employment to enter uncontrolled environments in the performance of their duties, unaware of and without regard for potentially harmful exposures, and



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31 WHEREAS, the development of cancer may be slow and cancer  
32 may not be manifested until many years after exposure to the  
33 cancer-producing agent, and

34 WHEREAS, it is fair and proper that firefighters and  
35 paramedics be compensated for death or disability due to  
36 exposure to cancer-producing substances, NOW, THEREFORE,

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Section 112.183, Florida Statutes, is created  
41 to read:

42 112.183 Firefighters and paramedics; special provisions  
43 relative to cancer.--

44 (1) Any condition or impairment of health of a firefighter  
45 or paramedic employed full time by the state or any  
46 municipality, county, port authority, special tax district, or  
47 fire control district which is caused by cancer and results in  
48 total or partial disability or death is presumed to have been  
49 accidental and to have been suffered in the line of duty, unless  
50 the contrary is shown by competent evidence. However, the  
51 firefighter or paramedic must have successfully passed a  
52 physical examination before entering into service as a  
53 firefighter or paramedic, which examination failed to reveal any  
54 evidence of any such condition. If the employing agency fails  
55 to provide a physical examination before the firefighter or  
56 paramedic enters service, the firefighter or paramedic must  
57 successfully pass a physical examination given after the  
58 firefighter or paramedic enters service. The presumption does  
59 not apply to benefits payable under or granted in a policy of  
60 life insurance or disability insurance, unless the insurer and



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61 insured have negotiated for the additional benefits to be  
62 included in the policy contract.

63 (2) The governmental entities set forth in subsection (1)  
64 may negotiate policy contracts for life and disability insurance  
65 which include accidental death benefits or double indemnity  
66 coverage and which include the presumption that any condition or  
67 impairment of health of any firefighter or paramedic caused by  
68 cancer resulting in total or partial disability or death was  
69 accidental and suffered in the line of duty unless the contrary  
70 is shown by competent evidence.

71 (3) A physical examination administered pursuant to  
72 subsection (1) must include at least the following tests, as  
73 appropriate for the gender of the examinee:

74 (a) Physical breast examination and mammogram for female  
75 breast cancer.

76 (b) Digital rectal examination, proctosigmoidoscopy, and  
77 blood stool test for colon and rectum cancer.

78 (c) Rectal examination for prostate cancer.

79 (d) Pap test for uterine cancer.

80 (e) Pelvic examination for ovarian cancer.

81 (f) Radiographic examination for lung cancer.

82 (4) The employing agency shall maintain a record of any  
83 reported exposure of a firefighter or paramedic to a known  
84 carcinogen as defined by the International Agency for Research  
85 on Cancer and must notify the firefighter or paramedic of the  
86 exposure within 48 hours after the exposure is reported.

87 Section 2. A firefighter or paramedic employed on the  
88 effective date of this act is not required to meet the  
89 provisions of s. 112.183, Florida Statutes, as created by this  
90 act, as to a physical examination.



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Section 3. This act shall take effect upon becoming a law.