

By Senator Atwater

25-1339A-03

1 A bill to be entitled
2 An act relating to firefighters; creating s.
3 112.183, F.S.; providing that death or
4 disability due to cancer suffered by a
5 firefighter employed by the state or its
6 political subdivisions is presumed accidental
7 and suffered in the line of duty under certain
8 conditions; authorizing purchase of insurance
9 by local governments; providing criteria for
10 physical exams for firefighters; requiring
11 employing agency to keep records and notify
12 firefighters of their reported exposure to
13 known carcinogens; providing that firefighters
14 employed on the effective date of the act need
15 not comply with physical examination
16 requirements; providing an effective date.

17
18 WHEREAS, U.S. Department of Labor statistics show
19 firefighting to be the nation's most dangerous occupation,
20 with an on-the-job death rate more than twice that of law
21 enforcement officers and nearly five times greater than the
22 average for all industries, and

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

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

1 WHEREAS, the development of cancer may be slow and
2 cancer may not be manifested until many years after exposure
3 to the cancer-producing agent, and

4 WHEREAS, it is fair and proper that firefighters be
5 compensated for death or disability due to exposure to
6 cancer-producing substances, NOW, THEREFORE,

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 112.183, Florida Statutes, is
11 created to read:

12 112.183 Firefighters; special provisions relative to
13 cancer.--

14 (1) Any condition or impairment of health of a
15 firefighter employed full time by the state or any
16 municipality, county, port authority, special tax district, or
17 fire control district which is caused by cancer and results in
18 total or partial disability or death is presumed to have been
19 accidental and to have been suffered in the line of duty,
20 unless the contrary is shown by competent evidence. However,
21 the firefighter must have successfully passed a physical
22 examination before entering into service as a firefighter,
23 which examination failed to reveal any evidence of any such
24 condition. If the employing agency fails to provide a physical
25 examination before the firefighter enters service, the
26 firefighter must successfully pass a physical examination
27 given after he enters service. The presumption does not apply
28 to benefits payable under or granted in a policy of life
29 insurance or disability insurance, unless the insurer and
30 insured have negotiated for the additional benefits to be
31 included in the policy contract.

1 (2) The governmental entities set forth in subsection
2 (1) may negotiate policy contracts for life and disability
3 insurance which include accidental death benefits or double
4 indemnity coverage and which include the presumption that any
5 condition or impairment of health of any firefighter caused by
6 cancer resulting in total or partial disability or death was
7 accidental and suffered in the line of duty unless the
8 contrary is shown by competent evidence.

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

12 (a) Physical breast examination and mammogram for
13 female breast cancer.

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

16 (c) Rectal examination for prostate cancer.

17 (d) Pap test for uterine cancer.

18 (e) Pelvic examination for ovarian cancer.

19 (f) Radiographic examination for lung cancer.

20 (4) The employing agency shall maintain a record of
21 any reported exposure of a firefighter to a known carcinogen
22 as defined by the International Agency for Research on Cancer
23 and must notify the firefighter of the exposure within 48
24 hours after the exposure is reported.

25 Section 2. A firefighter employed on the effective
26 date of this section is not required to meet the provisions of
27 section 1 as to a physical examination.

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

30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that death or disability due to cancer suffered by a firefighter are employed full time by the state, a municipality, county, port authority, special tax district, or fire control district is presumed to be accidental and suffered in the line of duty unless the contrary is shown by competent evidence. The firefighter must have successfully passed a physical exam given either before or after employment which failed to reveal any evidence of a cancerous condition. The presumption does not apply to insurance contracts unless specifically provided. Authorizes such governmental entities to negotiate contracts for life and disability insurance that include this presumption. Prescribes types of examinations to be included in a physical examination. Requires employers to keep records and to notify firefighters of their reported exposure to known carcinogens. Provides that firefighters employed on the effective date of this act need not comply with the physical examination requirements of the act.