

HB 1097

2004

A bill to be entitled

An act relating to firefighters; creating s. 112.183, F.S.; providing that death or disability due to certain types of cancer suffered by a firefighter 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; requiring certain employing agencies to keep records and notify firefighters of their reported exposure to known carcinogens; providing that firefighters employed on the effective date of the act need not comply with physical examination requirements; providing an effective date.

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

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

112.183 Firefighters; special provisions relative to cancer.--

(1) Any condition or impairment of health of a firefighter employed full time by the state or any municipality, county, port authority, special tax district, or fire control district which is caused by cancer and results in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty, unless the contrary is shown by competent evidence. However, the firefighter must have successfully passed a physical examination before entering into service as a firefighter, which examination failed to reveal any

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30 evidence of any such condition. If the employing agency fails to  
 31 provide a physical examination before the firefighter enters  
 32 service, the firefighter must successfully pass a physical  
 33 examination given after he or she enters service. The  
 34 presumption does not apply to benefits payable under or granted  
 35 in a policy of life insurance or disability insurance, unless  
 36 the insurer and insured have negotiated for the additional  
 37 benefits to be included in the policy contract.

38 (2) The governmental entities set forth in subsection (1)  
 39 may negotiate policy contracts for life and disability insurance  
 40 which include accidental death benefits or double indemnity  
 41 coverage and which include the presumption that any condition or  
 42 impairment of health of any firefighter caused by leukemia,  
 43 lymphoma, multiple myeloma, melanoma, or cancers of the  
 44 respiratory system, digestive system, genitourinary tract, or  
 45 brain resulting in total or partial disability or death was  
 46 accidental and suffered in the line of duty unless the contrary  
 47 is shown by competent evidence.

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

51 (a) Physical breast examination and mammogram for female  
 52 breast cancer.

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

55 (c) Rectal examination for prostate cancer.

56 (d) Pap test for uterine cancer.

57 (e) Pelvic examination for ovarian cancer.

58 (f) Radiographic examination for lung cancer.

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59       (4) The employing agency shall maintain a record of any  
60       reported exposure of a firefighter to a known carcinogen as  
61       defined by the International Agency for Research on Cancer and  
62       must notify the firefighter of the exposure within 48 hours  
63       after the exposure is reported.

64       Section 2. A firefighter employed on the effective date of  
65       this section is not required to meet the provisions of section  
66       112.183, Florida Statutes, as to a physical examination.

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