

By Senator Atwater

25-1193-04

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 certain types of cancer
5 suffered by a firefighter employed by the state
6 or its political subdivisions is presumed
7 accidental and suffered in the line of duty
8 under certain conditions; authorizing purchase
9 of insurance by local governments; providing
10 criteria for physical exams for firefighters;
11 requiring the employing agency to keep records
12 and notify firefighters of their reported
13 exposure to known carcinogens; providing that
14 firefighters employed on the effective date of
15 the act need not comply with
16 physical-examination requirements; providing an
17 effective date.

18

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

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21 Section 1. Section 112.183, Florida Statutes, is
22 created to read:23 112.183 Firefighters; special provisions relative to
24 cancer.--25 (1) Any condition or impairment of health of a
26 firefighter employed full time by the state or any
27 municipality, county, port authority, special tax district, or
28 fire control district which is caused by cancer and results in
29 total or partial disability or death is presumed to have been
30 accidental and to have been suffered in the line of duty,
31 unless the contrary is shown by competent evidence. However,

1 the firefighter must have successfully passed a physical
2 examination before entering into service as a firefighter,
3 which examination failed to reveal any evidence of any such
4 condition. If the employing agency fails to provide a physical
5 examination before the firefighter enters service, the
6 firefighter must successfully pass a physical examination
7 given after he enters service. The presumption does not apply
8 to benefits payable under or granted in a policy of life
9 insurance or disability insurance, unless the insurer and
10 insured have negotiated for the additional benefits to be
11 included in the policy contract.

12 (2) The governmental entities set forth in subsection
13 (1) may negotiate policy contracts for life and disability
14 insurance which include accidental death benefits or double
15 indemnity coverage and which include the presumption that any
16 condition or impairment of health of any firefighter caused by
17 leukemia, lymphoma, multiple myeloma, melanoma, or cancers of
18 the respiratory system, digestive system, genitourinary tract,
19 or brain resulting in total or partial disability or death was
20 accidental and suffered in the line of duty unless the
21 contrary is shown by competent evidence.

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

25 (a) Physical breast examination and mammogram for
26 female breast cancer.

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

29 (c) Rectal examination for prostate cancer.

30 (d) Pap test for uterine cancer.

31 (e) Pelvic examination for ovarian cancer.

