Florida Senate - 2004

By Senator Atwater

25-1193-04 A bill to be entitled 1 2 An act relating to firefighters; creating s. 112.183, F.S.; providing that death or 3 4 disability due to certain types of cancer 5 suffered by a firefighter employed by the state or its political subdivisions is presumed 6 7 accidental and suffered in the line of duty under certain conditions; authorizing purchase 8 9 of insurance by local governments; providing criteria for physical exams for firefighters; 10 requiring the employing agency to keep records 11 12 and notify firefighters of their reported exposure to known carcinogens; providing that 13 firefighters employed on the effective date of 14 the act need not comply with 15 physical-examination requirements; providing an 16 effective date. 17 18 19 Be It Enacted by the Legislature of the State of Florida: 20 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 municipality, county, port authority, special tax district, or 27 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,

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CODING: Words stricken are deletions; words underlined are additions.

1 the firefighter must have successfully passed a physical examination before entering into service as a firefighter, 2 3 which examination failed to reveal any evidence of any such condition. If the employing agency fails to provide a physical 4 5 examination before the firefighter enters service, the б 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 insurance or disability insurance, unless the insurer and 9 10 insured have negotiated for the additional benefits to be 11 included in the policy contract. (2) The governmental entities set forth in subsection 12 (1) may negotiate policy contracts for life and disability 13 insurance which include accidental death benefits or double 14 indemnity coverage and which include the presumption that any 15 condition or impairment of health of any firefighter caused by 16 17 leukemia, lymphoma, multiple myeloma, melanoma, or cancers of the respiratory system, digestive system, genitourinary tract, 18 19 or brain resulting in total or partial disability or death was accidental and suffered in the line of duty unless the 20 contrary is shown by competent evidence. 21 (3) A physical examination administered pursuant to 22 subsection (1) must include at least the following tests, as 23 24 appropriate for the gender of the examinee: 25 (a) Physical breast examination and mammogram for female breast cancer. 26 27 Digital rectal examination, proctosigmoidoscopy, (b) 28 and blood stool test for colon and rectum cancer. 29 Rectal examination for prostate cancer. (C) 30 (d) Pap test for uterine cancer. 31 Pelvic examination for ovarian cancer. (e)

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1	(f) Radiographic examination for lung cancer.
2	(4) The employing agency shall maintain a record of
3	any reported exposure of a firefighter to a known carcinogen
4	as defined by the International Agency for Research on Cancer
5	and must notify the firefighter of the exposure within 48
6	hours after the exposure is reported.
7	Section 2. <u>A firefighter employed on the effective</u>
8	date of this section is not required to meet the provisions of
9	section 112.183, Florida Statutes, as to a physical
10	examination.
11	Section 3. This act shall take effect upon becoming a
12	law.
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15	SENATE SUMMARY
16	Provides that death or disability due to specified types of cancer suffered by a firefighter employed full time by
17	the state, a municipality, county, port authority, special tax district, or fire control district is
18	presumed to be accidental and suffered in the line of
19	duty unless the contrary is shown by competent evidence. The firefighter must have successfully passed a physical exam given before or after employment which failed to
20	reveal any evidence of a cancerous condition. The
21	presumption does not apply to insurance contracts unless specifically provided. Authorizes such governmental entities to negotiate contracts for life and disability
22	insurance which include this presumption. Prescribes ' types of examinations to be included in a physical
23	examination. Requires employers to keep records and to notify firefighters of their reported exposure to known
24	carcinogens. Provides that firefighters employed on the effective date of this act need not comply with the
25	physical-examination requirements of the act.
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