

By Senator Klein

30-1331-05

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,

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

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.

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. A firefighter employed on the effective  
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  
17 of cancer suffered by a firefighter employed full time by  
18 the state, a municipality, county, port authority,  
19 special tax district, or fire control district is  
20 presumed to be accidental and suffered in the line of  
21 duty unless the contrary is shown by competent evidence.  
22 The firefighter must have successfully passed a physical  
23 exam given before or after employment which failed to  
24 reveal any evidence of a cancerous condition. The  
25 presumption does not apply to insurance contracts unless  
26 specifically provided. Authorizes such governmental  
27 entities to negotiate contracts for life and disability  
28 insurance which include this presumption. Prescribes  
29 types of examinations to be included in a physical  
30 examination. Requires employers to keep records and to  
31 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.