

By Senator Atwater

25-1172-07

See HB 301

1 A bill to be entitled

2 An act relating to firefighters and paramedics;

3 creating s. 112.183, F.S.; providing that death

4 or disability due to cancer suffered by a

5 firefighter or paramedic 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 and paramedics; requiring the employing agency

12 to keep records and notify firefighters and

13 paramedics of their reported exposure to known

14 carcinogens; providing that firefighters and

15 paramedics employed on the effective date of

16 the act need not comply with physical

17 examination requirements; providing an

18 effective date.

19

20 WHEREAS, firefighters and paramedics are trained to

21 risk their lives or bodily injury to protect the lives and

22 property of the public, and

23 WHEREAS, firefighters and paramedics are exposed by

24 reason of their employment to smoke, fumes, and burning

25 substances of a toxic, carcinogenic, or poisonous nature and

26 are required by their employment to enter uncontrolled

27 environments in the performance of their duties, unaware of

28 and without regard for potentially harmful exposures, and

29 WHEREAS, the development of cancer may be slow, and

30 cancer may not be manifested until many years after exposure

31 to the cancer-producing agent, and

1 WHEREAS, it is fair and proper that firefighters and
2 paramedics be compensated for death or disability due to
3 exposure to cancer-producing substances, NOW, THEREFORE,
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Section 112.183, Florida Statutes, is
8 created to read:

9 112.183 Firefighters and paramedics; special
10 provisions relative to cancer.--

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

30 (2) The governmental entities set forth in subsection
31 (1) may negotiate policy contracts for life and disability

1 insurance that include accidental death benefits or double
2 indemnity coverage and that include the presumption that any
3 condition or impairment of health of any firefighter or
4 paramedic caused by cancer resulting in total or partial
5 disability or death was accidental and suffered in the line of
6 duty unless the contrary is shown by competent evidence.

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

10 (a) Physical breast examination and mammogram for
11 female breast cancer.

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

14 (c) Rectal examination for prostate cancer.

15 (d) Pap test for uterine cancer.

16 (e) Pelvic examination for ovarian cancer.

17 (f) Radiographic examination for lung cancer.

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

23 Section 2. A firefighter or paramedic employed on the
24 effective date of this act is not required to meet the
25 provisions of s. 112.183, Florida Statutes, as created by this
26 act, as to a physical examination.

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

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