

By Senator Atwater

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1 A bill to be entitled

2 An act relating to firefighters and paramedics; creating
3 s. 112.183, F.S.; providing that death or disability due
4 to cancer suffered by a firefighter or paramedic employed
5 by the state or its political subdivisions is presumed
6 accidental and suffered in the line of duty under certain
7 conditions; authorizing purchase of insurance by local
8 governments; providing criteria for physical exams for
9 firefighters and paramedics; requiring the employing
10 agency to keep records and notify firefighters and
11 paramedics of their reported exposure to known
12 carcinogens; providing that firefighters and paramedics
13 employed on the effective date of the act need not comply
14 with physical examination requirements; providing an
15 effective date.

16
17 WHEREAS, firefighters and paramedics are trained to risk
18 their lives or bodily injury to protect the lives and property of
19 the public, and

20 WHEREAS, firefighters and paramedics are exposed by reason
21 of their employment to smoke, fumes, and burning substances of a
22 toxic, carcinogenic, or poisonous nature and are required by
23 their employment to enter uncontrolled environments in the
24 performance of their duties, unaware of and without regard for
25 potentially harmful exposures, and

26 WHEREAS, the development of cancer may be slow, and cancer
27 may not be manifested until many years after exposure to the
28 cancer-producing agent, and

25-02431-08

20082314__

29 WHEREAS, it is fair and proper that firefighters and
30 paramedics be compensated for death or disability due to
31 exposure to cancer-producing substances, NOW, THEREFORE,
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Section 112.183, Florida Statutes, is created to
36 read:

37 112.183 Firefighters and paramedics; special provisions
38 relative to cancer.--

39 (1) Any condition or impairment of the health of a
40 firefighter or paramedic employed full time by the state or any
41 municipality, county, port authority, special tax district, or
42 fire control district which is caused by cancer and results in
43 total or partial disability or death is presumed to have been
44 accidental and to have been suffered in the line of duty unless
45 the contrary is shown by competent evidence. However, the
46 firefighter or paramedic must have successfully passed a physical
47 examination before entering into service as a firefighter or
48 paramedic, which examination failed to reveal any evidence of any
49 such condition. If the employing agency fails to provide a
50 physical examination before the firefighter or paramedic enters
51 service, the firefighter or paramedic must successfully pass a
52 physical examination given after the firefighter or paramedic
53 enters service. The presumption does not apply to benefits
54 payable under or granted in a policy of life insurance or
55 disability insurance unless the insurer and insured have
56 negotiated for the additional benefits to be included in the
57 policy contract.

25-02431-08

20082314__

58 (2) The governmental entities set forth in subsection (1)
59 may negotiate policy contracts for life and disability insurance
60 that include accidental death benefits or double indemnity
61 coverage and that include the presumption that any condition or
62 impairment of health of any firefighter or paramedic caused by
63 cancer resulting in total or partial disability or death was
64 accidental and suffered in the line of duty unless the contrary
65 is shown by competent evidence.

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

69 (a) Physical breast examination and mammogram for female
70 breast cancer.

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

73 (c) Rectal examination for prostate cancer.

74 (d) Pap test for uterine cancer.

75 (e) Pelvic examination for ovarian cancer.

76 (f) Radiographic examination for lung cancer.

77 (4) The employing agency shall maintain a record of any
78 reported exposure of a firefighter or paramedic to a known
79 carcinogen as defined by the International Agency for Research on
80 Cancer and must notify the firefighter or paramedic of the
81 exposure within 48 hours after the exposure is reported.

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

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