

1 A bill to be entitled

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

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

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

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

30 WHEREAS, it is fair and proper that firefighters and
 31 paramedics be compensated for death or disability due to
 32 exposure to cancer-producing substances, NOW, THEREFORE,

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

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 36 Section 1. Section 112.183, Florida Statutes, is created
 37 to read:

38 112.183 Firefighters and paramedics; special provisions
 39 relative to cancer.—

40 (1) A condition or impairment of the health of a
 41 firefighter or paramedic employed full time by the state or a
 42 municipality, county, port authority, special tax district, or
 43 fire control district, which is caused by cancer and results in
 44 total or partial disability or death, is presumed to have been
 45 accidental and to have been suffered in the line of duty unless
 46 proven otherwise by competent evidence. However, the firefighter
 47 or paramedic must have successfully passed a physical
 48 examination before entering into service as a firefighter or
 49 paramedic, which examination failed to reveal evidence of such
 50 condition. If the employing agency fails to provide a physical
 51 examination before the firefighter or paramedic enters service,
 52 the firefighter or paramedic must successfully pass a physical

53 examination given after the firefighter or paramedic enters
54 service. The presumption does not apply to benefits payable
55 under or granted in a policy of life insurance or disability
56 insurance unless the insurer and insured have negotiated for the
57 additional benefits to be included in the policy contract.

58 (2) The governmental entities described in subsection (1)
59 may negotiate policy contracts for life and disability insurance
60 which include accidental death benefits or double indemnity
61 coverage and which include the presumption that a condition or
62 impairment of health of a 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 otherwise
65 proven by competent evidence.

66 (3) A physical examination administered under subsection
67 (1) must include at least the following tests, as appropriate
68 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 rectal cancer.

73 (c) Rectal examination for prostate cancer.

74 (d) Papanicolaou test for cervical cancer.

75 (e) Pelvic examination for ovarian cancer.

76 (f) X-ray 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
80 on 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
84 provisions of s. 112.183, Florida Statutes, as created by this
85 act, as to a physical examination.

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