

By Senator Latvala

20-00037-16

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1                   A bill to be entitled  
2       An act relating to firefighters; creating s. 112.1816,  
3       F.S.; establishing a presumption as to a firefighter's  
4       condition or impairment of health caused by cancer  
5       while in the line of duty; requiring that a  
6       firefighter successfully pass a physical examination  
7       in order to be entitled to the presumption; specifying  
8       nonapplicability; prescribing requirements for the  
9       physical examination; authorizing specified  
10      governmental entities to negotiate policy contracts  
11      for life and disability insurance; requiring an  
12      employing agency to maintain records and provide  
13      notification regarding exposure to known carcinogens;  
14      providing for applicability; providing an effective  
15      date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. Section 112.1816, Florida Statutes, is created  
20 to read:

21       112.1816 Firefighter disability or death from cancer  
22 presumed incurred in the line of duty.-

23       (1) PRESUMPTION; ELIGIBILITY CONDITIONS.-Any condition or  
24 impairment of the health of a firefighter employed full time by  
25 the state or any municipality, county, port authority, special  
26 tax district, or fire control district which is caused by cancer  
27 and results in total or partial disability or death is presumed  
28 to have been accidental and to have been suffered in the line of  
29 duty unless the contrary is shown by competent evidence. In

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30 order to be entitled to this presumption, the firefighter must  
31 have successfully passed a physical examination administered  
32 before the individual entered into service as a firefighter and  
33 which failed to reveal any evidence of such a health condition.  
34 If the employing agency fails to provide a physical examination  
35 before the firefighter enters into service, the firefighter must  
36 successfully pass a physical examination given after he or she  
37 enters into service. The presumption does not apply to benefits  
38 payable under or granted in a life insurance or disability  
39 insurance policy unless the insurer and insured have negotiated  
40 for the additional benefits to be included in the policy  
41 contract.

42 (2) PHYSICAL EXAMINATION REQUIREMENTS.—At a minimum, a  
43 physical examination administered pursuant to subsection (1)  
44 must include the following tests, as appropriate to the  
45 examinee's gender:

46 (a) Physical breast examination and mammogram for female  
47 breast cancer.

48 (b) Digital rectal examination, proctosigmoidoscopy, and  
49 blood stool test for colon and rectal cancer.

50 (c) Rectal examination for prostate cancer.

51 (d) Pap test for cervical or uterine cancer.

52 (e) Pelvic examination for ovarian cancer.

53 (f) Radiographic examination for lung cancer.

54 (3) LIFE AND DISABILITY INSURANCE COVERAGE.—A governmental  
55 entity specified in subsection (1) may negotiate policy  
56 contracts for life and disability insurance which include  
57 accidental death benefits or double indemnity coverage and which  
58 include the presumption that any condition or impairment of

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59 health of any firefighter caused by cancer resulting in total or  
60 partial disability or death was accidental and suffered in the  
61 line of duty unless the contrary is shown by competent evidence.

62 (4) RECORDKEEPING AND REPORTING REQUIREMENTS.—The employing  
63 agency shall maintain a record of any reported exposure of a  
64 firefighter to a known carcinogen as defined by the  
65 International Agency for Research on Cancer and must notify the  
66 firefighter of the exposure within 48 hours after the exposure  
67 is reported.

68 (5) APPLICABILITY.—A firefighter employed on July 1, 2016,  
69 is not required to meet the physical examination requirement in  
70 subsection (1) in order to be entitled to the presumption set  
71 forth in this section.

72 Section 2. This act shall take effect July 1, 2016.