

By Senator Thurston

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1 A bill to be entitled
2 An act relating to communicable and infectious
3 diseases; amending s. 112.181, F.S.; defining the term
4 "infectious disease"; providing a presumption to
5 specified workers that an impairment of health caused
6 by an infectious disease happened in the line of duty;
7 requiring certain actions in order to be entitled to
8 the presumption; revising the vaccine requirement for
9 specified workers if such vaccine is approved by the
10 United States Food and Drug Administration; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 112.181, Florida Statutes, is amended to
16 read:

17 112.181 Firefighters, paramedics, emergency medical
18 technicians, law enforcement officers, correctional officers;
19 special provisions relative to certain communicable and
20 infectious diseases.—

21 (1) DEFINITIONS.—As used in this section, the term:

22 (a) "Body fluids" means blood and body fluids containing
23 visible blood and other body fluids to which universal
24 precautions for prevention of occupational transmission of
25 blood-borne pathogens, as established by the Centers for Disease
26 Control and Prevention, apply. For purposes of potential
27 transmission of meningococcal meningitis or tuberculosis, the
28 term ~~"body fluids"~~ includes respiratory, salivary, and sinus
29 fluids, including droplets, sputum, and saliva, mucous, and

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30 other fluids through which infectious airborne organisms can be
31 transmitted between persons.

32 (b) "Emergency rescue or public safety worker" means any
33 person employed full time by the state or any political
34 subdivision of the state as a firefighter, paramedic, emergency
35 medical technician, law enforcement officer, or correctional
36 officer who, in the course of employment, runs a high risk of
37 occupational exposure to hepatitis, meningococcal meningitis, ~~or~~
38 tuberculosis, or an infectious disease and who is not employed
39 elsewhere in a similar capacity. However, the term "~~emergency~~
40 ~~rescue or public safety worker~~" does not include any person
41 employed by a public hospital licensed under chapter 395 or any
42 person employed by a subsidiary thereof.

43 (c) "Hepatitis" means hepatitis A, hepatitis B, hepatitis
44 non-A, hepatitis non-B, hepatitis C, or any other strain of
45 hepatitis generally recognized by the medical community.

46 (d) "High risk of occupational exposure" means that risk
47 that is incurred because a person subject to ~~the provisions of~~
48 this section, in performing the basic duties associated with his
49 or her employment:

50 1. Provides emergency medical treatment in a non-health-
51 care setting where there is a potential for transfer of body
52 fluids between persons;

53 2. At the site of an accident, fire, or other rescue or
54 public safety operation, or in an emergency rescue or public
55 safety vehicle, handles body fluids in or out of containers or
56 works with or otherwise handles needles or other sharp
57 instruments exposed to body fluids;

58 3. Engages in the pursuit, apprehension, and arrest of law

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59 violators or suspected law violators and, in performing such
60 duties, may be exposed to body fluids; or

61 4. Is responsible for the custody, and physical restraint
62 when necessary, of prisoners or inmates within a prison, jail,
63 or other criminal detention facility, while on work detail
64 outside the facility, or while being transported and, in
65 performing such duties, may be exposed to body fluids.

66 (e) "Infectious disease" means any condition or impairment
67 of health caused by a disease declared a public health emergency
68 in accordance with s. 381.00315.

69 (f) ~~(e)~~ "Occupational exposure," in the case of hepatitis,
70 meningococcal meningitis, or tuberculosis, or an infectious
71 disease, means an exposure that occurs during the performance of
72 job duties that may place a worker at risk of infection.

73 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency
74 rescue or public safety worker who suffers a condition or
75 impairment of health that is caused by hepatitis, meningococcal
76 meningitis, or tuberculosis, or an infectious disease, that
77 requires medical treatment, and that results in total or partial
78 disability or death is ~~shall be~~ presumed to have a disability
79 suffered in the line of duty, unless the contrary is shown by
80 competent evidence; however, in order to be entitled to the
81 presumption, the emergency rescue or public safety worker must,
82 by written affidavit as provided in s. 92.50, verify by written
83 declaration that, to the best of his or her knowledge and
84 belief:

85 (a) In the case of a medical condition caused by or derived
86 from hepatitis, he or she has not:

87 1. Been exposed, through transfer of bodily fluids, to any

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88 person known to have sickness or medical conditions derived from
89 hepatitis, outside the scope of his or her employment;

90 2. Had a transfusion of blood or blood components, other
91 than a transfusion arising out of an accident or injury
92 happening in connection with his or her present employment, or
93 received any blood products for the treatment of a coagulation
94 disorder since last undergoing medical tests for hepatitis,
95 which tests failed to indicate the presence of hepatitis;

96 3. Engaged in unsafe sexual practices or other high-risk
97 behavior, as identified by the Centers for Disease Control and
98 Prevention or the Surgeon General of the United States, or had
99 sexual relations with a person known to him or her to have
100 engaged in such unsafe sexual practices or other high-risk
101 behavior; or

102 4. Used intravenous drugs not prescribed by a physician.

103 (b) In the case of meningococcal meningitis, in the 10 days
104 immediately preceding diagnosis he or she was not exposed,
105 outside the scope of his or her employment, to any person known
106 to have meningococcal meningitis or known to be an asymptomatic
107 carrier of the disease.

108 (c) In the case of tuberculosis, in the period of time
109 since the worker's last negative tuberculosis skin test, he or
110 she has not been exposed, outside the scope of his or her
111 employment, to any person known ~~by him or her~~ to have
112 tuberculosis.

113 (d) In the case of an infectious disease, he or she was not
114 exposed, outside of the scope of his or her employment, to any
115 person known to have the infectious disease.

116 (3) IMMUNIZATION.—Whenever any standard, medically

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117 recognized vaccine or other form of immunization or prophylaxis
118 exists for the prevention of a communicable or infectious
119 disease for which a presumption is granted under this section,
120 if medically indicated in the given circumstances under the
121 ~~pursuant to~~ immunization policies established by the Advisory
122 Committee on Immunization Practices of the United States Public
123 Health Service and if the vaccine or immunization has been
124 approved by the United States Food and Drug Administration, an
125 emergency rescue or public safety worker may be required by his
126 or her employer to undergo the immunization or prophylaxis
127 unless the worker's physician determines in writing that the
128 immunization or other prophylaxis would pose a significant risk
129 to the worker's health. Absent such written declaration, failure
130 or refusal by an emergency rescue or public safety worker to
131 undergo such immunization or prophylaxis disqualifies the worker
132 from the benefits of the presumption.

133 (4) LIFE AND DISABILITY INSURANCE COVERAGE.—This section
134 does not apply to benefits payable under or granted in a
135 noncompulsory policy of life insurance or disability insurance,
136 unless the insurer and insured have negotiated for such
137 additional benefits to be included in the policy contract.
138 However, the state or any political subdivision of the state may
139 negotiate a policy contract for life and disability insurance
140 which includes accidental death benefits or double indemnity
141 coverage for any condition or impairment of health suffered by
142 an emergency rescue or public safety worker, which condition or
143 impairment is caused by a disease described in this section and
144 results in total or partial disability or death.

145 (5) RECORD OF EXPOSURES.—The employing agency shall

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146 maintain a record of any known or reasonably suspected exposure
147 of an emergency rescue or public safety worker in its employ to
148 the diseases described in this section and shall immediately
149 notify the employee of such exposure. An emergency rescue or
150 public safety worker shall file an incident or accident report
151 with his or her employer of each instance of known or suspected
152 occupational exposure to hepatitis infection, meningococcal
153 meningitis, ~~or~~ tuberculosis, or an infectious disease.

154 (6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In
155 order to be entitled to the presumption provided by this
156 section:

157 (a) An emergency rescue or public safety worker must, prior
158 to diagnosis, have undergone standard, medically acceptable
159 tests for evidence of the communicable or infectious disease for
160 which the presumption is sought, or evidence of medical
161 conditions derived therefrom, which tests fail to indicate the
162 presence of infection. This paragraph does not apply in the case
163 of meningococcal meningitis.

164 (b) On or after June 15, 1995, an emergency rescue or
165 public safety worker may be required to undergo a preemployment
166 physical examination that tests for and fails to reveal any
167 evidence of hepatitis or tuberculosis.

168 (7) DISABILITY RETIREMENT.—This section does not change the
169 basic requirements for determining eligibility for disability
170 retirement benefits under the Florida Retirement System or any
171 pension plan administered by this state or any political
172 subdivision thereof, except to the extent of affecting the
173 determination as to whether a member was disabled in the line of
174 duty or was otherwise disabled.

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Section 2. This act shall take effect July 1, 2021.