

By the Committee on Criminal Justice; and Senator Hooper

591-02278-22

20221736c1

1 A bill to be entitled
2 An act relating to records of physical examinations;
3 amending s. 112.18, F.S.; authorizing a specified
4 medical examination to serve as a certain required
5 physical examination for firefighters; making
6 technical changes; amending s. 943.13, F.S.; requiring
7 an employing agency to maintain records of employee
8 physical examinations for a specified period of time
9 after employee separation from the agency; creating a
10 presumption that applies to employees whose records
11 are not maintained for that period of time; providing
12 an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

16 Section 1. Paragraph (a) of subsection (1) of section
17 112.18, Florida Statutes, is amended to read:

18 112.18 Firefighters and law enforcement or correctional
19 officers; special provisions relative to disability.—

20 (1) (a) Any condition or impairment of health of any Florida
21 state, municipal, county, port authority, special tax district,
22 or fire control district firefighter or any law enforcement
23 officer, correctional officer, or correctional probation officer
24 as defined in s. 943.10(1), (2), or (3) caused by tuberculosis,
25 heart disease, or hypertension resulting in total or partial
26 disability or death shall be presumed to have been accidental
27 and to have been suffered in the line of duty unless the
28 contrary be shown by competent evidence. However, any such
29 firefighter, ~~or~~ law enforcement officer, correctional officer,

591-02278-22

20221736c1

30 or correctional probation officer must have successfully passed
31 a physical examination upon entering into any such service as a
32 firefighter, ~~or~~ law enforcement officer, correctional officer,
33 or correctional probation officer, which examination failed to
34 reveal any evidence of any such condition. The medical
35 examination required by s. 633.412(5) may serve as a physical
36 examination upon entering service for a firefighter if the
37 employer did not retain or conduct a physical examination upon
38 entering service. Such presumption does not apply to benefits
39 payable under or granted in a policy of life insurance or
40 disability insurance, unless the insurer and insured have
41 negotiated for such additional benefits to be included in the
42 policy contract.

43 Section 2. Subsection (6) of section 943.13, Florida
44 Statutes, is amended to read:

45 943.13 Officers' minimum qualifications for employment or
46 appointment.—On or after October 1, 1984, any person employed or
47 appointed as a full-time, part-time, or auxiliary law
48 enforcement officer or correctional officer; on or after October
49 1, 1986, any person employed as a full-time, part-time, or
50 auxiliary correctional probation officer; and on or after
51 October 1, 1986, any person employed as a full-time, part-time,
52 or auxiliary correctional officer by a private entity under
53 contract to the Department of Corrections, to a county
54 commission, or to the Department of Management Services shall:

55 (6) Have passed a physical examination by a licensed
56 physician, physician assistant, or licensed advanced practice
57 registered nurse, based on specifications established by the
58 commission. In order to be eligible for the presumption set

591-02278-22

20221736c1

59 forth in s. 112.18 while employed with an employing agency, a
60 law enforcement officer, correctional officer, or correctional
61 probation officer must have successfully passed the physical
62 examination required by this subsection upon entering into
63 service as a law enforcement officer, correctional officer, or
64 correctional probation officer with the employing agency, which
65 examination must have failed to reveal any evidence of
66 tuberculosis, heart disease, or hypertension. A law enforcement
67 officer, correctional officer, or correctional probation officer
68 may not use a physical examination from a former employing
69 agency for purposes of claiming the presumption set forth in s.
70 112.18 against the current employing agency. An employing agency
71 shall maintain records of the physical examination required
72 under this subsection for at least 5 years after the employee's
73 separation from that agency. If an employing agency fails to
74 maintain such records for the required period of time, it is
75 presumed that the law enforcement officer, correctional officer,
76 or correctional probation officer satisfied the requirement of
77 this subsection of having passed a physical examination.

78 Section 3. This act shall take effect July 1, 2022.