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CS/HB 453

2022 Legislature

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 2 An act relating to officer and firefighter physical
 3 examination requirements and records; amending s.
 4 112.18, F.S.; authorizing the use of a specified
 5 physical examination for a presumption; requiring a
 6 fire service provider to maintain records of employee
 7 physical examinations for a specified period; creating
 8 a presumption if records are destroyed before such
 9 period has elapsed; amending s. 943.13, F.S.;

10 requiring an employing agency to maintain records of
 11 employee physical examinations for a specified period;
 12 creating a presumption if records are destroyed before
 13 such period has elapsed; providing an effective date.

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

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 17 Section 1. Paragraph (b) of subsection (1) of section
 18 112.18, Florida Statutes, is redesignated as paragraph (c),
 19 paragraph (a) of that subsection is amended, and a new paragraph
 20 (b) is added to that subsection to read:

21 112.18 Firefighters and law enforcement or correctional
 22 officers; special provisions relative to disability.—

23 (1)(a) Any condition or impairment of health of any
 24 Florida state, municipal, county, port authority, special tax
 25 district, or fire control district firefighter or any law

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26 enforcement officer, correctional officer, or correctional
 27 probation officer as defined in s. 943.10(1), (2), or (3) caused
 28 by tuberculosis, heart disease, or hypertension resulting in
 29 total or partial disability or death shall be presumed to have
 30 been accidental and to have been suffered in the line of duty
 31 unless the contrary be shown by competent evidence. However, any
 32 such firefighter, ~~or~~ law enforcement officer, correctional
 33 officer, or correctional probation officer must have
 34 successfully passed a physical examination upon entering into
 35 any such service as a firefighter, ~~or~~ law enforcement officer,
 36 correctional officer, or correctional probation officer, which
 37 examination failed to reveal any evidence of any such condition.
 38 Such presumption does not apply to benefits payable under or
 39 granted in a policy of life insurance or disability insurance,
 40 unless the insurer and insured have negotiated for such
 41 additional benefits to be included in the policy contract.

42 (b)1. If a firefighter did not undergo a pre-employment
 43 physical examination, the medical examination required by s.
 44 633.412(5) shall be deemed to satisfy the physical examination
 45 requirement under paragraph (a), if the medical examination
 46 completed pursuant to s. 633.412(5) failed to reveal any
 47 evidence of tuberculosis, heart disease, or hypertension.

48 2. If a firefighter underwent a pre-employment physical
 49 examination, the employing fire service provider, as defined in
 50 s. 633.102, must maintain records of the physical examination

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51 for at least 5 years after the employee's separation from the
52 employing fire service provider. If the employing fire service
53 provider fails to maintain the records of the physical
54 examination for the 5-year period after the employee's
55 separation, it is presumed that the employee has met the
56 requirements of paragraph (a).

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

59 943.13 Officers' minimum qualifications for employment or
60 appointment.—On or after October 1, 1984, any person employed or
61 appointed as a full-time, part-time, or auxiliary law
62 enforcement officer or correctional officer; on or after October
63 1, 1986, any person employed as a full-time, part-time, or
64 auxiliary correctional probation officer; and on or after
65 October 1, 1986, any person employed as a full-time, part-time,
66 or auxiliary correctional officer by a private entity under
67 contract to the Department of Corrections, to a county
68 commission, or to the Department of Management Services shall:

69 (6) (a) Have passed a physical examination by a licensed
70 physician, physician assistant, or licensed advanced practice
71 registered nurse, based on specifications established by the
72 commission. In order to be eligible for the presumption set
73 forth in s. 112.18 while employed with an employing agency, a
74 law enforcement officer, correctional officer, or correctional
75 probation officer must have successfully passed the physical

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76 examination required by this subsection upon entering into
77 service as a law enforcement officer, correctional officer, or
78 correctional probation officer with the employing agency, which
79 examination must have failed to reveal any evidence of
80 tuberculosis, heart disease, or hypertension. A law enforcement
81 officer, correctional officer, or correctional probation officer
82 may not use a physical examination from a former employing
83 agency for purposes of claiming the presumption set forth in s.
84 112.18 against the current employing agency.

85 (b) The employing agency must maintain records of the
86 physical examination for at least 5 years after the employee's
87 separation from the employing agency. If the employing agency
88 fails to maintain the records of the physical examination for
89 the 5-year period after the employee's separation, it is
90 presumed that the employee has met the requirements of paragraph
91 (a).

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