

By Senator Gruters

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1 A bill to be entitled
2 An act relating to communicable and infectious
3 diseases; providing a short title; amending s.
4 112.181, F.S.; revising and defining terms; providing
5 a presumption to specified workers that an impairment
6 of health caused by COVID-19 or an infectious disease
7 happened in the line of duty; requiring certain
8 actions in order to be entitled to the presumption;
9 requiring emergency rescue or public safety workers to
10 file an incident or accident report under certain
11 conditions; providing applicability; providing an
12 effective date.

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

15
16 Section 1. This act may be cited as the "Sergeant Justin
17 White Act."

18 Section 2. Subsections (1), (2), and (5) and paragraph (a)
19 of subsection (6) of section 112.181, Florida Statutes, are
20 amended to read:

21 112.181 Firefighters, paramedics, emergency medical
22 technicians, law enforcement officers, correctional officers;
23 special provisions relative to certain communicable and
24 infectious diseases.—

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

26 (a) "Body fluids" means blood and body fluids containing
27 visible blood and other body fluids to which universal
28 precautions for prevention of occupational transmission of
29 blood-borne pathogens, as established by the Centers for Disease

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30 Control and Prevention, apply. For purposes of potential
31 transmission of COVID-19, meningococcal meningitis, or
32 tuberculosis, the term "body fluids" includes respiratory,
33 salivary, and sinus fluids, including droplets, sputum, and
34 saliva, mucous, and other fluids through which infectious
35 airborne organisms can be transmitted between persons.

36 (b) "COVID-19" has the same meaning as in s. 768.381(1).

37 (c)~~(b)~~ "Emergency rescue or public safety worker" means any
38 person employed full time by the state or any political
39 subdivision of the state as a firefighter, paramedic, emergency
40 medical technician, law enforcement officer, or correctional
41 officer who, in the course of employment, runs a high risk of
42 occupational exposure to hepatitis, meningococcal meningitis, ~~or~~
43 tuberculosis, COVID-19, or an infectious disease and who is not
44 employed elsewhere in a similar capacity. However, the term
45 "emergency rescue or public safety worker" does not include any
46 person employed by a public hospital licensed under chapter 395
47 or any person employed by a subsidiary thereof.

48 (d)~~(e)~~ "Hepatitis" means hepatitis A, hepatitis B,
49 hepatitis non-A, hepatitis non-B, hepatitis C, or any other
50 strain of hepatitis generally recognized by the medical
51 community.

52 (e)~~(d)~~ "High risk of occupational exposure" means that risk
53 that is incurred because a person subject to ~~the provisions of~~
54 this section, in performing the basic duties associated with his
55 or her employment:

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

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59 2. At the site of an accident, fire, or other rescue or
60 public safety operation, or in an emergency rescue or public
61 safety vehicle, handles body fluids in or out of containers or
62 works with or otherwise handles needles or other sharp
63 instruments exposed to body fluids;

64 3. Engages in the pursuit, apprehension, and arrest of law
65 violators or suspected law violators and, in performing such
66 duties, may be exposed to body fluids; or

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

72 (f) "Infectious disease" means any condition or impairment
73 of health caused by a disease that has been declared a public
74 health emergency in accordance with s. 381.00315.

75 (g)~~(e)~~ "Occupational exposure," in the case of hepatitis,
76 meningococcal meningitis, ~~or~~ tuberculosis, COVID-19, or an
77 infectious disease, means an exposure that occurs during the
78 performance of job duties that may place a worker at risk of
79 infection.

80 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency
81 rescue or public safety worker who suffers a condition or
82 impairment of health that is caused by hepatitis, meningococcal
83 meningitis, ~~or~~ tuberculosis, COVID-19, or an infectious disease,
84 that requires medical treatment, and that results in total or
85 partial disability or death is ~~shall be~~ presumed to have a
86 disability suffered in the line of duty, unless the contrary is
87 shown by competent evidence; however, in order to be entitled to

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88 the presumption, the emergency rescue or public safety worker
89 must, by written affidavit as provided in s. 92.50, verify by
90 written declaration that, to the best of his or her knowledge
91 and belief:

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

94 1. Been exposed, through transfer of bodily fluids, to any
95 person known to have sickness or medical conditions derived from
96 hepatitis, outside the scope of his or her employment;

97 2. Had a transfusion of blood or blood components, other
98 than a transfusion arising out of an accident or injury
99 happening in connection with his or her present employment, or
100 received any blood products for the treatment of a coagulation
101 disorder since last undergoing medical tests for hepatitis,
102 which tests failed to indicate the presence of hepatitis;

103 3. Engaged in unsafe sexual practices or other high-risk
104 behavior, as identified by the Centers for Disease Control and
105 Prevention or the Surgeon General of the United States, or had
106 sexual relations with a person known ~~to him or her~~ to have
107 engaged in such unsafe sexual practices or other high-risk
108 behavior; or

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

110 (b) In the case of meningococcal meningitis, in the 10 days
111 immediately preceding diagnosis, he or she was not exposed,
112 outside the scope of his or her employment, to any person known
113 to have meningococcal meningitis or known to be an asymptomatic
114 carrier of the disease.

115 (c) In the case of tuberculosis, in the period of time
116 since the worker's last negative tuberculosis skin test, he or

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117 she has not been exposed, outside the scope of his or her
118 employment, to any person known ~~by him or her~~ to have
119 tuberculosis.

120 (d) In the case of COVID-19, in the 14 days immediately
121 preceding diagnosis, he or she was not exposed, outside the
122 scope of his or her employment, to any person known to have
123 COVID-19.

124 (e) In the case of an infectious disease, he or she
125 contracted the infectious disease during a public health
126 emergency declared in accordance with s. 381.00315 and was not
127 exposed, outside of the scope of his or her employment, to any
128 person known to have the infectious disease.

129 (5) RECORD OF EXPOSURES.—The employing agency shall
130 maintain a record of any known or reasonably suspected exposure
131 of an emergency rescue or public safety worker in its employ to
132 the diseases described in this section and shall immediately
133 notify the employee of such exposure. An emergency rescue or
134 public safety worker shall file an incident or accident report
135 with his or her employer of each instance of known or suspected
136 occupational exposure to hepatitis infection, meningococcal
137 meningitis, ~~or~~ tuberculosis, COVID-19, or an infectious disease.

138 (6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In
139 order to be entitled to the presumption provided by this
140 section:

141 (a) An emergency rescue or public safety worker must, prior
142 to diagnosis, have undergone standard, medically acceptable
143 tests for evidence of the communicable disease for which the
144 presumption is sought, or evidence of medical conditions derived
145 therefrom, which tests fail to indicate the presence of

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146 infection. This paragraph does not apply in the case of
147 meningococcal meningitis, COVID-19, or an infectious disease.

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