

1 A bill to be entitled
 2 An act relating to disability provisions for
 3 firefighters and law enforcement and correctional
 4 officers; amending s. 112.18, F.S.; providing and
 5 revising definitions relating to certain disabilities
 6 of firefighters and law enforcement and correctional
 7 officers; providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 **Section 1. Section 112.18, Florida Statutes, is amended to**
 12 **read:**

13 112.18 Firefighters and law enforcement or correctional
 14 officers; special provisions relative to disability.—

15 (1) As used in this section, the term:

16 (a) "Correctional officer" has the same meaning as in s.
 17 943.10(2).

18 (b) "Correctional probation officer" has the same meaning
 19 as in s. 943.10(3).

20 (c) "Fire service provider" has the same meaning as in s.
 21 633.102(13).

22 (d) "Heart disease" means any organic, mechanical, or
 23 functional abnormality of the heart, its structures, or the
 24 coronary arteries.

25 (e) "Law enforcement officer" has the same meaning as in

26 s. 943.10(1).

27 (f) "Medical specialist" means a physician licensed under
28 chapter 458 or chapter 459 who has a board certification in a
29 medical speciality inclusive of care and treatment of
30 tuberculosis, heart disease, or hypertension.

31 (g) "Prescribed course of treatment" means prescribed
32 medical courses of action and prescribed medicines for the
33 specific disease or diseases claimed, as documented by the
34 prescribing physician in the patient's medical records.

35 (2) (a) ~~(1) (a)~~ Any condition or impairment of health of any
36 Florida state, municipal, county, port authority, special tax
37 district, or fire control district firefighter or any law
38 enforcement officer, correctional officer, or correctional
39 probation officer ~~as defined in s. 943.10(1), (2), or (3)~~ caused
40 by tuberculosis, heart disease, or hypertension resulting in
41 total or partial disability or death shall be presumed to have
42 been accidental and to have been suffered in the line of duty
43 unless the contrary be shown by competent evidence. However, any
44 such firefighter, law enforcement officer, correctional officer,
45 or correctional probation officer must have successfully passed
46 a physical examination upon entering into any such service as a
47 firefighter, law enforcement officer, correctional officer, or
48 correctional probation officer, which examination failed to
49 reveal any evidence of any such condition. Such presumption does
50 not apply to benefits payable under or granted in a policy of

51 life insurance or disability insurance, unless the insurer and
52 insured have negotiated for such additional benefits to be
53 included in the policy contract.

54 (b)1. If a firefighter did not undergo a preemployment
55 physical examination, the medical examination required by s.
56 633.412(5) is ~~shall be~~ deemed to satisfy the physical
57 examination requirement under paragraph (a), if the medical
58 examination completed pursuant to s. 633.412(5) failed to reveal
59 any evidence of tuberculosis, heart disease, or hypertension.

60 2. If a firefighter underwent a preemployment physical
61 examination, the employing fire service provider, ~~as defined in~~
62 ~~s. 633.102,~~ must maintain records of the physical examination
63 for at least 5 years after the employee's separation from the
64 employing fire service provider. If the employing fire service
65 provider fails to maintain the records of the physical
66 examination for the 5-year period after the employee's
67 separation, it is presumed that the employee has met the
68 requirements of paragraph (a).

69 (c)1. For any workers' compensation claim filed under this
70 section and chapter 440 occurring on or after July 1, 2010, a
71 law enforcement officer, correctional officer, or correctional
72 probation officer ~~as defined in s. 943.10(1), (2), or (3)~~
73 suffering from tuberculosis, heart disease, or hypertension is
74 presumed not to have incurred such disease in the line of duty
75 as provided in this section if the law enforcement officer,

76 | correctional officer, or correctional probation officer:

77 | a. Departed in a material fashion from the prescribed
78 | course of treatment of his or her personal physician and the
79 | departure is demonstrated to have resulted in a significant
80 | aggravation of the tuberculosis, heart disease, or hypertension
81 | resulting in disability or increasing the disability or need for
82 | medical treatment; or

83 | b. Was previously compensated pursuant to this section and
84 | chapter 440 for tuberculosis, heart disease, or hypertension and
85 | thereafter sustains and reports a new compensable workers'
86 | compensation claim under this section and chapter 440, and the
87 | law enforcement officer, correctional officer, or correctional
88 | probation officer has departed in a material fashion from the
89 | prescribed course of treatment of an authorized physician for
90 | the preexisting workers' compensation claim and the departure is
91 | demonstrated to have resulted in a significant aggravation of
92 | the tuberculosis, heart disease, or hypertension resulting in
93 | disability or increasing the disability or need for medical
94 | treatment.

95 | ~~2. As used in this paragraph, "prescribed course of~~
96 | ~~treatment" means prescribed medical courses of action and~~
97 | ~~prescribed medicines for the specific disease or diseases~~
98 | ~~elaimed and as documented in the prescribing physician's medical~~
99 | ~~records.~~

100 | 2.3. If there is a dispute as to the appropriateness of

101 the course of treatment prescribed by a physician under sub-
102 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
103 departure in a material fashion from the prescribed course of
104 treatment is demonstrated to have resulted in a significant
105 aggravation of the tuberculosis, heart disease, or hypertension
106 resulting in disability or increasing the disability or need for
107 medical treatment, the law enforcement officer, correctional
108 officer, or correctional probation officer is entitled to seek
109 an independent medical examination pursuant to s. 440.13(5).

110 3.4. A law enforcement officer, correctional officer, or
111 correctional probation officer is not entitled to the
112 presumption provided in this section unless a claim for benefits
113 is made prior to or within 180 days after leaving the employment
114 of the employing agency.

115 (3)~~(2)~~ This section authorizes each governmental entity
116 specified in subsection (2) ~~(1)~~ to negotiate policy contracts
117 for life and disability insurance to include accidental death
118 benefits or double indemnity coverage which includes ~~shall~~
119 ~~include~~ the presumption that any condition or impairment of
120 health of any firefighter, law enforcement officer, or
121 correctional officer caused by tuberculosis, heart disease, or
122 hypertension resulting in total or partial disability or death
123 was accidental and suffered in the line of duty, unless the
124 contrary be shown by competent evidence.

125 (4)~~(3)~~~~(a)~~ Notwithstanding s. 440.13(2)(c), a firefighter,

126 law enforcement officer, correctional officer, or correctional
127 probation officer requiring medical treatment for a compensable
128 presumptive condition listed in subsection (2) ~~(1)~~ may be
129 treated by a medical specialist. Except in emergency situations,
130 a firefighter, law enforcement officer, correctional officer, or
131 correctional probation officer entitled to access a medical
132 specialist under this subsection must provide written notice of
133 his or her selection of a medical specialist to the
134 firefighter's or officer's workers' compensation carrier, self-
135 insured employer, or third-party administrator, and the carrier,
136 self-insured employer, or third-party administrator must
137 authorize the selected medical specialist or authorize an
138 alternative medical specialist with the same or greater
139 qualifications. Within 5 business days after receipt of the
140 written notice, the workers' compensation carrier, self-insured
141 employer, or third-party administrator must authorize treatment
142 and schedule an appointment, which must be held within 30 days
143 after receipt of the written notice, with the selected medical
144 specialist or the alternative medical specialist. If the
145 workers' compensation carrier, self-insured employer, or third-
146 party administrator fails to authorize an alternative medical
147 specialist within 5 business days after receipt of the written
148 notice, the medical specialist selected by the firefighter or
149 officer is authorized. The continuing care and treatment by a
150 medical specialist must be reasonable, necessary, and related to

151 tuberculosis, heart disease, or hypertension; be reimbursed at
152 no more than 200 percent of the Medicare rate for a selected
153 medical specialist; and be authorized by the firefighter's or
154 officer's workers' compensation carrier, self-insured employer,
155 or third-party administrator.

156 ~~(b) For purposes of this subsection, the term "medical~~
157 ~~specialist" means a physician licensed under chapter 458 or~~
158 ~~chapter 459 who has board certification in a medical specialty~~
159 ~~inclusive of care and treatment of tuberculosis, heart disease,~~
160 ~~or hypertension.~~

161 **Section 2.** This act shall take effect July 1, 2025.