

By Senator Rodriguez

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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.; defining the term
5 "heart disease"; revising definitions; deleting
6 obsolete language; making technical changes; providing
7 an effective date.

8
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, unless the context indicates
16 otherwise, the term:

17 (a) "Correctional officer" has the same meaning as in s.
18 943.10.

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

21 (c) "Fire service provider" has the same meaning as in s.
22 633.102.

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

26 (e) "Law enforcement officer" has the same meaning as in s.
27 943.10.

28 (f) "Medical specialist" means a physician licensed under
29 chapter 458 or chapter 459 who has a board certification in a

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30 medical specialty inclusive of care and treatment of
31 tuberculosis, heart disease, or hypertension.

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

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

55 (b)1. If a firefighter did not undergo a preemployment
56 physical examination, the medical examination required by s.
57 633.412(5) shall be deemed to satisfy the physical examination
58 requirement under paragraph (a), if the medical examination

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59 completed pursuant to s. 633.412(5) failed to reveal any
60 evidence of tuberculosis, heart disease, or hypertension.

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

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

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

84 b. Was previously compensated pursuant to this section and
85 chapter 440 for tuberculosis, heart disease, or hypertension and
86 thereafter sustains and reports a new compensable workers'
87 compensation claim under this section and chapter 440, and the

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88 law enforcement officer, correctional officer, or correctional
89 probation officer has departed in a material fashion from the
90 prescribed course of treatment of an authorized physician for
91 the preexisting workers' compensation claim and the departure is
92 demonstrated to have resulted in a significant aggravation of
93 the tuberculosis, heart disease, or hypertension resulting in
94 disability or increasing the disability or need for medical
95 treatment.

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

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

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

116 (3)~~(2)~~ This section authorizes each governmental entity

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

126 (4) ~~(3)~~ ~~(a)~~ Notwithstanding s. 440.13(2)(c), a firefighter,
127 law enforcement officer, correctional officer, or correctional
128 probation officer requiring medical treatment for a compensable
129 presumptive condition listed in subsection (2) ~~(1)~~ may be
130 treated by a medical specialist. Except in emergency situations,
131 a firefighter, law enforcement officer, correctional officer, or
132 correctional probation officer entitled to access a medical
133 specialist under this subsection must provide written notice of
134 his or her selection of a medical specialist to the
135 firefighter's or officer's workers' compensation carrier, self-
136 insured employer, or third-party administrator, and the carrier,
137 self-insured employer, or third-party administrator must
138 authorize the selected medical specialist or authorize an
139 alternative medical specialist with the same or greater
140 qualifications. Within 5 business days after receipt of the
141 written notice, the workers' compensation carrier, self-insured
142 employer, or third-party administrator must authorize treatment
143 and schedule an appointment, which must be held within 30 days
144 after receipt of the written notice, with the selected medical
145 specialist or the alternative medical specialist. If the

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146 workers' compensation carrier, self-insured employer, or third-
147 party administrator fails to authorize an alternative medical
148 specialist within 5 business days after receipt of the written
149 notice, the medical specialist selected by the firefighter or
150 officer is authorized. The continuing care and treatment by a
151 medical specialist must be reasonable, necessary, and related to
152 tuberculosis, heart disease, or hypertension; be reimbursed at
153 no more than 200 percent of the Medicare rate for a selected
154 medical specialist; and be authorized by the firefighter's or
155 officer's workers' compensation carrier, self-insured employer,
156 or third-party administrator.

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

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