

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 330

INTRODUCER: Senator Bradley

SUBJECT: Disability Provisions for Firefighters and Law Enforcement and Correctional Officers

DATE: January 12, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Pre-meeting
2.		GO	
3.		AP	

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## **I. Summary:**

SB 330 amends the disability in the line of duty presumption of eligibility for workers' compensation or disability retirement benefits for firefighters, law enforcement officers, correctional officers, or correctional probation officers. The bill reorganizes existing definitions and adds definitions for the terms "employing agency" and "heart disease."

The bill also amends provisions related to requirements for law enforcement officers, correctional officers, or correctional probation officers to complete and pass physical examinations to satisfy the presumption. Officers will be allowed to use physical examinations from previous employing agencies to satisfy the requirement under the presumption if they did not complete an examination upon entering service with their current employing agency, if the examination did not show evidence of tuberculosis, heart disease, or hypertension. The bill allows use of such examinations from previous employing agencies only if the current employing agency did not require the officer to undergo an examination upon entering service with that employing agency.

The bill will take effect on July 1, 2026.

## **II. Present Situation:**

### **Disability in the Line of Duty Presumption for Certain Conditions**

Firefighters and law enforcement or correction officers are entitled to a statutory presumption that certain conditions were suffered in the line of duty and may thus be eligible for workers' compensation or disability retirement benefits. Section 112.18, F.S., provides that any condition or impairment of any Florida state, municipal, county, port authority, special tax district, or fire

control district firefighter,<sup>1</sup> or any law enforcement officer,<sup>2</sup> correctional officer,<sup>3</sup> or correctional probation officer,<sup>4</sup> caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is to be presumed to have been accidental and to have been suffered in the line of duty unless the contrary can be shown by competent evidence. The presumption does not apply to life insurance or disability insurance benefits, unless negotiated between the insurer and insured for inclusion in the policy.<sup>5</sup> The presumption in s. 112.18, F.S., applies to workers' compensation claims<sup>6</sup> and determinations of eligibility for disability retirement for employees of participants in the Florida Retirement System (FRS).<sup>7</sup>

A similar presumption that any condition caused by tuberculosis, hypertension, or heart disease was suffered in the line of duty is included in chapter 185 and applies to pension and retirement benefits under local retirement plans established by municipalities for police officers<sup>8</sup> and in chapter 175, which is applicable to pension and retirement benefits under plans established by municipalities or special districts for firefighters.<sup>9</sup>

The term "heart disease" is not defined in statute for any of the line-of-duty disability presumptions.

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<sup>1</sup> The term "firefighter" is not defined for s. 112.18, F.S. Three separate definitions are included for "firefighter" in chapter 112, F.S. *See* ss. 112.1816(1)(c), 112.81(3), and 112.191(1)(b), F.S. Under chapter 633, the chapter governing firefighter training and certification standards, "firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal under s. 633.408, F.S. Section 633.102(9), F.S.

<sup>2</sup> "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01. Section 943.10(1), F.S.

<sup>3</sup> "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution, not including any secretarial, clerical, or professionally trained personnel. Section 943.10(2), F.S.

<sup>4</sup> "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controles within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. Section 943.10(3), F.S.

<sup>5</sup> Section 112.18, F.S.

<sup>6</sup> *See* s. 112.18(1)(c), F.S.

<sup>7</sup> *See* FLA. DEPT OF MGMT SERVICES, FLORIDA RETIREMENT SYSTEM EMPLOYER HANDBOOK 10-4 (Jan. 2025) available at [https://frs.fl.gov/forms/Employer\\_Handbook\\_2025.pdf](https://frs.fl.gov/forms/Employer_Handbook_2025.pdf) (last visited Jan 7, 2026) [hereinafter "FRS Handbook"]. For Fiscal Year 2025-26, participants in the FRS include numerous state agencies, state colleges and universities, county offices, school boards, municipal offices, and other governmental entities. *See* Fla. DEPT OF MGMT SERVICES, PARTICIPATING EMPLOYERS FOR FISCAL YEAR 2025-26 (Dec. 2026) available at <https://frs.fl.gov/forms/part-emp.pdf> (last visited Jan 7, 2026).

<sup>8</sup> Section 185.34, F.S.

<sup>9</sup> Section 175.231, F.S.

## Preemployment Physical Examinations

Among the minimum employment qualifications for firefighters, law enforcement officers, and corrections officers is the requirement for passage of a health examination. A person applying for certification as a firefighter must be in good physical condition as determined by a medical examination by a licensed physician, surgeon, physician assistant, or licensed advanced practice registered nurse.<sup>10</sup> A law enforcement officer, correctional officer, or correctional probation officer must have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse.<sup>11</sup>

To be eligible for the presumption provided in s. 112.18, F.S., a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed a physical examination upon entering service which failed to reveal any evidence of tuberculosis, heart disease, or hypertension, and may not use a physical examination from a former employing agency.<sup>12</sup> If a firefighter did not complete a preemployment physical examination, the medical examination required for certification is deemed to satisfy the requirement for the presumption, so long as that examination did not reveal evidence of tuberculosis, heart disease, or hypertension.<sup>13</sup>

For firefighters, law enforcement officers, correctional officers, or correctional probation officers who completed preemployment physical examinations, employing service providers and agencies are required to maintain preemployment physical examinations for at least 5 years after the employee's separation.<sup>14</sup> If the employing service provider or agency fails to maintain the records, it is presumed the employee has met the physical examination requirements for the line-of-duty disability presumption.<sup>15</sup>

## Eligibility for Workers' Compensation Presumption

Florida's Workers' Compensation laws<sup>16</sup> generally require employers to pay compensation or furnish benefits if an employee suffers an accidental compensable injury or death arising out of work performed in the course and scope of employment.<sup>17</sup> The Department of Financial Services (DFS) provides regulatory oversight of Florida's workers' compensation system.

The line-of-duty disability presumption for tuberculosis, heart disease, or hypertension does not apply to workers' compensation claims if a law enforcement, correctional, or correctional probation officer:

- Departed materially from the course of treatment prescribed by his or her physician, resulting in a significant aggravation of the disease or disability or need for medical treatment; or

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<sup>10</sup> Section 633.412(5), F.S.

<sup>11</sup> Section 943.13(6), F.S.

<sup>12</sup> Section 943.13(6), F.S.

<sup>13</sup> Section 112.18(1)(b)1., F.S.

<sup>14</sup> Sections 112.18(1)(b)2. and 943.13(6), F.S.

<sup>15</sup> Sections 112.18(1)(b)2. and 943.13(6), F.S.

<sup>16</sup> Chapter 440, F.S.

<sup>17</sup> Section 440.09, F.S.

- Was previously compensated under workers' compensation benefits for the disabling disease, sustains and reports a new claim for the disabling disease, departed materially from the treatment prescribed by his or her physician which resulted in significant aggravation of the disabling disease, resulting in disability or increasing the disability or need for medical treatment.<sup>18</sup>

To be eligible for workers' compensation benefits, a law enforcement officer, correctional officer, or correctional probation officer must make a claim for benefits prior to or within 180 days after leaving the employment or the employing agency.<sup>19</sup>

Firefighters are not subject to the exclusion for prior treatment or compensation and they are not covered by the claim-filing deadline that allows a law enforcement officer, correctional officer, or correctional probation officer to file a claim up to 180 days after leaving the employment.<sup>20</sup> Thus, a firefighter suffering from tuberculosis, heart disease, or hypertension is subject to the more general notice requirements of chapter 440, F.S. Since these conditions are considered occupational diseases, the firefighter must advise his or her employer within 90 days after the initial manifestation of the disease or 90 days after the firefighter obtains a medical opinion that the disease is due to the nature of the firefighter's employment, if the cause could not be identified without a medical opinion.<sup>21</sup>

Since the term "heart disease" is not defined in statute, the compensability of some workers' compensation claims have been subject to judicial determination of the term's meaning. In *City of Venice v. Van Dyke*, the First District Court of Appeal relied on a medical dictionary defining "heart disease" as "any organic, mechanical, or functional abnormality of the heart, its structures, or the coronary arteries" to find that a claimant's aortic disease could "reasonably be classified as heart disease."<sup>22</sup> The court in *North Collier Fire Control and Rescue District v. Harlem* concluded that *Van Dyke* was "limited to its facts" and instead turned to historical definitions of heart disease to apply the term based on its original meaning: "the type of disease affecting and weakening the heart muscle through a degradation of the vessels or the valves, and which was prevalent as [a] major cause of death in the United States in the 1950s and 1960s."<sup>23</sup> Using this narrower definition, the court in *Harlem* found that the Judge of Compensation Claim's determination that the claimant's aortic aneurism was heart disease conflicted with the meaning of the term.<sup>24</sup>

### **Eligibility for Disability Retirement Presumption**

The FRS is administered by the Department of Management Services, with the secretary designated as the administrator of the retirement and pension systems assigned or transferred to the department.<sup>25</sup>

<sup>18</sup> Section 112.18(1)(c)1., F.S.

<sup>19</sup> Section 112.18(1)(c)4., F.S.

<sup>20</sup> See s. 112.18(1)(c), F.S.

<sup>21</sup> Sections 440.151(6) and 440.185(1), F.S.

<sup>22</sup> *City of Venice v. Van Dyke*, 46 So. 3d 115, 116 (Fla. 1st DCA 2010).

<sup>23</sup> *N. Collier Fire Control and Rescue Dist. v. Harlem*, 371 So. 3d 368, 370, 377 (Fla. 1st DCA 2023).

<sup>24</sup> *Id.* at 377.

<sup>25</sup> Section 121.025, F.S.

Under the FRS, two types of disability benefits are available: regular and in the line of duty.<sup>26</sup> Disability from illness or injury due to natural causes or an accident unrelated to employment is considered “regular disability”.<sup>27</sup> A disability caused in the line of duty must be documented by medical evidence that it was caused by a job-related illness or accident while still employed.<sup>28</sup> The member must be totally and permanently disabled, meaning that “in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.”<sup>29</sup> Effective July 1, 2001, members of the pension plan must have completed 8 years of service to be eligible for regular disability.<sup>30</sup> Those who qualify for line-of-duty disability may qualify from their first day of service.<sup>31</sup>

To qualify for disability benefits pursuant to the line-of-duty disability presumption for tuberculosis, heart disease, or hypertension, a firefighter, law enforcement officer, or corrections officer must submit proof of the disability with their application for retirement.<sup>32</sup> Such proof must include certification of the total and permanent disability by two licensed physicians.<sup>33</sup> The submitted proof must document that the condition occurred or became systematic while the firefighter, law enforcement officer, or corrections officer was employed; he or she was totally and permanently disabled at the time he or she terminated employment; and that he or she has not been employed with any other employer after such termination.<sup>34</sup>

### III. Effect of Proposed Changes:

SB 330 amends s. 112.18, F.S. to organize existing definitions within the section under one subsection and newly define the terms “employing agency” and “heart disease.” “Employing agency” is defined to have the same meaning as s. 943.10(4), F.S., and will clarify requirements related to timing of claims and satisfaction of physical examination requirements for law enforcement officers, correctional officers, or correctional probation officers for the tuberculosis, heart disease, or hypertension line-of-duty disability presumption.

The term “heart disease” is defined by the bill to mean “any organic, mechanical, or functional abnormality of the heart or its structures or of the coronary arteries,” which will clarify the entitlement of firefighters, law enforcement officers, correctional officers, or correctional probation officers to workers’ compensation or disability retirement benefits pursuant to the presumption.

The bill adds a provision to s. 112.18, F.S., for law enforcement officers, correctional officers, or correctional probation officers related to the satisfaction of physical examination requirements for the presumption for those who did not complete preemployment examinations that is similar

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<sup>26</sup> Section 121.091(4), F.S.

<sup>27</sup> FRS Handbook, *supra* note 7 at 10-3.

<sup>28</sup> Section 121.091(4)(c)3., F.S.

<sup>29</sup> Section 121.091(4)(b), F.S.

<sup>30</sup> Section 121.091(4)(a)1.b., F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 121.091(4)(c), F.S.

<sup>33</sup> Section 121.091(4)(c)1., F.S.

<sup>34</sup> Section 121.091(4)(c)2., F.S.

to a provision under the section for firefighters. Under this new provision, if an officer did not complete a physical examination upon entering service with his or her current employing agency, but did complete a physical examination upon entering service with his or her former employing agency that did not show evidence of tuberculosis, heart disease, or hypertension, the examination from the former employing agency may satisfy the examination requirements for the presumption. The bill amends s. 943.13, F.S., to align that section with this new provision. Instead of the prohibition in current law against officers being able to use a physical examination from a former employing agency to claim the presumption, the bill will authorize officers to use examinations from former employing agencies, but only if the current employing agency did not require an examination.

The bill will take effect on July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because county and municipality governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may be required to fund additional expenses related to workers' compensation claims or disability retirement benefits for such employees if claims or benefits are granted that would have been previously denied due to the new definition of "heart disease" or the satisfaction of physical examination requirements through previously conducted examinations. However, an exception may apply because the bill applies to all similarly situated persons, i.e., every county and municipal government that employs such individuals, in addition to the state, which also employs such individuals. For this exception to apply, the Legislature must make a finding that the bill fulfills an important state interest.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

State and local governments that employ firefighters, law enforcement officers, correctional officers, or correctional probation officers may experience a negative fiscal impact if additional workers' compensation claims or disability retirement benefits are granted that would have been previously denied.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Art. X, s. 14 of the Florida Constitution prohibits any governmental unit responsible for any retirement or pension system from increasing benefits to members unless provision for the funding of the increase in benefits on a sound actuarial basis is made concurrently. Section 112.63(3), F.S., similarly requires the administrator of any retirement system to issue a statement of the actuarial impact of a proposed change in retirement benefits before adoption of the change and the last public hearing on such change. The statement must also indicate whether the proposed changes comply with Art. X, s. 14, of the Florida Constitution.

While the definition of "heart disease" has been subject to judicial determination in the context of workers' compensation benefits, no such definition or interpretation applies in the context of retirement system benefits. If it is determined that the definition added by SB 330 would increase benefits related to disability retirement, then the requirements of Art. X, s. 14 of the Florida Constitution and s. 112.63, F.S. would apply.

**VIII. Statutes Affected:**

This bill substantially amends the sections 112.18 and 943.13 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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