

By the Committees on Appropriations; and Community Affairs; and Senator Bradley

576-02813-26

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A bill to be entitled

An act relating to disability provisions for firefighters and law enforcement and correctional officers; amending s. 112.18, F.S.; defining the terms "employing agency" and "heart disease"; revising definitions; providing that a certain previously conducted physical examination satisfies a requirement for a presumption; deleting obsolete language; making technical changes; amending s. 943.13, F.S.; authorizing law enforcement officers, correctional officers, and correctional probation officers, under a specified condition, to use a physical examination from a former employer for the purpose of claiming a specified presumption; providing a finding and declaration of important state interest; providing an effective date.

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

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

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

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

(a) "Correctional officer" has the same meaning as in s. 10(2).

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

(c) "Employing agency" has the same meaning as in s.

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30 943.10(4).31 (d) "Fire service provider" has the same meaning as in s.32 633.102(13).33 (e) "Heart disease" means any organic, mechanical, or
34 functional abnormality of the heart or its structures or of the
35 coronary arteries.36 (f) "Law enforcement officer" has the same meaning as in s.37 943.10(1).38 (g) "Medical specialist" means a physician licensed under
39 chapter 458 or chapter 459 who has a board certification in a
40 medical specialty inclusive of care and treatment of
41 tuberculosis, heart disease, or hypertension.42 (h) "Prescribed course of treatment" means prescribed
43 medical courses of action and prescribed medicines for the
44 specific disease or diseases claimed, as documented by the
45 prescribing physician in the patient's medical records.46 (2) (a) (1) (a) Any condition or impairment of health of any
47 Florida state, municipal, county, port authority, special tax
48 district, or fire control district firefighter or any law
49 enforcement officer, correctional officer, or correctional
50 probation officer as defined in s. 943.10(1), (2), or (3) caused
51 by tuberculosis, heart disease, or hypertension resulting in
52 total or partial disability or death shall be presumed to have
53 been accidental and to have been suffered in the line of duty
54 unless the contrary be shown by competent evidence. However, any
55 such firefighter, law enforcement officer, correctional officer,
56 or correctional probation officer must have successfully passed
57 a physical examination upon entering into any such service as a
58 firefighter, law enforcement officer, correctional officer, or

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59 correctional probation officer, which examination failed to
60 reveal any evidence of any such condition. Such presumption does
61 not apply to benefits payable under or granted in a policy of
62 life insurance or disability insurance, unless the insurer and
63 insured have negotiated for such additional benefits to be
64 included in the policy contract.

65 (b)1. If a firefighter did not undergo a preemployment
66 physical examination, the medical examination required by s.
67 633.412(5) is shall be deemed to satisfy the physical
68 examination requirement under paragraph (a), if the medical
69 examination completed pursuant to s. 633.412(5) failed to reveal
70 any evidence of tuberculosis, heart disease, or hypertension.

71 2. If a firefighter underwent a preemployment physical
72 examination, the employing fire service provider, ~~as defined in~~
73 ~~s. 633.102~~, must maintain records of the physical examination
74 for at least 5 years after the employee's separation from the
75 employing fire service provider. If the employing fire service
76 provider fails to maintain the records of the physical
77 examination for the 5-year period after the employee's
78 separation, it is presumed that the employee has met the
79 requirements of paragraph (a).

80 (c) If a current law enforcement officer, correctional
81 officer, or correctional probation officer was not required to
82 undergo a preemployment physical examination upon entering
83 service with his or her current employing agency, but such
84 officer underwent a medical examination as required by s.
85 943.13(6) upon entering service with his or her former employing
86 agency, the previously conducted medical examination conducted
87 pursuant to s. 943.13(6) is deemed to satisfy the physical

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88 examination requirement under paragraph (a), if such examination
89 was completed and failed to reveal any evidence of tuberculosis,
90 heart disease, or hypertension.

91 (d)1. For any workers' compensation claim filed under this
92 section and chapter 440 occurring on or after July 1, 2010, a
93 law enforcement officer, correctional officer, or correctional
94 probation officer ~~as defined in s. 943.10(1), (2), or (3)~~
95 suffering from tuberculosis, heart disease, or hypertension is
96 presumed not to have incurred such disease in the line of duty
97 as provided in this section if the law enforcement officer,
98 correctional officer, or correctional probation officer:

99 a. Departed in a material fashion from the prescribed
100 course of treatment of his or her personal physician and the
101 departure is demonstrated to have resulted in a significant
102 aggravation of the tuberculosis, heart disease, or hypertension
103 resulting in disability or increasing the disability or need for
104 medical treatment; or

105 b. Was previously compensated pursuant to this section and
106 chapter 440 for tuberculosis, heart disease, or hypertension and
107 thereafter sustains and reports a new compensable workers'
108 compensation claim under this section and chapter 440, and the
109 law enforcement officer, correctional officer, or correctional
110 probation officer has departed in a material fashion from the
111 prescribed course of treatment of an authorized physician for
112 the preexisting workers' compensation claim and the departure is
113 demonstrated to have resulted in a significant aggravation of
114 the tuberculosis, heart disease, or hypertension resulting in
115 disability or increasing the disability or need for medical
116 treatment.

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117 2. ~~As used in this paragraph, "prescribed course of~~
118 ~~treatment" means prescribed medical courses of action and~~
119 ~~prescribed medicines for the specific disease or diseases~~
120 ~~claimed and as documented in the prescribing physician's medical~~
121 ~~records.~~

122 2.3. If there is a dispute as to the appropriateness of the
123 course of treatment prescribed by a physician under sub-
124 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
125 departure in a material fashion from the prescribed course of
126 treatment is demonstrated to have resulted in a significant
127 aggravation of the tuberculosis, heart disease, or hypertension
128 resulting in disability or increasing the disability or need for
129 medical treatment, the law enforcement officer, correctional
130 officer, or correctional probation officer is entitled to seek
131 an independent medical examination pursuant to s. 440.13(5).

132 3.4. A law enforcement officer, correctional officer, or
133 correctional probation officer is not entitled to the
134 presumption provided in this section unless a claim for benefits
135 is made prior to or within 180 days after leaving the employment
136 of the employing agency.

137 (3)-(2) This section authorizes each governmental entity
138 specified in subsection (2) ~~(1)~~ to negotiate policy contracts
139 for life and disability insurance to include accidental death
140 benefits or double indemnity coverage which includes shall
141 ~~include~~ the presumption that any condition or impairment of
142 health of any firefighter, law enforcement officer, or
143 correctional officer caused by tuberculosis, heart disease, or
144 hypertension resulting in total or partial disability or death
145 was accidental and suffered in the line of duty, unless the

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146 contrary be shown by competent evidence.

147 (4)-(3)-(a) Notwithstanding s. 440.13(2)(c), a firefighter,
148 law enforcement officer, correctional officer, or correctional
149 probation officer requiring medical treatment for a compensable
150 presumptive condition listed in subsection (2) ~~(1)~~ may be
151 treated by a medical specialist. Except in emergency situations,
152 a firefighter, law enforcement officer, correctional officer, or
153 correctional probation officer entitled to access a medical
154 specialist under this subsection must provide written notice of
155 his or her selection of a medical specialist to the
156 firefighter's or officer's workers' compensation carrier, self-
157 insured employer, or third-party administrator, and the carrier,
158 self-insured employer, or third-party administrator must
159 authorize the selected medical specialist or authorize an
160 alternative medical specialist with the same or greater
161 qualifications. Within 5 business days after receipt of the
162 written notice, the workers' compensation carrier, self-insured
163 employer, or third-party administrator must authorize treatment
164 and schedule an appointment, which must be held within 30 days
165 after receipt of the written notice, with the selected medical
166 specialist or the alternative medical specialist. If the
167 workers' compensation carrier, self-insured employer, or third-
168 party administrator fails to authorize an alternative medical
169 specialist within 5 business days after receipt of the written
170 notice, the medical specialist selected by the firefighter or
171 officer is authorized. The continuing care and treatment by a
172 medical specialist must be reasonable, necessary, and related to
173 tuberculosis, heart disease, or hypertension; be reimbursed at
174 no more than 200 percent of the Medicare rate for a selected

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175 medical specialist; and be authorized by the firefighter's or
176 officer's workers' compensation carrier, self-insured employer,
177 or third-party administrator.

178 (b) ~~For purposes of this subsection, the term "medical~~
179 ~~specialist" means a physician licensed under chapter 458 or~~
180 ~~chapter 459 who has board certification in a medical specialty~~
181 ~~inclusive of care and treatment of tuberculosis, heart disease,~~
182 ~~or hypertension.~~

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

185 943.13 Officers' minimum qualifications for employment or
186 appointment.—On or after October 1, 1984, any person employed or
187 appointed as a full-time, part-time, or auxiliary law
188 enforcement officer or correctional officer; on or after October
189 1, 1986, any person employed as a full-time, part-time, or
190 auxiliary correctional probation officer; and on or after
191 October 1, 1986, any person employed as a full-time, part-time,
192 or auxiliary correctional officer by a private entity under
193 contract to the Department of Corrections or to a county
194 commission shall:

195 (6) Have passed a physical examination by a licensed
196 physician, physician assistant, or licensed advanced practice
197 registered nurse, based on specifications established by the
198 commission. In order to be eligible for the presumption set
199 forth in s. 112.18 while employed with an employing agency, a
200 law enforcement officer, correctional officer, or correctional
201 probation officer must have successfully passed the physical
202 examination required by this subsection upon entering into
203 service as a law enforcement officer, correctional officer, or

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204 correctional probation officer with the employing agency, which
205 examination must have failed to reveal any evidence of
206 tuberculosis, heart disease, or hypertension. A law enforcement
207 officer, correctional officer, or correctional probation officer
208 may ~~not~~ use a physical examination from a former employing
209 agency for purposes of claiming the presumption set forth in s.
210 112.18 against the current employing agency only if the current
211 employing agency did not require the law enforcement officer,
212 correctional officer, or correctional probation officer to
213 undergo a physical examination as required by this subsection.
214 The employing agency must maintain records of the physical
215 examination for at least 5 years after the employee's separation
216 from the employing agency. If the employing agency fails to
217 maintain the records of the physical examination for the 5-year
218 period after the employee's separation, it is presumed that the
219 employee has met the requirements of this subsection.

220 Section 3. The Legislature finds and declares that this act
221 fulfills an important state interest.

222 Section 4. This act shall take effect July 1, 2026.