

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 453 — Officer and Firefighter Physical Examination Requirements and Records

by Criminal Justice and Public Safety Subcommittee and Reps. Duggan, Byrd, and others
(CS/SB 1736 by Criminal Justice Committee and Senator Hooper)

The bill amends s. 112.18, F.S., which provides for a presumption relevant to workers' compensation. Specifically, the statute provides that any condition or impairment of health of a firefighter, law enforcement officer, correctional officer, or correctional probation officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty unless the contrary is shown by competent evidence. A necessary precondition to the presumption is that the firefighter or officer successfully passed a physical examination upon entering into service, which examination failed to reveal any evidence of such condition.

The bill provides that if a firefighter did not undergo a pre-employment physical examination, the medical examination required for firefighter certification is deemed to satisfy the medical examination requirement, if the medical examination failed to reveal any evidence of tuberculosis, heart disease, or hypertension.

The bill also provides that if the firefighter underwent a pre-employment physical examination, the employing fire service provider must maintain records of the examination for at least 5 years after the employee's separation from the employing fire service provider. If the employing fire service provider fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

The bill also amends s. 943.13, F.S., to require that the employing agency of a law enforcement officer, correctional officer, or correctional probation officer maintain records of the pre-employment physical examination for at least 5 years after the employee's separation from the employing agency. If the employing agency fails to maintain the records of the examination for the required retention period, it is presumed that the employee met the requirement for the workers' compensation presumption.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 108-0