

By Senator Gruters

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1                   A bill to be entitled  
2           An act relating to communicable and infectious  
3           diseases; amending s. 112.181, F.S.; revising  
4           definitions and defining a term; providing a  
5           presumption to specified workers that an impairment of  
6           health caused by an infectious disease happened in the  
7           line of duty; requiring certain actions in order to be  
8           entitled to the presumption; requiring certain  
9           vaccines or immunizations to be approved by the United  
10          States Food and Drug Administration; providing an  
11          effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Section 112.181, Florida Statutes, is amended to  
16          read:

17           112.181 Firefighters, paramedics, emergency medical  
18          technicians, law enforcement officers, correctional officers;  
19          special provisions relative to certain communicable and  
20          infectious diseases.—

21           (1) DEFINITIONS.—As used in this section, the term:

22           (a) "Body fluids" means blood and body fluids containing  
23          visible blood and other body fluids to which universal  
24          precautions for prevention of occupational transmission of  
25          blood-borne pathogens, as established by the Centers for Disease  
26          Control and Prevention, apply. For purposes of potential  
27          transmission of meningococcal meningitis or tuberculosis, the  
28          term "body fluids" includes respiratory, salivary, and sinus  
29          fluids, including droplets, sputum, and saliva, mucous, and

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30 other fluids through which infectious airborne organisms can be  
31 transmitted between persons.

32 (b) "Emergency rescue or public safety worker" means any  
33 person employed full time by the state or any political  
34 subdivision of the state as a firefighter, paramedic, emergency  
35 medical technician, law enforcement officer, or correctional  
36 officer who, in the course of employment, runs a high risk of  
37 occupational exposure to hepatitis, meningococcal meningitis, ~~or~~  
38 tuberculosis, or an infectious disease and who is not employed  
39 elsewhere in a similar capacity. However, the term "emergency  
40 rescue or public safety worker" does not include any person  
41 employed by a public hospital licensed under chapter 395 or any  
42 person employed by a subsidiary thereof.

43 (c) "Hepatitis" means hepatitis A, hepatitis B, hepatitis  
44 non-A, hepatitis non-B, hepatitis C, or any other strain of  
45 hepatitis generally recognized by the medical community.

46 (d) "High risk of occupational exposure" means that risk  
47 that is incurred because a person subject to the provisions of  
48 this section, in performing the basic duties associated with his  
49 or her employment:

50 1. Provides emergency medical treatment in a non-health-  
51 care setting where there is a potential for transfer of body  
52 fluids between persons;

53 2. At the site of an accident, fire, or other rescue or  
54 public safety operation, or in an emergency rescue or public  
55 safety vehicle, handles body fluids in or out of containers or  
56 works with or otherwise handles needles or other sharp  
57 instruments exposed to body fluids;

58 3. Engages in the pursuit, apprehension, and arrest of law

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59 violators or suspected law violators and, in performing such  
60 duties, may be exposed to body fluids; or

61 4. Is responsible for the custody, and physical restraint  
62 when necessary, of prisoners or inmates within a prison, jail,  
63 or other criminal detention facility, while on work detail  
64 outside the facility, or while being transported and, in  
65 performing such duties, may be exposed to body fluids.

66 (e) "Infectious disease" means any condition or impairment  
67 of health caused by a disease that has been declared a public  
68 health emergency in accordance with s. 381.00315.

69 (f) ~~(e)~~ "Occupational exposure," in the case of hepatitis,  
70 meningococcal meningitis, ~~or~~ tuberculosis, or an infectious  
71 disease, means an exposure that occurs during the performance of  
72 job duties that may place a worker at risk of infection.

73 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency  
74 rescue or public safety worker who suffers a condition or  
75 impairment of health that is caused by hepatitis, meningococcal  
76 meningitis, ~~or~~ tuberculosis, or an infectious disease, that  
77 requires medical treatment, and that results in total or partial  
78 disability or death is ~~shall be~~ presumed to have a disability  
79 suffered in the line of duty, unless the contrary is shown by  
80 competent evidence; however, in order to be entitled to the  
81 presumption, the emergency rescue or public safety worker must,  
82 by written affidavit as provided in s. 92.50, verify by written  
83 declaration that, to the best of his or her knowledge and  
84 belief:

85 (a) In the case of a medical condition caused by or derived  
86 from hepatitis, he or she has not:

87 1. Been exposed, through transfer of bodily fluids, to any

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88 person known to have sickness or medical conditions derived from  
89 hepatitis, outside the scope of his or her employment;

90 2. Had a transfusion of blood or blood components, other  
91 than a transfusion arising out of an accident or injury  
92 happening in connection with his or her present employment, or  
93 received any blood products for the treatment of a coagulation  
94 disorder since last undergoing medical tests for hepatitis,  
95 which tests failed to indicate the presence of hepatitis;

96 3. Engaged in unsafe sexual practices or other high-risk  
97 behavior, as identified by the Centers for Disease Control and  
98 Prevention or the Surgeon General of the United States, or had  
99 sexual relations with a person known to him or her to have  
100 engaged in such unsafe sexual practices or other high-risk  
101 behavior; or

102 4. Used intravenous drugs not prescribed by a physician.

103 (b) In the case of meningococcal meningitis, in the 10 days  
104 immediately preceding diagnosis he or she was not exposed,  
105 outside the scope of his or her employment, to any person known  
106 to have meningococcal meningitis or known to be an asymptomatic  
107 carrier of the disease.

108 (c) In the case of tuberculosis, in the period of time  
109 since the worker's last negative tuberculosis skin test, he or  
110 she has not been exposed, outside the scope of his or her  
111 employment, to any person known ~~by him or her~~ to have  
112 tuberculosis.

113 (d) In the case of an infectious disease, he or she  
114 contracted the infectious disease during a public health  
115 emergency declared in accordance with s. 381.00315 and was not  
116 exposed, outside of the scope of his or her employment, to any

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117 person known to have the infectious disease.

118 (3) IMMUNIZATION.—Whenever any standard, medically  
119 recognized vaccine, or other form of immunization or prophylaxis  
120 exists for the prevention of a communicable or infectious  
121 disease for which a presumption is granted under this section,  
122 if medically indicated in the given circumstances under the  
123 ~~pursuant to~~ immunization policies established by the Advisory  
124 Committee on Immunization Practices of the United States Public  
125 Health Service and if the vaccine or immunization has been  
126 approved by the United States Food and Drug Administration, an  
127 emergency rescue or public safety worker may be required by his  
128 or her employer to undergo the immunization or prophylaxis  
129 unless the worker's physician determines in writing that the  
130 immunization or other prophylaxis would pose a significant risk  
131 to the worker's health. Absent such written declaration, failure  
132 or refusal by an emergency rescue or public safety worker to  
133 undergo such immunization or prophylaxis disqualifies the worker  
134 from the benefits of the presumption.

135 (4) LIFE AND DISABILITY INSURANCE COVERAGE.—This section  
136 does not apply to benefits payable under or granted in a  
137 noncompulsory policy of life insurance or disability insurance,  
138 unless the insurer and insured have negotiated for such  
139 additional benefits to be included in the policy contract.  
140 However, the state or any political subdivision of the state may  
141 negotiate a policy contract for life and disability insurance  
142 which includes accidental death benefits or double indemnity  
143 coverage for any condition or impairment of health suffered by  
144 an emergency rescue or public safety worker, which condition or  
145 impairment is caused by a disease described in this section and

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146 results in total or partial disability or death.

147 (5) RECORD OF EXPOSURES.—The employing agency shall  
148 maintain a record of any known or reasonably suspected exposure  
149 of an emergency rescue or public safety worker in its employ to  
150 the diseases described in this section and shall immediately  
151 notify the employee of such exposure. An emergency rescue or  
152 public safety worker shall file an incident or accident report  
153 with his or her employer of each instance of known or suspected  
154 occupational exposure to hepatitis infection, meningococcal  
155 meningitis, ~~or~~ tuberculosis, or an infectious disease.

156 (6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In  
157 order to be entitled to the presumption provided by this  
158 section:

159 (a) An emergency rescue or public safety worker must, prior  
160 to diagnosis, have undergone standard, medically acceptable  
161 tests for evidence of the communicable disease for which the  
162 presumption is sought, or evidence of medical conditions derived  
163 therefrom, which tests fail to indicate the presence of  
164 infection. This paragraph does not apply in the case of  
165 meningococcal meningitis or an infectious disease.

166 (b) On or after June 15, 1995, an emergency rescue or  
167 public safety worker may be required to undergo a preemployment  
168 physical examination that tests for and fails to reveal any  
169 evidence of hepatitis or tuberculosis.

170 (7) DISABILITY RETIREMENT.—This section does not change the  
171 basic requirements for determining eligibility for disability  
172 retirement benefits under the Florida Retirement System or any  
173 pension plan administered by this state or any political  
174 subdivision thereof, except to the extent of affecting the

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175 determination as to whether a member was disabled in the line of  
176 duty or was otherwise disabled.

177 Section 2. This act shall take effect July 1, 2021.