

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

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

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

16 112.181 Firefighters, paramedics, emergency medical
 17 technicians, law enforcement officers, correctional officers;
 18 special provisions relative to certain communicable and
 19 infectious diseases.—

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

21 (a) "Body fluids" means blood and body fluids containing
 22 visible blood and other body fluids to which universal
 23 precautions for prevention of occupational transmission of
 24 blood-borne pathogens, as established by the Centers for Disease
 25 Control and Prevention, apply. For purposes of potential

26 | transmission of meningococcal meningitis or tuberculosis, the
27 | term "body fluids" includes respiratory, salivary, and sinus
28 | fluids, including droplets, sputum, and saliva, mucous, and
29 | other fluids through which infectious airborne organisms can be
30 | transmitted between persons.

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

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

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

49 | 1. Provides emergency medical treatment in a non-health-
50 | care setting where there is a potential for transfer of body

51 fluids between persons;

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

57 3. Engages in the pursuit, apprehension, and arrest of law
58 violators or suspected law violators and, in performing such
59 duties, may be exposed to body fluids; or

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

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

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

72 (2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency
73 rescue or public safety worker who suffers a condition or
74 impairment of health that is caused by hepatitis, meningococcal
75 meningitis, ~~or~~ tuberculosis, or an infectious disease, that

76 requires medical treatment, and that results in total or partial
77 disability or death is ~~shall be~~ presumed to have a disability
78 suffered in the line of duty, unless the contrary is shown by
79 competent evidence; however, in order to be entitled to the
80 presumption, the emergency rescue or public safety worker must,
81 by written affidavit as provided in s. 92.50, verify by written
82 declaration that, to the best of his or her knowledge and
83 belief:

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

86 1. Been exposed, through transfer of bodily fluids, to any
87 person known to have sickness or medical conditions derived from
88 hepatitis, outside the scope of his or her employment;

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

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

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

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

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

112 (d) In the case of an infectious disease, he or she was
 113 not exposed, outside of the scope of his or her employment, to
 114 any person known to have the infectious disease.

115 (3) IMMUNIZATION.—Whenever any standard, medically
 116 recognized vaccine, or other form of immunization or prophylaxis
 117 exists for the prevention of a communicable or infectious
 118 disease for which a presumption is granted under this section,
 119 if medically indicated in the given circumstances under the
 120 ~~pursuant to~~ immunization policies established by the Advisory
 121 Committee on Immunization Practices of the United States Public
 122 Health Service and if the vaccine or immunization has been
 123 approved by the United States Food and Drug Administration, an
 124 emergency rescue or public safety worker may be required by his
 125 or her employer to undergo the immunization or prophylaxis

126 unless the worker's physician determines in writing that the
127 immunization or other prophylaxis would pose a significant risk
128 to the worker's health. Absent such written declaration, failure
129 or refusal by an emergency rescue or public safety worker to
130 undergo such immunization or prophylaxis disqualifies the worker
131 from the benefits of the presumption.

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

144 (5) RECORD OF EXPOSURES.—The employing agency shall
145 maintain a record of any known or reasonably suspected exposure
146 of an emergency rescue or public safety worker in its employ to
147 the diseases described in this section and shall immediately
148 notify the employee of such exposure. An emergency rescue or
149 public safety worker shall file an incident or accident report
150 with his or her employer of each instance of known or suspected

151 occupational exposure to hepatitis infection, meningococcal
152 meningitis, ~~or~~ tuberculosis, or an infectious disease.

153 (6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In
154 order to be entitled to the presumption provided by this
155 section:

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

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

167 (7) DISABILITY RETIREMENT.—This section does not change
168 the basic requirements for determining eligibility for
169 disability retirement benefits under the Florida Retirement
170 System or any pension plan administered by this state or any
171 political subdivision thereof, except to the extent of affecting
172 the determination as to whether a member was disabled in the
173 line of duty or was otherwise disabled.

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