

By Senator Hooper

16-01154-22

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1                   A bill to be entitled  
2           An act relating to records of physical examinations of  
3           officers; amending s. 943.13, F.S.; requiring an  
4           employing agency to maintain records of employee  
5           physical examinations for a specified period of time  
6           after employee separation from the agency; creating a  
7           presumption that applies to employees whose records  
8           are not maintained for that period of time; providing  
9           an effective date.

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

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13           Section 1. Subsection (6) of section 943.13, Florida  
14           Statutes, is amended to read:

15           943.13 Officers' minimum qualifications for employment or  
16           appointment.—On or after October 1, 1984, any person employed or  
17           appointed as a full-time, part-time, or auxiliary law  
18           enforcement officer or correctional officer; on or after October  
19           1, 1986, any person employed as a full-time, part-time, or  
20           auxiliary correctional probation officer; and on or after  
21           October 1, 1986, any person employed as a full-time, part-time,  
22           or auxiliary correctional officer by a private entity under  
23           contract to the Department of Corrections, to a county  
24           commission, or to the Department of Management Services shall:

25           (6) Have passed a physical examination by a licensed  
26           physician, physician assistant, or licensed advanced practice  
27           registered nurse, based on specifications established by the  
28           commission. In order to be eligible for the presumption set  
29           forth in s. 112.18 while employed with an employing agency, a

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30 law enforcement officer, correctional officer, or correctional  
31 probation officer must have successfully passed the physical  
32 examination required by this subsection upon entering into  
33 service as a law enforcement officer, correctional officer, or  
34 correctional probation officer with the employing agency, which  
35 examination must have failed to reveal any evidence of  
36 tuberculosis, heart disease, or hypertension. A law enforcement  
37 officer, correctional officer, or correctional probation officer  
38 may not use a physical examination from a former employing  
39 agency for purposes of claiming the presumption set forth in s.  
40 112.18 against the current employing agency. An employing agency  
41 shall maintain records of the physical examination required  
42 under this subsection for at least 5 years after the employee's  
43 separation from that agency. If an employing agency fails to  
44 maintain such records for the required period of time, it is  
45 presumed that the law enforcement officer, correctional officer,  
46 or correctional probation officer satisfied the requirement of  
47 this subsection of having passed a physical examination.

48 Section 2. This act shall take effect July 1, 2022.