

By Senator Bradley

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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 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.
943.10(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.
943.10(4).

(d) "Fire service provider" has the same meaning as in s.

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30 633.102(13).

31 (e) "Heart disease" means any organic, mechanical, or
32 functional abnormality of the heart or its structures or of the
33 coronary arteries.

34 (f) "Law enforcement officer" has the same meaning as in s.
35 943.10(1).

36 (g) "Medical specialist" means a physician licensed under
37 chapter 458 or chapter 459 who has a board certification in a
38 medical specialty inclusive of care and treatment of
39 tuberculosis, heart disease, or hypertension.

40 (h) "Prescribed course of treatment" means prescribed
41 medical courses of action and prescribed medicines for the
42 specific disease or diseases claimed, as documented by the
43 prescribing physician in the patient's medical records.

44 (2) (a) ~~(1) (a)~~ Any condition or impairment of health of any
45 Florida state, municipal, county, port authority, special tax
46 district, or fire control district firefighter or any law
47 enforcement officer, correctional officer, or correctional
48 probation officer as defined in s. 943.10(1), (2), or (3) caused
49 by tuberculosis, heart disease, or hypertension resulting in
50 total or partial disability or death shall be presumed to have
51 been accidental and to have been suffered in the line of duty
52 unless the contrary be shown by competent evidence. However, any
53 such firefighter, law enforcement officer, correctional officer,
54 or correctional probation officer must have successfully passed
55 a physical examination upon entering into any such service as a
56 firefighter, law enforcement officer, correctional officer, or
57 correctional probation officer, which examination failed to
58 reveal any evidence of any such condition. Such presumption does

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not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

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

2. If a firefighter underwent a preemployment physical examination, the employing fire service provider, ~~as defined in s. 633.102,~~ must maintain records of the physical 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 physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of paragraph (a).

(c) If a current law enforcement officer, correctional officer, or correctional probation officer did not undergo a preemployment physical examination upon entering service with his or her current employing agency, but such officer underwent a medical examination as required by s. 943.13(6) upon entering service with his or her former employing agency, the previously conducted medical examination conducted pursuant to s. 943.13(6) is deemed to satisfy the physical examination requirement under paragraph (a), if such examination was completed and failed to reveal any evidence of tuberculosis, heart disease, or

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88 hypertension.

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

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

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

115 ~~2. As used in this paragraph, "prescribed course of~~
116 ~~treatment" means prescribed medical courses of action and~~

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~~prescribed medicines for the specific disease or diseases
claimed and as documented in the prescribing physician's medical
records.~~

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

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

(3)(2) This section authorizes each governmental entity specified in subsection (2) ~~(1)~~ to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which includes ~~shall include~~ the presumption that any condition or impairment of health of any firefighter, law enforcement officer, or correctional officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

(4)(3)(a) Notwithstanding s. 440.13(2)(c), a firefighter,

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law enforcement officer, correctional officer, or correctional probation officer requiring medical treatment for a compensable presumptive condition listed in subsection (2) ~~(1)~~ may be treated by a medical specialist. Except in emergency situations, a firefighter, law enforcement officer, correctional officer, or correctional probation officer entitled to access a medical specialist under this subsection must provide written notice of his or her selection of a medical specialist to the firefighter's or officer's workers' compensation carrier, self-insured employer, or third-party administrator, and the carrier, self-insured employer, or third-party administrator must authorize the selected medical specialist or authorize an alternative medical specialist with the same or greater qualifications. Within 5 business days after receipt of the written notice, the workers' compensation carrier, self-insured employer, or third-party administrator must authorize treatment and schedule an appointment, which must be held within 30 days after receipt of the written notice, with the selected medical specialist or the alternative medical specialist. If the workers' compensation carrier, self-insured employer, or third-party administrator fails to authorize an alternative medical specialist within 5 business days after receipt of the written notice, the medical specialist selected by the firefighter or officer is authorized. The continuing care and treatment by a medical specialist must be reasonable, necessary, and related to tuberculosis, heart disease, or hypertension; be reimbursed at no more than 200 percent of the Medicare rate for a selected medical specialist; and be authorized by the firefighter's or officer's workers' compensation carrier, self-insured employer,

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or third-party administrator.

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

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

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

(6) Have passed a physical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission. In order to be eligible for the presumption set forth in s. 112.18 while employed with an employing agency, a law enforcement officer, correctional officer, or correctional probation officer must have successfully passed the physical examination required by this subsection upon entering into service as a law enforcement officer, correctional officer, or correctional probation officer with the employing agency, which examination must have failed to reveal any evidence of

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tuberculosis, heart disease, or hypertension. A law enforcement officer, correctional officer, or correctional probation officer may ~~not~~ use a physical examination from a former employing agency for purposes of claiming the presumption set forth in s. 112.18 against the current employing agency only if the current employing agency did not require the law enforcement officer, correctional officer, or correctional probation officer to undergo a physical examination as required by this subsection.

The employing agency must maintain records of the 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 physical examination for the 5-year period after the employee's separation, it is presumed that the employee has met the requirements of this subsection.

Section 3. This act shall take effect July 1, 2026.