

1 A bill to be entitled
2 An act relating to disability provisions for
3 firefighters and law enforcement and correctional
4 officers; amending s. 112.18, F.S.; providing and
5 revising definitions; providing that a previous
6 medical examination revealing no evidence of
7 tuberculosis, heart disease, or hypertension will
8 satisfy the preemployment physical examination
9 requirement; providing 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. Section 112.18, Florida Statutes, is amended to**
14 **read:**

15 112.18 Firefighters and law enforcement or correctional
16 officers; special provisions relative to disability.—

17 (1) As used in this section, the term:

18 (a) "Correctional officer" has the same meaning as in s.
19 943.10(2).

20 (b) "Correctional probation officer" has the same meaning
21 as in s. 943.10(3).

22 (c) "Fire service provider" has the same meaning as in s.
23 633.102.

24 (d) "Heart disease" means any organic, mechanical, or
25 functional abnormality of the heart, its structures, or the

26 coronary arteries.

27 (e) "Law enforcement officer" has the same meaning as in
28 s. 943.10(1).

29 (f) "Medical specialist" means a physician licensed under
30 chapter 458 or chapter 459 who has a board certification in a
31 medical specialty inclusive of care and treatment of
32 tuberculosis, heart disease, or hypertension.

33 (g) "Prescribed course of treatment" means prescribed
34 medical courses of action and prescribed medicines for the
35 specific disease or diseases claimed, as documented by the
36 prescribing physician in the patient's medical records.

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

51 reveal any evidence of any such condition. Such presumption does
52 not apply to benefits payable under or granted in a policy of
53 life insurance or disability insurance, unless the insurer and
54 insured have negotiated for such additional benefits to be
55 included in the policy contract.

56 (b)1. If a firefighter did not undergo a preemployment
57 physical examination, the medical examination required by s.
58 633.412(5) ~~is shall be~~ deemed to satisfy the physical
59 examination requirement under paragraph (a), if the medical
60 examination completed pursuant to s. 633.412(5) failed to reveal
61 any evidence of tuberculosis, heart disease, or hypertension.

62 2. If a law enforcement officer did not undergo a
63 preemployment physical examination, the medical examination
64 required by s. 943.13 is deemed to satisfy the physical
65 examination requirement under paragraph (a), if the medical
66 examination completed pursuant to s. 943.13 failed to reveal any
67 evidence of tuberculosis, heart disease, or hypertension.

68 3.2. If a firefighter underwent a preemployment physical
69 examination, the employing fire service provider, ~~as defined in~~
70 ~~s. 633.102,~~ must maintain records of the physical examination
71 for at least 5 years after the employee's separation from the
72 employing fire service provider. If the employing fire service
73 provider fails to maintain the records of the physical
74 examination for the 5-year period after the employee's
75 separation, it is presumed that the employee has met the

76 requirements of paragraph (a).

77 (c)1. For any workers' compensation claim filed under this
78 section and chapter 440 occurring on or after July 1, 2010, a
79 law enforcement officer, correctional officer, or correctional
80 probation officer ~~as defined in s. 943.10(1), (2), or (3)~~
81 suffering from tuberculosis, heart disease, or hypertension is
82 presumed not to have incurred such disease in the line of duty
83 as provided in this section if the law enforcement officer,
84 correctional officer, or correctional probation officer:

85 a. Departed in a material fashion from the prescribed
86 course of treatment of his or her personal physician and the
87 departure is demonstrated to have resulted in a significant
88 aggravation of the tuberculosis, heart disease, or hypertension
89 resulting in disability or increasing the disability or need for
90 medical treatment; or

91 b. Was previously compensated pursuant to this section and
92 chapter 440 for tuberculosis, heart disease, or hypertension and
93 thereafter sustains and reports a new compensable workers'
94 compensation claim under this section and chapter 440, and the
95 law enforcement officer, correctional officer, or correctional
96 probation officer has departed in a material fashion from the
97 prescribed course of treatment of an authorized physician for
98 the preexisting workers' compensation claim and the departure is
99 demonstrated to have resulted in a significant aggravation of
100 the tuberculosis, heart disease, or hypertension resulting in

101 disability or increasing the disability or need for medical
102 treatment.

103 ~~2. As used in this paragraph, "prescribed course of~~
104 ~~treatment" means prescribed medical courses of action and~~
105 ~~prescribed medicines for the specific disease or diseases~~
106 ~~claimed and as documented in the prescribing physician's medical~~
107 ~~records.~~

108 2.3. If there is a dispute as to the appropriateness of
109 the course of treatment prescribed by a physician under sub-
110 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
111 departure in a material fashion from the prescribed course of
112 treatment is demonstrated to have resulted in a significant
113 aggravation of the tuberculosis, heart disease, or hypertension
114 resulting in disability or increasing the disability or need for
115 medical treatment, the law enforcement officer, correctional
116 officer, or correctional probation officer is entitled to seek
117 an independent medical examination pursuant to s. 440.13(5).

118 3.4. A law enforcement officer, correctional officer, or
119 correctional probation officer is not entitled to the
120 presumption provided in this section unless a claim for benefits
121 is made before ~~prior to~~ or within 180 days after leaving the
122 employment of the employing agency.

123 (3)(2) This section authorizes each governmental entity
124 specified in subsection (2) ~~(1)~~ to negotiate policy contracts
125 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,
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

151 after receipt of the written notice, with the selected medical
152 specialist or the alternative medical specialist. If the
153 workers' compensation carrier, self-insured employer, or third-
154 party administrator fails to authorize an alternative medical
155 specialist within 5 business days after receipt of the written
156 notice, the medical specialist selected by the firefighter or
157 officer is authorized. The continuing care and treatment by a
158 medical specialist must be reasonable, necessary, and related to
159 tuberculosis, heart disease, or hypertension; be reimbursed at
160 no more than 200 percent of the Medicare rate for a selected
161 medical specialist; and be authorized by the firefighter's or
162 officer's workers' compensation carrier, self-insured employer,
163 or third-party administrator.

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

169 **Section 2.** This act shall take effect July 1, 2026.