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FL-Other
HB 829

Florida House of Representatives - 1986

By Representatives Hazouri, Simon, Shelley

1 A bill to be entitled
2 An act relating to firefighters/paramedics;
3 creating s. 112.185, F.S., providing that death
4 or disability due to communicable diseases or
5 cancer suffered by a firefighter/paramedic
6 shall be presumed to have been accidental and
7 suffered in the line of duty, unless competent
8 evidence to the contrary be shown; providing
9 that prior physical examination failed to
10 reveal such disease; authorizing purchase of
11 insurance by local governments; providing an
12 effective date.

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single page in compliance with the Rules and for the information
of members of the Legislature and the public.

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14 WHEREAS, U.S. Department of Labor statistics show
15 firefighting to be the nation's most dangerous occupation,
16 with an on-the-job death rate more than twice that of law
17 enforcement officers and nearly five times greater than the
18 average for all industries, and

19 WHEREAS, firefighters/paramedics are trained to risk
20 their lives or bodily injury in order to protect the lives and
21 property of the public, and

22 WHEREAS, firefighters/paramedics are exposed by reason
23 of their employment to members of the public who may suffer
24 communicable diseases at the time they are being rescued,
25 thereby endangering firefighters/paramedics to the risk of
26 contracting such disease to a greater degree, and

27 WHEREAS, firefighters/paramedics may be unaware that
28 persons being rescued may suffer from a communicable disease
29 or firefighters/paramedics may be required to perform rescue
30 duties without regard to the risk of communicable disease, and

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1 WHEREAS, firefighters/paramedics are exposed by reason 1.20
 2 of their employment to smoke, fumes, and burning substances of 1.22
 3 a toxic, carcinogenic, or poisonous nature and are required by
 4 their employment to enter uncontrolled environments in the 1.23
 5 performance of their duties, unaware and without regard to
 6 such potentially harmful exposures, and 1.24
 7 WHEREAS, the development of cancer may be slow and 1.25
 8 cancer may not be manifested until many years after exposure 1.26
 9 to the cancer-producing agent, and
 10 WHEREAS, it is only fair and proper that 1.27
 11 firefighters/paramedics be compensated for death or disability 1.28
 12 due to exposure to communicable diseases or cancer-producing 1.29
 13 substances, NOW, THEREFORE,
 14
 15 Be It Enacted by the Legislature of the State of Florida: 1.30
 16
 17 Section 1. Section 112.185, Florida Statutes, is 1.31
 18 created to read:
 19 112.185 Firefighters/paramedics; special provisions 1.32
 20 relative to communicable disease or cancer.-- 1.33
 21 (1) Any condition or impairment of health of any 1.34
 22 Florida municipal, county, port authority, special tax
 23 district, or fire control district firefighter/paramedic 1.35
 24 caused by a communicable disease or cancer resulting in total 1.36
 25 or partial disability or death shall be presumed to have been 1.37
 26 accidental and to have been suffered in the line of duty, 1.38
 27 unless the contrary be shown by competent evidence. However, 1.39
 28 any such firefighter/paramedic shall have successfully passed
 29 a physical examination upon entering into any such service as 1.41
 30 a firefighter/paramedic, which examination failed to reveal
 31 any evidence of any such condition. Such presumption shall 1.44

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1 not apply to benefits payable under or granted in a policy of
 2 life insurance or disability insurance, unless the insurer and 1.45
 3 insured have negotiated for such additional benefits to be 1.46
 4 included in the policy contract.
 5 (2) This section shall be construed to authorize the 1:1us
 6 governmental entities set forth in subsection (1) to negotiate 1.50
 7 policy contracts for life and disability insurance to include
 8 accidental death benefits or double indemnity coverage which 1.51
 9 shall include the presumption that any condition or impairment
 10 of health of any firefighter/paramedic caused by a 1.52
 11 communicable disease or cancer resulting in total or partial 1.53
 12 disability or death was accidental and suffered in the line of 1.54
 13 duty, unless the contrary be shown by competent evidence.
 14 (3) Firefighters/paramedics employed on the effective 1:1us
 15 date of this section are not required to meet the provisions 1.57
 16 of subsection (1) as to a physical examination upon entering
 17 into service as a firefighter/paramedic. However, the 1.59
 18 furnishing of a physical examination by the employing agency
 19 at any time prior to the death or disability of a 1.60
 20 firefighter/paramedic, which failed to reveal any evidence of
 21 such disease, shall also meet the provisions of subsection (1) 1.62
 22 as to a physical examination.
 23 (4) The employing agency shall maintain a record of 1:1us
 24 any reported exposure of a firefighter/paramedic to a 1.64
 25 communicable disease or to a known carcinogen as defined by
 26 the International Agency for Research on Cancer and shall 1.66
 27 notify the firefighter/paramedic of such exposure within 48
 28 hours thereafter.
 29 Section 2. This act shall take effect upon becoming a 1.67
 30 law.
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1	*****	1:hbs
2	HOUSE SUMMARY	1:hbs
3	Provides that death or disability due to communicable	1.70
4	disease or cancer suffered by a firefighter/paramedic	1.71
5	shall be presumed to have been accidental and suffered in	1.72
6	the line of duty, unless competent evidence to the	1.74
7	contrary be shown. Provides, as a condition, that a	1.75
8	physical examination prior to employment shall have	1.77
9	failed to reveal communicable disease or cancer.	
10	Provides for the applicability of benefits. Provides for	
11	grandfathering of firefighters/paramedics employed on the	
12	effective date of the act.	
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