

CHAPTER 2022-114

Committee Substitute for House Bill No. 453

An act relating to officer and firefighter physical examination requirements and records; amending s. 112.18, F.S.; authorizing the use of a specified physical examination for a presumption; requiring a fire service provider to maintain records of employee physical examinations for a specified period; creating a presumption if records are destroyed before such period has elapsed; amending s. 943.13, F.S.; requiring an employing agency to maintain records of employee physical examinations for a specified period; creating a presumption if records are destroyed before such period has elapsed; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 112.18, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of that subsection is amended, and a new paragraph (b) is added to that subsection to read:

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

(1)(a) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter, ~~or law enforcement officer, correctional officer, or correctional probation officer~~ must have successfully passed a physical examination upon entering into any such service as a firefighter, ~~or law enforcement officer, correctional officer, or correctional probation officer~~, which examination failed to reveal any evidence of any such condition. Such presumption does 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 pre-employment physical examination, the medical examination required by s. 633.412(5) 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 pre-employment 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).

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, to a county commission, or to the Department of Management Services shall:

(6)(a) 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 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.

(b) 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 paragraph (a).

Section 3. This act shall take effect July 1, 2022.

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.