

1                                   A bill to be entitled  
 2           An act relating to communicable and infectious  
 3           diseases; amending s. 112.181, F.S.; revising and  
 4           providing definitions; providing a presumption to  
 5           specified workers that an impairment of health caused  
 6           by COVID-19 or an infectious disease happened in the  
 7           line of duty; requiring certain actions in order to be  
 8           entitled to the presumption; providing that an  
 9           emergency rescue or public safety worker may be  
 10          required to receive certain vaccines or immunizations;  
 11          providing an exception; requiring emergency rescue or  
 12          public safety workers to file an incident or accident  
 13          report under certain conditions; providing  
 14          applicability; providing an effective date.

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

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 18           Section 1.   Section 112.181, Florida Statutes, is amended  
 19   to read:

20           112.181   Firefighters, paramedics, emergency medical  
 21   technicians, law enforcement officers, correctional officers;  
 22   special provisions relative to certain communicable and  
 23   infectious diseases.—

24           (1)   DEFINITIONS.—As used in this section, the term:

25           (a)   "Body fluids" means blood and body fluids containing

26 | visible blood and other body fluids to which universal  
27 | precautions for prevention of occupational transmission of  
28 | blood-borne pathogens, as established by the Centers for Disease  
29 | Control and Prevention, apply. For purposes of potential  
30 | transmission of COVID-19, meningococcal meningitis, or  
31 | tuberculosis, the term "body fluids" includes respiratory,  
32 | salivary, and sinus fluids, including droplets, sputum, and  
33 | saliva, mucous, and other fluids through which infectious  
34 | airborne organisms can be transmitted between persons.

35 | (b) "COVID-19" has the same meaning as in s. 768.381(1).

36 | (c)~~(b)~~ "Emergency rescue or public safety worker" means  
37 | any person employed full time by the state or any political  
38 | subdivision of the state as a firefighter, paramedic, emergency  
39 | medical technician, law enforcement officer, or correctional  
40 | officer who, in the course of employment, runs a high risk of  
41 | occupational exposure to hepatitis, meningococcal meningitis, ~~or~~  
42 | tuberculosis, COVID-19, or an infectious disease and who is not  
43 | employed elsewhere in a similar capacity. However, the term  
44 | "emergency rescue or public safety worker" does not include any  
45 | person employed by a public hospital licensed under chapter 395  
46 | or any person employed by a subsidiary thereof.

47 | (d)~~(e)~~ "Hepatitis" means hepatitis A, hepatitis B,  
48 | hepatitis non-A, hepatitis non-B, hepatitis C, or any other  
49 | strain of hepatitis generally recognized by the medical  
50 | community.

51            ~~(e)-(d)~~ "High risk of occupational exposure" means that  
 52 risk that is incurred because a person subject to ~~the provisions~~  
 53 ~~of~~ this section, in performing the basic duties associated with  
 54 his or her employment:

55            1. Provides emergency medical treatment in a non-health-  
 56 care setting where there is a potential for transfer of body  
 57 fluids between persons;

58            2. At the site of an accident, fire, or other rescue or  
 59 public safety operation, or in an emergency rescue or public  
 60 safety vehicle, handles body fluids in or out of containers or  
 61 works with or otherwise handles needles or other sharp  
 62 instruments exposed to body fluids;

63            3. Engages in the pursuit, apprehension, and arrest of law  
 64 violators or suspected law violators and, in performing such  
 65 duties, may be exposed to body fluids; or

66            4. Is responsible for the custody, and physical restraint  
 67 when necessary, of prisoners or inmates within a prison, jail,  
 68 or other criminal detention facility, while on work detail  
 69 outside the facility, or while being transported and, in  
 70 performing such duties, may be exposed to body fluids.

71            (f) "Infectious disease" means any condition or impairment  
 72 of health caused by a disease that has been declared a public  
 73 health emergency in accordance with s. 381.00315.

74            ~~(g)-(e)~~ "Occupational exposure," in the case of hepatitis,  
 75 meningococcal meningitis, ~~or~~ tuberculosis, COVID-19, or an

76 | infectious disease, means an exposure that occurs during the  
 77 | performance of job duties that may place a worker at risk of  
 78 | infection.

79 | (2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency  
 80 | rescue or public safety worker who suffers a condition or  
 81 | impairment of health that is caused by hepatitis, meningococcal  
 82 | meningitis, ~~or~~ tuberculosis, COVID-19, or an infectious disease,  
 83 | that requires medical treatment, and that results in total or  
 84 | partial disability or death is ~~shall be~~ presumed to have a  
 85 | disability suffered in the line of duty, unless the contrary is  
 86 | shown by competent evidence; however, in order to be entitled to  
 87 | the presumption, the emergency rescue or public safety worker  
 88 | must, by written affidavit as provided in s. 92.50, verify by  
 89 | written declaration that, to the best of his or her knowledge  
 90 | and belief:

91 | (a) In the case of a medical condition caused by or  
 92 | derived from hepatitis, he or she has not:

93 | 1. Been exposed, through transfer of bodily fluids, to any  
 94 | person known to have sickness or medical conditions derived from  
 95 | hepatitis, outside the scope of his or her employment;

96 | 2. Had a transfusion of blood or blood components, other  
 97 | than a transfusion arising out of an accident or injury  
 98 | happening in connection with his or her present employment, or  
 99 | received any blood products for the treatment of a coagulation  
 100 | disorder since last undergoing medical tests for hepatitis,

101 which tests failed to indicate the presence of hepatitis;

102 3. Engaged in unsafe sexual practices or other high-risk  
103 behavior, as identified by the Centers for Disease Control and  
104 Prevention or the Surgeon General of the United States, or had  
105 sexual relations with a person known ~~to him or her~~ to have  
106 engaged in such unsafe sexual practices or other high-risk  
107 behavior; or

108 4. Used intravenous drugs not prescribed by a physician.

109 (b) In the case of meningococcal meningitis, in the 10  
110 days immediately preceding diagnosis he or she was not exposed,  
111 outside the scope of his or her employment, to any person known  
112 to have meningococcal meningitis or known to be an asymptomatic  
113 carrier of the disease.

114 (c) In the case of tuberculosis, in the period of time  
115 since the worker's last negative tuberculosis skin test, he or  
116 she has not been exposed, outside the scope of his or her  
117 employment, to any person known ~~by him or her~~ to have  
118 tuberculosis.

119 (d) In the case of COVID-19, in the 14 days immediately  
120 preceding diagnosis he or she was not exposed, outside the scope  
121 of his or her employment, to any person known to have COVID-19.

122 (e) In the case of an infectious disease, he or she  
123 contracted the infectious disease during a public health  
124 emergency declared in accordance with s. 381.00315 and was not  
125 exposed, outside of the scope of his or her employment, to any

126 person known to have the infectious disease.

127 (3) IMMUNIZATION.—Whenever any standard, medically  
128 recognized vaccine, or other form of immunization or prophylaxis  
129 exists for the prevention of a communicable or infectious  
130 disease for which a presumption is granted under this section,  
131 if medically indicated in the given circumstances under the  
132 ~~pursuant to~~ immunization policies established by the Advisory  
133 Committee on Immunization Practices of the United States Public  
134 Health Service and if the vaccine, immunization, or prophylaxis  
135 has been approved by the United States Food and Drug  
136 Administration, an emergency rescue or public safety worker may  
137 be required by his or her employer to receive the vaccine or  
138 undergo the immunization or prophylaxis unless the worker's  
139 physician determines in writing that the vaccine, immunization,  
140 or other prophylaxis would pose a significant risk to the  
141 worker's health. Absent such written declaration, failure or  
142 refusal by an emergency rescue or public safety worker to  
143 receive the vaccine or undergo such immunization or prophylaxis  
144 disqualifies the worker from the benefits of the presumption.

145 (4) LIFE AND DISABILITY INSURANCE COVERAGE.—This section  
146 does not apply to benefits payable under or granted in a  
147 noncompulsory policy of life insurance or disability insurance,  
148 unless the insurer and insured have negotiated for such  
149 additional benefits to be included in the policy contract.  
150 However, the state or any political subdivision of the state may

151 negotiate a policy contract for life and disability insurance  
152 which includes accidental death benefits or double indemnity  
153 coverage for any condition or impairment of health suffered by  
154 an emergency rescue or public safety worker, which condition or  
155 impairment is caused by a disease described in this section and  
156 results in total or partial disability or death.

157 (5) RECORD OF EXPOSURES.—The employing agency shall  
158 maintain a record of any known or reasonably suspected exposure  
159 of an emergency rescue or public safety worker in its employ to  
160 the diseases described in this section and shall immediately  
161 notify the employee of such exposure. An emergency rescue or  
162 public safety worker shall file an incident or accident report  
163 with his or her employer of each instance of known or suspected  
164 occupational exposure to hepatitis infection, meningococcal  
165 meningitis, ~~or~~ tuberculosis, COVID-19, or an infectious disease.

166 (6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In  
167 order to be entitled to the presumption provided by this  
168 section:

169 (a) An emergency rescue or public safety worker must,  
170 prior to diagnosis, have undergone standard, medically  
171 acceptable tests for evidence of the communicable disease for  
172 which the presumption is sought, or evidence of medical  
173 conditions derived therefrom, which tests fail to indicate the  
174 presence of infection. This paragraph does not apply in the case  
175 of meningococcal meningitis, COVID-19, or an infectious disease.

176 (b) On or after June 15, 1995, an emergency rescue or  
177 public safety worker may be required to undergo a preemployment  
178 physical examination that tests for and fails to reveal any  
179 evidence of hepatitis or tuberculosis.

180 (7) DISABILITY RETIREMENT.—This section does not change  
181 the basic requirements for determining eligibility for  
182 disability retirement benefits under the Florida Retirement  
183 System or any pension plan administered by this state or any  
184 political subdivision thereof, except to the extent of affecting  
185 the determination as to whether a member was disabled in the  
186 line of duty or was otherwise disabled.

187 Section 2. This act shall take effect upon becoming a law.