

By Representative Ogles

1                                   A bill to be entitled  
2           An act relating to workers' compensation;  
3           amending s. 440.15, F.S.; prohibiting  
4           compensation for disability to prisoners under  
5           the Workers' Compensation Law during periods of  
6           confinement in a public institution; reenacting  
7           s. 39.05845(3), F.S., relating to juvenile work  
8           programs to incorporate said amendment in a  
9           reference; providing an effective date.

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

Section 1. Subsection (9) of section 440.15, Florida Statutes, 1996 Supplement, is amended to read:

440.15 Compensation for disability.--Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE BECOMES CONVICT HELD IN A PUBLIC INMATE ~~OF~~ INSTITUTION.--

(a) Notwithstanding any provision to the contrary, in case an employee becomes a convict held in an inmate of a public institution, then no compensation shall be payable for any week following conviction during which the employee is confined as an inmate in the public institution unless he has ~~dependent upon him for support a person or persons defined as dependents elsewhere in this chapter, whose dependency shall be determined as if the employee were deceased and to whom compensation would be paid in case of death; and such compensation as is due such employee shall be paid such dependents during the time he remains such inmate.~~

1       (b) After the employee's release from confinement, the  
2 employee shall be restored to the same position with respect  
3 to entitlement to compensation for disability as the employee  
4 would have otherwise enjoyed at the point in time of release  
5 from confinement. However, except as provided in paragraph  
6 (c), the employee shall not be able to recover, recoup, or  
7 otherwise be retroactively entitled to any compensation for  
8 disability to which the employee would have been entitled  
9 without the limitation specified in paragraph (a).

10       (c) If, upon appeal, the conviction is overturned, the  
11 employee shall be entitled to recover the compensation for  
12 disability to which the employee would have been entitled  
13 except for the operation of paragraph (a).

14       Section 2. For the purposes of incorporating the  
15 amendment to section 440.15(9), Florida Statutes, 1996  
16 Supplement, in a reference thereto, subsection (3) of section  
17 39.05845, Florida Statutes, 1996 Supplement, is reenacted to  
18 read:

19       39.05845 Juvenile work programs.--

20       (3) Notwithstanding any other law to the contrary,  
21 including s. 440.15(9), private sector employers shall provide  
22 juveniles participating in juvenile work programs under  
23 subsection (2) with workers' compensation coverage, and  
24 juveniles shall be entitled to the benefits of such coverage.  
25 Nothing in this subsection shall be construed to allow  
26 juveniles to participate in unemployment compensation  
27 benefits.

28       Section 3. This act shall take effect upon becoming a  
29 law.

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HOUSE SUMMARY

Prohibits compensation for disability to employees who become convicts held in a public institution under the Workers' Compensation Law during periods of confinement in the public institution.