

1 A bill to be entitled
2 An act relating to workers' compensation;
3 amending s. 440.092, F.S.; characterizing
4 certain activities of certain officers as
5 arising out of and in the course of employment
6 for compensability purposes; providing a
7 declaration of important state interest;
8 providing an effective date.

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

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12 Section 1. Subsection (2) of section 440.092, Florida
13 Statutes, is amended to read:

14 440.092 Special requirements for compensability;
15 deviation from employment; subsequent intervening accidents.--

16 (2) GOING OR COMING.--An injury suffered while going
17 to or coming from work is not an injury arising out of and in
18 the course of employment whether or not the employer provided
19 transportation if such means of transportation was available
20 for the exclusive personal use by the employee, unless the
21 employee was engaged in a special errand or mission for the
22 employer. For the purposes of this subsection and not
23 withstanding any other provisions of law to the contrary, an
24 injury to a law enforcement officer as defined in Section
25 943.10(1), Florida Statutes, during the officer's work period
26 or while going to or coming from work in an official law
27 enforcement vehicle, shall be presumed to be an injury arising
28 out of and in the course of employment unless the injury
29 occurred during a distinct deviation for a non-essential
30 personal errand. If, however, the employer's policy or the
31 collective bargaining agreement that applies to the officer

1 permits such deviations for non-essential errands, the injury
2 shall be presumed to arise out of and in the course of
3 employment.

4 Section 2. It is hereby declared by the Legislature
5 that law enforcement officers perform state and municipal
6 functions, that it is their duty to protect life and property
7 at their own risk and peril, and that their activities are
8 vital to the public safety. Therefore, the Legislature
9 declares that it is a proper and legitimate state purpose to
10 provide workers' compensation coverage to law enforcement
11 officers during work periods and while going to and coming
12 from work in an official law enforcement vehicle. Pursuant to
13 Section 18, Article VII of the State Constitution, the
14 Legislature hereby determines and declares that the provisions
15 of this act fulfill an important state interest.

16 Section 3. This act shall take effect upon becoming a
17 law.