

By Senator Smith

5-108-02

1                                   A bill to be entitled  
2           An act relating to workers' compensation;  
3           amending s. 440.091, F.S.; specifying  
4           circumstances under which state-certified  
5           firefighters are considered to be acting within  
6           the scope of their employment so as to qualify  
7           for workers' compensation benefits; providing  
8           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.   Section 440.091, Florida Statutes, is  
13   amended to read:

14           440.091   Law enforcement officer or certified  
15   firefighter; when acting within the course of employment.--If  
16   an employee:

17           (1)   Is elected, appointed, or employed full time by a  
18   municipality, the state, or any political subdivision and:

19           (a)   Is a firefighter certified under chapter 633, or

20           (b)   Is vested with authority to bear arms and make  
21   arrests and the employee's primary responsibility is the  
22   prevention or detection of crime or the enforcement of the  
23   penal, criminal, traffic, or highway laws of the state;

24           (2)   Was engaged in firefighting within this state or  
25   was discharging that primary responsibility within the state  
26   in a place and under circumstances reasonably consistent with  
27   that primary responsibility; and

28           (3)   Was not engaged in services for which he or she  
29   was paid by a private employer, and the employee and his or  
30   her public employer had no agreement providing for workers'  
31   compensation coverage for that private employment;

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2 the employee is considered ~~shall be deemed~~ to have been acting  
3 within the course of employment. The term "employee" as used  
4 in this section includes all certified supervisory and command  
5 personnel whose duties include, in whole or in part,  
6 responsibilities for the supervision, training, guidance, and  
7 management of full-time law enforcement officers, part-time  
8 law enforcement officers, ~~or~~ auxiliary law enforcement  
9 officers, or certified firefighters but does not include  
10 support personnel employed by the employing agency.

11 Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Amends s. 440.091, F.S., to specify for circumstances under which certain firefighters, as well as certain law enforcement officers, are acting within the course of their employment and, therefore, qualify for workers' compensation benefits.