

By the Committees on Appropriations; Banking and Insurance;
and Senator Smith

309-1873-02

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 firefighters,
5 emergency medical technicians, and paramedics
6 are considered to be acting within the scope of
7 their employment so as to qualify for workers'
8 compensation benefits; providing a declaration
9 of important state interest; providing an
10 effective date.

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

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14 Section 1. Section 440.091, Florida Statutes, is
15 amended to read:

16 440.091 Law enforcement officer, firefighter,
17 emergency medical technician, or paramedic; when acting within
18 the course of employment.--

19 (1) If an employee:

20 (a)~~(1)~~ Is elected, appointed, or employed full time by
21 a municipality, the state, or any political subdivision and is
22 vested with authority to bear arms and make arrests and the
23 employee's primary responsibility is the prevention or
24 detection of crime or the enforcement of the penal, criminal,
25 traffic, or highway laws of the state;

26 (b)~~(2)~~ Was discharging that primary responsibility
27 within the state in a place and under circumstances reasonably
28 consistent with that primary responsibility; and

29 (c)~~(3)~~ Was not engaged in services for which he or she
30 was paid by a private employer, and the employee and his or
31

1 her public employer had no agreement providing for workers'
2 compensation coverage for that private employment;

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

13 (2) If a firefighter as defined by s. 112.191(1)(b) is
14 engaged in extinguishing a fire, or protecting and saving life
15 or property due to a fire in this state in an emergency, and
16 such activities would be considered to be within the course of
17 his or her employment as a firefighter and covered by the
18 employer's workers' compensation coverage except for the fact
19 that the firefighter was off duty or that the location of the
20 fire was outside the employer's jurisdiction or area of
21 responsibility, such activities are considered to be within
22 the course of employment. This subsection does not apply if
23 the firefighter is performing activities for which he or she
24 is paid by another employer or contractor.

25 (3) If an emergency medical technician or paramedic
26 certified under chapter 401 is providing basic life support or
27 advanced life support services, as defined in s. 401.23, in an
28 emergency situation in this state, and such activities would
29 be considered to be within the course of his or her employment
30 as an emergency medical technician or paramedic and covered by
31 the employer's workers' compensation coverage except for the

1 fact that the location of the emergency was outside of the
2 employer's jurisdiction or area of responsibility, such
3 activities are considered to be within the course of
4 employment. The provisions of this subsection do not apply if
5 the emergency medical technician or paramedic is performing
6 activities for which he or she is paid by another employer or
7 contractor.

8 Section 2. It is declared by the Legislature that
9 firefighters perform state and municipal functions, that it is
10 their duty to protect life and property at their own risk and
11 peril, and that their activities are vital to the public
12 safety. Therefore, the Legislature declares that it fulfills
13 an important state interest to provide workers' compensation
14 coverage to firefighters while engaged in extinguishing a
15 fire, or protecting and saving life or property due to a fire
16 in this state while off duty or engaging in such activities at
17 a fire located outside the employer's jurisdiction or area of
18 responsibility. Pursuant to Section 18, Article VII of the
19 State Constitution, the Legislature determines and declares
20 that the provisions of this act fulfill an important state
21 interest.

22 Section 3. This act shall take effect July 1, 2002.

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS/Senate Bill 108

27 The committee substitute for the committee substitute expands
28 the type of employee covered by workers' compensation in the
29 event of an emergency within the state but outside the
30 employer's jurisdiction, to include not only firefighters, but
31 medical technicians, and paramedics.