

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.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
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;

3
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 is
26 appointed or employed full time by a municipality, the state,
27 or any political subdivision, is certified under chapter 401,
28 is providing basic life support or advanced life support
29 services, as defined in s. 401.23, in an emergency situation
30 in this state, and such activities would be considered to be
31 within the course of his or her employment as an emergency

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

9 Section 2. It is declared by the Legislature that
10 firefighters perform state and municipal functions, that it is
11 their duty to protect life and property at their own risk and
12 peril, and that their activities are vital to the public
13 safety. Therefore, the Legislature declares that it fulfills
14 an important state interest to provide workers' compensation
15 coverage to firefighters while engaged in extinguishing a
16 fire, or protecting and saving life or property due to a fire
17 in this state while off duty or engaging in such activities at
18 a fire located outside the employer's jurisdiction or area of
19 responsibility. It is further declared by the Legislature that
20 emergency medical technicians and paramedics perform municipal
21 and state functions, that it is their duty to protect and
22 preserve life at their own risk and peril, and that their
23 activities are vital to the public health, safety, and
24 welfare. Therefore, the Legislature declares that it fulfills
25 an important state interest to provide workers' compensation
26 coverage to emergency medical technicians and paramedics while
27 engaged in basic life support and advanced life support
28 services due to an emergency in this state that is outside of
29 their employer's jurisdiction or area of responsibility.

30 Pursuant to Section 18, Article VII of the State Constitution,
31

1 the Legislature determines and declares that the provisions of
2 this act fulfill an important state interest.

3 Section 3. This act shall take effect July 1, 2002.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31