

By Representative Pickens

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

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

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

15 440.091 Law enforcement officer or firefighter; when
16 acting within the course of employment.--

17 (1) If an employee:

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

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

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

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

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

22 Section 2. It is declared by the Legislature that
23 firefighters perform state and municipal functions, that it is
24 their duty to protect life and property at their own risk and
25 peril, and that their activities are vital to the public
26 safety. Therefore, the Legislature declares that it fulfills
27 an important state interest to provide workers' compensation
28 coverage to firefighters while engaged in extinguishing a
29 fire, or protecting and saving life or property due to a fire
30 in this state while off duty or engaging in such activities at
31 a fire located outside the employer's jurisdiction or area of

1 responsibility. Pursuant to Section 18, Article VII of the
2 State Constitution, the Legislature determines and declares
3 that the provisions of this act fulfill an important state
4 interest.

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

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HOUSE SUMMARY

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10 Specifies circumstances under which state certified
11 firefighters, in addition to law enforcement officers,
12 are acting within the course of their employment and,
13 therefore, qualify for workers' compensation benefits.

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