

By Senator Posey

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A bill to be entitled
An act relating to law enforcement officers;
transferring and amending ss. 440.091, 440.092,
440.15, F.S.; consolidating various provisions
relating to when an officer is acting within
the course of employment into a single section;
providing an effective date.

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

Section 1. Section 440.091, Florida Statutes, is transferred, renumbered as section 112.183, Florida Statutes, and amended to read:

112.183 ~~440.091~~ Law enforcement officer; when acting within the course of employment.--

(1) If an employee:

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

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

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

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

10 (2) For the purposes of this section and
11 notwithstanding any other provisions of law to the contrary,
12 an injury to a law enforcement officer as defined in s.
13 943.10(1), during the officer's work period or while going to
14 or coming from work in an official law enforcement vehicle,
15 shall be presumed to be an injury arising out of and in the
16 course of employment unless the injury occurred during a
17 distinct deviation for a nonessential personal errand. If,
18 however, the employer's policy or the collective bargaining
19 agreement that applies to the officer permits such deviations
20 for nonessential errands, the injury shall be presumed to
21 arise out of and in the course of employment. Any law
22 enforcement officer as defined in s. 943.10(1), (2), or (3)
23 who, while acting within the course of employment as provided
24 by this section, is maliciously or intentionally injured and
25 who thereby sustains a job-connected disability compensable
26 under chapter 440 shall be carried in full-pay status rather
27 than being required to use sick, annual, or other leave.
28 Full-pay status shall be granted only after submission to the
29 employing agency's head of a medical report that gives a
30 current diagnosis of the employee's recovery and ability to
31 return to work. In no case shall the employee's salary and

1 workers' compensation benefits exceed the amount of the
2 employee's regular salary requirements.

3 Section 2. Subsection (2) of section 440.092, Florida
4 Statutes, is amended to read:

5 440.092 Special requirements for compensability;
6 deviation from employment; subsequent intervening accidents.--

7 (2) GOING OR COMING.--An injury suffered while going
8 to or coming from work is not an injury arising out of and in
9 the course of employment whether or not the employer provided
10 transportation if such means of transportation was available
11 for the exclusive personal use by the employee, unless the
12 employee was engaged in a special errand or mission for the
13 employer. ~~For the purposes of this subsection and not~~
14 ~~withstanding any other provisions of law to the contrary, an~~
15 ~~injury to a law enforcement officer as defined in s.~~
16 ~~943.10(1), during the officer's work period or while going to~~
17 ~~or coming from work in an official law enforcement vehicle,~~
18 ~~shall be presumed to be an injury arising out of and in the~~
19 ~~course of employment unless the injury occurred during a~~
20 ~~distinct deviation for a nonessential personal errand. If,~~
21 ~~however, the employer's policy or the collective bargaining~~
22 ~~agreement that applies to the officer permits such deviations~~
23 ~~for nonessential errands, the injury shall be presumed to~~
24 ~~arise out of and in the course of employment.~~

25 Section 3. Subsection (12) of section 440.15, Florida
26 Statutes, is repealed.

27 Section 4. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Consolidates provisions from various sections of the Florida Statutes that relate to when a law enforcement officer is acting within the course of employment into a single section.