

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Goodlette offered the following:

Amendment (with title amendment)

Between line(s) 5607 & 5608, insert:

Section 46. Paragraph (h) of subsection (2) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.--

(2)

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of

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28 the calendar year in which the child reaches the age of 25 if
29 the child continues to be dependent for support, or the child is
30 a full-time or part-time student and is dependent for support.
31 The term "health insurance plan" does not include supplemental
32 benefits that are not part of the basic group health insurance
33 plan. If the injured employee subsequently dies, the employer
34 shall continue to pay the entire health insurance premium for
35 the surviving spouse until remarried, and for the dependent
36 children, under the conditions outlined in this paragraph.

37 However:

38 a. Health insurance benefits payable from any other source
39 shall reduce benefits payable under this section.

40 b. It is unlawful for a person to willfully and knowingly
41 make, or cause to be made, or to assist, conspire with, or urge
42 another to make, or cause to be made, any false, fraudulent, or
43 misleading oral or written statement to obtain health insurance
44 coverage as provided under this paragraph. A person who violates
45 this sub-subparagraph commits a misdemeanor of the first degree,
46 punishable as provided in s. 775.082 or s. 775.083.

47 c. In addition to any applicable criminal penalty, upon
48 conviction for a violation as described in sub-subparagraph b.,
49 a law enforcement, correctional, or correctional probation
50 officer or other beneficiary who receives or seeks to receive
51 health insurance benefits under this paragraph shall forfeit the
52 right to receive such health insurance benefits, and shall
53 reimburse the employer for all benefits paid due to the fraud or
54 other prohibited activity. For purposes of this sub-
55 subparagraph, "conviction" means a determination of guilt that

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56 is the result of a plea or trial, regardless of whether
57 adjudication is withheld.

58 2. In order for the officer, spouse, and dependent
59 children to be eligible for such insurance coverage, the injury
60 must have occurred as the result of the officer's response to
61 fresh pursuit, the officer's response to what is reasonably
62 believed to be an emergency, or an unlawful act perpetrated by
63 another. Except as otherwise provided herein, nothing in this
64 paragraph shall be construed to limit health insurance coverage
65 for which the officer, spouse, or dependent children may
66 otherwise be eligible, except that a person who qualifies under
67 this section shall not be eligible for the health insurance
68 subsidy provided under chapter 121, chapter 175, or chapter 185.

69 Section 47. Paragraph (g) of subsection (2) of section
70 112.191, Florida Statutes, is amended to read:

71 112.191 Firefighters; death benefits.--

72 (2)

73 (g)1. Any employer who employs a full-time firefighter
74 who, on or after January 1, 1995, suffers a catastrophic injury,
75 as defined in s. 440.02, Florida Statutes 2002, in the line of
76 duty shall pay the entire premium of the employer's health
77 insurance plan for the injured employee, the injured employee's
78 spouse, and for each dependent child of the injured employee
79 until the child reaches the age of majority or until the end of
80 the calendar year in which the child reaches the age of 25 if
81 the child continues to be dependent for support, or the child is
82 a full-time or part-time student and is dependent for support.
83 The term "health insurance plan" does not include supplemental
84 benefits that are not part of the basic group health insurance

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85 plan. If the injured employee subsequently dies, the employer
86 shall continue to pay the entire health insurance premium for
87 the surviving spouse until remarried, and for the dependent
88 children, under the conditions outlined in this paragraph.

89 However:

90 a. Health insurance benefits payable from any other source
91 shall reduce benefits payable under this section.

92 b. It is unlawful for a person to willfully and knowingly
93 make, or cause to be made, or to assist, conspire with, or urge
94 another to make, or cause to be made, any false, fraudulent, or
95 misleading oral or written statement to obtain health insurance
96 coverage as provided under this paragraph. A person who violates
97 this sub-subparagraph commits a misdemeanor of the first degree,
98 punishable as provided in s. 775.082 or s. 775.083.

99 c. In addition to any applicable criminal penalty, upon
100 conviction for a violation as described in sub-subparagraph b.,
101 a firefighter or other beneficiary who receives or seeks to
102 receive health insurance benefits under this paragraph shall
103 forfeit the right to receive such health insurance benefits, and
104 shall reimburse the employer for all benefits paid due to the
105 fraud or other prohibited activity. For purposes of this sub-
106 subparagraph, "conviction" means a determination of guilt that
107 is the result of a plea or trial, regardless of whether
108 adjudication is withheld.

109 2. In order for the firefighter, spouse, and dependent
110 children to be eligible for such insurance coverage, the injury
111 must have occurred as the result of the firefighter's response
112 to what is reasonably believed to be an emergency involving the
113 protection of life or property, or an unlawful act perpetrated

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114 by another. Except as otherwise provided herein, nothing in this
115 paragraph shall be construed to limit health insurance coverage
116 for which the firefighter, spouse, or dependent children may
117 otherwise be eligible, except that a person who qualifies for
118 benefits under this section shall not be eligible for the health
119 insurance subsidy provided under chapter 121, chapter 175, or
120 chapter 185.

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123 ===== T I T L E A M E N D M E N T =====

124 Remove line(s) 120, and insert:
125 improvement or permanent impairment disputes; amending ss.
126 112.19 and 112.191, F.S., to conform references to changes made
127 by the act; providing