

1 A bill to be entitled
 2 An act relating to firefighter death benefits; amending s.
 3 112.191, F.S.; revises provisions providing death benefits
 4 for firefighters; expanding activities entitling
 5 firefighters to death benefits to include participation in
 6 training exercises; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraphs (b), (c), (f), and (g) of subsection
 11 (2) of section 112.191, Florida Statutes, are amended to read:

12 112.191 Firefighters; death benefits.--

13 (2)

14 (b) The sum of \$50,000, as adjusted pursuant to paragraph
 15 (i), shall be paid as provided in this section if a firefighter
 16 is accidentally killed as specified in paragraph (a) and the
 17 accidental death occurs as a result of the firefighter's
 18 response to what is reasonably believed to be an emergency
 19 involving the protection of life or property or the
 20 firefighter's participation in a training exercise. This sum
 21 shall be in addition to any sum provided for in paragraph (a).
 22 Notwithstanding any other provision of law, in no case shall the
 23 amount payable under this subsection be less than the actual
 24 amount stated therein.

25 (c) If a firefighter, while engaged in the performance of
 26 his or her firefighter duties, is unlawfully and intentionally
 27 killed, is injured and dies as a result of such injury, dies as
 28 a result of a fire which has been determined to have been caused

29 | by an act of arson, or subsequently dies as a result of injuries
 30 | sustained therefrom, the sum of \$150,000, as adjusted pursuant
 31 | to paragraph (i), shall be paid as provided in this section.
 32 | Notwithstanding any other provision of law, in no case shall the
 33 | amount payable under this subsection be less than the actual
 34 | amount stated therein.

35 | (f) Any political subdivision of the state that employs a
 36 | full-time firefighter who is killed in the line of duty on or
 37 | after July 1, 1993, ~~as a result of an act of violence inflicted~~
 38 | ~~by another person while the firefighter is engaged in the~~
 39 | ~~performance of firefighter duties, as a result of a fire which~~
 40 | ~~has been determined to have been caused by an act of arson, or~~
 41 | ~~as a result of an assault against the firefighter under riot~~
 42 | ~~conditions~~ shall pay the entire premium of the political
 43 | subdivision's health insurance plan for the employee's surviving
 44 | spouse until remarried, and for each dependent child of the
 45 | employee until the child reaches the age of majority or until
 46 | the end of the calendar year in which the child reaches the age
 47 | of 25 if:

48 | 1. At the time of the employee's death, the child is
 49 | dependent upon the employee for support; and

50 | 2. The surviving child continues to be dependent for
 51 | support, or the surviving child is a full-time or part-time
 52 | student and is dependent for support.

53 | (g)1. Any employer who employs a full-time firefighter
 54 | who, on or after January 1, 1995, suffers a catastrophic injury,
 55 | as defined in s. 440.02, Florida Statutes 2002, in the line of
 56 | duty shall pay the entire premium of the employer's health

57 | insurance plan for the injured employee, the injured employee's
58 | spouse, and for each dependent child of the injured employee
59 | until the child reaches the age of majority or until the end of
60 | the calendar year in which the child reaches the age of 25 if
61 | the child continues to be dependent for support, or the child is
62 | a full-time or part-time student and is dependent for support.
63 | The term "health insurance plan" does not include supplemental
64 | benefits that are not part of the basic group health insurance
65 | plan. If the injured employee subsequently dies, the employer
66 | shall continue to pay the entire health insurance premium for
67 | the surviving spouse until remarried, and for the dependent
68 | children, under the conditions outlined in this paragraph.

69 | However:

70 | a. Health insurance benefits payable from any other source
71 | shall reduce benefits payable under this section.

72 | b. It is unlawful for a person to willfully and knowingly
73 | make, or cause to be made, or to assist, conspire with, or urge
74 | another to make, or cause to be made, any false, fraudulent, or
75 | misleading oral or written statement to obtain health insurance
76 | coverage as provided under this paragraph. A person who violates
77 | this sub-subparagraph commits a misdemeanor of the first degree,
78 | punishable as provided in s. 775.082 or s. 775.083.

79 | c. In addition to any applicable criminal penalty, upon
80 | conviction for a violation as described in sub-subparagraph b.,
81 | a firefighter or other beneficiary who receives or seeks to
82 | receive health insurance benefits under this paragraph shall
83 | forfeit the right to receive such health insurance benefits, and
84 | shall reimburse the employer for all benefits paid due to the

85 fraud or other prohibited activity. For purposes of this sub-
86 subparagraph, "conviction" means a determination of guilt that
87 is the result of a plea or trial, regardless of whether
88 adjudication is withheld.

89 2. In order for the firefighter, spouse, and dependent
90 children to be eligible for such insurance coverage, the injury
91 must have been work related ~~occurred as the result of the~~
92 ~~firefighter's response to what is reasonably believed to be an~~
93 ~~emergency involving the protection of life or property, or an~~
94 ~~unlawful act perpetrated by another.~~ Except as otherwise
95 provided herein, nothing in this paragraph shall be construed to
96 limit health insurance coverage for which the firefighter,
97 spouse, or dependent children may otherwise be eligible, except
98 that a person who qualifies for benefits under this section
99 shall not be eligible for the health insurance subsidy provided
100 under chapter 121, chapter 175, or chapter 185.

101
102 Notwithstanding any provision of this section to the contrary,
103 the death benefits provided in paragraphs (b), (c), and (f)
104 shall also be applicable and paid in cases where a firefighter
105 received bodily injury prior to July 1, 1993, and subsequently
106 died on or after July 1, 1993, as a result of such in-line-of-
107 duty injury.

108 Section 2. This act shall take effect July 1, 2009.