

1 A bill to be entitled
2 An act relating to claims by law enforcement and
3 correctional officers; amending s. 30.2905, F.S.;
4 providing for interpretation of provisions relating to
5 workers' compensation benefits for certain services
6 performed by off-duty deputy sheriffs; amending s. 112.18,
7 F.S.; providing conditions under which a law enforcement
8 officer, correctional officer, or correctional probation
9 officer who suffers from a specified medical condition and
10 has materially departed from the prescribed treatment for
11 that condition shall lose a specified presumption for
12 workers' compensation claims made on or after a specified
13 date; defining the term "prescribed course of treatment";
14 providing for independent medical examinations in certain
15 situations; providing that only claims made before leaving
16 employment are eligible for a specified presumption;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (2) of section 30.2905, Florida
22 Statutes, is amended to read:

23 30.2905 Program to contract for employment of off-duty
24 deputies for security services.—

25 (2) (a) Any such public or private employer of a deputy
26 sheriff shall be responsible for the acts or omissions of the
27 deputy sheriff while performing services for that employer while
28 off duty, including workers' compensation benefits.

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29 (b) However, for the workers' compensation purposes of
30 this section:7

31 1. A deputy sheriff so employed who sustains an injury
32 while enforcing the criminal, traffic, or penal laws of this
33 state shall be regarded as working on duty.

34 2. The term "enforcing the criminal, traffic, or penal
35 laws of this state" shall be interpreted broadly and includes,
36 but is not limited to, providing security, patrol, or traffic
37 direction for a private employer.

38 Section 2. Section 112.18, Florida Statutes, is amended to
39 read:

40 112.18 Firefighters and law enforcement or correctional
41 officers; special provisions relative to disability.-

42 (1) (a) Any condition or impairment of health of any
43 Florida state, municipal, county, port authority, special tax
44 district, or fire control district firefighter or any law
45 enforcement officer, ~~or~~ correctional officer, or correctional
46 probation officer as defined in s. 943.10(1), (2), or (3) caused
47 by tuberculosis, heart disease, or hypertension resulting in
48 total or partial disability or death shall be presumed to have
49 been accidental and to have been suffered in the line of duty
50 unless the contrary be shown by competent evidence. However, any
51 such firefighter or law enforcement officer must ~~shall~~ have
52 successfully passed a physical examination upon entering into
53 any such service as a firefighter or law enforcement officer,
54 which examination failed to reveal any evidence of any such
55 condition. Such presumption does ~~shall~~ not apply to benefits
56 payable under or granted in a policy of life insurance or

57 disability insurance, unless the insurer and insured have
58 negotiated for such additional benefits to be included in the
59 policy contract.

60 (b)1. For any workers' compensation claim filed under this
61 section and chapter 440 occurring on or after July 1, 2010, a
62 law enforcement officer, correctional officer, or correctional
63 probation officer as defined in s. 943.10(1), (2), or (3)
64 suffering from tuberculosis, heart disease, or hypertension is
65 presumed not to have incurred such disease in the line of duty
66 as provided in this section if the law enforcement officer,
67 correctional officer, or correctional probation officer:

68 a. Departed in a material fashion from the prescribed
69 course of treatment of his or her personal physician and the
70 departure is demonstrated to have resulted in a significant
71 aggravation of the tuberculosis, heart disease, or hypertension
72 resulting in disability or increasing the disability or need for
73 medical treatment; or

74 b. Was previously compensated pursuant to this section and
75 chapter 440 for tuberculosis, heart disease, or hypertension and
76 thereafter sustains and reports a new compensable workers'
77 compensation claim under this section and chapter 440, and the
78 law enforcement officer, correctional officer, or correctional
79 probation officer has departed in a material fashion from the
80 prescribed course of treatment of an authorized physician for
81 the preexisting workers' compensation claim and the departure is
82 demonstrated to have resulted in a significant aggravation of
83 the tuberculosis, heart disease, or hypertension resulting in
84 disability or increasing the disability or need for medical

85 treatment.

86 2. As used in this paragraph, "prescribed course of
87 treatment" means prescribed medical courses of action and
88 prescribed medicines for the specific disease or diseases
89 claimed and as documented in the prescribing physician's medical
90 records.

91 3. If there is a dispute as to the appropriateness of the
92 course of treatment prescribed by a physician under sub-
93 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
94 departure in a material fashion from the prescribed course of
95 treatment is demonstrated to have resulted in a significant
96 aggravation of the tuberculosis, heart disease, or hypertension
97 resulting in disability or increasing the disability or need for
98 medical treatment, the law enforcement officer, correctional
99 officer, or correctional probation officer is entitled to seek
100 an independent medical examination pursuant to s. 440.13(5).

101 4. A law enforcement officer, correctional officer, or
102 correctional probation officer is not entitled to the
103 presumption provided in this section unless a claim for benefits
104 is made prior to leaving the employment of the employing agency.

105 (2) This section authorizes each governmental entity
106 specified in subsection (1) shall be construed to authorize the
107 above governmental entities to negotiate policy contracts for
108 life and disability insurance to include accidental death
109 benefits or double indemnity coverage which shall include the
110 presumption that any condition or impairment of health of any
111 firefighter, law enforcement officer, or correctional officer
112 caused by tuberculosis, heart disease, or hypertension resulting

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113 | in total or partial disability or death was accidental and
114 | suffered in the line of duty, unless the contrary be shown by
115 | competent evidence.

116 | Section 3. This act shall take effect July 1, 2010.