

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eisnaugle offered the following:

2
3 **Amendment to Amendment (951461) (with title amendment)**

4 Between lines 4 and 5, insert:

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

7 30.2905 Program to contract for employment of off-duty
8 deputies for security services.-

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

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

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

18 2. The term "enforcing the criminal, traffic, or penal
19 laws of this state" shall be interpreted to include, but is not
20 limited to, providing security, patrol, or traffic direction for
21 a private or public employer.

22 3. A sheriff may recover from a private or public employer
23 of an off-duty deputy sheriff, who is regarded as working on
24 duty under this paragraph, any increase in the sheriff's
25 workers' compensation expenses which results directly from the
26 off-duty employment.

27 Section 2. Section 112.18, Florida Statutes, is amended to
28 read:

29 112.18 Firefighters and law enforcement or correctional
30 officers; special provisions relative to disability.-

31 (1)(a) Any condition or impairment of health of any
32 Florida state, municipal, county, port authority, special tax
33 district, or fire control district firefighter or any law
34 enforcement officer, ~~or~~ correctional officer, or correctional
35 probation officer as defined in s. 943.10(1), (2), or (3) caused
36 by tuberculosis, heart disease, or hypertension resulting in
37 total or partial disability or death shall be presumed to have
38 been accidental and to have been suffered in the line of duty
39 unless the contrary be shown by competent evidence. However, any
40 such firefighter or law enforcement officer must ~~shall~~ have
41 successfully passed a physical examination upon entering into
42 any such service as a firefighter or law enforcement officer,
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43 which examination failed to reveal any evidence of any such
44 condition. Such presumption does ~~shall~~ not apply to benefits
45 payable under or granted in a policy of life insurance or
46 disability insurance, unless the insurer and insured have
47 negotiated for such additional benefits to be included in the
48 policy contract.

49 (b)1. For any workers' compensation claim filed under this
50 section and chapter 440 occurring on or after July 1, 2010, a
51 law enforcement officer, correctional officer, or correctional
52 probation officer as defined in s. 943.10(1), (2), or (3)
53 suffering from tuberculosis, heart disease, or hypertension is
54 presumed not to have incurred such disease in the line of duty
55 as provided in this section if the law enforcement officer,
56 correctional officer, or correctional probation officer:

57 a. Departed in a material fashion from the prescribed
58 course of treatment of his or her personal physician and the
59 departure is demonstrated to have resulted in a significant
60 aggravation of the tuberculosis, heart disease, or hypertension
61 resulting in disability or increasing the disability or need for
62 medical treatment; or

63 b. Was previously compensated pursuant to this section and
64 chapter 440 for tuberculosis, heart disease, or hypertension and
65 thereafter sustains and reports a new compensable workers'
66 compensation claim under this section and chapter 440, and the
67 law enforcement officer, correctional officer, or correctional
68 probation officer has departed in a material fashion from the
69 prescribed course of treatment of an authorized physician for
70 the preexisting workers' compensation claim and the departure is

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71 demonstrated to have resulted in a significant aggravation of
72 the tuberculosis, heart disease, or hypertension resulting in
73 disability or increasing the disability or need for medical
74 treatment.

75 2. As used in this paragraph, "prescribed course of
76 treatment" means prescribed medical courses of action and
77 prescribed medicines for the specific disease or diseases
78 claimed and as documented in the prescribing physician's medical
79 records.

80 3. If there is a dispute as to the appropriateness of the
81 course of treatment prescribed by a physician under sub-
82 subparagraph 1.a. or sub-subparagraph 1.b. or whether a
83 departure in a material fashion from the prescribed course of
84 treatment is demonstrated to have resulted in a significant
85 aggravation of the tuberculosis, heart disease, or hypertension
86 resulting in disability or increasing the disability or need for
87 medical treatment, the law enforcement officer, correctional
88 officer, or correctional probation officer is entitled to seek
89 an independent medical examination pursuant to s. 440.13(5).

90 4. A law enforcement officer, correctional officer, or
91 correctional probation officer is not entitled to the
92 presumption provided in this section unless a claim for benefits
93 is made prior to or within 180 days after leaving the employment
94 of the employing agency.

95 (2) This section authorizes each governmental entity
96 specified in subsection (1) shall be construed to authorize the
97 above governmental entities to negotiate policy contracts for
98 life and disability insurance to include accidental death

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99 benefits or double indemnity coverage which shall include the
100 presumption that any condition or impairment of health of any
101 firefighter, law enforcement officer, or correctional officer
102 caused by tuberculosis, heart disease, or hypertension resulting
103 in total or partial disability or death was accidental and
104 suffered in the line of duty, unless the contrary be shown by
105 competent evidence.
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109 **T I T L E A M E N D M E N T**

110 Remove line 4539 and insert:

111 An act relating to property and casualty insurance; amending s.
112 30.2905, F.S.; providing for interpretation of provisions
113 relating to workers' compensation benefits for certain services
114 performed by off-duty deputy sheriffs; providing for recovery by
115 sheriffs of increased workers' compensation expenses due to off-
116 duty employment of deputy sheriffs; amending s. 112.18, F.S.;
117 providing conditions under which a law enforcement officer,
118 correctional officer, or correctional probation officer who
119 suffers from a specified medical condition and has materially
120 departed from the prescribed treatment for that condition shall
121 lose a specified presumption for workers' compensation claims
122 made on or after a specified date; defining the term "prescribed
123 course of treatment"; providing for independent medical
124 examinations in certain situations; providing that only claims
125 made before or within a specified period after leaving
126 employment are eligible for a specified presumption; amending s.
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