

By Senator Book

32-01386-21

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1                   A bill to be entitled  
2       An act relating to death benefits; amending s. 112.19,  
3       F.S.; requiring an employer of law enforcement,  
4       correctional, or correctional probation officers to  
5       extend paid health insurance benefits to a surviving  
6       spouse and each dependent child as a result of the  
7       death of the officer from a pandemic disease or an  
8       infectious disease that is the subject of a declared  
9       public health emergency if that officer was exposed in  
10      the line of duty; providing applicability; providing  
11      an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Paragraph (h) of subsection (2) of section  
16       112.19, Florida Statutes, is amended to read:

17       112.19 Law enforcement, correctional, and correctional  
18       probation officers; death benefits.—

19       (2)

20       (h)1. Any employer who employs a full-time law enforcement,  
21       correctional, or correctional probation officer who, on or after  
22       January 1, 1995, suffers a catastrophic injury, as defined in s.  
23       440.02, Florida Statutes 2002, in the line of duty shall pay the  
24       entire premium of the employer's health insurance plan for the  
25       injured employee, the injured employee's spouse, and for each  
26       dependent child of the injured employee until the child reaches  
27       the age of majority or until the end of the calendar year in  
28       which the child reaches the age of 25 if the child continues to  
29       be dependent for support, or the child is a full-time or part-

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30 time student and is dependent for support. Any employer who  
31 employed a full-time law enforcement, correctional, or  
32 correctional probation officer who was exposed to a pandemic  
33 disease or to an infectious disease in the line of duty which  
34 was the subject of a declared public health emergency and who  
35 died from such disease shall pay the entire premium of the  
36 employer's health insurance plan for the employee's surviving  
37 spouse and for each surviving dependent child of the deceased  
38 employee until the child reaches the age of majority or until  
39 the end of the calendar year in which the child reaches the age  
40 of 25, if the child continues to be dependent for support, or if  
41 the child is a full-time or part-time student and is dependent  
42 for support. The term "health insurance plan" does not include  
43 supplemental benefits that are not part of the basic group  
44 health insurance plan. If the injured employee subsequently  
45 dies, the employer shall continue to pay the entire health  
46 insurance premium for the surviving spouse until remarried, and  
47 for the dependent children, under the conditions outlined in  
48 this paragraph. However:

49 a. Health insurance benefits payable from any other source  
50 shall reduce benefits payable under this section.

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

58 c. In addition to any applicable criminal penalty, upon

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59 conviction for a violation as described in sub-subparagraph b.,  
60 a law enforcement, correctional, or correctional probation  
61 officer or other beneficiary who receives or seeks to receive  
62 health insurance benefits under this paragraph shall forfeit the  
63 right to receive such health insurance benefits, and shall  
64 reimburse the employer for all benefits paid due to the fraud or  
65 other prohibited activity. For purposes of this sub-  
66 subparagraph, the term "conviction" means a determination of  
67 guilt that is the result of a plea or trial, regardless of  
68 whether adjudication is withheld.

69 2. In the case of catastrophic injury, in order for the  
70 officer, spouse, and dependent children to be eligible for such  
71 insurance coverage, the injury must have occurred as the result  
72 of the officer's response to fresh pursuit, the officer's  
73 response to what is reasonably believed to be an emergency, or  
74 an unlawful act perpetrated by another. In the case of illness,  
75 in order for the surviving spouse and dependent children to be  
76 eligible for such insurance coverage, the illness must have been  
77 contracted in the line of duty. Except as otherwise provided  
78 herein, this paragraph may not be construed to limit health  
79 insurance coverage for which the officer, spouse, or dependent  
80 children may otherwise be eligible, except that a person who  
81 qualifies under this section is not eligible for the health  
82 insurance subsidy provided under chapter 121, chapter 175, or  
83 chapter 185.

84 Section 2. This act shall take effect July 1, 2021.