

1 A bill to be entitled
2 An act relating to service as a law enforcement
3 officer; amending s. 943.10, F.S.; revising the
4 definition of the term "law enforcement officer" to
5 specify that the time spent on certain activities is
6 part of service as an officer; reenacting ss.
7 111.065(1), 112.1815(1), 112.19(2)(g), 196.081(6)(c),
8 316.066(5), 440.092(2), 440.15(11), 790.052(1), and
9 960.194(1)(e), F.S., relating to legal actions against
10 law enforcement or correctional officers, employer
11 payment of costs and attorney fees or provision of
12 attorney, special provisions for employment-related
13 accidents and injuries of firefighters, paramedics,
14 emergency medical technicians, and law enforcement
15 officers, law enforcement, correctional, and
16 correctional probation officer death benefits, an
17 exemption for certain permanently and totally disabled
18 veterans and for surviving spouses of veterans,
19 written reports of crashes, special requirements for
20 compensability, deviation from employment, subsequent
21 intervening accidents, compensation for disability,
22 and carrying concealed firearms by off-duty law
23 enforcement officers, emergency responder death
24 benefits, respectively, to incorporate amendments made
25 by the act; providing an effective date.

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

Section 1. Subsection (1) of section 943.10, Florida Statutes, is amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. A person's service as a law enforcement officer includes the time that begins when an officer enters an agency-issued vehicle and travels portal-to-portal to an assignment and also includes the time spent travelling to, from, and during any work performed by an officer for which the law

51 enforcement agency or another government entity collects a fee
 52 for providing law enforcement services.

53 Section 2. For the purpose of incorporating the amendment
 54 made by this act to section 943.10, Florida Statutes, in a
 55 reference thereto, subsection (1) of section 111.065, Florida
 56 Statutes, is reenacted to read:

57 111.065 Law enforcement or correctional officers, legal
 58 action against; employer payment of costs and attorney's fees or
 59 provision of attorney.-

60 (1) For the purpose of this section only, the term
 61 "officer" means any law enforcement officer, correctional
 62 officer, or correctional probation officer as defined in s.
 63 943.10(1), (2), or (3), who is employed full time by any
 64 municipality or the state or any political subdivision thereof.

65 Section 3. For the purpose of incorporating the amendment
 66 made by this act to section 943.10, Florida Statutes, in a
 67 reference thereto, subsection (1) of section 112.1815, Florida
 68 Statutes, is reenacted to read:

69 112.1815 Firefighters, paramedics, emergency medical
 70 technicians, and law enforcement officers; special provisions
 71 for employment-related accidents and injuries.-

72 (1) The term "first responder" as used in this section
 73 means a law enforcement officer as defined in s. 943.10, a
 74 firefighter as defined in s. 633.102, or an emergency medical
 75 technician or paramedic as defined in s. 401.23 employed by

76 | state or local government. A volunteer law enforcement officer,
 77 | firefighter, or emergency medical technician or paramedic
 78 | engaged by the state or a local government is also considered a
 79 | first responder of the state or local government for purposes of
 80 | this section.

81 | Section 4. For the purpose of incorporating the amendment
 82 | made by this act to section 943.10, Florida Statutes, in a
 83 | reference thereto, paragraph (g) of subsection (2) of section
 84 | 112.19, Florida Statutes, is reenacted to read:

85 | 112.19 Law enforcement, correctional, and correctional
 86 | probation officers; death benefits.—

87 | (2)

88 | (g) Any political subdivision of the state that employs a
 89 | full-time law enforcement officer as defined in s. 943.10(1) or
 90 | a full-time correctional officer as defined in s. 943.10(2) who
 91 | is killed in the line of duty on or after July 1, 1993, as a
 92 | result of an act of violence inflicted by another person while
 93 | the officer is engaged in the performance of law enforcement
 94 | duties or as a result of an assault against the officer under
 95 | riot conditions shall pay the entire premium of the political
 96 | subdivision's health insurance plan for the employee's surviving
 97 | spouse until remarried, and for each dependent child of the
 98 | employee until the child reaches the age of majority or until
 99 | the end of the calendar year in which the child reaches the age
 100 | of 25 if:

101 1. At the time of the employee's death, the child is
 102 dependent upon the employee for support; and

103 2. The surviving child continues to be dependent for
 104 support, or the surviving child is a full-time or part-time
 105 student and is dependent for support.

106 Section 5. For the purpose of incorporating the amendment
 107 made by this act to section 943.10, Florida Statutes, in a
 108 reference thereto, paragraph (c) of subsection (6) of section
 109 196.081, Florida Statutes, is reenacted to read:

110 196.081 Exemption for certain permanently and totally
 111 disabled veterans and for surviving spouses of veterans;
 112 exemption for surviving spouses of first responders who die in
 113 the line of duty.—

114 (6) Any real estate that is owned and used as a homestead
 115 by the surviving spouse of a first responder who died in the
 116 line of duty while employed by the state or any political
 117 subdivision of the state, including authorities and special
 118 districts, and for whom a letter from the state or appropriate
 119 political subdivision of the state, or other authority or
 120 special district, has been issued which legally recognizes and
 121 certifies that the first responder died in the line of duty
 122 while employed as a first responder is exempt from taxation if
 123 the first responder and his or her surviving spouse were
 124 permanent residents of this state on January 1 of the year in
 125 which the first responder died.

126 (c) As used in this subsection only, and not applicable to
 127 the payment of benefits under s. 112.19 or s. 112.191, the term:

128 1. "First responder" means a law enforcement officer or
 129 correctional officer as defined in s. 943.10, a firefighter as
 130 defined in s. 633.102, or an emergency medical technician or
 131 paramedic as defined in s. 401.23 who is a full-time paid
 132 employee, part-time paid employee, or unpaid volunteer.

133 2. "In the line of duty" means:

134 a. While engaging in law enforcement;

135 b. While performing an activity relating to fire
 136 suppression and prevention;

137 c. While responding to a hazardous material emergency;

138 d. While performing rescue activity;

139 e. While providing emergency medical services;

140 f. While performing disaster relief activity;

141 g. While otherwise engaging in emergency response
 142 activity; or

143 h. While engaging in a training exercise related to any of
 144 the events or activities enumerated in this subparagraph if the
 145 training has been authorized by the employing entity.

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147 A heart attack or stroke that causes death or causes an injury
 148 resulting in death must occur within 24 hours after an event or
 149 activity enumerated in this subparagraph and must be directly
 150 and proximately caused by the event or activity in order to be

151 considered as having occurred in the line of duty.

152 Section 6. For the purpose of incorporating the amendment
 153 made by this act to section 943.10, Florida Statutes, in a
 154 reference thereto, subsection (5) of section 316.066, Florida
 155 Statutes, is reenacted to read:

156 316.066 Written reports of crashes.—

157 (5) A law enforcement officer, as defined in s. 943.10(1),
 158 may enforce this section.

159 Section 7. For the purpose of incorporating the amendment
 160 made by this act to section 943.10, Florida Statutes, in a
 161 reference thereto, subsection (2) of section 440.092, Florida
 162 Statutes, is reenacted to read:

163 440.092 Special requirements for compensability; deviation
 164 from employment; subsequent intervening accidents.—

165 (2) GOING OR COMING.—An injury suffered while going to or
 166 coming from work is not an injury arising out of and in the
 167 course of employment whether or not the employer provided
 168 transportation if such means of transportation was available for
 169 the exclusive personal use by the employee, unless the employee
 170 was engaged in a special errand or mission for the employer. For
 171 the purposes of this subsection and notwithstanding any other
 172 provisions of law to the contrary, an injury to a law
 173 enforcement officer as defined in s. 943.10(1), during the
 174 officer's work period or while going to or coming from work in
 175 an official law enforcement vehicle, shall be presumed to be an

176 injury arising out of and in the course of employment unless the
 177 injury occurred during a distinct deviation for a nonessential
 178 personal errand. If, however, the employer's policy or the
 179 collective bargaining agreement that applies to the officer
 180 permits such deviations for nonessential errands, the injury
 181 shall be presumed to arise out of and in the course of
 182 employment.

183 Section 8. For the purpose of incorporating the amendment
 184 made by this act to section 943.10, Florida Statutes, in a
 185 reference thereto, subsection (11) of section 440.15, Florida
 186 Statutes, is reenacted to read:

187 440.15 Compensation for disability.—Compensation for
 188 disability shall be paid to the employee, subject to the limits
 189 provided in s. 440.12(2), as follows:

190 (11) FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT
 191 OFFICERS.—Any law enforcement officer as defined in s.
 192 943.10(1), (2), or (3) who, while acting within the course of
 193 employment as provided by s. 440.091, is maliciously or
 194 intentionally injured and who thereby sustains a job-connected
 195 disability compensable under this chapter shall be carried in
 196 full-pay status rather than being required to use sick, annual,
 197 or other leave. Full-pay status shall be granted only after
 198 submission to the employing agency's head of a medical report
 199 which gives a current diagnosis of the employee's recovery and
 200 ability to return to work. In no case shall the employee's

201 salary and workers' compensation benefits exceed the amount of
202 the employee's regular salary requirements.

203 Section 9. For the purpose of incorporating the amendment
204 made by this act to section 943.10, Florida Statutes, in
205 references thereto, subsection (1) of section 790.052, Florida
206 Statutes, is reenacted to read:

207 790.052 Carrying concealed firearms; off-duty law
208 enforcement officers.-

209 (1)(a) All persons holding active certifications from the
210 Criminal Justice Standards and Training Commission as law
211 enforcement officers or correctional officers as defined in s.
212 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
213 carry, on or about their persons, concealed firearms, during
214 off-duty hours, at the discretion of their superior officers,
215 and may perform those law enforcement functions that they
216 normally perform during duty hours, utilizing their weapons in a
217 manner which is reasonably expected of on-duty officers in
218 similar situations.

219 (b) All persons holding an active certification from the
220 Criminal Justice Standards and Training Commission as a law
221 enforcement officer or a correctional officer as defined in s.
222 943.10(1), (2), (6), (7), (8), or (9) meet the definition of
223 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

224 (c) All persons who held an active certification from the
225 Criminal Justice Standards and Training Commission as a law

226 enforcement officer or correctional officer as defined in s.
227 943.10(1), (2), (6), (7), (8), or (9), while working for an
228 employing agency, as defined in s. 943.10(4), but have separated
229 from service under the conditions set forth in 18 U.S.C. s.
230 926C(c), meet the definition of "qualified retired law
231 enforcement officer."

232 (d) This section does not limit the right of a law
233 enforcement officer, correctional officer, or correctional
234 probation officer to carry a concealed firearm off duty as a
235 private citizen under the exemption provided in s. 790.06 that
236 allows a law enforcement officer, correctional officer, or
237 correctional probation officer as defined in s. 943.10(1), (2),
238 (3), (6), (7), (8), or (9) to carry a concealed firearm without
239 a concealed weapon or firearm license. The appointing or
240 employing agency or department of an officer carrying a
241 concealed firearm as a private citizen under s. 790.06 shall not
242 be liable for the use of the firearm in such capacity. Nothing
243 herein limits the authority of the appointing or employing
244 agency or department from establishing policies limiting law
245 enforcement officers or correctional officers from carrying
246 concealed firearms during off-duty hours in their capacity as
247 appointees or employees of the agency or department.

248 Section 10. For the purpose of incorporating the amendment
249 made by this act to section 943.10, Florida Statutes, in a
250 reference thereto, paragraph (e) of subsection (1) of section

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251 | 960.194, Florida Statutes, is reenacted to read:
252 | 960.194 Emergency responder death benefits.—
253 | (1) For the purposes of this section, the term:
254 | (e) "Law enforcement officer" has the same meaning as
255 | provided in s. 943.10.
256 | Section 11. This act shall take effect July 1, 2022.