

1 A bill to be entitled

2 An act relating to law enforcement, correctional, and
3 correctional probation officers' death benefits;
4 amending s. 112.19, F.S.; requiring the employer of a
5 full-time law enforcement, correctional, or
6 correctional probation officer to extend paid health
7 insurance benefits to the officer's surviving spouse
8 and each of the officer's dependent children if the
9 officer dies in the line of duty as a result of
10 exposure to a pandemic disease that is the subject of
11 a public health emergency; providing applicability;
12 providing retroactive application; providing a
13 declaration of important state interest; providing an
14 effective date.

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

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18 Section 1. Paragraph (h) of subsection (2) of section
19 112.19, Florida Statutes, is amended to read:

20 112.19 Law enforcement, correctional, and correctional
21 probation officers; death benefits.—

22 (2)

23 (h)1. Any employer who employs a full-time law
24 enforcement, correctional, or correctional probation officer
25 who, on or after January 1, 1995, suffers a catastrophic injury,

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26 as defined in s. 440.02, Florida Statutes 2002, in the line of
27 duty shall pay the entire premium of the employer's health
28 insurance plan for the injured employee, the injured employee's
29 spouse, and for each dependent child of the injured employee
30 until the child reaches the age of majority or until the end of
31 the calendar year in which the child reaches the age of 25 if
32 the child continues to be dependent for support, or the child is
33 a full-time or part-time student and is dependent for support.
34 Any employer who employed a full-time law enforcement,
35 correctional, or correctional probation officer who was exposed
36 in the line of duty to a pandemic disease that was the subject
37 of a declared public health emergency and who died from such
38 disease on or after March 1, 2020, shall pay the entire premium
39 of the employer's health insurance plan for the employee's
40 surviving spouse and for each surviving dependent child of the
41 deceased employee until the child reaches the age of majority or
42 until the end of the calendar year in which the child reaches
43 the age of 25, if the child continues to be dependent for
44 support, or if the child is a full-time or part-time student and
45 is dependent for support. The term "health insurance plan" does
46 not include supplemental benefits that are not part of the basic
47 group health insurance plan. If the injured employee
48 subsequently dies, the employer shall continue to pay the entire
49 health insurance premium for the surviving spouse until
50 remarried, and for the dependent children, under the conditions

51 outlined in this paragraph. However:

52 a. Health insurance benefits payable from any other source
53 shall reduce benefits payable under this section.

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

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

72 2. In the case of catastrophic injury, in order for the
73 officer, spouse, and dependent children to be eligible for such
74 insurance coverage, the injury must have occurred as the result
75 of the officer's response to fresh pursuit, the officer's

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76 response to what is reasonably believed to be an emergency, or
77 an unlawful act perpetrated by another. In the case of illness,
78 in order for the surviving spouse and dependent children to be
79 eligible for such insurance coverage, the illness must have been
80 contracted in the line of duty. Except as otherwise provided
81 herein, this paragraph may not be construed to limit health
82 insurance coverage for which the officer, spouse, or dependent
83 children may otherwise be eligible, except that a person who
84 qualifies under this section is not eligible for the health
85 insurance subsidy provided under chapter 121, chapter 175, or
86 chapter 185.

87 Section 2. The amendments made by this act to s. 112.19,
88 Florida Statutes, are intended to apply retroactively to the
89 surviving spouse and dependent children of a law enforcement
90 officer, correctional officer, or correctional probation officer
91 who was exposed in the line of duty to a pandemic disease that
92 was the subject of a declared public health emergency and who
93 died from such disease on or after March 1, 2020.

94 Section 3. The Legislature determines and declares that
95 this act fulfills an important state interest.

96 Section 4. This act shall take effect upon becoming a law.