

By Senator Book

32-00154-22

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

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

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16       Section 1. Paragraph (h) of subsection (2) of section  
17      112.19, Florida Statutes, is amended to read:

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

20       (2)

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

32-00154-22

2022992\_\_

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

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

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

32-00154-22

2022992\_\_

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

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

85 Section 2. The amendments made by this act to s. 112.19,  
86 Florida Statutes, are intended to apply retroactively to the  
87 surviving spouse and dependent children of a law enforcement

32-00154-22

2022992\_\_

88 officer, correctional officer, or correctional probation officer  
89 who was exposed in the line of duty to a pandemic disease that  
90 was the subject of a declared public health emergency and who  
91 died from such disease on or after March 1, 2020.

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

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