

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 868
 SPONSOR: Senator Webster
 SUBJECT: Disability in the Line of Duty
 DATE: April 9, 2001

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Fav/2 amendments
2.	Cooper	Yeatman	CA	Favorable
3.			AGG	
4.			AP	
5.				
6.				

I. Summary:

The bill expands the class that benefits from the statutory presumption under s. 112.18(1), F.S., that any condition or impairment of health caused by tuberculosis, heart disease, or hypertension that results in total or partial disability or death is accidental and suffered in the line of duty. The bill includes in this class of *any* law enforcement officer or correctional officer as defined in s. 943.10(1), (2), or (3), F.S. The bill makes it easier for local law enforcement and correctional officers and their supervisors and command personnel to obtain workers' compensation benefits and a higher level of disability benefits than if the disability were not work-related. In the case of death benefits, their survivors would be entitled to a higher level of death benefits than if the death were not work-related. An employer could challenge the presumption by showing that the condition was not work-related, but would have the burden of proving the case.

The cost of this benefit has been funded by both state and local Florida Retirement System employers since 1999. The cost for municipal employers that do not currently have such a legal presumption is unknown.

This bill amends section 112.18 of the Florida Statutes.

II. Present Situation:

Chapter 121, F.S., the Florida Retirement System Act, establishes requirements for eligibility in the Florida Retirement System (FRS). The FRS is a multi-employer, non-participatory defined benefit pension plan that provides vested members a retirement benefit based on a formula determined by years of service, average final compensation, and member classification accrual rates. It includes five membership classes: Regular, Special Risk, Special Risk Administrative Support, Elected State and County Officers, and Senior Management Service.

Section 121.0515(2), F.S., establishes criteria for membership in the Special Risk Class, which is open only to law enforcement officers, firefighters, correctional officers, emergency medical technicians and paramedics. These members are included within special risk because they

. . . perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other positions and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership that awards more retirement credit per year of service than that awarded to other employees. . . .¹

Accordingly, Special Risk Class members have been given greater career benefits than Regular Class members. A member of the Special Risk Class:

1. Receives 3 percent of average final compensation (AFC), as opposed to 1.60 percent to 1.68 percent for a Regular Class member, for each year of service earned.
2. Reaches normal retirement at an earlier age (55 instead of 62) or with fewer years of service (25 instead of 30) than a Regular Class member.

Under the Department of Management Services (DMS), the Division of Retirement (division) serves 800,000 statewide retirement system members and oversees approximately 500 local government retirement systems. The division administers all statewide retirement systems, the largest of which is the FRS. The FRS provides disability retirement benefits to its members as an incidental benefit. To claim disability retirement, the member must be totally and permanently disabled. This means that the member is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee. All state and county employees are compulsory members of the FRS, and about 60 Florida cities cover their firefighters, police and general employees or both under the FRS.²

Under s. 121.091(4), F.S., any member of the FRS who is totally and permanently disabled due to any condition or impairment of health caused by an injury or illness (including tuberculosis, heart disease, or hypertension) is entitled to disability benefits. If the injury or illness arises out of and in the actual performance of duty required by his job, the member is entitled to in-line-of-duty disability benefits.

¹Section 121.0515(1), F.S.

²According to the Division of Retirement, many cities and special districts have chosen to “opt out” of the FRS for new employees, and some have elected to rejoin the FRS. As of June 30, 2000, about 59 cities had withdrawn from the FRS for new employees and had not rejoined. The remaining cities have 84 plans covering special risk employees under the FRS.

There are several important differences in the laws applicable to disability benefits, depending upon whether the disability is found to be due to an injury or illness “suffered in the line of duty”:

Regular Disability - Regular disability is granted for an illness or injury from natural causes or an accident not related to employment. Currently, to be eligible for regular disability, a member must complete 5 to 10 years of creditable service to be entitled to a monthly disability. Effective July 1, 2001, the 10-year service requirement for regular disability benefits will be reduced to 8 years, as provided in ch. 2000-169, L.O.F. The minimum annual regular disability benefit is 25 percent of average final compensation for an Option 1 benefit.³

Disability in the Line of Duty - Disability in the line of duty is defined as

. . . an injury or illness arising out of and in the actual performance of duty required by a member’s employment during his or her regularly scheduled working hours or irregular working hours as required by the employer.

- < Eligibility – Unlike regular disability, an FRS member is eligible for in-line-of-duty disability benefits from his/her first day on the job. In contrast, an FRS member must have from 5 to 10 years of creditable service⁴ before becoming disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. Special Risk Class members receive a minimum annual in-line-of-duty disability benefit of 65 percent of average final compensation for an option 1 benefit. For members of other classes in the FRS, the minimum in-line-of-duty disability benefit is 42 percent of average final compensation.
- < Threshold Benefit Amount – The level of disability benefit to which a disabled member is minimally entitled depends upon whether his/her disabling injury or illness was job related. If the disabling injury or illness occurs in the line of duty, the benefit will be at least 42 percent of the member’s average final compensation (AFC) as of the disability retirement date. For special risk members retiring on or after July 1, 2000, the in-line-of-duty disability benefit threshold is 65 percent of AFC as of the disability retirement date. If the disabling injury or illness did not occur in the line of duty, the benefit threshold is 25 percent of AFC.
- < Burden of Proof – Unless a legal presumption applies such as the one provided under s. 112.18, F.S., the member must show by competent evidence that the disability occurred in the line of duty to qualify to receive the higher in-line-of-duty disability benefits. Under s. 112.19(2)(h), F.S., any full-time law enforcement, correctional, or correctional probation officer who suffers catastrophic injury as defined in s. 440.02(37), F.S., and his or her spouse and minor dependents, will have their entire health insurance premium paid for by his or her employer.

³The Option 1 benefit is the maximum retirement benefit payable to the member during his or her lifetime.

⁴ Under current law, any member with less than 5 years of creditable service on July 1, 1980, or any person who joins the FRS on or after that date must compete 10 years of creditable service to qualify for disability benefits for a disability that is not job-related. Otherwise, 5 years of creditable service is required to qualify for a non-duty disability benefit. Effective July 1, 2001, the 10-year service requirement is reduced to 8 years.

Presumption of Disability in the Line of Duty - A disability may be presumed to have occurred in the line of duty, as well. This presumption applies to persons in specified positions whom become disabled as a result of certain diseases the law finds to be incident to employment. Under current law, s. 112.18(1), F.S., any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or state law enforcement officer⁵ who has any condition or impairment of health that is caused by specified illnesses and results in total or partial disability or death is presumed to have been accidental and to have been suffered in the line of duty.⁶ The contrary may be shown by competent evidence. The specified illnesses that give rise to this presumption are:

1. Tuberculosis;
2. Heart disease; or
3. Hypertension.

In order for the presumption to apply, a firefighter or state law enforcement officer must have successfully passed a preemployment physical examination that failed to show any evidence of tuberculosis, heart disease, or hypertension.

Burden of Proof - Unless a legal presumption applies, such as the one provided for firefighters and state law enforcement officers under s. 112.18, F.S., the FRS member must show by competent evidence that the disability occurred in the line of duty to qualify to receive the higher in-line-of duty disability benefits.

Subsection (2) of the section, authorizes the state, municipalities, counties, port authorities, special tax districts, and fire control districts, to negotiate life and disability insurance policies that include accidental death benefits or double indemnity coverage and that contain the presumption for firefighters. The state is also authorized to negotiate this type of coverage on behalf of *state* law enforcement officers. The presumption explicitly does not apply to benefits under a life or disability insurance policy unless the insurer and the insured have negotiated for these benefits to be included in the policy contract under subsection (1) of the section.

Death Benefits Available Under Ch. 121, F.S. - The FRS also provides death benefits for surviving spouses and eligible dependents (or both) of active members. Under s. 121.091(7), F.S., death benefits may be paid for an active member of the FRS who dies before retirement due to an injury or illness (including tuberculosis, heart disease, or hypertension). If the injury or illness arises out of and in the actual performance of duty required by his or her job, the members' surviving spouse and eligible dependent(s) or both are entitled to in-line-of-duty death benefits.

⁵The Division of Retirement has interpreted "state law enforcement officer" as used in this subsection to include police officers, corrections officers, and correctional probation officers employed by state agencies. The Division of Retirement bases this interpretation on a statement of legislative intent as provided to the State Retirement Director on 8/23/99. This clarification was issued to the Division of Retirement after the Legislature expanded the presumption to cover state law enforcement officers under ch. 99-392, L.O.F. The Division of Retirement has recommended that the law be amended to explicitly cover corrections officers and correctional probation officers.

⁶This presumption was initially established for firefighters in 1965 and was expanded to include state law enforcement officers in 1999, pursuant to ch. 99-392, L.O.F.

Distinctions are made in the laws applicable to death benefits, depending on whether the death is found to be due to an injury or illness “suffered in the line of duty.” From the first day of employment, an FRS member is eligible for in-line-of duty death benefits that will pay a minimum monthly benefit to a survivor equal to half the member’s last monthly salary. If the deceased member would have been entitled to a higher retirement benefit based on service credit, the higher benefit would be payable to his or her spouse or eligible dependent(s). Special survivor provisions apply to both in-line-of duty and non-duty deaths that allows the surviving spouse or eligible dependent to purchase credit for any service, which could have been claimed by the member at the time of his or her death.

Unless a legal presumption applies, such as the one provided for firefighters and state law enforcement officers under s. 112.18, F.S., the eligible beneficiary must show by competent evidence that the death occurred in the line of duty to qualify to receive the higher in-line-of-duty death benefits.

In addition to the death benefits available under ch. 121, F.S., special death benefits are provided under s. 112.19, F.S., for law enforcement officers, correctional officers, and correctional probation officers who are killed in the performance of duty. Similar death benefits are available for firefighters’ dependents under s. 112.191, F.S.

Local Pension Plans – Chapters 175 and 185, F.S., provide funding for municipal firefighters’ and police officers’ plans, and numerous city plans cover firefighters and police officers under these plans. Both chapters provide a “uniform retirement system” for firefighters and police officers and set standards for operation and funding of pension systems through a trust fund supported by a tax on insurance premiums. Most Florida firefighters and local law enforcement officers participate in these plans.

Two types of plans are governed by each of these chapters – “chapter plans” and “local law plans.” To be considered totally and permanently disabled, “chapter plan” employees must only be found disabled from rendering useful and efficient service as a firefighter or police officer. Under “local law plans,” the standards for determining eligibility for disability retirement, death benefits, and the benefits paid, vary widely from one plan to another, although all plans must abide by minimum standards established under ss. 175.351 and 185.35, F.S.

Current law provides a similar line-of-duty disability presumption for municipal firefighters’ pension systems under s. 175.231, F.S., and for municipal police officers’ pension systems under s. 185.34, F.S.

In addition to the pension plans governed by chapters 175 and 185, F.S., there are numerous other local plans that provide coverage for firefighters and police officers for disability and death. Under these plans, the standards for determining eligibility for disability retirement and death benefits, and the benefits paid, vary widely from plan to plan. No statewide presumption exists under present law for these local plans.

Additional Life and Disability Insurance Benefits – The DMS, under s. 110.123, F.S., operates the State Group Insurance Program. Currently, the program offers an array of health,

life, and other insurance plans to eligible state employees,⁷ retirees⁸ and their eligible dependents.⁹

The Group Life Insurance plan offers Basic Term Life and Accidental Death & Dismemberment (AD&D) and Optional Term Life and AD&D benefit options. Persons eligible to participate in the life insurance plan include active state officers and employees. This is a fully insured contract of insurance underwritten by the Prudential Life Insurance Company.

The Life and AD&D Insurance plan has a provision which waives life insurance premium when any enrollee is totally disabled for a continuous 9- month period and is less than 60 years of age at the time the disability begins. It also provides accidental death or double indemnity benefits, along with other accidental loss benefits, to any enrollee, subject to a 180-limitation (death or losses must be incurred within 180 days of the accident for most of the defined losses). Benefit terms specifically exclude coverage for any losses as a result of sickness, medical or surgical treatment of sickness, certain infections, certain full-time military duty, and other losses.

Under s. 112.18(2), F.S., governmental entities are authorized to negotiate policy contracts for life and disability insurance to include accidental death benefits for firefighters who are partially or totally disabled, or die in the line of duty as a result of tuberculosis, heart disease or hypertension. According to the division, the existing life insurance contract with Prudential does not cover the benefits described by the bill to firefighters or to any other group of eligible employees.

Differences in Disability Coverage and Benefits - Under the FRS and the chapter 175 and 185 plans, members are covered for disability suffered in the line of duty from the first day of employment. The minimum in-line-of-duty disability benefit is 65 percent of average final compensation (AFC) for special risk members and 42 percent of AFC for other members. By contrast, to qualify for nonduty-related disability benefits, a member must have 10 years of service, and the minimum benefit for general disability is 25 percent of AFC. So, it is often to a member's advantage, if he is disabled, to have suffered the disability in the line of duty.

Workers' Compensation – The impact of this presumption on workers' compensation claims determinations would be similar to the impact on the FRS, except that the presumption could

⁷Section 110.123(2)(c), F.S., defines "full-time state employees" to include ". . . all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-service (OPS) funds."

⁸Section 110.123(2)(g), F.S., defines "retiree" to mean ". . . any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment."

⁹Section 110.123(2), F.S., does not contain a definition for eligible dependents, though it contains a definition for "surviving spouse." That term means ". . . the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan or a health maintenance organization plan established pursuant to the section at the time of the death of the deceased officer, employee, or retiree. 'Surviving spouse' also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee, or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage."

have more impact because the threshold eligibility test for workers' compensation is whether the disability arose "out of and in the course of employment." If it did not, the employee is not eligible for any benefits. There is no provision under ch. 440, F.S., for a non-duty-related disability as may be found in many retirement plans.

Special Disability Trust Fund – The Special Disability Trust Fund (SDTF) was established in 1955 under s. 440.49, F.S., to encourage the employment of workers with permanent impairments. Employers and insurers are reimbursed from the fund for part of the benefits provided and extra expenses incurred when they hire a worker with a recognized impairment who is subsequently injured on the job, and the later injury is affected by the preexisting condition. The SDTF is funded by assessing insurers writing workers' compensation insurance in the state and self-insured Florida employers. Assessments are levied at a specified percentage of the workers' compensation net premiums handled by the carrier/employer. The annual assessment is set at a rate intended to generate enough money to administer the program and maintain the fund, according to a statutory formula. If successful workers' compensation claims increase due to the presumption afforded by this bill, the assessments paid by carriers/employers could rise.

III. Effect of Proposed Changes:

Section 1 amends s. 112.18, F.S., to expand the class that benefits from the statutory presumption under s. 112.18(1), F.S., that any condition or impairment of health caused by tuberculosis, heart disease, or hypertension that results in total or partial disability or death is accidental and suffered in the line of duty. The bill includes in this class *any* law enforcement officer or correctional officer as defined in s. 942.10(1), (2), or (3), F.S.

Section 943.10(1), F.S., defines the term "law enforcement officer" to mean

. . . 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.

Section 943.10(2), F.S., defines the term "correctional officer" to mean

. . . any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

Section 943.10(3), F.S., defines the term “correctional probation officer” to mean

... a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

Under the bill, the burden of proving that a disability or death was accidental and suffered in the line of duty would be shifted from the affected law enforcement officer to the officer’s employer. More law enforcement officers who are disabled or die as a result of tuberculosis, heart disease or hypertension would qualify for workers compensation and for the generally higher in-line-of duty benefits available under the FRS and other Florida plans that cover such employees for disability and death.

Additionally, the bill amends s. 112.18(2), F.S., to authorize government entities to negotiate for additional life and disability insurance benefits for law enforcement officers and correctional officers who suffer partial or total disability or die in the line of duty as a result of tuberculosis, heart disease, or hypertension.

While this bill adds law enforcement officers and correctional officers as eligible classes for additional life and disability insurance benefits under s. 112.18(2), F.S., it does not mandate coverage or benefits. In the event that the state should decide to contract for the coverage and benefits as provided in the bill, there would be a fiscal impact to the state, the State Group Insurance Program, and employees.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution, provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless certain requirements are met. Several exemptions and exceptions exist. If none of the exemptions or exceptions apply, the bill must fulfill an important state interest and be approved by two-thirds membership of each house in the Legislature.

The bill will require cities and special districts that maintain their own police pension plans (non-FRS plans and non chap. 185, F.S., plans) to expend an unknown amount of funds for higher in-line-of-duty amounts for affected employees who become disabled or die as the result of tuberculosis, heart disease, or hypertension. This expenditure applies to all persons similarly situated, but the bill lacks a declaration of important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill would affect all local government law enforcement and correctional officers and their employees who are not currently covered by the statutory presumption in current law. County law enforcement and correctional officers in the FRS would be affected, as well as municipal law enforcement officers who participate in local pension plans not funded under chapter 185, F.S., and their employees.

Presumed In-Line-of-Duty Disability Benefits –The cost of the presumed in-line-of duty benefits to the FRS has been funded since 1999 with the enactment of ch. 99-392, L.O.F., although it has been available only to firefighters and state law enforcement officers, including state and correctional and correctional probation officers. As originally filed, House Bill 1883 (which was codified as ch. 99-392, L.O.F.) would have included all law enforcement officers and would have funded the cost through a contribution rate increase of 0.08 percent for the Special Risk Class. This amount was determined by the consulting actuaries for the FRS to be sufficient to fund inclusion of all Special Risk members under the presumption. When the bill was amended to limit its application to state law enforcement officers only, the corresponding contribution rate was not changed. In 2000, under ch. 2000-167, L.O.F., the minimum rate paid for in-line-of -duty disabilities for Special Risk Class members was increased from 42 percent to 65 percent and the cost of this benefit improvement was funded through a contribution rate increase of 0.13 percent for the Special Risk Class and 0.21 percent for the Special Risk Administrative Support Class.

There should be no cost to FRS employers for this expansion to cover all law enforcement officers, including correctional officers, since the FRS benefit has already been funded. It is possible, however, that as more members use in-line-of-duty disability benefits, it would produce actuarial losses that would slowly emerge. If such costs occur, they would have to be funded through contribution rate increases as recommended in future annual valuations of the FRS.

Public employers would also experience higher costs for workers' compensation benefits, since they are available only if the injury or illness is job-related. If more people qualify for workers' compensation benefits, assessments for the Special Disability Trust Fund could rise, affecting carriers and funds under ch. 185, F.S., and their employers.

Costs for other pension plans and costs attributable to workers' compensation claims are unknown.

The Division of Retirement reported that local governments that maintain their own pension plans (non-FRS plans such as city and special districts) and provide disability and death benefits to affected employees under these plans would be more likely to be required to pay the higher in-line-of duty amounts for affected employees who become disabled or die as the result of tuberculosis, heart disease, or hypertension. It would be easier for members of these plans to become eligible for benefits, as the burden of proving that the disability or death was not job-related rests with the employer. Such employers could also be more likely to be obligated to pay workers' compensation claims for affected employees for the same reason.

Additional Life and Disability Insurance Benefits – The bill authorizes government entities to negotiate for life and disability insurance benefits for any law enforcement officers and correctional officers who suffer partial or total disability or death in the line of duty caused by tuberculosis, heart disease or hypertension. While this bill adds law enforcement officers and correctional officers as eligible classes, it does not mandate coverage or benefits. However, if the coverage and benefits as provided in this bill were offered to eligible state firefighters, law enforcement officers and correctional officers, the estimated recurring fiscal impact is as follows:

- < \$725,240 - \$855,111 per year combined state and employee contribution, for redefined accidental death benefit premium this year.
- < \$229,141 - \$1,603,989 per year, combined state and employee contribution, for redefined waiver of premium benefit this year.

Currently, the state contributes approximately 80 percent of the total premium cost; enrollees contribute the remaining 20 percent.

The estimated fiscal impact is for the current plan year only. Future fiscal impact would be determined by future employment numbers, plan enrollment, plan experience, and premium rates.

The Division of State Group Insurance reported that local government could be impacted financially as a result of the special terms and conditions of their life and disability insurance contracts related to accidental death or disability caused by tuberculosis, heart disease, and hypertension of firefighters, law enforcement officers, and correctional officers.

According to information provided by the Department of Insurance, the Department of Corrections (DOC) currently has 18,666 full-time positions that would be covered under the

expanded language of the bills. There are 17 class titles within DOC that would be covered by the presumption.

To analyze the DOC employee data, the number of full-time positions in each class was determined and an average age of all employees within that class was calculated. Based on data from the “American Heart Association heart and Stroke 2000 Statistics”, there are approximately 3,456 DOC employees within the covered classes that have some form of cardiovascular disease.

Assuming one in four of the 3,456 employees have a claim covered by the presumption within the next 25 years, there would be an average of 35 claims per year. Assuming \$75,000 is the average cost per claim for the first year (medical and indemnity), the financial impact is approximately \$2.6 million on DOC claims.

Consideration must then be given to ongoing medical and indemnity cost in addition to new claims the following year.

The bill expands eligibility provision from state employed law enforcement officers to all law officers and corrections officers employed in state or local governments or other political subdivisions.

To the extent that these local entities are insured by a private carrier, there could be some rate impact to those local governments-as this bill expands coverage to local law enforcement officers and correctional officers for tuberculosis, heart disease, or hypertension that will now be deemed resulting from employment unless the employer can prove otherwise.

The bill does reference life insurance and disability insurance but if these medical conditions listed are deemed to be in the line of duty, then the workers’ compensation law provided the benefits.

Moreover, police officers are in the same workers’ compensation classification as private security services, protective or patrol corps, protective agencies, airport security screening employees, armored car service companies, and guards. Thus, if benefits are increased for police officers, the expansion of benefits could increase the rate for this classification-affecting other employers pooled with this class of employees.

VI. Technical Deficiencies:

Section 112.18(1), F.S., requires a firefighter or state law enforcement officer to successfully pass a physical examination upon entering service. As the bill is currently written, it does not appear that correctional officers and correctional probation officers must successfully pass a physical examination upon entering service. An amendment including correctional officers on page 1, line 24 would clarify this issue.

The bill applies to all persons similarly situated, but the bill lacks a declaration of important state interest.

VII. Related Issues:

It should be noted that s. 121.0510(2), F.S., was amended in the 2000 legislative session to include additional members in the Special Risk Class. Subsection (f) includes within the Special Risk Class members who spend as least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution and who are dietitians; public health nutrition consultants; psychological specialists; psychologists; senior psychologists; regional mental health consultants; psychological services directors; pharmacists; senior pharmacists; dentists; senior dentists; registered nurses; clinical associates; nurse practitioners; quality management program supervisors; speech and hearing therapists; pharmacy managers and others.¹⁰ Under the bill, persons employed in this capacity who fall within the Special Risk Class would not benefit from the same presumption under the bill.

VIII. Amendments:

Amendment #1 by Governmental Oversight & Productivity
Adds “correctional officer, or correctional probation officer” to clarify the section.

Amendment #2 by Governmental Oversight & Productivity
Adds “correctional probation officer” to make section consistent.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

¹⁰ Chapter 2000-169, L.O.F.