

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eisnaugle offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 68 and 69, insert:

5 Section 1. Subsection (2) of section 30.2905, Florida  
6 Statutes, is amended to read:

7 30.2905 Program to contract for employment of off-duty  
8 deputies for security services.-

9 (2) (a) Any such public or private employer of a deputy  
10 sheriff shall be responsible for the acts or omissions of the  
11 deputy sheriff while performing services for that employer while  
12 off duty, including workers' compensation benefits.

13 (b) However, for the workers' compensation purposes of  
14 this section:7

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15       1. A deputy sheriff so employed who sustains an injury  
16 while enforcing the criminal, traffic, or penal laws of this  
17 state shall be regarded as working on duty.

18       2. The term "enforcing the criminal, traffic, or penal  
19 laws of this state" shall be interpreted to include, but is not  
20 limited to, providing security, patrol, or traffic direction for  
21 a private or public employer.

22       3. A sheriff may include the sheriff's proportionate costs  
23 of workers' compensation premiums for the off-duty deputy  
24 sheriffs providing such services.

25       Section 2. Section 112.18, Florida Statutes, is amended to  
26 read:

27       112.18 Firefighters and law enforcement or correctional  
28 officers; special provisions relative to disability.-

29       (1)(a) Any condition or impairment of health of any  
30 Florida state, municipal, county, port authority, special tax  
31 district, or fire control district firefighter or any law  
32 enforcement officer, ~~or~~ correctional officer, or correctional  
33 probation officer as defined in s. 943.10(1), (2), or (3) caused  
34 by tuberculosis, heart disease, or hypertension resulting in  
35 total or partial disability or death shall be presumed to have  
36 been accidental and to have been suffered in the line of duty  
37 unless the contrary be shown by competent evidence. However, any  
38 such firefighter or law enforcement officer must ~~shall~~ have  
39 successfully passed a physical examination upon entering into  
40 any such service as a firefighter or law enforcement officer,  
41 which examination failed to reveal any evidence of any such  
42 condition. Such presumption does ~~shall~~ not apply to benefits

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43 payable under or granted in a policy of life insurance or  
44 disability insurance, unless the insurer and insured have  
45 negotiated for such additional benefits to be included in the  
46 policy contract.

47 (b)1. For any workers' compensation claim filed under this  
48 section and chapter 440 occurring on or after July 1, 2010, a  
49 law enforcement officer, correctional officer, or correctional  
50 probation officer as defined in s. 943.10(1), (2), or (3)  
51 suffering from tuberculosis, heart disease, or hypertension is  
52 presumed not to have incurred such disease in the line of duty  
53 as provided in this section if the law enforcement officer,  
54 correctional officer, or correctional probation officer:

55 a. Departed in a material fashion from the prescribed  
56 course of treatment of his or her personal physician and the  
57 departure is demonstrated to have resulted in a significant  
58 aggravation of the tuberculosis, heart disease, or hypertension  
59 resulting in disability or increasing the disability or need for  
60 medical treatment; or

61 b. Was previously compensated pursuant to this section and  
62 chapter 440 for tuberculosis, heart disease, or hypertension and  
63 thereafter sustains and reports a new compensable workers'  
64 compensation claim under this section and chapter 440, and the  
65 law enforcement officer, correctional officer, or correctional  
66 probation officer has departed in a material fashion from the  
67 prescribed course of treatment of an authorized physician for  
68 the preexisting workers' compensation claim and the departure is  
69 demonstrated to have resulted in a significant aggravation of  
70 the tuberculosis, heart disease, or hypertension resulting in

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71 disability or increasing the disability or need for medical  
72 treatment.

73 2. As used in this paragraph, "prescribed course of  
74 treatment" means prescribed medical courses of action and  
75 prescribed medicines for the specific disease or diseases  
76 claimed and as documented in the prescribing physician's medical  
77 records.

78 3. If there is a dispute as to the appropriateness of the  
79 course of treatment prescribed by a physician under sub-  
80 subparagraph 1.a. or sub-subparagraph 1.b. or whether a  
81 departure in a material fashion from the prescribed course of  
82 treatment is demonstrated to have resulted in a significant  
83 aggravation of the tuberculosis, heart disease, or hypertension  
84 resulting in disability or increasing the disability or need for  
85 medical treatment, the law enforcement officer, correctional  
86 officer, or correctional probation officer is entitled to seek  
87 an independent medical examination pursuant to s. 440.13(5).

88 4. A law enforcement officer, correctional officer, or  
89 correctional probation officer is not entitled to the  
90 presumption provided in this section unless a claim for benefits  
91 is made prior to or within 180 days after leaving the employment  
92 of the employing agency.

93 (2) This section authorizes each governmental entity  
94 specified in subsection (1) shall be construed to authorize the  
95 ~~above governmental entities~~ to negotiate policy contracts for  
96 life and disability insurance to include accidental death  
97 benefits or double indemnity coverage which shall include the  
98 presumption that any condition or impairment of health of any

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99 firefighter, law enforcement officer, or correctional officer  
100 caused by tuberculosis, heart disease, or hypertension resulting  
101 in total or partial disability or death was accidental and  
102 suffered in the line of duty, unless the contrary be shown by  
103 competent evidence.

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106 **T I T L E A M E N D M E N T**

107 Remove line 2 and insert:

108 An act relating to insurance; amending s. 30.2905, F.S.;  
109 providing for interpretation of provisions relating to  
110 workers' compensation benefits for certain services  
111 performed by off-duty deputy sheriffs; authorizing  
112 sheriffs to include certain proportionate costs of  
113 workers' compensation premiums for off-duty deputy  
114 sheriffs providing certain services; amending s. 112.18,  
115 F.S.; providing conditions under which a law enforcement  
116 officer, correctional officer, or correctional probation  
117 officer who suffers from a specified medical condition and  
118 has materially departed from the prescribed treatment for  
119 that condition shall lose a specified presumption for  
120 workers' compensation claims made on or after a specified  
121 date; defining the term "prescribed course of treatment";  
122 providing for independent medical examinations in certain  
123 situations; providing that only claims made before or  
124 within a specified period after leaving employment are  
125 eligible for a specified presumption; creating s.  
126 624.46223,

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