

Amendment No.

CHAMBER ACTION

Senate

House

.

---

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

003835

Approved For Filing: 4/27/2010 10:50:53 PM

Amendment No.

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 recover from a private or public employer  
23 of an off-duty deputy sheriff, who is regarded as working on  
24 duty under this paragraph, any increase in the sheriff's  
25 workers' compensation expenses which results directly from the  
26 off-duty employment.

27       Section 2. Section 112.18, Florida Statutes, is amended to  
28 read:

29       112.18 Firefighters and law enforcement or correctional  
30 officers; special provisions relative to disability.-

31       (1)(a) Any condition or impairment of health of any  
32 Florida state, municipal, county, port authority, special tax  
33 district, or fire control district firefighter or any law  
34 enforcement officer, ~~or~~ correctional officer, or correctional  
35 probation officer as defined in s. 943.10(1), (2), or (3) caused  
36 by tuberculosis, heart disease, or hypertension resulting in  
37 total or partial disability or death shall be presumed to have  
38 been accidental and to have been suffered in the line of duty  
39 unless the contrary be shown by competent evidence. However, any  
40 such firefighter or law enforcement officer must ~~shall~~ have  
41 successfully passed a physical examination upon entering into  
42 any such service as a firefighter or law enforcement officer,  
003835

Approved For Filing: 4/27/2010 10:50:53 PM

Amendment No.

43 which examination failed to reveal any evidence of any such  
44 condition. Such presumption does ~~shall~~ not apply to benefits  
45 payable under or granted in a policy of life insurance or  
46 disability insurance, unless the insurer and insured have  
47 negotiated for such additional benefits to be included in the  
48 policy contract.

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

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

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

003835

Approved For Filing: 4/27/2010 10:50:53 PM

Amendment No.

71 demonstrated to have resulted in a significant aggravation of  
72 the tuberculosis, heart disease, or hypertension resulting in  
73 disability or increasing the disability or need for medical  
74 treatment.

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

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

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

95 (2) This section authorizes each governmental entity  
96 specified in subsection (1) shall be construed to authorize the  
97 above governmental entities to negotiate policy contracts for  
98 life and disability insurance to include accidental death

003835

Approved For Filing: 4/27/2010 10:50:53 PM

Amendment No.

99 benefits or double indemnity coverage which shall include the  
100 presumption that any condition or impairment of health of any  
101 firefighter, law enforcement officer, or correctional officer  
102 caused by tuberculosis, heart disease, or hypertension resulting  
103 in total or partial disability or death was accidental and  
104 suffered in the line of duty, unless the contrary be shown by  
105 competent evidence.  
106

107 -----  
108 **T I T L E A M E N D M E N T**

109 Remove line 2 and insert:

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

003835

Approved For Filing: 4/27/2010 10:50:53 PM

Amendment No.

126 specified period after leaving employment are eligible for  
127 a specified presumption; creating s. 624.46223,