**By** Senator Baker

20-00858-09                                                      2009792__

1                          A bill to be entitled

2           An act relating to firefighter death benefits;

3           amending s. 112.191, F.S.; revises provisions

4           providing death benefits for firefighters; expanding

5           activities entitling firefighters to death benefits to

6           include participation in training exercises; providing

7           an effective date.

8

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

10

11          Section 1. Paragraphs (b), (c), (f), and (g) of subsection

12  (2) of section 112.191, Florida Statutes, are amended to read:

13          112.191 Firefighters; death benefits.—

14          (2)

15          (b) The sum of $50,000, as adjusted pursuant to paragraph

16  (i), shall be paid as provided in this section if a firefighter

17  is accidentally killed as specified in paragraph (a) and the

18  accidental death occurs as a result of the firefighter's

19  response to what is reasonably believed to be an emergency

20  involving the protection of life or property or the

21  firefighter's participation in a training exercise. This sum

22  shall be in addition to any sum provided for in paragraph (a).

23  Notwithstanding any other provision of law, in no case shall the

24  amount payable under this subsection be less than the actual

25  amount stated therein.

26          (c) If a firefighter, while engaged in the performance of

27  his or her firefighter duties, is unlawfully and intentionally

28  killed, is injured and dies as a result of such injury, dies as

29  a result of a fire which has been determined to have been caused

20-00858-09                                           2009792__

30 by an act of arson, or subsequently dies as a result of injuries

31 sustained therefrom, the sum of $150,000, as adjusted pursuant

32 to paragraph (i), shall be paid as provided in this section.

33 Notwithstanding any other provision of law, in no case shall the

34 amount payable under this subsection be less than the actual

35 amount stated therein.

36     (f) Any political subdivision of the state that employs a

37 full-time firefighter who is killed in the line of duty on or

38 after July 1, 1993, ~~as a result of an act of violence inflicted~~

39 ~~by another person while the firefighter is engaged in the~~

40 ~~performance of firefighter duties, as a result of a fire which~~

41 ~~has been determined to have been caused by an act of arson, or~~

42 ~~as a result of an assault against the firefighter under riot~~

43 ~~conditions~~ shall pay the entire premium of the political

44 subdivision's health insurance plan for the employee's surviving

45 spouse until remarried, and for each dependent child of the

46 employee until the child reaches the age of majority or until

47 the end of the calendar year in which the child reaches the age

48 of 25 if:

49     1. At the time of the employee's death, the child is

50 dependent upon the employee for support; and

51     2. The surviving child continues to be dependent for

52 support, or the surviving child is a full-time or part-time

53 student and is dependent for support.

54     (g)1. Any employer who employs a full-time firefighter who,

55 on or after January 1, 1995, suffers a catastrophic injury, as

56 defined in s. 440.02, Florida Statutes 2002, in the line of duty

57 shall pay the entire premium of the employer's health insurance

58 plan for the injured employee, the injured employee's spouse,

20-00858-09                                                          2009792__

59  and for each dependent child of the injured employee until the

60  child reaches the age of majority or until the end of the

61  calendar year in which the child reaches the age of 25 if the

62  child continues to be dependent for support, or the child is a

63  full-time or part-time student and is dependent for support. The

64  term "health insurance plan" does not include supplemental

65  benefits that are not part of the basic group health insurance

66  plan. If the injured employee subsequently dies, the employer

67  shall continue to pay the entire health insurance premium for

68  the surviving spouse until remarried, and for the dependent

69  children, under the conditions outlined in this paragraph.

70  However:

71      a. Health insurance benefits payable from any other source

72  shall reduce benefits payable under this section.

73      b. It is unlawful for a person to willfully and knowingly

74  make, or cause to be made, or to assist, conspire with, or urge

75  another to make, or cause to be made, any false, fraudulent, or

76  misleading oral or written statement to obtain health insurance

77  coverage as provided under this paragraph. A person who violates

78  this sub-subparagraph commits a misdemeanor of the first degree,

79  punishable as provided in s. 775.082 or s. 775.083.

80      c. In addition to any applicable criminal penalty, upon

81  conviction for a violation as described in sub-subparagraph b.,

82  a firefighter or other beneficiary who receives or seeks to

83  receive health insurance benefits under this paragraph shall

84  forfeit the right to receive such health insurance benefits, and

85  shall reimburse the employer for all benefits paid due to the

86  fraud or other prohibited activity. For purposes of this sub-

87  subparagraph, "conviction" means a determination of guilt that

**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

20-00858-09 2009792__

88 is the result of a plea or trial, regardless of whether

89 adjudication is withheld.

90     2. In order for the firefighter, spouse, and dependent

91 children to be eligible for such insurance coverage, the injury

92 must have <u>been work related</u> <s>occurred as the result of the</s>

93 <s>firefighter's response to what is reasonably believed to be an</s>

94 <s>emergency involving the protection of life or property, or an</s>

95 <s>unlawful act perpetrated by another</s>. Except as otherwise

96 provided herein, nothing in this paragraph shall be construed to

97 limit health insurance coverage for which the firefighter,

98 spouse, or dependent children may otherwise be eligible, except

99 that a person who qualifies for benefits under this section

100 shall not be eligible for the health insurance subsidy provided

101 under chapter 121, chapter 175, or chapter 185.

102

103 Notwithstanding any provision of this section to the contrary,

104 the death benefits provided in paragraphs (b), (c), and (f)

105 shall also be applicable and paid in cases where a firefighter

106 received bodily injury prior to July 1, 1993, and subsequently

107 died on or after July 1, 1993, as a result of such in-line-of-

108 duty injury.

109     Section 2. This act shall take effect July 1, 2009.