

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Corcoran offered the following:

**Amendment (with title amendment)**

Between lines 248 and 249, insert:

Section 2. Section 440.022, Florida Statutes, is created to read:

440.022 Worker injured as a result of criminal activity.-

(1) When an employer complies with the requirements of this chapter and also provides an employer-sponsored health plan for its employees, an employee suffering a physical injury, as defined in s. 440.02(19), caused by criminal activity involving a gun of any kind may:

(a) Elect to claim benefits under the workers' compensation coverage provided by his or her employer for the injuries suffered; or

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16 (b) Elect to claim benefits under a health plan provided  
17 by his or her employer for the injuries suffered.

18 (2) An employee exercising the option provided in this  
19 section must sign a notice under oath acknowledging that the  
20 employee is giving up the right to claim lost wages resulting  
21 from such injury and that the employer retains immunity from  
22 tort granted for compliance with this chapter, which means the  
23 right of such employee to bring an action against the employer  
24 to recover damages for injury or death is extinguished.

25 (3) The election by an employee to receive benefits under  
26 a health plan shall not constitute a failure to secure  
27 compensation under s. 440.06 and shall not result in the loss of  
28 immunity by the employer.

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

32 Remove line 5 and insert:  
33 under certain circumstances; creating s. 440.022,  
34 F.S.; authorizing employees injured as the result of  
35 certain criminal acts to elect either medical  
36 treatment furnished by an employer under ch. 440,  
37 F.S., relating to workers' compensation or under a  
38 health care policy; requiring an employee exercising  
39 such option to make a specified acknowledgement under  
40 oath; providing that an employee election to receive  
41 certain benefits under a health plan is not a failure  
42 to secure certain compensation and does not result in

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43 a loss of immunity by the employer amending s.

44 624.501,