

By the Committee on Governmental Oversight and Accountability;
and Senator Book

585-03336-21

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1 A bill to be entitled
2 An act relating to death benefits; amending s. 112.19,
3 F.S.; requiring an employer of a law enforcement,
4 correctional, or correctional probation officer to
5 extend paid health insurance benefits to a surviving
6 spouse and each dependent child if the officer dies as
7 a result of exposure in the line of duty to a pandemic
8 disease that is the subject of a public health
9 emergency; providing applicability; providing
10 retroactive application; providing a declaration of
11 important state interest; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (h) of subsection (2) of section
16 112.19, Florida Statutes, is amended to read:

17 112.19 Law enforcement, correctional, and correctional
18 probation officers; death benefits.—

19 (2)

20 (h)1. Any employer who employs a full-time law enforcement,
21 correctional, or correctional probation officer who, on or after
22 January 1, 1995, suffers a catastrophic injury, as defined in s.
23 440.02, Florida Statutes 2002, in the line of duty shall pay the
24 entire premium of the employer's health insurance plan for the
25 injured employee, the injured employee's spouse, and for each
26 dependent child of the injured employee until the child reaches
27 the age of majority or until the end of the calendar year in
28 which the child reaches the age of 25 if the child continues to
29 be dependent for support, or the child is a full-time or part-

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30 time student and is dependent for support. Any employer who
31 employed a full-time law enforcement, correctional, or
32 correctional probation officer who was exposed in the line of
33 duty to a pandemic disease that was the subject of a declared
34 public health emergency and who died from such disease on or
35 after March 1, 2020, shall pay the entire premium of the
36 employer's health insurance plan for the employee's surviving
37 spouse and for each surviving dependent child of the deceased
38 employee until the child reaches the age of majority or until
39 the end of the calendar year in which the child reaches the age
40 of 25, if the child continues to be dependent for support, or if
41 the child is a full-time or part-time student and is dependent
42 for support. The term "health insurance plan" does not include
43 supplemental benefits that are not part of the basic group
44 health insurance plan. If the injured employee subsequently
45 dies, the employer shall continue to pay the entire health
46 insurance premium for the surviving spouse until remarried, and
47 for the dependent children, under the conditions outlined in
48 this paragraph. However:

49 a. Health insurance benefits payable from any other source
50 shall reduce benefits payable under this section.

51 b. It is unlawful for a person to willfully and knowingly
52 make, or cause to be made, or to assist, conspire with, or urge
53 another to make, or cause to be made, any false, fraudulent, or
54 misleading oral or written statement to obtain health insurance
55 coverage as provided under this paragraph. A person who violates
56 this sub-subparagraph commits a misdemeanor of the first degree,
57 punishable as provided in s. 775.082 or s. 775.083.

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

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59 conviction for a violation as described in sub-subparagraph b.,
60 a law enforcement, correctional, or correctional probation
61 officer or other beneficiary who receives or seeks to receive
62 health insurance benefits under this paragraph shall forfeit the
63 right to receive such health insurance benefits, and shall
64 reimburse the employer for all benefits paid due to the fraud or
65 other prohibited activity. For purposes of this sub-
66 subparagraph, the term "conviction" means a determination of
67 guilt that is the result of a plea or trial, regardless of
68 whether adjudication is withheld.

69 2. In the case of catastrophic injury, in order for the
70 officer, spouse, and dependent children to be eligible for such
71 insurance coverage, the injury must have occurred as the result
72 of the officer's response to fresh pursuit, the officer's
73 response to what is reasonably believed to be an emergency, or
74 an unlawful act perpetrated by another. In the case of illness,
75 in order for the surviving spouse and dependent children to be
76 eligible for such insurance coverage, the illness must have been
77 contracted in the line of duty. Except as otherwise provided
78 herein, this paragraph may not be construed to limit health
79 insurance coverage for which the officer, spouse, or dependent
80 children may otherwise be eligible, except that a person who
81 qualifies under this section is not eligible for the health
82 insurance subsidy provided under chapter 121, chapter 175, or
83 chapter 185.

84 Section 2. The amendments made by this act to s. 112.19,
85 Florida Statutes, are intended to apply retroactively to the
86 surviving spouse and dependent children of a law enforcement
87 officer, correctional officer, or correctional probation officer

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88 who was exposed in the line of duty to a pandemic disease that
89 was the subject of a declared public health emergency and who
90 died from such disease on or after March 1, 2020.

91 Section 3. The Legislature determines and declares that
92 this act fulfills an important state interest.

93 Section 4. This act shall take effect upon becoming a law.