

By Senator Diaz

36-00241-22

2022266\_\_

1                   A bill to be entitled  
2       An act relating to service as a law enforcement  
3       officer; amending s. 943.10, F.S.; revising the  
4       definition of the term "law enforcement officer" to  
5       specify that the time spent on certain activities is  
6       part of service as an officer; reenacting ss.  
7       111.065(1), 112.1815(1), 112.19(2)(g), 196.081(6)(c),  
8       316.066(5), 440.092(2), 440.15(11), 790.052(1), and  
9       960.194(1)(e), F.S., relating to legal actions against  
10      law enforcement or correctional officers and employer  
11      payment of costs and attorney fees or provision of  
12      attorney; special provisions for employment-related  
13      accidents and injuries of firefighters, paramedics,  
14      emergency medical technicians, and law enforcement  
15      officers; death benefits for law enforcement,  
16      correctional, and correctional probation officers; an  
17      exemption for surviving spouses of first responders  
18      who die in the line of duty; written reports of  
19      crashes; special requirements for compensability,  
20      deviation from employment, and subsequent intervening  
21      accidents; compensation for disability; carrying  
22      concealed firearms by off-duty law enforcement  
23      officers; and emergency responder death benefits,  
24      respectively, to incorporate amendments made by the  
25      act; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Subsection (1) of section 943.10, Florida

36-00241-22

2022266\_\_

30 Statutes, is amended to read:

31 943.10 Definitions; ss. 943.085-943.255.—The following  
32 words and phrases as used in ss. 943.085-943.255 are defined as  
33 follows:

34 (1) "Law enforcement officer" means any person who is  
35 elected, appointed, or employed full time by any municipality or  
36 the state or any political subdivision thereof; who is vested  
37 with authority to bear arms and make arrests; and whose primary  
38 responsibility is the prevention and detection of crime or the  
39 enforcement of the penal, criminal, traffic, or highway laws of  
40 the state. This definition includes all certified supervisory  
41 and command personnel whose duties include, in whole or in part,  
42 the supervision, training, guidance, and management  
43 responsibilities of full-time law enforcement officers, part-  
44 time law enforcement officers, or auxiliary law enforcement  
45 officers but does not include support personnel employed by the  
46 employing agency. A person's service as a law enforcement  
47 officer includes the time that begins when an officer enters an  
48 agency-issued vehicle and travels portal-to-portal to an  
49 assignment and also includes the time spent traveling to, from,  
50 and during any work performed by an officer for which the law  
51 enforcement agency or another government entity collects a fee  
52 for providing law enforcement services.

53 Section 2. For the purpose of incorporating the amendment  
54 made by this act to section 943.10, Florida Statutes, in a  
55 reference thereto, subsection (1) of section 111.065, Florida  
56 Statutes, is reenacted to read:

57 111.065 Law enforcement or correctional officers, legal  
58 action against; employer payment of costs and attorney's fees or

36-00241-22

2022266\_\_

59 provision of attorney.-

60 (1) For the purpose of this section only, the term  
61 "officer" means any law enforcement officer, correctional  
62 officer, or correctional probation officer as defined in s.  
63 943.10(1), (2), or (3), who is employed full time by any  
64 municipality or the state or any political subdivision thereof.

65 Section 3. For the purpose of incorporating the amendment  
66 made by this act to section 943.10, Florida Statutes, in a  
67 reference thereto, subsection (1) of section 112.1815, Florida  
68 Statutes, is reenacted to read:

69 112.1815 Firefighters, paramedics, emergency medical  
70 technicians, and law enforcement officers; special provisions  
71 for employment-related accidents and injuries.-

72 (1) The term "first responder" as used in this section  
73 means a law enforcement officer as defined in s. 943.10, a  
74 firefighter as defined in s. 633.102, or an emergency medical  
75 technician or paramedic as defined in s. 401.23 employed by  
76 state or local government. A volunteer law enforcement officer,  
77 firefighter, or emergency medical technician or paramedic  
78 engaged by the state or a local government is also considered a  
79 first responder of the state or local government for purposes of  
80 this section.

81 Section 4. For the purpose of incorporating the amendment  
82 made by this act to section 943.10, Florida Statutes, in a  
83 reference thereto, paragraph (g) of subsection (2) of section  
84 112.19, Florida Statutes, is reenacted to read:

85 112.19 Law enforcement, correctional, and correctional  
86 probation officers; death benefits.-

87 (2)

36-00241-22

2022266\_\_

88 (g) Any political subdivision of the state that employs a  
89 full-time law enforcement officer as defined in s. 943.10(1) or  
90 a full-time correctional officer as defined in s. 943.10(2) who  
91 is killed in the line of duty on or after July 1, 1993, as a  
92 result of an act of violence inflicted by another person while  
93 the officer is engaged in the performance of law enforcement  
94 duties or as a result of an assault against the officer under  
95 riot conditions shall pay the entire premium of the political  
96 subdivision's health insurance plan for the employee's surviving  
97 spouse until remarried, and for each dependent child of the  
98 employee until the child reaches the age of majority or until  
99 the end of the calendar year in which the child reaches the age  
100 of 25 if:

101 1. At the time of the employee's death, the child is  
102 dependent upon the employee for support; and

103 2. The surviving child continues to be dependent for  
104 support, or the surviving child is a full-time or part-time  
105 student and is dependent for support.

106 Section 5. For the purpose of incorporating the amendment  
107 made by this act to section 943.10, Florida Statutes, in a  
108 reference thereto, paragraph (c) of subsection (6) of section  
109 196.081, Florida Statutes, is reenacted to read:

110 196.081 Exemption for certain permanently and totally  
111 disabled veterans and for surviving spouses of veterans;  
112 exemption for surviving spouses of first responders who die in  
113 the line of duty.—

114 (6) Any real estate that is owned and used as a homestead  
115 by the surviving spouse of a first responder who died in the  
116 line of duty while employed by the state or any political

36-00241-22

2022266\_\_

117 subdivision of the state, including authorities and special  
118 districts, and for whom a letter from the state or appropriate  
119 political subdivision of the state, or other authority or  
120 special district, has been issued which legally recognizes and  
121 certifies that the first responder died in the line of duty  
122 while employed as a first responder is exempt from taxation if  
123 the first responder and his or her surviving spouse were  
124 permanent residents of this state on January 1 of the year in  
125 which the first responder died.

126 (c) As used in this subsection only, and not applicable to  
127 the payment of benefits under s. 112.19 or s. 112.191, the term:

128 1. "First responder" means a law enforcement officer or  
129 correctional officer as defined in s. 943.10, a firefighter as  
130 defined in s. 633.102, or an emergency medical technician or  
131 paramedic as defined in s. 401.23 who is a full-time paid  
132 employee, part-time paid employee, or unpaid volunteer.

133 2. "In the line of duty" means:

134 a. While engaging in law enforcement;

135 b. While performing an activity relating to fire  
136 suppression and prevention;

137 c. While responding to a hazardous material emergency;

138 d. While performing rescue activity;

139 e. While providing emergency medical services;

140 f. While performing disaster relief activity;

141 g. While otherwise engaging in emergency response activity;

142 or

143 h. While engaging in a training exercise related to any of  
144 the events or activities enumerated in this subparagraph if the  
145 training has been authorized by the employing entity.

36-00241-22

2022266\_\_

146

147 A heart attack or stroke that causes death or causes an injury  
148 resulting in death must occur within 24 hours after an event or  
149 activity enumerated in this subparagraph and must be directly  
150 and proximately caused by the event or activity in order to be  
151 considered as having occurred in the line of duty.

152 Section 6. For the purpose of incorporating the amendment  
153 made by this act to section 943.10, Florida Statutes, in a  
154 reference thereto, subsection (5) of section 316.066, Florida  
155 Statutes, is reenacted to read:

156 316.066 Written reports of crashes.—

157 (5) A law enforcement officer, as defined in s. 943.10(1),  
158 may enforce this section.

159 Section 7. For the purpose of incorporating the amendment  
160 made by this act to section 943.10, Florida Statutes, in a  
161 reference thereto, subsection (2) of section 440.092, Florida  
162 Statutes, is reenacted to read:

163 440.092 Special requirements for compensability; deviation  
164 from employment; subsequent intervening accidents.—

165 (2) GOING OR COMING.—An injury suffered while going to or  
166 coming from work is not an injury arising out of and in the  
167 course of employment whether or not the employer provided  
168 transportation if such means of transportation was available for  
169 the exclusive personal use by the employee, unless the employee  
170 was engaged in a special errand or mission for the employer. For  
171 the purposes of this subsection and notwithstanding any other  
172 provisions of law to the contrary, an injury to a law  
173 enforcement officer as defined in s. 943.10(1), during the  
174 officer's work period or while going to or coming from work in

36-00241-22

2022266\_\_

175 an official law enforcement vehicle, shall be presumed to be an  
176 injury arising out of and in the course of employment unless the  
177 injury occurred during a distinct deviation for a nonessential  
178 personal errand. If, however, the employer's policy or the  
179 collective bargaining agreement that applies to the officer  
180 permits such deviations for nonessential errands, the injury  
181 shall be presumed to arise out of and in the course of  
182 employment.

183 Section 8. For the purpose of incorporating the amendment  
184 made by this act to section 943.10, Florida Statutes, in a  
185 reference thereto, subsection (11) of section 440.15, Florida  
186 Statutes, is reenacted to read:

187 440.15 Compensation for disability.—Compensation for  
188 disability shall be paid to the employee, subject to the limits  
189 provided in s. 440.12(2), as follows:

190 (11) FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT OFFICERS.—  
191 Any law enforcement officer as defined in s. 943.10(1), (2), or  
192 (3) who, while acting within the course of employment as  
193 provided by s. 440.091, is maliciously or intentionally injured  
194 and who thereby sustains a job-connected disability compensable  
195 under this chapter shall be carried in full-pay status rather  
196 than being required to use sick, annual, or other leave. Full-  
197 pay status shall be granted only after submission to the  
198 employing agency's head of a medical report which gives a  
199 current diagnosis of the employee's recovery and ability to  
200 return to work. In no case shall the employee's salary and  
201 workers' compensation benefits exceed the amount of the  
202 employee's regular salary requirements.

203 Section 9. For the purpose of incorporating the amendment

36-00241-22

2022266\_\_

204 made by this act to section 943.10, Florida Statutes, in  
205 references thereto, subsection (1) of section 790.052, Florida  
206 Statutes, is reenacted to read:

207 790.052 Carrying concealed firearms; off-duty law  
208 enforcement officers.—

209 (1) (a) All persons holding active certifications from the  
210 Criminal Justice Standards and Training Commission as law  
211 enforcement officers or correctional officers as defined in s.  
212 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
213 carry, on or about their persons, concealed firearms, during  
214 off-duty hours, at the discretion of their superior officers,  
215 and may perform those law enforcement functions that they  
216 normally perform during duty hours, utilizing their weapons in a  
217 manner which is reasonably expected of on-duty officers in  
218 similar situations.

219 (b) All persons holding an active certification from the  
220 Criminal Justice Standards and Training Commission as a law  
221 enforcement officer or a correctional officer as defined in s.  
222 943.10(1), (2), (6), (7), (8), or (9) meet the definition of  
223 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

224 (c) All persons who held an active certification from the  
225 Criminal Justice Standards and Training Commission as a law  
226 enforcement officer or correctional officer as defined in s.  
227 943.10(1), (2), (6), (7), (8), or (9), while working for an  
228 employing agency, as defined in s. 943.10(4), but have separated  
229 from service under the conditions set forth in 18 U.S.C. s.  
230 926C(c), meet the definition of "qualified retired law  
231 enforcement officer."

232 (d) This section does not limit the right of a law

36-00241-22

2022266\_\_

233 enforcement officer, correctional officer, or correctional  
234 probation officer to carry a concealed firearm off duty as a  
235 private citizen under the exemption provided in s. 790.06 that  
236 allows a law enforcement officer, correctional officer, or  
237 correctional probation officer as defined in s. 943.10(1), (2),  
238 (3), (6), (7), (8), or (9) to carry a concealed firearm without  
239 a concealed weapon or firearm license. The appointing or  
240 employing agency or department of an officer carrying a  
241 concealed firearm as a private citizen under s. 790.06 shall not  
242 be liable for the use of the firearm in such capacity. Nothing  
243 herein limits the authority of the appointing or employing  
244 agency or department from establishing policies limiting law  
245 enforcement officers or correctional officers from carrying  
246 concealed firearms during off-duty hours in their capacity as  
247 appointees or employees of the agency or department.

248 Section 10. For the purpose of incorporating the amendment  
249 made by this act to section 943.10, Florida Statutes, in a  
250 reference thereto, paragraph (e) of subsection (1) of section  
251 960.194, Florida Statutes, is reenacted to read:

252 960.194 Emergency responder death benefits.—

253 (1) For the purposes of this section, the term:

254 (e) "Law enforcement officer" has the same meaning as  
255 provided in s. 943.10.

256 Section 11. This act shall take effect July 1, 2022.