

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Russell Hanstein v. City of Ft. Lauderdale

569 So. 2d 493 (Fla. Dist. Ct. App. 1990) · No. No. 89-3380 · Decided October 8, 1990

SUMMARY

The Florida First District Court of Appeal held that a police officer injured while traveling from home to work was acting within the course of his employment. Because the officer’s primary responsibility included enforcement of traffic laws, the court concluded that Florida’s statutory requirements for workers’ compensation coverage were satisfied even though he had not yet issued a citation or taken affirmative action. The court reversed and remanded the workers’ compensation order denying benefits.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Per Curiam; Shivers, C.J.; Booth, J.; Zehmer, J.
JURISDICTION	Florida
DECIDED	October 8, 1990
DOCKET	No. 89-3380
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Claimant appealed a workers' compensation order denying benefits for an injury sustained while traveling from home to work.
STANDARD OF REVIEW	The court reviewed the workers' compensation order in light of undisputed facts and the statutory definition of acting within the course of employment.
PRECEDENTIAL VALUE	Published opinion; precedential value under Florida appellate precedent.
PARTIES	Russell Hanstein v. City of Ft. Lauderdale

TOPICS

- workers compensation
- statutory interpretation
- employment law
- municipal law

PRACTICE AREAS

- workers compensation
- employment law
- municipal law

QUESTIONS PRESENTED

1. Whether a police officer traveling from home to work was acting within the course of his employment under section 440.091, Florida Statutes, when he observed a traffic violation and intended to issue a citation before being injured.
2. Whether the officer had to actually issue a citation or take further affirmative action before his injury could be considered to have arisen out of and in the course of employment.

HOLDINGS

1. A patrol officer whose primary responsibility includes enforcement of traffic laws is acting within the course of employment while traveling to work on a public thoroughfare and discharging that law-enforcement responsibility.
2. An officer need not actually issue a citation or take additional affirmative action before an injury occurs to be acting within the course of employment under section 440.091.

KEY QUOTATIONS

“We find that the undisputed facts establish that claimant was within the course of his employment, and we therefore reverse the order appealed.” (569 So. 2d at 493)

“Claimant was discharging this primary responsibility while traveling to the police station, and it was not necessary to actually issue a citation or take any affirmative action in this regard for the officer to be within the course of his employment as delineated in section 440.091.” (569 So. 2d at 494)

FACTUAL BACKGROUND

Hanstein was a uniformed patrol officer traveling in his personal vehicle from home to the police station for his normal duty assignment. While traveling, he observed a tractor-trailer make an improper turn and consciously decided to issue a citation, but the truck struck his vehicle before he could do so. Departmental policy provided that an off-duty officer automatically became on duty upon observing a violation and taking affirmative action, and another officer later issued the citation at the accident scene.

PROCEDURAL HISTORY

The workers' compensation judge determined that Hanstein's injury did not occur within the course of his employment as a police officer and denied benefits. The First District Court of Appeal reversed and remanded, holding that the undisputed facts established that Hanstein was acting within the course of his employment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded following reversal of the workers' compensation order denying benefits.

CASES CITED

- Warg v. City of Miami Springs, 249 So. 2d 3 (Fla. 1971)
- Sweat v. Allen, 200 So. 348 (Fla. 1941)
- City of Ft. Lauderdale v. Abrams, 561 So. 2d 1294 (Fla. 1st DCA 1990)

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