

By Senator Silver

38-295-00

1                                   A bill to be entitled  
2           An act relating to educational benefits for  
3           children of slain law enforcement officers;  
4           amending s. 112.19, F.S.; providing for  
5           graduate or postgraduate educational expenses  
6           to be waived for children of officers killed in  
7           the line of duty; providing for the waiver to  
8           apply to a child who attends a state  
9           institution as a full-time or part-time  
10          student; providing an effective date.

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

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14           Section 1. Section 112.19, Florida Statutes, is  
15 amended to read:

16           112.19 Law enforcement, correctional, and correctional  
17 probation officers; death benefits.--

18           (1) Whenever used in this section, the term:

19           (a) "Employer" means a state board, commission,  
20 department, division, bureau, or agency, or a county,  
21 municipality, or other political subdivision of the state,  
22 which employs, appoints, or otherwise engages the services of  
23 law enforcement, correctional, or correctional probation  
24 officers.

25           (b) "Law enforcement, correctional, or correctional  
26 probation officer" means any officer as defined in s.  
27 943.10(14) or employee of the state or any political  
28 subdivision of the state, including any law enforcement  
29 officer, correctional officer, correctional probation officer,  
30 state attorney investigator, or public defender investigator,  
31 whose duties require such officer or employee to investigate,

1 pursue, apprehend, arrest, transport, or maintain custody of  
2 persons who are charged with, suspected of committing, or  
3 convicted of a crime; and the term includes any member of a  
4 bomb disposal unit whose primary responsibility is the  
5 location, handling, and disposal of explosive devices. The  
6 term also includes any full-time officer or employee of the  
7 state or any political subdivision of the state, certified  
8 pursuant to chapter 943, whose duties require such officer to  
9 serve process or to attend terms of circuit or county court as  
10 bailiff.

11 (c) "Insurance" means insurance procured from a stock  
12 company or mutual company or association or exchange  
13 authorized to do business as an insurer in this state.

14 (d) "Fresh pursuit" means the pursuit of a person who  
15 has committed or is reasonably suspected of having committed a  
16 felony, misdemeanor, traffic infraction, or violation of a  
17 county or municipal ordinance. The term does not imply  
18 instant pursuit, but pursuit without unreasonable delay.

19 (2)(a) The sum of \$25,000 shall be paid as provided in  
20 this section when a law enforcement, correctional, or  
21 correctional probation officer, while engaged in the  
22 performance of the officer's law enforcement duties, is  
23 accidentally killed or receives accidental bodily injury which  
24 results in the loss of the officer's life, provided that such  
25 killing is not the result of suicide and that such bodily  
26 injury is not intentionally self-inflicted.

27 (b) The sum of \$25,000 shall be paid as provided in  
28 this section if a law enforcement, correctional, or  
29 correctional probation officer is accidentally killed as  
30 specified in paragraph (a) and the accidental death occurs as  
31 a result of the officer's response to fresh pursuit or to the

1 officer's response to what is reasonably believed to be an  
2 emergency. This sum is in addition to any sum provided for in  
3 paragraph (a).

4 (c) If a law enforcement, correctional, or  
5 correctional probation officer, while engaged in the  
6 performance of the officer's law enforcement duties, is  
7 unlawfully and intentionally killed or dies as a result of  
8 such unlawful and intentional act, the sum of \$75,000 shall be  
9 paid as provided in this section.

10 (d) Such payments, pursuant to the provisions of  
11 paragraphs (a), (b), and (c), whether secured by insurance or  
12 not, shall be made to the beneficiary designated by such law  
13 enforcement, correctional, or correctional probation officer  
14 in writing, signed by the officer and delivered to the  
15 employer during the officer's lifetime. If no such  
16 designation is made, then it shall be paid to the officer's  
17 surviving child or children and spouse in equal portions, and  
18 if there is no surviving child or spouse, then to the  
19 officer's parent or parents. If a beneficiary is not  
20 designated and there is no surviving child, spouse, or parent,  
21 then it shall be paid to the officer's estate.

22 (e) Such payments, pursuant to the provisions of  
23 paragraphs (a), (b), and (c), are in addition to any workers'  
24 compensation or pension benefits and are exempt from the  
25 claims and demands of creditors of such law enforcement,  
26 correctional, or correctional probation officer.

27 (f) If a full-time law enforcement, correctional, or  
28 correctional probation officer who is employed by a state  
29 agency is killed in the line of duty as a result of an act of  
30 violence inflicted by another person while the officer is  
31 engaged in the performance of law enforcement duties or as a

1 result of an assault against the officer under riot  
2 conditions, the sum of \$1,000 shall be paid, as provided for  
3 in paragraph (d), toward the funeral and burial expenses of  
4 such officer. Such benefits are in addition to any other  
5 benefits which employee beneficiaries and dependents are  
6 entitled to under the provisions of the Workers' Compensation  
7 Law or any other state or federal statutes.

8 (g) Any political subdivision of the state that  
9 employs a full-time law enforcement officer as defined in s.  
10 943.10(1) or a full-time correctional officer as defined in s.  
11 943.10(2) who is killed in the line of duty on or after July  
12 1, 1993, as a result of an act of violence inflicted by  
13 another person while the officer is engaged in the performance  
14 of law enforcement duties or as a result of an assault against  
15 the officer under riot conditions shall pay the entire premium  
16 of the political subdivision's health insurance plan for the  
17 employee's surviving spouse until remarried, and for each  
18 dependent child of the employee until the child reaches the  
19 age of majority or until the end of the calendar year in which  
20 the child reaches the age of 25 if:

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

23 2. The surviving child continues to be dependent for  
24 support, or the surviving child is a full-time or part-time  
25 student and is dependent for support.

26 (h)1. Any employer who employs a full-time law  
27 enforcement, correctional, or correctional probation officer  
28 who, on or after January 1, 1995, suffers a catastrophic  
29 injury, as defined in s. 440.02(37), in the line of duty shall  
30 pay the entire premium of the employer's health insurance plan  
31 for the injured employee, the injured employee's spouse, and

1 for each dependent child of the injured employee until the  
2 child reaches the age of majority or until the end of the  
3 calendar year in which the child reaches the age of 25 if the  
4 child continues to be dependent for support, or the child is a  
5 full-time or part-time student and is dependent for support.  
6 The term "health insurance plan" does not include supplemental  
7 benefits that are not part of the basic group health insurance  
8 plan. If the injured employee subsequently dies, the employer  
9 shall continue to pay the entire health insurance premium for  
10 the surviving spouse until remarried, and for the dependent  
11 children, under the conditions outlined in this paragraph.

12 However:

13 a. Health insurance benefits payable from any other  
14 source shall reduce benefits payable under this section.

15 b. It is unlawful for a person to willfully and  
16 knowingly make, or cause to be made, or to assist, conspire  
17 with, or urge another to make, or cause to be made, any false,  
18 fraudulent, or misleading oral or written statement to obtain  
19 health insurance coverage as provided under this paragraph. A  
20 person who violates this sub-subparagraph commits a  
21 misdemeanor of the first degree, punishable as provided in s.  
22 775.082 or s. 775.083.

23 c. In addition to any applicable criminal penalty,  
24 upon conviction for a violation as described in  
25 sub-subparagraph b., a law enforcement, correctional, or  
26 correctional probation officer or other beneficiary who  
27 receives or seeks to receive health insurance benefits under  
28 this paragraph shall forfeit the right to receive such health  
29 insurance benefits, and shall reimburse the employer for all  
30 benefits paid due to the fraud or other prohibited activity.  
31 For purposes of this sub-subparagraph, "conviction" means a

1 determination of guilt that is the result of a plea or trial,  
2 regardless of whether adjudication is withheld.

3           2. In order for the officer, spouse, and dependent  
4 children to be eligible for such insurance coverage, the  
5 injury must have occurred as the result of the officer's  
6 response to fresh pursuit, the officer's response to what is  
7 reasonably believed to be an emergency, or an unlawful act  
8 perpetrated by another. Except as otherwise provided herein,  
9 nothing in this paragraph shall be construed to limit health  
10 insurance coverage for which the officer, spouse, or dependent  
11 children may otherwise be eligible, except that a person who  
12 qualifies under this section shall not be eligible for the  
13 health insurance subsidy provided under chapter 121, chapter  
14 175, or chapter 185.

15           (i) The Bureau of Crime Prevention and Training within  
16 the Department of Legal Affairs shall adopt rules necessary to  
17 implement paragraphs (a), (b), and (c).

18           (3) If a law enforcement, correctional, or  
19 correctional probation officer is accidentally killed as  
20 specified in paragraph (2)(b) on or after June 22, 1990, or  
21 unlawfully and intentionally killed as specified in paragraph  
22 (2)(c) on or after July 1, 1980, the state shall waive certain  
23 educational expenses which children of the deceased officer  
24 incur while obtaining a vocational-technical certificate,~~or~~  
25 an undergraduate education, or a graduate or postgraduate  
26 degree. The amount waived by the state shall be an amount  
27 equal to the cost of tuition and matriculation and  
28 registration fees for a total of 120 credit hours for a  
29 vocational-technical certificate or an undergraduate  
30 education. For a child pursuing a graduate or postgraduate  
31 degree, the amount waived shall equal the cost of tuition,

1 matriculation, and registration fees incurred while the child  
2 continues to fulfill the professional requirements associated  
3 with the graduate degree program.The child may attend a state  
4 vocational-technical school, a state community college, or a  
5 state university. The child may attend any or all of the  
6 institutions specified in this subsection, on either a  
7 full-time or part-time basis. For a child pursuing a  
8 vocational-technical certificate or an undergraduate  
9 education,the benefits provided under this subsection shall  
10 continue to the child until the child's 25th birthday.

11 (a) Upon failure of any child benefited by the  
12 provisions of this section to comply with the ordinary and  
13 minimum requirements of the institution attended, both as to  
14 discipline and scholarship, the benefits shall be withdrawn as  
15 to the child and no further moneys may be expended for the  
16 child's benefits so long as such failure or delinquency  
17 continues.

18 (b) Only a student in good standing in his or her  
19 respective institution may receive the benefits thereof.

20 (c) A child receiving benefits under this section must  
21 be enrolled according to the customary rules and requirements  
22 of the institution attended.

23 (4)(a) The employer of such law enforcement,  
24 correctional, or correctional probation officer is liable for  
25 the payment of the sums specified in this section and is  
26 deemed self-insured, unless it procures and maintains, or has  
27 already procured and maintained, insurance to secure such  
28 payments. Any such insurance may cover only the risks  
29 indicated in this section, in the amounts indicated in this  
30 section, or it may cover those risks and additional risks and  
31 may be in larger amounts. Any such insurance shall be placed

1 by such employer only after public bid of such insurance  
2 coverage which coverage shall be awarded to the carrier making  
3 the lowest best bid.

4 (b) Payment of benefits to beneficiaries of state  
5 employees, or of the premiums to cover the risk, under the  
6 provisions of this section shall be paid from existing funds  
7 otherwise appropriated to the department employing the law  
8 enforcement, correctional, or correctional probation officers.

9 (5) The Department of Education shall adopt rules and  
10 procedures as are necessary to implement the educational  
11 benefits provisions of this section.

12 (6) Notwithstanding any provision of this section to  
13 the contrary, the death benefits provided in paragraphs (2)(c)  
14 and (g) shall also be applicable and paid in cases where an  
15 officer received bodily injury prior to July 1, 1993, and  
16 subsequently died on or after July 1, 1993, as a result of  
17 such in-line-of-duty injury attributable to an unlawful and  
18 intentional act, or an act of violence inflicted by another,  
19 or an assault on the officer under riot conditions. Payment  
20 of such benefits shall be in accordance with provisions of  
21 this section. Nothing in this provision shall be construed to  
22 limit death benefits for which those individuals listed in  
23 paragraph (2)(d) may otherwise be eligible.

24 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Provides for graduate-level fees and tuition to be waived  
for children of law enforcement officers who are killed  
in the line of duty. Provides for the waiver to apply to  
expenses incurred at a state institution for as long as  
the child continues to fulfill the professional  
requirements associated with the graduate degree program.