

By Representative Villalobos

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 postbaccalaureate professional  
6           educational expenses to be waived for children  
7           of officers killed in the line of duty;  
8           providing for the waiver to apply to a child  
9           who attends a state institution as a full-time  
10          or part-time student; providing an effective  
11          date.

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

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

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

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

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

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

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

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

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

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

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

1 a result of the officer's response to fresh pursuit or to the  
2 officer's response to what is reasonably believed to be an  
3 emergency. This sum is in addition to any sum provided for in  
4 paragraph (a).

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

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

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

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

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

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

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

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

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

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

13 However:

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

16 b. It is unlawful for a person to willfully and  
17 knowingly make, or cause to be made, or to assist, conspire  
18 with, or urge another to make, or cause to be made, any false,  
19 fraudulent, or misleading oral or written statement to obtain  
20 health insurance coverage as provided under this paragraph. A  
21 person who violates this sub-subparagraph commits a  
22 misdemeanor of the first degree, punishable as provided in s.  
23 775.082 or s. 775.083.

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

1 For purposes of this sub-subparagraph, "conviction" means a  
2 determination of guilt that is the result of a plea or trial,  
3 regardless of whether adjudication is withheld.

4         2. In order for the officer, spouse, and dependent  
5 children to be eligible for such insurance coverage, the  
6 injury must have occurred as the result of the officer's  
7 response to fresh pursuit, the officer's response to what is  
8 reasonably believed to be an emergency, or an unlawful act  
9 perpetrated by another. Except as otherwise provided herein,  
10 nothing in this paragraph shall be construed to limit health  
11 insurance coverage for which the officer, spouse, or dependent  
12 children may otherwise be eligible, except that a person who  
13 qualifies under this section shall not be eligible for the  
14 health insurance subsidy provided under chapter 121, chapter  
15 175, or chapter 185.

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

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

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

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

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

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

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

1 section, or it may cover those risks and additional risks and  
2 may be in larger amounts. Any such insurance shall be placed  
3 by such employer only after public bid of such insurance  
4 coverage which coverage shall be awarded to the carrier making  
5 the lowest best bid.

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

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

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

26 Section 2. This act shall take effect July 1, 2000.  
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LEGISLATIVE SUMMARY

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 or postbaccalaureate professional degree program.