

By Senator Silver

38-43A-01

1 A bill to be entitled
2 An act relating to educational benefits for
3 children of slain law enforcement officers and
4 firefighters; amending ss. 112.19, 112.191,
5 F.S.; providing for graduate or
6 postbaccalaureate educational expenses to be
7 waived for children of officers and
8 firefighters killed in the line of duty;
9 providing for the waiver to apply to a child
10 who attends a state institution as a full-time
11 or part-time student; providing an effective
12 date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 However:

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

17 b. It is unlawful for a person to willfully and
18 knowingly make, or cause to be made, or to assist, conspire
19 with, or urge another to make, or cause to be made, any false,
20 fraudulent, or misleading oral or written statement to obtain
21 health insurance coverage as provided under this paragraph. A
22 person who violates this sub-subparagraph commits a
23 misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083.

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

1 benefits paid due to the fraud or other prohibited activity.
2 For purposes of this sub-subparagraph, "conviction" means a
3 determination of guilt that is the result of a plea or trial,
4 regardless of whether adjudication is withheld.

5 2. In order for the officer, spouse, and dependent
6 children to be eligible for such insurance coverage, the
7 injury must have occurred as the result of the officer's
8 response to fresh pursuit, the officer's response to what is
9 reasonably believed to be an emergency, or an unlawful act
10 perpetrated by another. Except as otherwise provided herein,
11 nothing in this paragraph shall be construed to limit health
12 insurance coverage for which the officer, spouse, or dependent
13 children may otherwise be eligible, except that a person who
14 qualifies under this section shall not be eligible for the
15 health insurance subsidy provided under chapter 121, chapter
16 175, or chapter 185.

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

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

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

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

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

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

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

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

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

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

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

27 Section 2. Section 112.191, Florida Statutes, is
28 amended to read:

29 112.191 Firefighters; death benefits.--

30 (1) Whenever used in this act:

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1 (a) The term "employer" means a state board,
2 commission, department, division, bureau or agency, or a
3 county, municipality, or other political subdivision of the
4 state.

5 (b) The term "firefighter" means any full-time duly
6 employed uniformed firefighter employed by an employer, whose
7 primary duty is the prevention and extinguishing of fires, the
8 protection of life and property therefrom, the enforcement of
9 municipal, county, and state fire prevention codes, as well as
10 the enforcement of any law pertaining to the prevention and
11 control of fires, who is certified pursuant to s. 633.35, and
12 who is a member of a duly constituted fire department of such
13 employer or who is a volunteer firefighter.

14 (c) The term "insurance" means insurance procured from
15 a stock company or mutual company or association or exchange
16 authorized to do business as an insurer in this state.

17 (2)(a) The sum of \$25,000 shall be paid as hereinafter
18 provided when a firefighter, while engaged in the performance
19 of his or her firefighter duties, is accidentally killed or
20 receives accidental bodily injury which subsequently results
21 in the loss of the firefighter's life, provided that such
22 killing is not the result of suicide and that such bodily
23 injury is not intentionally self-inflicted.

24 (b) The sum of \$25,000 shall be paid as hereinafter
25 provided if a firefighter is accidentally killed as specified
26 in paragraph (a) and the accidental death occurs as a result
27 of the firefighter's response to what is reasonably believed
28 to be an emergency involving the protection of life or
29 property. This sum shall be in addition to any sum provided
30 for in paragraph (a).

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1 (c) If a firefighter, while engaged in the performance
2 of his or her firefighter duties, is unlawfully and
3 intentionally killed, dies as a result of a fire which has
4 been determined to have been caused by an act of arson, or
5 subsequently dies as a result of injuries sustained therefrom,
6 the sum of \$75,000 shall be paid as hereinafter provided.

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

18 (e) Such payments, pursuant to the provisions of
19 paragraphs (a), (b), and (c), shall be in addition to any
20 workers' compensation or pension benefits and shall be exempt
21 from the claims and demands of creditors of such firefighter.

22 (f) Any political subdivision of the state that
23 employs a full-time firefighter who is killed in the line of
24 duty on or after July 1, 1993, as a result of an act of
25 violence inflicted by another person while the firefighter is
26 engaged in the performance of firefighter duties, as a result
27 of a fire which has been determined to have been caused by an
28 act of arson, or as a result of an assault against the
29 firefighter under riot conditions shall pay the entire premium
30 of the political subdivision's health insurance plan for the
31 employee's surviving spouse until remarried, and for each

1 dependent child of the employee until the child reaches the
2 age of majority or until the end of the calendar year in which
3 the child reaches the age of 25 if:

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

6 2. The surviving child continues to be dependent for
7 support, or the surviving child is a full-time or part-time
8 student and is dependent for support.

9 (g)1. Any employer who employs a full-time firefighter
10 who, on or after January 1, 1995, suffers a catastrophic
11 injury, as defined in s. 440.02(37), in the line of duty shall
12 pay the entire premium of the employer's health insurance plan
13 for the injured employee, the injured employee's spouse, and
14 for each dependent child of the injured employee until the
15 child reaches the age of majority or until the end of the
16 calendar year in which the child reaches the age of 25 if the
17 child continues to be dependent for support, or the child is a
18 full-time or part-time student and is dependent for support.
19 The term "health insurance plan" does not include supplemental
20 benefits that are not part of the basic group health insurance
21 plan. If the injured employee subsequently dies, the employer
22 shall continue to pay the entire health insurance premium for
23 the surviving spouse until remarried, and for the dependent
24 children, under the conditions outlined in this paragraph.

25 However:

26 a. Health insurance benefits payable from any other
27 source shall reduce benefits payable under this section.

28 b. It is unlawful for a person to willfully and
29 knowingly make, or cause to be made, or to assist, conspire
30 with, or urge another to make, or cause to be made, any false,
31 fraudulent, or misleading oral or written statement to obtain

1 health insurance coverage as provided under this paragraph. A
2 person who violates this sub-subparagraph commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 c. In addition to any applicable criminal penalty,
6 upon conviction for a violation as described in
7 sub-subparagraph b., a firefighter or other beneficiary who
8 receives or seeks to receive health insurance benefits under
9 this paragraph shall forfeit the right to receive such health
10 insurance benefits, and shall reimburse the employer for all
11 benefits paid due to the fraud or other prohibited activity.
12 For purposes of this sub-subparagraph, "conviction" means a
13 determination of guilt that is the result of a plea or trial,
14 regardless of whether adjudication is withheld.

15 2. In order for the firefighter, spouse, and dependent
16 children to be eligible for such insurance coverage, the
17 injury must have occurred as the result of the firefighter's
18 response to what is reasonably believed to be an emergency
19 involving the protection of life or property, or an unlawful
20 act perpetrated by another. Except as otherwise provided
21 herein, nothing in this paragraph shall be construed to limit
22 health insurance coverage for which the firefighter, spouse,
23 or dependent children may otherwise be eligible, except that a
24 person who qualifies for benefits under this section shall not
25 be eligible for the health insurance subsidy provided under
26 chapter 121, chapter 175, or chapter 185.

27
28 Notwithstanding any provision of this section to the contrary,
29 the death benefits provided in paragraphs (b), (c), and (f)
30 shall also be applicable and paid in cases where a firefighter
31 received bodily injury prior to July 1, 1993, and subsequently

1 died on or after July 1, 1993, as a result of such
2 in-line-of-duty injury.

3 (h) The Division of the State Fire Marshal within the
4 Department of Insurance is directed to promulgate rules as are
5 necessary to implement the provisions of this section.

6 (3) If a firefighter is accidentally killed as
7 specified in paragraph (2)(b) on or after June 22, 1990, or
8 unlawfully and intentionally killed as specified in paragraph
9 (2)(c), on or after July 1, 1980, the state shall waive
10 certain educational expenses which children of the deceased
11 firefighter incur while obtaining a vocational-technical
12 certificate,~~or~~ an undergraduate education, or a graduate or
13 postbaccalaureate professional degree. The amount waived by
14 the state shall be an amount equal to the cost of tuition and
15 matriculation and registration fees for a total of 120 credit
16 hours for a vocational-technical certificate or an
17 undergraduate education. For a child pursuing a graduate or
18 postbaccalaureate professional degree, the amount waived shall
19 equal the cost of tuition, matriculation, and registration
20 fees incurred while the child continues to fulfill the
21 professional requirements associated with the graduate degree
22 program.The child may attend a state vocational-technical
23 school, a state community college, or a state university. The
24 child may attend any or all of the institutions specified in
25 this subsection, on either a full-time or part-time basis. For
26 a child pursuing a vocational-technical certificate or an
27 undergraduate education,the benefits provided under this
28 subsection shall continue to such a child until the child's
29 25th birthday.

30 (a) Upon failure of any child benefited by the
31 provisions of this section to comply with the ordinary and

1 minimum requirements of the institution attended, both as to
2 discipline and scholarship, the benefits thereof shall be
3 withdrawn as to the child and no further moneys expended for
4 the child's benefits so long as such failure or delinquency
5 continues.

6 (b) Only students in good standing in their respective
7 institutions shall receive the benefits thereof.

8 (c) All children receiving benefits under this section
9 shall be enrolled according to the customary rules and
10 requirements of the institution attended.

11 (4)(a) The employer of such firefighter shall be
12 liable for the payment of said sums specified in this section
13 and shall be deemed self-insured, unless it procures and
14 maintains, or has already procured and maintained, insurance
15 to secure such payments. Any such insurance may cover only the
16 risks indicated in this section, in the amounts indicated in
17 this section, or it may cover those risks and additional risks
18 and may be in larger amounts. Any such insurance shall be
19 placed by such employer only after public bid of such
20 insurance coverage which coverage shall be awarded to the
21 carrier making the lowest best bid.

22 (b) Payment of benefits to beneficiaries of state
23 employees, or of the premiums to cover the risk, under the
24 provisions of this section, shall be paid from existing funds
25 otherwise appropriated for the department.

26 (5) The Department of Education is directed to
27 promulgate rules and procedures as are necessary to implement
28 the educational benefits provisions of this section.

29 Section 3. This act shall take effect July 1, 2001.
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SENATE SUMMARY

Provides for graduate-level fees and tuition to be waived for children of law enforcement officers and firefighters 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.