

By Representative Gibson

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.