

1                                   A bill to be entitled  
2           An act prescribing death benefits for  
3           dependents and beneficiaries of a law  
4           enforcement, correctional, or correctional  
5           probation officer or firefighter; amending ss.  
6           112.19, 112.191, F.S.; increasing specified  
7           death benefits; providing for periodic  
8           adjustments to the amount of such benefits;  
9           providing for the state to waive specified  
10          educational expenses for spouses and children  
11          at certain public educational institutions  
12          under specified circumstances; declaring that  
13          the act fulfills an important state interest;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1.   Section 112.19, Florida Statutes, is  
19 amended to read:

20           112.19 Law enforcement, correctional, and correctional  
21 probation officers; death benefits.--

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

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

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

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

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

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

23 (2)(a) The sum of \$50,000, as adjusted pursuant to  
24 paragraph (j), ~~\$25,000~~ shall be paid as provided in this  
25 section when a law enforcement, correctional, or correctional  
26 probation officer, while engaged in the performance of the  
27 officer's law enforcement duties, is accidentally killed or  
28 receives accidental bodily injury which results in the loss of  
29 the officer's life, provided that such killing is not the  
30 result of suicide and that such bodily injury is not  
31 intentionally self-inflicted. Notwithstanding any other

1 provision of law, in no case shall the amount payable under  
2 this subsection be less than the actual amount stated therein.

3 (b) The sum of \$50,000, as adjusted pursuant to  
4 paragraph (j), ~~\$25,000~~ shall be paid as provided in this  
5 section if a law enforcement, correctional, or correctional  
6 probation officer is accidentally killed as specified in  
7 paragraph (a) and the accidental death occurs as a result of  
8 the officer's response to fresh pursuit or to the officer's  
9 response to what is reasonably believed to be an emergency.

10 This sum is in addition to any sum provided for in paragraph  
11 (a). Notwithstanding any other provision of law, in no case  
12 shall the amount payable under this subsection be less than  
13 the actual amount stated therein.

14 (c) If a law enforcement, correctional, or  
15 correctional probation officer, while engaged in the  
16 performance of the officer's law enforcement duties, is  
17 unlawfully and intentionally killed or dies as a result of  
18 such unlawful and intentional act, the sum of \$150,000, as  
19 adjusted pursuant to paragraph (j), ~~\$75,000~~ shall be paid as  
20 provided in this section. Notwithstanding any other provision  
21 of law, in no case shall the amount payable under this  
22 subsection be less than the actual amount stated therein.

23 (d) Such payments, pursuant to the provisions of  
24 paragraphs (a), (b), and (c), whether secured by insurance or  
25 not, shall be made to the beneficiary designated by such law  
26 enforcement, correctional, or correctional probation officer  
27 in writing, signed by the officer and delivered to the  
28 employer during the officer's lifetime. If no such  
29 designation is made, then it shall be paid to the officer's  
30 surviving child or children and spouse in equal portions, and  
31 if there is no surviving child or spouse, then to the

1 officer's parent or parents. If a beneficiary is not  
2 designated and there is no surviving child, spouse, or parent,  
3 then it shall be paid to the officer's estate.

4 (e) Such payments, pursuant to the provisions of  
5 paragraphs (a), (b), and (c), are in addition to any workers'  
6 compensation or pension benefits and are exempt from the  
7 claims and demands of creditors of such law enforcement,  
8 correctional, or correctional probation officer.

9 (f) If a full-time law enforcement, correctional, or  
10 correctional probation officer who is employed by a state  
11 agency is killed in the line of duty as a result of an act of  
12 violence inflicted by another person while the officer is  
13 engaged in the performance of law enforcement duties or as a  
14 result of an assault against the officer under riot  
15 conditions, the sum of \$1,000 shall be paid, as provided for  
16 in paragraph (d), toward the funeral and burial expenses of  
17 such officer. Such benefits are in addition to any other  
18 benefits which employee beneficiaries and dependents are  
19 entitled to under the provisions of the Workers' Compensation  
20 Law or any other state or federal statutes.

21 (g) Any political subdivision of the state that  
22 employs a full-time law enforcement officer as defined in s.  
23 943.10(1) or a full-time correctional officer as defined in s.  
24 943.10(2) who is killed in the line of duty on or after July  
25 1, 1993, as a result of an act of violence inflicted by  
26 another person while the officer is engaged in the performance  
27 of law enforcement duties or as a result of an assault against  
28 the officer under riot conditions shall pay the entire premium  
29 of the political subdivision's health insurance plan for the  
30 employee's surviving spouse until remarried, and for each  
31 dependent child of the employee until the child reaches the

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

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

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

8 (h)1. Any employer who employs a full-time law  
9 enforcement, correctional, or correctional probation officer  
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 law enforcement, correctional, or  
8 correctional probation officer or other beneficiary who  
9 receives or seeks to receive health insurance benefits under  
10 this paragraph shall forfeit the right to receive such health  
11 insurance benefits, and shall reimburse the employer for all  
12 benefits paid due to the fraud or other prohibited activity.  
13 For purposes of this sub-subparagraph, "conviction" means a  
14 determination of guilt that is the result of a plea or trial,  
15 regardless of whether adjudication is withheld.

16 2. In order for the officer, spouse, and dependent  
17 children to be eligible for such insurance coverage, the  
18 injury must have occurred as the result of the officer's  
19 response to fresh pursuit, the officer's response to what is  
20 reasonably believed to be an emergency, or an unlawful act  
21 perpetrated by another. Except as otherwise provided herein,  
22 nothing in this paragraph shall be construed to limit health  
23 insurance coverage for which the officer, spouse, or dependent  
24 children may otherwise be eligible, except that a person who  
25 qualifies under this section shall not be eligible for the  
26 health insurance subsidy provided under chapter 121, chapter  
27 175, or chapter 185.

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

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1           (j) Any payments made pursuant to paragraph (a),  
2 paragraph (b), or paragraph (c) shall consist of the statutory  
3 amount adjusted to reflect price level changes since the  
4 effective date of this act. The Bureau of Crime Prevention and  
5 Training shall by rule adjust the statutory amount based on  
6 the Consumer Price Index for all urban consumers published by  
7 the United States Department of Labor. Adjustment shall be  
8 made July 1 of each year using the most recent month for which  
9 data are available at the time of the adjustment.

10           (3) If a law enforcement, correctional, or  
11 correctional probation officer is accidentally killed as  
12 specified in paragraph (2)(b) on or after June 22, 1990, or  
13 unlawfully and intentionally killed as specified in paragraph  
14 (2)(c) on or after July 1, 1980, the state shall waive certain  
15 educational expenses that the child or spouse ~~which children~~  
16 of the deceased officer incurs ~~incur~~ while obtaining a  
17 vocational-technical certificate, ~~or~~ an undergraduate  
18 education, or a postgraduate education. The amount waived by  
19 the state shall be an amount equal to the cost of tuition and  
20 matriculation and registration fees for a total of 120 credit  
21 hours. The child or spouse may attend a state  
22 vocational-technical school, a state community college, or a  
23 state university. The child or spouse may attend any or all  
24 of the institutions specified in this subsection, on either a  
25 full-time or part-time basis. The benefits provided to a child  
26 under this subsection shall continue ~~to the child~~ until the  
27 child's 25th birthday. The benefits provided to a spouse under  
28 this subsection must commence within 5 years after the death  
29 occurs, and entitlement thereto shall continue until the 10th  
30 anniversary of that death.

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1           (a) Upon failure of any child or spouse benefited by  
2 the provisions of this subsection ~~section~~ to comply with the  
3 ordinary and minimum requirements of the institution attended,  
4 both as to discipline and scholarship, the benefits shall be  
5 withdrawn as to the child or spouse and no further moneys may  
6 be expended for the child's or spouse's benefits so long as  
7 such failure or delinquency continues.

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

10           (c) A child or spouse receiving benefits under this  
11 subsection ~~section~~ must be enrolled according to the customary  
12 rules and requirements of the institution attended.

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

25           (b) Payment of benefits to beneficiaries of state  
26 employees, or of the premiums to cover the risk, under the  
27 provisions of this section shall be paid from existing funds  
28 otherwise appropriated to the department employing the law  
29 enforcement, correctional, or correctional probation officers.



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

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

16           Section 2. Section 112.191, Florida Statutes, is  
17 amended to read:

18           112.191 Firefighters; death benefits.--

19           (1) Whenever used in this act:

20           (a) The term "employer" means a state board,  
21 commission, department, division, bureau or agency, or a  
22 county, municipality, or other political subdivision of the  
23 state.

24           (b) The term "firefighter" means any full-time duly  
25 employed uniformed firefighter employed by an employer, whose  
26 primary duty is the prevention and extinguishing of fires, the  
27 protection of life and property therefrom, the enforcement of  
28 municipal, county, and state fire prevention codes, as well as  
29 the enforcement of any law pertaining to the prevention and  
30 control of fires, who is certified pursuant to s. 633.35, and  
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1 who is a member of a duly constituted fire department of such  
2 employer or who is a volunteer firefighter.

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

6 (2)(a) The sum of \$50,000, as adjusted pursuant to  
7 paragraph (i), ~~\$25,000~~ shall be paid as ~~hereinafter~~ provided  
8 in this section when a firefighter, while engaged in the  
9 performance of his or her firefighter duties, is accidentally  
10 killed or receives accidental bodily injury which subsequently  
11 results in the loss of the firefighter's life, provided that  
12 such killing is not the result of suicide and that such bodily  
13 injury is not intentionally self-inflicted. Notwithstanding  
14 any other provision of law, in no case shall the amount  
15 payable under this subsection be less than the actual amount  
16 stated therein.

17 (b) The sum of \$50,000, as adjusted pursuant to  
18 paragraph (i), ~~\$25,000~~ shall be paid as ~~hereinafter~~ provided  
19 in this section if a firefighter is accidentally killed as  
20 specified in paragraph (a) and the accidental death occurs as  
21 a result of the firefighter's response to what is reasonably  
22 believed to be an emergency involving the protection of life  
23 or property. This sum shall be in addition to any sum  
24 provided for in paragraph (a). Notwithstanding any other  
25 provision of law, in no case shall the amount payable under  
26 this subsection be less than the actual amount stated therein.

27 (c) If a firefighter, while engaged in the performance  
28 of his or her firefighter duties, is unlawfully and  
29 intentionally killed, dies as a result of a fire which has  
30 been determined to have been caused by an act of arson, or  
31 subsequently dies as a result of injuries sustained therefrom,

1 the sum of \$150,000, as adjusted pursuant to paragraph (i),  
2 ~~\$75,000~~ shall be paid as ~~hereinafter~~ provided in this section.  
3 Notwithstanding any other provision of law, in no case shall  
4 the amount payable under this subsection be less than the  
5 actual amount stated therein.

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

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

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

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

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

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

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

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

27 b. It is unlawful for a person to willfully and  
28 knowingly make, or cause to be made, or to assist, conspire  
29 with, or urge another to make, or cause to be made, any false,  
30 fraudulent, or misleading oral or written statement to obtain  
31 health insurance coverage as provided under this paragraph. A

1 person who violates this sub-subparagraph commits a  
2 misdemeanor of the first degree, punishable as provided in s.  
3 775.082 or s. 775.083.

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

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

26  
27 Notwithstanding any provision of this section to the contrary,  
28 the death benefits provided in paragraphs (b), (c), and (f)  
29 shall also be applicable and paid in cases where a firefighter  
30 received bodily injury prior to July 1, 1993, and subsequently  
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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 shall adopt ~~is directed to promulgate~~  
5 rules ~~as are~~ necessary to implement ~~the provisions of this~~  
6 section.

7 (i) Any payments made pursuant to paragraph (a),  
8 paragraph (b), or paragraph (c) shall consist of the statutory  
9 amount adjusted to reflect price level changes since the  
10 effective date of the act. The Division of State Fire Marshal  
11 shall by rule adjust the statutory amount based on the  
12 Consumer Price Index for all urban consumers published by the  
13 United States Department of Labor. Adjustment shall be made  
14 July 1 of each year using the most recent month for which data  
15 are available at the time of the adjustment.

16 (3) If a firefighter is accidentally killed as  
17 specified in paragraph (2)(b) on or after June 22, 1990, or  
18 unlawfully and intentionally killed as specified in paragraph  
19 (2)(c), on or after July 1, 1980, the state shall waive  
20 certain educational expenses that the child or spouse ~~which~~  
21 ~~children~~ of the deceased firefighter incurs ~~incur~~ while  
22 obtaining a vocational-technical certificate, ~~or an~~  
23 undergraduate education, or a postgraduate education. The  
24 amount waived by the state shall be an amount equal to the  
25 cost of tuition and matriculation and registration fees for a  
26 total of 120 credit hours. The child or spouse may attend a  
27 state vocational-technical school, a state community college,  
28 or a state university. The child or spouse may attend any or  
29 all of the institutions specified in this subsection, on  
30 either a full-time or part-time basis. The benefits provided  
31 to a child under this subsection shall continue ~~to such a~~

1 ~~child~~ until the child's 25th birthday. The benefits provided  
2 to a spouse under this subsection must commence within 5 years  
3 after the death occurs, and entitlement thereto shall continue  
4 until the 10th anniversary of that death.

5 (a) Upon failure of any child or spouse benefited by  
6 the provisions of this ~~subsection~~ ~~section~~ to comply with the  
7 ordinary and minimum requirements of the institution attended,  
8 both as to discipline and scholarship, the benefits thereof  
9 shall be withdrawn as to the child or spouse and no further  
10 moneys expended for the child's or spouse's benefits so long  
11 as such failure or delinquency continues.

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

14 (c) A child or spouse ~~All children~~ receiving benefits  
15 under this subsection must ~~section shall~~ be enrolled according  
16 to the customary rules and requirements of the institution  
17 attended.

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

29 (b) Payment of benefits to beneficiaries of state  
30 employees, or of the premiums to cover the risk, under the  
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1 provisions of this section, shall be paid from existing funds  
2 otherwise appropriated for the department.

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

6 Section 3. This act fulfills an important state  
7 interest.

8 Section 4. This act shall take effect July 1, 2002.

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