

By Senator Silver

38-290-02

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 or firefighters  
8           killed in the line of duty; providing for the  
9           waiver to apply to a state resident who attends  
10          a state institution as a full-time or part-time  
11          student until a specified age; providing an  
12          effective 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 that ~~which~~ children of the deceased  
26 officer incur while obtaining a vocational-technical  
27 certificate, or an undergraduate education, or a graduate or  
28 postbaccalaureate professional degree. The amount waived by  
29 the state shall be an amount equal to the cost of tuition, and  
30 matriculation, and other statutorily authorized registration  
31 fees for a total of 120 credit hours for a

1 vocational-technical certificate or an undergraduate  
2 education. For a child pursuing a graduate or  
3 postbaccalaureate professional degree, the amount waived shall  
4 equal the cost of tuition, matriculation, and other  
5 statutorily authorized fees incurred while the child continues  
6 to fulfill the professional requirements associated with the  
7 graduate or postbaccalaureate professional degree program, and  
8 eligibility continues until the child's 29th birthday.The  
9 child may attend a state vocational-technical school, a state  
10 community college, or a state university. The child may  
11 attend any or all of the institutions specified in this  
12 subsection, on either a full-time or part-time basis. For a  
13 child pursuing a vocational-technical certificate or an  
14 undergraduate education, the benefits provided under this  
15 subsection shall continue to the child until the child's 25th  
16 birthday. To be eligible for the benefits provided under this  
17 subsection for enrollment in a postbaccalaureate or  
18 professional degree program, the child must be a state  
19 resident, as defined in s. 240.1201, at the time of  
20 enrollment.

21 (a) Upon failure of any child benefited by the  
22 provisions of this section to comply with the ordinary and  
23 minimum requirements of the institution attended, both as to  
24 discipline and scholarship, the benefits shall be withdrawn as  
25 to the child and no further moneys may be expended for the  
26 child's benefits so long as such failure or delinquency  
27 continues.

28 (b) Only a student in good standing in his or her  
29 respective institution may receive the benefits thereof.  
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1 (c) A child receiving benefits under this section must  
2 be enrolled according to the customary rules and requirements  
3 of the institution attended.

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

16 (b) Payment of benefits to beneficiaries of state  
17 employees, or of the premiums to cover the risk, under the  
18 provisions of this section shall be paid from existing funds  
19 otherwise appropriated to the department employing the law  
20 enforcement, correctional, or correctional probation officers.

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

24 (6) Notwithstanding any provision of this section to  
25 the contrary, the death benefits provided in paragraphs (2)(c)  
26 and (g) shall also be applicable and paid in cases where an  
27 officer received bodily injury prior to July 1, 1993, and  
28 subsequently died on or after July 1, 1993, as a result of  
29 such in-line-of-duty injury attributable to an unlawful and  
30 intentional act, or an act of violence inflicted by another,  
31 or an assault on the officer under riot conditions. Payment



1 of such benefits shall be in accordance with provisions of  
2 this section. Nothing in this provision shall be construed to  
3 limit death benefits for which those individuals listed in  
4 paragraph (2)(d) may otherwise be eligible.

5 Section 2. Section 112.191, Florida Statutes, is  
6 amended to read:

7 112.191 Firefighters; death benefits.--

8 (1) Whenever used in this act:

9 (a) The term "employer" means a state board,  
10 commission, department, division, bureau or agency, or a  
11 county, municipality, or other political subdivision of the  
12 state.

13 (b) The term "firefighter" means any full-time duly  
14 employed uniformed firefighter employed by an employer, whose  
15 primary duty is the prevention and extinguishing of fires, the  
16 protection of life and property therefrom, the enforcement of  
17 municipal, county, and state fire prevention codes, as well as  
18 the enforcement of any law pertaining to the prevention and  
19 control of fires, who is certified pursuant to s. 633.35, and  
20 who is a member of a duly constituted fire department of such  
21 employer or who is a volunteer firefighter.

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

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

1           (b) The sum of \$25,000 shall be paid as hereinafter  
2 provided if a firefighter is accidentally killed as specified  
3 in paragraph (a) and the accidental death occurs as a result  
4 of the firefighter's response to what is reasonably believed  
5 to be an emergency involving the protection of life or  
6 property. This sum shall be in addition to any sum provided  
7 for in paragraph (a).

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

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

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

29           (f) Any political subdivision of the state that  
30 employs a full-time firefighter who is killed in the line of  
31 duty on or after July 1, 1993, as a result of an act of

1 violence inflicted by another person while the firefighter is  
2 engaged in the performance of firefighter duties, as a result  
3 of a fire which has been determined to have been caused by an  
4 act of arson, or as a result of an assault against the  
5 firefighter under riot conditions shall pay the entire premium  
6 of the political subdivision's health insurance plan for the  
7 employee's surviving spouse until remarried, and for each  
8 dependent child of the employee until the child reaches the  
9 age of majority or until the end of the calendar year in which  
10 the child reaches the age of 25 if:

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

13 2. The surviving child continues to be dependent for  
14 support, or the surviving child is a full-time or part-time  
15 student and is dependent for support.

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

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1 children, under the conditions outlined in this paragraph.

2 However:

3 a. Health insurance benefits payable from any other  
4 source shall reduce benefits payable under this section.

5 b. It is unlawful for a person to willfully and  
6 knowingly make, or cause to be made, or to assist, conspire  
7 with, or urge another to make, or cause to be made, any false,  
8 fraudulent, or misleading oral or written statement to obtain  
9 health insurance coverage as provided under this paragraph. A  
10 person who violates this sub-subparagraph commits a  
11 misdemeanor of the first degree, punishable as provided in s.  
12 775.082 or s. 775.083.

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

23 2. In order for the firefighter, spouse, and dependent  
24 children to be eligible for such insurance coverage, the  
25 injury must have occurred as the result of the firefighter's  
26 response to what is reasonably believed to be an emergency  
27 involving the protection of life or property, or an unlawful  
28 act perpetrated by another. Except as otherwise provided  
29 herein, nothing in this paragraph shall be construed to limit  
30 health insurance coverage for which the firefighter, spouse,  
31 or dependent children may otherwise be eligible, except that a

1 person who qualifies for benefits under this section shall not  
2 be eligible for the health insurance subsidy provided under  
3 chapter 121, chapter 175, or chapter 185.

4  
5 Notwithstanding any provision of this section to the contrary,  
6 the death benefits provided in paragraphs (b), (c), and (f)  
7 shall also be applicable and paid in cases where a firefighter  
8 received bodily injury prior to July 1, 1993, and subsequently  
9 died on or after July 1, 1993, as a result of such  
10 in-line-of-duty injury.

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

14 (3) If a firefighter is accidentally killed as  
15 specified in paragraph (2)(b) on or after June 22, 1990, or  
16 unlawfully and intentionally killed as specified in paragraph  
17 (2)(c), on or after July 1, 1980, the state shall waive  
18 certain educational expenses that ~~which~~ children of the  
19 deceased firefighter incur while obtaining a  
20 vocational-technical certificate, ~~or~~ an undergraduate  
21 education, or a graduate or postbaccalaureate professional  
22 degree. The amount waived by the state shall be an amount  
23 equal to the cost of tuition, ~~and~~ matriculation, ~~and~~ other  
24 statutorily authorized registration fees for a total of 120  
25 credit hours for a vocational-technical certificate or an  
26 undergraduate education. For a child pursuing a graduate or  
27 postbaccalaureate professional degree, the amount waived shall  
28 equal the cost of tuition, matriculation, and other  
29 statutorily authorized fees incurred while the child continues  
30 to fulfill the professional requirements associated with the  
31 graduate or postbaccalaureate professional degree program, and

1 eligibility continues until the child's 29th birthday.The  
2 child may attend a state vocational-technical school, a state  
3 community college, or a state university. The child may  
4 attend any or all of the institutions specified in this  
5 subsection, on either a full-time or part-time basis. For a  
6 child pursuing a vocational-technical certificate or an  
7 undergraduate education,the benefits provided under this  
8 subsection shall continue to such a child until the child's  
9 25th birthday. To be eligible for the benefits provided under  
10 this subsection for enrollment in a postbaccalaureate or  
11 professional degree program, the child must be a state  
12 resident, as defined in s. 240.1201, at the time of  
13 enrollment.

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 thereof shall be  
18 withdrawn as to the child and no further moneys expended for  
19 the child's benefits so long as such failure or delinquency  
20 continues.

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

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

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

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

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

14 Section 3. This act shall take effect July 1, 2002.

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17 SENATE SUMMARY

18 Provides for graduate-level fees and tuition to be waived  
19 for children of law enforcement officers or firefighters  
20 who are killed in the line of duty. Requires that the  
21 child be a state resident at the time of enrollment.  
22 Provides for the waiver to apply to expenses incurred at  
23 a state institution by a part-time or full-time student.  
24 Provides for eligibility to continue until the child's  
25 29th birthday.  
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