

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.

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

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

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23 discipline and scholarship, the benefits shall be withdrawn as  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

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

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

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

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

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

21           (6) Notwithstanding any provision of this section to  
22 the contrary, the death benefits provided in paragraphs (2)(c)  
23 and (g) shall also be applicable and paid in cases where an  
24 officer received bodily injury prior to July 1, 1993, and  
25 subsequently died on or after July 1, 1993, as a result of  
26 such in-line-of-duty injury attributable to an unlawful and  
27 intentional act, or an act of violence inflicted by another,  
28 or an assault on the officer under riot conditions. Payment  
29 of such benefits shall be in accordance with provisions of  
30 this section. Nothing in this provision shall be construed to  
31



1 limit death benefits for which those individuals listed in  
2 paragraph (2)(d) may otherwise be eligible.

3 Section 2. Section 112.191, Florida Statutes, is  
4 amended to read:

5 112.191 Firefighters; death benefits.--

6 (1) Whenever used in this act:

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

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

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

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

30 (b) The sum of \$25,000 shall be paid as hereinafter  
31 provided if a firefighter is accidentally killed as specified

1 in paragraph (a) and the accidental death occurs as a result  
2 of the firefighter's response to what is reasonably believed  
3 to be an emergency involving the protection of life or  
4 property. This sum shall be in addition to any sum provided  
5 for in paragraph (a).

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

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

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

27 (f) Any political subdivision of the state that  
28 employs a full-time firefighter who is killed in the line of  
29 duty on or after July 1, 1993, as a result of an act of  
30 violence inflicted by another person while the firefighter is  
31 engaged in the performance of firefighter duties, as a result

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

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

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

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

30 However:

31

1 a. Health insurance benefits payable from any other  
2 source shall reduce benefits payable under this section.

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

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

21 2. In order for the firefighter, spouse, and dependent  
22 children to be eligible for such insurance coverage, the  
23 injury must have occurred as the result of the firefighter's  
24 response to what is reasonably believed to be an emergency  
25 involving the protection of life or property, or an unlawful  
26 act perpetrated by another. Except as otherwise provided  
27 herein, nothing in this paragraph shall be construed to limit  
28 health insurance coverage for which the firefighter, spouse,  
29 or dependent children may otherwise be eligible, except that a  
30 person who qualifies for benefits under this section shall not  
31

1 be eligible for the health insurance subsidy provided under  
2 chapter 121, chapter 175, or chapter 185.

3

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

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

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

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

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

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

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

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

1 placed by such employer only after public bid of such  
2 insurance coverage which coverage shall be awarded to the  
3 carrier making the lowest best bid.

4 (b) Payment of benefits to beneficiaries of state  
5 employees, or of the premiums to cover the risk, under the  
6 provisions of this section, shall be paid from existing funds  
7 otherwise appropriated for the department.

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

12 Section 3. This act shall take effect July 1, 2002.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31