

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officers; providing a popular name; amending s. 112.19,
4 F.S.; providing death benefits for law enforcement,
5 correctional, or correctional probation officers in
6 certain circumstances; amending s. 112.532, F.S.;
7 providing a limitations period for certain actions
8 involving the discipline, demotion, or dismissal of a law
9 enforcement officer or correctional officer; providing for
10 written notification of such actions; providing exceptions
11 to the limitations period; providing for the reopening of
12 investigations and subsequent disciplinary action in
13 certain circumstances; reenacting ss. 110.123(4)(e),
14 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws
15 of Florida, 112.19(3), as amended by chs. 2002-232, 2003-
16 1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c),
17 943.04(2)(d), and 943.68(2), F.S., relating to
18 contributions under the state group insurance program,
19 educational benefits for children and spouses of certain
20 law enforcement personnel, benefits for certain members of
21 the Florida National Guard, benefits for certain law
22 enforcement personnel employed by tribal councils,
23 benefits for certain law enforcement personnel employed by
24 the Department of Law Enforcement in the Criminal Justice
25 Investigations and Forensic Science Program, and benefits
26 for certain law enforcement personnel employed by the
27 Department of Law Enforcement to provide certain security
28 involving the Governor, respectively, for the purpose of

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29 incorporating the amendment to s. 112.19, F.S., in
30 references thereto; providing applicability; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. This act may be cited as the "Deputy James M.
36 Weaver Act."

37 Section 2. Paragraph (b) of subsection (2) of section
38 112.19, Florida Statutes, is amended to read:

39 112.19 Law enforcement, correctional, and correctional
40 probation officers; death benefits.--

41 (2)

42 (b) The sum of \$50,000, as adjusted pursuant to paragraph
43 (j), shall be paid as provided in this section if a law
44 enforcement, correctional, or correctional probation officer is
45 accidentally killed as specified in paragraph (a) and the
46 accidental death occurs as a result of the officer's response to
47 fresh pursuit or to the officer's response to what is reasonably
48 believed to be an emergency, or if the officer is accidentally
49 killed at the scene of a traffic accident or while enforcing
50 what is reasonably believed to be a traffic law or ordinance.

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

55 Section 3. Subsection (6) is added to section 112.532,
56 Florida Statutes, to read:

57 112.532 Law enforcement officers' and correctional
58 officers' rights.--All law enforcement officers and correctional
59 officers employed by or appointed to a law enforcement agency or
60 a correctional agency shall have the following rights and
61 privileges:

62 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.--

63 (a) Except as provided in this subsection, no disciplinary
64 action, demotion, or dismissal shall be undertaken by an agency
65 against a law enforcement officer or correctional officer for
66 any act, omission, or other allegation of misconduct if the
67 investigation of such allegation is not completed within 180
68 days after the date the agency receives notice of the allegation
69 by a person authorized by the agency to initiate an
70 investigation of the misconduct. In the event that the agency
71 determines that disciplinary action is appropriate, it shall
72 complete its investigation and give notice in writing to the law
73 enforcement officer or correctional officer of its intent to
74 proceed with disciplinary action, along with a proposal of the
75 action sought. Such notice to the officer shall be provided
76 within 180 days after the date the agency received notice of the
77 alleged misconduct, except as follows:

78 1. The running of the limitations period may be tolled for
79 a period specified in a written waiver of the limitation by the
80 law enforcement officer or correctional officer.

81 2. The running of the limitations period shall be tolled
82 during the time that any criminal investigation or prosecution
83 is pending in connection with the act, omission, or other
84 allegation of misconduct.

85 3. If the investigation involves an officer who is
 86 incapacitated or otherwise unavailable, the running of the
 87 limitations period shall be tolled during the period of
 88 incapacitation or unavailability.

89 4. In a multijurisdictional investigation, the limitations
 90 period may be extended for a period of time reasonably necessary
 91 to facilitate the coordination of the agencies involved.

92 (b) An investigation against a law enforcement officer or
 93 correctional officer may be reopened, notwithstanding the
 94 limitations period for commencing disciplinary action, demotion,
 95 or dismissal, if:

96 1. Significant new evidence has been discovered that is
 97 likely to affect the outcome of the investigation.

98 2. The evidence could not have reasonably been discovered
 99 in the normal course of investigation or the evidence resulted
 100 from the predisciplinary response of the officer.

101
 102 Any disciplinary action resulting from an investigation that is
 103 reopened pursuant to this paragraph must be completed within 90
 104 days after the date the investigation is reopened.

105 Section 4. For the purpose of incorporating the amendment
 106 to section 112.19, Florida Statutes, in a reference thereto,
 107 paragraph (e) of subsection (4) of section 110.123, Florida
 108 Statutes, is reenacted to read:

109 110.123 State group insurance program.--

110 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
 111 ON ACTIONS TO PAY AND COLLECT PREMIUMS.--

112 (e) No state contribution for the cost of any part of the
 113 premium shall be made for retirees or surviving spouses for any
 114 type of coverage under the state group insurance program.
 115 However, any state agency that employs a full-time law
 116 enforcement officer, correctional officer, or correctional
 117 probation officer who is killed or suffers catastrophic injury
 118 in the line of duty as provided in s. 112.19, or a full-time
 119 firefighter who is killed or suffers catastrophic injury in the
 120 line of duty as provided in s. 112.191, shall pay the entire
 121 premium of the state group health insurance plan selected for
 122 the employee's surviving spouse until remarried, and for each
 123 dependent child of the employee, subject to the conditions and
 124 limitations set forth in s. 112.19 or s. 112.191, as applicable.

125 Section 5. For the purpose of incorporating the amendment
 126 to section 112.19, Florida Statutes, in a reference thereto,
 127 subsection (3) of section 112.19, Florida Statutes, as amended
 128 by section 1 of chapter 2002-191, Laws of Florida, and section
 129 14 of chapter 2004-357, Laws of Florida, is reenacted to read:

130 112.19 Law enforcement, correctional, and correctional
 131 probation officers; death benefits.--

132 (3) If a law enforcement, correctional, or correctional
 133 probation officer is accidentally killed as specified in
 134 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
 135 intentionally killed as specified in paragraph (2)(c) on or
 136 after July 1, 1980, the state shall waive certain educational
 137 expenses that the child or spouse of the deceased officer incurs
 138 while obtaining a career certificate, an undergraduate
 139 education, or a postgraduate education. The amount waived by the

140 state shall be an amount equal to the cost of tuition and
141 matriculation and registration fees for a total of 120 credit
142 hours. The child or spouse may attend a state career center, a
143 state community college, or a state university. The child or
144 spouse may attend any or all of the institutions specified in
145 this subsection, on either a full-time or part-time basis. The
146 benefits provided to a child under this subsection shall
147 continue until the child's 25th birthday. The benefits provided
148 to a spouse under this subsection must commence within 5 years
149 after the death occurs, and entitlement thereto shall continue
150 until the 10th anniversary of that death.

151 (a) Upon failure of any child or spouse benefited by the
152 provisions of this subsection to comply with the ordinary and
153 minimum requirements of the institution attended, both as to
154 discipline and scholarship, the benefits shall be withdrawn as
155 to the child or spouse and no further moneys may be expended for
156 the child's or spouse's benefits so long as such failure or
157 delinquency continues.

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

160 (c) A child or spouse receiving benefits under this
161 subsection must be enrolled according to the customary rules and
162 requirements of the institution attended.

163 Section 6. For the purpose of incorporating the amendment
164 to section 112.19, Florida Statutes, in a reference thereto,
165 subsection (3) of section 112.19, Florida Statutes, as amended
166 by section 1 of chapter 2002-232, Laws of Florida, section 9 of

167 chapter 2003-1, Laws of Florida, and section 15 of chapter 2004-
168 357, Laws of Florida, is reenacted to read:

169 112.19 Law enforcement, correctional, and correctional
170 probation officers; death benefits.--

171 (3) If a law enforcement, correctional, or correctional
172 probation officer is accidentally killed as specified in
173 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
174 intentionally killed as specified in paragraph (2)(c) on or
175 after July 1, 1980, the state shall waive certain educational
176 expenses that children of the deceased officer incur while
177 obtaining a career certificate, an undergraduate education, or a
178 graduate or postbaccalaureate professional degree. The amount
179 waived by the state shall be an amount equal to the cost of
180 tuition, matriculation, and other statutorily authorized fees
181 for a total of 120 credit hours for a career certificate or an
182 undergraduate education. For a child pursuing a graduate or
183 postbaccalaureate professional degree, the amount waived shall
184 equal the cost of matriculation and other statutorily authorized
185 fees incurred while the child continues to fulfill the
186 professional requirements associated with the graduate or
187 postbaccalaureate professional degree program, and eligibility
188 continues until the child's 29th birthday. The child may attend
189 a state career center, a state community college, or a state
190 university. The child may attend any or all of the institutions
191 specified in this subsection, on either a full-time or part-time
192 basis. For a child pursuing a career certificate or an
193 undergraduate education, the benefits provided under this
194 subsection shall continue to the child until the child's 25th

195 birthday. To be eligible for the benefits provided under this
 196 subsection for enrollment in a graduate or postbaccalaureate
 197 professional degree program, the child must be a state resident,
 198 as defined in s. 1009.21, at the time of enrollment.

199 (a) Upon failure of any child benefited by the provisions
 200 of this section to comply with the ordinary and minimum
 201 requirements of the institution attended, both as to discipline
 202 and scholarship, the benefits shall be withdrawn as to the child
 203 and no further moneys may be expended for the child's benefits
 204 so long as such failure or delinquency continues.

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

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

210 Section 7. For the purpose of incorporating the amendment
 211 to section 112.19, Florida Statutes, in a reference thereto,
 212 subsection (4) of section 250.34, Florida Statutes, is reenacted
 213 to read:

214 250.34 Injury or death on state active duty.--

215 (4) Each member of the Florida National Guard who is
 216 killed, or who dies as the result of injuries incurred, while on
 217 state active duty under competent orders qualifies for benefits
 218 as a law enforcement officer pursuant to s. 112.19 or any
 219 successor statute providing for death benefits for law
 220 enforcement officers, and the decedent's survivors or estate are
 221 entitled to the death benefits provided in s. 112.19. However,
 222 this section does not prohibit survivors or the estate of the

223 decedent from presenting a claim bill for approval by the
 224 Legislature in addition to the death benefits provided in this
 225 section.

226 Section 8. For the purpose of incorporating the amendment
 227 to section 112.19, Florida Statutes, in a reference thereto,
 228 paragraph (c) of subsection (2) of section 285.18, Florida
 229 Statutes, is reenacted to read:

230 285.18 Tribal council as governing body; powers and
 231 duties.--

232 (2) The governing bodies of the special improvement
 233 districts shall have the duty and power:

234 (c) To employ personnel to exercise law enforcement
 235 powers, including the investigation of violations of any of the
 236 criminal laws of the state occurring on reservations over which
 237 the state has assumed jurisdiction pursuant to s. 285.16.

238 1. All law enforcement personnel employed shall be
 239 considered peace officers for all purposes and shall have the
 240 authority to bear arms, make arrests, and apply for, serve, and
 241 execute search warrants, arrest warrants, capias, and other
 242 process of the court, and to enforce criminal and noncriminal
 243 traffic offenses, within their respective special improvement
 244 districts.

245 2. All law enforcement personnel shall be entitled to the
 246 privileges, protection, and benefits of ss. 112.19 and 870.05.

247 Section 9. For the purpose of incorporating the amendment
 248 to section 112.19, Florida Statutes, in a reference thereto,
 249 paragraph (d) of subsection (2) of section 943.04, Florida
 250 Statutes, is reenacted to read:

251 943.04 Criminal Justice Investigations and Forensic
 252 Science Program; creation; investigative, forensic, and related
 253 authority.--

254 (2)

255 (d) All investigators employed by the department shall be
 256 considered law enforcement officers for all purposes. The
 257 executive director shall have the authority to designate the
 258 person occupying any appropriate position within the department
 259 as a law enforcement officer, if such person is qualified under
 260 the department's personnel regulations relating to agents and is
 261 certified pursuant to s. 943.1395(1), and all persons thus
 262 employed by the department shall be considered law enforcement
 263 officers for all purposes and shall be entitled to the
 264 privileges, protection, and benefits of ss. 112.19, 121.051,
 265 122.34, and 870.05.

266 Section 10. For the purpose of incorporating the amendment
 267 to section 112.19, Florida Statutes, in a reference thereto,
 268 subsection (2) of section 943.68, Florida Statutes, is reenacted
 269 to read:

270 943.68 Transportation and protective services.--

271 (2) The department shall employ such personnel as may be
 272 necessary to carry out this responsibility, including uniformed
 273 and nonuniformed officers or agents who shall have authority to
 274 bear arms and make arrests, with or without warrant, for
 275 violations of any of the criminal laws of the state, under the
 276 same terms and conditions as investigative personnel of the
 277 department, and who shall be considered peace officers for all
 278 purposes, including, but not limited to, the privileges,

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279 | protections, and benefits of ss. 112.19, 121.051, 122.34, and
280 | 870.05.

281 | Section 11. This act shall take effect July 1, 2005, and
282 | shall apply to actions arising on or after that date.