

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

1 and benefits for certain law enforcement  
 2 personnel employed by the Department of Law  
 3 Enforcement to provide certain security  
 4 involving the Governor, respectively, for the  
 5 purpose of incorporating the amendment to s.  
 6 112.19, F.S., in references thereto; amending  
 7 s. 943.22, F.S.; revising definitions relating  
 8 to qualification of certain law enforcement  
 9 officers for a salary incentive program;  
 10 providing applicability; providing an effective  
 11 date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15 Section 1. Sections 1 through 10 of this act may be  
 16 cited as the "Deputy James M. Weaver Act."

17 Section 2. Paragraph (b) of subsection (2) of section  
 18 112.19, Florida Statutes, is amended to read:

19 112.19 Law enforcement, correctional, and correctional  
 20 probation officers; death benefits.--

21 (2)

22 (b) The sum of \$50,000, as adjusted under ~~pursuant to~~  
 23 paragraph (j), shall be paid as provided in this section if a  
 24 law enforcement, correctional, or correctional probation  
 25 officer is accidentally killed as specified in paragraph (a)  
 26 and the accidental death occurs:

27 1. As a result of the officer's response to fresh  
 28 pursuit;

29 2. As a result of ~~or to~~ the officer's response to what  
 30 is reasonably believed to be an emergency;

31

1           3. At the scene of a traffic accident to which the  
 2 officer has responded; or

3           4. While the officer is enforcing what is reasonably  
 4 believed to be a traffic law or ordinance.

5  
 6 This sum is in addition to any sum provided for in paragraph  
 7 (a). Notwithstanding any other provision of law, in no case  
 8 shall the amount payable under this subsection be less than  
 9 the actual amount stated therein.

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

12           112.532 Law enforcement officers' and correctional  
 13 officers' rights.--All law enforcement officers and  
 14 correctional officers employed by or appointed to a law  
 15 enforcement agency or a correctional agency shall have the  
 16 following rights and privileges:

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

18           (a) Except as provided in this subsection, no  
 19 disciplinary action, demotion, or dismissal shall be  
 20 undertaken by an agency against a law enforcement officer or  
 21 correctional officer for any act, omission, or other  
 22 allegation of misconduct if the investigation of such  
 23 allegation is not completed within 180 days after the date the  
 24 agency receives notice of the allegation by a person  
 25 authorized by the agency to initiate an investigation of the  
 26 misconduct. In the event that the agency determines that  
 27 disciplinary action is appropriate, it shall complete its  
 28 investigation and give notice in writing to the law  
 29 enforcement officer or correctional officer of its intent to  
 30 proceed with disciplinary action, along with a proposal of the  
 31 action sought. Such notice to the officer shall be provided

1 within 180 days after the date the agency received notice of  
2 the alleged misconduct, except as follows:

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

6 2. The running of the limitations period shall be  
7 tolled during the time that any criminal investigation or  
8 prosecution is pending in connection with the act, omission,  
9 or other allegation of misconduct.

10 3. If the investigation involves an officer who is  
11 incapacitated or otherwise unavailable, the running of the  
12 limitations period shall be tolled during the period of  
13 incapacitation or unavailability.

14 4. In a multijurisdictional investigation, the  
15 limitations period may be extended for a period of time  
16 reasonably necessary to facilitate the coordination of the  
17 agencies involved.

18 (b) An investigation against a law enforcement officer  
19 or correctional officer may be reopened, notwithstanding the  
20 limitations period for commencing disciplinary action,  
21 demotion, or dismissal, if:

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

24 2. The evidence could not have reasonably been  
25 discovered in the normal course of investigation or the  
26 evidence resulted from the predisciplinary response of the  
27 officer.

28  
29 Any disciplinary action resulting from an investigation that  
30 is reopened pursuant to this paragraph must be completed  
31 within 90 days after the date the investigation is reopened.

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

5           110.123 State group insurance program.--

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

8           (e) No state contribution for the cost of any part of  
9 the premium shall be made for retirees or surviving spouses  
10 for any type of coverage under the state group insurance  
11 program. However, any state agency that employs a full-time  
12 law enforcement officer, correctional officer, or correctional  
13 probation officer who is killed or suffers catastrophic injury  
14 in the line of duty as provided in s. 112.19, or a full-time  
15 firefighter who is killed or suffers catastrophic injury in  
16 the line of duty as provided in s. 112.191, shall pay the  
17 entire premium of the state group health insurance plan  
18 selected for the employee's surviving spouse until remarried,  
19 and for each dependent child of the employee, subject to the  
20 conditions and limitations set forth in s. 112.19 or s.  
21 112.191, as applicable.

22           Section 5. For the purpose of incorporating the  
23 amendment to section 112.19, Florida Statutes, in a reference  
24 thereto, subsection (3) of section 112.19, Florida Statutes,  
25 as amended by section 1 of chapter 2002-191, Laws of Florida,  
26 and section 14 of chapter 2004-357, Laws of Florida, is  
27 reenacted to read:

28           112.19 Law enforcement, correctional, and correctional  
29 probation officers; death benefits.--

30           (3) If a law enforcement, correctional, or  
31 correctional probation officer is accidentally killed as

1 specified in paragraph (2)(b) on or after June 22, 1990, or  
2 unlawfully and intentionally killed as specified in paragraph  
3 (2)(c) on or after July 1, 1980, the state shall waive certain  
4 educational expenses that the child or spouse of the deceased  
5 officer incurs while obtaining a career certificate, an  
6 undergraduate education, or a postgraduate education. The  
7 amount waived by the state shall be an amount equal to the  
8 cost of tuition and matriculation and registration fees for a  
9 total of 120 credit hours. The child or spouse may attend a  
10 state career center, a state community college, or a state  
11 university. The child or spouse may attend any or all of the  
12 institutions specified in this subsection, on either a  
13 full-time or part-time basis. The benefits provided to a child  
14 under this subsection shall continue until the child's 25th  
15 birthday. The benefits provided to a spouse under this  
16 subsection must commence within 5 years after the death  
17 occurs, and entitlement thereto shall continue until the 10th  
18 anniversary of that death.

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

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

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

1           Section 6. For the purpose of incorporating the  
2 amendment to section 112.19, Florida Statutes, in a reference  
3 thereto, subsection (3) of section 112.19, Florida Statutes,  
4 as amended by section 1 of chapter 2002-232, Laws of Florida,  
5 section 9 of chapter 2003-1, Laws of Florida, and section 15  
6 of chapter 2004-357, Laws of Florida, is reenacted to read:

7           112.19 Law enforcement, correctional, and correctional  
8 probation officers; death benefits.--

9           (3) If a law enforcement, correctional, or  
10 correctional probation officer is accidentally killed as  
11 specified in paragraph (2)(b) on or after June 22, 1990, or  
12 unlawfully and intentionally killed as specified in paragraph  
13 (2)(c) on or after July 1, 1980, the state shall waive certain  
14 educational expenses that children of the deceased officer  
15 incur while obtaining a career certificate, an undergraduate  
16 education, or a graduate or postbaccalaureate professional  
17 degree. The amount waived by the state shall be an amount  
18 equal to the cost of tuition, matriculation, and other  
19 statutorily authorized fees for a total of 120 credit hours  
20 for a career certificate or an undergraduate education. For a  
21 child pursuing a graduate or postbaccalaureate professional  
22 degree, the amount waived shall equal the cost of  
23 matriculation and other statutorily authorized fees incurred  
24 while the child continues to fulfill the professional  
25 requirements associated with the graduate or postbaccalaureate  
26 professional degree program, and eligibility continues until  
27 the child's 29th birthday. The child may attend a state career  
28 center, a state community college, or a state university. The  
29 child may attend any or all of the institutions specified in  
30 this subsection, on either a full-time or part-time basis. For  
31 a child pursuing a career certificate or an undergraduate

1 education, the benefits provided under this subsection shall  
2 continue to the child until the child's 25th birthday. To be  
3 eligible for the benefits provided under this subsection for  
4 enrollment in a graduate or postbaccalaureate professional  
5 degree program, the child must be a state resident, as defined  
6 in s. 1009.21, at the time of enrollment.

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

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

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

19 Section 7. For the purpose of incorporating the  
20 amendment to section 112.19, Florida Statutes, in a reference  
21 thereto, subsection (4) of section 250.34, Florida Statutes,  
22 is reenacted to read:

23 250.34 Injury or death on state active duty.--

24 (4) Each member of the Florida National Guard who is  
25 killed, or who dies as the result of injuries incurred, while  
26 on state active duty under competent orders qualifies for  
27 benefits as a law enforcement officer pursuant to s. 112.19 or  
28 any successor statute providing for death benefits for law  
29 enforcement officers, and the decedent's survivors or estate  
30 are entitled to the death benefits provided in s. 112.19.  
31 However, this section does not prohibit survivors or the



1 | estate of the decedent from presenting a claim bill for  
2 | approval by the Legislature in addition to the death benefits  
3 | provided in this section.

4 |         Section 8. For the purpose of incorporating the  
5 | amendment to section 112.19, Florida Statutes, in a reference  
6 | thereto, paragraph (c) of subsection (2) of section 285.18,  
7 | Florida Statutes, is reenacted to read:

8 |             285.18 Tribal council as governing body; powers and  
9 | duties.--

10 |            (2) The governing bodies of the special improvement  
11 | districts shall have the duty and power:

12 |            (c) To employ personnel to exercise law enforcement  
13 | powers, including the investigation of violations of any of  
14 | the criminal laws of the state occurring on reservations over  
15 | which the state has assumed jurisdiction pursuant to s.  
16 | 285.16.

17 |            1. All law enforcement personnel employed shall be  
18 | considered peace officers for all purposes and shall have the  
19 | authority to bear arms, make arrests, and apply for, serve,  
20 | and execute search warrants, arrest warrants, *capias*, and  
21 | other process of the court, and to enforce criminal and  
22 | noncriminal traffic offenses, within their respective special  
23 | improvement districts.

24 |            2. All law enforcement personnel shall be entitled to  
25 | the privileges, protection, and benefits of ss. 112.19 and  
26 | 870.05.

27 |         Section 9. For the purpose of incorporating the  
28 | amendment to section 112.19, Florida Statutes, in a reference  
29 | thereto, paragraph (d) of subsection (2) of section 943.04,  
30 | Florida Statutes, is reenacted to read:

31 |

1           943.04 Criminal Justice Investigations and Forensic  
2 Science Program; creation; investigative, forensic, and  
3 related authority.--

4           (2)

5           (d) All investigators employed by the department shall  
6 be considered law enforcement officers for all purposes. The  
7 executive director shall have the authority to designate the  
8 person occupying any appropriate position within the  
9 department as a law enforcement officer, if such person is  
10 qualified under the department's personnel regulations  
11 relating to agents and is certified pursuant to s.  
12 943.1395(1), and all persons thus employed by the department  
13 shall be considered law enforcement officers for all purposes  
14 and shall be entitled to the privileges, protection, and  
15 benefits of ss. 112.19, 121.051, 122.34, and 870.05.

16           Section 10. For the purpose of incorporating the  
17 amendment to section 112.19, Florida Statutes, in a reference  
18 thereto, subsection (2) of section 943.68, Florida Statutes,  
19 is reenacted to read:

20           943.68 Transportation and protective services.--

21           (2) The department shall employ such personnel as may  
22 be necessary to carry out this responsibility, including  
23 uniformed and nonuniformed officers or agents who shall have  
24 authority to bear arms and make arrests, with or without  
25 warrant, for violations of any of the criminal laws of the  
26 state, under the same terms and conditions as investigative  
27 personnel of the department, and who shall be considered peace  
28 officers for all purposes, including, but not limited to, the  
29 privileges, protections, and benefits of ss. 112.19, 121.051,  
30 122.34, and 870.05.

31

1           Section 11. Paragraph (a) of subsection (1) of section  
2 943.22, Florida Statutes, is amended to read:

3           943.22 Salary incentive program for full-time  
4 officers.--

5           (1) For the purpose of this section, the term:

6           (a) "Accredited college, university, or community  
7 college" means a college, university, or community college  
8 ~~that which~~ that has been accredited by the Southern Association of  
9 Colleges and Schools, another regional accrediting agency, ~~or~~  
10 the Accrediting Council for Independent Colleges and Schools  
11 or an accrediting agency or association that is recognized by  
12 the database created and maintained by the United States  
13 Department of Education.

14           Section 12. This act shall take effect July 1, 2005,  
15 and shall apply to actions arising on or after that date.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31