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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.

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

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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;

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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.

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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.
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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.

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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~~ 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.
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