



218244

585-01209A-15

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to public officers and employees;
amending ss. 112.19 and 112.191, F.S.; specifying
eligibility of a monthly death benefit payment to the
surviving spouse, child, or joint annuitant of a law
enforcement officer, correctional officer,
correctional probation officer, or firefighter
employed by a state agency; providing an annual
appropriation; specifying applicability; authorizing
political subdivisions to offer a monthly death
benefit; providing an effective date.

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

Section 1. Subsection (4) of section 112.19, Florida
Statutes, is amended, present subsection (6) of that section is
redesignated as subsection (8), and a new subsection (6) and
subsection (7) are added to that section, to read:

112.19 Law enforcement, correctional, and correctional
probation officers; death benefits.—

(4) (a) The employer of such law enforcement, correctional,
or correctional probation officer is liable for the payment of
the sums specified in subsection (2) ~~this section~~ and is deemed
self-insured, unless it procures and maintains, or has already
procured and maintained, insurance to secure such payments. Any
such insurance may cover only the risks indicated in subsection
(2) ~~this section~~, in the amounts indicated in subsection (2)



218244

585-01209A-15

28 ~~this section~~, or it may cover those risks and additional risks
29 and may be in larger amounts. Any such insurance shall be placed
30 by such employer only after public bid of such insurance
31 coverage which coverage shall be awarded to the carrier making
32 the lowest best bid.

33 (b) Payment of benefits to beneficiaries of state
34 employees, or of the premiums to cover the risk, under
35 subsection (2) ~~the provisions of this section~~ shall be paid from
36 existing funds otherwise appropriated to the department
37 employing the law enforcement, correctional, or correctional
38 probation officers.

39 (6) (a) If a law enforcement, correctional, or correctional
40 probation officer who is employed by a state agency is killed in
41 the line of duty; is killed when off-duty while acting in an
42 official capacity to prevent injury, death, or loss of property;
43 or is otherwise killed by reason of his or her employment as a
44 law enforcement, correctional, or correctional probation
45 officer, the following benefits shall be paid:

46 1. The surviving spouse shall receive a monthly payment
47 equal to 50 percent of the monthly salary received by the law
48 enforcement, correctional, or correctional probation officer at
49 the time of death for the lesser of the surviving spouse's
50 lifetime or 300 months.

51 2. If the surviving spouse of the law enforcement,
52 correctional, or correctional probation officer dies before
53 receiving 300 monthly payments, the monthly payment that would
54 have been payable to the surviving spouse had the spouse lived
55 shall be paid for the use and benefit of the child or children
56 of such law enforcement, correctional, or correctional probation



218244

585-01209A-15

57 officer until the later of:

58 a. The 21st birthday of the youngest child of the law
59 enforcement, correctional, or correctional probation officer.

60 b. The 25th birthday of any child of the law enforcement,
61 correctional, or correctional probation officer as long as the
62 child is enrolled for a minimum of 12 credit hours per semester
63 or academic term at an eligible educational institution, as
64 defined in s. 1009.97(3).

65 c. The day a child of the law enforcement, correctional, or
66 correctional probation officer who is physically disabled or
67 mentally disabled and incapable of self-support is no longer
68 disabled. The Department of Management Services may require
69 proof of disability or continued disability in the same manner
70 as is provided for a person seeking or receiving a disability
71 retirement benefit under s. 121.091(4).

72 3. If the law enforcement, correctional, or correctional
73 probation officer does not have a surviving spouse but is
74 survived by a child or children younger than 25 years of age,
75 the benefits provided under subparagraph 1., normally payable to
76 a surviving spouse, shall be paid for the use and benefit of the
77 child or children of such law enforcement, correctional, or
78 correctional probation officer under the same terms and
79 conditions provided in subparagraph 2.

80 4. If a law enforcement, correctional, or correctional
81 probation officer does not have a surviving spouse or surviving
82 child but is survived by a joint annuitant receiving benefits
83 under chapter 121, the benefits provided under subparagraph 1.,
84 normally payable to a surviving spouse, shall be paid for the
85 use and benefit of the joint annuitant, as defined in s.



218244

585-01209A-15

86 121.021, of such law enforcement, correctional, or correctional
87 probation officer for the same time period as the joint
88 annuitant receives benefits under chapter 121, not to exceed 300
89 months.

90 (b) There is annually appropriated from the General Revenue
91 Fund, to be paid into the State Risk Management Trust Fund
92 within the Department of Financial Services, an amount necessary
93 to cover the annual costs associated with payment of the
94 benefits authorized by this subsection.

95 (c) The benefits authorized by this subsection are in
96 addition to all other benefits authorized by this section or
97 chapter 121.

98 (d) The benefits shall be paid only for law enforcement,
99 correctional, and correctional probation officers killed on or
100 after July 1, 2015.

101 (7) A county, municipality, or other political subdivision
102 of the state may offer, at its expense, benefits not to exceed
103 the benefits specified in subsection (6) to law enforcement,
104 correctional, or correctional probation officers employed by
105 such entity.

106 Section 2. Subsection (4) of section 112.191, Florida
107 Statutes, is amended, present subsection (5) of that section is
108 redesignated as subsection (7), and a new subsection (5) and
109 subsection (6) are added to that section, to read:

110 112.191 Firefighters; death benefits.-

111 (4) (a) The employer of such firefighter shall be liable for
112 the payment of said sums specified in subsection (2) ~~this~~
113 ~~section~~ and shall be deemed self-insured, unless it procures and
114 maintains, or has already procured and maintained, insurance to



218244

585-01209A-15

115 secure such payments. Any such insurance may cover only the
116 risks indicated in subsection (2) ~~this section~~, in the amounts
117 indicated in subsection (2) ~~this section~~, or it may cover those
118 risks and additional risks and may be in larger amounts. Any
119 such insurance shall be placed by such employer only after
120 public bid of such insurance coverage which coverage shall be
121 awarded to the carrier making the lowest best bid.

122 (b) Payment of benefits to beneficiaries of state
123 employees, or of the premiums to cover the risk, under
124 subsection (2) ~~the provisions of this section~~, shall be paid
125 from existing funds otherwise appropriated for the department.

126 (5) (a) If a firefighter who is employed by a state agency
127 is killed in the line of duty; is killed when off-duty while
128 acting in an official capacity to prevent injury, death, or loss
129 of property; or is otherwise killed by reason of his or her
130 employment as a firefighter, the following benefits shall be
131 paid:

132 1. The surviving spouse shall receive a monthly payment
133 equal to 50 percent of the monthly salary received by the
134 firefighter at the time of death for the lesser of the surviving
135 spouse's lifetime or 300 months.

136 2. If the surviving spouse of the firefighter dies before
137 receiving 300 monthly payments, the monthly payment that would
138 have been payable to the surviving spouse had the spouse lived
139 shall be paid for the use and benefit of the child or children
140 of such firefighter until the later of:

141 a. The 21st birthday of the youngest child of the
142 firefighter.

143 b. The 25th birthday of any child of the firefighter as



218244

585-01209A-15

144 long as such child is enrolled for a minimum of 12 credit hours
145 per semester or academic term at an eligible educational
146 institution, as defined in s. 1009.97(3).

147 c. The day a child of the firefighter who is physically
148 disabled or mentally disabled child and incapable of self-
149 support is no longer disabled. The Department of Management
150 Services may require proof of disability or continued disability
151 in the same manner as is provided for a person seeking or
152 receiving a disability retirement benefit under s. 121.091(4).

153 3. If the firefighter does not have a surviving spouse but
154 is survived by a child or children younger than 25 years of age,
155 the benefits provided under subparagraph 1., normally payable to
156 a surviving spouse, shall be paid for the use and benefit of the
157 child or children of the firefighter under the same terms and
158 conditions provided in subparagraph 2.

159 4. If a firefighter does not have a surviving spouse or
160 surviving child but is survived by a joint annuitant receiving
161 benefits under chapter 121, the benefits provided under
162 subparagraph 1., normally payable to a surviving spouse, shall
163 be paid for the use and benefit of the joint annuitant, as
164 defined in s. 121.021, of such firefighter for the same time
165 period as the joint annuitant receives benefits under chapter
166 121, not to exceed 300 months.

167 (b) There is annually appropriated from the General Revenue
168 Fund, to be paid into the State Risk Management Trust Fund
169 within the Department of Financial Services, an amount necessary
170 to cover the annual costs associated with payment of the
171 benefits authorized by this subsection.

172 (c) The benefits authorized by this subsection are in



218244

585-01209A-15

173 addition to all other benefits authorized by this section or
174 chapter 121.

175 (d) The benefits shall be paid only for firefighters killed
176 on or after July 1, 2015.

177 (6) A county, municipality, or other political subdivision
178 of the state may offer, at its expense, benefits not to exceed
179 the benefits specified in subsection (5) to firefighters
180 employed by such entity.

181 Section 3. This act shall take effect July 1, 2015.