

**By** the Committees on Appropriations; and Governmental Oversight and Accountability

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1                   A bill to be entitled  
2           An act relating to death benefits; reenacting and  
3           amending ss. 112.19 and 112.191, F.S., relating to  
4           death benefits for law enforcement, correctional, and  
5           correctional probation officers and for firefighters,  
6           respectively; revising definitions; revising the  
7           payment amounts of death benefits; deleting the  
8           provision requiring annual adjustment of the death  
9           benefit amount; conforming provisions regarding the  
10          waiver for specified educational expenses to changes  
11          made by the act; creating s. 112.1911, F.S.;  
12          establishing a death benefit for emergency medical  
13          technicians and paramedics to conform to s. 31, Art. X  
14          of the State Constitution; providing definitions;  
15          specifying eligibility and payment amounts for such  
16          death benefits; prescribing the procedure by which an  
17          emergency medical technician or a paramedic designates  
18          a beneficiary; specifying that such death benefits are  
19          supplementary and exempt from creditors' demands or  
20          claims; specifying the financial responsibility of  
21          employing agencies as to the payment of benefits;  
22          creating s. 112.1912, F.S.; defining the term "first  
23          responder"; providing a death benefit for certain  
24          educational expenses for the surviving spouse and  
25          children of certain first responders; authorizing a  
26          specified number of hours to be waived by certain  
27          educational institutions; providing requirements to  
28          receive such benefit; requiring the State Board of  
29          Education and the Board of Governors to adopt rules

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30 and regulations, respectively; amending s. 250.34,  
31 F.S.; modifying eligibility for certain death benefits  
32 for a deceased member of the Florida National Guard,  
33 to conform to s. 31, Art. X of the State Constitution;  
34 reenacting and amending s. 295.01, F.S.; modifying  
35 provisions governing educational expense waivers for  
36 the child or spouse of a servicemember; creating s.  
37 295.061, F.S.; providing definitions; establishing a  
38 death benefit for active duty members of the United  
39 States Armed Forces, to conform to s. 31, Art. X of  
40 the State Constitution; specifying eligibility and  
41 other requirements for entitlement to such benefits;  
42 specifying the payment amount of such benefits;  
43 prescribing the procedure by which an active duty  
44 member designates a beneficiary; specifying that the  
45 state-funded benefit is in addition to any federal  
46 benefit; providing for funding of the death benefit;  
47 requiring the state to waive certain educational  
48 expenses of a child or spouse of a deceased active  
49 duty member of the United States Armed Forces;  
50 specifying conditions and requirements for the waiver;  
51 authorizing the State Board of Education and the Board  
52 of Governors to adopt rules and regulations,  
53 respectively; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 112.19, Florida Statutes, is reenacted  
58 and amended to read:

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59 112.19 Law enforcement, correctional, and correctional  
60 probation officers; death benefits.—

61 (1) As ~~Whenever~~ used in this section, the term:

62 (a) "Employer" means a state board, commission, department,  
63 division, bureau, or agency, or a county, municipality, or other  
64 political subdivision of the state, which employs, appoints, or  
65 otherwise engages the services of law enforcement, correctional,  
66 or correctional probation officers.

67 (b) "Law enforcement, correctional, or correctional  
68 probation officer" means any officer as defined in s. 943.10(14)  
69 or employee of the state or any political subdivision of the  
70 state, including any law enforcement officer, correctional  
71 officer, correctional probation officer, state attorney  
72 investigator, or public defender investigator, whose duties  
73 require such officer or employee to investigate, pursue,  
74 apprehend, arrest, transport, or maintain custody of persons who  
75 are charged with, suspected of committing, or convicted of a  
76 crime; and the term includes any member of a bomb disposal unit  
77 whose primary responsibility is the location, handling, and  
78 disposal of explosive devices. The term also includes any full-  
79 time officer or employee of the state or any political  
80 subdivision of the state, certified pursuant to chapter 943,  
81 whose duties require such officer to serve process or to attend  
82 a session of a circuit or county court as bailiff.

83 (c) "Insurance" means insurance procured from a stock  
84 company or mutual company or association or exchange authorized  
85 to do business as an insurer in this state.

86 (d) "Fresh pursuit" means the pursuit of a person who has  
87 committed or is reasonably suspected of having committed a

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88 felony, misdemeanor, traffic infraction, or violation of a  
89 county or municipal ordinance. The term does not imply instant  
90 pursuit, but pursuit without unreasonable delay.

91 (2) (a) The sum of \$75,000 must ~~\$50,000, as adjusted~~  
92 ~~pursuant to paragraph (j), shall~~ be paid as provided in this  
93 section when a law enforcement, correctional, or correctional  
94 probation officer, while engaged in the performance of the  
95 officer's law enforcement duties, is accidentally killed or  
96 receives accidental bodily injury which results in the loss of  
97 the officer's life, provided that such killing is not the result  
98 of suicide and that such bodily injury is not intentionally  
99 self-inflicted. ~~Notwithstanding any other provision of law, in~~  
100 ~~no case shall the amount payable under this subsection be less~~  
101 ~~than the actual amount stated therein.~~

102 (b) The sum of \$75,000 must ~~\$50,000, as adjusted under~~  
103 ~~paragraph (j), shall~~ be paid as provided in this section if a  
104 law enforcement, correctional, or correctional probation officer  
105 is accidentally killed as specified in paragraph (a) and the  
106 accidental death occurs:

- 107 1. As a result of the officer's response to fresh pursuit;
- 108 2. As a result of the officer's response to what is  
109 reasonably believed to be an emergency;
- 110 3. At the scene of a traffic accident to which the officer  
111 has responded; or
- 112 4. While the officer is enforcing what is reasonably  
113 believed to be a traffic law or ordinance.

114  
115 This sum is in addition to any sum provided for in paragraph  
116 (a). ~~Notwithstanding any other provision of law, in no case~~

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117 ~~shall the amount payable under this subsection be less than the~~  
118 ~~actual amount stated therein.~~

119 (c) If a law enforcement, correctional, or correctional  
120 probation officer, while engaged in the performance of the  
121 officer's law enforcement duties, is unlawfully and  
122 intentionally killed or dies as a result of such unlawful and  
123 intentional act, the sum of \$225,000 ~~must \$150,000, as adjusted~~  
124 ~~pursuant to paragraph (j), shall be paid as provided in this~~  
125 ~~section. Notwithstanding any other provision of law, in no case~~  
126 ~~shall the amount payable under this subsection be less than the~~  
127 ~~actual amount stated therein.~~

128 (d) Such payments, pursuant to ~~the provisions of~~ paragraphs  
129 (a), (b), and (c), whether secured by insurance or not, must  
130 ~~shall~~ be made to the beneficiary designated by such law  
131 enforcement, correctional, or correctional probation officer in  
132 writing, signed by the officer and delivered to the employer  
133 during the officer's lifetime. If no such designation is made,  
134 then the payments must ~~it shall~~ be paid to the officer's  
135 surviving child or children and to the officer's surviving  
136 spouse in equal portions, and if there is no surviving child or  
137 spouse, then to the officer's parent or parents. If a  
138 beneficiary is not designated and there is no surviving child,  
139 spouse, or parent, then the sum must ~~it shall~~ be paid to the  
140 officer's estate.

141 (e) Such payments, pursuant to ~~the provisions of~~ paragraphs  
142 (a), (b), and (c), are in addition to any workers' compensation  
143 or retirement plan ~~pension~~ benefits and are exempt from the  
144 claims and demands of creditors of such law enforcement,  
145 correctional, or correctional probation officer.

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146 (f) If a full-time law enforcement, correctional, or  
147 correctional probation officer who is certified pursuant to  
148 chapter 943 and employed by a state agency is killed in the line  
149 of duty while the officer is engaged in the performance of law  
150 enforcement duties or as a result of an assault against the  
151 officer under riot conditions:

152 1. The sum of \$1,000 must ~~shall~~ be paid, as provided for in  
153 paragraph (d), toward the funeral and burial expenses of such  
154 officer. Such benefits are in addition to any other benefits to  
155 which employee beneficiaries and dependents are entitled under  
156 the Workers' Compensation Law or any other state or federal  
157 statutes; and

158 2. The officer's employing agency may pay up to \$5,000  
159 directly toward the venue expenses associated with the funeral  
160 and burial services of such officer.

161 (g) Any political subdivision of the state that employs a  
162 full-time law enforcement officer as defined in s. 943.10(1) or  
163 a full-time correctional officer as defined in s. 943.10(2) who  
164 is killed in the line of duty on or after July 1, 1993, as a  
165 result of an act of violence inflicted by another person while  
166 the officer is engaged in the performance of law enforcement  
167 duties or as a result of an assault against the officer under  
168 riot conditions shall pay the entire premium of the political  
169 subdivision's health insurance plan for the employee's surviving  
170 spouse until remarried, and for each dependent child of the  
171 employee until the child reaches the age of majority or until  
172 the end of the calendar year in which the child reaches the age  
173 of 25 if:

174 1. At the time of the employee's death, the child is

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175 dependent upon the employee for support; and

176 2. The surviving child continues to be dependent for  
177 support, or the surviving child is a full-time or part-time  
178 student and is dependent for support.

179 (h)1. Any employer who employs a full-time law enforcement,  
180 correctional, or correctional probation officer who, on or after  
181 January 1, 1995, suffers a catastrophic injury, as defined in s.  
182 440.02, Florida Statutes 2002, in the line of duty shall pay the  
183 entire premium of the employer's health insurance plan for the  
184 injured employee, the injured employee's spouse, and for each  
185 dependent child of the injured employee until the child reaches  
186 the age of majority or until the end of the calendar year in  
187 which the child reaches the age of 25 if the child continues to  
188 be dependent for support, or the child is a full-time or part-  
189 time student and is dependent for support. The term "health  
190 insurance plan" does not include supplemental benefits that are  
191 not part of the basic group health insurance plan. If the  
192 injured employee subsequently dies, the employer shall continue  
193 to pay the entire health insurance premium for the surviving  
194 spouse until remarried, and for the dependent children, under  
195 the conditions outlined in this paragraph. However:

196 a. Health insurance benefits payable from any other source  
197 shall reduce benefits payable under this section.

198 b. It is unlawful for a person to willfully and knowingly  
199 make, or cause to be made, or to assist, conspire with, or urge  
200 another to make, or cause to be made, any false, fraudulent, or  
201 misleading oral or written statement to obtain health insurance  
202 coverage as provided under this paragraph. A person who violates  
203 this sub-subparagraph commits a misdemeanor of the first degree,

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204 punishable as provided in s. 775.082 or s. 775.083.

205 c. In addition to any applicable criminal penalty, upon  
206 conviction for a violation as described in sub-subparagraph b.,  
207 a law enforcement, correctional, or correctional probation  
208 officer or other beneficiary who receives or seeks to receive  
209 health insurance benefits under this paragraph shall forfeit the  
210 right to receive such health insurance benefits, and shall  
211 reimburse the employer for all benefits paid due to the fraud or  
212 other prohibited activity. For purposes of this sub-  
213 subparagraph, the term "conviction" means a determination of  
214 guilt that is the result of a plea or trial, regardless of  
215 whether adjudication is withheld.

216 2. In order for the officer, spouse, and dependent children  
217 to be eligible for such insurance coverage, the injury must have  
218 occurred as the result of the officer's response to fresh  
219 pursuit, the officer's response to what is reasonably believed  
220 to be an emergency, or an unlawful act perpetrated by another.  
221 Except as otherwise provided herein, ~~nothing in~~ this paragraph  
222 may not shall be construed to limit health insurance coverage  
223 for which the officer, spouse, or dependent children may  
224 otherwise be eligible, except that a person who qualifies under  
225 this section is shall not be eligible for the health insurance  
226 subsidy provided under chapter 121, chapter 175, or chapter 185.

227 (i) The Bureau of Crime Prevention and Training within the  
228 Department of Legal Affairs shall adopt rules necessary to  
229 implement paragraphs (a), (b), and (c).

230 ~~(j) Any payments made pursuant to paragraph (a), paragraph~~  
231 ~~(b), or paragraph (c) shall consist of the statutory amount~~  
232 ~~adjusted to reflect price level changes since the effective date~~



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233 ~~of this act. The Bureau of Crime Prevention and Training shall~~  
234 ~~by rule adjust the statutory amount based on the Consumer Price~~  
235 ~~Index for All Urban Consumers published by the United States~~  
236 ~~Department of Labor. Adjustment shall be made July 1 of each~~  
237 ~~year using the most recent month for which data are available at~~  
238 ~~the time of the adjustment.~~

239 (3) If a law enforcement, correctional, or correctional  
240 probation officer is accidentally killed as specified in  
241 paragraph (2) (b) on or after June 22, 1990, but before July 1,  
242 2019, or unlawfully and intentionally killed as specified in  
243 paragraph (2) (c) on or after July 1, 1980, but before July 1,  
244 2019, the state must ~~shall~~ waive certain educational expenses  
245 that the child or spouse of the deceased officer incurs while  
246 obtaining a career certificate, an undergraduate education, or a  
247 postgraduate education. The amount waived by the state must  
248 ~~shall~~ be in an amount equal to the cost of tuition and  
249 matriculation and registration fees for a total of 120 credit  
250 hours. The child or spouse may attend a state career center, a  
251 Florida College System institution, or a state university. ~~The~~  
252 ~~child or spouse may attend any or all of the institutions~~  
253 ~~specified in this subsection,~~ on either a full-time or part-time  
254 basis. The benefits provided to a child under this subsection  
255 shall continue until the child's 25th birthday. The benefits  
256 provided to a spouse under this subsection must commence within  
257 5 years after the death occurs, and entitlement thereto shall  
258 continue until the 10th anniversary of that death.

259 (a) Upon failure of any child or spouse who receives a  
260 waiver in accordance with ~~benefited by the provisions of this~~  
261 subsection to comply with the ordinary and minimum requirements

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262 regarding discipline and scholarship of the institution  
263 attended, such ~~both as to discipline and scholarship,~~ the  
264 benefits must ~~shall~~ be withdrawn as to the child or spouse and  
265 no further moneys may be expended for the child's or spouse's  
266 benefits so long as such failure or delinquency continues.

267 (b) Only a student in good standing in his or her  
268 respective institution may receive the benefits provided in this  
269 subsection ~~thereof~~.

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

273 (4) (a) The employer of such law enforcement, correctional,  
274 or correctional probation officer is liable for the payment of  
275 the sums specified in this section and is deemed self-insured,  
276 unless it procures and maintains, or has already procured and  
277 maintained, insurance to secure such payments. Any such  
278 insurance may cover only the risks indicated in this section, in  
279 the amounts indicated in this section, or it may cover those  
280 risks and additional risks and may be in larger amounts. Any  
281 such insurance must ~~shall~~ be placed by such employer only after  
282 public bid of such insurance coverage which must ~~coverage shall~~  
283 be awarded to the carrier making the lowest best bid.

284 (b) Payment of benefits to beneficiaries of state  
285 employees, or of the premiums to cover the risk, under ~~the~~  
286 ~~provisions of~~ this section must ~~shall~~ be paid from existing  
287 funds otherwise appropriated to the department employing the law  
288 enforcement, correctional, or correctional probation officers.

289 (5) The State Board of Education shall adopt rules and  
290 procedures, and the Board of Governors shall adopt regulations

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291 and procedures, as are appropriate and necessary to implement  
292 the educational benefits provisions of this section.

293 (6) Notwithstanding any provision of this section to the  
294 contrary, the death benefits provided in paragraphs (2)(c) and  
295 (g) shall also be applicable and paid in cases where an officer  
296 received bodily injury before ~~prior to~~ July 1, 1993, and  
297 subsequently died on or after July 1, 1993, as a result of such  
298 in-line-of-duty injury attributable to an unlawful and  
299 intentional act, or an act of violence inflicted by another, or  
300 an assault on the officer under riot conditions. Payment of such  
301 benefits must ~~shall~~ be in accordance with ~~provisions of this~~  
302 section. ~~Nothing in This subsection may not provision shall~~ be  
303 construed to limit death benefits for which those individuals  
304 listed in paragraph (2)(d) may otherwise be eligible.

305 Section 2. Section 112.191, Florida Statutes, is reenacted  
306 and amended to read:

307 112.191 Firefighters; death benefits.-

308 (1) As Whenever used in this section, the term act:

309 (a) ~~The term~~ "Employer" means a state board, commission,  
310 department, division, bureau, or agency, or a county,  
311 municipality, or other political subdivision of the state.

312 (b) ~~The term~~ "Firefighter" means any ~~full-time~~ duly  
313 employed uniformed firefighter employed by an employer, whose  
314 primary duty is the prevention and extinguishing of fires, the  
315 protection of life and property therefrom, the enforcement of  
316 municipal, county, and state fire prevention codes, as well as  
317 the enforcement of any law pertaining to the prevention and  
318 control of fires, who is certified pursuant to s. 633.408 and  
319 who is a member of a duly constituted fire department of such

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320 employer or who is a volunteer firefighter.

321 (c) ~~The term~~ "Insurance" means insurance procured from a  
322 stock company or mutual company or association or exchange  
323 authorized to do business as an insurer in this state.

324 (2) (a) The sum of \$75,000 must ~~\$50,000, as adjusted~~  
325 ~~pursuant to paragraph (i), shall~~ be paid as provided in this  
326 section when a firefighter, while engaged in the performance of  
327 his or her firefighter duties, is accidentally killed or  
328 receives accidental bodily injury which subsequently results in  
329 the loss of the firefighter's life, provided that such killing  
330 is not the result of suicide and that such bodily injury is not  
331 intentionally self-inflicted. ~~Notwithstanding any other~~  
332 ~~provision of law, in no case shall the amount payable under this~~  
333 ~~subsection be less than the actual amount stated therein.~~

334 (b) The sum of \$75,000 must ~~\$50,000, as adjusted pursuant~~  
335 ~~to paragraph (i), shall~~ be paid as provided in this section if a  
336 firefighter is accidentally killed as specified in paragraph (a)  
337 and the accidental death occurs as a result of the firefighter's  
338 response to what is reasonably believed to be an emergency  
339 involving the protection of life or property or the  
340 firefighter's participation in a training exercise. This sum is  
341 in addition to any sum provided in paragraph (a).  
342 ~~Notwithstanding any other provision of law, the amount payable~~  
343 ~~under this subsection may not be less than the actual amount~~  
344 ~~stated therein.~~

345 (c) If a firefighter, while engaged in the performance of  
346 his or her firefighter duties, is unlawfully and intentionally  
347 killed, is injured by an unlawful and intentional act of another  
348 person and dies as a result of such injury, dies as a result of

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349 a fire which has been determined to have been caused by an act  
350 of arson, or subsequently dies as a result of injuries sustained  
351 therefrom, the sum of \$225,000 ~~must \$150,000, as adjusted~~  
352 ~~pursuant to paragraph (i), shall~~ be paid as provided in this  
353 section. ~~Notwithstanding any other provision of law, the amount~~  
354 ~~payable under this subsection may not be less than the actual~~  
355 ~~amount stated therein.~~

356 (d) Such payments, pursuant to paragraphs (a), (b), and  
357 (c), whether secured by insurance or not, must ~~shall~~ be made to  
358 the beneficiary designated by such firefighter in writing,  
359 signed by the firefighter and delivered to the employer during  
360 the firefighter's lifetime. If no such designation is made, then  
361 the payment must ~~it shall~~ be paid to the firefighter's surviving  
362 child or children and to the firefighter's surviving spouse in  
363 equal portions, and if there be no surviving child or spouse,  
364 then to the firefighter's parent or parents. If a beneficiary  
365 designation is not made and there is no surviving child, spouse,  
366 or parent, then the sum must ~~it shall~~ be paid to the  
367 firefighter's estate.

368 (e) Such payments, pursuant to ~~the provisions of~~ paragraphs  
369 (a), (b), and (c), are ~~shall be~~ in addition to any workers'  
370 compensation or retirement plan ~~pension~~ benefits and are ~~shall~~  
371 ~~be~~ exempt from the claims and demands of creditors of such  
372 firefighter.

373 (f) Any political subdivision of the state that employs a  
374 full-time firefighter who is killed in the line of duty on or  
375 after July 1, 1993, as a result of an act of violence inflicted  
376 by another person while the firefighter is engaged in the  
377 performance of firefighter duties, as a result of a fire which

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378 has been determined to have been caused by an act of arson, or  
379 as a result of an assault against the firefighter under riot  
380 conditions shall pay the entire premium of the political  
381 subdivision's health insurance plan for the employee's surviving  
382 spouse until remarried, and for each dependent child of the  
383 employee until the child reaches the age of majority or until  
384 the end of the calendar year in which the child reaches the age  
385 of 25 if:

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

388 2. The surviving child continues to be dependent for  
389 support, or the surviving child is a full-time or part-time  
390 student and is dependent for support.

391 (g)1. Any employer who employs a full-time firefighter who,  
392 on or after January 1, 1995, suffers a catastrophic injury, as  
393 defined in s. 440.02, Florida Statutes 2002, in the line of duty  
394 shall pay the entire premium of the employer's health insurance  
395 plan for the injured employee, the injured employee's spouse,  
396 and for each dependent child of the injured employee until the  
397 child reaches the age of majority or until the end of the  
398 calendar year in which the child reaches the age of 25 if the  
399 child continues to be dependent for support, or the child is a  
400 full-time or part-time student and is dependent for support. The  
401 term "health insurance plan" does not include supplemental  
402 benefits that are not part of the basic group health insurance  
403 plan. If the injured employee subsequently dies, the employer  
404 shall continue to pay the entire health insurance premium for  
405 the surviving spouse until remarried, and for the dependent  
406 children, under the conditions outlined in this paragraph.

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407 However:

408 a. Health insurance benefits payable from any other source  
409 shall reduce benefits payable under this section.

410 b. It is unlawful for a person to willfully and knowingly  
411 make, or cause to be made, or to assist, conspire with, or urge  
412 another to make, or cause to be made, any false, fraudulent, or  
413 misleading oral or written statement to obtain health insurance  
414 coverage as provided under this paragraph. A person who violates  
415 this sub-subparagraph commits a misdemeanor of the first degree,  
416 punishable as provided in s. 775.082 or s. 775.083.

417 c. In addition to any applicable criminal penalty, upon  
418 conviction for a violation as described in sub-subparagraph b.,  
419 a firefighter or other beneficiary who receives or seeks to  
420 receive health insurance benefits under this paragraph shall  
421 forfeit the right to receive such health insurance benefits, and  
422 shall reimburse the employer for all benefits paid due to the  
423 fraud or other prohibited activity. For purposes of this sub-  
424 subparagraph, the term "conviction" means a determination of  
425 guilt that is the result of a plea or trial, regardless of  
426 whether adjudication is withheld.

427 2. In order for the firefighter, spouse, and dependent  
428 children to be eligible for such insurance coverage, the injury  
429 must have occurred as the result of the firefighter's response  
430 to what is reasonably believed to be an emergency involving the  
431 protection of life or property, or an unlawful act perpetrated  
432 by another. Except as otherwise provided herein, ~~nothing in this~~  
433 paragraph may not shall be construed to limit health insurance  
434 coverage for which the firefighter, spouse, or dependent  
435 children may otherwise be eligible, except that a person who

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436 qualifies for benefits under this section ~~is shall~~ not be  
437 eligible for the health insurance subsidy provided under chapter  
438 121, chapter 175, or chapter 185.

439  
440 Notwithstanding any provision of this section to the contrary,  
441 the death benefits provided in paragraphs (b), (c), and (f)  
442 shall also be applicable and paid in cases where a firefighter  
443 received bodily injury prior to July 1, 1993, and subsequently  
444 died on or after July 1, 1993, as a result of such in-line-of-  
445 duty injury.

446 (h) The Division of the State Fire Marshal within the  
447 Department of Financial Services shall adopt rules necessary to  
448 implement this section.

449 ~~(i) Any payments made pursuant to paragraph (a), paragraph~~  
450 ~~(b), or paragraph (c) shall consist of the statutory amount~~  
451 ~~adjusted to show price level changes in the Consumer Price Index~~  
452 ~~for All Urban Consumers published by the United States~~  
453 ~~Department of Labor since July 1, 2002. The Division of State~~  
454 ~~Fire Marshal, using the most recent month for which Consumer~~  
455 ~~Price Index data is available, shall, on June 15 of each year,~~  
456 ~~calculate and publish on the division's Internet website the~~  
457 ~~amount resulting from the adjustments to the statutory amounts.~~  
458 ~~The adjusted statutory amounts shall be effective on July 1 of~~  
459 ~~each year.~~

460 (3) If a firefighter is accidentally killed as specified in  
461 paragraph (2) (b) on or after June 22, 1990, but before July 1,  
462 2019, or unlawfully and intentionally killed as specified in  
463 paragraph (2) (c), on or after July 1, 1980, but before July 1,  
464 2019, the state must ~~shall~~ waive certain educational expenses



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465 that the child or spouse of the deceased firefighter incurs  
466 while obtaining a career certificate, an undergraduate  
467 education, or a postgraduate education. The amount waived by the  
468 state must ~~shall~~ be in an amount equal to the cost of tuition  
469 and matriculation and registration fees for a total of 120  
470 credit hours. The child or spouse may attend a state career  
471 center, a Florida College System institution, or a state  
472 university. ~~The child or spouse may attend any or all of the~~  
473 ~~institutions specified in this subsection,~~ on either a full-time  
474 or part-time basis. The benefits provided to a child under this  
475 subsection shall continue until the child's 25th birthday. The  
476 benefits provided to a spouse under this subsection must  
477 commence within 5 years after the death occurs, and entitlement  
478 thereto shall continue until the 10th anniversary of that death.

479 (a) Upon failure of any child or spouse who receives a  
480 waiver in accordance with ~~benefited by the provisions of~~ this  
481 subsection to comply with the ordinary and minimum requirements  
482 regarding discipline and scholarship of the institution  
483 attended, such ~~both as to discipline and scholarship,~~ the  
484 benefits must ~~thereof shall~~ be withdrawn as to the child or  
485 spouse and no further moneys expended for the child's or  
486 spouse's benefits so long as such failure or delinquency  
487 continues.

488 (b) Only students in good standing in their respective  
489 institutions may ~~shall~~ receive the benefits provided in this  
490 subsection thereof.

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

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494 (4) (a) The employer of such firefighter is ~~shall be~~ liable  
495 for the payment of the ~~said~~ sums specified in this section and  
496 is ~~shall be~~ deemed self-insured, unless it procures and  
497 maintains, or has already procured and maintained, insurance to  
498 secure such payments. Any such insurance may cover only the  
499 risks indicated in this section, in the amounts indicated in  
500 this section, or it may cover those risks and additional risks  
501 and may be in larger amounts. Any such insurance must ~~shall~~ be  
502 placed by such employer only after public bid of such insurance  
503 coverage which must ~~coverage shall~~ be awarded to the carrier  
504 making the lowest best bid.

505 (b) Payment of benefits to beneficiaries of state  
506 employees, or of the premiums to cover the risk, under ~~the~~  
507 ~~provisions of~~ this section, must ~~shall~~ be paid from existing  
508 funds otherwise appropriated for the department.

509 (5) The State Board of Education shall adopt rules and  
510 procedures, and the Board of Governors shall adopt regulations  
511 and procedures, as are appropriate and necessary to implement  
512 the educational benefits provisions of this section.

513 Section 3. Section 112.1911, Florida Statutes, is created  
514 to read:

515 112.1911 Emergency medical technicians and paramedics;  
516 death benefits.—

517 (1) As used in this section, the term:

518 (a) "Emergency medical technician" means a person who is  
519 certified by the Department of Health to perform basic life  
520 support pursuant to part III of chapter 401, who is employed by  
521 an employer, and whose primary duties and responsibilities  
522 include on-the-scene emergency medical care.

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523 (b) "Employer" means a state board, commission, department,  
524 division, bureau, or agency, or a county, municipality, or other  
525 political subdivision of the state.

526 (c) "Insurance" means insurance procured from a stock  
527 company or mutual company, or an association or exchange  
528 authorized to do business as an insurer in this state.

529 (d) "Paramedic" means a person who is certified by the  
530 Department of Health to perform basic and advanced life support  
531 pursuant to part III of chapter 401, who is employed by an  
532 employer, and whose primary duties and responsibilities include  
533 on-the-scene emergency medical care.

534 (2) (a) The sum of \$75,000 must be paid as provided in this  
535 section when an emergency medical technician or a paramedic,  
536 while engaged in the performance of his or her official duties,  
537 is accidentally killed or receives an accidental bodily injury  
538 that subsequently results in the loss of the individual's life,  
539 provided that such killing is not the result of suicide and that  
540 such bodily injury is not intentionally self-inflicted.

541 (b) The sum of \$75,000 must be paid as provided in this  
542 section if an emergency medical technician or a paramedic is  
543 accidentally killed as specified in paragraph (a) and the  
544 accidental death occurs as a result of the emergency medical  
545 technician's or paramedic's response to what is reasonably  
546 believed to be an emergency involving the protection of life.  
547 This sum is in addition to any sum provided under paragraph (a).

548 (c) If an emergency medical technician or a paramedic,  
549 while engaged in the performance of his or her official duties,  
550 is unlawfully and intentionally killed or is injured by an  
551 unlawful and intentional act of another person and dies as a

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552 result of such injury, the sum of \$225,000 must be paid as  
553 provided in this section.

554 (d) Such payments, pursuant to paragraphs (a), (b), and  
555 (c), whether secured by insurance or not, must be made to the  
556 beneficiary designated by such emergency medical technician or  
557 paramedic in a written and signed form, which must be delivered  
558 to the employer during the emergency medical technician's or  
559 paramedic's lifetime. If no such designation is made, then the  
560 payments must be made to the emergency medical technician's or  
561 paramedic's surviving child or children and to his or her  
562 surviving spouse in equal portions, or if there is no surviving  
563 child or spouse, must be made to the emergency medical  
564 technician's or paramedic's parent or parents. If a beneficiary  
565 is not designated and there is no surviving child, spouse, or  
566 parent, then the sum must be paid to the emergency medical  
567 technician's or paramedic's estate.

568 (e) Such payments, pursuant to paragraphs (a), (b), and  
569 (c), are in addition to any workers' compensation or retirement  
570 plan benefits and are exempt from the claims and demands of  
571 creditors of such emergency medical technician or paramedic.

572 (3) (a) The employer of an emergency medical technician or a  
573 paramedic is liable for the payment of the benefits specified in  
574 this section and is deemed self-insured, unless it procures and  
575 maintains, or has already procured and maintained, insurance to  
576 cover such payments. Any such insurance may cover only the risks  
577 indicated in this section, in the amounts indicated in this  
578 section, or it may cover those risks and additional risks and  
579 may be in larger amounts. Any such insurance must be placed by  
580 such employer only after public bid of such insurance coverage,

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581 which must be awarded to the carrier making the lowest best bid.

582 (b) Payment of benefits to beneficiaries of state  
583 employees, or of the premiums to cover the risk, under this  
584 section, must be paid from existing funds otherwise appropriated  
585 to the agency that employed the emergency medical technician or  
586 paramedic.

587 Section 4. Section 112.1912, Florida Statutes, is created  
588 to read:

589 112.1912 First responders; death benefits for educational  
590 expenses.—

591 (1) As used in this section, the term "first responder"  
592 means:

593 (a) A law enforcement, correctional, or correctional  
594 probation officer as defined in s. 112.19(1) who is killed as  
595 provided in s. 112.19(2) on or after July 1, 2019;

596 (b) A firefighter as defined in s. 112.191(1) who is killed  
597 as provided in s. 112.191(2) on or after July 1, 2019; or

598 (c) An emergency medical technician or a paramedic, as  
599 defined in s. 112.1911(1), who is killed as provided in s.  
600 112.1911(2) on or after July 1, 2019.

601 (2) (a) The state shall waive certain educational expenses  
602 that the child or spouse of a deceased first responder incurs  
603 while obtaining a career certificate, an undergraduate  
604 education, or a postgraduate education. The amount waived by the  
605 state must be in an amount equal to the cost of tuition and  
606 matriculation and registration fees for a total of 120 credit  
607 hours. The child or the spouse may attend a state career center,  
608 a Florida College System institution, or a state university on  
609 either a full-time or part-time basis. The benefits provided to

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610 a child under this subsection must continue until the child's  
611 25th birthday. The benefits provided to a spouse under this  
612 subsection must commence within 5 years after the first  
613 responder's death occurs and may continue until the 10th  
614 anniversary of that death.

615 (b) Upon failure of any child or spouse who receives a  
616 waiver in accordance with this subsection to comply with the  
617 ordinary and minimum requirements regarding discipline and  
618 scholarship of the institution attended, such benefits to the  
619 child or the spouse must be withdrawn and no further moneys may  
620 be expended for the child's or spouse's benefits so long as such  
621 failure or delinquency continues.

622 (c) Only a student in good standing in his or her  
623 respective institution may receive the benefits provided in this  
624 subsection.

625 (d) A child or spouse receiving benefits under this  
626 subsection must be enrolled according to the customary rules and  
627 requirements of the institution attended.

628 (e) The State Board of Education shall adopt rules and  
629 procedures, and the Board of Governors shall adopt regulations  
630 and procedures, as are appropriate and necessary to implement  
631 this subsection.

632 Section 5. Subsection (4) of section 250.34, Florida  
633 Statutes, is amended to read:

634 250.34 Injury or death on state active duty.—

635 (4) Each member of the Florida National Guard who is  
636 killed, or who dies as the result of injuries incurred, while on  
637 state active duty under competent orders and while engaged in  
638 the performance of the member's official duties qualifies for

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639 benefits as a law enforcement officer under ss. pursuant to s.  
640 112.19 and 112.1912 or any successor statute providing for death  
641 benefits for law enforcement officers, and the decedent's  
642 survivors or estate are entitled to the death benefits provided  
643 in ss. ~~s.~~ 112.19 and 112.1912. However, this section does not  
644 prohibit survivors or the estate of the decedent from presenting  
645 a claim bill for approval by the Legislature in addition to the  
646 death benefits provided in this section. Each member of the  
647 Florida National Guard who is killed, or who dies as the result  
648 of injuries incurred, while on active duty qualifies for  
649 benefits as a member of the United States Armed Forces under s.  
650 295.061, and the decedent's survivors or estate are entitled to  
651 the death benefits provided in s. 295.061.

652 Section 6. Section 295.01, Florida Statutes, is reenacted  
653 and amended to read:

654 295.01 Children of deceased or disabled veterans; spouses  
655 of deceased or disabled servicemembers; education.—

656 (1) It is ~~hereby declared to be~~ the policy of the state to  
657 provide educational opportunity at state expense for dependent  
658 children either of whose parents entered the Armed Forces and:

659 (a) Died as a result of service-connected injuries,  
660 disease, or disability sustained while on active duty; or

661 (b) Has been:

662 1. Determined by the United States Department of Veterans  
663 Affairs or its predecessor to have a service-connected 100-  
664 percent total and permanent disability rating for compensation;

665 2. Determined to have a service-connected total and  
666 permanent disability rating of 100 percent and is in receipt of  
667 disability retirement pay from any branch of the United States

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668 Armed Services; or

669 3. Issued a valid identification card by the Department of  
670 Veterans' Affairs in accordance with s. 295.17,

671  
672 when the parents of such children have been residents of the  
673 state for 1 year immediately preceding the death or the  
674 occurrence of such disability, and subject to the rules,  
675 restrictions, and limitations set forth in this section.

676 (2) It is also the declared policy of this state to provide  
677 educational opportunity at state expense for spouses of deceased  
678 or disabled servicemembers.

679 (a) The unremarried spouse of a deceased servicemember, as  
680 defined in s. 250.01, qualifies for the benefits under this  
681 section:

682 1. If the servicemember and his or her spouse had been  
683 residents of the state for 1 year immediately preceding the  
684 servicemember's death and the servicemember's death occurred  
685 under the circumstances provided in subsection (1); and

686 2. If the unremarried spouse applies to use the benefit  
687 within 5 years after the servicemember's death.

688 (b) The dependent spouse of a disabled servicemember, as  
689 defined in s. 250.01, qualifies for the benefits under this  
690 section:

691 1. If the servicemember and his or her spouse have been  
692 married to each other for 1 year; and

693 2. If the servicemember and his or her spouse have been  
694 residents of the state for 1 year immediately preceding the  
695 occurrence of the servicemember's disability and the disability  
696 meets the criteria set forth in subsection (1); and



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697 3. Only during the duration of the marriage and up to the  
698 point of termination of the marriage by dissolution or  
699 annulment.

700  
701 All rules, restrictions, and limitations set forth in this  
702 section shall apply.

703 (3) Sections 295.03, 295.04, 295.05, and 1009.40 shall  
704 apply.

705 (4) The State Board of Education shall adopt rules for  
706 administering this section.

707 (5) A child or spouse of a servicemember may receive  
708 benefits under either this section or s. 295.061.

709 Section 7. Section 295.061, Florida Statutes, is created to  
710 read:

711 295.061 Active duty servicemembers; death benefits.-

712 (1) As used in this section, the term:

713 (a) "Active duty" has the same meaning as provided in s.  
714 250.01.

715 (b) "United States Armed Forces" means the United States  
716 Army, Navy, Air Force, Marine Corps, and Coast Guard.

717 (2) The sum of \$75,000 must be paid by the state if a  
718 member of the United States Armed Forces, while on active duty  
719 and engaged in the performance of his or her official duties, is  
720 killed or receives a bodily injury that results in the loss of  
721 the member's life, provided that such killing is not the result  
722 of suicide and that such bodily injury is not intentionally  
723 self-inflicted.

724 (3) The sum of \$25,000 must be paid by the state if a  
725 member of the United States Armed Forces, while on active duty,

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726 is killed other than as specified in subsection (2), provided  
727 that the killing is not the result of suicide and that such  
728 bodily injury is not intentionally self-inflicted.

729 (4) Payment of benefits made under subsection (2) or  
730 subsection (3) must be paid to the beneficiary designated by  
731 such member in writing and delivered to the Department of  
732 Military Affairs during the member's lifetime. If no such  
733 designation is made, then the payments must be paid to the  
734 member's surviving child or children and to his or her surviving  
735 spouse in equal portions, or if there is no surviving child or  
736 spouse, must be made to the member's parent or parents. If a  
737 beneficiary is not designated and there is no surviving child,  
738 spouse, or parent, then the sum must be paid to the member's  
739 estate.

740 (5) To qualify for the benefits provided in this section,  
741 the deceased military member must have been a resident of this  
742 state, or his or her duty post must have been within this state,  
743 at the time of death.

744 (6) Any benefits provided pursuant to this section are in  
745 addition to any other benefits provided under the  
746 Servicemembers' Group Life Insurance program or any other  
747 federal program. Benefits granted pursuant to this section are  
748 exempt from the claims and demands of creditors of such member.

749 (7) Benefits provided under subsection (2) or subsection  
750 (3) shall be paid from the General Revenue Fund. Beginning in  
751 the 2019-2020 fiscal year and continuing each fiscal year  
752 thereafter, a sum sufficient to pay such benefits is  
753 appropriated from the General Revenue Fund to the Department of  
754 Financial Services for the purposes of paying such benefits.

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755       (8) (a) If an active duty member is killed as specified in  
756 subsection (2) or subsection (3), the state must waive certain  
757 educational expenses that the child or the spouse of the  
758 deceased member incurs while obtaining a career certificate, an  
759 undergraduate education, or a postgraduate education. The amount  
760 waived by the state must be in an amount equal to the cost of  
761 tuition and matriculation and registration fees for a total of  
762 120 credit hours. The child or the spouse may attend a state  
763 career center, a Florida College System institution, or a state  
764 university on either a full-time or part-time basis. The  
765 benefits provided to a child under this subsection must continue  
766 until the child's 25th birthday. The benefits provided to a  
767 spouse under this subsection must commence within 5 years after  
768 the death occurs and may continue until the 10th anniversary of  
769 that death.

770       (b) Upon failure of any child or spouse who receives a  
771 waiver in accordance with this subsection to comply with the  
772 ordinary and minimum requirements regarding discipline and  
773 scholarship of the institution attended, such benefits to the  
774 child or the spouse must be withdrawn and no further moneys may  
775 be expended for the child's or spouse's benefits so long as such  
776 failure or delinquency continues.

777       (c) Only a student in good standing in his or her  
778 respective institution may receive the benefits provided in this  
779 subsection.

780       (d) A child or spouse who is receiving benefits under this  
781 subsection shall be enrolled according to the customary rules  
782 and requirements of the institution attended.

783       (e) A child or spouse of a member may receive benefits

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784 under either this subsection or s. 295.01.

785 (f) The State Board of Education shall adopt rules and  
786 procedures, and the Board of Governors shall adopt regulations  
787 and procedures, as are appropriate and necessary to implement  
788 this subsection.

789 Section 8. This act shall take effect July 1, 2019.