

20197098er

1
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

20197098er

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:

20197098er

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

20197098er

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~~

20197098er

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.

20197098er

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

20197098er

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,

20197098er

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~~

20197098er

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

20197098er

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

20197098er

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

20197098er

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

20197098er

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

20197098er

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.

20197098er

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

20197098er

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

20197098er

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.

20197098er

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.

20197098er

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

20197098er

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,

20197098er

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

20197098er

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

20197098er

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

20197098er

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

20197098er

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,

20197098er

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.

20197098er

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

20197098er

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.