

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-02980B-19

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

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

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

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

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

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

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

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

91 (d) "Fresh pursuit" means the pursuit of a person who has
92 committed or is reasonably suspected of having committed a
93 felony, misdemeanor, traffic infraction, or violation of a
94 county or municipal ordinance. The term does not imply instant
95 pursuit, but pursuit without unreasonable delay.

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

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

- 112 1. As a result of the officer's response to fresh pursuit;
- 113 2. As a result of the officer's response to what is
114 reasonably believed to be an emergency;
- 115 3. At the scene of a traffic accident to which the officer
116 has responded; or

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

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120 This sum is in addition to any sum provided for in paragraph
121 (a). ~~Notwithstanding any other provision of law, in no case~~
122 ~~shall the amount payable under this subsection be less than the~~
123 ~~actual amount stated therein.~~

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

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

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

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

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

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

166 (g) Any political subdivision of the state that employs a
167 full-time law enforcement officer as defined in s. 943.10(1) or
168 a full-time correctional officer as defined in s. 943.10(2) who
169 is killed in the line of duty on or after July 1, 1993, as a
170 result of an act of violence inflicted by another person while
171 the officer is engaged in the performance of law enforcement
172 duties or as a result of an assault against the officer under
173 riot conditions shall pay the entire premium of the political
174 subdivision's health insurance plan for the employee's surviving

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175 spouse until remarried, and for each dependent child of the
176 employee until the child reaches the age of majority or until
177 the end of the calendar year in which the child reaches the age
178 of 25 if:

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

181 2. The surviving child continues to be dependent for
182 support, or the surviving child is a full-time or part-time
183 student and is dependent for support.

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

201 a. Health insurance benefits payable from any other source
202 shall reduce benefits payable under this section.

203 b. It is unlawful for a person to willfully and knowingly

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204 make, or cause to be made, or to assist, conspire with, or urge
205 another to make, or cause to be made, any false, fraudulent, or
206 misleading oral or written statement to obtain health insurance
207 coverage as provided under this paragraph. A person who violates
208 this sub-subparagraph commits a misdemeanor of the first degree,
209 punishable as provided in s. 775.082 or s. 775.083.

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

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

232 (i) The Bureau of Crime Prevention and Training within the

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233 Department of Legal Affairs shall adopt rules necessary to
234 implement paragraphs (a), (b), and (c).

235 ~~(j) Any payments made pursuant to paragraph (a), paragraph~~
236 ~~(b), or paragraph (c) shall consist of the statutory amount~~
237 ~~adjusted to reflect price level changes since the effective date~~
238 ~~of this act. The Bureau of Crime Prevention and Training shall~~
239 ~~by rule adjust the statutory amount based on the Consumer Price~~
240 ~~Index for All Urban Consumers published by the United States~~
241 ~~Department of Labor. Adjustment shall be made July 1 of each~~
242 ~~year using the most recent month for which data are available at~~
243 ~~the time of the adjustment.~~

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

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262 5 years after the death occurs, and entitlement thereto shall
263 continue until the 10th anniversary of that death.

264 (a) Upon failure of any child or spouse who receives a
265 waiver in accordance with ~~benefited by the provisions of~~ this
266 subsection to comply with the ordinary and minimum requirements
267 regarding discipline and scholarship of the institution
268 attended, such ~~both as to discipline and scholarship,~~ the
269 benefits must ~~shall~~ be withdrawn as to the child or spouse and
270 no further moneys may be expended for the child's or spouse's
271 benefits so long as such failure or delinquency continues.

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

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

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

289 (b) Payment of benefits to beneficiaries of state
290 employees, or of the premiums to cover the risk, under ~~the~~

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291 ~~provisions of~~ this section must ~~shall~~ be paid from existing
292 funds otherwise appropriated to the department employing the law
293 enforcement, correctional, or correctional probation officers.

294 (5) The State Board of Education shall adopt rules and
295 procedures, and the Board of Governors shall adopt regulations
296 and procedures, as are appropriate and necessary to implement
297 the educational benefits provisions of this section.

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

310 Section 2. Section 112.191, Florida Statutes, is reenacted
311 and amended to read:

312 112.191 Firefighters; death benefits.-

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

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

317 (b) ~~The term~~ "Firefighter" means any ~~full-time~~ duly
318 employed uniformed firefighter employed by an employer, whose
319 primary duty is the prevention and extinguishing of fires, the

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320 protection of life and property therefrom, the enforcement of
321 municipal, county, and state fire prevention codes, as well as
322 the enforcement of any law pertaining to the prevention and
323 control of fires, who is certified pursuant to s. 633.408 and
324 who is a member of a duly constituted fire department of such
325 employer or who is a volunteer firefighter.

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

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

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

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349 ~~stated therein.~~

350 (c) If a firefighter, while engaged in the performance of
351 his or her firefighter duties, is unlawfully and intentionally
352 killed, is injured by an unlawful and intentional act of another
353 person and dies as a result of such injury, dies as a result of
354 a fire which has been determined to have been caused by an act
355 of arson, or subsequently dies as a result of injuries sustained
356 therefrom, the sum of \$225,000 ~~must~~ \$150,000, ~~as adjusted~~
357 ~~pursuant to paragraph (i), shall~~ be paid as provided in this
358 section. ~~Notwithstanding any other provision of law, the amount~~
359 ~~payable under this subsection may not be less than the actual~~
360 ~~amount stated therein.~~

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

373 (e) Such payments, pursuant to ~~the provisions of~~ paragraphs
374 (a), (b), and (c), are ~~shall be~~ in addition to any workers'
375 compensation or retirement plan ~~pension~~ benefits and are ~~shall~~
376 ~~be~~ exempt from the claims and demands of creditors of such
377 firefighter.

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378 (f) Any political subdivision of the state that employs a
379 full-time firefighter who is killed in the line of duty on or
380 after July 1, 1993, as a result of an act of violence inflicted
381 by another person while the firefighter is engaged in the
382 performance of firefighter duties, as a result of a fire which
383 has been determined to have been caused by an act of arson, or
384 as a result of an assault against the firefighter under riot
385 conditions shall pay the entire premium of the political
386 subdivision's health insurance plan for the employee's surviving
387 spouse until remarried, and for each dependent child of the
388 employee until the child reaches the age of majority or until
389 the end of the calendar year in which the child reaches the age
390 of 25 if:

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

393 2. The surviving child continues to be dependent for
394 support, or the surviving child is a full-time or part-time
395 student and is dependent for support.

396 (g)1. Any employer who employs a full-time firefighter who,
397 on or after January 1, 1995, suffers a catastrophic injury, as
398 defined in s. 440.02, Florida Statutes 2002, in the line of duty
399 shall pay the entire premium of the employer's health insurance
400 plan for the injured employee, the injured employee's spouse,
401 and for each dependent child of the injured employee until the
402 child reaches the age of majority or until the end of the
403 calendar year in which the child reaches the age of 25 if the
404 child continues to be dependent for support, or the child is a
405 full-time or part-time student and is dependent for support. The
406 term "health insurance plan" does not include supplemental

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407 benefits that are not part of the basic group health insurance
408 plan. If the injured employee subsequently dies, the employer
409 shall continue to pay the entire health insurance premium for
410 the surviving spouse until remarried, and for the dependent
411 children, under the conditions outlined in this paragraph.

412 However:

413 a. Health insurance benefits payable from any other source
414 shall reduce benefits payable under this section.

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

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

432 2. In order for the firefighter, spouse, and dependent
433 children to be eligible for such insurance coverage, the injury
434 must have occurred as the result of the firefighter's response
435 to what is reasonably believed to be an emergency involving the

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436 protection of life or property, or an unlawful act perpetrated
437 by another. Except as otherwise provided herein, ~~nothing in this~~
438 paragraph may not ~~shall~~ be construed to limit health insurance
439 coverage for which the firefighter, spouse, or dependent
440 children may otherwise be eligible, except that a person who
441 qualifies for benefits under this section is ~~shall~~ not be
442 eligible for the health insurance subsidy provided under chapter
443 121, chapter 175, or chapter 185.

444

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

451 (h) The Division of the State Fire Marshal within the
452 Department of Financial Services shall adopt rules necessary to
453 implement this section.

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

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465 (3) If a firefighter is accidentally killed as specified in
466 paragraph (2)(b) on or after June 22, 1990, but before July 1,
467 2019, or unlawfully and intentionally killed as specified in
468 paragraph (2)(c), on or after July 1, 1980, but before July 1,
469 2019, the state must ~~shall~~ waive certain educational expenses
470 that the child or spouse of the deceased firefighter incurs
471 while obtaining a career certificate, an undergraduate
472 education, or a postgraduate education. The amount waived by the
473 state must ~~shall~~ be in an amount equal to the cost of tuition
474 and matriculation and registration fees for a total of 120
475 credit hours. The child or spouse may attend a state career
476 center, a Florida College System institution, or a state
477 university. ~~The child or spouse may attend any or all of the~~
478 ~~institutions specified in this subsection,~~ on either a full-time
479 or part-time basis. The benefits provided to a child under this
480 subsection shall continue until the child's 25th birthday. The
481 benefits provided to a spouse under this subsection must
482 commence within 5 years after the death occurs, and entitlement
483 thereto shall continue until the 10th anniversary of that death.

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

493 (b) Only students in good standing in their respective

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494 institutions may ~~shall~~ receive the benefits provided in this
495 subsection thereof.

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

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

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

514 (5) The State Board of Education shall adopt rules and
515 procedures, and the Board of Governors shall adopt regulations
516 and procedures, as are appropriate and necessary to implement
517 the educational benefits provisions of this section.

518 Section 3. Section 112.1911, Florida Statutes, is created
519 to read:

520 112.1911 Emergency medical technicians and paramedics;
521 death benefits.-

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

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

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

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

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

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

546 (b) The sum of \$75,000 must be paid as provided in this
547 section if an emergency medical technician or a paramedic is
548 accidentally killed as specified in paragraph (a) and the
549 accidental death occurs as a result of the emergency medical
550 technician's or paramedic's response to what is reasonably
551 believed to be an emergency involving the protection of life.

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552 This sum is in addition to any sum provided under paragraph (a).

553 (c) If an emergency medical technician or a paramedic,
554 while engaged in the performance of his or her official duties,
555 is unlawfully and intentionally killed or is injured by an
556 unlawful and intentional act of another person and dies as a
557 result of such injury, the sum of \$225,000 must be paid as
558 provided in this section.

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

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

577 (3) (a) The employer of an emergency medical technician or a
578 paramedic is liable for the payment of the benefits specified in
579 this section and is deemed self-insured, unless it procures and
580 maintains, or has already procured and maintained, insurance to

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581 cover such payments. Any such insurance may cover only the risks
582 indicated in this section, in the amounts indicated in this
583 section, or it may cover those risks and additional risks and
584 may be in larger amounts. Any such insurance must be placed by
585 such employer only after public bid of such insurance coverage,
586 which must be awarded to the carrier making the lowest best bid.

587 (b) Payment of benefits to beneficiaries of state
588 employees, or of the premiums to cover the risk, under this
589 section, must be paid from existing funds otherwise appropriated
590 to the agency that employed the emergency medical technician or
591 paramedic.

592 Section 4. Section 112.1912, Florida Statutes, is created
593 to read:

594 112.1912 First responders; death benefits for educational
595 expenses.—

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

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

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

603 (c) An emergency medical technician or a paramedic, as
604 defined in s. 112.1911(1), who is killed as provided in s.
605 112.1911(2) on or after July 1, 2019.

606 (2) (a) The state shall waive certain educational expenses
607 that the child or spouse of a deceased first responder incurs
608 while obtaining a career certificate, an undergraduate
609 education, or a postgraduate education. The amount waived by the

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610 state must be in an amount equal to the cost of tuition and
611 matriculation and registration fees for a total of 120 credit
612 hours. The child or the spouse may attend a state career center,
613 a Florida College System institution, or a state university on
614 either a full-time or part-time basis. The benefits provided to
615 a child under this subsection must continue until the child's
616 25th birthday. The benefits provided to a spouse under this
617 subsection must commence within 5 years after the first
618 responder's death occurs and may continue until the 10th
619 anniversary of that death.

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

627 (c) Only a student in good standing in his or her
628 respective institution may receive the benefits provided in this
629 subsection.

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

633 (e) The State Board of Education shall adopt rules and
634 procedures, and the Board of Governors shall adopt regulations
635 and procedures, as are appropriate and necessary to implement
636 this subsection.

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

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639 250.34 Injury or death on state active duty.—

640 (4) (a) The sum of \$75,000 must be paid by the state when a
641 ~~Each~~ member of the Florida National Guard, while on state active
642 duty and engaged in the member's official duties, who is
643 accidentally killed or receives accidental bodily injury that
644 results in the loss of the member's life, provided that such
645 killing is not the result of suicide and that such bodily injury
646 is not intentionally self-inflicted.

647 (b) If a member of the Florida National Guard, while on
648 state active duty and engaged in the performance of the member's
649 official duties, is unlawfully and intentionally killed, or who
650 dies as the result of such unlawful and intentional act, the sum
651 of \$225,000 must be paid by the state injuries incurred, while
652 on state active duty under competent orders qualifies for
653 benefits as a law enforcement officer pursuant to s. 112.19 or
654 any successor statute providing for death benefits for law
655 enforcement officers, and

656 (c) Such payments, pursuant to paragraphs (a) and (b), must
657 be made to the beneficiary designated by such member in writing,
658 signed by the member, and delivered to the Florida National
659 Guard during the member's lifetime. If no such designation is
660 made, then the payments must be paid to the member's surviving
661 child or children and to the member's surviving spouse in equal
662 portions, and if there are no surviving children or spouse, then
663 to the member's parent or parents. If a beneficiary is not
664 designated and there is no surviving child, spouse, or parent,
665 then the sum must be paid to the member's estate.

666 (d) Such payments, pursuant to paragraphs (a) and (b), are
667 exempt from the claims and demands of creditors of such member.

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668 (e) The decedent's survivors or estate are entitled to the
669 death benefits provided in s. 112.19(2)(d) ~~s. 112.19~~. However,
670 this section does not prohibit survivors or the estate of the
671 decedent from presenting a claim bill for approval by the
672 Legislature in addition to the death benefits provided in this
673 section.

674 (f) If a member of the Florida National Guard is
675 accidentally killed as specified in paragraph (a) or unlawfully
676 and intentionally killed as specified in paragraph (b), the
677 member's surviving child or children and spouse are eligible for
678 the educational benefits as specified in s. 112.1912.

679 Section 6. Section 295.01, Florida Statutes, is reenacted
680 and amended to read:

681 295.01 Children of deceased or disabled veterans; spouses
682 of deceased or disabled servicemembers; education.—

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

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

688 (b) Has been:

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

692 2. Determined to have a service-connected total and
693 permanent disability rating of 100 percent and is in receipt of
694 disability retirement pay from any branch of the United States
695 Armed Services; or

696 3. Issued a valid identification card by the Department of

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697 Veterans' Affairs in accordance with s. 295.17,

698

699 when the parents of such children have been residents of the
700 state for 1 year immediately preceding the death or the
701 occurrence of such disability, and subject to the rules,
702 restrictions, and limitations set forth in this section.

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

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

709 1. If the servicemember and his or her spouse had been
710 residents of the state for 1 year immediately preceding the
711 servicemember's death and the servicemember's death occurred
712 under the circumstances provided in subsection (1); and

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

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

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

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

724 3. Only during the duration of the marriage and up to the
725 point of termination of the marriage by dissolution or

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726 annulment.

727

728 All rules, restrictions, and limitations set forth in this
729 section shall apply.

730 (3) Sections 295.03, 295.04, 295.05, and 1009.40 shall
731 apply.

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

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

736 Section 7. Section 295.061, Florida Statutes, is created to
737 read:

738 295.061 Active duty servicemembers; death benefits.-

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

740 (a) "Active duty" has the same meaning as provided in s.
741 250.01.

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

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

751 (3) The sum of \$25,000 must be paid by the state if a
752 member of the United States Armed Forces, while on active duty,
753 is killed other than as specified in subsection (2), provided
754 that the killing is not the result of suicide and that such

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755 bodily injury is not intentionally self-inflicted.

756 (4) Payment of benefits made under subsection (2) or
757 subsection (3) must be paid to the beneficiary designated by
758 such member in writing and delivered to the Department of
759 Military Affairs during the member's lifetime. If no such
760 designation is made, then the payments must be paid to the
761 member's surviving child or children and to his or her surviving
762 spouse in equal portions, or if there is no surviving child or
763 spouse, must be made to the member's parent or parents. If a
764 beneficiary is not designated and there is no surviving child,
765 spouse, or parent, then the sum must be paid to the member's
766 estate.

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

771 (6) Any benefits provided pursuant to this section are in
772 addition to any other benefits provided under the
773 Servicemembers' Group Life Insurance program or any other
774 federal program. Benefits granted pursuant to this section are
775 exempt from the claims and demands of creditors of such member.

776 (7) Benefits provided under subsection (2) or subsection
777 (3) shall be paid from the General Revenue Fund. Beginning in
778 the 2019-2020 fiscal year and continuing each fiscal year
779 thereafter, a sum sufficient to pay such benefits is
780 appropriated from the General Revenue Fund to the Department of
781 Financial Services for the purposes of paying such benefits.

782 (8) (a) If an active duty member is killed as specified in
783 subsection (2) or subsection (3), the state must waive certain

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784 educational expenses that the child or the spouse of the
785 deceased member incurs while obtaining a career certificate, an
786 undergraduate education, or a postgraduate education. The amount
787 waived by the state must be in an amount equal to the cost of
788 tuition and matriculation and registration fees for a total of
789 120 credit hours. The child or the spouse may attend a state
790 career center, a Florida College System institution, or a state
791 university on either a full-time or part-time basis. The
792 benefits provided to a child under this subsection must continue
793 until the child's 25th birthday. The benefits provided to a
794 spouse under this subsection must commence within 5 years after
795 the death occurs and may continue until the 10th anniversary of
796 that death.

797 (b) Upon failure of any child or spouse who receives a
798 waiver in accordance with this subsection to comply with the
799 ordinary and minimum requirements regarding discipline and
800 scholarship of the institution attended, such benefits to the
801 child or the spouse must be withdrawn and no further moneys may
802 be expended for the child's or spouse's benefits so long as such
803 failure or delinquency continues.

804 (c) Only a student in good standing in his or her
805 respective institution may receive the benefits provided in this
806 subsection.

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

810 (e) A child or spouse of a member may receive benefits
811 under either this subsection or s. 295.01.

812 (f) The State Board of Education shall adopt rules and

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813 procedures, and the Board of Governors shall adopt regulations
814 and procedures, as are appropriate and necessary to implement
815 this subsection.

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