

1 A bill to be entitled
2 An act relating to death benefits for survivors of
3 first responders and military members; amending ss.
4 112.19 and 112.191, F.S.; revising certain death
5 benefits for law enforcement, correctional, and
6 correctional probation officers and firefighters;
7 creating s. 112.1911, F.S.; providing definitions;
8 providing a death benefit for emergency medical
9 technicians and paramedics who are killed while
10 performing official duties; providing for the
11 distribution of such benefit; providing that such
12 benefit is in addition to other benefits; providing
13 requirements for an employer to procure insurance;
14 specifying the funding source for such benefit;
15 creating s. 112.1912, F.S.; providing a definition;
16 providing a death benefit for certain educational
17 expenses for the surviving spouse and children of
18 certain first responders; authorizing a specified
19 number of hours to be waived by certain educational
20 institutions; providing requirements to receive such
21 benefit; requiring the State Board of Education and
22 the Board of Governors to adopt rules; amending s.
23 250.34, F.S.; providing that surviving spouses and
24 children of members of the Florida National Guard are
25 entitled to the same education benefits as other first

26 responders; creating s. 250.342, F.S.; providing a
27 death benefit for members of the Florida National
28 Guard and the United States Armed Forces who are
29 killed while on active duty; providing for the
30 distribution of such benefit; providing that such
31 benefit is in addition to other benefits; providing a
32 death benefit for certain educational expenses for the
33 surviving spouse and children of such members;
34 authorizing a specified number of hours to be waived
35 by certain educational institutions; providing
36 requirements to receive such benefit; requiring the
37 State Board of Education and the Board of Governors to
38 adopt rules; specifying the funding source for such
39 benefit; amending s. 295.01, F.S.; specifying that the
40 surviving spouse and children of a deceased
41 servicemember may receive only one educational
42 benefit; providing a declaration of important state
43 interest; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Paragraphs (a), (b), (c), and (j) of subsection
48 (2) and subsection (3) of section 112.19, Florida Statutes, are
49 amended to read:

50 112.19 Law enforcement, correctional, and correctional

51 probation officers; death benefits.—

52 (2) (a) The sum of \$75,000 ~~\$50,000~~, as adjusted pursuant to
53 ~~paragraph (j)~~, shall be paid as provided in this section when a
54 law enforcement, correctional, or correctional probation
55 officer, while engaged in the performance of the officer's law
56 enforcement duties, is accidentally killed or receives
57 accidental bodily injury which results in the loss of the
58 officer's life, provided that such killing is not the result of
59 suicide and that such bodily injury is not intentionally self-
60 inflicted. ~~Notwithstanding any other provision of law, in no~~
61 ~~case shall the amount payable under this subsection be less than~~
62 ~~the actual amount stated therein.~~

63 (b) The sum of \$75,000 ~~\$50,000~~, as adjusted under
64 ~~paragraph (j)~~, shall be paid as provided in this section if a
65 law enforcement, correctional, or correctional probation officer
66 is accidentally killed as specified in paragraph (a) and the
67 accidental death occurs:

- 68 1. As a result of the officer's response to fresh pursuit;
- 69 2. As a result of the officer's response to what is
70 reasonably believed to be an emergency;
- 71 3. At the scene of a traffic accident to which the officer
72 has responded; or
- 73 4. While the officer is enforcing what is reasonably
74 believed to be a traffic law or ordinance.

75

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

80 (c) If a law enforcement, correctional, or correctional
81 probation officer, while engaged in the performance of the
82 officer's law enforcement duties, is unlawfully and
83 intentionally killed or dies as a result of such unlawful and
84 intentional act, the sum of \$225,000 ~~\$150,000~~, as adjusted
85 ~~pursuant to paragraph (j)~~, shall be paid as provided in this
86 section. ~~Notwithstanding any other provision of law, in no case~~
87 ~~shall the amount payable under this subsection be less than the~~
88 ~~actual amount stated therein.~~

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

98 (3) If a law enforcement, correctional, or correctional
99 probation officer is accidentally killed as specified in
100 paragraph (2) (b) on or after June 22, 1990, but before July 1,

101 2019, or unlawfully and intentionally killed as specified in
102 paragraph (2)(c) on or after July 1, 1980, but before July 1,
103 2019, the state shall waive certain educational expenses that
104 the child or spouse of the deceased officer incurs while
105 obtaining a career certificate, an undergraduate education, or a
106 postgraduate education. The amount waived by the state shall be
107 an amount equal to the cost of tuition and matriculation and
108 registration fees for a total of 120 credit hours. The child or
109 spouse may attend a state career center, a Florida College
110 System institution, or a state university. The child or spouse
111 may attend any or all of the institutions specified in this
112 subsection~~r~~ on either a full-time or part-time basis. The
113 benefits provided to a child under this subsection shall
114 continue until the child's 25th birthday. The benefits provided
115 to a spouse under this subsection must commence within 5 years
116 after the death occurs, and entitlement thereto shall continue
117 until the 10th anniversary of that death.

118 (a) Upon failure of any child or spouse benefited by the
119 provisions of this subsection to comply with the ordinary and
120 minimum requirements of the institution attended, both as to
121 discipline and scholarship, the benefits shall be withdrawn as
122 to the child or spouse and no further moneys may be expended for
123 the child's or spouse's benefits so long as such failure or
124 delinquency continues.

125 (b) Only a student in good standing in his or her

126 | respective institution may receive the benefits thereof.

127 | (c) A child or spouse receiving benefits under this
128 | subsection must be enrolled according to the customary rules and
129 | requirements of the institution attended.

130 | Section 2. Paragraphs (a), (b), (c), and (i) of subsection
131 | (2) and subsection (3) of section 112.191, Florida Statutes, are
132 | amended to read:

133 | 112.191 Firefighters; death benefits.—

134 | (2) (a) The sum of \$75,000 ~~\$50,000, as adjusted pursuant to~~
135 | ~~paragraph (i),~~ shall be paid as provided in this section when a
136 | firefighter, while engaged in the performance of his or her
137 | firefighter duties, is accidentally killed or receives
138 | accidental bodily injury which subsequently results in the loss
139 | of the firefighter's life, provided that such killing is not the
140 | result of suicide and that such bodily injury is not
141 | intentionally self-inflicted. ~~Notwithstanding any other~~
142 | ~~provision of law, in no case shall the amount payable under this~~
143 | ~~subsection be less than the actual amount stated therein.~~

144 | (b) The sum of \$75,000 ~~\$50,000, as adjusted pursuant to~~
145 | ~~paragraph (i),~~ shall be paid as provided in this section if a
146 | firefighter is accidentally killed as specified in paragraph (a)
147 | and the accidental death occurs as a result of the firefighter's
148 | response to what is reasonably believed to be an emergency
149 | involving the protection of life or property or the
150 | firefighter's participation in a training exercise. This sum is

151 in addition to any sum provided in paragraph (a).

152 ~~Notwithstanding any other provision of law, the amount payable~~
153 ~~under this subsection may not be less than the actual amount~~
154 ~~stated therein.~~

155 (c) If a firefighter, while engaged in the performance of
156 his or her firefighter duties, is unlawfully and intentionally
157 killed, is injured by an unlawful and intentional act of another
158 person and dies as a result of such injury, dies as a result of
159 a fire which has been determined to have been caused by an act
160 of arson, or subsequently dies as a result of injuries sustained
161 therefrom, the sum of \$225,000 ~~\$150,000, as adjusted pursuant to~~
162 ~~paragraph (i),~~ shall be paid as provided in this section.

163 ~~Notwithstanding any other provision of law, the amount payable~~
164 ~~under this subsection may not be less than the actual amount~~
165 ~~stated therein.~~

166 ~~(i) Any payments made pursuant to paragraph (a), paragraph~~
167 ~~(b), or paragraph (c) shall consist of the statutory amount~~
168 ~~adjusted to show price level changes in the Consumer Price Index~~
169 ~~for All Urban Consumers published by the United States~~
170 ~~Department of Labor since July 1, 2002. The Division of State~~
171 ~~Fire Marshal, using the most recent month for which Consumer~~
172 ~~Price Index data is available, shall, on June 15 of each year,~~
173 ~~calculate and publish on the division's Internet website the~~
174 ~~amount resulting from the adjustments to the statutory amounts.~~
175 ~~The adjusted statutory amounts shall be effective on July 1 of~~

176 ~~each year.~~

177 (3) If a firefighter is accidentally killed as specified
178 in paragraph (2)(b) on or after June 22, 1990, but before July
179 1, 2019, or unlawfully and intentionally killed as specified in
180 paragraph (2)(c), on or after July 1, 1980, but before July 1,
181 2019, the state shall waive certain educational expenses that
182 the child or spouse of the deceased firefighter incurs while
183 obtaining a career certificate, an undergraduate education, or a
184 postgraduate education. The amount waived by the state shall be
185 an amount equal to the cost of tuition and matriculation and
186 registration fees for a total of 120 credit hours. The child or
187 spouse may attend a state career center, a Florida College
188 System institution, or a state university. The child or spouse
189 may attend any or all of the institutions specified in this
190 subsection, on either a full-time or part-time basis. The
191 benefits provided to a child under this subsection shall
192 continue until the child's 25th birthday. The benefits provided
193 to a spouse under this subsection must commence within 5 years
194 after the death occurs, and entitlement thereto shall continue
195 until the 10th anniversary of that death.

196 (a) Upon failure of any child or spouse benefited by the
197 provisions of this subsection to comply with the ordinary and
198 minimum requirements of the institution attended, both as to
199 discipline and scholarship, the benefits thereof shall be
200 withdrawn as to the child or spouse and no further moneys

201 expended for the child's or spouse's benefits so long as such
 202 failure or delinquency continues.

203 (b) Only students in good standing in their respective
 204 institutions shall receive the benefits thereof.

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

208 Section 3. Section 112.1911, Florida Statutes, is created
 209 to read:

210 112.1911 Paramedics and emergency medical technicians;
 211 death benefits.-

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

213 (a) "Emergency medical technician" means a person who is
 214 certified under s. 401.27 to perform basic life support and is
 215 employed by an employer on either a full-time or part-time
 216 basis.

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

220 (c) "Paramedic" means a person who is certified under s.
 221 401.27 to perform basic and advanced life support and is
 222 employed by an employer on either a full-time or part-time
 223 basis.

224 (2) (a) The sum of \$75,000 shall be paid as provided in this
 225 section when a paramedic or emergency medical technician, while

226 engaged in the performance of his or her official duties, is
227 accidentally killed or receives accidental bodily injury which
228 results in the loss of the individual's life, provided that such
229 killing is not the result of suicide and that such bodily injury
230 is not intentionally self-inflicted.

231 (b) The sum of \$75,000 shall be paid as provided in this
232 section if a paramedic or emergency medical technician is
233 accidentally killed as specified in paragraph (a) and the
234 accidental death occurs as a result of the individual's response
235 to what is reasonably believed to be an emergency involving the
236 protection of life. This sum is in addition to any sum provided
237 in paragraph (a).

238 (c) If a paramedic or emergency medical technician, while
239 engaged in the performance of his or her official duties, is
240 unlawfully and intentionally killed or is injured by an unlawful
241 and intentional act of another person and dies as a result of
242 such injury, the sum of \$225,000 shall be paid as provided in
243 this section.

244 (d) Payments made under paragraphs (a), (b), and (c),
245 whether secured by insurance or not, shall be made to the
246 beneficiary designated by such paramedic or emergency medical
247 technician in writing, which writing must be signed by the
248 paramedic or emergency medical technician and delivered to the
249 employer of the paramedic or emergency medical technician during
250 his or her lifetime. If a designation is not made, then the

251 payments shall be paid to the paramedic's or emergency medical
252 technician's surviving child or children and spouse in equal
253 portions, and if there is no surviving child or spouse, then the
254 payments shall be paid to the paramedic's or emergency medical
255 technician's parent or parents. If a beneficiary is not
256 designated and there is no surviving child, spouse, or parent,
257 then the payments shall be paid to the paramedic's or emergency
258 medical technician's estate.

259 (e) Payments made under paragraphs (a), (b), and (c) are
260 in addition to any workers' compensation or pension benefits and
261 are exempt from the claims and demands of creditors of such
262 paramedic or emergency medical technician.

263 (3) (a) The employer of a paramedic or emergency medical
264 technician is liable for the payment of the sums specified in
265 this section and is considered self-insured, unless it procures
266 and maintains, or has already procured and maintained, insurance
267 to secure such payments. Any such insurance may cover only the
268 risks indicated in this section, in the amounts indicated in
269 this section, or it may cover those risks and additional risks
270 and may be in larger amounts. Such insurance shall be placed by
271 an employer only after a public bid of the insurance coverage
272 during which the coverage shall be awarded to the carrier making
273 the lowest and best bid.

274 (b) Payment of benefits under this section to
275 beneficiaries of a paramedic or emergency medical technician who

276 is employed by the state, or payment of premiums to cover the
277 risk, shall be paid from existing funds otherwise appropriated
278 to the department employing the paramedic or emergency medical
279 technician.

280 Section 4. Section 112.1912, Florida Statutes, is created
281 to read:

282 112.1912 First responders; death benefits for educational
283 expenses.—

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

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

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

291 (c) A paramedic or emergency medical technician as defined
292 in s. 112.1911(1) who is killed as provided in s. 112.1911(2) on
293 or after July 1, 2019.

294 (2) (a) The state shall waive certain educational expenses
295 that the child or spouse of a deceased first responder incurs
296 while obtaining a career certificate, an undergraduate
297 education, or a postgraduate education. The amount waived by the
298 state shall be an amount equal to the cost of tuition and
299 matriculation and registration fees for a total of 120 credit
300 hours. The child or spouse may attend a state career center, a

301 Florida College System institution, or a state university. The
302 child or spouse may attend any or all of the institutions
303 specified in this subsection on either a full-time or part-time
304 basis. The benefits provided to a child under this subsection
305 shall continue until the child's 25th birthday. The benefits
306 provided to a spouse under this subsection must commence within
307 5 years after the first responder's death occurs, and
308 entitlement thereto shall continue until the 10th anniversary of
309 that death.

310 (b) Upon failure of any child or spouse benefited by the
311 provisions of this subsection to comply with the ordinary and
312 minimum requirements of the institution attended, both as to
313 discipline and scholarship, the benefits shall be withdrawn as
314 to the child or spouse and no further moneys may be expended for
315 the child's or spouse's benefits so long as such failure or
316 delinquency continues.

317 (c) Only a student in good standing in his or her
318 respective institution may receive the benefits in this
319 subsection.

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

323 (e) The State Board of Education shall adopt rules and
324 procedures, and the Board of Governors shall adopt regulations
325 and procedures, as are appropriate and necessary to implement

326 this subsection.

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

329 250.34 Injury or death on state active duty.—

330 (4) Each member of the Florida National Guard who is
331 killed, or who dies as the result of injuries incurred, while on
332 state active duty under competent orders qualifies for benefits
333 as a law enforcement officer under ss. ~~pursuant to s.~~ 112.19 and
334 112.1912 or any successor statute providing for death benefits
335 for law enforcement officers, and the decedent's survivors or
336 estate are entitled to the death benefits provided in ss. s.
337 112.19 and 112.1912. However, this section does not prohibit
338 survivors or the estate of the decedent from presenting a claim
339 bill for approval by the Legislature in addition to the death
340 benefits provided in this section.

341 Section 6. Section 250.342, Florida Statutes, is created
342 to read:

343 250.342 Death on active duty; benefits.—

344 (1) (a) The sum of \$75,000 shall be paid as provided in
345 this section when a member of the Florida National Guard, while
346 on active duty under competent orders and engaged in the
347 performance of the member's official duties, is killed or
348 receives bodily injury which results in the loss of the member's
349 life, provided that such killing is not the result of suicide
350 and that such bodily injury is not intentionally self-inflicted.

351 (b) The sum of \$75,000 shall be paid as provided in this
352 section when a member of the United States Armed Forces, while
353 on active duty under competent orders, is killed or receives
354 bodily injury which results in the loss of the member's life,
355 provided that such killing is not the result of suicide and that
356 such bodily injury is not intentionally self-inflicted. Such
357 member of the United States Armed Forces must have been a
358 resident of this state or his or her duty post must have been
359 within this state at the time of his or her death.

360 (c) Payments made under paragraphs (a) and (b), whether
361 secured by insurance or not, shall be made to the beneficiary
362 designated by such member in writing, which writing must be
363 signed by the member and delivered to the employer of the member
364 during his or her lifetime. If a designation is not made, then
365 the payments shall be paid to the member's surviving child or
366 children and spouse in equal portions, and if there is no
367 surviving child or spouse, then the payments shall be paid to
368 the member's parent or parents. If a beneficiary is not
369 designated and there is no surviving child, spouse, or parent,
370 then the payments shall be paid to the member's estate.

371 (d) Payments made under paragraphs (a) and (b) are in
372 addition to any workers' compensation or pension benefits and
373 are exempt from the claims and demands of creditors of such
374 member.

375 (2) (a) The state shall waive certain educational expenses

376 that the child or spouse of a deceased member specified in
377 subsection (1) incurs while obtaining a career certificate, an
378 undergraduate education, or a postgraduate education. The amount
379 waived by the state shall be an amount equal to the cost of
380 tuition and matriculation and registration fees for a total of
381 120 credit hours. The child or spouse may attend a state career
382 center, a Florida College System institution, or a state
383 university. The child or spouse may attend any or all of the
384 institutions specified in this subsection on either a full-time
385 or part-time basis. The benefits provided to a child under this
386 subsection shall continue until the child's 25th birthday. The
387 benefits provided to a spouse under this subsection must
388 commence within 5 years after the death occurs, and entitlement
389 thereto shall continue until the 10th anniversary of that death.

390 (b) Upon failure of any child or spouse benefited by the
391 provisions of this subsection to comply with the ordinary and
392 minimum requirements of the institution attended, both as to
393 discipline and scholarship, the benefits shall be withdrawn as
394 to the child or spouse and no further moneys may be expended for
395 the child's or spouse's benefits so long as such failure or
396 delinquency continues.

397 (c) Only a student in good standing in his or her
398 respective institution may receive the benefits thereof.

399 (d) A child or spouse receiving benefits under this
400 subsection must be enrolled according to the customary rules and

401 requirements of the institution attended.

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

404 (f) The State Board of Education shall adopt rules and
405 procedures, and the Board of Governors shall adopt regulations
406 and procedures, as are appropriate and necessary to implement
407 this subsection.

408 (3) (a) The Florida National Guard is liable for the
409 payment of the sums specified in paragraph (1) (a) and is
410 considered self-insured, unless it procures and maintains, or
411 has already procured and maintained, insurance to secure such
412 payments. Such insurance shall be placed by the Florida National
413 Guard only after a public bid of the insurance coverage during
414 which the coverage shall be awarded to the carrier making the
415 lowest and best bid.

416 (b) Benefits provided under paragraph (1) (b) shall be paid
417 from the General Revenue Fund. Beginning in the 2019-2020 fiscal
418 year and continuing each fiscal year thereafter, a sum
419 sufficient to pay the benefits provided under paragraph (1) (b)
420 is appropriated from the General Revenue Fund to the Department
421 of Financial Services, and further appropriated for expenditure
422 for this purpose.

423 Section 7. Subsection (5) is added to section 295.01,
424 Florida Statutes, to read:

425 295.01 Children of deceased or disabled veterans; spouses

426 of deceased or disabled servicemembers; education.—

427 (5) A child or spouse of a deceased servicemember may
428 receive benefits under either this section or s. 250.342.

429 Section 8. The Legislature determines and declares that
430 this act fulfills an important state interest relating to
431 implementation of s. 31, Article X of the State Constitution to
432 provide death benefits to eligible firefighters, paramedics,
433 emergency medical technicians, law enforcement officers,
434 correctional officers, correctional probation officers, and
435 members of the Florida National Guard and United States Armed
436 Forces.

437 Section 9. This act shall take effect July 1, 2019.