

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 revising the definition of the term "firefighter";
8 creating s. 112.1911, F.S.; providing definitions;
9 providing a death benefit for emergency medical
10 technicians and paramedics who are killed while
11 performing official duties; providing for the
12 distribution of such benefit; providing that such
13 benefit is in addition to other benefits; providing
14 requirements for an employer to procure insurance;
15 specifying the funding source for such benefit;
16 creating s. 112.1912, F.S.; providing a definition;
17 providing a death benefit for certain educational
18 expenses for the surviving spouse and children of
19 certain first responders; authorizing a specified
20 number of hours to be waived by certain educational
21 institutions; providing requirements to receive such
22 benefit; requiring the State Board of Education and
23 the Board of Governors to adopt rules; amending s.
24 250.34, F.S.; providing that surviving spouses and
25 children of members of the Florida National Guard are

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

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

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

51 112.19 Law enforcement, correctional, and correctional
52 probation officers; death benefits.—

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

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

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

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

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

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

99 (3) If a law enforcement, correctional, or correctional
100 probation officer is accidentally killed as specified in

101 paragraph (2) (b) on or after June 22, 1990, but before July 1,
102 2019, or unlawfully and intentionally killed as specified in
103 paragraph (2) (c) on or after July 1, 1980, but before July 1,
104 2019, the state shall waive certain educational expenses that
105 the child or spouse of the deceased officer incurs while
106 obtaining a career certificate, an undergraduate education, or a
107 postgraduate education. The amount waived by the state shall be
108 an amount equal to the cost of tuition and matriculation and
109 registration fees for a total of 120 credit hours. The child or
110 spouse may attend a state career center, a Florida College
111 System institution, or a state university. The child or spouse
112 may attend any or all of the institutions specified in this
113 subsection~~7~~, on either a full-time or part-time basis. The
114 benefits provided to a child under this subsection shall
115 continue until the child's 25th birthday. The benefits provided
116 to a spouse under this subsection must commence within 5 years
117 after the death occurs, and entitlement thereto shall continue
118 until the 10th anniversary of that death.

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

126 (b) Only a student in good standing in his or her
 127 respective institution may receive the benefits thereof.

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

131 Section 2. Paragraph (b) of subsection (1), paragraphs
 132 (a), (b), (c), and (i) of subsection (2) and subsection (3) of
 133 section 112.191, Florida Statutes, are amended to read:

134 112.191 Firefighters; death benefits.—

135 (1) Whenever used in this act:

136 (b) The term "firefighter" means any ~~full-time~~ duly
 137 employed uniformed firefighter employed by an employer, whose
 138 primary duty is the prevention and extinguishing of fires, the
 139 protection of life and property therefrom, the enforcement of
 140 municipal, county, and state fire prevention codes, as well as
 141 the enforcement of any law pertaining to the prevention and
 142 control of fires, who is certified pursuant to s. 633.408 and
 143 who is a member of a duly constituted fire department of such
 144 employer or who is a volunteer firefighter.

145 (2) (a) The sum of \$75,000 ~~\$50,000, as adjusted pursuant to~~
 146 ~~paragraph (i)~~, shall be paid as provided in this section when a
 147 firefighter, while engaged in the performance of his or her
 148 firefighter duties, is accidentally killed or receives
 149 accidental bodily injury which subsequently results in the loss
 150 of the firefighter's life, provided that such killing is not the

151 result of suicide and that such bodily injury is not
152 intentionally self-inflicted. ~~Notwithstanding any other~~
153 ~~provision of law, in no case shall the amount payable under this~~
154 ~~subsection be less than the actual amount stated therein.~~

155 (b) The sum of \$75,000 ~~\$50,000~~, ~~as adjusted pursuant to~~
156 ~~paragraph (i)~~, shall be paid as provided in this section if a
157 firefighter is accidentally killed as specified in paragraph (a)
158 and the accidental death occurs as a result of the firefighter's
159 response to what is reasonably believed to be an emergency
160 involving the protection of life or property or the
161 firefighter's participation in a training exercise. This sum is
162 in addition to any sum provided in paragraph (a).
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 (c) If a firefighter, while engaged in the performance of
167 his or her firefighter duties, is unlawfully and intentionally
168 killed, is injured by an unlawful and intentional act of another
169 person and dies as a result of such injury, dies as a result of
170 a fire which has been determined to have been caused by an act
171 of arson, or subsequently dies as a result of injuries sustained
172 therefrom, the sum of \$225,000 ~~\$150,000~~, ~~as adjusted pursuant to~~
173 ~~paragraph (i)~~, shall be paid as provided in this section.
174 ~~Notwithstanding any other provision of law, the amount payable~~
175 ~~under this subsection may not be less than the actual amount~~

176 | ~~stated therein.~~

177 | ~~(i) Any payments made pursuant to paragraph (a), paragraph~~
178 | ~~(b), or paragraph (c) shall consist of the statutory amount~~
179 | ~~adjusted to show price level changes in the Consumer Price Index~~
180 | ~~for All Urban Consumers published by the United States~~
181 | ~~Department of Labor since July 1, 2002. The Division of State~~
182 | ~~Fire Marshal, using the most recent month for which Consumer~~
183 | ~~Price Index data is available, shall, on June 15 of each year,~~
184 | ~~calculate and publish on the division's Internet website the~~
185 | ~~amount resulting from the adjustments to the statutory amounts.~~
186 | ~~The adjusted statutory amounts shall be effective on July 1 of~~
187 | ~~each year.~~

188 | (3) If a firefighter is accidentally killed as specified
189 | in paragraph (2) (b) on or after June 22, 1990, but before July
190 | 1, 2019, or unlawfully and intentionally killed as specified in
191 | paragraph (2) (c), on or after July 1, 1980, but before July 1,
192 | 2019, the state shall waive certain educational expenses that
193 | the child or spouse of the deceased firefighter incurs while
194 | obtaining a career certificate, an undergraduate education, or a
195 | postgraduate education. The amount waived by the state shall be
196 | an amount equal to the cost of tuition and matriculation and
197 | registration fees for a total of 120 credit hours. The child or
198 | spouse may attend a state career center, a Florida College
199 | System institution, or a state university. The child or spouse
200 | may attend any or all of the institutions specified in this

201 subsection~~7~~ on either a full-time or part-time basis. The
 202 benefits provided to a child under this subsection shall
 203 continue until the child's 25th birthday. The benefits provided
 204 to a spouse under this subsection must commence within 5 years
 205 after the death occurs, and entitlement thereto shall continue
 206 until the 10th anniversary of that death.

207 (a) Upon failure of any child or spouse benefited by the
 208 provisions of this subsection to comply with the ordinary and
 209 minimum requirements of the institution attended, both as to
 210 discipline and scholarship, the benefits thereof shall be
 211 withdrawn as to the child or spouse and no further moneys
 212 expended for the child's or spouse's benefits so long as such
 213 failure or delinquency continues.

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

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

219 Section 3. Section 112.1911, Florida Statutes, is created
 220 to read:

221 112.1911 Paramedics and emergency medical technicians;
 222 death benefits.—

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

224 (a) "Emergency medical technician" means a person who is
 225 certified under s. 401.27 to perform basic life support and is

226 employed by an employer on either a full-time or part-time
227 basis.

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

231 (c) "Paramedic" means a person who is certified under s.
232 401.27 to perform basic and advanced life support and is
233 employed by an employer on either a full-time or part-time
234 basis.

235 (2)(a) The sum of \$75,000 shall be paid as provided in this
236 section when a paramedic or emergency medical technician, while
237 engaged in the performance of his or her official duties, is
238 accidentally killed or receives accidental bodily injury which
239 results in the loss of the individual's life, provided that such
240 killing is not the result of suicide and that such bodily injury
241 is not intentionally self-inflicted.

242 (b) The sum of \$75,000 shall be paid as provided in this
243 section if a paramedic or emergency medical technician is
244 accidentally killed as specified in paragraph (a) and the
245 accidental death occurs as a result of the individual's response
246 to what is reasonably believed to be an emergency involving the
247 protection of life. This sum is in addition to any sum provided
248 in paragraph (a).

249 (c) If a paramedic or emergency medical technician, while
250 engaged in the performance of his or her official duties, is

251 unlawfully and intentionally killed or is injured by an unlawful
252 and intentional act of another person and dies as a result of
253 such injury, the sum of \$225,000 shall be paid as provided in
254 this section.

255 (d) Payments made under paragraphs (a), (b), and (c),
256 whether secured by insurance or not, shall be made to the
257 beneficiary designated by such paramedic or emergency medical
258 technician in writing, which writing must be signed by the
259 paramedic or emergency medical technician and delivered to the
260 employer of the paramedic or emergency medical technician during
261 his or her lifetime. If a designation is not made, then the
262 payments shall be paid to the paramedic's or emergency medical
263 technician's surviving child or children and spouse in equal
264 portions, and if there is no surviving child or spouse, then the
265 payments shall be paid to the paramedic's or emergency medical
266 technician's parent or parents. If a beneficiary is not
267 designated and there is no surviving child, spouse, or parent,
268 then the payments shall be paid to the paramedic's or emergency
269 medical technician's estate.

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

274 (3) (a) The employer of a paramedic or emergency medical
275 technician is liable for the payment of the sums specified in

276 this section and is considered self-insured, unless it procures
277 and maintains, or has already procured and maintained, insurance
278 to secure such payments. Any such insurance may cover only the
279 risks indicated in this section, in the amounts indicated in
280 this section, or it may cover those risks and additional risks
281 and may be in larger amounts. Such insurance shall be placed by
282 an employer only after a public bid of the insurance coverage
283 during which the coverage shall be awarded to the carrier making
284 the lowest and best bid.

285 (b) Payment of benefits under this section to
286 beneficiaries of a paramedic or emergency medical technician who
287 is employed by the state, or payment of premiums to cover the
288 risk, shall be paid from existing funds otherwise appropriated
289 to the department employing the paramedic or emergency medical
290 technician.

291 Section 4. Section 112.1912, Florida Statutes, is created
292 to read:

293 112.1912 First responders; death benefits for educational
294 expenses.—

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

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

300 (b) A firefighter as defined in s. 112.191(1) who is

301 killed as provided in s. 112.191(2) on or after July 1, 2019; or
302 (c) A paramedic or emergency medical technician as defined
303 in s. 112.1911(1) who is killed as provided in s. 112.1911(2) on
304 or after July 1, 2019.

305 (2)(a) The state shall waive certain educational expenses
306 that the child or spouse of a deceased first responder incurs
307 while obtaining a career certificate, an undergraduate
308 education, or a postgraduate education. The amount waived by the
309 state shall be an amount equal to the cost of tuition and
310 matriculation and registration fees for a total of 120 credit
311 hours. The child or spouse may attend a state career center, a
312 Florida College System institution, or a state university. The
313 child or spouse may attend any or all of the institutions
314 specified in this subsection on either a full-time or part-time
315 basis. The benefits provided to a child under this subsection
316 shall continue until the child's 25th birthday. The benefits
317 provided to a spouse under this subsection must commence within
318 5 years after the first responder's death occurs, and
319 entitlement thereto shall continue until the 10th anniversary of
320 that death.

321 (b) Upon failure of any child or spouse benefited by the
322 provisions of this subsection to comply with the ordinary and
323 minimum requirements of the institution attended, both as to
324 discipline and scholarship, the benefits shall be withdrawn as
325 to the child or spouse and no further moneys may be expended for

326 the child's or spouse's benefits so long as such failure or
327 delinquency continues.

328 (c) Only a student in good standing in his or her
329 respective institution may receive the benefits in this
330 subsection.

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

334 (e) The State Board of Education shall adopt rules and
335 procedures, and the Board of Governors shall adopt regulations
336 and procedures, as are appropriate and necessary to implement
337 this subsection.

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

340 250.34 Injury or death on state active duty.—

341 (4) Each member of the Florida National Guard who is
342 killed, or who dies as the result of injuries incurred, while on
343 state active duty under competent orders qualifies for benefits
344 as a law enforcement officer under ss. ~~pursuant to s.~~ 112.19 and
345 112.1912 or any successor statute providing for death benefits
346 for law enforcement officers, and the decedent's survivors or
347 estate are entitled to the death benefits provided in ss. ~~s.~~
348 112.19 and 112.1912. However, this section does not prohibit
349 survivors or the estate of the decedent from presenting a claim
350 bill for approval by the Legislature in addition to the death

351 benefits provided in this section.

352 Section 6. Section 250.342, Florida Statutes, is created
353 to read:

354 250.342 Death on active duty; benefits.—

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

362 (b) The sum of \$75,000 shall be paid as provided in this
363 section when a member of the United States Armed Forces, while
364 on active duty under competent orders, is killed or receives
365 bodily injury which results in the loss of the member's life,
366 provided that such killing is not the result of suicide and that
367 such bodily injury is not intentionally self-inflicted. Such
368 member of the United States Armed Forces must have been a
369 resident of this state or his or her duty post must have been
370 within this state at the time of his or her death.

371 (c) Payments made under paragraphs (a) and (b), whether
372 secured by insurance or not, shall be made to the beneficiary
373 designated by such member in writing, which writing must be
374 signed by the member and delivered to the employer of the member
375 during his or her lifetime. If a designation is not made, then

376 the payments shall be paid to the member's surviving child or
377 children and spouse in equal portions, and if there is no
378 surviving child or spouse, then the payments shall be paid to
379 the member's parent or parents. If a beneficiary is not
380 designated and there is no surviving child, spouse, or parent,
381 then the payments shall be paid to the member's estate.

382 (d) Payments made under paragraphs (a) and (b) are in
383 addition to any workers' compensation or pension benefits and
384 are exempt from the claims and demands of creditors of such
385 member.

386 (2) (a) The state shall waive certain educational expenses
387 that the child or spouse of a deceased member specified in
388 subsection (1) incurs while obtaining a career certificate, an
389 undergraduate education, or a postgraduate education. The amount
390 waived by the state shall be an amount equal to the cost of
391 tuition and matriculation and registration fees for a total of
392 120 credit hours. The child or spouse may attend a state career
393 center, a Florida College System institution, or a state
394 university. The child or spouse may attend any or all of the
395 institutions specified in this subsection on either a full-time
396 or part-time basis. The benefits provided to a child under this
397 subsection shall continue until the child's 25th birthday. The
398 benefits provided to a spouse under this subsection must
399 commence within 5 years after the death occurs, and entitlement
400 thereto shall continue until the 10th anniversary of that death.

401 (b) Upon failure of any child or spouse benefited by the
402 provisions of this subsection to comply with the ordinary and
403 minimum requirements of the institution attended, both as to
404 discipline and scholarship, the benefits shall be withdrawn as
405 to the child or spouse and no further moneys may be expended for
406 the child's or spouse's benefits so long as such failure or
407 delinquency continues.

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

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

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

415 (f) The State Board of Education shall adopt rules and
416 procedures, and the Board of Governors shall adopt regulations
417 and procedures, as are appropriate and necessary to implement
418 this subsection.

419 (3) (a) The Florida National Guard is liable for the
420 payment of the sums specified in paragraph (1) (a) and is
421 considered self-insured, unless it procures and maintains, or
422 has already procured and maintained, insurance to secure such
423 payments. Such insurance shall be placed by the Florida National
424 Guard only after a public bid of the insurance coverage during
425 which the coverage shall be awarded to the carrier making the

426 lowest and best bid.

427 (b) Benefits provided under paragraph (1)(b) shall be paid
428 from the General Revenue Fund. Beginning in the 2019-2020 fiscal
429 year and continuing each fiscal year thereafter, a sum
430 sufficient to pay the benefits provided under paragraph (1)(b)
431 is appropriated from the General Revenue Fund to the Department
432 of Financial Services, and further appropriated for expenditure
433 for this purpose.

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

436 295.01 Children of deceased or disabled veterans; spouses
437 of deceased or disabled servicemembers; education.—

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

440 Section 8. The Legislature determines and declares that
441 this act fulfills an important state interest relating to
442 implementation of s. 31, Article X of the State Constitution to
443 provide death benefits to eligible firefighters, paramedics,
444 emergency medical technicians, law enforcement officers,
445 correctional officers, correctional probation officers, and
446 members of the Florida National Guard and United States Armed
447 Forces.

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