

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1024

SPONSOR: Senator Silver

SUBJECT: Educational Benefits for Children of Slain Law Enforcement Officers

DATE: April 25, 2000

REVISED: 04/26/00 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	<u>McKee</u>	<u>Hadi</u>	<u>FP</u>	<u>Fav/2 amendments</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

Currently, the children of an officer who has been slain while engaged in the performance of his or her duties are statutorily entitled to have tuition, matriculation, and registration fees at state institutions waived while the child pursues a vocational-technical certificate or undergraduate education. This benefit may be received until the child turns twenty-five years of age.

The bill expands this benefit by additionally waiving the child's tuition, matriculation, and registration fees for graduate and postgraduate studies at state institutions. The bill does not limit these graduate and postgraduate benefits by age.

This bill substantially amends section 112.19, Florida Statutes.

## II. Present Situation:

Pursuant to s. 112.19, F.S., certain death benefits must be provided to the beneficiaries or the estate of slain public safety officers. These officers, who must be employed by the state, one of its political subdivisions, or a municipality, are defined as: law enforcement officers, correctional officers, correctional probation officers, state attorney or public defender investigators, members of bomb disposal units, and other certified officers, whose duties require the service of process or serving as a bailiff in circuit or county court.<sup>1</sup>

The section requires payment of the following amounts:

\*\$25,000 when the officer, while engaged in the performance of his duties, is accidentally killed or receives accidental bodily injury which results in the officer's death;

---

<sup>1</sup> Section 112.19(1)(b), F.S.

\*\$50,000 when the accidental death occurs as a result of the officer's response to fresh pursuit or to what the officer reasonably believes to be an emergency; or

\*\$75,000 when the officer, while engaged in the performance of his or her duties, is intentionally killed or dies as a result of an intentional act.<sup>2</sup>

Moreover, in limited circumstances, payments for burial expenses and health insurance premiums of spouses and children are required.<sup>3</sup>

Finally, the children of an officer may also be entitled to post-high school educational expenses.<sup>4</sup> In order for this benefit to attach, the officer must have been accidentally killed on or after June 22, 1990, as a result of his or her response to fresh pursuit or to what the officer reasonably believed to be an emergency, or have been intentionally killed on or after July 1, 1980, while engaged in the performance of his or her duties.<sup>5</sup> If one of these conditions is met, the state is required to waive tuition, matriculation, and registration fees for children of the officer who pursue vocational-technical certificates and undergraduate educations at state institutions.

Tuition is defined as, "[t]he additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education, the State Board of Community Colleges, or the Board of Regents."<sup>6</sup> Matriculation fee is defined as, "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state."<sup>7</sup> In Rule 6C-7.001, F.A.C., it is explained that the term "registration" refers to the total of tuition, matriculation, student financial aid, building, health, activity and service, and athletic fees.

These educational fee waivers are limited to a total of 120 credit hours and may only continue until the child is twenty-five years of age. Additionally, the child must be in good standing with the institution and comply with the institution's discipline and scholarship requirements while in either a part- or full-time program.

### III. Effect of Proposed Changes:

**Section 1.** The bill would expand the educational benefits currently available to the children of slain officers by providing that the child's tuition, matriculation, and registration fees would also

---

<sup>2</sup> Section 112.19(2), F.S.

<sup>3</sup> Sections 112.19(2)(f)-(h), F.S.

<sup>4</sup> Section 112.19(3), F.S.

<sup>5</sup> According to the Florida Department of Law Enforcement's report entitled, *Crime in Florida, Florida Uniform Crime Report, 1991-1998*, seven municipal, county, state and university officers have been accidentally killed in the line of duty since 1991, and 76 municipal, county, state and university officers have been intentionally killed in the line of duty since 1980. According to data from the Department of Corrections, a total of two correctional and correctional probation officers have been accidentally killed in the line of duty since 1990, and four correctional and correctional probation officers have been intentionally killed since 1980.

<sup>6</sup> Section 228.041(33), F.S.

<sup>7</sup> Section 228.041(32), F.S.

be waived for graduate or postgraduate degree studies at a state institution. As is currently required for the waiver of fees for vocational-technical and undergraduate studies, the child must be in good standing with the institution and comply with the institution's discipline and scholarship requirements while in either a part- or full-time program. Distinguishably, however, the graduate educational benefits have no age limitation. The age limitation of twenty-five years remains applicable to the vocational-technical and undergraduate benefits under the bill.

**Section 2.** The bill takes effect July 1, 2000.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

The bill would eliminate the fees for graduate and postgraduate study at state institutions for the children of slain public safety officers.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

Due to the bill's expansion of the educational benefits available for children of slain public safety officers, an increased appropriation would be necessary in the 2000-2001 General Appropriations Act. Since the exact number of eligible persons who may take advantage of the graduate and postgraduate school fee waivers is unknown, the cost of this bill is indeterminate.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill provides that fees will be waived for “graduate or postgraduate degree” studies. Although these terms of art are not expressly defined in the statutes, the State University System has indicated that “graduate” study is commonly understood to mean post-baccalaureate studies leading to nonprofessional school master degrees and doctorates, and that “postgraduate” studies means post-doctorate studies. Neither the term “graduate” nor “postgraduate” embraces professional studies, e.g., law, medical, dental and veterinary school. Instead, study at the professional schools is referred to as “post-baccalaureate professional” studies.<sup>8</sup>

If the bill were amended to provide for post-baccalaureate professional studies, the cost of the bill would increase because the cost of professional school is greater than the cost of graduate school. The average cost of professional school studies per person per year in the state university system is as follows<sup>9</sup>:

Type of School	Resident Costs	Non-Resident Costs
Law School	\$3,890.76	\$12,908.52
Medical School	\$10,946.54	\$29,480.12
Dental School	\$9,625.50	\$25,741.64
Veterinary School	\$8,210.74	\$21,748.32

**VIII. Amendments:**

#1 by Governmental Oversight and Productivity:

Adds that children of slain public safety officers will be eligible for fee waivers for “post-baccalaureate professional studies” and eliminates the bill’s provision of fee waivers for “postgraduate” studies, i.e., post-doctorate studies.

#1 by Fiscal Policy:

Appropriates \$250,000 from recurring general revenue for waivers for students pursuing graduate or post-baccalaureate professional degrees.

#2 by Fiscal Policy:

Requires the State Board of Education to adopt uniform policies and procedures to be implemented if a student athlete is arrested for a crime. The procedures would affect higher education institutions that receive state funds.

---

<sup>8</sup> See Rule 6C-6.003, F.A.C. (referring to graduate and post-baccalaureate professional students).

<sup>9</sup> These are the average costs for professional school study approved by the Board of Regents for 1999-2000.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---