

# 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: February 23, 2000

REVISED: 03/07/00 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>FP</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;

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<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

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<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:**

In FY 1998-1999, a total of \$20,578 in educational fees were waived pursuant to s. 112.19, F.S., for children of slain public safety officers: (1) approximately \$739 in the state vocational-technical school system for 591 contact hours; (2) \$2,976 in the state community college system for 66 credit hours; and (3) \$16,863 in the state university system.<sup>8</sup> Funding for these fee waivers is derived from the State Student Financial Trust Fund. Line Item 97 of the 1999-2000 General Appropriations Act appropriated a total of \$333,250 for s. 112.19,

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<sup>8</sup> The State University System did not have the total number of credit hours waived available. The lowest cost per undergraduate credit hour in the university system in 1998 was \$54.09. Rule 6C-7.001, F.A.C. Dividing the total amount of fees waived, \$16,863, by the lowest per credit hour cost reflects that a maximum number of 312 credit hours were waived.

F.S., educational fee waivers and for the educational fee waivers also provided to children of slain firefighters and deceased or disabled veterans.<sup>9</sup>

Due to the bill's expansion of the educational benefits available for children of slain public safety officers, an increased appropriation may be necessary in the 2000-2001 General Appropriations Act. Although, the exact number of eligible persons who may take advantage of the graduate and postgraduate school fee waivers is unknown, an estimation of the bill's projected cost can be made based on the aforementioned 1998-1999 data for the community colleges and state university system.

According to this data, a total of 378 credit hours were waived. The average cost per credit hour of graduate study is \$147.58 for residents and \$508.28 for non-residents.<sup>10</sup> Assuming that 378 credit hours are also waived at the graduate level pursuant to the bill, it is estimated that the bill would generate \$55,785.24 in costs for fee waivers for residents and \$192,129.84 in costs for fee waivers for non-resident credit hours.<sup>11</sup>

## **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>12</sup>

If the bill were amended to provide for post-baccalaureate professional studies, the cost of the bill may increase because the cost of professional school is greater than the cost of graduate school.

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<sup>9</sup> See s. 112.191(3), F.S. (providing educational fee waivers for children of slain fire fighters); s. 295.01, F.S. (providing educational fee waivers for children of deceased or disabled veterans).

<sup>10</sup> These are the average costs for graduate study approved by the Board of Regents for 1999-2000.

<sup>11</sup> Potentially, the estimated number of graduate credit hours that might be taken by the children of slain public safety officers pursuant to the bill could be greater than the 378 waived in community colleges and state universities in 1998-1999. Current law limits a child's eligibility to age twenty-five for vocational-technical and undergraduate fee waivers. While this age cap is retained by the bill for vocational-technical and undergraduate fee waivers, no age cap is provided by the bill for the graduate fee waivers. Thus, there may be a larger population of persons eligible for graduate fee waivers under the bill.

<sup>12</sup> See Rule 6C-6.003, F.A.C. (referring to graduate and post-baccalaureate professional students).

The average cost of professional school studies per person per year in the state university system is as follows<sup>13</sup>:

<b>Type of School</b>	<b>Resident Costs</b>	<b>Non-Resident Costs</b>
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

The precise number of eligible persons who may take advantage of the educational fee waivers provided by the bill is unknown; however, in FY 1998-1999, 378 credit hours were waived in community colleges and the state university system for the children of slain law enforcement officers. Assuming that each child took 30 credit hours, it would appear that approximately 13 children benefited.

The average cost of professional school for residents is \$8,168.39 per year, and for non-residents is \$22,469.65. If 13 persons received professional school fee waivers pursuant to the bill, the cost is estimated to be \$106,189.07 for residents, and \$292,105.45 for non-residents.<sup>14</sup>

#### **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 bill’s provision of fee waivers for “postgraduate” studies, i.e., post-doctorate studies.

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

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<sup>13</sup> These are the average costs for professional school study approved by the Board of Regents for 1999-2000.

<sup>14</sup> As indicated in Footnote 11, it is difficult to estimate the number of eligible persons who will take advantage of the expanded fee waivers provided by the bill based on 1998-1999 data due to the fact that the bill does not place an age cap on eligibility for graduate fee waivers.