

1 A bill to be entitled
2 An act relating to higher education; requiring
3 the State Board of Education to adopt by rule
4 uniform procedures to be implemented when a
5 student athlete is arrested for a crime;
6 providing for such procedures to apply to the
7 State University System, community colleges,
8 and institutions that receive state funds;
9 defining the term "student athlete"; requiring
10 that notice be provided to faculty and
11 students; amending s. 112.19, F.S.; providing
12 for graduate or post-baccalaureate professional
13 educational expenses to be waived for children
14 of officers killed in the line of duty;
15 providing for the waiver to apply to a child
16 who attends a state institution as a full-time
17 or part-time student; providing an
18 appropriation; providing an effective date.

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

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22 Section 1. Section 112.19, Florida Statutes, is
23 amended to read:

24 112.19 Law enforcement, correctional, and correctional
25 probation officers; death benefits.--

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

27 (a) "Employer" means a state board, commission,
28 department, division, bureau, or agency, or a county,
29 municipality, or other political subdivision of the state,
30 which employs, appoints, or otherwise engages the services of

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1 law enforcement, correctional, or correctional probation
2 officers.

3 (b) "Law enforcement, correctional, or correctional
4 probation officer" means any officer as defined in s.
5 943.10(14) or employee of the state or any political
6 subdivision of the state, including any law enforcement
7 officer, correctional officer, correctional probation officer,
8 state attorney investigator, or public defender investigator,
9 whose duties require such officer or employee to investigate,
10 pursue, apprehend, arrest, transport, or maintain custody of
11 persons who are charged with, suspected of committing, or
12 convicted of a crime; and the term includes any member of a
13 bomb disposal unit whose primary responsibility is the
14 location, handling, and disposal of explosive devices. The
15 term also includes any full-time officer or employee of the
16 state or any political subdivision of the state, certified
17 pursuant to chapter 943, whose duties require such officer to
18 serve process or to attend terms of circuit or county court as
19 bailiff.

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

23 (d) "Fresh pursuit" means the pursuit of a person who
24 has committed or is reasonably suspected of having committed a
25 felony, misdemeanor, traffic infraction, or violation of a
26 county or municipal ordinance. The term does not imply
27 instant pursuit, but pursuit without unreasonable delay.

28 (2)(a) The sum of \$25,000 shall be paid as provided in
29 this section when a law enforcement, correctional, or
30 correctional probation officer, while engaged in the
31 performance of the officer's law enforcement duties, is

1 accidentally killed or receives accidental bodily injury which
2 results in the loss of the officer's life, provided that such
3 killing is not the result of suicide and that such bodily
4 injury is not intentionally self-inflicted.

5 (b) The sum of \$25,000 shall be paid as provided in
6 this section if a law enforcement, correctional, or
7 correctional probation officer is accidentally killed as
8 specified in paragraph (a) and the accidental death occurs as
9 a result of the officer's response to fresh pursuit or to the
10 officer's response to what is reasonably believed to be an
11 emergency. This sum is in addition to any sum provided for in
12 paragraph (a).

13 (c) If a law enforcement, correctional, or
14 correctional probation officer, while engaged in the
15 performance of the officer's law enforcement duties, is
16 unlawfully and intentionally killed or dies as a result of
17 such unlawful and intentional act, the sum of \$75,000 shall be
18 paid as provided in this section.

19 (d) Such payments, pursuant to the provisions of
20 paragraphs (a), (b), and (c), whether secured by insurance or
21 not, shall be made to the beneficiary designated by such law
22 enforcement, correctional, or correctional probation officer
23 in writing, signed by the officer and delivered to the
24 employer during the officer's lifetime. If no such
25 designation is made, then it shall be paid to the officer's
26 surviving child or children and spouse in equal portions, and
27 if there is no surviving child or spouse, then to the
28 officer's parent or parents. If a beneficiary is not
29 designated and there is no surviving child, spouse, or parent,
30 then it shall be paid to the officer's estate.

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1 (e) Such payments, pursuant to the provisions of
2 paragraphs (a), (b), and (c), are in addition to any workers'
3 compensation or pension benefits and are exempt from the
4 claims and demands of creditors of such law enforcement,
5 correctional, or correctional probation officer.

6 (f) If a full-time law enforcement, correctional, or
7 correctional probation officer who is employed by a state
8 agency is killed in the line of duty as a result of an act of
9 violence inflicted by another person while the officer is
10 engaged in the performance of law enforcement duties or as a
11 result of an assault against the officer under riot
12 conditions, the sum of \$1,000 shall be paid, as provided for
13 in paragraph (d), toward the funeral and burial expenses of
14 such officer. Such benefits are in addition to any other
15 benefits which employee beneficiaries and dependents are
16 entitled to under the provisions of the Workers' Compensation
17 Law or any other state or federal statutes.

18 (g) Any political subdivision of the state that
19 employs a full-time law enforcement officer as defined in s.
20 943.10(1) or a full-time correctional officer as defined in s.
21 943.10(2) who is killed in the line of duty on or after July
22 1, 1993, as a result of an act of violence inflicted by
23 another person while the officer is engaged in the performance
24 of law enforcement duties or as a result of an assault against
25 the officer under riot conditions shall pay the entire premium
26 of the political subdivision's health insurance plan for the
27 employee's surviving spouse until remarried, and for each
28 dependent child of the employee until the child reaches the
29 age of majority or until the end of the calendar year in which
30 the child reaches the age of 25 if:

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

3 2. The surviving child continues to be dependent for
4 support, or the surviving child is a full-time or part-time
5 student and is dependent for support.

6 (h)1. Any employer who employs a full-time law
7 enforcement, correctional, or correctional probation officer
8 who, on or after January 1, 1995, suffers a catastrophic
9 injury, as defined in s. 440.02(37), in the line of duty shall
10 pay the entire premium of the employer's health insurance plan
11 for the injured employee, the injured employee's spouse, and
12 for each dependent child of the injured employee until the
13 child reaches the age of majority or until the end of the
14 calendar year in which the child reaches the age of 25 if the
15 child continues to be dependent for support, or the child is a
16 full-time or part-time student and is dependent for support.
17 The term "health insurance plan" does not include supplemental
18 benefits that are not part of the basic group health insurance
19 plan. If the injured employee subsequently dies, the employer
20 shall continue to pay the entire health insurance premium for
21 the surviving spouse until remarried, and for the dependent
22 children, under the conditions outlined in this paragraph.

23 However:

24 a. Health insurance benefits payable from any other
25 source shall reduce benefits payable under this section.

26 b. It is unlawful for a person to willfully and
27 knowingly make, or cause to be made, or to assist, conspire
28 with, or urge another to make, or cause to be made, any false,
29 fraudulent, or misleading oral or written statement to obtain
30 health insurance coverage as provided under this paragraph. A
31 person who violates this sub-subparagraph commits a

1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 c. In addition to any applicable criminal penalty,
4 upon conviction for a violation as described in
5 sub-subparagraph b., a law enforcement, correctional, or
6 correctional probation officer or other beneficiary who
7 receives or seeks to receive health insurance benefits under
8 this paragraph shall forfeit the right to receive such health
9 insurance benefits, and shall reimburse the employer for all
10 benefits paid due to the fraud or other prohibited activity.
11 For purposes of this sub-subparagraph, "conviction" means a
12 determination of guilt that is the result of a plea or trial,
13 regardless of whether adjudication is withheld.

14 2. In order for the officer, spouse, and dependent
15 children to be eligible for such insurance coverage, the
16 injury must have occurred as the result of the officer's
17 response to fresh pursuit, the officer's response to what is
18 reasonably believed to be an emergency, or an unlawful act
19 perpetrated by another. Except as otherwise provided herein,
20 nothing in this paragraph shall be construed to limit health
21 insurance coverage for which the officer, spouse, or dependent
22 children may otherwise be eligible, except that a person who
23 qualifies under this section shall not be eligible for the
24 health insurance subsidy provided under chapter 121, chapter
25 175, or chapter 185.

26 (i) The Bureau of Crime Prevention and Training within
27 the Department of Legal Affairs shall adopt rules necessary to
28 implement paragraphs (a), (b), and (c).

29 (3) If a law enforcement, correctional, or
30 correctional probation officer is accidentally killed as
31 specified in paragraph (2)(b) on or after June 22, 1990, or

1 unlawfully and intentionally killed as specified in paragraph
2 (2)(c) on or after July 1, 1980, the state shall waive certain
3 educational expenses which children of the deceased officer
4 incur while obtaining a vocational-technical certificate, ~~or~~
5 an undergraduate education, or a graduate or
6 post-baccalaureate professional degree. The amount waived by
7 the state shall be an amount equal to the cost of tuition and
8 matriculation and registration fees for a total of 120 credit
9 hours for a vocational-technical certificate or an
10 undergraduate education. For a child pursuing a graduate or
11 post-baccalaureate professional degree, the amount waived
12 shall equal the cost of tuition, matriculation, and
13 registration fees incurred while the child continues to
14 fulfill the professional requirements associated with the
15 graduate or post-baccalaureate professional degree program.
16 The child may attend a state vocational-technical school, a
17 state community college, or a state university. The child may
18 attend any or all of the institutions specified in this
19 subsection, on either a full-time or part-time basis. For a
20 child pursuing a vocational-technical certificate or an
21 undergraduate education, the benefits provided under this
22 subsection shall continue to the child until the child's 25th
23 birthday.

24 (a) Upon failure of any child benefited by the
25 provisions of this section to comply with the ordinary and
26 minimum requirements of the institution attended, both as to
27 discipline and scholarship, the benefits shall be withdrawn as
28 to the child and no further moneys may be expended for the
29 child's benefits so long as such failure or delinquency
30 continues.

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

3 (c) A child receiving benefits under this section must
4 be enrolled according to the customary rules and requirements
5 of the institution attended.

6 (4)(a) The employer of such law enforcement,
7 correctional, or correctional probation officer is liable for
8 the payment of the sums specified in this section and is
9 deemed self-insured, unless it procures and maintains, or has
10 already procured and maintained, insurance to secure such
11 payments. Any such insurance may cover only the risks
12 indicated in this section, in the amounts indicated in this
13 section, or it may cover those risks and additional risks and
14 may be in larger amounts. Any such insurance shall be placed
15 by such employer only after public bid of such insurance
16 coverage which coverage shall be awarded to the carrier making
17 the lowest best bid.

18 (b) Payment of benefits to beneficiaries of state
19 employees, or of the premiums to cover the risk, under the
20 provisions of this section shall be paid from existing funds
21 otherwise appropriated to the department employing the law
22 enforcement, correctional, or correctional probation officers.

23 (5) The Department of Education shall adopt rules and
24 procedures as are necessary to implement the educational
25 benefits provisions of this section.

26 (6) Notwithstanding any provision of this section to
27 the contrary, the death benefits provided in paragraphs (2)(c)
28 and (g) shall also be applicable and paid in cases where an
29 officer received bodily injury prior to July 1, 1993, and
30 subsequently died on or after July 1, 1993, as a result of
31 such in-line-of-duty injury attributable to an unlawful and

1 intentional act, or an act of violence inflicted by another,
2 or an assault on the officer under riot conditions. Payment
3 of such benefits shall be in accordance with provisions of
4 this section. Nothing in this provision shall be construed to
5 limit death benefits for which those individuals listed in
6 paragraph (2)(d) may otherwise be eligible.

7 Section 2. For fiscal year 2000-2001, \$250,000 is
8 appropriated from recurring general revenue funds for waivers
9 authorized by this section for eligible students pursuing
10 graduate or post-baccalaureate professional degrees.

11 Section 3. (1) The State Board of Education shall
12 adopt by rule uniform policies and procedures to be
13 implemented if a student athlete is arrested for a crime. The
14 uniform procedures shall apply to each institution in the
15 State University System, each state community college, and any
16 other institution of higher education that receives state
17 funds. The uniform policies and procedures must be included
18 in the institution's handbook, manual, or other similar
19 document regularly provided to faculty and students.

20 (2) As used in this section, the term "student athlete"
21 means a student who participates in intercollegiate athletics
22 or who has informed the institution in writing of the
23 student's intent to participate in intercollegiate athletics.

24 Section 4. This act shall take effect July 1, 2000.
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