

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to death benefits; providing
3 legislative intent; reenacting and amending ss. 112.19
4 and 112.191, F.S., relating to death benefits for law
5 enforcement, correctional, and correctional probation
6 officers, and firefighters, respectively; revising the
7 payment amounts of death benefits; deleting the
8 provision requiring annual adjustment of the death
9 benefit amount; modifying eligibility for the waiver
10 for specified educational expenses; creating s.
11 112.1912, F.S.; establishing a death benefit for
12 emergency medical technicians and paramedics to
13 conform to s. 31, Art. X of the State Constitution;
14 providing definitions; specifying eligibility and
15 payment amounts for such death benefits; prescribing
16 the procedure by which an emergency medical technician
17 or paramedic designates a beneficiary; specifying that
18 such death benefits are supplementary and exempt from
19 creditors' demands or claims; requiring the state to
20 waive certain educational expenses of a child or
21 spouse of a deceased emergency medical technician or
22 paramedic; specifying conditions and requirements;
23 specifying the financial responsibility of employing
24 agencies as to the payment of benefits; authorizing
25 the State Board of Education and the Board of
26 Governors, respectively, to adopt rules, regulations,
27 and procedures; amending s. 250.34, F.S.; modifying
28 eligibility for death benefits for a deceased member
29 of the Florida National Guard, to conform to the State

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30 Constitution; reenacting and amending s. 295.01, F.S.;

31 modifying provisions governing educational expense

32 waivers for surviving children and spouses of deceased

33 servicemembers, to conform to the State Constitution;

34 creating s. 295.061, F.S.; establishing a death

35 benefit for active duty members of the United States

36 Armed Forces, to conform to s. 31, Art. X of the State

37 Constitution; specifying eligibility and other

38 requirements for entitlement to such benefits;

39 specifying that the state-funded benefit is in

40 addition to any federal benefit; requiring the benefit

41 be paid from moneys in the General Revenue Fund;

42 providing an effective date.

43

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

45

46 Section 1. It is the intent of the Legislature to implement

47 s. 31, Article X of the State Constitution through the enactment

48 of this act to provide for the payment of death benefits to the

49 survivors of first responders and military members.

50 Section 2. Section 112.19, Florida Statutes, is reenacted

51 and amended to read:

52 112.19 Law enforcement, correctional, and correctional

53 probation officers; death benefits.—

54 (1) ~~As Whenever~~ used in this section, the term:

55 (a) "Employer" means a state board, commission, department,

56 division, bureau, or agency, or a county, municipality, or other

57 political subdivision of the state, which employs, appoints, or

58 otherwise engages the services of law enforcement, correctional,

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59 or correctional probation officers.

60 (b) "Law enforcement, correctional, or correctional
61 probation officer" means any officer as defined in s. 943.10(14)
62 or employee of the state or any political subdivision of the
63 state, including any law enforcement officer, correctional
64 officer, correctional probation officer, state attorney
65 investigator, or public defender investigator, whose duties
66 require such officer or employee to investigate, pursue,
67 apprehend, arrest, transport, or maintain custody of persons who
68 are charged with, suspected of committing, or convicted of a
69 crime; and the term includes any member of a bomb disposal unit
70 whose primary responsibility is the location, handling, and
71 disposal of explosive devices. The term also includes any full-
72 time officer or employee of the state or any political
73 subdivision of the state, certified pursuant to chapter 943,
74 whose duties require such officer to serve process or to attend
75 a session of a circuit or county court as bailiff.

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

79 (d) "Fresh pursuit" means the pursuit of a person who has
80 committed or is reasonably suspected of having committed a
81 felony, misdemeanor, traffic infraction, or violation of a
82 county or municipal ordinance. The term does not imply instant
83 pursuit, but pursuit without unreasonable delay.

84 (2) (a) The sum of \$75,000 must ~~\$50,000, as adjusted~~
85 ~~pursuant to paragraph (j),~~ shall be paid as provided in this
86 section when a law enforcement, correctional, or correctional
87 probation officer, while engaged in the performance of the

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88 officer's law enforcement duties, is accidentally killed or
89 receives accidental bodily injury which results in the loss of
90 the officer's life, provided that such killing is not the result
91 of suicide and that such bodily injury is not intentionally
92 self-inflicted. ~~Notwithstanding any other provision of law, in~~
93 ~~no case shall the amount payable under this subsection be less~~
94 ~~than the actual amount stated therein.~~

95 (b) The sum of \$75,000 ~~must~~ \$50,000, ~~as adjusted under~~
96 ~~paragraph (j), shall~~ be paid as provided in this section if a
97 law enforcement, correctional, or correctional probation officer
98 is accidentally killed as specified in paragraph (a) and the
99 accidental death occurs:

100 1. As a result of the officer's response to fresh pursuit;

101 2. As a result of the officer's response to what is
102 reasonably believed to be an emergency;

103 3. At the scene of a traffic accident to which the officer
104 has responded; or

105 4. While the officer is enforcing what is reasonably
106 believed to be a traffic law or ordinance.

107

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

112 (c) If a law enforcement, correctional, or correctional
113 probation officer, while engaged in the performance of the
114 officer's law enforcement duties, is unlawfully and
115 intentionally killed or dies as a result of such unlawful and
116 intentional act, the sum of \$200,000 ~~must~~ \$150,000, ~~as adjusted~~

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117 ~~pursuant to paragraph (j), shall be paid as provided in this~~
118 ~~section. Notwithstanding any other provision of law, in no case~~
119 ~~shall the amount payable under this subsection be less than the~~
120 ~~actual amount stated therein.~~

121 (d) Such payments, pursuant to ~~the provisions of~~ paragraphs
122 (a), (b), and (c), whether secured by insurance or not, must
123 ~~shall~~ be made to the beneficiary designated by such law
124 enforcement, correctional, or correctional probation officer in
125 writing, signed by the officer and delivered to the employer
126 during the officer's lifetime. If no such designation is made,
127 then the payments must ~~it shall~~ be paid to the officer's
128 surviving child or children and spouse in equal portions, and if
129 there is no surviving child or spouse, then to the officer's
130 parent or parents. If a beneficiary is not designated and there
131 is no surviving child, spouse, or parent, then the sum must ~~it~~
132 ~~shall~~ be paid to the officer's estate.

133 (e) Such payments, pursuant to ~~the provisions of~~ paragraphs
134 (a), (b), and (c), are in addition to any workers' compensation
135 or pension benefits and are exempt from the claims and demands
136 of creditors of such law enforcement, correctional, or
137 correctional probation officer.

138 (f) If a full-time law enforcement, correctional, or
139 correctional probation officer who is certified pursuant to
140 chapter 943 and employed by a state agency is killed in the line
141 of duty while the officer is engaged in the performance of law
142 enforcement duties or as a result of an assault against the
143 officer under riot conditions:

144 1. The sum of \$1,000 must ~~shall~~ be paid, as provided for in
145 paragraph (d), toward the funeral and burial expenses of such

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146 officer. Such benefits are in addition to any other benefits to
147 which employee beneficiaries and dependents are entitled under
148 the Workers' Compensation Law or any other state or federal
149 statutes; and

150 2. The officer's employing agency may pay up to \$5,000
151 directly toward the venue expenses associated with the funeral
152 and burial services of such officer.

153 (g) Any political subdivision of the state that employs a
154 full-time law enforcement officer as defined in s. 943.10(1) or
155 a full-time correctional officer as defined in s. 943.10(2) who
156 is killed in the line of duty on or after July 1, 1993, as a
157 result of an act of violence inflicted by another person while
158 the officer is engaged in the performance of law enforcement
159 duties or as a result of an assault against the officer under
160 riot conditions shall pay the entire premium of the political
161 subdivision's health insurance plan for the employee's surviving
162 spouse until remarried, and for each dependent child of the
163 employee until the child reaches the age of majority or until
164 the end of the calendar year in which the child reaches the age
165 of 25 if:

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

168 2. The surviving child continues to be dependent for
169 support, or the surviving child is a full-time or part-time
170 student and is dependent for support.

171 (h)1. Any employer who employs a full-time law enforcement,
172 correctional, or correctional probation officer who, on or after
173 January 1, 1995, suffers a catastrophic injury, as defined in s.
174 440.02, Florida Statutes 2002, in the line of duty shall pay the

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175 entire premium of the employer's health insurance plan for the
176 injured employee, the injured employee's spouse, and for each
177 dependent child of the injured employee until the child reaches
178 the age of majority or until the end of the calendar year in
179 which the child reaches the age of 25 if the child continues to
180 be dependent for support, or the child is a full-time or part-
181 time student and is dependent for support. The term "health
182 insurance plan" does not include supplemental benefits that are
183 not part of the basic group health insurance plan. If the
184 injured employee subsequently dies, the employer shall continue
185 to pay the entire health insurance premium for the surviving
186 spouse until remarried, and for the dependent children, under
187 the conditions outlined in this paragraph. However:

188 a. Health insurance benefits payable from any other source
189 shall reduce benefits payable under this section.

190 b. It is unlawful for a person to willfully and knowingly
191 make, or cause to be made, or to assist, conspire with, or urge
192 another to make, or cause to be made, any false, fraudulent, or
193 misleading oral or written statement to obtain health insurance
194 coverage as provided under this paragraph. A person who violates
195 this sub-subparagraph commits a misdemeanor of the first degree,
196 punishable as provided in s. 775.082 or s. 775.083.

197 c. In addition to any applicable criminal penalty, upon
198 conviction for a violation as described in sub-subparagraph b.,
199 a law enforcement, correctional, or correctional probation
200 officer or other beneficiary who receives or seeks to receive
201 health insurance benefits under this paragraph shall forfeit the
202 right to receive such health insurance benefits, and shall
203 reimburse the employer for all benefits paid due to the fraud or

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204 other prohibited activity. For purposes of this sub-
205 subparagraph, "conviction" means a determination of guilt that
206 is the result of a plea or trial, regardless of whether
207 adjudication is withheld.

208 2. In order for the officer, spouse, and dependent children
209 to be eligible for such insurance coverage, the injury must have
210 occurred as the result of the officer's response to fresh
211 pursuit, the officer's response to what is reasonably believed
212 to be an emergency, or an unlawful act perpetrated by another.
213 Except as otherwise provided herein, nothing in this paragraph
214 shall be construed to limit health insurance coverage for which
215 the officer, spouse, or dependent children may otherwise be
216 eligible, except that a person who qualifies under this section
217 shall not be eligible for the health insurance subsidy provided
218 under chapter 121, chapter 175, or chapter 185.

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

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

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

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233 paragraph (2) (a) or paragraph (2) (b) ~~on or after June 22, 1990,~~
234 or unlawfully and intentionally killed as specified in paragraph
235 (2) (c) ~~on or after July 1, 1980,~~ the state must ~~shall~~ waive
236 certain educational expenses that the child or spouse of the
237 deceased officer incurs while obtaining a career certificate, an
238 undergraduate education, or a postgraduate education. The amount
239 waived by the state must ~~shall~~ be in an amount equal to the cost
240 of tuition and matriculation and registration fees for a total
241 of 120 credit hours. The child or spouse may attend a state
242 career center, a Florida College System institution, or a state
243 university. The child or spouse may attend any or all of the
244 institutions specified in this subsection, on either a full-time
245 or part-time basis. The benefits provided to a child under this
246 subsection shall continue until the child's 25th birthday. The
247 benefits provided to a spouse under this subsection must
248 commence within 5 years after the death occurs, and entitlement
249 thereto shall continue until the 10th anniversary of that death.

250 (a) Upon failure of any child or spouse who receives a
251 waiver in accordance with ~~benefited by the provisions of this~~
252 subsection to comply with the ordinary and minimum requirements
253 regarding discipline and scholarship of the institution
254 attended, such ~~both as to discipline and scholarship,~~ the
255 benefits must ~~shall~~ be withdrawn as to the child or spouse and
256 no further moneys may be expended for the child's or spouse's
257 benefits so long as such failure or delinquency continues.

258 (b) Only a student in good standing in his or her
259 respective institution may receive the benefits provided in this
260 subsection ~~thereof~~.

261 (c) A child or spouse receiving benefits under this

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262 subsection must be enrolled according to the customary rules and
263 requirements of the institution attended.

264 (4) (a) The employer of such law enforcement, correctional,
265 or correctional probation officer is liable for the payment of
266 the sums specified in this section and is deemed self-insured,
267 unless it procures and maintains, or has already procured and
268 maintained, insurance to secure such payments. Any such
269 insurance may cover only the risks indicated in this section, in
270 the amounts indicated in this section, or it may cover those
271 risks and additional risks and may be in larger amounts. Any
272 such insurance shall be placed by such employer only after
273 public bid of such insurance coverage which must ~~coverage shall~~
274 be awarded to the carrier making the lowest best bid.

275 (b) Payment of benefits to beneficiaries of state
276 employees, or of the premiums to cover the risk, under ~~the~~
277 ~~provisions of~~ this section shall be paid from existing funds
278 otherwise appropriated to the department employing the law
279 enforcement, correctional, or correctional probation officers.

280 (5) The State Board of Education shall adopt rules and
281 procedures, and the Board of Governors shall adopt regulations
282 and procedures, as are appropriate and necessary to implement
283 the educational benefits provisions of this section.

284 (6) Notwithstanding any provision of this section to the
285 contrary, the death benefits provided in paragraphs (2) (c) and
286 (g) shall also be applicable and paid in cases where an officer
287 received bodily injury before ~~prior to~~ July 1, 1993, and
288 subsequently died on or after July 1, 1993, as a result of such
289 in-line-of-duty injury attributable to an unlawful and
290 intentional act, or an act of violence inflicted by another, or

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291 an assault on the officer under riot conditions. Payment of such
292 benefits must ~~shall~~ be in accordance with ~~provisions of this~~
293 ~~section. Nothing in~~ This subsection may not ~~provision shall~~ be
294 construed to limit death benefits for which those individuals
295 listed in paragraph (2) (d) may otherwise be eligible.

296 Section 3. Section 112.191, Florida Statutes, is reenacted
297 and amended to read:

298 112.191 Firefighters; death benefits.—

299 (1) As ~~Whenever~~ used in this section, the term ~~act~~:

300 (a) ~~The term~~ "Employer" means a state board, commission,
301 department, division, bureau or agency, or a county,
302 municipality, or other political subdivision of the state.

303 (b) ~~The term~~ "Firefighter" means any full-time duly
304 employed uniformed firefighter employed by an employer, whose
305 primary duty is the prevention and extinguishing of fires, the
306 protection of life and property therefrom, the enforcement of
307 municipal, county, and state fire prevention codes, as well as
308 the enforcement of any law pertaining to the prevention and
309 control of fires, who is certified pursuant to s. 633.408 and
310 who is a member of a duly constituted fire department of such
311 employer or who is a volunteer firefighter.

312 (c) ~~The term~~ "Insurance" means insurance procured from a
313 stock company or mutual company or association or exchange
314 authorized to do business as an insurer in this state.

315 (2) (a) The sum of \$75,000 ~~must \$50,000, as adjusted~~
316 ~~pursuant to paragraph (i), shall~~ be paid as provided in this
317 section when a firefighter, while engaged in the performance of
318 his or her firefighter duties, is accidentally killed or
319 receives accidental bodily injury which subsequently results in

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320 the loss of the firefighter's life, provided that such killing
321 is not the result of suicide and that such bodily injury is not
322 intentionally self-inflicted. ~~Notwithstanding any other~~
323 ~~provision of law, in no case shall the amount payable under this~~
324 ~~subsection be less than the actual amount stated therein.~~

325 (b) The sum of \$75,000 ~~must~~ \$50,000, ~~as adjusted pursuant~~
326 ~~to paragraph (i), shall~~ be paid as provided in this section if a
327 firefighter is accidentally killed as specified in paragraph (a)
328 and the accidental death occurs as a result of the firefighter's
329 response to what is reasonably believed to be an emergency
330 involving the protection of life or property or the
331 firefighter's participation in a training exercise. This sum is
332 in addition to any sum provided in paragraph (a).
333 ~~Notwithstanding any other provision of law, the amount payable~~
334 ~~under this subsection may not be less than the actual amount~~
335 ~~stated therein.~~

336 (c) If a firefighter, while engaged in the performance of
337 his or her firefighter duties, is unlawfully and intentionally
338 killed, is injured by an unlawful and intentional act of another
339 person and dies as a result of such injury, dies as a result of
340 a fire which has been determined to have been caused by an act
341 of arson, or subsequently dies as a result of injuries sustained
342 therefrom, the sum of \$200,000 ~~must~~ \$150,000, ~~as adjusted~~
343 ~~pursuant to paragraph (i), shall~~ be paid as provided in this
344 section. ~~Notwithstanding any other provision of law, the amount~~
345 ~~payable under this subsection may not be less than the actual~~
346 ~~amount stated therein.~~

347 (d) Such payments, pursuant to paragraphs (a), (b), and
348 (c), whether secured by insurance or not, must ~~shall~~ be made to

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349 the beneficiary designated by such firefighter in writing,
350 signed by the firefighter and delivered to the employer during
351 the firefighter's lifetime. If no such designation is made, then
352 the payment must ~~it shall~~ be paid to the firefighter's surviving
353 child or children and spouse in equal portions, and if there be
354 no surviving child or spouse, then to the firefighter's parent
355 or parents. If a beneficiary designation is not made and there
356 is no surviving child, spouse, or parent, then the sum must ~~it~~
357 ~~shall~~ be paid to the firefighter's estate.

358 (e) Such payments, pursuant to ~~the provisions of~~ paragraphs
359 (a), (b), and (c), are ~~shall be~~ in addition to any workers'
360 compensation or pension benefits and ~~shall be~~ exempt from the
361 claims and demands of creditors of such firefighter.

362 (f) Any political subdivision of the state that employs a
363 full-time firefighter who is killed in the line of duty on or
364 after July 1, 1993, as a result of an act of violence inflicted
365 by another person while the firefighter is engaged in the
366 performance of firefighter duties, as a result of a fire which
367 has been determined to have been caused by an act of arson, or
368 as a result of an assault against the firefighter under riot
369 conditions shall pay the entire premium of the political
370 subdivision's health insurance plan for the employee's surviving
371 spouse until remarried, and for each dependent child of the
372 employee until the child reaches the age of majority or until
373 the end of the calendar year in which the child reaches the age
374 of 25 if:

- 375 1. At the time of the employee's death, the child is
376 dependent upon the employee for support; and
- 377 2. The surviving child continues to be dependent for

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378 support, or the surviving child is a full-time or part-time
379 student and is dependent for support.

380 (g)1. Any employer who employs a full-time firefighter who,
381 on or after January 1, 1995, suffers a catastrophic injury, as
382 defined in s. 440.02, Florida Statutes 2002, in the line of duty
383 shall pay the entire premium of the employer's health insurance
384 plan for the injured employee, the injured employee's spouse,
385 and for each dependent child of the injured employee until the
386 child reaches the age of majority or until the end of the
387 calendar year in which the child reaches the age of 25 if the
388 child continues to be dependent for support, or the child is a
389 full-time or part-time student and is dependent for support. The
390 term "health insurance plan" does not include supplemental
391 benefits that are not part of the basic group health insurance
392 plan. If the injured employee subsequently dies, the employer
393 shall continue to pay the entire health insurance premium for
394 the surviving spouse until remarried, and for the dependent
395 children, under the conditions outlined in this paragraph.
396 However:

397 a. Health insurance benefits payable from any other source
398 shall reduce benefits payable under this section.

399 b. It is unlawful for a person to willfully and knowingly
400 make, or cause to be made, or to assist, conspire with, or urge
401 another to make, or cause to be made, any false, fraudulent, or
402 misleading oral or written statement to obtain health insurance
403 coverage as provided under this paragraph. A person who violates
404 this sub-subparagraph commits a misdemeanor of the first degree,
405 punishable as provided in s. 775.082 or s. 775.083.

406 c. In addition to any applicable criminal penalty, upon

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407 conviction for a violation as described in sub-subparagraph b.,
408 a firefighter or other beneficiary who receives or seeks to
409 receive health insurance benefits under this paragraph shall
410 forfeit the right to receive such health insurance benefits, and
411 shall reimburse the employer for all benefits paid due to the
412 fraud or other prohibited activity. For purposes of this sub-
413 subparagraph, "conviction" means a determination of guilt that
414 is the result of a plea or trial, regardless of whether
415 adjudication is withheld.

416 2. In order for the firefighter, spouse, and dependent
417 children to be eligible for such insurance coverage, the injury
418 must have occurred as the result of the firefighter's response
419 to what is reasonably believed to be an emergency involving the
420 protection of life or property, or an unlawful act perpetrated
421 by another. Except as otherwise provided herein, nothing in this
422 paragraph shall be construed to limit health insurance coverage
423 for which the firefighter, spouse, or dependent children may
424 otherwise be eligible, except that a person who qualifies for
425 benefits under this section shall not be eligible for the health
426 insurance subsidy provided under chapter 121, chapter 175, or
427 chapter 185.

428
429 Notwithstanding any provision of this section to the contrary,
430 the death benefits provided in paragraphs (b), (c), and (f)
431 shall also be applicable and paid in cases where a firefighter
432 received bodily injury prior to July 1, 1993, and subsequently
433 died on or after July 1, 1993, as a result of such in-line-of-
434 duty injury.

435 (h) The Division of the State Fire Marshal within the

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436 Department of Financial Services shall adopt rules necessary to
437 implement this section.

438 ~~(i) Any payments made pursuant to paragraph (a), paragraph~~
439 ~~(b), or paragraph (c) shall consist of the statutory amount~~
440 ~~adjusted to show price level changes in the Consumer Price Index~~
441 ~~for All Urban Consumers published by the United States~~
442 ~~Department of Labor since July 1, 2002. The Division of State~~
443 ~~Fire Marshal, using the most recent month for which Consumer~~
444 ~~Price Index data is available, shall, on June 15 of each year,~~
445 ~~calculate and publish on the division's Internet website the~~
446 ~~amount resulting from the adjustments to the statutory amounts.~~
447 ~~The adjusted statutory amounts shall be effective on July 1 of~~
448 ~~each year.~~

449 (3) If a firefighter is accidentally killed as specified in
450 paragraph (2) (a) or paragraph (2) (b) on or after June 22, 1990,
451 or unlawfully and intentionally killed as specified in paragraph
452 (2) (c), ~~on or after July 1, 1980,~~ the state shall waive certain
453 educational expenses that the child or spouse of the deceased
454 firefighter incurs while obtaining a career certificate, an
455 undergraduate education, or a postgraduate education. The amount
456 waived by the state shall be an amount equal to the cost of
457 tuition and matriculation and registration fees for a total of
458 120 credit hours. The child or spouse may attend a state career
459 center, a Florida College System institution, or a state
460 university. The child or spouse may attend any or all of the
461 institutions specified in this subsection, on either a full-time
462 or part-time basis. The benefits provided to a child under this
463 subsection shall continue until the child's 25th birthday. The
464 benefits provided to a spouse under this subsection must

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465 commence within 5 years after the death occurs, and entitlement
466 thereto shall continue until the 10th anniversary of that death.

467 (a) Upon failure of any child or spouse benefited by the
468 provisions of this subsection to comply with the ordinary and
469 minimum requirements of the institution attended, both as to
470 discipline and scholarship, the benefits thereof shall be
471 withdrawn as to the child or spouse and no further moneys
472 expended for the child's or spouse's benefits so long as such
473 failure or delinquency continues.

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

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

479 (4) (a) The employer of such firefighter is ~~shall be~~ liable
480 for the payment of the benefits ~~said sums~~ specified in this
481 section and is ~~shall be~~ deemed self-insured, unless it procures
482 and maintains, or has already procured and maintained, insurance
483 to secure such payments. Any such insurance may cover only the
484 risks indicated in this section, in the amounts indicated in
485 this section, or it may cover those risks and additional risks
486 and may be in larger amounts. Any such insurance must ~~shall~~ be
487 placed by such employer only after public bid of such insurance
488 coverage which must ~~coverage shall~~ be awarded to the carrier
489 making the lowest best bid.

490 (b) Payment of benefits to beneficiaries of state
491 employees, or of the premiums to cover the risk, under the
492 provisions of this section, must ~~shall~~ be paid from existing
493 funds otherwise appropriated for the department.

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494 (5) The State Board of Education shall adopt rules and
495 procedures, and the Board of Governors shall adopt regulations
496 and procedures, as are appropriate and necessary to implement
497 the educational benefits provisions of this section.

498 Section 4. Section 112.1912, Florida Statutes, is created
499 to read:

500 112.1912 Emergency medical technicians and paramedics;
501 death benefits.-

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

503 (a) "Emergency medical technician" means a person who is
504 certified by the Department of Health to perform basic life
505 support pursuant to part III of chapter 401 and who is employed
506 by an employer.

507 (b) "Employer" means a state board, commission, department,
508 division, bureau or agency, or a county, municipality, or other
509 political subdivision of this state.

510 (c) "Insurance" means insurance procured from a stock
511 company or mutual company, or an association or exchange
512 authorized to do business as an insurer in this state.

513 (d) "Paramedic" means a person who is certified by the
514 Department of Health to perform basic and advanced life support
515 pursuant to part III of chapter 401 and who is employed by an
516 employer.

517 (2) (a) The sum of \$75,000 must be paid as provided in this
518 section when an emergency medical technician or a paramedic,
519 while engaged in the performance of his or her official duties,
520 is accidentally killed or receives accidental bodily injury that
521 subsequently results in the loss of the individual's life,
522 provided that such killing is not the result of suicide and that

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523 such bodily injury is not intentionally self-inflicted.

524 (b) The sum of \$75,000 must be paid as provided in this
525 section if an emergency medical technician or a paramedic is
526 accidentally killed as specified in paragraph (a) and the
527 accidental death occurs as a result of the emergency medical
528 technician's or paramedic's response to what is reasonably
529 believed to be an emergency involving the protection of life.
530 This sum is in addition to any sum provided under paragraph (a).

531 (c) If an emergency medical technician or a paramedic,
532 while engaged in the performance of his or her official duties,
533 is unlawfully and intentionally killed or is injured by an
534 unlawful and intentional act of another person and dies as a
535 result of such injury, the sum of \$200,000 must be paid as
536 provided in this section.

537 (d) Such payments, pursuant to paragraphs (a), (b), and
538 (c), whether secured by insurance or not, must be made to the
539 beneficiary designated by such emergency medical technician or
540 paramedic in a written and signed form that is delivered to the
541 employer during the emergency medical technician's or
542 paramedic's lifetime. If no such designation is made, then the
543 payments must be made to the emergency medical technician's or
544 paramedic's surviving child or children and spouse in equal
545 portions, or if there is no surviving child or spouse, must be
546 made to the emergency medical technician's or paramedic's parent
547 or parents. If a beneficiary is not designated and there is no
548 surviving child, spouse, or parent, then the sum must be paid to
549 the emergency medical technician's or paramedic's estate.

550 (e) Such payments, pursuant to paragraphs (a), (b), and
551 (c), are in addition to any workers' compensation or pension

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552 benefits and are exempt from the claims and demands of creditors
553 of such emergency medical technician or paramedic.

554 (3) If an emergency medical technician or a paramedic is
555 accidentally killed as specified in paragraph (2) (a) or
556 paragraph (2) (b) or unlawfully and intentionally killed as
557 specified in paragraph (2) (c), the state must waive certain
558 educational expenses that the children or the spouse of the
559 deceased emergency medical technician or paramedic incur while
560 obtaining a career certificate, an undergraduate education, or a
561 postgraduate education. The amount waived by the state must be
562 an amount equal to the cost of tuition and matriculation and
563 registration fees for a total of 120 credit hours. The child or
564 spouse may attend a state career center, a Florida College
565 System institution, or a state university. The child or spouse
566 may attend any or all of the institutions specified in this
567 subsection, on either a full-time or part-time basis. The
568 benefits provided to a child under this subsection must continue
569 until the child's 25th birthday. The benefits provided to a
570 spouse under this subsection must commence within 5 years after
571 the death occurs, and may continue until the 10th anniversary of
572 that death.

573 (a) Upon failure of any child or spouse who receives a
574 waiver in accordance with this subsection to comply with the
575 ordinary and minimum requirements regarding discipline and
576 scholarship of the institution attended, such benefits to such
577 child or spouse must be withdrawn and no further moneys may be
578 expended for the child's or spouse's benefits so long as such
579 failure or delinquency continues.

580 (b) Only students in good standing in their respective

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581 institutions shall receive the benefits provided in this
582 subsection.

583 (c) A child or spouse receiving benefits under this
584 subsection shall be enrolled according to the customary rules
585 and requirements of the institution attended.

586 (4) (a) The employer of an emergency medical technician or a
587 paramedic is liable for the payment of the benefits specified in
588 this section and deemed self-insured, unless it procures and
589 maintains, or has already procured and maintained, insurance to
590 cover such payments. Any such insurance may cover only the risks
591 indicated in this section, in the amounts indicated in this
592 section, or it may cover those risks and additional risks and
593 may be in larger amounts. Any such insurance must be placed by
594 such employer only after public bid of such insurance coverage,
595 which must be awarded to the carrier making the lowest best bid.

596 (b) Payment of benefits to beneficiaries of state
597 employees, or of the premiums to cover the risk, under this
598 section, must be paid from existing funds otherwise appropriated
599 to the agency who employed the emergency medical technician or
600 paramedic.

601 (5) The State Board of Education shall adopt rules and
602 procedures, and the Board of Governors shall adopt regulations
603 and procedures, as are appropriate and necessary to implement
604 the educational benefits provisions in this section.

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

607 250.34 Injury or death on state active duty.—

608 (4) Each member of the Florida National Guard who is
609 accidentally killed or receives accidental bodily injury that

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610 results in the loss of the member's life, provided that such
611 killing is not the result of suicide and that such bodily injury
612 is not intentionally self-inflicted, or who is unlawfully and
613 intentionally killed or dies as a ~~the~~ result of such unlawful
614 and intentional conduct or is killed during active duty ~~injuries~~
615 incurred, while engaged in the performance of his or her
616 official duties ~~on state active duty~~ under competent orders
617 qualifies for benefits as a law enforcement officer pursuant to
618 s. 112.19 or any successor statute providing for death benefits
619 for law enforcement officers, and the decedent's survivors or
620 estate are entitled to the death benefits provided in s. 112.19.
621 However, this section does not prohibit survivors or the estate
622 of the decedent from presenting a claim bill for approval by the
623 Legislature in addition to the death benefits provided in this
624 section.

625 Section 6. Section 295.01, Florida Statutes, is reenacted
626 and amended to read:

627 295.01 Children of deceased or disabled veterans; spouses
628 of deceased or disabled servicemembers; education.—

629 (1) It is ~~hereby declared to be~~ the policy of the state to
630 provide educational opportunity at state expense for dependent
631 children either of whose parents entered the Armed Forces and:

632 (a) Died as a result of service-connected injuries,
633 disease, or disability sustained while on active duty;

634 (b) Was accidentally killed or received accidental bodily
635 injury resulting in the loss of life, while engaged in the
636 performance of official duties, provided that such killing was
637 not the result of suicide and that such bodily injury was not
638 intentionally self-inflicted;

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639 (c) Was unlawfully and intentionally killed or died as a
 640 result of such unlawful and intentional act, while engaged in
 641 the performance of official duties, or was otherwise killed
 642 during active duty; or

643 (d) ~~(b)~~ Has been:

644 1. Determined by the United States Department of Veterans
 645 Affairs or its predecessor to have a service-connected 100-
 646 percent total and permanent disability rating for compensation;

647 2. Determined to have a service-connected total and
 648 permanent disability rating of 100 percent and is in receipt of
 649 disability retirement pay from any branch of the United States
 650 Armed Services; or

651 3. Issued a valid identification card by the Department of
 652 Veterans' Affairs in accordance with s. 295.17,

653

654 when the parents of such children have been residents of the
 655 state or the duty post of the servicemember is within this state
 656 at the time of ~~for 1 year immediately preceding the~~ death or the
 657 occurrence of such disability, and subject to the rules,
 658 restrictions, and limitations set forth in this section.

659 (2) It is also the declared policy of this state to provide
 660 educational opportunity at state expense for spouses of deceased
 661 or disabled servicemembers.

662 (a) The unremarried spouse of a deceased servicemember, as
 663 defined in s. 250.01, qualifies for the benefits under this
 664 section:

665 1. If the servicemember and his or her spouse had been
 666 residents of the state or the duty post of the servicemember is
 667 within this state at the time of ~~for 1 year immediately~~

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668 ~~preceding~~ the servicemember's death and the servicemember's
669 death occurred under the circumstances provided in subsection
670 (1); and

671 2. If the unremarried spouse applies to use the benefit
672 within 5 years after the servicemember's death.

673 (b) The dependent spouse of a disabled servicemember, as
674 defined in s. 250.01, qualifies for the benefits under this
675 section:

676 1. If the servicemember and his or her spouse have been
677 married to each other for 1 year; and

678 2. If the servicemember and his or her spouse have been
679 residents of the state or the duty post of the servicemember is
680 within this state at the time of ~~for 1 year immediately~~
681 ~~preceding~~ the occurrence of the servicemember's disability and
682 the disability meets the criteria set forth in subsection (1);
683 and

684 3. Only during the duration of the marriage and up to the
685 point of termination of the marriage by dissolution or
686 annulment.

687
688 All rules, restrictions, and limitations set forth in this
689 section shall apply.

690 (3) Sections 295.03, 295.04, 295.05, and 1009.40 shall
691 apply.

692 (4) The State Board of Education shall adopt rules for
693 administering this section.

694 Section 7. Section 295.061, Florida Statutes, is created to
695 read:

696 295.061 Active duty servicemembers; death benefits.-

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697 (1) A death benefit must be paid by the state if an active
698 duty member of the United States Armed Forces, while engaged in
699 the performance of official duties, is:

700 (a) Accidentally killed or receives accidental bodily
701 injury that results in the loss of the member's life, provided
702 that such killing is not the result of suicide and that such
703 bodily injury is not intentionally self-inflicted; or

704 (b) Unlawfully and intentionally killed or dies as a result
705 of such unlawful and intentional act or is otherwise killed
706 during active duty.

707 (2) The death benefits must be paid in the same manner as
708 provided under s. 112.19 or any successor statute providing
709 death benefits for law enforcement officers, except that waivers
710 for educational expenses must be governed by the provisions of
711 this chapter.

712 (3) To qualify for the benefit, the deceased military
713 member must have been a resident of this state, or his or her
714 duty post must have been within this state, at the time of
715 death.

716 (4) Any benefits provided pursuant to this section are in
717 addition to any other benefits provided under the
718 Servicemembers' Group Life Insurance program or any other
719 program from the Federal Government.

720 (5) The sum necessary to fund the benefits provided in this
721 section shall be paid from the General Revenue Fund.

722 Section 8. This act shall take effect July 1, 2019.