

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1160

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Leek

SUBJECT: Benefits for Certain Officers Injured in the Line of Duty

DATE: April 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1160 expands the circumstances in which a law enforcement, correction, or correctional probation officer and his or her spouse and dependent children may become eligible for the payment of employer health insurance premium payments to include coverage where the officer suffers a catastrophic injury during any in the line of duty work and during official training. Under current law, an officer and the family are eligible for coverage only if the officer suffers a catastrophic injury as the result of the officer's response to a fresh pursuit, what he or she reasonably believes is an emergency, or an unlawful act.

The bill may result in a negative fiscal impact on state and local governments. The state and local governments will likely have to spend money to meet the new benefits established in this bill. The magnitude of this impact has not been determined at this time. See Section V., Fiscal Impact Statement.

The act takes effect on July 1, 2025

II. Present Situation:

State Personnel Management System

The state personnel management system provides means to recruit, select, train, develop, and maintain an effective and responsible workforce. The statutes include policies and procedures for employee hiring and advancement, training and career development, position classification,

salary administration, benefits, discipline, discharge, employee performance evaluations, affirmative action, and other related activities.¹

The Department of Management Services is charged with establishing and maintaining a classification and compensation program addressing Career Service, Selected Exempt Service, and Senior Management Service positions.² The classification of a position determines the types of benefits assigned and its compensation and collective bargaining. A position must be classified as Career Service unless specifically exempted by statute.³

Law Enforcement

A “law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers.⁴ A “law enforcement or correctional officer” means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist certified under ch. 943, F.S.⁵

The table below shows the number of certified law enforcement and correctional officers employed by each state agency.^{6,7}

Agency	Number of Officers
Agriculture and Consumer Services	197
Attorney General Medicaid Fraud Control	53
Business and Professional Regulation	101
Environmental Protection	16
Financial Services	269
Gaming Control Commission	14
Highway Safety and Motor Vehicles	2,045
Law Enforcement	543
Office of the Attorney General, Medicaid Fraud Control Unit	53
Lottery	24
Fish and Wildlife Conservation Commission	821
State Attorney’s Office	250
State Court System	75
State University & Colleges Police Departments	614
Florida School For Deaf and Blind Campus Police Security Services	10

¹ Section 110.105(1), F.S. Chapter 110, F.S., establishes the state’s personnel management system.

² Section 110.2035(1), F.S.

³ Section 110.205(1), F.S.

⁴ Section 943.1718, F.S.

⁵ Section 110.107(14), F.S.

⁶ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2022, State Agencies*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Apr. 11, 2025).

⁷ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2021, Schools and Ports*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Apr. 11, 2025).

Agency	Number of Officers
Florida Department of Corrections	17,630
Florida Department of Corrections, Office of Inspector General	181
Florida State Hospital	75
Florida State Hospital/Agency for Persons with Disabilities	57
North Florida Evaluation and Treatment Center	48
Wellpath Treasure Coast Forensic Treatment Center	68
Total Number of Officers	23,144

Injury and Death Benefits for Officers

State law provides a variety of death benefits for public employees. The current statutory benefits may be associated with supplemental benefits provided under chapter 112, F.S., death benefits provided under state and local government retirement systems, emergency responder death benefits administered by the Department of Legal Affairs, and workers compensation.

Under both the State Constitution and state law, law enforcement officers and their spouses and dependent children receive additional benefits when the officer is injured or dies in the line of duty.

Constitutional Requirements

Article X, s. 31 of the State Constitution requires a death benefit to be paid by the employing agency and the state to waive certain education expenses when a law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, emergency medical technician or a member of the Florida National Guard, while engaged in the performance of official duties, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

To be eligible for the benefits under the State Constitution, the law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, and emergency medical technician must be employed by the state or any of its subdivisions at the time of death.

In addition, the State Constitution requires a death benefit to be paid from the General Revenue Fund and the state to waive certain education expenses when a member of the United States Armed Forces, including a Florida National Guard member on federal active duty, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

For a member of the military to be eligible, the member must have been a resident of the state or his or her duty post must have been within the state, at the time of death.

Section 112.19, F.S., Statutory Benefits

Section 112.19, F.S., provides additional benefits, including a monetary payment, waiver of educational costs, and health insurance premiums, to the families of officers killed or injured in certain circumstances, as well as benefits for the surviving officer, if applicable. For these purposes, the term “officer” includes members of bomb disposal units; certain circuit and county court bailiffs; and individuals whose duties require him or her to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and are employed or appointed as a full-time, part-time, or auxiliary by the state or political subdivision thereof as a:

- Law enforcement officer;
- Correctional officer;
- Correctional probation officer;
- State attorney investigator;
- Public defender investigator; or
- Criminal conflict and civil regional counsel investigator.⁸

Any employer who employs a full-time officer who suffers a catastrophic injury in the line of duty must cover the employee and his or her spouse and dependent child’s premium for the health insurance plan⁹ if the injury occurred while the officer was responding to a fresh pursuit, what the officer reasonably believed to be an emergency, or perceived unlawful act.¹⁰

For purposes of this benefit, the employer is required to provide the basic group health insurance plan. Additionally, the employer must cover the dependent child’s health insurance premium until the individual becomes a student or reaches the age of 25.¹¹ A catastrophic injury is a permanent impairment constituted by:

- Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;
- Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;
- Severe brain or closed-head injury as evidenced by:
 - Severe sensory or motor disturbances;
 - Severe communication disturbances;
 - Severe complex integrated disturbances of cerebral function;
 - Severe episodic neurological disorders; or
 - Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided above;
- Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of five percent or more to the face and hands;
- Total or industrial blindness; or
- Any other injury that would otherwise qualify under this chapter [Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social

⁸ Section 112.19(1)(d), F.S.; *see* s. 943.10(14), F.S. (cited by s. 112.19(1)(d), F.S.).

⁹ Section 112.19(2)(h)1., F.S.

¹⁰ Section 112.19(2)(h)2., F.S.

¹¹ Section 112.19(2)(h)1., F.S.

Security Act existed on July 1, 1992] of a nature and severity that would qualify an employee to receive disability income benefits or supplemental security income benefits.¹²

These payments to the spouse and dependent child continue if the officer subsequently dies.

III. Effect of Proposed Changes:

Section 1 amends 112.19, F.S., to expand the manner in which a law enforcement, correction, or correctional probation officer, and his or her spouse and dependent children can become eligible for the payment of employer health insurance premium payments, to include coverage where the officer suffers a catastrophic injury during any in-the-line of duty work, and during official training.

The bill contains no indication that it is intended to be retroactive in effect. Thus, the bill will have prospective application and should apply only to those injured on or after July 1, 2025.

Section 2 provides that the Legislature determines and declares that the Act fulfills an important state interest.

Section 3 provides the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides, in relevant part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments may be required to pay for additional health insurance premiums. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

The bill may be excepted from the mandates provision because the expenditure is required to comply with a law that that applies to “all persons similarly situated” including state, counties, municipalities, and fire control districts. However, the bill applies only to public employers and excludes private employers. This is therefore unlikely to be found to affect all persons similarly situated. If it were, such exception would require a finding of important state interest on behalf of the legislature.

¹² See s. 440.02, F.S. (2002 version)(cited by s. 112.19(2)(h)).

The mandate requirements do not apply to laws that have an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{13, 14, 15} The estimated costs for the bill are unknown at this time. If the costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest; such a finding is included in section 2 of the bill. Additionally, the bill must be approved by a two-thirds vote of the membership of each house.

This bill currently does not contain a finding of important state interest.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

A greater number of law enforcement officers, correctional officers, and correctional probation officers and their families may be eligible for coverage of health insurance premiums.

C. Government Sector Impact:

The bill may result in a negative fiscal impact on the state and local governments. There may be state and local additional costs for employers of officers newly required to cover health insurance premiums; however, it depends on the number of full-time law

¹³ FLA. CONST. art. VII, s. 18(d).

¹⁴ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 16, 2025).

¹⁵ Based on the Florida Demographic Estimating Conference's February 4, 2025, population forecast for 2025 of 23,332,606. https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 16, 2025).

enforcement, correctional, and correctional probation officers that sustain a catastrophic injury during an official training exercise or in the line of duty. The scope of this impact has not been fully studied at this time.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 112.19 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 1, 2025:

Adds a legislative determination and declaration that the act fulfills an important state interest, to comply with the requirements of Article VII, section 18 of the State Constitution.

- B. **Amendments:**

None.