

# **FLORIDA**

## **DEATH BENEFITS AVAILABLE TO THE SURVIVING FAMILIES OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY**



To obtain certified copies of registered personal documents, contact the Bureau of Vital Statistics: Submit written request to PO Box 210, Jacksonville, FL 32231. Office: (904) 359-6900, ext. 1024. <http://www.floridahealth.gov/certificates/index.html>

### **STATE DEATH BENEFITS**

F.S. 112. 19 (Effective July 1, 2013). Paid to beneficiary designated by officer during life and delivered by state:

- A. \$65,773.53 if death is accidental.
- B. \$65,773.53 if death is accidental and officer was in "fresh pursuit" or responding to an emergency.
- C. \$198,272.66 if unlawfully and intentionally killed.

F.S. 112. 19 2. (f) A full-time law enforcement, correctional, or correctional probation officer who is employed by a state agency is killed in the line of duty as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions, the sum of \$1,000 shall be paid, as provided for in paragraph (d), toward the funeral and burial expenses of such officer. Such benefits are in addition to any other benefits which employee beneficiaries and dependents are entitled to under the provisions of the Workers' Compensation law or any other state or federal statutes. 2A-8.005 Adjustments to Reflect Consumer Price Index.

F.S. 112.193 Upon the death of a law enforcement, correctional, or correctional probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request, one complete uniform, including the badge worn by the officer. However, if law enforcement, correctional, or correctional probation officer is killed in the line of duty, the employer may present, upon request, to the spouse or other beneficiary of the officer the officer's service-issued handgun, if one was issued as part of the officer's equipment. If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun. The provisions of this section shall also apply in that instance to a law enforcement or correctional officer who died before May 1, 1993. In addition, the officer's service handgun may be presented by the employer for any such officer who was killed in the line of duty prior to this act becoming a law.

F.S. 112.194 Any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers or correctional officers may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty. The Medal of Valor may include, but is not limited to, a medal authorized to be worn on the officer's uniform during formal occasions and a commendation bar to be worn on the uniform during normal duty. The amount of funds that may be expended to provide a Medal of Valor shall not exceed \$250. Upon the death of such a law enforcement officer or correctional officer, the employer may present the Medal of Valor posthumously to the officer's closest living relative.

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### **EDUCATIONAL BENEFITS**

F.S. 112.19 2(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed on or after June 22, 1990, or unlawfully and intentionally killed on or after July 1, 1980, the state shall waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a state community college, or a state university. The child or spouse may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death. The waiver can be obtained from the registrar of the school the child attends.

F.S. 440.16 (c) To the surviving spouse, payment of postsecondary student fees for instruction at any career center established under s. 1001.44 for up to 1,800 classroom hours or payment of student fees at any community college established under part III of chapter 1004 for up to 80 semester hours. The spouse of a deceased state employee shall be entitled to a full waiver as provided in ss. 1009.22 and 1009.23 in lieu of the payment of such fees. The benefits provided for in this paragraph shall be in addition to other benefits provided for in this section and shall terminate 7 years after the death of the deceased employee, or when the total payment in eligible compensation under paragraph (b) has been received. To qualify for the educational benefit under this paragraph, the spouse shall be required to meet and maintain the regular admission

requirements of, and be registered at, such career center or community college, and make satisfactory academic progress as defined by the educational institution in which the student is enrolled. (2) The dependence of a child, except a child physically or mentally incapacitated from earning a livelihood, shall terminate with the attainment of 18 years of age, with the attainment of 22 years of age if a full-time student in an accredited educational institution, or upon marriage.

## **WORKERS' COMPENSATION**

Definition: Law enforcement officer, firefighter, emergency medical technician, or paramedic; when acting within the course of employment if an employee:(a) Is elected, appointed, or employed full time by a municipality, the state, or any political subdivision and is vested with authority to bear arms and make arrests and the employee's primary responsibility is the prevention or detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state; (b) Was discharging that primary responsibility within the state in a place and under circumstances reasonably consistent with that primary responsibility; and (c) Was not engaged in services for which he or she was paid by a private employer, and the employee and his or her public employer had no agreement providing for workers' compensation coverage for that private employment.;

F.S.440.16 Compensation for death. (1) If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay: (a) Within 14 days after receiving the bill, actual funeral expenses not to exceed \$7,500.

(b) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased, and in the following order of preference, subject to the limitation provided in subparagraph 2., but such compensation shall be subject to the limits provided in s. 440.12(2), shall not exceed \$150,000, and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, 66 2/3 percent of the average wage:

1. To the spouse, if there is no child, 50 percent of the average weekly wage, such compensation to cease upon the spouse's death.

2. To the spouse, if there is a child or children, the compensation payable under subparagraph 1. and, in addition, 16 2/3 percent on account of the child or children.

However, when the deceased is survived by a spouse and also a child or children, whether such child or children are the product of the union existing at the time of death or of a former marriage or marriages, the judge of compensation claims may provide for the payment of compensation in such manner as may appear to the judge of compensation claims just and proper and for the best interests of the respective parties and, in so doing, may provide for the entire compensation to be paid exclusively to the child or children; and, in the case of death of such spouse, 33 1/3 percent for each child.

However, upon the surviving spouse's remarriage, the spouse shall be entitled to a lump-sum payment equal to 26 weeks of compensation at the rate of 50 percent of the average weekly wage as provided in s. 440.12(2), unless the \$150,000 limit provided in this paragraph is exceeded, in which case the surviving spouse shall receive a lump-sum payment equal to the remaining available benefits in lieu of any further indemnity benefits. In no case shall a surviving spouse's acceptance of a lump-sum payment affect payment of death benefits to other dependents.

3. To the child or children, if there is no spouse, 33 1/3 percent for each child.
4. To the parents, 25 percent to each, such compensation to be paid during the continuance of dependency.
5. To the brothers, sisters, and grandchildren, 15 percent for each brother, sister, or grandchild.

For more information contact the **Division of Workers Compensation, Department of Financial Services**: 200 East Gaines Street, Tallahassee, FL 32399-4228, or at (800) 342-1741. <http://www.myfloridacfo.com/division/wc/>

### **HEALTH BENEFITS**

Health benefits vary depending upon police department benefits. Spouses of state and county officers may elect to continue to participate in the same benefit program in effect at the time of the officer's death. Contact the Benefits Coordinator at your agency.

### **RETIREMENT/PENSION**

Effective 7/1/2016, the Florida Legislature passed SB 7012, which authorizes payment of death benefits to the surviving spouse or children of Special Risk Class member killed in line of duty; establishes qualifications and eligibility requirements; prescribes method of calculating benefit; specifies circumstances under which benefit payments are terminated; requires the State Board of Administration to transfer moneys to fund survivor benefit payments; adjusts employer contribution rates. Those eligible for this benefit are the surviving spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty.

For more information, contact the Florida Department of Management Services, Florida Retirement Services (FRS), 1317 Winewood BLVD Building 8, Tallahassee, FL 32399 (Mailing: PO Box 9000, Tallahassee, FL 32315). Toll free: (844) 377-1888 or (850) 907-6500.

### **HOMESTEAD PROPERTY TAX EXEMPT**

Total or partial homestead tax exemption varies, please contact the property appraiser in your area.

## **ADDITIONAL BENEFITS**

### **PEER SUPPORT ORGANIZATION**

Established in 1984, Concerns of Police Survivors, Inc., (C.O.P.S.), is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. C.O.P.S. has become a "lifeline" to police survivors nationwide. **Contact the C.O.P.S. National Office at (573) 346-4911 or visit <https://www.nationalcops.org/localchapters.html> for information on a chapter in your area.**

### **FUNERAL AND CREMATION BENEFITS**

**Dignity Memorial** funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information at their website: [www.dignitymemorial.com](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call (800) 343-4464 and speak with a representative 24/7.

**Wilbert Funeral Services, Inc.** provides complimentary burial vaults and related services for fallen law enforcement officers. For more information, visit [www.wilbert.com](http://www.wilbert.com) or call (800) 323-7188.



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