1989

Session Law 89-22

Florida Senate & House of Representatives

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H 123 GENERAL BILL/JCS by Employee & Management Relations; Tobiasen; Deutsch; Shelley and others (Similar S 197)

Law Enf. Officer/Killed Line of Duty: provides for payment of certain premiums for state group health insurance to surviving spouse of certain law enforcement or correctional officers killed in line of duty & for payment of premiums to certain children; provides additional death benefit to certain law enforcement or correctional officers; provides that employers may provide such officers or their beneficiaries with certain benefits upon retirement, etc. Amends 110.123, 112.19, 193.

Effective Date: 05/23/89.

01/17/89 HOUSE Prefiled
01/31/89 HOUSE Referred to Employee & Management Relations; Appropriations
02/27/89 HOUSE On Committee agenda—Employee & Management Relations, 03/07/89, 8:30 am, 314-HOB—For ratification of subreferral
03/07/89 HOUSE Subreferred to Subcommittee on Employee/Employer Relations
04/04/89 HOUSE Introduced, referred to Employee & Management Relations; Appropriations—HJ 23; Subreferred to Subcommittee on Employee/Employer Relations; On subcommittee agenda—Employee & Management Relations, 04/05/89, 10:15 am, 314-HOB
04/05/89 HOUSE Subcommittee Recommendation: Favorable with 1 amendment; On Committee agenda, pending subcommittee action—Employee & Management Relations, 04/06/89, 1:15 pm, 314-HOB
04/06/89 HOUSE Preliminary Committee Action by Employee & Management Relations: Favorable as a CS
04/11/89 HOUSE Comm. Report: CS by Employee & Management Relations—HJ 204; CS read first time—HJ 203; Now in Appropriations—HJ 204
04/18/89 HOUSE On Committee agenda—Appropriations, 04/19/89, 1:30 pm, 21-HOB
04/19/89 HOUSE Preliminary Committee Action by Appropriations: Favorable.
04/24/89 HOUSE Comm. Report: Favorable by Appropriations, placed on Calendar—HJ 257
04/28/89 HOUSE Placed on Special Order Calendar; Read second time—HJ 307
05/02/89 HOUSE Read third time; CS passed; YEAS 115 NAYS 0—HJ 320; Immediately certified—HJ 320
05/02/89 SENATE Received, referred to Personnel, Retirement and Collective Bargaining—SJ 278; Immediately withdrawn from Personnel, Retirement and Collective Bargaining—SJ 284; Substituted for SB 197; CS passed; YEAS 36 NAYS 0—SJ 285
05/10/89 Signed by Officers and presented to Governor—HJ 504
05/16/89 Approved by Governor: Chapter No. 89-22—HJ 988

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

A. PRESENT SITUATION:

Since 1981, each collective bargaining agreement between the State and Law Enforcement Bargaining Unit (represented by the PBA) has contained the provision that any state agency employing a law enforcement officer who is "killed in the line of duty as a result of an act of violence inflicted by another person" shall pay the entire cost of the State Employees' Group Health Self Insurance Plan for the deceased employee's surviving spouse until remarried, and for the deceased employee's children until they reach the age of nineteen. If any such child attends college, coverage shall continue until the child's 23rd birthday or until the award of a baccalaureate degree, whichever comes first.

The aforementioned collective bargaining agreements have also contained the provision that the employing agency shall pay the sum of $1,000 toward the funeral and burial expenses of a law enforcement officer who is "killed in the line of duty as a result of an act of violence inflicted by another person." This benefit shall be in addition to any benefits provided by state or federal law.

In 1985, the Security Services Unit (Correctional Officers) negotiated its first collective bargaining contract with the State. Their initial agreement and all subsequent agreements have contained the exact two death benefits described above.

In order to implement and authorize the payment of such costs, each legislative Appropriations Act since 1981 has contained
proviso language authorizing agencies to expend funds to provide these death benefits.

Section 112.193, F.S., provides that upon the retirement of a state law enforcement officer from a state retirement system, the employer is authorized to present the employee a uniform, badge, service revolver and identification card as a retirement award. Also, upon a law enforcement officer's death, the state is authorized to present the beneficiary a uniform.

B. EFFECT OF PROPOSED CHANGES:

The bill would codify into the Florida Statutes certain death benefits for state law enforcement and correctional officers including state-paid health insurance for surviving spouses and children and the state payment of $1,000 toward funeral expenses. These benefits have been a part of the collective bargaining agreements between the State and Law Enforcement Bargaining Unit since 1981 and the State Security Services Unit since 1985. Such State paid premiums shall apply to the surviving spouse and children of any state law enforcement or correctional officer who is killed in the line of duty on or after July 1, 1980, as a result of an act of violence inflicted by another person while the officer is engaged in law enforcement duties or as a result of an assault against the officer under riot conditions.

The bill also amends s. 112.193, F.S., to allow counties and municipalities to provide law enforcement or correctional officers with a uniform, badge and service revolver upon their retirement from either the state or a municipal retirement system. Also, a uniform may be presented to the beneficiary of a law enforcement or correctional officer upon his/her death.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   Indeterminate.

3. Long Run Effects Other Than Normal Growth:
   Indeterminate.
4. Appropriations Consequences:

The Department of Law Enforcement indicates that during the nine-year period between 1980-88, nine state law enforcement and correctional officers were "unlawfully and intentionally" killed in the line of duty. The breakdown is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>3</td>
<td>(1 Highway Patrol Trooper, 1 Correctional Officer and 1 Fish &amp; Game Wildlife Officer)</td>
</tr>
<tr>
<td>1986</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>2</td>
<td>(1 Highway Patrol Trooper and 1 Fish and Game Wildlife Officer)</td>
</tr>
<tr>
<td>1983</td>
<td>1</td>
<td>(Correctional Officer)</td>
</tr>
<tr>
<td>1982</td>
<td>1</td>
<td>(Correctional Officer)</td>
</tr>
<tr>
<td>1981</td>
<td>1</td>
<td>(Highway Patrol Trooper)</td>
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Currently, family coverage in the State Employee's Group Health Self-Insurance Plan costs $3,211.92 per year ($267.66/mo.) while individual coverage costs $1,446.72 ($120.56/mo.). Based upon current premiums, assuming family coverage in all nine cases and that there is a surviving spouse who has not remarried and that all children are under the age of majority, the maximum annual cost of the bill as to today's date would be 9 x $3,211.92 (health insurance premium) which equals $28,907.28 plus 9 x $1,000 (funeral expenses) equals $9,000 for a grand total of $37,907.28.

Since it is highly probable that the cost of state health insurance premiums will escalate in the coming years, commensurate increases in the annual cost of this benefit can be expected. As noted earlier, each employing agency is responsible for the payment of these benefits.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate.

2. Recurring or Annualized Continuation Effects:

The cost for counties and municipalities to provide benefit awards to their retiring law enforcement and correctional officers is indeterminable. The bill authorizes but does not mandate this benefit; therefore, each county's and municipality's costs will depend upon their choice to make such awards and the number of officers who are eligible to receive the benefits.
3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

   1. Direct Private Sector Costs:
      None.

   2. Direct Private Sector Benefits:
      None.

   3. Effects on Competition, Private Enterprise, and Employment Markets:
      None.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

   CS/HB 123 meets the committee mission by promoting a more harmonious
   and productive relationship between employer and employee. The
   legislation codifies language which has been agreed to through the
   collective bargaining process.

IV. COMMENTS:

   None.

V. SIGNATURES:

   SUBSTANTIVE COMMITTEE:
   Prepared by:
   Prepared by:
   Randy Touchton
   Staff Director:
   Ron Poppell

   SECOND COMMITTEE OF REFERENCE:
   Prepared by:
   Staff Director:

   APPROPRIATIONS:
   Prepared by:
   Staff Director:
I. SUMMARY:

A. Present Situation:

Since 1981, each collective bargaining agreement between the State and Law Enforcement Bargaining Unit (represented by the PBA) has contained the provision that any state agency employing a law enforcement officer who is "killed in the line of duty as a result of an act of violence inflicted by another person" shall pay the entire cost of the State Employees' Group Health Self Insurance Plan for the deceased employee's surviving spouse until remarried, and for the deceased employee's children until they reach the age of nineteen. If any such child attends college, coverage shall continue until the child's 23rd birthday or until the award of a baccalaureate degree, whichever comes first.

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B. Effect of Proposed Changes:

The bill would codify into the Florida Statutes certain death benefits for state law enforcement and correctional officers including state-paid health insurance for surviving spouses and children and the state payment of $1,000 toward funeral expenses. These benefits have been a part of the collective bargaining agreements between the State and Law Enforcement Bargaining Unit since 1981 and the State Security Services Unit since 1985. Such State paid premiums shall apply to the surviving spouse and children of any state law enforcement or
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II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public: None

B. Government:

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III. COMMENTS:

As currently constructed, the bill requires the State to pay "...the entire cost of the state Employees' Group Health Self-Insurance Plan..." which could be construed to include participant deductibles and co-payments as well as premiums. To clarify in the bill that only the participant's premium will be paid by the State, the word cost should be changed to "premium" on line 12 of page 2.
IV. AMENDMENTS:

#1 by Personnel, Retirement, and Collective Bargaining:
Clarifies that the State shall pay only the "premium" cost rather than the "entire" cost of health insurance for persons impacted by the bill.