

By Commissioner Gainey

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1 A proposal to create
2 a new section in Article X of the State Constitution
3 to establish the rights to certain death benefits to
4 the survivors of specified first responders.

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6 Be It Proposed by the Constitution Revision Commission of
7 Florida:

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9 A new section is added to Article X of the State
10 Constitution:

11 ARTICLE X

12 MISCELLANEOUS

13 Death benefits for survivors of first responders.-

14 (a) A death benefit shall be paid by the first responder's
15 employing agency when a firefighter; a paramedic; an emergency
16 medical technician; or a law enforcement, correctional, or
17 correctional probation officer, while engaged in the performance
18 of their official duties, is:

19 (1) Accidentally killed or receives accidental bodily
20 injury which results in the loss of the individual's life,
21 provided that such killing is not the result of suicide and that
22 such bodily injury is not intentionally self-inflicted; or

23 (2) Unlawfully and intentionally killed or dies as a result
24 of such unlawful and intentional act.

25 (b) Payments authorized under subsection (a), regardless of
26 whether secured by insurance, shall be made to the beneficiary
27 that is designated by such first responder through a written
28 designation signed by the first responder and delivered to the
29 employing agency during the first responder's lifetime. If no
30 such designation is made, the payment shall be made to the first
31 responder's surviving child or children and spouse in equal
32 portions, and if there is no surviving child or spouse, then to

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33 the first responder's parent or parents. If a beneficiary is not
34 designated and there is no surviving child, spouse, or parent,
35 the payment shall be made to the first responder's estate.

36 (c) Payments that are made pursuant to subsections (a) and
37 (b) are in addition to any workers' compensation or pension
38 benefits and are exempt from the claims and demands of creditors
39 of the first responder.

40 (d) If a firefighter; a paramedic; an emergency medical
41 technician; or a law enforcement, correctional, or correctional
42 probation officer is accidentally killed as specified in
43 paragraph (a) (1), or unlawfully and intentionally killed as
44 specified in paragraph (a) (2), the state shall waive certain
45 educational expenses that the child or spouse of the deceased
46 first responder incurs while obtaining a career certificate, an
47 undergraduate education, or a postgraduate education. The amount
48 waived by the state shall be an amount equal to the cost of
49 tuition and matriculation and registration fees for a total of
50 120 credit hours. The child or spouse may attend a state career
51 center, a Florida College System institution, or a state
52 university. The child or spouse may attend any or all of the
53 institutions specified in this subsection, on either a full-time
54 or part-time basis. The benefits provided to a child under this
55 subsection continue until the child's 25th birthday. The
56 benefits provided to a spouse under this subsection must
57 commence within 5 years after the death occurs, and entitlement
58 thereto shall continue until the tenth anniversary of that
59 death.

60 (e) This section does not limit the legislature from
61 enacting laws consistent with this section.

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62 (f) This amendment becomes effective upon approval by the
63 electors.