

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 and
5 military members.

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

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

12 ARTICLE X
13 MISCELLANEOUS

14 Death benefits for survivors of first responders and
15 military members.-

16 (a) A death benefit shall be paid by the employing agency
17 when a firefighter; a paramedic; an emergency medical
18 technician; a law enforcement, correctional, or correctional
19 probation officer; or a member of the Florida National Guard,
20 while engaged in the performance of their official duties, is:

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

25 (2) Unlawfully and intentionally killed or dies as a result
26 of such unlawful and intentional act or is killed during active
27 duty.

28 (b) A death benefit shall be paid by funds from general
29 revenue when an active duty member of the United States Armed
30 Forces is:

31 (1) Accidentally killed or receives accidental bodily
32 injury which results in the loss of the individual's life,

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33 provided that such killing is not the result of suicide and that
34 such bodily injury is not intentionally self-inflicted; or

35 (2) Unlawfully and intentionally killed or dies as a result
36 of such unlawful and intentional act or is killed during active
37 duty.

38 (c) An eligible first responder must have been working for
39 the State of Florida or any of its political subdivisions or
40 agencies at the time of death. An eligible military member must
41 have been a resident of this state or whose duty post was within
42 the State of Florida at the time of death.

43 (d) Payments authorized under subsections (a) and (b),
44 regardless of whether secured by insurance, shall be made to the
45 beneficiary that is designated by such first responder or
46 military member through a written designation signed by the
47 first responder or military member and delivered to the
48 employing agency during the first responder or military member's
49 lifetime. If no such designation is made, the payment shall be
50 made to the first responder's or military member's surviving
51 child or children and spouse in equal portions, and if there is
52 no surviving child or spouse, then to the first responder's or
53 military member's parent or parents. If a beneficiary is not
54 designated and there is no surviving child, spouse, or parent,
55 the payment shall be made to the first responder or military
56 member's estate.

57 (e) Payments that are made pursuant to subsections (a)
58 through (d) are in addition to any workers' compensation or
59 pension benefits and are exempt from the claims and demands of
60 creditors of the first responder or military member.

61 (f) If a firefighter; a paramedic; an emergency medical

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62 technician; a law enforcement, correctional, or correctional
63 probation officer; or an active duty member of the United States
64 Armed Forces or Florida National Guard is accidentally killed as
65 specified in paragraphs (a) (1) and (b) (1), or unlawfully and
66 intentionally killed as specified in paragraphs (a) (2) and
67 (b) (2), the state shall waive certain educational expenses that
68 the child or spouse of the deceased first responder or military
69 member incurs while obtaining a career certificate, an
70 undergraduate education, or a postgraduate education. The amount
71 waived by the state shall be an amount equal to the cost of
72 tuition and matriculation and registration fees for a total of
73 120 credit hours. The child or spouse may attend a state career
74 center, a Florida College System institution, or a state
75 university. The child or spouse may attend any or all of the
76 institutions specified in this subsection, on either a full-time
77 or part-time basis. The benefits provided to a child under this
78 subsection continue until the child's 25th birthday. The
79 benefits provided to a spouse under this subsection must
80 commence within 5 years after the death occurs, and entitlement
81 thereto shall continue until the tenth anniversary of that
82 death.

83 (g) This section does not limit the legislature from
84 enacting laws consistent with this section.

85 (h) This amendment becomes effective upon approval by the
86 electors.