

By Senator Dyer

14-65-99

1                                   A bill to be entitled  
2           An act for the relief of Lois Hild, as widow of  
3           Fred E. Hild and beneficiary of his estate;  
4           providing an appropriation for the purpose of  
5           paying Lois Hild the retirement benefits to  
6           which she would have been entitled as surviving  
7           spouse of Fred E. Hild had Fred E. Hild  
8           selected a specified retirement option upon his  
9           retirement under the Florida Retirement System;  
10          providing an effective date.  
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12          WHEREAS, Fred E. Hild was an administrator at Valencia  
13          Community College, a state junior college in the Orlando area,  
14          and  
15          WHEREAS, Fred E. Hild worked at Valencia Community  
16          College for 28 years in a number of positions, including  
17          assistant provost and dean of the west campus, and  
18          WHEREAS, in October 1995, Fred E. Hild suffered a  
19          stroke, and  
20          WHEREAS, after being discharged from the hospital, Fred  
21          E. Hild continued to receive rehabilitative therapies as an  
22          outpatient at home, but was left with permanent disabilities,  
23          including problems with his eyesight and short-term memory  
24          loss, and  
25          WHEREAS, because Fred E. Hild's stroke was sudden and  
26          unanticipated, no arrangements had been made at Valencia  
27          Community College for a transition to a successor for the post  
28          which Fred E. Hild held at the time of his stroke, and  
29          WHEREAS, in April 1996, Fred E. Hild agreed to return  
30          to work at Valencia Community College to provide a transition  
31          for the successor to his duties, and

1           WHEREAS, Fred E. Hild worked on a part-time basis until  
2 June 1, 1996, and then full time from June 1996 to August 1996  
3 when he formally retired, and

4           WHEREAS, upon returning to work at Valencia Community  
5 College and as his retirement date approached, Fred E. Hild  
6 was given an election form on which he was to select one of  
7 the four options for the payment of his retirement benefits  
8 under the Florida Retirement System, and

9           WHEREAS, in accordance with Rule 60S-4.010(9), Florida  
10 Administrative Code, a member of the Florida Retirement System  
11 must indicate on the election form whether he or she is  
12 married or not and, if he or she is married, his or her spouse  
13 must sign the form acknowledging that the member has elected  
14 either Option 1 or Option 2, and

15           WHEREAS, unfortunately in the case of Fred E. Hild and  
16 his wife, Lois Hild, this acknowledgement by the spouse does  
17 not provide that the spouse have actual knowledge of which of  
18 these two options the member has selected, and

19           WHEREAS, Fred E. Hild presented his wife, Lois Hild,  
20 with the form for the election of retirement options, and Lois  
21 Hild signed the form in the space indicated on the form, and

22           WHEREAS, the Hilds apparently believed that, because  
23 Mr. Hild's signature had to be notarized but Mrs. Hild's  
24 signature did not have to be notarized, it was necessary for  
25 Mr. Hild to check the box indicating the selection of his  
26 retirement option in the presence of the notary, and

27           WHEREAS, therefore, at the time Lois Hild signed the  
28 retirement option selection form, the rest of the form was  
29 blank, and

30           WHEREAS, prior to signing the retirement option  
31 selection form, Fred E. Hild had discussed with his wife, Lois

1 Hild, the fact that he would be selecting Option 2 under the  
2 Florida Retirement System, an option which provides for 120  
3 equal monthly benefits to a surviving designated beneficiary  
4 of the member in the event of the member's death, and

5 WHEREAS, however, when Fred E. Hild presented the  
6 retirement option selection form to the personnel office of  
7 Valencia Community College, he had checked Option 1 on the  
8 form instead of Option 2, and

9 WHEREAS, Option 1 under the Florida Retirement System  
10 provides for the payment of retirement benefits during the  
11 life of the member, with no continuing payments to the spouse  
12 of the member after the member's death, and

13 WHEREAS, individuals in the Valencia Community College  
14 personnel office were concerned that Fred E. Hild was confused  
15 during much of the time they discussed his retirement with  
16 him, and

17 WHEREAS, on one occasion, Vickie Nelson, the assistant  
18 in the personnel office with whom Fred E. Hild most frequently  
19 dealt concerning his retirement, went to the Provost's  
20 secretary, Dixie Borden, to raise her concerns that Fred E.  
21 Hild did not fully understand what he was being told about his  
22 retirement, and

23 WHEREAS, unfortunately, no one at Valencia Community  
24 College ever relayed these concerns to Lois Hild or mentioned  
25 to her that her husband, Fred E. Hild, had elected Option 1,  
26 an obviously poor choice given Fred E. Hild's poor state of  
27 health, and

28 WHEREAS, a number of people, including Fred E. Hild's  
29 physician, attest to Mr. Hild's confused state and the other  
30 facts set forth herein, and

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1           WHEREAS, Fred E. Hild died in September 1997, having  
2 received his Option 1 retirement payments under the Florida  
3 Retirement System from August 1996 until his death, and

4           WHEREAS, Fred E. Hild's selection of Option 1 under the  
5 Florida Retirement System was not intended and was the product  
6 of his lack of capacity, NOW, THEREFORE,

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8 Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. The facts stated in the preamble to this  
11 act are found and declared to be true.

12           Section 2. The Executive Office of the Governor is  
13 directed to transfer existing spending authority or establish  
14 spending authority from the General Revenue Fund in the State  
15 Treasury in an amount equal to a monthly retirement benefit of  
16 \$1,692.72, plus an annual cost of living allowance, to be paid  
17 for a period of 106 months, which would have been due Lois  
18 Hild, as surviving spouse of Fred E. Hild, had Fred E. Hild  
19 selected Option 2 upon his retirement under the Florida  
20 Retirement System.

21           Section 3. The Comptroller is directed to draw his  
22 warrant in favor of Lois Hild in an amount equal to a monthly  
23 retirement benefit of \$1,692.72, plus an annual cost of living  
24 allowance, to be paid for a period of 106 months, which would  
25 have been due Lois Hild, as surviving spouse of Fred E. Hild,  
26 had Fred E. Hild selected Option 1 upon his retirement under  
27 the Florida Retirement System.

28           Section 4. This act shall take effect July 1, 1999.  
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LEGISLATIVE SUMMARY

Provides for the relief of Lois Hild, widow of Fred E. Hild. Provides an appropriation for the purpose of paying Lois Hild the retirement benefits to which she would have been entitled as surviving spouse of Fred E. Hild had Fred E. Hild selected a specified retirement option upon his retirement under the Florida Retirement System.