

By Senator Hays

11-00153A-15

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1                   A bill to be entitled  
2           An act relating to the Florida Retirement System;  
3           amending s. 121.091, F.S.; specifying eligibility of a  
4           monthly death benefit payment to the surviving spouse,  
5           child, or parent of a law enforcement officer or  
6           firefighter employed by the state; providing an annual  
7           appropriation; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Paragraph (i) is added to subsection (7) of  
12           section 121.091, Florida Statutes, to read:

13           121.091 Benefits payable under the system.—Benefits may not  
14           be paid under this section unless the member has terminated  
15           employment as provided in s. 121.021(39) (a) or begun  
16           participation in the Deferred Retirement Option Program as  
17           provided in subsection (13), and a proper application has been  
18           filed in the manner prescribed by the department. The department  
19           may cancel an application for retirement benefits when the  
20           member or beneficiary fails to timely provide the information  
21           and documents required by this chapter and the department's  
22           rules. The department shall adopt rules establishing procedures  
23           for application for retirement benefits and for the cancellation  
24           of such application when the required information or documents  
25           are not received.

26           (7) DEATH BENEFITS.—

27           (i)1. Notwithstanding any other provision in this chapter  
28           or chapter 112 to the contrary, a qualifying survivor of a  
29           member employed by the state as a law enforcement officer as

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30 defined in s. 943.10 or as a firefighter as defined in s.  
31 112.191, who is killed in the line of duty; is killed when off  
32 duty while acting in an official capacity to prevent injury,  
33 death, or loss of property; or otherwise killed by reason of his  
34 or her employment as a law enforcement officer or as a  
35 firefighter, is eligible for the following minimum benefits:

36 a. The surviving spouse may receive a monthly payment equal  
37 to the monthly salary being received by the member at the time  
38 of death for the rest of the surviving spouse's lifetime.

39 b. If the surviving spouse of the member dies, the monthly  
40 payment that would have been payable to the surviving spouse had  
41 the spouse lived shall be paid for the use and benefit of such  
42 member's child or children under 18 years of age and unmarried  
43 until the 18th birthday of the member's youngest child, or until  
44 the end of the calendar year that the member's youngest child  
45 reaches the age of 25 if such child is enrolled as a full-time  
46 student.

47 c. If a member leaves no surviving spouse but is survived  
48 by a child or children under 18 years of age, the benefits  
49 provided by sub-subparagraph a., normally payable to a surviving  
50 spouse, shall be paid for the use and benefit of such member's  
51 child or children under 18 years of age and unmarried until the  
52 18th birthday of the member's youngest child, or until the end  
53 of the calendar year that the member's youngest child reaches  
54 the age of 25 if such child is enrolled as a full-time student.

55 d. If a member leaves no surviving spouse or surviving  
56 children, but is survived by one or more parents, the benefits  
57 provided by sub-subparagraph a., normally payable to a surviving  
58 spouse or children, shall be paid for the use and benefit of

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59 such member's parents for a period not to exceed 5 years.

60 2. There is hereby annually appropriated from the General  
61 Revenue Fund, to be paid into the Florida Retirement System  
62 Trust Fund, an amount necessary to cover the additional costs  
63 associated with payment of the minimum benefits authorized by  
64 this paragraph to the extent that the costs of such benefits  
65 exceed other benefits authorized by law.

66 Section 2. This act shall take effect July 1, 2015.