

By the Committee on Governmental Oversight and Accountability;
and Senators Hays and Latvala

585-01472-15

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1 A bill to be entitled
2 An act relating to public officers and employees;
3 amending ss. 112.19 and 112.191, F.S.; specifying
4 eligibility of a monthly death benefit payment to the
5 surviving spouse, child, or joint annuitant of a law
6 enforcement officer, correctional officer,
7 correctional probation officer, or firefighter
8 employed by a state agency; providing an annual
9 appropriation; specifying applicability; authorizing
10 political subdivisions to offer a monthly death
11 benefit; reenacting s. 185.21, F.S., relating to
12 municipal police pensions, to incorporate the
13 amendment made to s. 112.19, F.S.; reenacting s.
14 175.201, F.S., relating to firefighter pensions, to
15 incorporate the amendment made to s. 112.191, F.S.;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (4) of section 112.19, Florida
21 Statutes, is amended, present subsection (6) of that section is
22 redesignated as subsection (8), and a new subsection (6) and
23 subsection (7) are added to that section, to read:

24 112.19 Law enforcement, correctional, and correctional
25 probation officers; death benefits.—

26 (4) (a) The employer of such law enforcement, correctional,
27 or correctional probation officer is liable for the payment of
28 the sums specified in subsection (2) ~~this section~~ and is deemed
29 self-insured, unless it procures and maintains, or has already

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30 procured and maintained, insurance to secure such payments. Any
31 such insurance may cover only the risks indicated in subsection
32 (2) ~~this section~~, in the amounts indicated in subsection (2)
33 ~~this section~~, or it may cover those risks and additional risks
34 and may be in larger amounts. Any such insurance shall be placed
35 by such employer only after public bid of such insurance
36 coverage which coverage shall be awarded to the carrier making
37 the lowest best bid.

38 (b) Payment of benefits to beneficiaries of state
39 employees, or of the premiums to cover the risk, under
40 subsection (2) ~~the provisions of this section~~ shall be paid from
41 existing funds otherwise appropriated to the department
42 employing the law enforcement, correctional, or correctional
43 probation officers.

44 (6) (a) If a law enforcement, correctional, or correctional
45 probation officer who is employed by a state agency is killed in
46 the line of duty; is killed when off-duty while acting in an
47 official capacity to prevent injury, death, or loss of property;
48 or is otherwise killed by reason of his or her employment as a
49 law enforcement, correctional, or correctional probation
50 officer, the following benefits shall be paid:

51 1. The surviving spouse shall receive a monthly payment
52 equal to 50 percent of the monthly salary received by the law
53 enforcement, correctional, or correctional probation officer at
54 the time of death for the lesser of the surviving spouse's
55 lifetime or 300 months.

56 2. If the surviving spouse of the law enforcement,
57 correctional, or correctional probation officer dies before
58 receiving 300 monthly payments, the monthly payment that would

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59 have been payable to the surviving spouse had the spouse lived
60 shall be paid for the use and benefit of the child or children
61 of such law enforcement, correctional, or correctional probation
62 officer until the later of:

63 a. The 21st birthday of the youngest child of the law
64 enforcement, correctional, or correctional probation officer.

65 b. The 25th birthday of any child of the law enforcement,
66 correctional, or correctional probation officer as long as the
67 child is enrolled for a minimum of 12 credit hours per semester
68 or academic term at an eligible educational institution, as
69 defined in s. 1009.97(3).

70 c. The day a child of the law enforcement, correctional, or
71 correctional probation officer who is physically disabled or
72 mentally disabled and incapable of self-support is no longer
73 disabled. The Department of Management Services may require
74 proof of disability or continued disability in the same manner
75 as is provided for a person seeking or receiving a disability
76 retirement benefit under s. 121.091(4).

77 3. If the law enforcement, correctional, or correctional
78 probation officer does not have a surviving spouse but is
79 survived by a child or children younger than 25 years of age,
80 the benefits provided under subparagraph 1., normally payable to
81 a surviving spouse, shall be paid for the use and benefit of the
82 child or children of such law enforcement, correctional, or
83 correctional probation officer under the same terms and
84 conditions provided in subparagraph 2.

85 4. If a law enforcement, correctional, or correctional
86 probation officer does not have a surviving spouse or surviving
87 child but is survived by a joint annuitant receiving benefits

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88 under chapter 121, the benefits provided under subparagraph 1.,
89 normally payable to a surviving spouse, shall be paid for the
90 use and benefit of the joint annuitant, as defined in s.
91 121.021, of such law enforcement, correctional, or correctional
92 probation officer for the same time period as the joint
93 annuitant receives benefits under chapter 121, not to exceed 300
94 months.

95 (b) There is annually appropriated from the General Revenue
96 Fund, to be paid into the State Risk Management Trust Fund
97 within the Department of Financial Services, an amount necessary
98 to cover the annual costs associated with payment of the
99 benefits authorized by this subsection.

100 (c) The benefits authorized by this subsection are in
101 addition to all other benefits authorized by this section or
102 chapter 121.

103 (d) The benefits shall be paid only for law enforcement,
104 correctional, and correctional probation officers killed on or
105 after July 1, 2015.

106 (7) A county, municipality, or other political subdivision
107 of the state may offer, at its expense, benefits not to exceed
108 the benefits specified in subsection (6) to law enforcement,
109 correctional, or correctional probation officers employed by
110 such entity.

111 Section 2. Subsection (4) of section 112.191, Florida
112 Statutes, is amended, present subsection (5) of that section is
113 redesignated as subsection (7), and a new subsection (5) and
114 subsection (6) are added to that section, to read:

115 112.191 Firefighters; death benefits.—

116 (4) (a) The employer of such firefighter shall be liable for

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117 the payment of said sums specified in subsection (2) ~~this~~
118 ~~section~~ and shall be deemed self-insured, unless it procures and
119 maintains, or has already procured and maintained, insurance to
120 secure such payments. Any such insurance may cover only the
121 risks indicated in subsection (2) ~~this section~~, in the amounts
122 indicated in subsection (2) ~~this section~~, or it may cover those
123 risks and additional risks and may be in larger amounts. Any
124 such insurance shall be placed by such employer only after
125 public bid of such insurance coverage which coverage shall be
126 awarded to the carrier making the lowest best bid.

127 (b) Payment of benefits to beneficiaries of state
128 employees, or of the premiums to cover the risk, under
129 subsection (2) ~~the provisions of this section~~, shall be paid
130 from existing funds otherwise appropriated for the department.

131 (5) (a) If a firefighter who is employed by a state agency
132 is killed in the line of duty; is killed when off-duty while
133 acting in an official capacity to prevent injury, death, or loss
134 of property; or is otherwise killed by reason of his or her
135 employment as a firefighter, the following benefits shall be
136 paid:

137 1. The surviving spouse shall receive a monthly payment
138 equal to 50 percent of the monthly salary received by the
139 firefighter at the time of death for the lesser of the surviving
140 spouse's lifetime or 300 months.

141 2. If the surviving spouse of the firefighter dies before
142 receiving 300 monthly payments, the monthly payment that would
143 have been payable to the surviving spouse had the spouse lived
144 shall be paid for the use and benefit of the child or children
145 of such firefighter until the later of:

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146 a. The 21st birthday of the youngest child of the
147 firefighter.

148 b. The 25th birthday of any child of the firefighter as
149 long as such child is enrolled for a minimum of 12 credit hours
150 per semester or academic term at an eligible educational
151 institution, as defined in s. 1009.97(3).

152 c. The day a child of the firefighter who is physically
153 disabled or mentally disabled child and incapable of self-
154 support is no longer disabled. The Department of Management
155 Services may require proof of disability or continued disability
156 in the same manner as is provided for a person seeking or
157 receiving a disability retirement benefit under s. 121.091(4).

158 3. If the firefighter does not have a surviving spouse but
159 is survived by a child or children younger than 25 years of age,
160 the benefits provided under subparagraph 1., normally payable to
161 a surviving spouse, shall be paid for the use and benefit of the
162 child or children of the firefighter under the same terms and
163 conditions provided in subparagraph 2.

164 4. If a firefighter does not have a surviving spouse or
165 surviving child but is survived by a joint annuitant receiving
166 benefits under chapter 121, the benefits provided under
167 subparagraph 1., normally payable to a surviving spouse, shall
168 be paid for the use and benefit of the joint annuitant, as
169 defined in s. 121.021, of such firefighter for the same time
170 period as the joint annuitant receives benefits under chapter
171 121, not to exceed 300 months.

172 (b) There is annually appropriated from the General Revenue
173 Fund, to be paid into the State Risk Management Trust Fund
174 within the Department of Financial Services, an amount necessary

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175 to cover the annual costs associated with payment of the
176 benefits authorized by this subsection.

177 (c) The benefits authorized by this subsection are in
178 addition to all other benefits authorized by this section or
179 chapter 121.

180 (d) The benefits shall be paid only for firefighters killed
181 on or after July 1, 2015.

182 (6) A county, municipality, or other political subdivision
183 of the state may offer, at its expense, benefits not to exceed
184 the benefits specified in subsection (5) to firefighters
185 employed by such entity.

186 Section 3. For the purpose of incorporating the amendment
187 made by this act to section 112.19, Florida Statutes, in a
188 reference thereto, Section 185.21, Florida Statutes, is
189 reenacted to read:

190 185.21 Death prior to retirement; refunds of contributions
191 or payment of death benefits.—For any municipality, chapter
192 plan, local law municipality, or local law plan under this
193 chapter:

194 (1) If a police officer dies before being eligible to
195 retire, the heirs, legatees, beneficiaries, or personal
196 representatives of such deceased police officer shall be
197 entitled to a refund of 100 percent, without interest, of the
198 contributions made to the municipal police officers' retirement
199 trust fund by such deceased police officer or, in the event an
200 annuity or life insurance contract has been purchased by the
201 board on such police officer, then to the death benefits
202 available under such life insurance or annuity contract, subject
203 to the limitations on such death benefits set forth in s.

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204 185.061 whichever amount is greater.

205 (2) If a police officer having at least 10 years of
206 credited service dies prior to retirement, his or her
207 beneficiary is entitled to the benefits otherwise payable to the
208 police officer at early or normal retirement age.

209
210 In the event that a death benefit paid by a life insurance
211 company exceeds the limit set forth in s. 185.061(6), the excess
212 of the death benefit over the limit shall be paid to the
213 municipal police officers' retirement trust fund. However, death
214 benefits as provided pursuant to s. 112.19 or any other state or
215 federal law shall not be included in the calculation of death or
216 retirement benefits provided under this chapter.

217 Section 4. For the purpose of incorporating the amendment
218 made by this act to section 112.191, Florida Statutes, in a
219 reference thereto, Section 175.201, Florida Statutes, is
220 reenacted to read:

221 175.201 Death prior to retirement; refunds of
222 contributions; death benefits.—For any municipality, special
223 fire control district, chapter plan, local law municipality,
224 local law special fire control district, or local law plan under
225 this chapter:

226 (1) If a firefighter dies before being eligible to retire,
227 the heirs, legatees, beneficiaries, or personal representatives
228 of such deceased firefighter shall be entitled to a refund of
229 100 percent, without interest, of the contributions made to the
230 firefighters' pension trust fund by such deceased firefighter
231 or, in the event an annuity or life insurance contract has been
232 purchased by the board of trustees on such firefighter, then to

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233 the death benefits available under such life insurance or
234 annuity contract subject to the limitations on such death
235 benefits set forth in s. 175.081, whichever amount is greater.

236 (2) If a firefighter having at least 10 years of credited
237 service dies prior to retirement, his or her beneficiary is
238 entitled to the benefits otherwise payable to the firefighter at
239 early or normal retirement age.

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241 In the event that the death benefit paid by a life insurance
242 company exceeds the limit set forth in s. 175.081, the excess of
243 the death benefit over the limit shall be paid to the
244 firefighters' pension trust fund. However, death benefits
245 provided pursuant to s. 112.191 or any other state or federal
246 law shall not be included in the calculation of death or
247 retirement benefits provided under this chapter.

248 Section 5. This act shall take effect July 1, 2015.