

By Senator Martin

33-01363A-23

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1                   A bill to be entitled  
2       An act relating to death benefits for active duty  
3       servicemembers; amending s. 295.061, F.S.; revising  
4       the amount and conditions of payment of death  
5       benefits; requiring that payment be made to the  
6       beneficiary through the process set out by the  
7       Department of Military Affairs; removing provisions  
8       relating to payment when a beneficiary is not  
9       designated; requiring that proof of residency or duty  
10      post be provided to the department; requiring the  
11      department to request the Chief Financial Officer to  
12      draw a warrant for payment of benefits from the  
13      General Revenue Fund; requiring the Department of  
14      Military Affairs and the Department of Financial  
15      Services to adopt certain rules and procedures;  
16      removing provisions relating to an appropriation to  
17      the Department of Financial Services for payment of  
18      death benefits; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1. Section 295.061, Florida Statutes, is amended to  
23 read:

24       295.061 Active duty servicemembers; death benefits.—

25       (1) As used in this section, the term:

26       (a) "Active duty" has the same meaning as provided in s.  
27 250.01.

28       (b) "United States Armed Forces" means the United States  
29 Army, Navy, Air Force, Marine Corps, Space Force, and Coast

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30 Guard.

31 (2) The sum of \$75,000 must be paid by the state if a  
32 member of the United States Armed Forces, while on active duty  
33 ~~and engaged in the performance of his or her official duties,~~ is  
34 killed or sustains ~~receives~~ a bodily injury that results in the  
35 loss of the member's life, provided that such killing is not the  
36 result of suicide and that such bodily injury is not  
37 intentionally self-inflicted.

38 ~~(3) The sum of \$25,000 must be paid by the state if a~~  
39 ~~member of the United States Armed Forces, while on active duty,~~  
40 ~~is killed other than as specified in subsection (2), provided~~  
41 ~~that the killing is not the result of suicide and that such~~  
42 ~~bodily injury is not intentionally self-inflicted.~~

43 ~~(3)(4)~~ Payment of benefits ~~made~~ under subsection (2) ~~or~~  
44 ~~subsection (3)~~ must be made ~~paid~~ to the beneficiary designated  
45 by such member through the process set out by ~~in writing and~~  
46 ~~delivered to~~ the Department of Military Affairs ~~during the~~  
47 ~~member's lifetime. If no such designation is made, then the~~  
48 ~~payments must be paid to the member's surviving child or~~  
49 ~~children and to his or her surviving spouse in equal portions,~~  
50 ~~or if there is no surviving child or spouse, must be made to the~~  
51 ~~member's parent or parents. If a beneficiary is not designated~~  
52 ~~and there is no surviving child, spouse, or parent, then the sum~~  
53 ~~must be paid to the member's estate.~~

54 ~~(4)(5)~~ To qualify for the benefits provided in this  
55 section, the deceased military member must have been a resident  
56 of this state, or his or her duty post must have been within  
57 this state, at the time of death. Proof of residency or duty  
58 post must be provided to the Department of Military Affairs in

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59 the manner prescribed by the department.

60 (5)~~(6)~~ Any benefits provided pursuant to this section are  
61 in addition to any other benefits provided under the  
62 Servicemembers' Group Life Insurance program or any other  
63 federal program. Benefits granted pursuant to this section are  
64 exempt from the claims and demands of creditors of such member.

65 (6)~~(7)~~ Benefits provided under subsection (2) ~~or subsection~~  
66 ~~(3)~~ shall be paid from the General Revenue Fund. The department  
67 shall request the Chief Financial Officer to draw a warrant from  
68 the General Revenue Fund for the payment of the benefit in the  
69 amount specified in this section.

70 (7) The Department of Military Affairs and the Department  
71 of Financial Services shall adopt rules and procedures as  
72 appropriate and necessary to implement subsections (1)-(6)  
73 ~~Beginning in the 2019-2020 fiscal year and continuing each~~  
74 ~~fiscal year thereafter, a sum sufficient to pay such benefits is~~  
75 ~~appropriated from the General Revenue Fund to the Department of~~  
76 ~~Financial Services for the purposes of paying such benefits.~~

77 (8) (a) If an active duty member is killed as specified in  
78 subsection (2) ~~or subsection (3)~~, the state must waive certain  
79 educational expenses that the child or the spouse of the  
80 deceased member incurs while obtaining a career certificate, an  
81 undergraduate education, or a postgraduate education. The amount  
82 waived by the state must be in an amount equal to the cost of  
83 tuition and matriculation and registration fees for a total of  
84 120 credit hours. The child or the spouse may attend a state  
85 career center, a Florida College System institution, or a state  
86 university on either a full-time or part-time basis. The  
87 benefits provided to a child under this subsection must continue

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88 until the child's 25th birthday. The benefits provided to a  
89 spouse under this subsection must commence within 5 years after  
90 the death occurs and may continue until the 10th anniversary of  
91 that death.

92 (b) Upon failure of any child or spouse who receives a  
93 waiver in accordance with this subsection to comply with the  
94 ordinary and minimum requirements regarding discipline and  
95 scholarship of the institution attended, such benefits to the  
96 child or the spouse must be withdrawn and no further moneys may  
97 be expended for the child's or spouse's benefits so long as such  
98 failure or delinquency continues.

99 (c) Only a student in good standing in his or her  
100 respective institution may receive the benefits provided in this  
101 subsection.

102 (d) A child or spouse who is receiving benefits under this  
103 subsection shall be enrolled according to the customary rules  
104 and requirements of the institution attended.

105 (e) A child or spouse of a member may receive benefits  
106 under either this subsection or s. 295.01.

107 (f) The State Board of Education shall adopt rules and  
108 procedures, and the Board of Governors shall adopt regulations  
109 and procedures, as are appropriate and necessary to implement  
110 this subsection.

111 Section 2. This act shall take effect July 1, 2023.