

By the Committee on Governmental Oversight and Accountability;
and Senator Martin

585-03272A-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 providing an effective date.

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

19
20 Section 1. Section 295.061, Florida Statutes, is amended to
21 read:

22 295.061 Active duty servicemembers; death benefits.—

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

24 (a) "Active duty" has the same meaning as provided in s.
25 250.01.

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

29 (2) The sum of \$75,000 must be paid by the state if a

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30 member of the United States Armed Forces, while on active duty
31 ~~and engaged in the performance of his or her official duties,~~ is
32 killed or sustains ~~receives~~ a bodily injury that results in the
33 loss of the member's life, provided that such killing is not the
34 result of suicide and that such bodily injury is not
35 intentionally self-inflicted.

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

41 ~~(3)(4)~~ Payment of benefits ~~made~~ under subsection (2) ~~or~~
42 ~~subsection (3)~~ must be made ~~paid~~ to the beneficiary designated
43 by such member through the process set out by ~~in writing and~~
44 ~~delivered to~~ the Department of Military Affairs ~~during the~~
45 ~~member's lifetime. If no such designation is made, then the~~
46 ~~payments must be paid to the member's surviving child or~~
47 ~~children and to his or her surviving spouse in equal portions,~~
48 ~~or if there is no surviving child or spouse, must be made to the~~
49 ~~member's parent or parents. If a beneficiary is not designated~~
50 ~~and there is no surviving child, spouse, or parent, then the sum~~
51 ~~must be paid to the member's estate.~~

52 ~~(4)(5)~~ To qualify for the benefits provided in this
53 section, the deceased military member must have been a resident
54 of this state, or his or her duty post must have been within
55 this state, at the time of death. Proof of residency or duty
56 post must be provided to the Department of Military Affairs in
57 the manner prescribed by the department.

58 ~~(5)(6)~~ Any benefits provided pursuant to this section are

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

63 (6) ~~(7)~~ Benefits provided under subsection (2) ~~or subsection~~
64 ~~(3)~~ shall be paid from the General Revenue Fund. The department
65 shall request the Chief Financial Officer to draw a warrant from
66 the General Revenue Fund for the payment of the benefit in the
67 amount specified in this section. Beginning in the 2019-2020
68 fiscal year and continuing each fiscal year thereafter, a sum
69 sufficient to pay such benefits is appropriated from the General
70 Revenue Fund to the Department of Financial Services for the
71 purposes of paying such benefits.

72 (7) The Department of Military Affairs and the Department
73 of Financial Services shall adopt rules and procedures as
74 appropriate and necessary to implement subsections (1)-(6).

75 (8) (a) If an active duty member is killed as specified in
76 subsection (2) ~~or subsection (3)~~, the state must waive certain
77 educational expenses that the child or the spouse of the
78 deceased member incurs while obtaining a career certificate, an
79 undergraduate education, or a postgraduate education. The amount
80 waived by the state must be in an amount equal to the cost of
81 tuition and matriculation and registration fees for a total of
82 120 credit hours. The child or the spouse may attend a state
83 career center, a Florida College System institution, or a state
84 university on either a full-time or part-time basis. The
85 benefits provided to a child under this subsection must continue
86 until the child's 25th birthday. The benefits provided to a
87 spouse under this subsection must commence within 5 years after

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88 the death occurs and may continue until the 10th anniversary of
89 that death.

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

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

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

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

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

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