

HB 1311

2023

1 A bill to be entitled
2 An act relating to survivor benefits; amending s.
3 121.091, F.S.; requiring the benefits of a Florida
4 Retirement System member killed in the line of duty to
5 be paid to the member's parent if certain conditions
6 exist; declaring that the act fulfills an important
7 state interest; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraphs (d) and (i) of subsection (7) of
12 section 121.091, Florida Statutes, are amended to read:

13 121.091 Benefits payable under the system.—Benefits may
14 not 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 (d) Notwithstanding any other provision in this chapter to
 28 the contrary, with the exception of the Deferred Retirement
 29 Option Program, as provided in subsection (13):

30 1. The surviving spouse of any member killed in the line
 31 of duty may receive a monthly pension equal to one-half of the
 32 monthly salary being received by the member at the time of death
 33 for the rest of the surviving spouse's lifetime or, if the
 34 member was vested, such surviving spouse may elect to receive a
 35 benefit as provided in paragraph (b). Benefits provided by this
 36 paragraph shall supersede any other distribution that may have
 37 been provided by the member's designation of beneficiary.

38 2. If the surviving spouse of a member killed in the line
 39 of duty dies, the monthly payments that would have been payable
 40 to such surviving spouse had such surviving spouse lived shall
 41 be paid for the use and benefit of such member's child or
 42 children under 18 years of age and unmarried until the 18th
 43 birthday of the member's youngest child. Beginning July 1, 2016,
 44 such payments may be extended, for the surviving child of a
 45 member in the Special Risk Class at the time he or she was
 46 killed in the line of duty on or after July 1, 2013, until the
 47 25th birthday of any child of the member if the child is
 48 unmarried and enrolled as a full-time student. Beginning July 1,
 49 2017, such payments may be extended, for the surviving child of
 50 a member in the Special Risk Class at the time he or she was

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51 killed in the line of duty on or after July 1, 2002, until the
52 25th birthday of any child of the member if the child is
53 unmarried and enrolled as a full-time student.

54 3. If a member killed in the line of duty leaves no
55 surviving spouse but is survived by a child or children under 18
56 years of age, the benefits provided by subparagraph 1., normally
57 payable to a surviving spouse, shall be paid for the use and
58 benefit of such member's child or children under 18 years of age
59 and unmarried until the 18th birthday of the member's youngest
60 child. Beginning July 1, 2016, such monthly payments may be
61 extended, for the surviving child of a member in the Special
62 Risk Class at the time he or she was killed in the line of duty
63 on or after July 1, 2013, until the 25th birthday of any child
64 of the member if the child is unmarried and enrolled as a full-
65 time student. Beginning July 1, 2017, such monthly payments may
66 be extended, for the surviving child of a member in the Special
67 Risk Class at the time he or she was killed in the line of duty
68 on or after July 1, 2002, until the 25th birthday of any child
69 of the member if the child is unmarried and enrolled as a full-
70 time student.

71 4. The surviving spouse of a member whose benefit
72 terminated because of remarriage shall have the benefit
73 reinstated beginning July 1, 1993, at an amount that would have
74 been payable had the benefit not been terminated.

75 5. Beginning July 1, 2023, if a member killed in the line

76 of duty leaves no surviving spouse and leaves no unmarried child
77 or children under 18 years of age, or under 25 years of age if
78 the child is unmarried and enrolled as a full-time student, the
79 benefits provided pursuant to subparagraph 1. must be paid for
80 the use and benefit of such member's surviving parent or parents
81 in equal shares until the death of both parents or for 10 years,
82 whichever occurs first. For the purposes of this subparagraph,
83 the term "parent" means a member's biological or adoptive
84 parent.

85 (i) Notwithstanding any provision in this chapter to the
86 contrary, if a member in the Special Risk Class, other than a
87 participant in the Deferred Retirement Option Program under
88 subsection (13), is killed in the line of duty on or after July
89 1, 2002, the following benefits are payable in addition to the
90 benefits provided in paragraph (d):

91 1. The surviving spouse may receive a monthly pension
92 equal to one-half of the monthly salary being received by the
93 member at the time of the member's death for the rest of the
94 surviving spouse's lifetime or, if the member was vested, such
95 surviving spouse may elect to receive a benefit as provided in
96 paragraph (b). Benefits provided by this paragraph supersede any
97 other distribution that may have been provided by the member's
98 designation of beneficiary.

99 2. If the surviving spouse dies, the monthly payments that
100 otherwise would have been payable to such surviving spouse shall

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101 | be paid for the use and benefit of the member's child or
102 | children under 18 years of age and unmarried until the 18th
103 | birthday of the member's youngest child. Such monthly payments
104 | may be extended until the 25th birthday of the member's child if
105 | the child is unmarried and enrolled as a full-time student.

106 | 3. If the member leaves no surviving spouse but is
107 | survived by a child or children under 18 years of age, the
108 | benefits provided by subparagraph 1., normally payable to a
109 | surviving spouse, shall be paid for the use and benefit of such
110 | member's child or children under 18 years of age and unmarried
111 | until the 18th birthday of the member's youngest child. Such
112 | monthly payments may be extended until the 25th birthday of any
113 | of the member's children if the child is unmarried and enrolled
114 | as a full-time student.

115 | 4. Beginning July 1, 2023, if a member killed in the line
116 | of duty leaves no surviving spouse and leaves no unmarried child
117 | or children under 18 years of age, or under 25 years of age if
118 | the child is unmarried and enrolled as a full-time student, the
119 | benefits provided pursuant to subparagraph 1. must be paid for
120 | the use and benefit of such member's surviving parent or parents
121 | in equal shares until the death of both parents or for 10 years,
122 | whichever occurs first. For purposes of this subparagraph, the
123 | term "parent" means a member's biological or adoptive parent.

124 | Section 2. The Legislature finds that a proper and
125 | legitimate state purpose is served when employees and retirees

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126 | of the state and of its political subdivisions, and the
127 | dependents, survivors, and beneficiaries of such employees and
128 | retirees, are extended the basic protections afforded by
129 | governmental retirement systems that provide fair and adequate
130 | benefits that are managed, administered, and funded in an
131 | actuarially sound manner, as required by s. 14, Article X of the
132 | State Constitution and part VII of chapter 112, Florida
133 | Statutes. Therefore, the Legislature determines and declares
134 | that this act fulfills an important state interest.

135 | Section 3. This act shall take effect July 1, 2023.