

By Senator Rodriguez

40-01260B-23

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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 parents, if certain conditions
6 exist; declaring that the act fulfills an important
7 state interest; providing an effective date.

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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 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 (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):

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30 1. The surviving spouse of any member killed in the line of
31 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
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

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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

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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 equal
92 to one-half of the monthly salary being received by the member
93 at the time of the member's death for the rest of the surviving
94 spouse's lifetime or, if the member was vested, such surviving
95 spouse may elect to receive a benefit as provided in paragraph
96 (b). Benefits provided by this paragraph supersede any other
97 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
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 survived
107 by a child or children under 18 years of age, the benefits
108 provided by subparagraph 1., normally payable to a surviving
109 spouse, shall be paid for the use and benefit of such member's
110 child or children under 18 years of age and unmarried until the
111 18th birthday of the member's youngest child. Such monthly
112 payments may be extended until the 25th birthday of any of the
113 member's children if the child is unmarried and enrolled as a
114 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

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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
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.