

By the Committees on Community Affairs; and Governmental Oversight and Accountability; and Senators Hays, Latvala, and Soto

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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 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 that benefits
9 are paid by the State Risk Management Trust Fund;
10 specifying the method of charging the costs of benefit
11 payments against the state agency or state university;
12 specifying the timeframe and frequency of benefit
13 payments; requiring the Department of Management
14 Services and the employing state agency or state
15 university to coordinate with and provide necessary
16 information to the Division of Risk Management of the
17 Department of Financial Services; authorizing the
18 Department of Financial Services to adopt certain
19 rules; specifying applicability; providing for
20 construction; authorizing specified political
21 subdivisions to offer a death benefit; reenacting s.
22 185.21, F.S., relating to municipal police pensions,
23 to incorporate the amendment made to s. 112.19, F.S.;
24 reenacting s. 175.201, F.S., relating to firefighter
25 pensions, to incorporate the amendment made to s.
26 112.191, F.S.; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (4) of section 112.19, Florida
31 Statutes, is amended, present subsection (6) of that section is
32 redesignated as subsection (8), and a new subsection (6) and
33 subsection (7) are added to that section, to read:

34 112.19 Law enforcement, correctional, and correctional
35 probation officers; death benefits.—

36 (4) (a) The employer of such law enforcement, correctional,
37 or correctional probation officer is liable for the payment of
38 the sums specified in subsection (2) ~~this section~~ and is deemed
39 self-insured, unless it procures and maintains, or has already
40 procured and maintained, insurance to secure such payments. Any
41 such insurance may cover only the risks indicated in subsection
42 (2) ~~this section~~, in the amounts indicated in subsection (2)
43 ~~this section~~, or it may cover those risks and additional risks
44 and may be in larger amounts. Any such insurance shall be placed
45 by such employer only after public bid of such insurance
46 coverage which coverage shall be awarded to the carrier making
47 the lowest best bid.

48 (b) Payment of benefits to beneficiaries of state
49 employees, or of the premiums to cover the risk, under
50 subsection (2) ~~the provisions of this section~~ shall be paid from
51 existing funds otherwise appropriated to the department
52 employing the law enforcement, correctional, or correctional
53 probation officers.

54 (6) (a) If payments relating to a law enforcement,
55 correctional, or correctional probation officer employed by a
56 state agency are made pursuant to subsection (2), the following
57 additional benefits shall be paid:

58 1. The surviving spouse shall receive a payment equal to 50

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59 percent of the monthly salary received by the law enforcement,
60 correctional, or correctional probation officer at the time of
61 death for the lesser of the surviving spouse's lifetime or 300
62 months.

63 2. If the surviving spouse of the law enforcement,
64 correctional, or correctional probation officer dies before
65 receiving 300 monthly payments, the monthly payment that would
66 have been payable to the surviving spouse had the spouse lived
67 shall be paid for the use and benefit of the child or children
68 of the law enforcement, correctional, or correctional probation
69 officer until the later of:

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

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

77 c. The day a law enforcement, correctional, or correctional
78 probation officer's surviving child who has been physically
79 disabled or mentally disabled and who has been incapable of
80 self-support is no longer disabled. The Department of Management
81 Services may require proof of disability or continued disability
82 in the same manner as is provided for a person seeking or
83 receiving a disability retirement benefit under s. 121.091(4).

84 3. If the law enforcement, correctional, or correctional
85 probation officer does not have a surviving spouse but is
86 survived by a child or children younger than 25 years of age,
87 the benefits payable to a surviving spouse under subparagraph 1.

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88 shall be paid for the use and benefit of the child or children
89 of the law enforcement, correctional, or correctional probation
90 officer under the same terms and conditions provided in
91 subparagraph 2.

92 4. If a law enforcement, correctional, or correctional
93 probation officer does not have a surviving spouse or surviving
94 child but is survived by a joint annuitant receiving benefits
95 under chapter 121, the benefits payable to a surviving spouse
96 under subparagraph 1. shall be paid for the use and benefit of
97 the joint annuitant, as defined in s. 121.021, of the law
98 enforcement, correctional, or correctional probation officer for
99 the same time period as the joint annuitant receives benefits
100 under chapter 121, not to exceed 300 months.

101 (b) The benefits under this subsection shall be paid by the
102 State Risk Management Trust Fund through a separate account
103 maintained by the trust fund within the Department of Financial
104 Services. Benefits paid pursuant to this subsection are not
105 insurance benefits but are considered insurance benefit payments
106 on behalf of state agencies and state universities covered by
107 the trust fund for the purpose of calculating the annual funding
108 needed for all benefit costs. After the first year that benefits
109 are paid from the trust fund, the costs of the benefit payments,
110 including any legal or other costs related to the administration
111 of benefits, are retroactively charged as premium assessments
112 against covered state agencies and state universities in the
113 same manner as such state agencies and state universities are
114 charged for workers' compensation insurance coverage under
115 chapter 284. Benefit payments are payable in monthly
116 installments and must commence 60 days after the Department of

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117 Management Services has notified the Division of Risk Management
118 of the death of a law enforcement, correctional, or correctional
119 probation officer and the names and addresses of surviving
120 beneficiaries and their relationship to the decedent. The
121 Department of Management Services and the state agency or state
122 university employing the decedent shall coordinate with the
123 Division of Risk Management in determining the entitlement of
124 surviving family members to benefits and may provide any
125 information necessary to the division to assist in ensuring that
126 qualified surviving family members receive benefits under this
127 subsection in a timely manner. The Department of Financial
128 Services may adopt rules as authorized under s. 284.39 for the
129 proper management and maintenance of the trust fund, including
130 rules regarding the administration of benefits authorized by
131 this subsection.

132 (c) The benefits under this subsection are in addition to
133 all other benefits authorized under this section, chapter 121,
134 or chapter 440.

135 (d) The benefits apply only to the surviving beneficiaries
136 of law enforcement, correctional, and correctional probation
137 officers killed on or after July 1, 2015.

138 (7) This section does not limit the authority of a
139 municipality or a charter county to provide death benefits to
140 its employees or their beneficiaries pursuant to its
141 constitutional home rule powers. Any other political subdivision
142 of the state may offer, at its expense, death benefits to law
143 enforcement, correctional, or correctional probation officers
144 employed by the political subdivision which do not exceed
145 benefits payable pursuant to subsection (6).

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146 Section 2. Subsection (4) of section 112.191, Florida
147 Statutes, is amended, present subsection (5) of that section is
148 redesignated as subsection (7), and a new subsection (5) and
149 subsection (6) are added to that section, to read:

150 112.191 Firefighters; death benefits.—

151 (4) (a) The employer of such firefighter shall be liable for
152 the payment of said sums specified in subsection (2) ~~this~~
153 ~~section~~ and shall be deemed self-insured, unless it procures and
154 maintains, or has already procured and maintained, insurance to
155 secure such payments. Any such insurance may cover only the
156 risks indicated in subsection (2) ~~this section~~, in the amounts
157 indicated in subsection (2) ~~this section~~, or it may cover those
158 risks and additional risks and may be in larger amounts. Any
159 such insurance shall be placed by such employer only after
160 public bid of such insurance coverage which coverage shall be
161 awarded to the carrier making the lowest best bid.

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

166 (5) (a) If payments relating to a firefighter employed by a
167 state agency are made pursuant to subsection (2), the following
168 additional benefits shall be paid:

169 1. The surviving spouse shall receive a payment equal to 50
170 percent of the monthly salary received by the firefighter at the
171 time of death for the lesser of the surviving spouse's lifetime
172 or 300 months.

173 2. If the surviving spouse of the firefighter dies before
174 receiving 300 monthly payments, the payment that would have been

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175 payable to the surviving spouse had the spouse lived shall be
176 paid for the use and benefit of the child or children of the
177 firefighter until the later of:

178 a. The 21st birthday of the youngest child of the
179 firefighter.

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

184 c. The day a firefighter's surviving child who has been
185 physically disabled or mentally disabled child and who has been
186 incapable of self-support is no longer disabled. The Department
187 of Management Services may require proof of disability or
188 continued disability in the same manner as is provided for a
189 person seeking or receiving a disability retirement benefit
190 under s. 121.091(4).

191 3. If the firefighter does not have a surviving spouse but
192 is survived by a child or children younger than 25 years of age,
193 the benefits payable to a surviving spouse under subparagraph 1.
194 shall be paid for the use and benefit of the child or children
195 of the firefighter under the same terms and conditions provided
196 in subparagraph 2.

197 4. If a firefighter does not have a surviving spouse or
198 surviving child but is survived by a joint annuitant receiving
199 benefits under chapter 121, the benefits payable to a surviving
200 spouse under subparagraph 1. shall be paid for the use and
201 benefit of the joint annuitant, as defined in s. 121.021, of the
202 firefighter for the same time period as the joint annuitant
203 receives benefits under chapter 121, not to exceed 300 months.

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204 (b) The benefits under this subsection shall be paid by the
205 State Risk Management Trust Fund through a separate account
206 maintained by the trust fund within the Department of Financial
207 Services. Benefits paid pursuant to this subsection are not
208 insurance benefits but are considered insurance benefit payments
209 on behalf of state agencies and state universities covered by
210 the trust fund for the purpose of calculating the annual funding
211 needed for all benefit costs. After the first year that benefits
212 are paid from the trust fund, the costs of the benefit payments,
213 including any legal or other costs related to the administration
214 of benefits, are retroactively charged as premium assessments
215 against covered state agencies and state universities in the
216 same manner as such state agencies and state universities are
217 charged for workers' compensation insurance coverage under
218 chapter 284. Benefit payments are payable in monthly
219 installments and must commence 60 days after the Department of
220 Management Services has notified the Division of Risk Management
221 of the death of a firefighter and the names and addresses of
222 surviving beneficiaries and their relationship to the decedent.
223 The Department of Management Services and the state agency or
224 state university employing the decedent shall coordinate with
225 the Division of Risk Management in determining the entitlement
226 of surviving family members to benefits and may provide any
227 information necessary to the division to assist in ensuring that
228 qualified surviving family members receive benefits under this
229 subsection in a timely manner. The Department of Financial
230 Services may adopt rules as authorized under s. 284.39 for the
231 proper management and maintenance of the trust fund, including
232 rules regarding the administration of benefits authorized by

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233 this subsection.

234 (c) The benefits under this subsection are in addition to
235 all other benefits authorized under this section, chapter 121,
236 or chapter 440.

237 (d) The benefits apply only to the surviving beneficiaries
238 of firefighters killed on or after July 1, 2015.

239 (6) This section does not limit the authority of a
240 municipality or a charter county to provide death benefits to
241 its employees or their beneficiaries pursuant to its
242 constitutional home rule powers. Any other political subdivision
243 of the state may offer, at its expense, death benefits to
244 firefighters employed by the political subdivision which do not
245 exceed benefits payable pursuant to subsection (5).

246 Section 3. For the purpose of incorporating the amendment
247 made by this act to section 112.19, Florida Statutes, in a
248 reference thereto, Section 185.21, Florida Statutes, is
249 reenacted to read:

250 185.21 Death prior to retirement; refunds of contributions
251 or payment of death benefits.—For any municipality, chapter
252 plan, local law municipality, or local law plan under this
253 chapter:

254 (1) If a police officer dies before being eligible to
255 retire, the heirs, legatees, beneficiaries, or personal
256 representatives of such deceased police officer shall be
257 entitled to a refund of 100 percent, without interest, of the
258 contributions made to the municipal police officers' retirement
259 trust fund by such deceased police officer or, in the event an
260 annuity or life insurance contract has been purchased by the
261 board on such police officer, then to the death benefits

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262 available under such life insurance or annuity contract, subject
263 to the limitations on such death benefits set forth in s.
264 185.061 whichever amount is greater.

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

269

270 In the event that a death benefit paid by a life insurance
271 company exceeds the limit set forth in s. 185.061(6), the excess
272 of the death benefit over the limit shall be paid to the
273 municipal police officers' retirement trust fund. However, death
274 benefits as provided pursuant to s. 112.19 or any other state or
275 federal law shall not be included in the calculation of death or
276 retirement benefits provided under this chapter.

277 Section 4. For the purpose of incorporating the amendment
278 made by this act to section 112.191, Florida Statutes, in a
279 reference thereto, Section 175.201, Florida Statutes, is
280 reenacted to read:

281 175.201 Death prior to retirement; refunds of
282 contributions; death benefits.—For any municipality, special
283 fire control district, chapter plan, local law municipality,
284 local law special fire control district, or local law plan under
285 this chapter:

286 (1) If a firefighter dies before being eligible to retire,
287 the heirs, legatees, beneficiaries, or personal representatives
288 of such deceased firefighter shall be entitled to a refund of
289 100 percent, without interest, of the contributions made to the
290 firefighters' pension trust fund by such deceased firefighter

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291 or, in the event an annuity or life insurance contract has been
292 purchased by the board of trustees on such firefighter, then to
293 the death benefits available under such life insurance or
294 annuity contract subject to the limitations on such death
295 benefits set forth in s. 175.081, whichever amount is greater.

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

300

301 In the event that the death benefit paid by a life insurance
302 company exceeds the limit set forth in s. 175.081, the excess of
303 the death benefit over the limit shall be paid to the
304 firefighters' pension trust fund. However, death benefits
305 provided pursuant to s. 112.191 or any other state or federal
306 law shall not be included in the calculation of death or
307 retirement benefits provided under this chapter.

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