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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2015	.	
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The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 44 - 185
and insert:

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

1. The surviving spouse shall receive a payment equal to 50 percent of the monthly salary received by the law enforcement,



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11 correctional, or correctional probation officer at the time of
12 death for the lesser of the surviving spouse's lifetime or 300
13 months.

14 2. If the surviving spouse of the law enforcement,
15 correctional, or correctional probation officer dies before
16 receiving 300 monthly payments, the monthly payment that would
17 have been payable to the surviving spouse had the spouse lived
18 shall be paid for the use and benefit of the child or children
19 of the law enforcement, correctional, or correctional probation
20 officer until the later of:

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

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

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

35 3. If the law enforcement, correctional, or correctional
36 probation officer does not have a surviving spouse but is
37 survived by a child or children younger than 25 years of age,
38 the benefits payable to a surviving spouse under subparagraph 1.
39 shall be paid for the use and benefit of the child or children



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40 of the law enforcement, correctional, or correctional probation
41 officer under the same terms and conditions provided in
42 subparagraph 2.

43 4. If a law enforcement, correctional, or correctional
44 probation officer does not have a surviving spouse or surviving
45 child but is survived by a joint annuitant receiving benefits
46 under chapter 121, the benefits payable to a surviving spouse
47 under subparagraph 1. shall be paid for the use and benefit of
48 the joint annuitant, as defined in s. 121.021, of the law
49 enforcement, correctional, or correctional probation officer for
50 the same time period as the joint annuitant receives benefits
51 under chapter 121, not to exceed 300 months.

52 (b) The benefits under this subsection shall be paid by the
53 State Risk Management Trust Fund through a separate account
54 maintained by the trust fund within the Department of Financial
55 Services. Benefits paid pursuant to this subsection are not
56 insurance benefits but are considered insurance benefit payments
57 on behalf of state agencies and state universities covered by
58 the trust fund for the purpose of calculating the annual funding
59 needed for all benefit costs. After the first year that benefits
60 are paid from the trust fund, the costs of the benefit payments,
61 including any legal or other costs related to the administration
62 of benefits, are retroactively charged as premium assessments
63 against covered state agencies and state universities in the
64 same manner as such state agencies and state universities are
65 charged for workers' compensation insurance coverage under
66 chapter 284. Benefit payments are payable in monthly
67 installments and must commence 60 days after the Department of
68 Management Services has notified the Division of Risk Management



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69 of the death of a law enforcement, correctional, or correctional
70 probation officer and the names and addresses of surviving
71 beneficiaries and their relationship to the decedent. The
72 Department of Management Services and the state agency or state
73 university employing the decedent shall coordinate with the
74 Division of Risk Management in determining the entitlement of
75 surviving family members to benefits and may provide any
76 information necessary to the division to assist in ensuring that
77 qualified surviving family members receive benefits under this
78 subsection in a timely manner. The Department of Financial
79 Services may adopt rules as authorized under s. 284.39 for the
80 proper management and maintenance of the trust fund, including
81 rules regarding the administration of benefits authorized by
82 this subsection.

83 (c) The benefits under this subsection are in addition to
84 all other benefits authorized under this section, chapter 121,
85 or chapter 440.

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

89 (7) This section does not limit the authority of a
90 municipality or a charter county to provide death benefits to
91 its employees or their beneficiaries pursuant to its
92 constitutional home rule powers. Any other political subdivision
93 of the state may offer, at its expense, death benefits to law
94 enforcement, correctional, or correctional probation officers
95 employed by the political subdivision which do not exceed
96 benefits payable pursuant to subsection (6).

97 Section 2. Subsection (4) of section 112.191, Florida



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98 Statutes, is amended, present subsection (5) of that section is
99 redesignated as subsection (7), and a new subsection (5) and
100 subsection (6) are added to that section, to read:

101 112.191 Firefighters; death benefits.-

102 (4) (a) The employer of such firefighter shall be liable for
103 the payment of said sums specified in subsection (2) ~~this~~
104 ~~section~~ and shall be deemed self-insured, unless it procures and
105 maintains, or has already procured and maintained, insurance to
106 secure such payments. Any such insurance may cover only the
107 risks indicated in subsection (2) ~~this section~~, in the amounts
108 indicated in subsection (2) ~~this section~~, or it may cover those
109 risks and additional risks and may be in larger amounts. Any
110 such insurance shall be placed by such employer only after
111 public bid of such insurance coverage which coverage shall be
112 awarded to the carrier making the lowest best bid.

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

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

120 1. The surviving spouse shall receive a payment equal to 50
121 percent of the monthly salary received by the firefighter at the
122 time of death for the lesser of the surviving spouse's lifetime
123 or 300 months.

124 2. If the surviving spouse of the firefighter dies before
125 receiving 300 monthly payments, the payment that would have been
126 payable to the surviving spouse had the spouse lived shall be



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127 paid for the use and benefit of the child or children of the
128 firefighter until the later of:

129 a. The 21st birthday of the youngest child of the
130 firefighter.

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

135 c. The day a firefighter's surviving child who has been
136 physically disabled or mentally disabled child and who has been
137 incapable of self-support is no longer disabled. The Department
138 of Management Services may require proof of disability or
139 continued disability in the same manner as is provided for a
140 person seeking or receiving a disability retirement benefit
141 under s. 121.091(4).

142 3. If the firefighter does not have a surviving spouse but
143 is survived by a child or children younger than 25 years of age,
144 the benefits payable to a surviving spouse under subparagraph 1.
145 shall be paid for the use and benefit of the child or children
146 of the firefighter under the same terms and conditions provided
147 in subparagraph 2.

148 4. If a firefighter does not have a surviving spouse or
149 surviving child but is survived by a joint annuitant receiving
150 benefits under chapter 121, the benefits payable to a surviving
151 spouse under subparagraph 1. shall be paid for the use and
152 benefit of the joint annuitant, as defined in s. 121.021, of the
153 firefighter for the same time period as the joint annuitant
154 receives benefits under chapter 121, not to exceed 300 months.

155 (b) The benefits under this subsection shall be paid by the



156 State Risk Management Trust Fund through a separate account
157 maintained by the trust fund within the Department of Financial
158 Services. Benefits paid pursuant to this subsection are not
159 insurance benefits but are considered insurance benefit payments
160 on behalf of state agencies and state universities covered by
161 the trust fund for the purpose of calculating the annual funding
162 needed for all benefit costs. After the first year that benefits
163 are paid from the trust fund, the costs of the benefit payments,
164 including any legal or other costs related to the administration
165 of benefits, are retroactively charged as premium assessments
166 against covered state agencies and state universities in the
167 same manner as such state agencies and state universities are
168 charged for workers' compensation insurance coverage under
169 chapter 284. Benefit payments are payable in monthly
170 installments and must commence 60 days after the Department of
171 Management Services has notified the Division of Risk Management
172 of the death of a firefighter and the names and addresses of
173 surviving beneficiaries and their relationship to the decedent.
174 The Department of Management Services and the state agency or
175 state university employing the decedent shall coordinate with
176 the Division of Risk Management in determining the entitlement
177 of surviving family members to benefits and may provide any
178 information necessary to the division to assist in ensuring that
179 qualified surviving family members receive benefits under this
180 subsection in a timely manner. The Department of Financial
181 Services may adopt rules as authorized under s. 284.39 for the
182 proper management and maintenance of the trust fund, including
183 rules regarding the administration of benefits authorized by
184 this subsection.



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185 (c) The benefits under this subsection are in addition to
186 all other benefits authorized under this section, chapter 121,
187 or chapter 440.

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

190 (6) This section does not limit the authority of a
191 municipality or a charter county to provide death benefits to
192 its employees or their beneficiaries pursuant to its
193 constitutional home rule powers. Any other political subdivision
194 of the state may offer, at its expense, death benefits to
195 firefighters employed by the political subdivision which do not
196 exceed benefits payable pursuant to subsection (5).

197
198 ===== T I T L E A M E N D M E N T =====

199 And the title is amended as follows:

200 Delete lines 4 - 10

201 and insert:

202 eligibility of a death benefit payment to the
203 surviving spouse, child, or joint annuitant of a law
204 enforcement officer, correctional officer,
205 correctional probation officer, or firefighter
206 employed by a state agency; providing that benefits
207 are paid by the State Risk Management Trust Fund;
208 specifying the method of charging the costs of benefit
209 payments against the state agency or state university;
210 specifying the timeframe and frequency of benefit
211 payments; requiring the Department of Management
212 Services and the employing state agency or state
213 university to coordinate with and provide necessary



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214 information to the Division of Risk Management of the
215 Department of Financial Services; authorizing the
216 Department of Financial Services to adopt certain
217 rules; specifying applicability; providing for
218 construction; authorizing specified political
219 subdivisions to offer a death