

# CHAPTER 98-430

## Senate Bill No. 66

An act for the relief of Penny Tilley, as widow of Jack W. Tilley and beneficiary of his estate; providing an appropriation for the purpose of paying Penny Tilley the retirement benefits to which she would have been entitled as surviving spouse of Jack W. Tilley had Jack W. Tilley survived to the date on which he would have vested in the Florida System; providing a contingent effective date.

WHEREAS, Jack W. Tilley was employed by the State of Florida, Department of Corrections as a Correctional Officer at the Cross City Correctional Institute, and

WHEREAS, as an employee of the State of Florida, Department of Corrections, Jack W. Tilley was a member of the Florida Retirement System and had retirement contributions paid into the Florida Retirement System on his behalf, and

WHEREAS, Jack W. Tilley began his employment with the State of Florida, Department of Corrections in August 1987, and

WHEREAS, Jack W. Tilley died on June 26, 1997, and

WHEREAS, at the time of his death, Jack W. Tilley was one month short of completing the required 10 years of creditable service required to vest for retirement benefits under the Florida Retirement System, having accumulated 9.92 years of creditable service, and

WHEREAS, as a consequence of his death, there are no survivor benefits available under the Florida Retirement System for his surviving spouse, Penny Tilley, and

WHEREAS, had Jack W. Tilley lived into the month of July 1997, Penny Tilley, as surviving spouse of Jack W. Tilley, would have received a monthly benefit amount of \$331.14, effective August 1, 1997, and

WHEREAS, under the provisions of law governing the Florida Retirement System, any accrued leave at the time of death cannot be used by the employer to continue his employment beyond that date, nor are there provisions which would allow for the purchase of additional service credit, and

WHEREAS, upon his death, Jack W. Tilley had sufficient unused leave which, if credited toward his service, would have vested Jack W. Tilley in the Florida Retirement System, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Executive Office of the Governor is directed to transfer existing spending authority or establish spending authority from the General Revenue Fund in the State Treasury in an amount equal to a monthly retirement benefit of \$331.14, plus an annual cost of living allowance, which would have been due Penny Tilley, as surviving spouse of Jack W. Tilley, had Jack W. Tilley survived to the date on which he would have vested in the Florida Retirement System to a new category titled "Relief - Penny Tilley."

Section 3. The Comptroller is directed to draw his warrant in favor of Penny Tilley in the amount of \$3,973.68, and, thereafter, in an amount equal to the retirement benefit which would have been due Penny Tilley, as surviving spouse of Jack W. Tilley, had Jack W. Tilley survived to the date on which he would have vested in the Florida Retirement System.

Section 4. This act shall take effect on July 1 of the year in which enacted, except that this act shall not take effect if an amendment adding subparagraph (f)1. to subsection (7) of section 121.091, Florida Statutes, becomes a law, which authorizes the use of a deceased member's accumulated leave in the Florida Retirement System to purchase additional creditable service.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.