

CHAPTER 2023-163

Committee Substitute for House Bill No. 621

An act relating to death benefits for active duty servicemembers; amending s. 295.061, F.S.; revising the amount and conditions of payment of death benefits; requiring payment to be made to the beneficiary through the process set out by the Department of Military Affairs; removing provisions relating to payment when a beneficiary is not designated; requiring proof of residency or duty post to be provided to the department; requiring the department to request the Chief Financial Officer to draw a warrant for payment of benefits from the General Revenue Fund; requiring the Department of Military Affairs and the Department of Financial Services to adopt certain rules and procedures; providing an effective date.

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

Section 1. Section 295.061, Florida Statutes, is amended to read:

295.061 Active duty servicemembers; death benefits.—

(1) As used in this section, the term:

(a) “Active duty” has the same meaning as provided in s. 250.01.

(b) “United States Armed Forces” means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

(2) The sum of \$75,000 must be paid by the state if a member of the United States Armed Forces, while on active duty and engaged in the performance of his or her official duties, is killed or sustains receives a bodily injury that results in the loss of the member’s life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

~~(3) The sum of \$25,000 must be paid by the state if a member of the United States Armed Forces, while on active duty, is killed other than as specified in subsection (2), provided that the killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.~~

~~(3)(4) Payment of benefits made under subsection (2) or subsection (3) must be made paid to the beneficiary designated by such member through the process set out by in writing and delivered to the Department of Military Affairs during the member’s lifetime. If no such designation is made, then the payments must be paid to the member’s surviving child or children and to his or her surviving spouse in equal portions, or if there is no surviving child or spouse, must be made to the member’s parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member’s estate.~~

~~(4)~~(5) To qualify for the benefits provided in this section, the deceased military member must have been a resident of this state, or his or her duty post must have been within this state, at the time of death. Proof of residency or duty post must be provided to the Department of Military Affairs in the manner prescribed by the department.

~~(5)~~(6) Any benefits provided pursuant to this section are in addition to any other benefits provided under the Servicemembers' Group Life Insurance program or any other federal program. Benefits granted pursuant to this section are exempt from the claims and demands of creditors of such member.

~~(6)~~(7) Benefits provided under subsection (2) ~~or subsection (3)~~ shall be paid from the General Revenue Fund. The department shall request the Chief Financial Officer to draw a warrant from the General Revenue Fund for the payment of the benefit in the amount specified in this section. Beginning in the 2019-2020 fiscal year and continuing each fiscal year thereafter, a sum sufficient to pay such benefits is appropriated from the General Revenue Fund to the Department of Financial Services for the purposes of paying such benefits.

(7) The Department of Military Affairs and the Department of Financial Services shall adopt rules and procedures as appropriate and necessary to implement subsections (1)-(6).

(8)(a) If an active duty member is killed as specified in subsection (2) ~~or subsection (3)~~, the state must waive certain educational expenses that the child or the spouse of the deceased member incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or the spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis. The benefits provided to a child under this subsection must continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs and may continue until the 10th anniversary of that death.

(b) Upon failure of any child or spouse who receives a waiver in accordance with this subsection to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, such benefits to the child or the spouse must be withdrawn and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(c) Only a student in good standing in his or her respective institution may receive the benefits provided in this subsection.

(d) A child or spouse who is receiving benefits under this subsection shall be enrolled according to the customary rules and requirements of the institution attended.

(e) A child or spouse of a member may receive benefits under either this subsection or s. 295.01.

(f) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement this subsection.

Section 2. This act shall take effect July 1, 2023.

Approved by the Governor May 26, 2023.

Filed in Office Secretary of State May 26, 2023.