



FRS TODAY
FLORIDA RETIREMENT SYSTEM

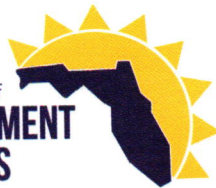
PENSION & INVESTMENT PLANS

Survivor Benefits

2021 EDITION

Department of
**MANAGEMENT
SERVICES**

▶ Retirement



DISCLAIMER

As much as possible, this guide is written in nontechnical terms, avoiding the formal language of retirement laws and rules. If questions of interpretation arise as a result of the attempt to make the retirement provisions easy to understand, Chapter 121 of the Florida Statutes and Chapters 60S and 19 of the Florida Administrative Code must remain the final authority.

The information provided in this guide is based on the Florida Retirement System (FRS) laws and rules in existence as of July 2021 and is subject to modification based on changes in the law or the Florida Administrative Code.

Representatives from participating agencies are not agents of the Department of Management Services' Division of Retirement (division) or the State Board of Administration (SBA). The division and the SBA are not responsible for erroneous information provided by representatives of participating agencies.

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CONTACTING THE DIVISION

When you write to the division, include your full name, the last four digits of your Social Security number, your mailing address, and your daytime telephone number.

If you are writing to the division, address your correspondence to:

**DIVISION OF RETIREMENT
P.O. BOX 9000
TALLAHASSEE, FL 32315-9000**

The following telephone numbers and fax number will help you reach the Division of Retirement.

Telephone (Toll-Free)	844-377-1888
Telephone.....	850-907-6500
Fax number.....	850-410-2010

If you have a hearing or speech impairment, you may call the division via T.D.D. through the Florida Relay System by dialing 711 or 800-955-8771.

You may visit the division at the address below without an appointment, but you must bring a photo ID. Our hours are Monday through Friday from 8:00 a.m. until 5:00 p.m., Eastern time, except on designated state holidays.

The Division of Retirement is located at:

**3189 S BLAIR STONE RD
TALLAHASSEE, FL 32301-6812**

WHAT IS SURVIVOR BENEFIT RETIREMENT?

The FRS provides survivor benefits to its members who die prior to retirement or prior to beginning Deferred Retirement Option Program (DROP) participation. Members of the FRS Pension Plan (Pension Plan) and FRS Investment Plan (Investment Plan) who die prior to retirement have different survivor benefit options depending upon whether the member is vested and whether the member's death is in the line of duty.

Types of Survivor Benefit Retirement

Two types of survivor benefit retirement are available under the FRS, regular and in-line-of-duty survivor benefit retirement:

1. You may be eligible for regular survivor benefit retirement if your death is a result of an illness or injury not related to your FRS employment.
2. You may be eligible for in-line-of-duty survivor benefit retirement if your death results from an illness or injury that occurs during and as a result of the performance of your duties as required by your FRS employer.

If you have retired or are participating in DROP, the benefit payable to your surviving beneficiary depends upon the payment option that you chose at retirement. The benefits described in this book do not apply to you or your surviving beneficiaries.

Survivor Benefit Eligibility

To qualify for a regular survivor benefit retirement, the FRS member must be vested.

Pension Plan Members

Regular Survivor Benefits

To qualify for a regular survivor benefit retirement, the Pension Plan member must be vested. If the member was within one year of vesting, the surviving spouse or beneficiary who qualifies as a joint annuitant may use the member's accumulated leave balance to pay the contributions required to establish the needed service credit or purchase enough optional service credit to vest the member for a monthly retirement benefit.

If the Pension Plan member is not vested, the surviving beneficiary can receive a refund of the member's contributions.

In-Line-of-Duty Survivor Benefits

A Pension Plan member is eligible from the first day of employment for in-line-of-duty survivor benefits payable to the surviving spouse or eligible dependent children.

If you are a member of the Teachers' Retirement System, contact the division regarding your survivor benefit information (see contact information on Page 2).

Investment Plan Members

Regular Survivor Benefits

If the Investment Plan member is vested, the surviving beneficiary is eligible to receive the full value of the member's vested Investment Plan account balance.

If the Investment Plan member is not vested, the surviving beneficiary is eligible to receive a distribution of only the member's employee contributions, plus earnings.

In-Line-of-Duty Survivor Benefits

An Investment Plan member is eligible for in-line-of-duty survivor benefits from the first day of employment. The surviving spouse or the guardian on behalf of the dependent child can choose to do the following:

- Surrender the member's Investment Plan account balance to the FRS Trust Fund to receive a monthly benefit; or
- Receive the Investment Plan account balance as the survivor benefit.

Reference: Sections 121.091(5) and 121.591(3) and (4), Florida Statutes

SURVIVOR BENEFIT COVERAGE

Since June 1, 2002, the FRS has offered two primary retirement plan options: the Pension Plan, the defined benefit plan administered under part I of Chapter 121, Florida Statutes; and the Investment Plan, a defined contribution plan created under part II of Chapter 121, Florida Statutes. Both plans are funded by employee and employer contributions.

Survivor benefit coverage is available under both of these plans but may or may not be available under other state-administered retirement systems and programs.

The Pension Plan

Under the Pension Plan, the employee and the FRS participating employer make monthly contributions to provide the member with lifetime benefits after retirement, provided that the member meets certain age and/or service requirements. The service benefit is determined by a formula that is based on the member's earnings, length of service, and membership class percentage value at retirement.

The following apply if the member's death is not in the line of duty:

- If the member is vested, a beneficiary who qualifies as a joint annuitant may receive a current or future monthly retirement benefit. Normal retirement or any reduction for an early retirement benefit is based on the age the member would have been when monthly benefits begin.
- If the member is not vested or the beneficiary does not qualify as a joint annuitant, the beneficiary is eligible for a refund of employee contributions.

The following apply if the member's death is in the line of duty:

- Survivor benefits are available starting with the first day of employment.
- The spouse or surviving dependent children are eligible for a monthly retirement benefit based on a percentage of the base pay at the time of the member's death.
- If the member's length of service provides a service retirement benefit with a higher monthly benefit than the survivor benefit, the surviving spouse or dependent

children may choose the service-based retirement benefit instead of the survivor benefit.

Survivor benefit coverage provided through the Pension Plan is the main focus of this publication.

Reference: Sections 121.091(4) and (7), 121.4501, 121.591(3) and 121.70, Florida Statutes

The Investment Plan

Under the Investment Plan, both the FRS participating employer and member make monthly contributions to the member's Investment Plan account. The member controls how the contributions are invested among the plan's available investment funds. The benefit available under this plan is the vested amount that has accumulated, plus earnings, in the member's Investment Plan account after terminating from all employment with FRS participating employers.

However, if an Investment Plan member or a Hybrid member dies in the line of duty, monthly survivor benefits may be available under section 121.591(4), Florida Statutes.

If the death of the Investment Plan member is not in the line of duty, the surviving beneficiary is entitled to receive the full value of the member's Investment Plan account balance:

- If the member has less than one year of service, only the employee contributions and earnings can be distributed.
- If the member has one or more years of Investment Plan service, the employer and employee contributions plus earnings will be distributed.
- If the Investment Plan member transferred a present value of his or her Pension Plan service to the Investment Plan, the transferred value and earnings are subject to the Pension Plan's vesting requirement (six years if initially enrolled prior to July 1, 2011, or eight years if initially enrolled on or after July 1, 2011).
- Contact the MyFRS Financial Guidance Line at 1-866-446-9377 and select option 4 for more information.

The Division of Retirement administers the in-line-of-duty survivor benefit program for the Investment Plan. An eligible survivor of an Investment Plan member who wishes to receive a monthly survivor benefit must apply for benefits with the division.

In-line-of-duty survivor benefit eligibility requirements for Investment Plan members are similar to the requirements for members of the Pension Plan, as described elsewhere in this booklet (see Page 18), except for the following stipulation:

- All moneys accumulated in a member's Investment Plan account must be transferred to the FRS Trust Fund.

Once the division receives and approves an application for survivor benefits from the Investment Plan member's surviving spouse or on behalf of surviving dependent children, monthly retirement benefits will be paid retroactively to the month following the member's death.

SURVIVOR BENEFIT ELIGIBILITY

The survivor benefits described in this guide apply to FRS benefits paid through the Pension Plan. If you are a member of the Investment Plan, you will need to call the MyFRS Financial Guidance Line toll-free at 1-866-446-9377 and select option 4 for information regarding your survivor benefits if your death is not in the line of duty.

Upon your death, the FRS provides, under certain circumstances, survivor benefits for your beneficiary or joint annuitant. The type of benefit provided will depend on your status in the system at the time. Survivor benefits may be provided for the beneficiary or beneficiaries of the following:

- A non-vested member (see Page 14);
- A vested member before retirement (see Page 15);
- A member who dies in the line of duty (see Page 18); or
- A retired member (including a DROP participant), depending on the benefit payment option chosen at retirement (see Page 20).

Terms related to the FRS and this guide are defined below.

Vest, Vested, or Vesting – These terms refer to meeting age and/or length-of-service conditions under a retirement plan, as required to qualify for a future benefit.

Under the **Pension Plan**:

- If you were initially enrolled in the FRS before July 1, 2011, you will be vested in the Pension Plan after six years of service, unless your covered employment ended before July 1, 2001.
- If you were initially enrolled in the FRS on or after July 1, 2011, you will be vested in the Pension Plan after eight years of creditable service, regardless of your membership class.
- Before July 1, 2001, the vesting requirement in the Pension Plan depended upon your membership class; seven years for Senior Management Service Class (SMSC), eight years for the Elected Officers' Class (EOC), or 10 years of creditable service for all other classes. If you terminated covered employment before July 1, 2001, and you were more than one year away from vesting at the time, you must return to covered employment for one work year in order to be covered by six-year vesting. However, if you were within one work year of the vesting requirements before July 1, 2001, you will vest upon working the number of months that were required for you to vest before you terminated.

Note: Special provisions apply for the surviving spouse of a member who dies within one year of vesting (see Page 14).

Normal Retirement – The age or date when you first become eligible to retire without a reduction of benefits.

If you are a member of the Regular Class, SMSC, or EOC, you will qualify for normal retirement as follows:

If initially enrolled in the FRS before July 1, 2011, you qualify for normal retirement when

- You are vested and age 62 or the age after 62 when you become vested; or
- You have 30 years of creditable service before age 62.

If initially enrolled in the FRS on or after July 1, 2011, you qualify for normal retirement when

- You are vested and age 65 or the age after 65 when you become vested; or
- You have 33 years of creditable service before age 65.

If you are a Special Risk Class member, you will qualify for normal retirement as follows:

If initially enrolled in the FRS before July 1, 2011, you qualify for normal retirement when

- You are vested and age 55 or the age after 55 when you become vested;
- You have 25 years of Special Risk Class service before age 55; or
- You are age 52 and have a combined total of 25 years of Special Risk Class service and up to four years of active duty wartime military service under section 121.111(2), Florida Statutes; or
- You have 30 years of creditable service before age 62.

If initially enrolled in the FRS on or after July 1, 2011, you qualify for normal retirement when

- You are vested and age 60 or the age after 60 when you become vested;
- You have 30 years of Special Risk Class service before age 60; or
- You have 33 years of creditable service before age 65.

If you are a Special Risk Administrative Support Class member with at least the number of years of creditable service in the Special Risk Class that is required for you to vest, you qualify for normal retirement based upon the Special Risk Class requirements. Otherwise, you must meet the requirements for normal retirement for Regular Class members.

If you reach normal retirement based upon age, then your normal retirement date is the first of the month in which you reach your normal retirement age and are vested. For example, if you initially enrolled in the FRS before July 1, 2011, and turn 62 on May 30, your normal retirement date would be May 1.

If you reach your normal retirement based upon years of service, then your normal retirement date is the first of the month after the month in which you complete the required years of service. For example, if you initially enrolled in the FRS before July 1, 2011, and reach 30 years of service in May, your normal retirement date would be June 1.

Early Retirement – Under the Pension Plan, early retirement is an elective, service-based retirement that occurs before the member reaches the normal retirement age or date. If you retire early, you will receive a reduced retirement benefit because eligibility requirements for normal retirement have not been met. Your benefit is reduced by 5 percent for each year remaining until you attain the normal retirement age. For less than a full year, the reduction is prorated on a month-by-month basis. You must be vested to take an early service retirement. Disability benefits are not reduced for early retirement, and vesting is not required for in-line-of-duty disability or in-line-of-duty survivor benefits.

BENEFICIARY DESIGNATION

As an FRS member, you are encouraged to designate a beneficiary or beneficiaries and keep your designation up to date.

Before You Retire

If you are a Pension Plan member, your surviving spouse is automatically your beneficiary unless you designated someone else after your most recent marriage.

You may designate your beneficiary or beneficiaries either jointly or sequentially or specify that any benefits due be paid through a trust. If you do not name a beneficiary and are not survived by a spouse or if none of your named beneficiaries are living upon your death, your beneficiary will be determined by Florida law. Your beneficiary would be determined under section 121.091(8)(a), Florida Statutes, as follows:

... if no beneficiary designated by the member survives the member, the beneficiary shall be the spouse of the deceased, if living. If the member's spouse is not alive at his or her death, the beneficiary shall be the living children of the member. If no children survive, the

beneficiary shall be the member's father or mother, if living; otherwise, the beneficiary shall be the member's estate.

You may verify and designate a beneficiary or beneficiaries from your FRS Online account. Go to frs.fl.gov; log in to FRS Online; select Beneficiary under Member Information; and fill in the required information. Alternatively, you may designate your beneficiary by completing and submitting Form BEN-001 to the division. You can locate this form on the Forms page of the division's website.

Before you retire, you may change your beneficiary at any time. This is important to remember if your beneficiary dies, if your marital status changes, or if you have children. Your will, trust agreement, or divorce decree have no bearing on how your Pension Plan survivor benefits are paid. Only a beneficiary who qualifies as a joint annuitant may be eligible to receive a monthly benefit upon your death (see Page 12 for the definition of joint annuitant).

You can check your current beneficiary designation on the Beneficiary page of your FRS Online account at frs.fl.gov (see Page 27 for FRS Online login instructions). If your current beneficiary information is not listed, contact the division (see contact information on Page 2).

If you die after you are vested, your beneficiary must qualify as a joint annuitant to be eligible to receive an immediate or future monthly benefit. If you name a beneficiary who does not qualify as a joint annuitant, your beneficiary can receive only a refund of any personal contributions you have made to the system.

If you die in the line of duty, your spouse or unmarried children under the age of 18 will be eligible to receive in-line-of-duty death benefits, regardless of any other beneficiary you may have designated.

When You Retire

You must name a beneficiary when you apply for retirement and select a benefit payment option (see Page 20). This beneficiary designation will replace all previous designations.

- If you choose benefit payment Option 1 or 2, you may name as beneficiary any person, organization, or trust or your estate. You may name one or more beneficiaries to receive benefits jointly or sequentially.
- If you choose benefit payment Option 2, you may name one or more contingent beneficiaries to receive any benefits remaining after your death and the death of your primary beneficiary or beneficiaries.
- If you choose either benefit payment Option 3 or 4, your beneficiary must qualify as your joint annuitant. If you choose Option 3, you may name more than one joint annuitant and specify the proportion of the benefit to be paid to each. A joint annuitant is defined as the following:
 - ◆ Your spouse;
 - ◆ Your natural or legally adopted child who is either under age 25 or who is physically or mentally disabled and incapable of self-support (regardless of age);
 - ◆ Your parent or grandparent who was dependent upon you for at least half of his or her financial support at the time of your death; or
 - ◆ A person for whom you are the legal guardian and who was dependent upon you for at least half of his or her financial support at the time of your death.

After You Retire

Changing Your Beneficiary

If you choose benefit payment Option 1 or 2, you may change your beneficiary designation at any time by submitting a completed Form FST-12, Florida Retirement System Pension Plan Beneficiary Designation Form (Retired Members Only), to the division. You may obtain this form by contacting the division (see contact information on Page 2) or going to the Forms page of the division's website, frs.myflorida.com.

If you choose benefit payment Option 3 or 4, you may change the designation of your joint annuitant only twice after your retirement benefit has begun.

When you change your joint annuitant, your monthly benefit will be adjusted based on your current age and the age and status of your new joint annuitant. The benefit adjustment will become effective the first of the month after the division receives the required forms. This could result in a reduction of your benefits. To change your joint annuitant, notify the division and include your new joint annuitant's name, date of birth, and relationship to you. The division will inform you of the amount that your revised monthly benefit would be if you make the decision to change your joint annuitant designation.

Joint Annuitant Nullification

If you name your spouse as your joint annuitant under Option 3 or 4 and you become divorced, your former spouse will remain entitled to receive a continuing monthly benefit upon your death unless you change or nullify your joint annuitant designation. You may remove your former spouse as joint annuitant from your account by nullifying your joint annuitant designation, unless prevented by a Qualified Domestic Relations Order. To do this, you must submit to the division a notarized Joint Annuitant Nullification, Form JA-NUL, and a copy of your divorce papers. Nullification forms are available from the division (see contact information on Page 2).

Once your joint annuitant designation is nullified, your former spouse will not be eligible to receive a continuing benefit and your future benefits will be paid as if your former spouse had died before you. The law does not allow a nullification to be reversed.

If you retired under Option 4, your benefit would be reduced by one-third beginning with the month your joint annuitant nullification is effective. You are not required to name a new joint annuitant. However, if you do elect to designate a new joint annuitant, there will be an additional adjustment to your benefit.

Reference: Sections 121.021(28) and (46) and 121.091(8) and (12),
Florida Statutes
Rule 60S-4.011, Florida Administrative Code

NOTIFICATION OF DEATH

Please arrange for someone to notify the Division of Retirement of your death. Likewise, if you are retired and you selected benefit payment Option 3 or 4, notify the division of the death of your joint annuitant. This notification can be provided by telephone, in writing, or through FRS Online at frs.fl.gov (see Page 27 for more information on FRS Online).

After being notified of your death, the division will explain any benefits that may be payable to your estate or your beneficiary and if additional documentation is needed. The division will provide the necessary application forms if a survivor benefit is payable.

Regardless of the benefit payment option you select, if your bank did not accept your direct deposit or refused to cash the payment sent in the month of your death, your estate will be entitled to receive the retirement benefit issued at the end of the month of your death. Any retirement benefits issued in your name and dated after the month of your death must, by law, be returned or repaid to the division. Timely notification of your death will help to prevent an overpayment of benefits.

REGULAR SURVIVOR BENEFITS

For the Beneficiary of a Non-Vested Member

If your death occurs before you are vested and is not in the line of duty (see definition of vested on Page 8), your designated beneficiary will be eligible to receive only a refund of any personal retirement contributions you made to the system. However, if your beneficiary qualifies as a joint annuitant and you are within one year of vesting at the time of your death, your joint annuitant may be eligible to purchase enough service credit to vest you after your death, as described below.

If you die within one year of vesting while actively employed, your beneficiary, who is your spouse or other eligible joint annuitant (see definition of joint annuitant on Page 12), may become entitled

to receive a benefit by using one of the following methods to purchase the service credit needed to vest for benefits:

- Use your accumulated unused hours of annual, sick, and compensatory leave to purchase service credit; or
- Purchase up to one year of creditable service for periods of out-of-state or in-state service that you would have been eligible to claim had you lived and vested.

Employee contributions were not required between Jan. 1, 1975, and June 30, 2011, for employees of state agencies, district school boards, and community colleges and between Oct. 1, 1975, and June 30, 2011, for employees of county governments, municipalities, and special districts. Effective July 1, 2011, employee contributions are again required. If you were an FRS member during these periods of time when employee contributions were not required, your employer paid all required contributions. Employer contributions are not refundable, so there would not be any refund of required employee contributions payable to your beneficiary for service credit earned during these employee non-contributory periods.

If you purchased optional service credit, such as credit for a leave of absence, refunded service, or military service, your beneficiary would receive a refund of those contributions. Payments or transfers made to the FRS Trust Fund to buy into the Pension Plan for the purpose of transferring membership from an eligible plan to the Pension Plan are not considered personal contributions and are not eligible to be refunded.

Even if you have not made any employee contributions, your death should be reported to the division (see Page 14).

Reference: Sections 121.021(28) and 121.091(7), Florida Statutes
Rule 60S-4.008, Florida Administrative Code

For the Beneficiary of a Vested Member

If your death occurs after you are vested and is not in the line of duty, your designated beneficiary who qualifies as a joint annuitant may select one of the following:

- A refund of your personal retirement contributions, if any;
- A lifetime monthly benefit calculated as if you had retired the month after your date of death and had chosen an

Option 3 benefit payment (see exception for beneficiaries under age 25 in the note below). The benefit would be adjusted for early retirement if you died before reaching normal retirement age (see definition of early retirement on Page 10 and normal retirement on Page 8); or

- An Option 3 benefit deferred to a future date and based on the age you would have been when the benefit payment began. If you die before reaching your normal retirement date, a deferred benefit will be higher for your beneficiary than an immediate benefit would (see more on Page 17).

Note: If your joint annuitant who is not your spouse is under age 25 at the time the benefit payments begin, your joint annuitant will receive your Option 1 benefit amount only until age 25. No benefits are payable after age 25 unless your joint annuitant is totally and permanently disabled and incapable of self-support, in which case benefit payments will continue for the duration of the disability.

An application for benefits is required from your joint annuitant before benefits can begin. In order for the joint annuitant to begin receiving a monthly benefit effective the month following your death, a timely application must be made. In addition, your joint annuitant may choose a future date for benefits to begin.

If your FRS covered employment is terminated by your death and if your joint annuitant chooses an Option 3 benefit, your joint annuitant will have the right to purchase any creditable service you were eligible to purchase before your death, such as a leave of absence, refunded service, or military service.

If your beneficiary does not qualify as a joint annuitant, your beneficiary would not be entitled to a lifetime monthly benefit upon your death. Instead, your beneficiary would be entitled to receive a refund of your personal retirement contributions, if any, including any payments you may have made by personal remittance or by a rollover of funds to purchase optional service. Payments or transfers made to the FRS Trust Fund to buy into the Pension Plan for the purpose of transferring membership from an eligible plan to the Pension Plan are not considered personal contributions and are not eligible to be refunded.

Reference: Sections 121.021(28) and 121.091(7) and (12), Florida Statutes
Rule 60S-4.008, Florida Administrative Code

Reduction of Survivor Benefits for Early Retirement

If you are vested but have not yet reached your normal retirement date, you may choose to take early retirement. Your early retirement benefit is reduced 5 percent for each year that your age at retirement is younger than your normal retirement age.

If you are vested and die before reaching normal retirement, the Option 3 monthly benefit payable to your joint annuitant is reduced in the same manner.

If you were initially enrolled in the FRS prior to July 1, 2011, and you complete between 20 and 30 years of creditable service before your death, the reduction for early retirement paid to your joint annuitant would be based on the number of years and months your date of death was earlier than one of the following, whichever provides a higher benefit:

- Your normal retirement age; or
- The date on which you would have attained 30 years of service.

If you were initially enrolled in the FRS on or after July 1, 2011, and you complete between 23 and 33 years of creditable service before your death, the reduction for early retirement paid to your joint annuitant would be based on the number of years and months your date of death was earlier than one of the following, whichever provides a higher benefit:

- Your normal retirement age; or
- The date on which you would have attained 33 years of service.

Your joint annuitant may choose to defer receiving payment of the Option 3 benefit to a future date. The benefits will be calculated as of that deferred date, based on the age you would have attained if you had lived to the time benefit payments begin. Your joint annuitant may receive a higher benefit for a shorter period of time by deferring the receipt of benefit payments until a date nearer to your normal retirement age.

Reference: Sections 121.021(28) and 121.091(3), (7), and (12), Florida Statutes
Rules 60S-4.008, Florida Administrative Code