

QUALIFIED DOMESTIC RELATIONS ORDER (QDRO) AND THE FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN

The FRS Pension Plan is a defined benefit plan, qualified under section 401(a) of the Internal Revenue Code. The factors used to calculate an FRS Pension Plan benefit are years of creditable service, percentage value per year, and average final compensation. A member must be vested, terminate all employment with FRS employers and make application for a benefit to be eligible to receive such benefit. The retirement benefit paid by the FRS Pension Plan is a monthly payment.

FRS MEMBER BENEFITS ARE MARITAL ASSETS

(See sections 61.076(1) and 222.21(2), Florida Statutes)

Pursuant to an award of retirement benefits in the Marital Settlement Agreement of the parties and/or the Final Judgment of Dissolution of Marriage, the former spouse (Alternate Payee) of an FRS member is eligible to receive a portion of the member's FRS benefit. The Alternate Payee's share would normally equal 50 percent of the member's benefit if the parties were married the entire time the member was employed by an FRS employer. If the parties were not married the entire time, the Alternate Payee's share would be based on the years married divided by the years of FRS service multiplied by 50 percent. The resulting percentage would be multiplied by the member's estimated monthly benefit, based on service accrued on the valuation date, but deferred to the member's normal retirement age.

Before an Alternate Payee can be awarded a benefit under the Pension Plan, a QDRO must be approved by the Division of Retirement. The following information is offered to provide assistance in obtaining an approved QDRO in a timely manner.

The Division staff will give each request prompt and courteous attention. However, due to the complexity of the process and the large volume of requests received, it is important to begin the process of obtaining an approved QDRO early. The approval process may take up to two months.

NOTE: If you are a member of the FRS Investment Plan, information on submitting a QDRO under that Plan is available on the MyFRS.com website. Please look under Resources-Forms-QDRO's or use the link on the previous page. If you were a previous member of the Pension Plan prior to your Investment Plan membership and part of the marital period was during the Pension Plan membership, you may request a calculation of the marital percentage from the Division of Retirement. Please see the contact information on Page 3.

HOW TO OBTAIN AN APPROVED QDRO

FIRST STEP: The Division has model QDROs for the Pension Plan that may be downloaded or printed from this site. Contact the Division's Legal Office (see the contact information on Page 3) if you have any questions about completing a QDRO or if a model QDRO for a retired member is needed.

SECOND STEP: Contact the Division of Retirement (see the contact information on Page 3), by phone, letter or fax requesting information for Divorce valuation purposes. The following information will be needed:

- Member's name and social security number
- Date of valuation (date the divorce was filed, or the separation date, or the date established by the court); and
- Date of marriage.

If the member (or member's attorney) requests the information, there is no need for a subpoena for records. However, if the former spouse (or former spouse's attorney) makes the request, a subpoena is required. There is usually a two-week turnaround on divorce estimates.

THIRD STEP: Upon receipt of the model QDRO form and the divorce estimate, an attorney (or one of the parties) should complete the form. Send the completed QDRO form, along with a copy of the final judgment of dissolution of marriage and the settlement agreement, to the Division's Legal Office for review before filing with the Court. All QDROs must comply with the FRS law and rules.

Upon review, the Division legal office will advise the applicant in writing that, either the QDRO has been conditionally approved and can be filed with the court, or that certain changes are required to obtain conditional approval.

FOURTH STEP: Once the Division has granted conditional approval, the QDRO should be filed with the court. A conformed or certified copy of the approved QDRO must be mailed to the Division's Legal Office. Upon receipt of the QDRO entered by the court, the Legal Office will issue an approval letter with copies to all parties.

PAYMENT OF THE MONTHLY AMOUNT TO THE ALTERNATE PAYEE

When the member retires under the Pension Plan, the amount payable each month pursuant to an approved QDRO will be deducted from the Participant's retirement benefit and mailed directly to the Alternate Payee. No payment can be made from the member's account until the member terminates all FRS employment and is receiving a monthly retirement benefit.

The Alternate Payee must keep the Division advised of their current mailing address. Address changes may be mailed to the Division at the address listed on Page 3. Be sure to reference the member's name, last four numbers of the member's social security number if available and phone number of the Alternate Payee, on all correspondence.

CONTACT INFORMATION

If additional information is needed please contact the following:

Area Of Inquiry	Person To Call
Pension Plan QDRO procedures; approval process; or status of submitted QDRO	Legal Office Phone: 850-487-1230 FAX: 850-922-6312
Calculation of benefit or percentage of shares (specify that the request is for a dissolution of marriage case)	Division of Retirement Toll-Free: 844-377-1888 Local: 850-907-6500
Mailing Address:	Division of Retirement PO BOX 9000 Tallahassee FL 32315-9000