

Bill No. CS for SB 270

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Myers moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment | | |
| 14 | On page 42, line 26, through | | |
| 15 | page 45, line 23, delete those lines | | |
| 16 | | | |
| 17 | and insert: | | |
| 18 | (1) <u>With respect to chapter plans:</u> | | |
| 19 | (a) A firefighter having 10 or more continuous years | | |
| 20 | of credited service <u>or a firefighter who becomes totally and</u> | | |
| 21 | <u>permanently disabled in the line of duty, regardless of length</u> | | |
| 22 | <u>of service, and having contributed to the firefighters'</u> | | |
| 23 | pension trust fund for 10 years or more may retire from the | | |
| 24 | service of the municipality or special fire control district | | |
| 25 | under the plan if, prior to his or her normal retirement date, | | |
| 26 | the firefighter becomes totally and permanently disabled as | | |
| 27 | defined in <u>paragraph (b) subsection (2)</u> by reason of any cause | | |
| 28 | other than a cause set out in <u>paragraph (c) subsection (3)</u> on | | |
| 29 | or after the effective date of the plan. Such retirement | | |
| 30 | shall herein be referred to as "disability retirement." The | | |
| 31 | provisions for disability other than line-of-duty disability | | |

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1 ~~shall not apply to a member who has reached early or normal~~
2 ~~retirement age.~~

3 **(b)**~~(2)~~ A firefighter will be considered totally
4 disabled if, in the opinion of the board of trustees, he or
5 she is wholly prevented from rendering useful and efficient
6 service as a firefighter; and a firefighter will be considered
7 permanently disabled if, in the opinion of the board of
8 trustees, he or she is likely to remain so disabled
9 continuously and permanently from a cause other than is
10 specified in paragraph (c)~~subsection (3)~~.

11 **(c)**~~(3)~~ A firefighter will not be entitled to receive
12 any disability retirement income if the disability is a result
13 of:

14 **1.**~~(a)~~ Excessive and habitual use by the firefighter of
15 drugs, intoxicants, or narcotics;

16 **2.**~~(b)~~ Injury or disease sustained by the firefighter
17 while willfully and illegally participating in fights, riots,
18 or civil insurrections or while committing a crime;

19 **3.**~~(c)~~ Injury or disease sustained by the firefighter
20 while serving in any armed forces; or

21 **4.**~~(d)~~ Injury or disease sustained by the firefighter
22 after his or her employment has terminated.

23 **(d)**~~(4)~~ No firefighter shall be permitted to retire
24 under the provisions of this section until he or she is
25 examined by a duly qualified physician or surgeon, to be
26 selected by the board of trustees for that purpose, and is
27 found to be disabled in the degree and in the manner specified
28 in this section. Any firefighter retiring under this section
29 ~~may shall~~ be examined periodically by a duly qualified
30 physician or surgeon or board of physicians and surgeons, to
31 be selected by the board of trustees for that purpose, to

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1 determine if such disability has ceased to exist.

2 ~~(e)(5)~~ The benefit ~~benefits~~ payable to a firefighter
3 who retires from the service of a municipality or special fire
4 control district due to total and permanent disability as a
5 direct result of a disability ~~commencing prior to his or her~~
6 ~~normal retirement date~~ is the monthly income payable for 10
7 years certain and life for which, if the firefighter's
8 disability occurred in the line of duty, his or her monthly
9 benefit shall be the accrued retirement benefit, but shall not
10 be less than 42 percent of his or her average monthly salary
11 at the time of disability. If after 10 years of service the
12 disability is other than in the line of duty, the
13 firefighter's monthly benefit shall be the accrued normal
14 retirement benefit, but shall not be less than 25 percent of
15 his or her average monthly salary at the time of disability.

16 ~~(f)(6)~~ The monthly retirement income to which a
17 firefighter is entitled in the event of his or her disability
18 retirement shall be payable on the first day of the first
19 month after the board of trustees determines such entitlement.
20 However, the monthly retirement income shall be payable as of
21 the date the board determines such entitlement, and any
22 portion due for a partial month shall be paid together with
23 the first payment. The last payment will be, if the
24 firefighter recovers from the disability ~~prior to his or her~~
25 ~~normal retirement date~~, the payment due next preceding the
26 date of such recovery or, if the firefighter dies without
27 recovering from the disability, the payment due next preceding
28 his or her death or the 120th monthly payment, whichever is
29 later. In lieu of the benefit payment as provided in this
30 paragraph, a firefighter may select an optional form as
31 provided in s. 175.171. Any monthly retirement income payments

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1 due after the death of a disabled firefighter shall be paid to
2 the firefighter's designated beneficiary (or beneficiaries) as
3 provided in ss. 175.181 and 175.201.

4 (g)~~(7)~~ If the board of trustees finds that a
5 firefighter who is receiving a disability retirement income
6 is, ~~at any time prior to his or her normal retirement date,~~ no
7 longer disabled, as provided herein, the board of trustees
8 shall direct that the disability retirement income be
9 discontinued. "Recovery from disability" as used herein means
10 the ability of the firefighter to render useful and efficient
11 service as a firefighter.

12 (h)~~(8)~~ If the firefighter recovers from disability and
13 reenters the service as a firefighter, service will be deemed
14 to have been continuous, but the period beginning with the
15 first month for which he or she received a disability
16 retirement income payment and ending with the date he or she
17 reentered the service may ~~will~~ not be considered as credited
18 service for the purpose of this plan.

19 (2) With respect to a local law plan, the plan shall
20 provide a disability benefit for its firefighters, or for its
21 firefighters and police officers where included, and their
22 beneficiaries.

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