

Bill No. CS/CS/CS/HB 3075, 1st Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Myers moved the following amendment:

**Senate Amendment**

On page 106, line 24, through  
page 109, line 31, delete those lines

and insert:

(1) With respect to chapter plans:

(a) A police officer having 10 or more years of credited service, or a police officer who becomes totally and permanently disabled in the line of duty, regardless of length of service,~~and having contributed to the municipal police officers' retirement trust fund for 10 years or more~~ may retire from the service of the city under the plan if,~~prior to the police officer's normal retirement date,~~he or she becomes totally and permanently disabled as defined in paragraph (b)~~subsection (2)~~by reason of any cause other than a cause set out in paragraph (c)~~subsection (3)~~on or after the effective date of the plan. Such retirement shall herein be referred to as disability retirement. ~~The provisions for disability other than line-of-duty disability shall not apply~~

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1 ~~to a member who has reached early or normal retirement age.~~

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

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

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

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

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

20       **4.**~~(d)~~ Injury or disease sustained by the police  
21 officer after employment has terminated;

22       **5.**~~(e)~~ Injury or disease sustained by the police  
23 officer while working for anyone other than the city and  
24 arising out of such employment.

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

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1 or board of physicians and surgeons to be selected by the  
2 board of trustees for that purpose, to determine if such  
3 disability has ceased to exist.

4 (e)~~(5)~~ The benefit payable to a police officer who  
5 retires from the service of the city with a total and  
6 permanent disability as a result of a disability ~~commencing~~  
7 ~~prior to the police officer's normal retirement date~~ is the  
8 monthly income payable for 10 years certain and life for  
9 which, if the police officer's disability occurred in the line  
10 of duty, his or her monthly benefit shall be the accrued  
11 retirement benefit, but shall not be less than 42 percent of  
12 his or her average monthly compensation as of the police  
13 officer's disability retirement date. If after 10 years of  
14 service the disability is other than in the line of duty, the  
15 police officer's monthly benefit shall be the accrued normal  
16 retirement benefit, but shall not be less than 25 percent of  
17 his or her average monthly compensation as of the police  
18 officer's disability retirement date.

19 (f)~~(6)~~~~(a)~~ The monthly retirement income to which a  
20 police officer is entitled in the event of his or her  
21 disability retirement shall be payable on the first day of the  
22 first month after the board of trustees determines such  
23 entitlement. However, the monthly retirement income shall be  
24 payable as of the date the board determines such entitlement,  
25 and any portion due for a partial month shall be paid together  
26 with the first payment.

27 ~~(b)~~ The last payment will be 1~~+~~

28 ~~1~~ if the police officer recovers from the disability  
29 ~~prior to his or her normal retirement date~~, the payment due  
30 next preceding the date of such recovery~~7~~or,

31 ~~2~~ if the police officer dies without recovering from

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1 his or her disability ~~or attains his or her normal retirement~~  
2 ~~date while still disabled~~, the payment due next preceding  
3 death or the 120th monthly payment, whichever is later. In  
4 lieu of the benefit payment as provided in this subsection, a  
5 police officer may select an optional form as provided in s.  
6 185.161.

7 ~~(e)~~ Any monthly retirement income payments due after  
8 the death of a disabled police officer shall be paid to the  
9 police officer's designated beneficiary (or beneficiaries) as  
10 provided in ss. 185.162 and 185.21.

11 ~~(g)(7)~~ If the board of trustees finds that a police  
12 officer who is receiving a disability retirement income is, ~~at~~  
13 ~~any time prior to the police officer's normal retirement date,~~  
14 no longer disabled, as provided herein, the board of trustees  
15 shall direct that the disability retirement income be  
16 discontinued. Recovery from disability as used herein shall  
17 mean the ability of the police officer to render useful and  
18 efficient service as a police officer.

19 ~~(h)(8)~~ If the police officer recovers from disability  
20 and reenters the service of the city as a police officer, his  
21 or her service will be deemed to have been continuous, but the  
22 period beginning with the first month for which the police  
23 officer received a disability retirement income payment and  
24 ending with the date he or she reentered the service of the  
25 city may ~~will~~ not be considered as credited service for the  
26 purposes of the plan.

27 (2) With respect to a local law plan, the plan shall  
28 provide a disability benefit for its police officers, or for  
29 its police officers and firefighters where included, and their  
30 beneficiaries.

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