(NP)

SB 44

By Senator Bronson

18-101-00 1 A bill to be entitled 2 An act for the relief of Johnny Stubbs; providing him with equitable relief for 3 4 injuries and damages resulting from early 5 retirement necessitated by an injury incurred 6 in the line of duty; providing an appropriation 7 from the State Treasury; providing an effective 8 date. 9 10 WHEREAS, in 1983, Mr. Johnny Stubbs, who was then 38 years of age, was employed as a firefighter for the Reedy 11 12 Creek Improvement District, a government agency, and WHEREAS, Mr. Stubbs was an employee of that special 13 14 district for more than 15 years, and 15 WHEREAS, on November 7, 1983, Mr. Stubbs pulled a young man from a burning car that had turned upside down, and 16 17 WHEREAS, as a consequence of his rescue efforts, he suffered a back injury but continued to work in pain and with 18 19 serious side effects for almost 2 years, when it became 20 evident that he would need back surgery, and 21 WHEREAS, one of the problems that he faced was numbness 22 in his legs, and he did not want to continue driving a fire 23 truck and risk losing all feeling in his legs and possibly 24 injuring someone, and 25 WHEREAS, after having back surgery, he retired and took 26 early-retirement status, and 27 WHEREAS, because of problems in obtaining his workers' 28 compensation benefits, Mr. Stubbs hired an attorney, and he 29 received benefits for approximately 2 years until he reached a 30 settlement of his case which provided, in part, that any 31 treatment of his back will be covered, and 1 CODING: Words stricken are deletions; words underlined are additions.

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| 1 | WHEREAS, Mr. Stubbs's physician, Dr. Markus Kornberg, |
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| 2 | has attested that Mr. Stubbs is 100 percent disabled, and |
| 3 | WHEREAS, Mr. Stubbs has a TINS unit on his spine to |
| 4 | assist in walking, receives Social Security Disability, has |
| + 5 | had seven or eight operations on his back, has had two heart |
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| 6 | attacks, has an enlarged heart, and recently had pneumonia, |
| 7 | and |
| 8 | WHEREAS, Mr. Stubbs contends that his supervisor, who |
| 9 | is now deceased, should have advised him to seek disability |
| 10 | retirement but did not do so, nor did anyone else so advise |
| 11 | him, and, consequently, he has been receiving early-retirement |
| 12 | benefits in a lesser amount than the amount of disability |
| 13 | compensation would have been, and |
| 14 | WHEREAS, he receives \$420 per month in early-retirement |
| 15 | benefits and has received those benefits since January 1986, |
| 16 | and |
| 17 | WHEREAS, Johnny Stubbs is equitably entitled to receive |
| 18 | the difference between the amount he has received since his |
| 19 | retirement and the amount he would have received during that |
| 20 | period if he had been fully informed of his options, and |
| 21 | WHEREAS, Mr. Stubbs is also equitably entitled to |
| 22 | receive an amount that is equivalent to the sum he should |
| 23 | receive in disability-retirement benefits payable from the |
| 24 | effective date of this act until the end of his projected life |
| 25 | expectancy, NOW, THEREFORE, |
| 26 | |
| 27 | Be It Enacted by the Legislature of the State of Florida: |
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| 29 | Section 1. The facts stated in the preamble to this |
| 30 | act are found and declared to be true. |
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| 1 | Section 2. There is appropriated from the General | |
| 2 | Revenue Fund out of funds not otherwise appropriated an amount | |
| 3 | representing the difference between the early-retirement | |
| 4 | benefits that have been paid to Mr. Johnny Stubbs from the | |
| 5 | date of his retirement to the effective date of this act and | |
| 6 | the amount he would have received during that time period if | |
| 7 | he had been retired on full disability benefits. There is also | |
| 8 | appropriated from the General Revenue Fund out of funds not | |
| 9 | otherwise appropriated an amount equivalent to the difference | |
| 10 | between the retirement benefits that Mr. Stubbs will receive | |
| 11 | and the amount that he would have received if retired on full | |
| 12 | disability benefits, from the effective date of this act for | |
| 13 | the remainder of Mr. Stubbs' life expectancy, such amount to | |
| 14 | be reduced to present value. | |
| 15 | Section 3. The Comptroller is directed to draw a | |
| 16 | warrant in favor of Johnny Stubbs in a sum equal to the | |
| 17 | amounts described under section 2 upon funds in the General | |
| 18 | Revenue Fund of the State Treasury, and the Treasurer is | |
| 19 | directed to pay the same out of such funds. | |
| 20 | Section 4. This act shall take effect upon becoming a | |
| 21 | law. | |
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| 24 | SENATE SUMMARY | |
| 25 | Provides for the equitable relief of Johnny Stubbs for | |
| 26 | the difference between early-retirement benefits he has received and will receive and the disability benefits he | |
| 27 | should have received after retirement necessitated by injuries he received in the line of duty while performing | |
| 28 | a rescue operation. Providing an appropriation from the General Revenue Fund to Johnny Stubbs. | |
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