

By Representative Attkisson

1 A bill to be entitled
2 An act relating to disability retirement;
3 creating the "Officer Malcolm Thompson Act";
4 amending s. 121.091, F.S.; revising a provision
5 of law governing benefits payable for total and
6 permanent disability for certain Special Risk
7 Class members of the Florida Retirement System
8 who are injured in the line of duty; amending
9 s. 185.18, F.S.; providing a minimum retirement
10 benefit payable to certain police officers who
11 are injured in the line of duty and who are
12 totally and permanently disabled due to such
13 injury; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Short title.--This act may be cited as the
18 "Officer Malcolm Thompson Act."

19 Section 2. Paragraph (b) of subsection (4) of section
20 121.091, Florida Statutes, is amended to read:

21 121.091 Benefits payable under the system.--Benefits
22 may not be paid under this section unless the member has
23 terminated employment as provided in s. 121.021(39)(a) or
24 begun participation in the Deferred Retirement Option Program
25 as provided in subsection (13), and a proper application has
26 been filed in the manner prescribed by the department. The
27 department may cancel an application for retirement benefits
28 when the member or beneficiary fails to timely provide the
29 information and documents required by this chapter and the
30 department's rules. The department shall adopt rules
31 establishing procedures for application for retirement

1 benefits and for the cancellation of such application when the
2 required information or documents are not received.

3 (4) DISABILITY RETIREMENT BENEFIT.--

4 (b) Total and permanent disability.--A member shall be
5 considered totally and permanently disabled if, in the opinion
6 of the administrator, he or she is prevented, by reason of a
7 medically determinable physical or mental impairment, from
8 rendering useful and efficient service as an officer or
9 employee. A Special Risk Class member who is an officer as
10 defined in s. 943.10(1), (2), or (3) who is injured in the
11 line of duty as a result of a felonious act of another shall
12 be considered totally and permanently disabled and unable to
13 render useful and efficient service as an officer if such
14 injury is catastrophic as defined in s. 440.02(37).

15 Section 3. Subsection (5) of section 185.18, Florida
16 Statutes, is amended to read:

17 185.18 Disability retirement.--For any municipality,
18 chapter plan, local law municipality, or local law plan under
19 this chapter:

20 (5) The benefit payable to a police officer who
21 retires from the service of the city with a total and
22 permanent disability as a result of a disability is the
23 monthly income payable for 10 years certain and life for
24 which, if the police officer's disability occurred in the line
25 of duty, his or her monthly benefit shall be the accrued
26 retirement benefit, but shall not be less than 42 percent of
27 his or her average monthly compensation as of the police
28 officer's disability retirement date. If after 10 years of
29 service the disability is other than in the line of duty, the
30 police officer's monthly benefit shall be the accrued normal
31 retirement benefit, but shall not be less than 25 percent of

1 his or her average monthly compensation as of the police
2 officer's disability retirement date. Any other provision of
3 law to the contrary notwithstanding, if a police officer is
4 injured as a result of a felonious act of another and such
5 injury is catastrophic as defined in s. 440.02(37), the
6 officer shall be considered totally and permanently disabled
7 and unable to render useful and efficient service as a police
8 officer. Such officer shall be retired, and the monthly
9 retirement benefit shall be the accrued retirement benefit but
10 shall be not less than 80 percent of the officer's average
11 monthly compensation as of the officer's disability retirement
12 date.

13 Section 4. This act shall take effect upon becoming a
14 law.

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16 HOUSE SUMMARY

17
18 Creates the "Officer Malcolm Thompson Act" to provide
19 that certain Special Risk Class members of the Florida
20 Retirement System who sustain a catastrophic injury in
21 the line of duty as a result of the felonious acts of
22 another shall be considered totally and permanently
23 disabled and unable to render useful and efficient
24 service as an officer. Provides for a minimum retirement
25 benefit for police officers who are injured in the line
26 of duty under municipal police pension plans. See bill
27 for details.
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