

By the Committee on State Administration and  
Representatives Attkisson, Fiorentino and Byrd

1                                   A bill to be entitled  
2           An act relating to disability retirement for  
3           certain Special Risk Class members who are  
4           injured in the line of duty; creating the  
5           "Officer Malcolm Thompson Act"; providing  
6           legislative intent; amending s. 121.091, F.S.;  
7           revising provisions relating to benefits  
8           payable for total and permanent disability for  
9           certain Special Risk Class members of the  
10          Florida Retirement System who are injured in  
11          the line of duty; amending ss. 175.191 and  
12          185.18, F.S.; providing minimum retirement  
13          benefits payable to certain Special Risk Class  
14          members who are injured in the line of duty and  
15          who are totally and permanently disabled due to  
16          such injury; providing an effective date.

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

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

22           Section 2. It is hereby declared by the Legislature  
23 that firefighters, paramedics, emergency medical technicians,  
24 and police officers, as hereinafter defined, perform state and  
25 municipal functions; that it is their duty to protect life and  
26 property at their own risk and peril; that it is their duty to  
27 continuously instruct school personnel, public officials, and  
28 private citizens about safety; and that their activities are  
29 vital to the public safety. Therefore, the Legislature  
30 declares that it is a proper and legitimate state purpose to  
31 provide a uniform retirement system for the benefit of

1 firefighters, paramedics, emergency medical technicians, and  
2 police officers as hereinafter defined and intends, in  
3 implementing the provisions of Section 14, Article X of the  
4 State Constitution as they relate to municipal and special  
5 district pension trust fund systems and plans, that such  
6 retirement systems or plans be managed, administered,  
7 operated, and funded in such manner as to maximize the  
8 protection of pension trust funds. Pursuant to Section 18,  
9 Article VII of the State Constitution, the Legislature hereby  
10 determines and declares that the provisions of this act  
11 fulfill an important state interest.

12 Section 3. Paragraph (b) of subsection (4) of section  
13 121.091, Florida Statutes, is amended to read:

14 121.091 Benefits payable under the system.--Benefits  
15 may not be paid under this section unless the member has  
16 terminated employment as provided in s. 121.021(39)(a) or  
17 begun participation in the Deferred Retirement Option Program  
18 as provided in subsection (13), and a proper application has  
19 been filed in the manner prescribed by the department. The  
20 department may cancel an application for retirement benefits  
21 when the member or beneficiary fails to timely provide the  
22 information and documents required by this chapter and the  
23 department's rules. The department shall adopt rules  
24 establishing procedures for application for retirement  
25 benefits and for the cancellation of such application when the  
26 required information or documents are not received.

27 (4) DISABILITY RETIREMENT BENEFIT.--

28 (b) Total and permanent disability.--A member shall be  
29 considered totally and permanently disabled if, in the opinion  
30 of the administrator, he or she is prevented, by reason of a  
31 medically determinable physical or mental impairment, from

1 rendering useful and efficient service as an officer or  
2 employee. A Special Risk Class member who is an officer as  
3 defined in s. 943.10(1), (2), or (3); a firefighter as defined  
4 in s. 633.30(1); an emergency medical technician as defined in  
5 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who  
6 is catastrophically injured as defined in s. 440.02(37) in the  
7 line of duty as a result of a felonious act of another shall  
8 be considered totally and permanently disabled and unable to  
9 render useful and efficient service as an officer, unless the  
10 administrator can provide documented competent medical  
11 evidence that the officer is able to render useful and  
12 efficient service as an officer. For purposes of this  
13 subsection, the term "officer" includes police officers,  
14 correctional officers, correctional probation officers,  
15 firefighters, emergency medical technicians, and paramedics.

16 Section 4. Subsection (5) of section 175.191, Florida  
17 Statutes, is amended to read:

18 175.191 Disability retirement.--For any municipality,  
19 special fire control district, chapter plan, local law  
20 municipality, local law special fire control district, or  
21 local law plan under this chapter:

22 (5) The benefit payable to a firefighter who retires  
23 from the service of a municipality or special fire control  
24 district due to total and permanent disability as a direct  
25 result of a disability is the monthly income payable for 10  
26 years certain and life for which, if the firefighter's  
27 disability occurred in the line of duty, his or her monthly  
28 benefit shall be the accrued retirement benefit, but shall not  
29 be less than 42 percent of his or her average monthly salary  
30 at the time of disability. If after 10 years of service the  
31 disability is other than in the line of duty, the

1 firefighter's monthly benefit shall be the accrued normal  
2 retirement benefit, but shall not be less than 25 percent of  
3 his or her average monthly salary at the time of disability.  
4 Notwithstanding any provision to the contrary, the monthly  
5 retirement benefit payable to a firefighter, emergency medical  
6 technician, or paramedic who retires from service due to total  
7 and permanent disability as a result of a catastrophic injury  
8 as defined in s. 440.02(37) where such injury is a result of a  
9 felonious act of another shall be the accrued retirement  
10 benefit but shall not be less than 80 percent of his or her  
11 average monthly salary at the time of disability.

12 Section 5. Subsection (5) of section 185.18, Florida  
13 Statutes, is amended to read:

14 185.18 Disability retirement.--For any municipality,  
15 chapter plan, local law municipality, or local law plan under  
16 this chapter:

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

1 payable to a police officer who retires from service due to  
2 total and permanent disability as a result of a catastrophic  
3 injury as defined in s. 440.02(37) where such injury is a  
4 result of a felonious act of another shall be the accrued  
5 retirement benefit but shall not be less than 80 percent of  
6 the officer's average monthly compensation as of the officer's  
7 disability retirement date.

8           Section 6. This act shall take effect upon becoming a  
9 law.

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