

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Attkisson offered the following:

Amendment to Amendment (143317) (with title amendment)

On page 1, between lines 16 & 17,

insert:

Section 1. It is hereby declared by the Legislature that firefighters, paramedics, emergency medical technicians, and police officers, as hereinafter defined, perform state and municipal functions; that it is their duty to protect life and property at their own risk and peril; that it is their duty to continuously instruct school personnel, public officials, and private citizens about safety; and that their activities are vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters, paramedics, emergency medical technicians, and police officers as hereinafter defined and intends, in implementing the provisions of Section 14, Article X of the State Constitution as they relate to municipal and special district pension trust fund systems and plans, that such

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1 retirement systems or plans be managed, administered,
2 operated, and funded in such manner as to maximize the
3 protection of pension trust funds. Pursuant to Section 18,
4 Article VII of the State Constitution, the Legislature hereby
5 determines and declares that the provisions of this act
6 fulfill an important state interest.

7 Section 2. Paragraph (b) of subsection (4) of section
8 121.091, Florida Statutes, is amended to read:

9 121.091 Benefits payable under the system.--Benefits
10 may not be paid under this section unless the member has
11 terminated employment as provided in s. 121.021(39)(a) or
12 begun participation in the Deferred Retirement Option Program
13 as provided in subsection (13), and a proper application has
14 been filed in the manner prescribed by the department. The
15 department may cancel an application for retirement benefits
16 when the member or beneficiary fails to timely provide the
17 information and documents required by this chapter and the
18 department's rules. The department shall adopt rules
19 establishing procedures for application for retirement
20 benefits and for the cancellation of such application when the
21 required information or documents are not received.

22 (4) DISABILITY RETIREMENT BENEFIT.--

23 (b) Total and permanent disability.--A member shall be
24 considered totally and permanently disabled if, in the opinion
25 of the administrator, he or she is prevented, by reason of a
26 medically determinable physical or mental impairment, from
27 rendering useful and efficient service as an officer or
28 employee. A Special Risk Class member who is an officer as
29 defined in s. 943.10(1), (2), or (3); a firefighter as defined
30 in s. 633.30(1); an emergency medical technician as defined in
31 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who

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1 is catastrophically injured as defined in s. 440.02(37) in the
2 line of duty as a result of a felonious act of another shall
3 be considered totally and permanently disabled and unable to
4 render useful and efficient service as an officer, unless the
5 administrator can provide documented competent medical
6 evidence that the officer is able to render useful and
7 efficient service as an officer. For purposes of this
8 subsection, the term "officer" includes law enforcement
9 officers, correctional officers, correctional probation
10 officers, firefighters, emergency medical technicians, and
11 paramedics.

12 Section 3. Subsection (5) of section 175.191, Florida
13 Statutes, is amended to read:

14 175.191 Disability retirement.--For any municipality,
15 special fire control district, chapter plan, local law
16 municipality, local law special fire control district, or
17 local law plan under this chapter:

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

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

8 Section 4. Subsection (5) of section 185.18, Florida
9 Statutes, is amended to read:

10 185.18 Disability retirement.--For any municipality,
11 chapter plan, local law municipality, or local law plan under
12 this chapter:

13 (5) The benefit payable to a police officer who
14 retires from the service of the city with a total and
15 permanent disability as a result of a disability is the
16 monthly income payable for 10 years certain and life for
17 which, if the police officer's disability occurred in the line
18 of duty, his or her monthly benefit shall be the accrued
19 retirement benefit, but shall not be less than 42 percent of
20 his or her average monthly compensation as of the police
21 officer's disability retirement date. If after 10 years of
22 service the disability is other than in the line of duty, the
23 police officer's monthly benefit shall be the accrued normal
24 retirement benefit, but shall not be less than 25 percent of
25 his or her average monthly compensation as of the police
26 officer's disability retirement date. Notwithstanding any
27 provision to the contrary, the monthly retirement benefit
28 payable to a police officer who retires from service due to
29 total and permanent disability as a result of a catastrophic
30 injury as defined in s. 440.02(37) where such injury is a
31 result of a felonious act of another shall be the accrued

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1 retirement benefit but shall not be less than 80 percent of
2 the officer's average monthly compensation as of the officer's
3 disability retirement date.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 9, line 8, after Program;

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10 insert:

11 creating the "Officer Malcolm Thompson Act";
12 providing legislative intent; amending s.
13 121.091, F.S.; revising provisions relating to
14 benefits payable for total and permanent
15 disability for certain Special Risk Class
16 members of the Florida Retirement System who
17 are injured in the line of duty; amending ss.
18 175.191 and 185.18, F.S.; providing minimum
19 retirement benefits payable to certain Special
20 Risk Class members who are injured in the line
21 of duty and who are totally and permanently
22 disabled due to such injury;

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