

By Representatives Brummer, Gardiner, Kallinger, Siplin,
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1 A bill to be entitled
2 An act relating to the City of Orlando, Orange
3 County; amending chapter 22414 (1943), Laws of
4 Florida, relating to the pension fund of the
5 Orlando Police Department; eliminating the
6 earned income offset; providing for changes
7 necessary to obtain tax qualification and
8 compliance with state statutory minimums;
9 providing an effective date.

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

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13 Section 1. Section 8 of chapter 22414 (1943), Laws of
14 Florida, as amended, is amended to read:

15 Section 8. Disability pensions in general.--

16 (1) For the purposes of both sections 9 and 10 of this
17 retirement plan, pertaining to disability pensions, the term
18 "permanently and totally disabled" shall be construed to mean
19 and include the loss of one or more limbs, loss of sight in
20 one or both eyes, loss of hearing in one or both ears, and any
21 other condition which renders the member unfit to perform the
22 required duties of the member's rank held at the time of
23 impairment.

24 (2) No member of the police department shall be
25 entitled to a disability pension, whether in line of duty or
26 not in line of duty, because of or due to the aggravation of a
27 specific injury, impairment, or other medical condition
28 preexisting at the time of employment with the police
29 department, provided that such preexisting condition and its
30 relationship to a later injury, impairment, or other medical
31 condition be established by competent substantial evidence.

1 Nothing herein shall be construed to preclude a disability
2 pension to a member who, after employment with the police
3 department, suffers an injury, impairment, or other medical
4 condition different from some other injury, impairment, or
5 other medical condition existing at or prior to said
6 employment.

7 (3) Notwithstanding any other provision of this
8 retirement plan, a disability pension may be denied by the
9 board of trustees if it is determined that:

10 (a) The applicant is not totally disabled to do all of
11 the functions which can be performed by members of his or her
12 same rank;

13 (b) The applicant is able to do some of the functions
14 which can be performed by members of his or her same rank; and

15 (c) The Chief of the Police Department is willing to
16 permit the applicant to remain on the Orlando Police
17 Department, performing limited duty, with no reduction in pay
18 or benefits.

19 (4) If in any month a disability retiree receives both
20 workers' compensation payments and disability pension
21 benefits, a dollar-for-dollar offset will be made to
22 disability pension payments otherwise due for any workers'
23 compensation payments received; provided, however, the offset
24 will not operate to reduce the total of workers' compensation
25 payments and pension plan payments below 100 percent of the
26 pensionable salary earned by the retiree on his or her last
27 day of work for the Orlando Police Department; and provided
28 further that no offset shall be made if the member is
29 receiving benefits under Title 42 USCA Public Health and
30 Welfare (Social Security) guidelines as disabled. For purposes
31 of offset calculation when lump sum workers' compensation

1 settlements are paid, the lump sum will be amortized over the
2 period of allowable benefits, not to exceed 10 years.

3 ~~(5) If during any calendar year a disability retiree~~
4 ~~has earned income, there will be a \$1 offset during the~~
5 ~~succeeding calendar year for each \$3 of earned income;~~
6 ~~provided, however, that benefits payable under this retirement~~
7 ~~plan will never be reduced below the amount the disability~~
8 ~~retiree would have been eligible to receive on the date of~~
9 ~~retirement, based on his or her years of credited service and~~
10 ~~average monthly salary at time of disability. "Earned income"~~
11 ~~will include only such income treated as gross income defined~~
12 ~~as such by the IRS for federal income tax purposes to the~~
13 ~~extent that such income is wages or compensation for services~~
14 ~~or income from a business owned or operated by the disability~~
15 ~~retiree.~~

16 ~~(6) If the disability retiree does receive earned~~
17 ~~income in any calendar year, he or she shall make a report to~~
18 ~~the board of trustees, on or before the 15th day of each April~~
19 ~~of the following year, of any and all earned income received~~
20 ~~during the preceding calendar year. If the retiree files a~~
21 ~~false report or fails to file the required report, the board~~
22 ~~of trustees shall conduct a hearing, upon notice to the~~
23 ~~retiree, and may order the pension temporarily suspended or~~
24 ~~reduced to the amount the retiree would be entitled to receive~~
25 ~~under section 6 of this retirement plan. Disability retirees~~
26 ~~will also be required to provide the board of trustees with~~
27 ~~relevant tax returns within 30 days of filing. If these~~
28 ~~returns are not filed, the pension payable to the retiree~~
29 ~~shall be temporarily withheld until the return is filed.~~

30 Section 2. Section 27 is added to chapter 22414
31 (1943), Laws of Florida, as amended, to read:

1 Section 27. Tax qualification and statutory
2 minimums.--

3 (1) The legislative body of the City of Orlando is
4 authorized to amend the pension plan to the limited extent
5 necessary to maintain tax qualification of the plan under the
6 Internal Revenue Code, but must obtain prior agreement of the
7 members and their collective bargaining agent, if any, should
8 such required amendments change any plan benefits.

9 (2) The legislative body of the City of Orlando is
10 authorized to amend the pension plan to the limited extent
11 necessary to comply with the minimum standards and benefits
12 levels required by chapter 185, Florida Statutes, in order to
13 allow the plan to receive funds from the Police and
14 Firefighters' Premium Tax Trust Fund, but must obtain prior
15 agreement of the members and their collective bargaining
16 agent, if any, should such required amendments change any plan
17 benefits.

18 Section 3. This act shall take effect upon becoming a
19 law.

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