

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Attkisson offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

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

Section 2. It is declared by the Legislature that firefighters, paramedics, emergency medical technicians, and police officers, as defined in this act, 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 defined in this act and intends, in implementing the provisions of Section 14, Article X of the

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

9           Section 3. Paragraph (b) of subsection (4) and  
10 paragraph (b) of subsection (9) of section 121.091, Florida  
11 Statutes, are amended to read:

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

25           (4) DISABILITY RETIREMENT BENEFIT.--

26           (b) Total and permanent disability.--A member shall be  
27 considered totally and permanently disabled if, in the opinion  
28 of the administrator, he or she is prevented, by reason of a  
29 medically determinable physical or mental impairment, from  
30 rendering useful and efficient service as an officer or  
31 employee. A Special Risk Class member who is an officer as

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1 defined in s. 943.10(1), (2), or (3); a firefighter as defined  
2 in s. 633.30(1); an emergency medical technician as defined in  
3 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who  
4 is catastrophically injured as defined in s. 440.02(37) in the  
5 line of duty as a result of a felonious act of another shall  
6 be considered totally and permanently disabled and unable to  
7 render useful and efficient service as an officer, unless the  
8 administrator can provide documented competent medical  
9 evidence that the officer is able to render useful and  
10 efficient service as an officer.

11 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

12 (b)1. Any person who is retired under this chapter,  
13 except under the disability retirement provisions of  
14 subsection (4), may be reemployed by any private or public  
15 employer after retirement and receive retirement benefits and  
16 compensation from his or her employer without any limitations,  
17 except that a person may not receive both a salary from  
18 reemployment with any agency participating in the Florida  
19 Retirement System and retirement benefits under this chapter  
20 for a period of 12 months immediately subsequent to the date  
21 of retirement. However, a DROP participant shall continue  
22 employment and receive a salary during the period of  
23 participation in the Deferred Retirement Option Program, as  
24 provided in subsection (13).

25 2. Any person to whom the limitation in subparagraph  
26 1. applies who violates such reemployment limitation and who  
27 is reemployed with any agency participating in the Florida  
28 Retirement System before completion of the 12-month limitation  
29 period shall give timely notice of this fact in writing to the  
30 employer and to the division and shall have his or her  
31 retirement benefits suspended for the balance of the 12-month

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1 limitation period. Any person employed in violation of this  
2 paragraph and any employing agency which knowingly employs or  
3 appoints such person without notifying the Division of  
4 Retirement to suspend retirement benefits shall be jointly and  
5 severally liable for reimbursement to the retirement trust  
6 fund of any benefits paid during the reemployment limitation  
7 period. To avoid liability, such employing agency shall have  
8 a written statement from the retiree that he or she is not  
9 retired from a state-administered retirement system. Any  
10 retirement benefits received while reemployed during this  
11 reemployment limitation period shall be repaid to the  
12 retirement trust fund, and retirement benefits shall remain  
13 suspended until such repayment has been made. Benefits  
14 suspended beyond the reemployment limitation shall apply  
15 toward repayment of benefits received in violation of the  
16 reemployment limitation.

17         3. A district school board may reemploy a retired  
18 member as a substitute or hourly teacher, education  
19 paraprofessional, transportation assistant, bus driver, or  
20 food service worker on a noncontractual basis after he or she  
21 has been retired for 1 calendar month, in accordance with s.  
22 121.021(39). Any retired member who is reemployed within 1  
23 calendar month after retirement shall void his or her  
24 application for retirement benefits. District school boards  
25 reemploying such teachers, education paraprofessionals,  
26 transportation assistants, bus drivers, or food service  
27 workers are subject to the retirement contribution required by  
28 subparagraph ~~8.7~~-Reemployment of a retired member as a  
29 substitute or hourly teacher, education paraprofessional,  
30 transportation assistant, bus driver, or food service worker  
31 is limited to 780 hours during the first 12 months of his or

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1 her retirement. Any retired member reemployed for more than  
2 780 hours during his or her first 12 months of retirement  
3 shall give timely notice in writing to the employer and to the  
4 division of the date he or she will exceed the limitation.  
5 The division shall suspend his or her retirement benefits for  
6 the remainder of the first 12 months of retirement. Any  
7 person employed in violation of this subparagraph and any  
8 employing agency which knowingly employs or appoints such  
9 person without notifying the Division of Retirement to suspend  
10 retirement benefits shall be jointly and severally liable for  
11 reimbursement to the retirement trust fund of any benefits  
12 paid during the reemployment limitation period. To avoid  
13 liability, such employing agency shall have a written  
14 statement from the retiree that he or she is not retired from  
15 a state-administered retirement system. Any retirement  
16 benefits received by a retired member while reemployed in  
17 excess of 780 hours during the first 12 months of retirement  
18 shall be repaid to the Retirement System Trust Fund, and his  
19 or her retirement benefits shall remain suspended until  
20 repayment is made. Benefits suspended beyond the end of the  
21 retired member's first 12 months of retirement shall apply  
22 toward repayment of benefits received in violation of the  
23 780-hour reemployment limitation.

24 4. A community college board of trustees may reemploy  
25 a retired member as an adjunct instructor, that is, an  
26 instructor who is noncontractual and part-time, or as a  
27 participant in a phased retirement program within the Florida  
28 Community College System, after he or she has been retired for  
29 1 calendar month, in accordance with s. 121.021(39). Any  
30 retired member who is reemployed within 1 calendar month after  
31 retirement shall void his or her application for retirement

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1 benefits. Boards of trustees reemploying such instructors are  
2 subject to the retirement contribution required in  
3 subparagraph 8.7-A retired member may be reemployed as an  
4 adjunct instructor for no more than 780 hours during the first  
5 12 months of retirement. Any retired member reemployed for  
6 more than 780 hours during the first 12 months of retirement  
7 shall give timely notice in writing to the employer and to the  
8 division of the date he or she will exceed the limitation.  
9 The division shall suspend his or her retirement benefits for  
10 the remainder of the first 12 months of retirement. Any  
11 person employed in violation of this subparagraph and any  
12 employing agency which knowingly employs or appoints such  
13 person without notifying the Division of Retirement to suspend  
14 retirement benefits shall be jointly and severally liable for  
15 reimbursement to the retirement trust fund of any benefits  
16 paid during the reemployment limitation period. To avoid  
17 liability, such employing agency shall have a written  
18 statement from the retiree that he or she is not retired from  
19 a state-administered retirement system. Any retirement  
20 benefits received by a retired member while reemployed in  
21 excess of 780 hours during the first 12 months of retirement  
22 shall be repaid to the Retirement System Trust Fund, and  
23 retirement benefits shall remain suspended until repayment is  
24 made. Benefits suspended beyond the end of the retired  
25 member's first 12 months of retirement shall apply toward  
26 repayment of benefits received in violation of the 780-hour  
27 reemployment limitation.

28           5. The State University System may reemploy a retired  
29 member as an adjunct faculty member or as a participant in a  
30 phased retirement program within the State University System  
31 after the retired member has been retired for 1 calendar

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1 month, in accordance with s. 121.021(39). Any retired member  
2 who is reemployed within 1 calendar month after retirement  
3 shall void his or her application for retirement benefits.  
4 The State University System is subject to the retired  
5 contribution required in subparagraph ~~8.7-~~, as appropriate. A  
6 retired member may be reemployed as an adjunct faculty member  
7 or a participant in a phased retirement program for no more  
8 than 780 hours during the first 12 months of his or her  
9 retirement. Any retired member reemployed for more than 780  
10 hours during the first 12 months of retirement shall give  
11 timely notice in writing to the employer and to the division  
12 of the date he or she will exceed the limitation. The  
13 division shall suspend his or her retirement benefits for the  
14 remainder of the first 12 months of retirement. Any person  
15 employed in violation of this subparagraph and any employing  
16 agency which knowingly employs or appoints such person without  
17 notifying the Division of Retirement to suspend retirement  
18 benefits shall be jointly and severally liable for  
19 reimbursement to the retirement trust fund of any benefits  
20 paid during the reemployment limitation period. To avoid  
21 liability, such employing agency shall have a written  
22 statement from the retiree that he or she is not retired from  
23 a state-administered retirement system. Any retirement  
24 benefits received by a retired member while reemployed in  
25 excess of 780 hours during the first 12 months of retirement  
26 shall be repaid to the Retirement System Trust Fund, and  
27 retirement benefits shall remain suspended until repayment is  
28 made. Benefits suspended beyond the end of the retired  
29 member's first 12 months of retirement shall apply toward  
30 repayment of benefits received in violation of the 780-hour  
31 reemployment limitation.

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1           6. The Board of Trustees of the Florida School for the  
2 Deaf and the Blind may reemploy a retired member as a  
3 substitute teacher, substitute residential instructor, or  
4 substitute nurse on a noncontractual basis after he or she has  
5 been retired for 1 calendar month, in accordance with s.  
6 121.021(39). Any retired member who is reemployed within 1  
7 calendar month after retirement shall void his or her  
8 application for retirement benefits. The Board of Trustees of  
9 the Florida School for the Deaf and the Blind reemploying such  
10 teachers, residential instructors, or nurses is subject to the  
11 retirement contribution required by subparagraph ~~8.7~~.  
12 Reemployment of a retired member as a substitute teacher,  
13 substitute residential instructor, or substitute nurse is  
14 limited to 780 hours during the first 12 months of his or her  
15 retirement. Any retired member reemployed for more than 780  
16 hours during the first 12 months of retirement shall give  
17 timely notice in writing to the employer and to the division  
18 of the date he or she will exceed the limitation. The division  
19 shall suspend his or her retirement benefits for the remainder  
20 of the first 12 months of retirement. Any person employed in  
21 violation of this subparagraph and any employing agency which  
22 knowingly employs or appoints such person without notifying  
23 the Division of Retirement to suspend retirement benefits  
24 shall be jointly and severally liable for reimbursement to the  
25 retirement trust fund of any benefits paid during the  
26 reemployment limitation period. To avoid liability, such  
27 employing agency shall have a written statement from the  
28 retiree that he or she is not retired from a  
29 state-administered retirement system. Any retirement benefits  
30 received by a retired member while reemployed in excess of 780  
31 hours during the first 12 months of retirement shall be repaid



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1 to the Retirement System Trust Fund, and his or her retirement  
2 benefits shall remain suspended until payment is made.  
3 Benefits suspended beyond the end of the retired member's  
4 first 12 months of retirement shall apply toward repayment of  
5 benefits received in violation of the 780-hour reemployment  
6 limitation.

7 7. A sheriff may reemploy a retired member as a deputy  
8 sheriff after the retired member has been retired for 1  
9 calendar month, in accordance with s. 121.021(39). Any retired  
10 member who is reemployed within 1 calendar month after  
11 retirement shall void his or her application for retirement  
12 benefits. Sheriffs reemploying such deputy sheriffs are  
13 subject to the retirement contribution required in  
14 subparagraph 8. Reemployment of a retired deputy sheriff is  
15 limited to no more than 780 hours during the first 12 months  
16 of his or her retirement. Any retired member reemployed for  
17 more than 780 hours during the first 12 months of retirement  
18 shall give timely notice in writing to the employer and to the  
19 division of the date he or she will exceed the limitation. The  
20 division shall suspend his or her retirement benefits for the  
21 remainder of the first 12 months of retirement. Any person  
22 employed in violation of this subparagraph and any employing  
23 agency that knowingly employs or appoints such person without  
24 notifying the Division of Retirement to suspend retirement  
25 benefits shall be jointly and severally liable for  
26 reimbursement to the retirement trust fund of any benefits  
27 paid during the reemployment limitation period. To avoid  
28 liability, such employing agency must have a written statement  
29 from the retiree that he or she is not retired from a  
30 state-administered retirement system. Any retirement benefits  
31 received by a retired member while reemployed in excess of 780

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1 hours during the first 12 months of retirement shall be repaid  
2 to the Retirement System Trust Fund, and retirement benefits  
3 shall remain suspended until repayment is made. Benefits  
4 suspended beyond the end of the retired member's first 12  
5 months of retirement shall apply toward repayment of benefits  
6 received in violation of the 780-hour reemployment limitation.

7 ~~8.7.~~ The employment by an employer of any retiree or  
8 DROP participant of any state-administered retirement system  
9 shall have no effect on the average final compensation or  
10 years of creditable service of the retiree or DROP  
11 participant. Prior to July 1, 1991, upon employment of any  
12 person, other than an elected officer as provided in s.  
13 121.053, who has been retired under any state-administered  
14 retirement program, the employer shall pay retirement  
15 contributions in an amount equal to the unfunded actuarial  
16 liability portion of the employer contribution which would be  
17 required for regular members of the Florida Retirement System.  
18 Effective July 1, 1991, contributions shall be made as  
19 provided in s. 121.122 for retirees with renewed membership or  
20 subsection (13) with respect to DROP participants.

21 ~~9.8.~~ Any person who has previously retired and who is  
22 holding an elective public office or an appointment to an  
23 elective public office eligible for the Elected Officers'  
24 Class on or after July 1, 1990, shall be enrolled in the  
25 Florida Retirement System as provided in s. 121.053(1)(b) or,  
26 if holding an elective public office that does not qualify for  
27 the Elected Officers' Class on or after July 1, 1991, shall be  
28 enrolled in the Florida Retirement System as provided in s.  
29 121.122, and shall continue to receive retirement benefits as  
30 well as compensation for the elected officer's service for as  
31 long as he or she remains in elective office. However, any

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1 retired member who served in an elective office prior to July  
2 1, 1990, suspended his or her retirement benefit, and had his  
3 or her Florida Retirement System membership reinstated shall,  
4 upon retirement from such office, have his or her retirement  
5 benefit recalculated to include the additional service and  
6 compensation earned.

7 ~~10.9.~~ Any person who is holding an elective public  
8 office which is covered by the Florida Retirement System and  
9 who is concurrently employed in nonelected covered employment  
10 may elect to retire while continuing employment in the  
11 elective public office, provided that he or she shall be  
12 required to terminate his or her nonelected covered  
13 employment. Any person who exercises this election shall  
14 receive his or her retirement benefits in addition to the  
15 compensation of the elective office without regard to the time  
16 limitations otherwise provided in this subsection. No person  
17 who seeks to exercise the provisions of this subparagraph, as  
18 the same existed prior to May 3, 1984, shall be deemed to be  
19 retired under those provisions, unless such person is eligible  
20 to retire under the provisions of this subparagraph, as  
21 amended by chapter 84-11, Laws of Florida.

22 ~~11.10.~~ The limitations of this paragraph apply to  
23 reemployment in any capacity with an "employer" as defined in  
24 s. 121.021(10), irrespective of the category of funds from  
25 which the person is compensated.

26 12. An employing agency may reemploy a retired member  
27 as a firefighter or paramedic after the retired member has  
28 been retired for 1 calendar month, in accordance with s.  
29 121.021(39). Any retired member who is reemployed within 1  
30 calendar month after retirement shall void his or her  
31 application for retirement benefits. Employing agencies

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1 reemploying such firefighters or paramedics are subject to the  
2 retirement contribution required in subparagraph 8.  
3 Reemployment of a retired firefighter or paramedic is limited  
4 to no more than 780 hours during the first 12 months of his or  
5 her retirement. Any retired member reemployed for more than  
6 780 hours during the first 12 months of retirement shall give  
7 timely notice in writing to the employer and to the division  
8 of the date he or she will exceed the limitation. The division  
9 shall suspend his or her retirement benefits for the remainder  
10 of the first 12 months of retirement. A person employed in  
11 violation of this subparagraph and an employing agency that  
12 knowingly employs or appoints such person without notifying  
13 the Division of Retirement to suspend retirement benefits  
14 shall be jointly and severally liable for reimbursement to the  
15 retirement trust fund of any benefits paid during the  
16 reemployment limitation period. To avoid liability, such  
17 employing agency must have a written statement from the  
18 retiree that he or she is not retired from a  
19 state-administered retirement system. Any retirement benefits  
20 received by a retired member while reemployed in excess of 780  
21 hours during the first 12 months of retirement shall be repaid  
22 to the Retirement System Trust Fund, and retirement benefits  
23 shall remain suspended until repayment is made. Benefits  
24 suspended beyond the end of the retired member's first 12  
25 months of retirement shall apply toward repayment of benefits  
26 received in violation of the 780-hour reemployment limitation.

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

29 175.191 Disability retirement.--For any municipality,  
30 special fire control district, chapter plan, local law  
31 municipality, local law special fire control district, or

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1 local law plan under this chapter:

2 (5) The benefit payable to a firefighter who retires  
3 from the service of a municipality or special fire control  
4 district due to total and permanent disability as a direct  
5 result of a disability is the monthly income payable for 10  
6 years certain and life for which, if the firefighter's  
7 disability occurred in the line of duty, his or her monthly  
8 benefit shall be the accrued retirement benefit, but shall not  
9 be less than 42 percent of his or her average monthly salary  
10 at the time of disability. If after 10 years of service the  
11 disability is other than in the line of duty, the  
12 firefighter's monthly benefit shall be the accrued normal  
13 retirement benefit, but shall not be less than 25 percent of  
14 his or her average monthly salary at the time of disability.  
15 Notwithstanding any provision to the contrary, the monthly  
16 retirement benefit payable to a firefighter, emergency medical  
17 technician, or paramedic who retires from service due to total  
18 and permanent disability as a result of a catastrophic injury  
19 as defined in s. 440.02(37) suffered in the line of duty where  
20 such injury is a result of a felonious act of another shall be  
21 the accrued retirement benefit but shall not be less than 80  
22 percent of his or her average monthly salary at the time of  
23 disability.

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

26 185.18 Disability retirement.--For any municipality,  
27 chapter plan, local law municipality, or local law plan under  
28 this chapter:

29 (5) The benefit payable to a police officer who  
30 retires from the service of the city with a total and  
31 permanent disability as a result of a disability is the

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1 monthly income payable for 10 years certain and life for  
2 which, if the police officer's disability occurred in the line  
3 of duty, his or her monthly benefit shall be the accrued  
4 retirement benefit, but shall not be less than 42 percent of  
5 his or her average monthly compensation as of the police  
6 officer's disability retirement date. If after 10 years of  
7 service the disability is other than in the line of duty, the  
8 police officer's monthly benefit shall be the accrued normal  
9 retirement benefit, but shall not be less than 25 percent of  
10 his or her average monthly compensation as of the police  
11 officer's disability retirement date. Notwithstanding any  
12 provision to the contrary, the monthly retirement benefit  
13 payable to a police officer who retires from service due to  
14 total and permanent disability as a result of a catastrophic  
15 injury as defined in s. 440.02(37) suffered in the line of  
16 duty where such injury is a result of a felonious act of  
17 another shall be the accrued retirement benefit but shall not  
18 be less than 80 percent of the officer's average monthly  
19 compensation as of the officer's disability retirement date.

20 Section 6. Effective July 1, 2002, in order to fund  
21 the benefits provided in section 121.091, Florida Statutes, as  
22 amended by this act:

23 (1) The contribution rate that applies to the Special  
24 Risk Class of the defined benefit program of the Florida  
25 Retirement System shall be increased by 0.02 percentage  
26 points; and

27 (2) The contribution rate that applies to the Special  
28 Risk Administrative Support Class of the defined benefit  
29 program of the Florida Retirement System shall be increased by  
30 0.14 percentage points.

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1 These increases shall be in addition to all other changes to  
2 such contribution rates which may be enacted into law to take  
3 effect on that date. The Division of Statutory Revision is  
4 directed to adjust accordingly the contribution rates set  
5 forth in section 121.071, Florida Statutes.

6 Section 7. Except as otherwise provided in this act,  
7 this act shall take effect upon becoming a law.

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9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 remove: the entire title

13  
14 and insert:

15 A bill to be entitled  
16 An act relating to retirement; creating the  
17 "Officer Malcolm Thompson Act"; providing  
18 legislative intent; amending s. 121.091, F.S.;  
19 revising provisions relating to benefits  
20 payable for total and permanent disability for  
21 certain Special Risk Class members of the  
22 Florida Retirement System who are injured in  
23 the line of duty; providing for reemployment of  
24 retired deputy sheriffs and firefighters or  
25 paramedics; amending ss. 175.191, 185.18, F.S.;  
26 providing minimum retirement benefits payable  
27 to certain Special Risk Class members who are  
28 injured in the line of duty and who are totally  
29 and permanently disabled due to such injury;  
30 providing for contribution rate increases to  
31 fund benefits provided in s. 121.091, F.S., as

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amended; directing the Division of Statutory  
Revision to adjust contribution rates set forth  
in s. 121.071, F.S.; providing an effective  
date.