

Amendment No. 1 (for drafter's use only)

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

The Committee on Fiscal Policy & Resources 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

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1 implementing the provisions of s. 14, Art. X of the State  
2 Constitution as they relate to municipal and special district  
3 pension trust fund systems and plans, that such retirement  
4 systems or plans be managed, administered, operated, and  
5 funded in such manner as to maximize the protection of pension  
6 trust funds. Pursuant to s. 18, Art. VII of the State  
7 Constitution, the Legislature hereby determines and declares  
8 that the provisions of this act fulfill an important state  
9 interest.

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

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

26 (4) DISABILITY RETIREMENT BENEFIT.--

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

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

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

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

29 2. Any person to whom the limitation in subparagraph  
30 1. applies who violates such reemployment limitation and who  
31 is reemployed with any agency participating in the Florida

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

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

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1 subparagraph 8.7. Reemployment of a retired member as a  
2 substitute or hourly teacher, education paraprofessional,  
3 transportation assistant, bus driver, or food service worker  
4 is limited to 780 hours during the first 12 months of his or  
5 her retirement. Any retired member reemployed for more than  
6 780 hours during his or her 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 his  
23 or her retirement benefits shall remain suspended until  
24 repayment is made. Benefits suspended beyond the end of the  
25 retired member's first 12 months of retirement shall apply  
26 toward repayment of benefits received in violation of the  
27 780-hour reemployment limitation.

28 4. A community college board of trustees may reemploy  
29 a retired member as an adjunct instructor, that is, an  
30 instructor who is noncontractual and part-time, or as a  
31 participant in a phased retirement program within the Florida

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

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1 made. Benefits suspended beyond the end of the retired  
2 member's first 12 months of retirement shall apply toward  
3 repayment of benefits received in violation of the 780-hour  
4 reemployment limitation.

5           6. The Board of Trustees of the Florida School for the  
6 Deaf and the Blind may reemploy a retired member as a  
7 substitute teacher, substitute residential instructor, or  
8 substitute nurse on a noncontractual basis after he or she has  
9 been retired for 1 calendar month, in accordance with s.  
10 121.021(39). Any retired member who is reemployed within 1  
11 calendar month after retirement shall void his or her  
12 application for retirement benefits. The Board of Trustees of  
13 the Florida School for the Deaf and the Blind reemploying such  
14 teachers, residential instructors, or nurses is subject to the  
15 retirement contribution required by subparagraph ~~8.7~~.  
16 Reemployment of a retired member as a substitute teacher,  
17 substitute residential instructor, or substitute nurse is  
18 limited to 780 hours during the first 12 months of his or her  
19 retirement. Any retired member reemployed for more than 780  
20 hours during the first 12 months of retirement shall give  
21 timely notice in writing to the employer and to the division  
22 of the date he or she will exceed the limitation. The division  
23 shall suspend his or her retirement benefits for the remainder  
24 of the first 12 months of retirement. Any person employed in  
25 violation of this subparagraph and any employing agency which  
26 knowingly employs or appoints such person without notifying  
27 the Division of Retirement to suspend retirement benefits  
28 shall be jointly and severally liable for reimbursement to the  
29 retirement trust fund of any benefits paid during the  
30 reemployment limitation period. To avoid liability, such  
31 employing agency shall have a written statement from the



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1 retiree that he or she is not retired from a  
2 state-administered retirement system. Any retirement benefits  
3 received by a retired member while reemployed in excess of 780  
4 hours during the first 12 months of retirement shall be repaid  
5 to the Retirement System Trust Fund, and his or her retirement  
6 benefits shall remain suspended until payment is made.  
7 Benefits suspended beyond the end of the retired member's  
8 first 12 months of retirement shall apply toward repayment of  
9 benefits received in violation of the 780-hour reemployment  
10 limitation.

11 7. A sheriff may reemploy a retired member as a deputy  
12 sheriff on a contractual basis after the retired member has  
13 been retired for 1 calendar month, in accordance with s.  
14 121.021(39). Any retired member who is reemployed within 1  
15 calendar month after retirement shall void his or her  
16 application for retirement benefits. Sheriffs reemploying such  
17 deputy sheriffs are subject to the retirement contribution  
18 required in subparagraph 8. Reemployment of a retired deputy  
19 sheriff is limited to no more than 780 hours during the first  
20 12 months of his or her retirement. Any retired member  
21 reemployed for more than 780 hours during the first 12 months  
22 of retirement shall give timely notice in writing to the  
23 employer and to the division of the date he or she will exceed  
24 the limitation. The division shall suspend his or her  
25 retirement benefits for the remainder of the first 12 months  
26 of retirement. Any person employed in violation of this  
27 subparagraph and any employing agency that knowingly employs  
28 or appoints such person without notifying the Division of  
29 Retirement to suspend retirement benefits shall be jointly and  
30 severally liable for reimbursement to the retirement trust  
31 fund of any benefits paid during the reemployment limitation

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1 period. To avoid liability, such employing agency shall have a  
2 written statement from the retiree that he or she is not  
3 retired from a state-administered retirement system. Any  
4 retirement benefits received by a retired member while  
5 reemployed in excess of 780 hours during the first 12 months  
6 of retirement shall be repaid to the Retirement System Trust  
7 Fund, and retirement benefits shall remain suspended until  
8 repayment is made. Benefits suspended beyond the end of the  
9 retired member's first 12 months of retirement shall apply  
10 toward repayment of benefits received in violation of the  
11 780-hour reemployment limitation.

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

26 ~~9.8.~~ Any person who has previously retired and who is  
27 holding an elective public office or an appointment to an  
28 elective public office eligible for the Elected Officers'  
29 Class on or after July 1, 1990, shall be enrolled in the  
30 Florida Retirement System as provided in s. 121.053(1)(b) or,  
31 if holding an elective public office that does not qualify for

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1 the Elected Officers' Class on or after July 1, 1991, shall be  
2 enrolled in the Florida Retirement System as provided in s.  
3 121.122, and shall continue to receive retirement benefits as  
4 well as compensation for the elected officer's service for as  
5 long as he or she remains in elective office. However, any  
6 retired member who served in an elective office prior to July  
7 1, 1990, suspended his or her retirement benefit, and had his  
8 or her Florida Retirement System membership reinstated shall,  
9 upon retirement from such office, have his or her retirement  
10 benefit recalculated to include the additional service and  
11 compensation earned.

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

27 ~~11.10.~~ The limitations of this paragraph apply to  
28 reemployment in any capacity with an "employer" as defined in  
29 s. 121.021(10), irrespective of the category of funds from  
30 which the person is compensated.

31 Section 4. Subsection (5) of section 175.191, Florida

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1 Statutes, is amended to read:

2           175.191 Disability retirement.--For any municipality,  
3 special fire control district, chapter plan, local law  
4 municipality, local law special fire control district, or  
5 local law plan under this chapter:

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

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

29           185.18 Disability retirement.--For any municipality,  
30 chapter plan, local law municipality, or local law plan under  
31 this chapter:

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

23           Section 6. This act shall take effect upon becoming a  
24 law.

25  
26  
27 ===== T I T L E   A M E N D M E N T =====

28 And the title is amended as follows:

29           On page 1, line 2,

30  
31 and insert:

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

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