

By Representative Attkisson

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

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

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

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

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) of section  
11 121.091, Florida Statutes, is 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

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. For purposes of this  
11 subsection, the term "officer" includes police officers,  
12 correctional officers, correctional probation officers,  
13 firefighters, emergency medical technicians, and paramedics.

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

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

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

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

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

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

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

1 injury as defined in s. 440.02(37) where such injury is a  
2 result of a felonious act of another shall be the accrued  
3 retirement benefit but shall not be less than 80 percent of  
4 the officer's average monthly compensation as of the officer's  
5 disability retirement date.

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

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10 HOUSE SUMMARY

11 Creates the Officer Malcolm Thompson Act to provide that  
12 a Special Risk Class member of the Florida Retirement  
13 System who is an officer, an emergency medical  
14 technician, or a paramedic who is catastrophically  
15 injured in the line of duty as the result of a felonious  
16 act of another shall be considered totally and  
17 permanently disabled, unless the administrator can  
18 provide documented competent medical evidence that the  
19 officer is able to render useful and efficient service as  
20 an officer, and to provide that the term "officer"  
21 includes police officers, correctional officers,  
22 correctional probation officers, firefighters, emergency  
23 medical technicians, and paramedics. Provides minimum  
24 retirement benefits payable to described Special Risk  
25 Class members who are injured in the line of duty and who  
26 are totally and permanently disabled due to such injury.  
27 See bill for details.  
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