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A bill to be entitled  
 An act relating to retirement; providing a popular name;  
 providing legislative intent; amending s. 121.091, F.S.;  
 revising provisions relating to benefits payable for total  
 and permanent disability for certain Special Risk Class  
 members of the Florida Retirement System who are injured  
 in the line of duty; providing for reemployment of retired  
 deputy sheriffs; amending ss. 175.191 and 185.18, F.S.;  
 providing minimum retirement benefits payable to certain  
 Special Risk Class members who are injured in the line of  
 duty and who are totally and permanently disabled due to  
 such injury; providing for contribution rate increases to  
 fund benefits provided in s. 121.091, F.S., as amended;  
 directing the Division of Statutory Revision to adjust  
 contribution rates set forth in s. 121.071, F.S.;  
 providing an effective date.

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

Section 1. This act shall be known by the popular name  
"Officer Malcolm Thompson Act."

Section 2. It is declared by the Legislature that  
firefighters, emergency medical technicians, paramedics, law  
enforcement officers, correctional officers, and correctional  
probation 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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



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30 vital to the public safety. Therefore, the Legislature declares  
 31 that it is a proper and legitimate state purpose to provide a  
 32 uniform retirement system for the benefit of firefighters,  
 33 emergency medical technicians, paramedics, law enforcement  
 34 officers, correctional officers, and correctional probation  
 35 officers, as defined in this act, and intends, in implementing  
 36 the provisions of s. 14, Art. X of the State Constitution as  
 37 they relate to municipal and special district pension trust fund  
 38 systems and plans, that such retirement systems or plans be  
 39 managed, administered, operated, and funded in such manner as to  
 40 maximize the protection of pension trust funds. Pursuant to s.  
 41 18, Art. VII of the State Constitution, the Legislature hereby  
 42 determines and declares that the provisions of this act fulfill  
 43 an important state interest.

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

47 121.091 Benefits payable under the system.--Benefits may  
 48 not be paid under this section unless the member has terminated  
 49 employment as provided in s. 121.021(39)(a) or begun  
 50 participation in the Deferred Retirement Option Program as  
 51 provided in subsection (13), and a proper application has been  
 52 filed in the manner prescribed by the department. The department  
 53 may cancel an application for retirement benefits when the  
 54 member or beneficiary fails to timely provide the information  
 55 and documents required by this chapter and the department's  
 56 rules. The department shall adopt rules establishing procedures  
 57 for application for retirement benefits and for the cancellation



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58 of such application when the required information or documents  
59 are not received.

60 (4) DISABILITY RETIREMENT BENEFIT.--

61 (b) *Total and permanent disability*.--A member shall be  
62 considered totally and permanently disabled if, in the opinion  
63 of the administrator, he or she is prevented, by reason of a  
64 medically determinable physical or mental impairment, from  
65 rendering useful and efficient service as an officer or  
66 employee. A Special Risk Class member who is an officer as  
67 defined in s. 943.10(1), (2), or (3); a firefighter as defined  
68 in s. 633.30(1); an emergency medical technician as defined in  
69 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is  
70 catastrophically injured as defined in s. 440.02(38) in the line  
71 of duty as a result of a felonious act of another shall be  
72 considered totally and permanently disabled and unable to render  
73 useful and efficient service as an officer, unless the  
74 administrator can provide documented competent medical evidence  
75 that the officer is able to render useful and efficient service  
76 as an officer. For purposes of this subsection, the term  
77 "officer" includes police officers, correctional officers,  
78 correctional probation officers, firefighters, emergency medical  
79 technicians, and paramedics.

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

81 (b)1. Any person who is retired under this chapter, except  
82 under the disability retirement provisions of subsection (4),  
83 may be reemployed by any private or public employer after  
84 retirement and receive retirement benefits and compensation from  
85 his or her employer without any limitations, except that a  
86 person may not receive both a salary from reemployment with any



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87 agency participating in the Florida Retirement System and  
88 retirement benefits under this chapter for a period of 12 months  
89 immediately subsequent to the date of retirement. However, a  
90 DROP participant shall continue employment and receive a salary  
91 during the period of participation in the Deferred Retirement  
92 Option Program, as provided in subsection (13).

93 2. Any person to whom the limitation in subparagraph 1.  
94 applies who violates such reemployment limitation and who is  
95 reemployed with any agency participating in the Florida  
96 Retirement System before completion of the 12-month limitation  
97 period shall give timely notice of this fact in writing to the  
98 employer and to the division and shall have his or her  
99 retirement benefits suspended for the balance of the 12-month  
100 limitation period. Any person employed in violation of this  
101 paragraph and any employing agency which knowingly employs or  
102 appoints such person without notifying the Division of  
103 Retirement to suspend retirement benefits shall be jointly and  
104 severally liable for reimbursement to the retirement trust fund  
105 of any benefits paid during the reemployment limitation period.  
106 To avoid liability, such employing agency shall have a written  
107 statement from the retiree that he or she is not retired from a  
108 state-administered retirement system. Any retirement benefits  
109 received while reemployed during this reemployment limitation  
110 period shall be repaid to the retirement trust fund, and  
111 retirement benefits shall remain suspended until such repayment  
112 has been made. Benefits suspended beyond the reemployment  
113 limitation shall apply toward repayment of benefits received in  
114 violation of the reemployment limitation.



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115 3. A district school board may reemploy a retired member  
116 as a substitute or hourly teacher, education paraprofessional,  
117 transportation assistant, bus driver, or food service worker on  
118 a noncontractual basis after he or she has been retired for 1  
119 calendar month, in accordance with s. 121.021(39). Any retired  
120 member who is reemployed within 1 calendar month after  
121 retirement shall void his or her application for retirement  
122 benefits. District school boards reemploying such teachers,  
123 education paraprofessionals, transportation assistants, bus  
124 drivers, or food service workers are subject to the retirement  
125 contribution required by subparagraph 8. ~~7.~~ Reemployment of a  
126 retired member as a substitute or hourly teacher, education  
127 paraprofessional, transportation assistant, bus driver, or food  
128 service worker is limited to 780 hours during the first 12  
129 months of his or her retirement. Any retired member reemployed  
130 for more than 780 hours during his or her first 12 months of  
131 retirement shall give timely notice in writing to the employer  
132 and to the division of the date he or she will exceed the  
133 limitation. The division shall suspend his or her retirement  
134 benefits for the remainder of the first 12 months of retirement.  
135 Any person employed in violation of this subparagraph and any  
136 employing agency which knowingly employs or appoints such person  
137 without notifying the Division of Retirement to suspend  
138 retirement benefits shall be jointly and severally liable for  
139 reimbursement to the retirement trust fund of any benefits paid  
140 during the reemployment limitation period. To avoid liability,  
141 such employing agency shall have a written statement from the  
142 retiree that he or she is not retired from a state-administered  
143 retirement system. Any retirement benefits received by a retired



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144 member while reemployed in excess of 780 hours during the first  
145 12 months of retirement shall be repaid to the Retirement System  
146 Trust Fund, and his or her retirement benefits shall remain  
147 suspended until repayment is made. Benefits suspended beyond the  
148 end of the retired member's first 12 months of retirement shall  
149 apply toward repayment of benefits received in violation of the  
150 780-hour reemployment limitation.

151 4. A community college board of trustees may reemploy a  
152 retired member as an adjunct instructor, that is, an instructor  
153 who is noncontractual and part-time, or as a participant in a  
154 phased retirement program within the Florida Community College  
155 System, after he or she has been retired for 1 calendar month,  
156 in accordance with s. 121.021(39). Any retired member who is  
157 reemployed within 1 calendar month after retirement shall void  
158 his or her application for retirement benefits. Boards of  
159 trustees reemploying such instructors are subject to the  
160 retirement contribution required in subparagraph 8. ~~7.~~ A retired  
161 member may be reemployed as an adjunct instructor for no more  
162 than 780 hours during the first 12 months of retirement. Any  
163 retired member reemployed for more than 780 hours during the  
164 first 12 months of retirement shall give timely notice in  
165 writing to the employer and to the division of the date he or  
166 she will exceed the limitation. The division shall suspend his  
167 or her retirement benefits for the remainder of the first 12  
168 months of retirement. Any person employed in violation of this  
169 subparagraph and any employing agency which knowingly employs or  
170 appoints such person without notifying the Division of  
171 Retirement to suspend retirement benefits shall be jointly and  
172 severally liable for reimbursement to the retirement trust fund



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173 of any benefits paid during the reemployment limitation period.  
 174 To avoid liability, such employing agency shall have a written  
 175 statement from the retiree that he or she is not retired from a  
 176 state-administered retirement system. Any retirement benefits  
 177 received by a retired member while reemployed in excess of 780  
 178 hours during the first 12 months of retirement shall be repaid  
 179 to the Retirement System Trust Fund, and retirement benefits  
 180 shall remain suspended until repayment is made. Benefits  
 181 suspended beyond the end of the retired member's first 12 months  
 182 of retirement shall apply toward repayment of benefits received  
 183 in violation of the 780-hour reemployment limitation.

184 5. The State University System may reemploy a retired  
 185 member as an adjunct faculty member or as a participant in a  
 186 phased retirement program within the State University System  
 187 after the retired member has been retired for 1 calendar month,  
 188 in accordance with s. 121.021(39). Any retired member who is  
 189 reemployed within 1 calendar month after retirement shall void  
 190 his or her application for retirement benefits. The State  
 191 University System is subject to the retired contribution  
 192 required in subparagraph 8. 7-, as appropriate. A retired member  
 193 may be reemployed as an adjunct faculty member or a participant  
 194 in a phased retirement program for no more than 780 hours during  
 195 the first 12 months of his or her retirement. Any retired member  
 196 reemployed for more than 780 hours during the first 12 months of  
 197 retirement shall give timely notice in writing to the employer  
 198 and to the division of the date he or she will exceed the  
 199 limitation. The division shall suspend his or her retirement  
 200 benefits for the remainder of the first 12 months of retirement.  
 201 Any person employed in violation of this subparagraph and any



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202 employing agency which knowingly employs or appoints such person  
 203 without notifying the Division of Retirement to suspend  
 204 retirement benefits shall be jointly and severally liable for  
 205 reimbursement to the retirement trust fund of any benefits paid  
 206 during the reemployment limitation period. To avoid liability,  
 207 such employing agency shall have a written statement from the  
 208 retiree that he or she is not retired from a state-administered  
 209 retirement system. Any retirement benefits received by a retired  
 210 member while reemployed in excess of 780 hours during the first  
 211 12 months of retirement shall be repaid to the Retirement System  
 212 Trust Fund, and retirement benefits shall remain suspended until  
 213 repayment is made. Benefits suspended beyond the end of the  
 214 retired member's first 12 months of retirement shall apply  
 215 toward repayment of benefits received in violation of the 780-  
 216 hour reemployment limitation.

217         6. The Board of Trustees of the Florida School for the  
 218 Deaf and the Blind may reemploy a retired member as a substitute  
 219 teacher, substitute residential instructor, or substitute nurse  
 220 on a noncontractual basis after he or she has been retired for 1  
 221 calendar month, in accordance with s. 121.021(39). Any retired  
 222 member who is reemployed within 1 calendar month after  
 223 retirement shall void his or her application for retirement  
 224 benefits. The Board of Trustees of the Florida School for the  
 225 Deaf and the Blind reemploying such teachers, residential  
 226 instructors, or nurses is subject to the retirement contribution  
 227 required by subparagraph 8. ~~7.~~ Reemployment of a retired member  
 228 as a substitute teacher, substitute residential instructor, or  
 229 substitute nurse is limited to 780 hours during the first 12  
 230 months of his or her retirement. Any retired member reemployed



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231 for more than 780 hours during the first 12 months of retirement  
 232 shall give timely notice in writing to the employer and to the  
 233 division of the date he or she will exceed the limitation. The  
 234 division shall suspend his or her retirement benefits for the  
 235 remainder of the first 12 months of retirement. Any person  
 236 employed in violation of this subparagraph and any employing  
 237 agency which knowingly employs or appoints such person without  
 238 notifying the Division of Retirement to suspend retirement  
 239 benefits shall be jointly and severally liable for reimbursement  
 240 to the retirement trust fund of any benefits paid during the  
 241 reemployment limitation period. To avoid liability, such  
 242 employing agency shall have a written statement from the retiree  
 243 that he or she is not retired from a state-administered  
 244 retirement system. Any retirement benefits received by a retired  
 245 member while reemployed in excess of 780 hours during the first  
 246 12 months of retirement shall be repaid to the Retirement System  
 247 Trust Fund, and his or her retirement benefits shall remain  
 248 suspended until payment is made. Benefits suspended beyond the  
 249 end of the retired member's first 12 months of retirement shall  
 250 apply toward repayment of benefits received in violation of the  
 251 780-hour reemployment limitation.

252 7. A sheriff may reemploy a retired member as a deputy  
 253 sheriff after the retired member has been retired for 1 calendar  
 254 month, in accordance with s. 121.021(39). Any retired member who  
 255 is reemployed within 1 calendar month after retirement shall  
 256 void his or her application for retirement benefits. Sheriffs  
 257 reemploying such deputy sheriffs are subject to the retirement  
 258 contribution required in subparagraph 8. Reemployment of a  
 259 retired deputy sheriff is limited to no more than 780 hours



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260 during the first 12 months of his or her retirement. Any retired  
 261 member reemployed for more than 780 hours during the first 12  
 262 months of retirement shall give timely notice in writing to the  
 263 employer and to the division of the date he or she will exceed  
 264 the limitation. The division shall suspend his or her retirement  
 265 benefits for the remainder of the first 12 months of retirement.  
 266 Any person employed in violation of this subparagraph and any  
 267 employing agency that knowingly employs or appoints such person  
 268 without notifying the Division of Retirement to suspend  
 269 retirement benefits shall be jointly and severally liable for  
 270 reimbursement to the retirement trust fund of any benefits paid  
 271 during the reemployment limitation period. To avoid liability,  
 272 such employing agency shall have a written statement from the  
 273 retiree that he or she is not retired from a state-administered  
 274 retirement system. Any retirement benefits received by a retired  
 275 member while reemployed in excess of 780 hours during the first  
 276 12 months of retirement shall be repaid to the Retirement System  
 277 Trust Fund, and retirement benefits shall remain suspended until  
 278 repayment is made. Benefits suspended beyond the end of the  
 279 retired member's first 12 months of retirement shall apply  
 280 toward repayment of benefits received in violation of the 780-  
 281 hour reemployment limitation.

282 ~~8.7.~~ The employment by an employer of any retiree or DROP  
 283 participant of any state-administered retirement system shall  
 284 have no effect on the average final compensation or years of  
 285 creditable service of the retiree or DROP participant. Prior to  
 286 July 1, 1991, upon employment of any person, other than an  
 287 elected officer as provided in s. 121.053, who has been retired  
 288 under any state-administered retirement program, the employer



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289 shall pay retirement contributions in an amount equal to the  
290 unfunded actuarial liability portion of the employer  
291 contribution which would be required for regular members of the  
292 Florida Retirement System. Effective July 1, 1991, contributions  
293 shall be made as provided in s. 121.122 for retirees with  
294 renewed membership or subsection (13) with respect to DROP  
295 participants.

296 ~~9.8.~~ Any person who has previously retired and who is  
297 holding an elective public office or an appointment to an  
298 elective public office eligible for the Elected Officers' Class  
299 on or after July 1, 1990, shall be enrolled in the Florida  
300 Retirement System as provided in s. 121.053(1)(b) or, if holding  
301 an elective public office that does not qualify for the Elected  
302 Officers' Class on or after July 1, 1991, shall be enrolled in  
303 the Florida Retirement System as provided in s. 121.122, and  
304 shall continue to receive retirement benefits as well as  
305 compensation for the elected officer's service for as long as he  
306 or she remains in elective office. However, any retired member  
307 who served in an elective office prior to July 1, 1990,  
308 suspended his or her retirement benefit, and had his or her  
309 Florida Retirement System membership reinstated shall, upon  
310 retirement from such office, have his or her retirement benefit  
311 recalculated to include the additional service and compensation  
312 earned.

313 ~~10.9.~~ Any person who is holding an elective public office  
314 which is covered by the Florida Retirement System and who is  
315 concurrently employed in nonelected covered employment may elect  
316 to retire while continuing employment in the elective public  
317 office, provided that he or she shall be required to terminate



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318 his or her nonelected covered employment. Any person who  
 319 exercises this election shall receive his or her retirement  
 320 benefits in addition to the compensation of the elective office  
 321 without regard to the time limitations otherwise provided in  
 322 this subsection. No person who seeks to exercise the provisions  
 323 of this subparagraph, as the same existed prior to May 3, 1984,  
 324 shall be deemed to be retired under those provisions, unless  
 325 such person is eligible to retire under the provisions of this  
 326 subparagraph, as amended by chapter 84-11, Laws of Florida.

327 ~~11.10.~~ The limitations of this paragraph apply to  
 328 reemployment in any capacity with an "employer" as defined in s.  
 329 121.021(10), irrespective of the category of funds from which  
 330 the person is compensated.

331 ~~12.11.~~ An employing agency may reemploy a retired member  
 332 as a firefighter or paramedic after the retired member has been  
 333 retired for 1 calendar month, in accordance with s. 121.021(39).  
 334 Any retired member who is reemployed within 1 calendar month  
 335 after retirement shall void his or her application for  
 336 retirement benefits. The employing agency reemploying such  
 337 firefighter or paramedic is subject to the retired contribution  
 338 required in subparagraph 9. ~~8.~~ Reemployment of a retired  
 339 firefighter or paramedic is limited to no more than 780 hours  
 340 during the first 12 months of his or her retirement. Any retired  
 341 member reemployed for more than 780 hours during the first 12  
 342 months of retirement shall give timely notice in writing to the  
 343 employer and to the division of the date he or she will exceed  
 344 the limitation. The division shall suspend his or her retirement  
 345 benefits for the remainder of the first 12 months of retirement.  
 346 Any person employed in violation of this subparagraph and any



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347 employing agency which knowingly employs or appoints such person  
348 without notifying the Division of Retirement to suspend  
349 retirement benefits shall be jointly and severally liable for  
350 reimbursement to the Retirement System Trust Fund of any  
351 benefits paid during the reemployment limitation period. To  
352 avoid liability, such employing agency shall have a written  
353 statement from the retiree that he or she is not retired from a  
354 state-administered retirement system. Any retirement benefits  
355 received by a retired member while reemployed in excess of 780  
356 hours during the first 12 months of retirement shall be repaid  
357 to the Retirement System Trust Fund, and retirement benefits  
358 shall remain suspended until repayment is made. Benefits  
359 suspended beyond the end of the retired member's first 12 months  
360 of retirement shall apply toward repayment of benefits received  
361 in violation of the 780-hour reemployment limitation.

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

364 175.191 Disability retirement.--For any municipality,  
365 special fire control district, chapter plan, local law  
366 municipality, local law special fire control district, or local  
367 law plan under this chapter:

368 (5) The benefit payable to a firefighter who retires from  
369 the service of a municipality or special fire control district  
370 due to total and permanent disability as a direct result of a  
371 disability is the monthly income payable for 10 years certain  
372 and life for which, if the firefighter's disability occurred in  
373 the line of duty, his or her monthly benefit shall be the  
374 accrued retirement benefit, but shall not be less than 42  
375 percent of his or her average monthly salary at the time of



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376 disability. If after 10 years of service the disability is other  
377 than in the line of duty, the firefighter's monthly benefit  
378 shall be the accrued normal retirement benefit, but shall not be  
379 less than 25 percent of his or her average monthly salary at the  
380 time of disability. Notwithstanding any provision to the  
381 contrary, the monthly retirement benefit payable to a  
382 firefighter, emergency medical technician, or paramedic who  
383 retires from service due to total and permanent disability as a  
384 result of a catastrophic injury as defined in s. 440.02(38)  
385 suffered in the line of duty where such injury is a result of a  
386 felonious act of another shall be the accrued retirement benefit  
387 but shall not be less than 80 percent of his or her average  
388 monthly salary at the time of disability.

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

391 185.18 Disability retirement.--For any municipality,  
392 chapter plan, local law municipality, or local law plan under  
393 this chapter:

394 (5) The benefit payable to a police officer who retires  
395 from the service of the city with a total and permanent  
396 disability as a result of a disability is the monthly income  
397 payable for 10 years certain and life for which, if the police  
398 officer's disability occurred in the line of duty, his or her  
399 monthly benefit shall be the accrued retirement benefit, but  
400 shall not be less than 42 percent of his or her average monthly  
401 compensation as of the police officer's disability retirement  
402 date. If after 10 years of service the disability is other than  
403 in the line of duty, the police officer's monthly benefit shall  
404 be the accrued normal retirement benefit, but shall not be less



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405 than 25 percent of his or her average monthly compensation as of  
406 the police officer's disability retirement date. Notwithstanding  
407 any provision to the contrary, the monthly retirement benefit  
408 payable to a police officer who retires from service due to  
409 total and permanent disability as a result of a catastrophic  
410 injury as defined in s. 440.02(38) suffered in the line of duty  
411 where such injury is a result of a felonious act of another  
412 shall be the accrued retirement benefit but shall not be less  
413 than 80 percent of the officer's average monthly compensation as  
414 of the officer's disability retirement date.

415 Section 6. Effective July 1, 2003, in order to fund the  
416 benefits provided in s. 121.091, Florida Statutes, as amended by  
417 this act:

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

421 (2) The contribution rate that applies to the Special Risk  
422 Administrative Support Class of the defined benefit program of  
423 the Florida Retirement System shall be increased by 0.14  
424 percentage points.

425  
426 These increases shall be in addition to all other changes to  
427 such contribution rates which may be enacted into law to take  
428 effect on that date. The Division of Statutory Revision is  
429 directed to adjust accordingly the contribution rates set forth  
430 in s. 121.071, Florida Statutes.

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