

By Senator Sebesta

16-286B-04

1 A bill to be entitled
2 An act relating to retirement for disability;
3 amending s. 121.091, F.S.; providing that, when
4 an employee works in another state full time,
5 his or her permanent disability may be
6 certified by physicians licensed in that state;
7 providing an effective date.

8

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

10

11 Section 1. Paragraph (c) of subsection (4) of section
12 121.091, Florida Statutes, is 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 (c) Proof of disability.--The administrator, before
28 approving payment of any disability retirement benefit, shall
29 require proof that the member is totally and permanently
30 disabled as provided herein:

31

1 1. Such proof shall include the certification of the
2 member's total and permanent disability by two licensed
3 physicians of the state and such other evidence of disability
4 as the administrator may require, including reports from
5 vocational rehabilitation, evaluation, or testing specialists
6 who have evaluated the applicant for employment. A member
7 whose position with an employer requires that the member work
8 full time outside of Florida in the United States may include
9 certification by two licensed physicians of the state where
10 the member works.

11 2. It must be documented that:

12 a. The member's medical condition occurred or became
13 symptomatic during the time the member was employed in an
14 employee/employer relationship with his or her employer;

15 b. The member was totally and permanently disabled at
16 the time he or she terminated covered employment; and

17 c. The member has not been employed with any other
18 employer after such termination.

19 3. If the application is for in-line-of-duty
20 disability, in addition to the requirements of subparagraph
21 2., it must be documented by competent medical evidence that
22 the disability was caused by a job-related illness or accident
23 which occurred while the member was in an employee/employer
24 relationship with his or her employer.

25 4. The unavailability of an employment position that
26 the member is physically and mentally capable of performing
27 will not be considered as proof of total and permanent
28 disability.

29 Section 2. This act shall take effect upon becoming a
30 law.

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that the physicians who certify the member's total and permanent disability in order for a member of the Florida Retirement System to retire for disability may be licensees of the state in which the member works.