

By Senator Smith

14-1250-04

See HB 191

1 A bill to be entitled
2 An act relating to retirement; providing
3 legislative intent; amending s. 121.091, F.S.;
4 revising provisions relating to benefits
5 payable for total and permanent disability for
6 certain Special Risk Class members of the
7 Florida Retirement System who are injured in
8 the line of duty; providing for contribution
9 rate increases to fund benefits provided in s.
10 121.091, F.S., as amended; directing the
11 Division of Statutory Revision to adjust
12 contribution rates set forth in s. 121.071,
13 F.S.; providing an effective date.

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

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17 Section 1. It is declared by the Legislature that
18 firefighters, emergency medical technicians, paramedics, law
19 enforcement officers, correctional officers, and correctional
20 probation officers, as defined in this act, perform state and
21 municipal functions; that it is their duty to protect life and
22 property at their own risk and peril; that it is their duty to
23 continuously instruct school personnel, public officials, and
24 private citizens about safety; and that their activities are
25 vital to the public safety. Therefore, the Legislature
26 declares that it is a proper and legitimate state purpose to
27 provide a uniform retirement system for the benefit of
28 firefighters, emergency medical technicians, paramedics, law
29 enforcement officers, correctional officers, and correctional
30 probation officers, as defined in this act, and intends, in
31 implementing the provisions of Section 14, Article X of the

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
7 determines and declares that the provisions of this act
8 fulfill an important state interest.

9 Section 2. Paragraph (b) of subsection (4) of section
10 121.091, Florida Statutes, is amended to read:

11 121.091 Benefits payable under the system.--Benefits
12 may not be paid under this section unless the member has
13 terminated employment as provided in s. 121.021(39)(a) or
14 begun participation in the Deferred Retirement Option Program
15 as provided in subsection (13), and a proper application has
16 been filed in the manner prescribed by the department. The
17 department may cancel an application for retirement benefits
18 when the member or beneficiary fails to timely provide the
19 information and documents required by this chapter and the
20 department's rules. The department shall adopt rules
21 establishing procedures for application for retirement
22 benefits and for the cancellation of such application when the
23 required information or documents are not received.

24 (4) DISABILITY RETIREMENT BENEFIT.--

25 (b) Total and permanent disability.--A member shall be
26 considered totally and permanently disabled if, in the opinion
27 of the administrator, he or she is prevented, by reason of a
28 medically determinable physical or mental impairment, from
29 rendering useful and efficient service as an officer or
30 employee. A Special Risk Class member who is an officer as
31 defined in s. 943.10(1), (2), or (3); a firefighter as defined

1 in s. 633.30(1); an emergency medical technician as defined in
2 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who
3 is catastrophically injured as defined in s. 440.02, Florida
4 Statutes 2002, in the line of duty shall be considered totally
5 and permanently disabled and unable to render useful and
6 efficient service as an officer, unless the administrator can
7 provide documented competent medical evidence that the officer
8 is able to render useful and efficient service as an officer.
9 For purposes of this subsection, the term "officer" includes
10 police officers, correctional officers, correctional probation
11 officers, firefighters, emergency medical technicians, and
12 paramedics.

13 Section 3. Effective July 1, 2004, in order to fund
14 the benefits provided in section 121.091, Florida Statutes, as
15 amended by this act:

16 (1) The contribution rate that applies to the Special
17 Risk Class of the defined benefit program of the Florida
18 Retirement System shall be increased by 0.02 percentage
19 points.

20 (2) The contribution rate that applies to the Special
21 Risk Administrative Support Class of the defined benefit
22 program of the Florida Retirement System shall be increased by
23 0.14 percentage points.

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

30 Section 4. This act shall take effect upon becoming a
31 law.