

By the Committee on Governmental Oversight and Productivity;  
and Senator Smith

302-2637-04

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. 121.171,  
 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. 121.091(4),  
4 Florida Statutes, in the line of duty shall be considered  
5 totally and permanently disabled and unable to render useful  
6 and efficient service as an officer, unless the administrator  
7 can provide documented competent medical evidence that the  
8 officer is able to render useful and efficient service as an  
9 officer. For purposes of this subsection, the term "officer"  
10 includes police officers, correctional officers, correctional  
11 probation officers, firefighters, emergency medical  
12 technicians, and 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 0.03 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 0.20 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 121.171, Florida Statutes.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1598

The Committee Substitute corrects an erroneous cross reference, provides corrected employer payroll contribution rate percentages to fund the benefits, and substitutes a definition of catastrophic injury from ch. 121, F.S., instead of a 2002 definition contained in a since repealed provision of the workers' compensation statutes.