

HB 0191

2004

A bill to be entitled

An act relating to retirement; 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 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. 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 vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters, emergency medical technicians, paramedics, law enforcement officers, correctional officers, and correctional probation officers, as defined in this act, and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district pension trust fund

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31 systems and plans, that such retirement systems or plans be
 32 managed, administered, operated, and funded in such manner as to
 33 maximize the protection of pension trust funds. Pursuant to s.
 34 18, Art. VII of the State Constitution, the Legislature hereby
 35 determines and declares that the provisions of this act fulfill
 36 an important state interest.

37 Section 2. Paragraph (b) of subsection (4) of section
 38 121.091, Florida Statutes, is amended to read:

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

52 (4) DISABILITY RETIREMENT BENEFIT.--

53 (b) *Total and permanent disability*--A member shall be
 54 considered totally and permanently disabled if, in the opinion
 55 of the administrator, he or she is prevented, by reason of a
 56 medically determinable physical or mental impairment, from
 57 rendering useful and efficient service as an officer or
 58 employee. A Special Risk Class member who is an officer as
 59 defined in s. 943.10(1), (2), or (3); a firefighter as defined
 60 in s. 633.30(1); an emergency medical technician as defined in

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61 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is
 62 catastrophically injured as defined in s. 440.02, Florida
 63 Statutes 2002, in the line of duty shall be considered totally
 64 and permanently disabled and unable to render useful and
 65 efficient service as an officer, unless the administrator can
 66 provide documented competent medical evidence that the officer
 67 is able to render useful and efficient service as an officer.
 68 For purposes of this subsection, the term "officer" includes
 69 police officers, correctional officers, correctional probation
 70 officers, firefighters, emergency medical technicians, and
 71 paramedics.

72 Section 3. Effective July 1, 2004, in order to fund the
 73 benefits provided in s. 121.091, Florida Statutes, as amended by
 74 this act:

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

78 (2) The contribution rate that applies to the Special Risk
 79 Administrative Support Class of the defined benefit program of
 80 the Florida Retirement System shall be increased by 0.14
 81 percentage points.

82
 83 These increases shall be in addition to all other changes to
 84 such contribution rates which may be enacted into law to take
 85 effect on that date. The Division of Statutory Revision is
 86 directed to adjust accordingly the contribution rates set forth
 87 in s. 121.071, Florida Statutes.

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