

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. It is declared by the Legislature that  
20 firefighters, emergency medical technicians, paramedics, law  
21 enforcement officers, correctional officers, and correctional  
22 probation officers, as defined in this act, perform state and  
23 municipal functions; that it is their duty to protect life and

24 | property at their own risk and peril; that it is their duty to  
 25 | continuously instruct school personnel, public officials, and  
 26 | private citizens about safety; and that their activities are  
 27 | vital to the public safety. Therefore, the Legislature declares  
 28 | that it is a proper and legitimate state purpose to provide a  
 29 | uniform retirement system for the benefit of firefighters,  
 30 | emergency medical technicians, paramedics, law enforcement  
 31 | officers, correctional officers, and correctional probation  
 32 | officers, as defined in this act, and intends, in implementing  
 33 | the provisions of s. 14, Art. X of the State Constitution as  
 34 | they relate to municipal and special district pension trust fund  
 35 | systems and plans, that such retirement systems or plans be  
 36 | managed, administered, operated, and funded in such manner as to  
 37 | maximize the protection of pension trust funds. Pursuant to s.  
 38 | 18, Art. VII of the State Constitution, the Legislature hereby  
 39 | determines and declares that the provisions of this act fulfill  
 40 | an important state interest.

41 | Section 2. Paragraph (b) of subsection (4) of section  
 42 | 121.091, Florida Statutes, is amended to read:

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

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52 | rules. The department shall adopt rules establishing procedures  
 53 | for application for retirement benefits and for the cancellation  
 54 | of such application when the required information or documents  
 55 | are not received.

56 | (4) DISABILITY RETIREMENT BENEFIT.--

57 | (b) *Total and permanent disability*.--A member shall be  
 58 | considered totally and permanently disabled if, in the opinion  
 59 | of the administrator, he or she is prevented, by reason of a  
 60 | medically determinable physical or mental impairment, from  
 61 | rendering useful and efficient service as an officer or  
 62 | employee. A Special Risk Class member who is an officer as  
 63 | defined in s. 943.10(1), (2), or (3); a firefighter as defined  
 64 | in s. 633.30(1); an emergency medical technician as defined in  
 65 | s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is  
 66 | catastrophically injured as defined in s. 766.118(1)(a) in the  
 67 | line of duty shall be considered totally and permanently  
 68 | disabled and unable to render useful and efficient service as an  
 69 | officer, unless the administrator can provide documented  
 70 | competent medical evidence that the officer is able to render  
 71 | useful and efficient service as an officer. For purposes of this  
 72 | subsection, the term "officer" includes law enforcement  
 73 | officers, correctional officers, and correctional probation  
 74 | officers as defined in s. 943.10(1), (2), and (3) and  
 75 | firefighters, emergency medical technicians, and paramedics.

76 | Section 3. Effective July 1, 2004, in order to fund the  
 77 | benefits provided in s. 121.091, Florida Statutes, as amended by  
 78 | this act:

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

82           (2) The contribution rate that applies to the Special Risk  
83 Administrative Support Class of the defined benefit program of  
84 the Florida Retirement System shall be increased by 0.14  
85 percentage points.

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

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