

1 A bill to be entitled
 2 An act relating to retirement; providing legislative
 3 intent; amending s. 121.091, F.S.; revising provisions
 4 relating to benefits payable for total and permanent
 5 disability for certain Special Risk Class members of the
 6 Florida Retirement System who are injured in the line of
 7 duty; providing for contribution rate increases to fund
 8 benefits provided in s. 121.091, F.S., as amended;
 9 directing the Division of Statutory Revision to adjust
 10 contribution rates set forth in s. 121.71, F.S.; providing
 11 an effective date.

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

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

CODING: Words **stricken** are deletions; words **underlined** are additions.

29 | the provisions of s. 14, Art. X of the State Constitution as
30 | they relate to municipal and special district pension trust fund
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
61 s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is
62 catastrophically injured as defined in s. 121.091(4) in the
63 line of duty shall be considered totally and permanently
64 disabled and unable to render useful and efficient service as an
65 officer, unless the administrator can provide documented
66 competent medical evidence that the officer is able to render
67 useful and efficient service as an officer. For purposes of this
68 subsection, the term "officer" includes law enforcement
69 officers, correctional officers, and correctional probation
70 officers as defined in s. 943.10(1), (2), and (3) and
71 firefighters, emergency medical technicians, and 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 0.03 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 0.20
81 percentage points.

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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. 121.71, Florida Statutes.

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