

Bill No. CS for SB 616

Amendment No. ____ Barcode 180500

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 2, between lines 8 and 9,

insert:

Section 3. Paragraph (c) of subsection (4) of section 121.091, Florida Statutes, is amended to read:

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

Bill No. CS for SB 616

Amendment No. ____ Barcode 180500

1 (4) DISABILITY RETIREMENT BENEFIT.--

2 (c) Proof of disability.--The administrator, before
3 approving payment of any disability retirement benefit, shall
4 require proof that the member is totally and permanently
5 disabled as provided herein:

6 1. Such proof shall include the certification of the
7 member's total and permanent disability by two licensed
8 physicians of the state and such other evidence of disability
9 as the administrator may require, including reports from
10 vocational rehabilitation, evaluation, or testing specialists
11 who have evaluated the applicant for employment. A member
12 whose position with an employer requires that the member work
13 full time outside of Florida in the United States may include
14 certification by two licensed physicians of the state where
15 the member works.

16 2. It must be documented that:

17 a. The member's medical condition occurred or became
18 symptomatic during the time the member was employed in an
19 employee/employer relationship with his or her employer;

20 b. The member was totally and permanently disabled at
21 the time he or she terminated covered employment; and

22 c. The member has not been employed with any other
23 employer after such termination.

24 3. If the application is for in-line-of-duty
25 disability, in addition to the requirements of subparagraph
26 2., it must be documented by competent medical evidence that
27 the disability was caused by a job-related illness or accident
28 which occurred while the member was in an employee/employer
29 relationship with his or her employer.

30 4. The unavailability of an employment position that
31 the member is physically and mentally capable of performing

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1 will not be considered as proof of total and permanent
2 disability.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 7, after the semicolon

10

11 insert:

12 amending s. 121.091, F.S.; providing that, when
13 an employee works in another state full time,
14 his or her permanent disability may be
15 certified by physicians licensed in that state;

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