

1 A bill to be entitled
 2 An act relating to the State Retirement
 3 Commission; amending s. 121.22, F.S.;
 4 increasing the size of the commission from
 5 three to five members; amending s. 121.24,
 6 F.S.; revising the quorum requirements of the
 7 commission; amending s. 121.091, F.S.;
 8 providing that, when an employee works in
 9 another state full time, his or her permanent
 10 disability may be certified by physicians
 11 licensed in that state; providing an effective
 12 date.

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

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 16 Section 1. Subsection (1) of section 121.22, Florida
 17 Statutes, is amended to read:

18 121.22 State Retirement Commission; creation;
 19 membership; compensation.--

20 (1) There is created within the Department of
 21 Management Services a State Retirement Commission composed of
 22 five ~~three~~ members: Two members ~~One member~~ who are ~~is~~ retired
 23 under a state-supported retirement system administered by the
 24 department; two members ~~one member~~ who are ~~is an~~
 25 members ~~member~~ of a state-supported retirement system that is
 26 administered by the department; and one member who is neither
 27 a retiree, beneficiary, or member of a state-supported
 28 retirement system administered by the department. Each member
 29 shall have a different occupational background from the other
 30 members.

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1 Section 2. Paragraph (a) of subsection (1) of section
2 121.24, Florida Statutes, is amended to read:

3 121.24 Conduct of commission business; legal and other
4 assistance; compensation.--

5 (1) The commission shall conduct its business within
6 the following guidelines:

7 (a) For purposes of hearing appeals under s. 121.23,
8 the commission may meet in panels consisting of not fewer than
9 three members. For the purpose of meeting in these panels, a
10 quorum shall be not fewer than two members. For all other
11 purposes, a quorum shall consist of three ~~four~~ members. The
12 concurring vote of a majority of the members present shall be
13 required to reach a decision, issue orders, and conduct the
14 business of the commission.

15 Section 3. Paragraph (c) of subsection (4) of section
16 121.091, Florida Statutes, is amended to read:

17 121.091 Benefits payable under the system.--Benefits
18 may not be paid under this section unless the member has
19 terminated employment as provided in s. 121.021(39)(a) or
20 begun participation in the Deferred Retirement Option Program
21 as provided in subsection (13), and a proper application has
22 been filed in the manner prescribed by the department. The
23 department may cancel an application for retirement benefits
24 when the member or beneficiary fails to timely provide the
25 information and documents required by this chapter and the
26 department's rules. The department shall adopt rules
27 establishing procedures for application for retirement
28 benefits and for the cancellation of such application when the
29 required information or documents are not received.

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

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

15 2. It must be documented that:

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

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

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

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

29 4. The unavailability of an employment position that
30 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.

3 | Section 4. This act shall take effect July 1, 2004.
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