

By Senator Constantine

22-15-05

1                                   A bill to be entitled  
2           An act relating to the state retirement system;  
3           amending s. 121.091, F.S.; providing that a  
4           disability of an employee who works in another  
5           state full time may be certified by physicians  
6           licensed in that state; amending s. 121.22,  
7           F.S.; increasing the size of the State  
8           Retirement Commission from three to five  
9           members; amending s. 121.24, F.S.; revising the  
10          quorum requirements of the commission;  
11          providing 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. 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 this state 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 2. Subsection (1) of section 121.22, Florida  
4 Statutes, is amended to read:

5 121.22 State Retirement Commission; creation;  
6 membership; compensation.--

7 (1) There is created within the Department of  
8 Management Services a State Retirement Commission composed of  
9 five ~~three~~ members: Two members ~~One member~~ who are ~~is~~ retired  
10 under a state-supported retirement system administered by the  
11 department; two members ~~one member~~ who are ~~is an~~ active  
12 members ~~member~~ of a state-supported retirement system that is  
13 administered by the department; and one member who is neither  
14 a retiree, beneficiary, or member of a state-supported  
15 retirement system administered by the department. Each member  
16 shall have a different occupational background from the other  
17 members.

18 Section 3. Paragraph (a) of subsection (1) of section  
19 121.24, Florida Statutes, is amended to read:

20 121.24 Conduct of commission business; legal and other  
21 assistance; compensation.--

22 (1) The commission shall conduct its business within  
23 the following guidelines:

24 (a) For purposes of hearing appeals under s. 121.23,  
25 the commission may meet in panels consisting of not fewer than  
26 three members. For the purpose of meeting in these panels, a  
27 quorum shall be not fewer than two members. For all other  
28 purposes, a quorum shall consist of three ~~four~~ members. The  
29 concurring vote of a majority of the members present shall be  
30 required to reach a decision, issue orders, and conduct the  
31 business of the commission.

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Section 4. This act shall take effect July 1, 2005.

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SENATE SUMMARY

Increases the size of the State Retirement Commission from three to five members and revises quorum requirements. Authorizes out-of-state physicians to certify the disability of a member of the state retirement system in certain circumstances.