

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

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 line  
 63 of duty shall be considered totally and permanently disabled and  
 64 unable to render useful and efficient service as an officer,  
 65 unless the administrator can provide documented competent  
 66 medical evidence that the officer is able to render useful and  
 67 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, 2005, 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

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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.