

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to retirement; providing a short title;
 providing legislative intent; providing a statement of
 important state interest; amending s. 121.091, F.S.;
 revising provisions relating to benefits payable for total
 and permanent disability for certain Special Risk Class
 members of the Florida Retirement System who are injured
 in the line of duty; amending s. 185.18, F.S.; providing
 minimum retirement benefits payable to certain Special
 Risk Class members who are injured in the line of duty and
 who are totally and permanently disabled due to such
 injury; providing for contribution rate increases to fund
 benefits provided in s. 121.091, F.S., as amended;
 directing the Division of Statutory Revision to adjust
 contribution rates set forth in s. 121.71, F.S.; providing
 an effective date.

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

Section 1. This act may be cited as the "Officer Malcolm Thompson Act."

Section 2. It is declared by the Legislature that law enforcement officers, as defined in s. 943.10(1), Florida Statutes, sheriffs as defined in s. 30.072(5), Florida Statutes, deputy sheriffs as defined in s. 30.072(2), Florida Statutes, and highway patrol officers under chapter 321, Florida Statutes, perform state and municipal functions; that it is their duty to protect life and property at their own risk and peril; that it

29 is their duty to continuously instruct school personnel, public
30 officials, and private citizens about safety; and that their
31 activities are vital to public safety. Therefore, the
32 Legislature declares that it is a proper and legitimate state
33 purpose to provide a uniform retirement system for the benefit
34 of law enforcement officers, as defined in s. 943.10(1), Florida
35 Statutes, sheriffs as defined in s. 30.072(5), Florida Statutes,
36 deputy sheriffs as defined in s. 30.072(2), Florida Statutes,
37 and highway patrol officers under chapter 321, Florida Statutes,
38 and intends, in implementing the provisions of s. 14, Art. X of
39 the State Constitution as they relate to municipal and special
40 district pension trust fund systems and plans, that such
41 retirement systems or plans be managed, administered, operated,
42 and funded in such manner as to maximize the protection of
43 pension trust funds. Pursuant to s. 18, Art. VII of the State
44 Constitution, the Legislature hereby determines and declares
45 that the provisions of this act fulfill an important state
46 interest.

47 Section 3. Paragraph (b) of subsection (4) of section
48 121.091, Florida Statutes, is amended to read:

49 121.091 Benefits payable under the system.--Benefits may
50 not be paid under this section unless the member has terminated
51 employment as provided in s. 121.021(39)(a) or begun
52 participation in the Deferred Retirement Option Program as
53 provided in subsection (13), and a proper application has been
54 filed in the manner prescribed by the department. The department
55 may cancel an application for retirement benefits when the
56 member or beneficiary fails to timely provide the information

57 and documents required by this chapter and the department's
58 rules. The department shall adopt rules establishing procedures
59 for application for retirement benefits and for the cancellation
60 of such application when the required information or documents
61 are not received.

62 (4) DISABILITY RETIREMENT BENEFIT.--

63 (b) Total and permanent disability.--A member shall be
64 considered totally and permanently disabled if, in the opinion
65 of the administrator, he or she is prevented, by reason of a
66 medically determinable physical or mental impairment, from
67 rendering useful and efficient service as an officer or
68 employee. A Special Risk Class member who is an officer and who
69 is catastrophically injured as defined in s. 440.02(38), Florida
70 Statutes 2002, in the line of duty as a result of a felonious
71 act of another shall be considered totally and permanently
72 disabled and unable to render useful and efficient service as an
73 officer, unless the administrator can provide documented
74 competent medical evidence that the officer is able to render
75 useful and efficient service as an officer. For purposes of this
76 section, the term "officer" includes law enforcement officers as
77 defined in s. 943.10(1), sheriffs as defined in s. 30.072(5),
78 deputy sheriffs as defined in s. 30.072(2), and highway patrol
79 officers under chapter 321.

80 Section 4. Subsection (5) of section 185.18, Florida
81 Statutes, is amended to read:

82 185.18 Disability retirement.--For any municipality,
83 chapter plan, local law municipality, or local law plan under
84 this chapter:

85 (5) The benefit payable to a police officer who retires
86 from the service of the city with a total and permanent
87 disability as a result of a disability is the monthly income
88 payable for 10 years certain and life for which, if the police
89 officer's disability occurred in the line of duty, his or her
90 monthly benefit shall be the accrued retirement benefit, but
91 shall not be less than 42 percent of his or her average monthly
92 compensation as of the police officer's disability retirement
93 date. If after 10 years of service the disability is other than
94 in the line of duty, the police officer's monthly benefit shall
95 be the accrued normal retirement benefit, but shall not be less
96 than 25 percent of his or her average monthly compensation as of
97 the police officer's disability retirement date. Notwithstanding
98 any provision to the contrary, the monthly retirement benefit
99 payable to a police officer who retires from service due to
100 total and permanent disability as a result of a catastrophic
101 injury as defined in s. 440.02(38), Florida Statutes 2002,
102 suffered in the line of duty where such injury is a result of a
103 felonious act of another shall be the accrued retirement benefit
104 but shall not be less than 80 percent of the officer's average
105 monthly compensation as of the officer's disability retirement
106 date.

107 Section 5. Effective July 1, 2010, in order to fund the
108 benefits provided in s. 121.091, Florida Statutes, as amended by
109 this act, the contribution rate that applies to the Special Risk
110 Class of the defined benefit program of the Florida Retirement
111 System shall be increased by 0.02 percentage points. This
112 increase shall be in addition to all other changes to such

CS/HB 57

2008

113 | contribution rates which may be enacted into law to take effect
114 | on that date. The Division of Statutory Revision is directed to
115 | adjust accordingly the contribution rates set forth in s.
116 | 121.71, Florida Statutes.

117 | Section 6. This act shall take effect July 1, 2010.