

1                   A bill to be entitled  
2           An act relating to disability retirement benefits;  
3           amending s. 121.091, F.S.; allowing members receiving  
4           care at federal Veterans' Health Administration  
5           facilities to use certification by a specified number  
6           of physicians working at such facilities as proof of  
7           total and permanent disability; providing an effective  
8           date.

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

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12           Section 1. Paragraph (c) of subsection (4) of section  
13   121.091, Florida Statutes, is amended to read:

14           121.091 Benefits payable under the system.—Benefits may  
15   not be paid under this section unless the member has terminated  
16   employment as provided in s. 121.021(39) (a) or begun  
17   participation in the Deferred Retirement Option Program as  
18   provided in subsection (13), and a proper application has been  
19   filed in the manner prescribed by the department. The department  
20   may cancel an application for retirement benefits when the  
21   member or beneficiary fails to timely provide the information  
22   and documents required by this chapter and the department's  
23   rules. The department shall adopt rules establishing procedures  
24   for application for retirement benefits and for the cancellation  
25   of such application when the required information or documents

26 | are not received.

27 | (4) DISABILITY RETIREMENT BENEFIT.—

28 | (c) Proof of disability.—The administrator, before  
29 | approving payment of any disability retirement benefit, shall  
30 | require proof that the member is totally and permanently  
31 | disabled as provided herein:

32 | 1. Such proof shall include the certification of the  
33 | member's total and permanent disability by two licensed  
34 | physicians of the state and such other evidence of disability as  
35 | the administrator may require, including reports from vocational  
36 | rehabilitation, evaluation, or testing specialists who have  
37 | evaluated the applicant for employment. A member whose position  
38 | with an employer requires that the member work full time outside  
39 | this state in the United States may include certification by two  
40 | licensed physicians of the state where the member works. A  
41 | member who is receiving care at a federal Veterans' Health  
42 | Administration facility may include certification by two  
43 | licensed physicians working at the facility.

44 | 2. It must be documented that:

45 | a. The member's medical condition occurred or became  
46 | symptomatic during the time the member was employed in an  
47 | employee/employer relationship with his or her employer;

48 | b. The member was totally and permanently disabled at the  
49 | time he or she terminated covered employment; and

50 | c. The member has not been employed with any other

51 | employer after such termination.

52 |         3. If the application is for in-line-of-duty disability,  
53 | in addition to the requirements of subparagraph 2., it must be  
54 | documented by competent medical evidence that the disability was  
55 | caused by a job-related illness or accident which occurred while  
56 | the member was in an employee/employer relationship with his or  
57 | her employer.

58 |         4. The unavailability of an employment position that the  
59 | member is physically and mentally capable of performing will not  
60 | be considered as proof of total and permanent disability.

61 |         Section 2. This act shall take effect July 1, 2020.