## Florida Senate - 2005

By Senator Smith

```
14-780-05
```

An act relating to retirement; providing legislative intent; 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; 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.
<ul> <li>4 revising provisions relating to benefits</li> <li>5 payable for total and permanent disability for</li> <li>6 certain Special Risk Class members of the</li> <li>7 Florida Retirement System who are injured in</li> <li>8 the line of duty; providing for contribution</li> <li>9 rate increases to fund benefits provided in s.</li> <li>10 121.091, F.S., as amended; directing the</li> <li>11 Division of Statutory Revision to adjust</li> <li>12 contribution rates set forth in s. 121.71,</li> <li>13 F.S.; providing an effective date.</li> </ul>
<ul> <li>payable for total and permanent disability for</li> <li>certain Special Risk Class members of the</li> <li>Florida Retirement System who are injured in</li> <li>the line of duty; providing for contribution</li> <li>rate increases to fund benefits provided in s.</li> <li>121.091, F.S., as amended; directing the</li> <li>Division of Statutory Revision to adjust</li> <li>contribution rates set forth in s. 121.71,</li> <li>F.S.; providing an effective date.</li> </ul>
<ul> <li>6 certain Special Risk Class members of the</li> <li>7 Florida Retirement System who are injured in</li> <li>8 the line of duty; providing for contribution</li> <li>9 rate increases to fund benefits provided in s.</li> <li>10 121.091, F.S., as amended; directing the</li> <li>11 Division of Statutory Revision to adjust</li> <li>12 contribution rates set forth in s. 121.71,</li> <li>13 F.S.; providing an effective date.</li> </ul>
<ul> <li>Florida Retirement System who are injured in</li> <li>the line of duty; providing for contribution</li> <li>rate increases to fund benefits provided in s.</li> <li>121.091, F.S., as amended; directing the</li> <li>Division of Statutory Revision to adjust</li> <li>contribution rates set forth in s. 121.71,</li> <li>F.S.; providing an effective date.</li> </ul>
8 the line of duty; providing for contribution 9 rate increases to fund benefits provided in s. 10 121.091, F.S., as amended; directing the 11 Division of Statutory Revision to adjust 12 contribution rates set forth in s. 121.71, 13 F.S.; providing an effective date.
9 rate increases to fund benefits provided in s. 10 121.091, F.S., as amended; directing the 11 Division of Statutory Revision to adjust 12 contribution rates set forth in s. 121.71, 13 F.S.; providing an effective date.
<ul> <li>10 121.091, F.S., as amended; directing the</li> <li>11 Division of Statutory Revision to adjust</li> <li>12 contribution rates set forth in s. 121.71,</li> <li>13 F.S.; providing an effective date.</li> </ul>
<ul> <li>Division of Statutory Revision to adjust</li> <li>contribution rates set forth in s. 121.71,</li> <li>F.S.; providing an effective date.</li> </ul>
<ul> <li>12 contribution rates set forth in s. 121.71,</li> <li>13 F.S.; providing an effective date.</li> </ul>
13 F.S.; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. <u>The Legislature declares that firefighters</u> ,
18 emergency medical technicians, paramedics, law enforcement
19 officers, correctional officers, and correctional probation
20 officers, as defined in this act, perform state and municipal
21 <u>functions; that it is their duty to protect life and property</u>
22 at their own risk and peril; that it is their duty to
23 continuously instruct school personnel, public officials, and
24 private citizens about safety; and that their activities are
25 vital to the public safety. Therefore, the Legislature
26 declares that it is a proper and legitimate state purpose to
27 provide a uniform retirement system for the benefit of
28 <u>firefighters, emergency medical technicians, paramedics, law</u>
29 <u>enforcement officers, correctional officers, and correctional</u>
30 probation officers, as defined in this act, and intends, in
31 implementing the provisions of Section 14, Article X of the

1

1 State Constitution as they relate to municipal and special district pension trust fund systems and plans, that such 2 retirement systems or plans be managed, administered, 3 4 operated, and funded in such manner as to maximize the 5 protection of pension trust funds. Pursuant to Section 18, 6 Article VII of the State Constitution, the Legislature 7 determines and declares that this act fulfills an important 8 <u>state interest.</u> 9 Section 2. Paragraph (b) of subsection (4) of section 10 121.091, Florida Statutes, is amended to read: 121.091 Benefits payable under the system.--Benefits 11 12 may not be paid under this section unless the member has 13 terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program 14 as provided in subsection (13), and a proper application has 15 16 been filed in the manner prescribed by the department. The 17 department may cancel an application for retirement benefits 18 when the member or beneficiary fails to timely provide the information and documents required by this chapter and the 19 department's rules. The department shall adopt rules 20 21 establishing procedures for application for retirement 22 benefits and for the cancellation of such application when the 23 required information or documents are not received. (4) DISABILITY RETIREMENT BENEFIT. --2.4 (b) Total and permanent disability.--A member shall be 25 considered totally and permanently disabled if, in the opinion 26 27 of the administrator, he or she is prevented, by reason of a 2.8 medically determinable physical or mental impairment, from 29 rendering useful and efficient service as an officer or 30 employee. A Special Risk Class member who is an officer as defined in s. 943.10(1), (2), or (3); a firefighter as defined 31

б

in s. 633.30(1); an emergency medical technician as defined in
s. 401.23(11); or a paramedic as defined in s. 401.23(17) who
is catastrophically injured as defined in s. 121.091(4) in the
line of duty shall be considered totally and permanently
disabled and unable to render useful and efficient service as
an officer, unless the administrator can provide documented
competent medical evidence that the officer is able to render
useful and efficient service as an officer. For purposes of
this subsection, the term "officer" includes law enforcement
officers, correctional officers, and correctional probation
officers as defined in s. 943.10(1), (2), and (3) and
firefighters, emergency medical technicians, and paramedics.
Section 3. Effective July 1, 2005, in order to fund
the benefits provided in section 121.091, Florida Statutes, as
amended by this act:
(1) The contribution rate that applies to the Special
Risk Class of the defined benefit program of the Florida
Retirement System shall be increased by 0.03 percentage
points.
(2) The contribution rate that applies to the Special
Risk Administrative Support Class of the defined benefit
program of the Florida Retirement System shall be increased by
0.20 percentage points.
These increases shall be in addition to all other changes to
such contribution rates which may be enacted into law to take
effect on that date. The Division of Statutory Revision is
directed to adjust accordingly the contribution rates set

29 forth in section 121.71, Florida Statutes.

30 Section 4. This act shall take effect upon becoming a31 law.

**Florida Senate - 2005** 14-780-05

SB 984

1	* * * * * * * * * * * * * * * * * * * *
2	SENATE SUMMARY
3	Provides that, for retirement purposes, a law enforcement officer, correctional officer, correctional probation
4	officer, firefighter, emergency medical technician, or paramedic who is catastrophically injured in the line of
5	duty will be considered totally and permanently disabled unless another conclusion is documented by competent
6	medical evidence.
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	