

By Senator Gainer

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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 for purposes of
8 establishing eligibility for benefits; providing an
9 effective date.

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

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13 Section 1. Paragraph (c) of subsection (4) of section
14 121.091, Florida Statutes, is amended to read:

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

28 (4) DISABILITY RETIREMENT BENEFIT.—

29 (c) *Proof of disability.*—The administrator, before

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30 approving payment of any disability retirement benefit, shall
31 require proof that the member is totally and permanently
32 disabled as provided herein:

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

45 2. It must be documented that:

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

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

51 c. The member has not been employed with any other employer
52 after such termination.

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

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

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