



Pension and Investment Plan **Disability Benefits**

**20
24**
Edition

DISCLAIMER

As much as possible, this booklet has been written in nontechnical terms, avoiding the formal language of retirement laws and rules. If questions of interpretation arise as a result of the attempt to make the retirement provisions easy to understand, Chapter 121 of the Florida Statutes and Chapters 60S and 19 of the Florida Administrative Code must remain the final authority.

The information provided in this booklet is based on the Florida Retirement System (FRS) laws and rules in existence through July 2024 and is subject to modification based on changes in the law or the Florida Administrative Code.

Representatives from FRS employers are not agents of the Department of Management Services' (DMS) Division of Retirement (division) or the State Board of Administration (SBA). The division and SBA are not responsible for incorrect information provided by FRS employer representatives.

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CONTACTING THE DIVISION

When writing the division, include your full name (printed and signed), the last four digits of your Social Security number, your return address, and your daytime telephone number.

If you are unable to manage your affairs, a copy of the power of attorney or guardianship papers authorizing someone to act on your behalf must be submitted to the division.

If you are writing to the division, please address your correspondence to the following:

**DIVISION OF RETIREMENT
P.O. BOX 9000
TALLAHASSEE, FL 32315-9000**

The following telephone numbers and fax number will help you reach the Division of Retirement.

Telephone (Toll-Free) 844-377-1888
Telephone 850-907-6500
Fax number 850-410-2010

If you have a hearing or speech impairment, you may call the division via T.D.D. at the Florida Relay System by dialing 711 or 800-955-8771.

You may visit the division at the address below without an appointment, but you must bring a photo ID. Our hours are Monday through Friday from 8:00 a.m. until 5:00 p.m., Eastern time, except on designated state holidays.

The Division of Retirement is located at:

**3189 S BLAIR STONE RD
TALLAHASSEE, FL 32301-6812**

WHAT IS DISABILITY RETIREMENT?

The FRS provides disability retirement as a source of income to eligible members of the FRS Pension Plan (Pension Plan) and FRS Investment Plan (Investment Plan) who become totally and permanently disabled and unable to work.

Types of Disability Retirement

Two types of disability retirement are available under the FRS, regular and in-line-of-duty disability retirement:

1. You may be eligible for regular disability retirement if you become disabled as a result of an illness or injury not related to your FRS covered employment.
2. You may be eligible for in-line-of-duty disability retirement if you are disabled as a result of an illness or injury that occurs during and as a result of the performance of your duties as required by your FRS employer.

Disability Must Be Total and Permanent

The FRS does not provide temporary or partial disability benefits. To qualify for disability retirement under the FRS, you must be totally and permanently disabled from performing any useful and efficient service as an officer or employee. If medical reports show that you are unable to continue in your present job but are able to perform another type of job, you will not be eligible for an FRS disability benefit. The fact that your current employer does not have an available job that you are capable of performing will not be considered proof of total and permanent disability.

Reference: Section 121.091(4)(a) and (b), Florida Statutes
Rule 60S-4.007(1) and (2), Florida Administrative Code

DISABILITY COVERAGE

Since June 1, 2002, the FRS has offered two primary retirement plan options: the Pension Plan, a defined benefit plan administered under part I of Chapter 121, Florida Statutes; and the Investment Plan, a defined contribution plan created under part II of Chapter 121, Florida Statutes. Both plans are funded by employee and employer contributions.

Disability coverage is available under both plans but may not be available under other state-administered retirement systems and programs.

The Pension Plan

Under the Pension Plan, the employee and the FRS employer make monthly contributions to provide the member with lifetime benefits after retirement, provided that the member meets certain age and/or service requirements. The service benefit is determined by a formula that is based on the member's earnings, length of service, and service value at retirement. However, if a Pension Plan member is totally and permanently disabled, monthly disability benefits may be available instead of service benefits. Disability coverage under the Pension Plan is the main focus of this publication.

Reference: Sections 121.091(4), 121.4501, 121.591(2), and 121.70,
Florida Statutes
Rule 60S-4.007, Florida Administrative Code

The Investment Plan

Under the Investment Plan, the employee and FRS employer make monthly contributions to an account set up for the member. The member controls how the contributions are invested among the plan's investment fund selections. The retirement benefit available under this plan is a distribution of the vested amount that has accumulated, plus gains, in the member's account after terminating from all employment with FRS employers.

If an Investment Plan member or Hybrid¹ member becomes totally and permanently disabled, monthly disability benefits may be available under section 121.591(2), Florida Statutes, instead of benefits that might otherwise be payable.

The Division of Retirement administers the disability program for the Investment Plan members who wish to receive monthly benefits through the Pension Plan. Any Investment Plan member who wishes to receive disability retirement benefits must, in addition to applying for benefits with the division (see Page 20), do the following:

- Transfer all moneys accumulated under the member's Investment Plan account to the FRS Trust Fund.
- Receive creditable service towards the years of service required to vest for disability benefits for service credit under the Investment Plan.

Eligibility requirements for disability retirement are the same for Investment Plan members and Pension Plan members as described elsewhere in this booklet (see Page 9).

Once an Investment Plan member's application for disability retirement has been approved, he or she will be paid monthly benefits as of the effective disability retirement date (see Page 24). The application for disability retirement may be cancelled as long as the cancellation request reaches the division before a disability retirement warrant has been deposited, cashed, or received by direct deposit. Upon timely cancellation of your disability retirement application, your active participation in the Investment Plan will be reinstated, and all transferred funds will be returned to your Investment Plan account.

Reference: Sections 121.091(4), 121.4501, 121.591(2), and 121.73,
Florida Statutes
Rules 19 and 60S-4.007, Florida Administrative Code

¹ FRS Hybrid membership means the member has met eligibility criteria and has elected to participate in the Investment Plan Hybrid. Current Pension Plan benefit is frozen and direct future contributions are into the Investment Plan.

Closed Retirement Systems

Disability benefits available under the FRS differ from disability benefits available under the older, closed retirement systems. Active members of the Teachers' Retirement System should contact the Division of Retirement (see Page 3) for details regarding their system's disability coverage.

Reference: Sections 238.06(10), 238.07(10)-(12) and (15B), 238.071(16)(d), 238.09(1)(f) and (2), and 238.181, Florida Statutes
Rule 60S-4.007, Florida Administrative Code

Other Optional Retirement Programs

Certain members have the opportunity to participate in various non-integrated optional defined contribution retirement programs instead of the FRS. These optional programs include the following:

- The Senior Management Service Optional Annuity Program (SMSOAP)², which is available to state senior managers;
- The State University System Optional Retirement Program (SUSORP), which is available to faculty, administrative and professional, and executive service employees in the State University System (faculty in a college of medicine within a state university are required to participate in this program);
- The State Community College System Optional Retirement Program (SCCSORP), which is available to faculty and certain administrators in Regular Class positions of a state college in the State College System if their college offers an optional retirement program.

Additionally, local government senior managers and elected officers may choose to opt out of the FRS altogether.

No FRS disability coverage is available under these optional retirement programs. The disability retirement benefit is the accumulated contributions and earnings in the participant's account. However, the employer may separately offer disability coverage or disability insurance. If you become disabled while participating in one of these programs, check with your human resource officer to see what benefits may be available to you.

² This program is closed to new members effective July 1, 2017.

Reference: Sections 121.055(6) (b), 121.35(3)(g), and 1012.875(3)(g),
Florida Statutes
Rule 19-10.003, 60S-4.007, Florida Administrative Code

The Deferred Retirement Option Program (DROP)

The DROP, offered under the Pension Plan, allows members who are eligible for normal service retirement to effectively retire and continue working for a limited time while their monthly retirement benefits, plus any applicable cost-of-living adjustment and interest, accumulate on a tax-deferred basis in the FRS Trust Fund. When a participant's DROP period ends, the participant must terminate all employment with FRS employers to receive the DROP accumulation and begin receiving monthly retirement benefits in the amount determined at the time DROP participation began, plus any applicable cost-of-living adjustment.

Reference: Section 121.091(13)(c), Florida Statutes
Rule 60S-11.001, 11.002, and 11.004, Florida Administrative Code

Disability Retirement and the DROP

DROP participants are not eligible for FRS disability benefits because they are considered retired under the FRS when DROP participation begins. Under the FRS, once you have retired, you may not change your type of retirement from a normal service retirement to a disability retirement. If you become disabled while in the DROP, you will receive the funds accumulated in the DROP up to the month you terminate employment and end your DROP participation, and you will begin receiving your monthly service retirement benefit.

Your employer might offer other disability benefits or provide disability insurance apart from your FRS retirement benefit. Check with your human resource officer to ensure that you are receiving all the benefits available to you.

Reference: Sections 121.091(4)(b) and (c) and (13)(c)7, Florida Statutes
Rules 60S-4.002(4), 4.007, and 11.004(6), Florida
Administrative Code

ELIGIBILITY FOR DISABILITY BENEFITS

Disability coverage is available for active members of the Pension Plan and Investment Plan. If you are a retiree of either plan with renewed membership or if you are in the DROP, you are not eligible for disability benefits.

To qualify for disability retirement under the Pension Plan or Investment Plan, you must be totally and permanently disabled, prevented by reason of a medically diagnosed physical or mental impairment from performing useful and efficient service as an officer or employee. Your disabling injury or illness must have occurred or become symptomatic before you terminated covered employment.

Reference: Sections 121.091(4)(a)-(c), 121.4501(16), and 121.591(2),
Florida Statutes
Rule 60S-4.007, Florida Administrative Code

Regular Disability

As of July 1, 2001, to qualify for regular disability retirement, you must complete at least eight years of creditable service regardless of the other vesting requirements for your membership class or plan.³

Generally, Pension Plan members initially enrolled prior to July 1, 2011, vest for service retirement with six years of creditable service. If the member was initially enrolled on or after July 1, 2011, the vesting requirement is eight years of creditable service. If you are vested for service retirement under the Pension Plan but have fewer than eight years of creditable service, you may be eligible to purchase optional service credit to meet the vesting requirement for regular disability retirement, such as credit for an approved leave of absence, military service, in-state service, or out-of-state public service.⁴

³ If you terminated FRS covered employment before July 1, 2001, and since then have not been employed in FRS covered employment, you must have 10 years of creditable service to qualify for regular disability retirement benefits based on a disability sustained during your prior covered employment. This is because you are still subject to the disability vesting law in effect before that date.

⁴ See the FRS Member Handbook for more information on the purchase of optional service credit under the Pension Plan.

Investment Plan members are vested in employer contributions made to their Investment Plan account after one year of creditable service. If initially enrolled prior to July 1, 2011, Investment Plan members must have six years of creditable service to vest in any opening account balance transferred from the Pension Plan to the Investment Plan. If initially enrolled on or after July 1, 2011, Investment Plan members must have eight years of creditable service to vest in any opening account balance transferred from the Pension Plan to the Investment Plan. To qualify for regular disability retirement under the Investment Plan, members must have a total of eight years of creditable service.⁵ Investment Plan members are not eligible to buy optional service credit.

Contact the Division of Retirement for more information about vesting for disability benefits (see Page 3).

Note: Having sufficient creditable service to qualify for regular disability retirement does not qualify you for a disability benefit for any disability that occurs after you have terminated employment.

Reference: Sections 121.091(4)(a) and 121.591(2)(b), Florida Statutes
Rule 60S-4.007, Florida Administrative Code

In-Line-of-Duty Disability

You are covered for in-line-of-duty disability from your first day of employment. If you believe the illness or injury that caused your total and permanent disability happened during and as a result of the actual performance of your duties as required by your employer, you may apply for in-line-of-duty disability retirement benefits.

Special presumptions apply for specified professions and diseases:

- If you are a firefighter, law enforcement officer, correctional officer or correctional probation officer who is disabled because of tuberculosis, heart disease, or hypertension, your disability is presumed to have occurred in the line of duty unless competent evidence proves otherwise. To qualify for the presumption, you must have successfully passed a pre-employment physical examination that failed to reveal evidence of the condition.

⁵ For members of the Investment Plan, creditable service under both the Pension Plan and the Investment Plan may be combined to meet the eight-year vesting requirement for disability retirement.

- If you are a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who is disabled because of hepatitis, meningococcal meningitis, or tuberculosis, your disability is presumed to have occurred in the line of duty unless competent evidence proves otherwise. You must have passed a pre-employment physical examination that failed to reveal any evidence of the communicable disease and must submit an affidavit attesting that you have not been exposed to the disease outside the scope of your employment. You may be required to establish that you have received a standard medically recognized vaccination, immunization, or other preventive measure, if available. You may also be asked to supply a copy of the accident report indicating suspected or known exposure. Any exposure should be recorded by your employer.
- If you are a firefighter, your disability is presumed to have occurred in the line of duty if resulting from or arising from the treatment of one of the 21 cancers defined in section 112.1816, Florida Statutes. The employer must provide verification of the firefighter's full-time status and certify the employer is a fire department or public safety department whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, or state fire prevention codes and laws pertaining to the prevention and control of fires. Disability retirement benefits under this provision must be effective on or after July 1, 2019.

Effective July 1, 2022, if you are a full-time Florida-certified fire investigator whose responsibilities include the investigation of fires and explosives, your disability resulting from one of the 21 defined cancers, or the treatment of the cancer, is presumed to have occurred in the line of duty.

If you are a first responder as defined by section 112.1815(1), Florida Statutes, who is disabled:

- As a result of exposure to a toxic substance, your disability will be considered to have occurred in the line of duty only if there is a preponderance of the evidence that the levels of the substance to which you were exposed in the line of duty could cause your disability;
- By an adverse result or complication caused by a smallpox vaccination, your disability is presumed to have occurred in the line of duty; and
- By a mental or nervous injury, your disability will be presumed to have occurred in the line of duty.⁶

If you are a law enforcement officer, firefighter, emergency medical technician, or paramedic as defined by section 112.1815(5), Florida Statutes, who is disabled due to an injury of a qualifying event or diagnosis of posttraumatic stress disorder (PTSD) while acting within the course and scope of employment is presumed as in line of duty.

- The workers compensation claim must be filed within 52 weeks after the qualifying event or ⁷the manifestation of PTSD, whichever is later.
- Effective October 1, 2022, the workers compensation claim must be filed within 52 weeks after the qualifying event or the diagnosis of PTSD, whichever is later.

Effective July 1, 2022, if you are a correctional officer as defined by section 112.18155, Florida Statutes, your disability is presumed to have occurred in the line of duty from, or arising from, PTSD. The workers compensation claim must be filed within 52 weeks after the qualifying event or the diagnosis of PTSD, whichever is later.

Note: As with regular disability retirement, you are not eligible for an in-line-of-duty disability benefit for any disability that occurs after you have terminated employment.

Reference: Sections 112.18, 112.181, 112.1815, 112.18155, and 121.091(4)(a), Florida Statutes

⁶ Prior to Oct. 1, 2018, the mental or nervous injury must result from a physical injury that occurred in the line of duty.

Proof of Disability

Before the division can make a determination on your application for disability retirement, proof of disability is required. Your total and permanent disability must be certified by two Florida-licensed physicians. If you are employed in an FRS covered position and are permanently assigned by your FRS employer to work outside of Florida but within the United States, two physicians licensed by that state may certify your total and permanent disability. Effective July 1, 2020, if you are receiving care at a federal Veterans Health Administration facility, you may include certification by two licensed physicians working at the facility. All physician certifications must be supported by such other evidence as may be required. It must be documented that:

- Your disability was due to a medical condition that occurred or became symptomatic while you were actively employed in an FRS covered position;⁸
- You were totally and permanently disabled when you terminated covered employment; and
- You have not been employed with any employer since becoming totally and permanently disabled.

Additionally, to qualify for in-line-of-duty disability benefits, the disability must have been caused by a job-related illness or accident that occurred while you were working in an FRS covered position.

The unavailability of employment that you are capable of performing is not considered proof of your total and permanent disability. Even if medical reports indicate that you are unable to continue in your present occupation, as long as you can perform another type of work, you will not be eligible for a disability benefit.

Reference: Sections 121.091(4)(c) and 121.591(2)(e), Florida Statutes
Rule 60S-4.007(2), Florida Administrative Code

⁸ Active employment includes any period that you are in an employer-employee relationship, including approved leaves of absence.

Non-Admissible Causes of Disability

The FRS does not provide disability benefits for a disability that results from any injury or disease which happens after your employment has terminated. Also, you are not eligible for disability benefits if:

- Your disabling injury or disease happens while willfully participating in a riot, civil insurrection, or other act of violence or while committing a felony.
- Your disability results from an intentional self-inflicted injury.

Disability resulting from drug or alcohol abuse is not considered suffered in the line of duty, except for undercover law enforcement officers who are expected to consume alcohol in the course of their work.

Reference: Sections 121.091(4)(i) and 121.591(2)(l), Florida Statutes
Rule 60S-4.007(7), Florida Administrative Code

WORKERS' COMPENSATION AND SOCIAL SECURITY DISABILITY BENEFITS

The fact that you are approved for workers' compensation or Social Security Disability benefits does not mean that you will be approved for disability benefits under the FRS. However, being approved for workers' compensation or Social Security Disability may help support your claim if you apply for FRS disability benefits.

You may be entitled to retirement credit for time that you received workers' compensation. If you are approved for disability retirement under the FRS or if you recover and return to covered employment for one calendar month or longer, you will receive, at no cost to you, full retirement credit for the time that you received temporary total or temporary partial workers' compensation payments until you either reached maximum medical improvement or terminated employment. Your effective disability retirement date may not be prior to the date you reach maximum medical improvement, unless you terminate employment before that date.

Different requirements apply to benefits available under the FRS than those that apply to workers' compensation benefits or federal benefits provided under Social Security and Medicare. The FRS has no authority over Social Security, workers' compensation, or Medicare benefit payments. For more information on workers' compensation, please contact the Division of Workers' Compensation's Employee Assistance Office toll-free at 800-342-1741 or at 850-413-1610. For more information on Social Security or Medicare benefits and possible limitations on those benefits, contact your local Social Security office or call the Social Security Administration at 800-772-1213.

Note: Under workers' compensation law, your workers' compensation benefit may be offset against other disability benefits you receive so that your combined benefits do not exceed a statutory threshold. In other words, if you get workers' compensation benefits, FRS or other disability benefits, and/or Social Security Disability benefits, your employer may be entitled to reduce your workers' compensation benefit if your combined benefits would provide you an income that is higher than that allowed by law, based on your pre-disability income.

Reference: Sections 121.021(13), 121.091(4)(a), 121.125, 440.02, and 440.15, Florida Statutes

LEGAL REPRESENTATIVES

If a member or retiree is determined by a judge to be physically or mentally incapacitated, the judge will then appoint a legal guardian. The guardian must furnish the division with a copy of the Letters of Guardianship in order to act on behalf of the member or retiree. The guardian will be notified if any other documentation is needed.

A member or retiree may grant a durable power of attorney to someone else to handle financial affairs. A copy of the current durable power of attorney must be provided to the division. The person appointed as attorney-in-fact through the durable power of attorney will be notified if any other documentation is needed. The division does not accept medical powers of attorney.

A legal guardian or attorney-in-fact may submit an application for retirement on behalf of a member and is allowed to make changes to the deduction, address, and direct deposit information for the member or retiree.

BENEFICIARY DESIGNATION

At any time before you retire, you may name a beneficiary or beneficiaries to receive any benefits that may be payable in the event of your death. As a member of the Pension Plan or the Investment Plan, you are encouraged to designate one or more persons as your beneficiary or beneficiaries and to keep your designation up to date. You may state that your beneficiaries share jointly or sequentially or specify that any benefits due be paid through a trust. If you fail to name a beneficiary or if your beneficiary has died, any benefits due upon your death will be paid according to Florida law.

Option Selection and Beneficiary Designation

When you apply for disability retirement under either the Pension Plan or Investment Plan, you will be asked to designate a new beneficiary. You can do this on your disability retirement application (see Page 20) or by making a new beneficiary designation.

The disability benefit payment option⁹ you select can affect your choice of beneficiary:

- If you choose either Option 1 or Option 2, you may name as beneficiary any person, organization, or trust or your estate.
- If you choose Option 2, you may name one or more contingent beneficiaries to receive any benefits remaining after you and your primary beneficiaries have died.
- If you choose either Option 3 or Option 4, your beneficiary must qualify as your joint annuitant (see Page 27). If you name your spouse, you will be asked to provide a marriage certificate.
- If you choose Option 3, you may name more than one joint annuitant and specify the share to be paid to each, but if you choose Option 4, you may name only one joint annuitant.

Forms for designating or changing beneficiaries and for selecting a benefit payment option are available on the Forms page of the division's website at frs.myflorida.com or can be requested from the division.

Miscellaneous Provisions

Provisions in the law could affect you or the person(s) you would prefer to receive benefits when you die:

- **Automatic designation of spouse** – If you die before your effective retirement date as a member of the Pension Plan, your spouse at the time of your death will automatically be your beneficiary unless you named a different beneficiary after your most recent marriage. If you die after you retire, your most recently designated beneficiary receives any benefits payable, regardless of any life changes that may have occurred since you retired (such as divorce, remarriage, or death of a beneficiary).

⁹ See Page 26 for more on benefit payment options.

- **Death in the line of duty** – If you die in the line of duty as a Pension Plan or Investment Plan¹⁰ member in the Special Risk Class on or after July 1, 2002, your surviving spouse is eligible for a lifetime monthly benefit equal to 100 percent of your contracted salary, regardless of your length of service or whether you named someone else as your beneficiary. If you are not married and have a dependent child or children at the time of your death or if you are married and your spouse dies before your youngest child reaches age 18, the benefit may continue until the child reaches age 25 if the child is unmarried and enrolled in school full time.

If you die in the line of duty as a Pension Plan or Investment Plan member in a class other than the Special Risk Class on or after July 1, 2002, your surviving spouse is eligible for a lifetime monthly benefit equal to half of your contracted salary, regardless of your length of service or whether you named someone else as your beneficiary.¹⁰ If you are not married and have a dependent child or children at the time of your death or if you are married and your spouse dies before your youngest child reaches age 18, the benefit will be paid on behalf of your unmarried children until the youngest child reaches age 18. This provision also applies if you are disabled in the line of duty as a member of the Pension Plan and are approved for disability retirement but die before your effective retirement date as a result of your illness or injury. If you are approved for disability retirement as a member of the Investment Plan but die before your disability retirement effective date, survivor benefits will be paid to your beneficiary as provided in section 121.591(3), Florida Statutes.

¹⁰ The Investment Plan member's surviving spouse or dependent child who meet the disability criteria can elect to transfer all Investment Plan accumulations to the Pension Plan to receive this benefit.

- **Changing Your Joint Annuitant** – When you retire under disability retirement and select an Option 3 or Option 4 benefit, you may change your joint annuitant up to two times after retirement. To make this change, you must file a notarized Change of Joint Annuitant Form (JA-1), with the division and notify, in writing, your surviving former joint annuitant of the change.¹¹ Changing your joint annuitant requires your benefit to be recalculated.
- **Joint Annuitant Nullification** – If you retire under disability retirement, select Option 3 or Option 4, and name your spouse as your beneficiary (your joint annuitant) but you subsequently divorce, you may nullify your designation of your former spouse as your joint annuitant (unless a Qualified Domestic Relations Order prevents you from taking such action). To do this, you must submit to the division a notarized Joint Annuitant Nullification Form (JA-NUL), and a copy of your divorce papers. After nullification, your former spouse is considered by law to have died before you and, if you've chosen Option 4, your benefit payments will be reduced by one-third. You may not reverse a joint annuitant nullification, but you may make a new joint annuitant designation, which requires your benefit to be recalculated. Nullification forms are available from the division.¹²

Reference: Sections 121.021(28) and (46), 121.091(6)-(8) and (14), and 121.591(2) and (4), Florida Statutes
Rules 60S-4.008, 4.010, and 4.011, Florida Administrative Code

¹¹ When you nullify or otherwise change a joint annuitant designation after you have retired, your benefit will be recalculated. This nearly always results in reduced benefits. If you change your joint annuitant, you may not reverse the change to the original benefit after the change is finalized 121.091(6)(d)1, Florida Statutes.

¹² Disability Retirees of the Investment Plan-In some cases, an amount equal to the remaining vested Investment Plan account balance may be payable (see Page 29 for details).

APPLICATION FOR DISABILITY BENEFITS

Required Forms

To apply for disability retirement under the Pension Plan or Investment Plan, you must submit the forms listed below. You may obtain these forms from your human resource office or by downloading them from FRS Online. You can locate these forms under Forms on the Members page of the division's website at frs.myflorida.com. You may also write or call the Division of Retirement (see Page 3) to receive the forms.

1. Members of the Pension Plan must complete an FRS Application for Disability Retirement Form (FR-13). Your effective date of retirement (see Page 24) may depend, in part, on when the division receives this form. While you can send in the rest of the required forms and documents later, you should not delay submitting your Form FR-13 while you gather other information.
2. Members of the Investment Plan must complete an Investment Plan Application for Disability Retirement Form (PR-13), to apply for disability benefits.
3. A Statement of Disability by Employer Form (FR-13a), must be completed by the person designated by your employer.
4. Two copies of the Physician's Report of Disability Form (FR-13b), must be completed by two different Florida-licensed physicians currently treating you who can attest that you are mentally or physically disabled from gainful employment and that your disability is total and permanent. If you are employed in an FRS covered position and you are permanently assigned by your FRS employer to work outside the state of Florida, but within the United States, then two licensed physicians of the state where you work may complete the form instead of two Florida-licensed physicians. If you are receiving care at a federal Veterans Health Administration facility, two licensed physicians working at the facility may complete the form.

5. Members of the Pension Plan must complete an Option Selection for FRS Members Form (FRS-11o),.
Members of the Investment Plan must complete an Option Selection for Disability Retirement Form (PR-11o).
6. Members of the Pension Plan must complete a Spousal Acknowledgment Form (SA-1), verifying marital status.
Members of the Investment Plan must complete a Spousal Acknowledgment Form for Disability Retirement Form (SA-2).
If you are married and select either Option 1 or Option 2, your spouse must acknowledge your choice of option.
If you are married and select either Option 3 or Option 4, you must submit a copy of your marriage certificate.
7. If you are applying for in-line-of-duty disability benefits, this may be evidenced by a Worker's Compensations Notice of Injury or through a written statement containing the following:
 - A. An explanation of why a Notice of Injury was not completed and why you did not apply for workers' compensation benefits;
 - B. The dates, times, and circumstances surrounding each on-the-job accident or illness;
 - C. A statement from you explaining why you consider the accident or illness to have been suffered in the line of duty; and
 - D. A statement from your supervisor explaining why the accident or illness is considered to be job-related (suffered in the line of duty).

The Division of Retirement will review your application and will inform you if additional information is needed from you, your employer, or your physicians. Examples of the types of additional information that could be required to determine your eligibility for disability benefits include the following:

1. Personal interviews with you, your employer, or your physicians;
2. An examination by a medical specialist;
3. A personal interview by a rehabilitation nurse; or
4. Workers' compensation information from your employer or the third-party carrier administering workers' compensation coverage for your employer.

Once the division receives the required information, the division will notify you in writing if your disability claim has been approved or denied.

Reference: Sections 121.091(4)(c) and 121.591(2)(e), Florida Statutes
Rule 60S-4.007, Florida Administrative Code

Proof of Age

When you apply for disability retirement, you must provide proof of your age. If you choose benefit payment Option 3 or Option 4 (see Page 27), you must also furnish proof of age for your joint annuitant. The division must receive any required proof of age before you can begin receiving benefits. A legible copy of one of the following documents will be accepted as proof of age:

- A state-issued driver's license issued after Jan. 1, 2010, that indicates compliance with the federal REAL ID Act;
- Birth certificate issued by the state or country of birth;
- Delayed birth certificate;
- Certificate of Naturalization;
- Valid, unexpired U.S. passport.
- Census report more than 30 years old; or
- Life insurance policy more than 30 years old

If you cannot furnish any of these documents, a legible copy of a document from two of the following categories will be required:

- Birth certificate of child that displays your age or your joint annuitant's age, as appropriate;
- Baptismal certificate more than 30 years old;
- Hospital record of birth; and/or
- School record at the time which you or your joint annuitant entered grammar school.

Reference: Section 121.091(6), Florida Statutes
Rule 60S-4.0035, Florida Administrative Code

Effective Retirement Date

If you are approved for disability retirement benefits, your effective retirement date cannot be established until the division receives official documentation from your employer that you have terminated employment. Benefit payments will be retroactive to your effective retirement date. If your disability retirement application¹³ is submitted within 30 days of your termination date, your effective retirement date will be the first day of the month following your termination date. If you do not submit your application within 30 days of termination, your effective retirement date will be the first day of the month after the division receives your application. For example, if you terminate on June 30 and your application is received on July 5, your effective retirement date would be July 1. However, if the division does not receive your application until August 2, your effective retirement date would be September 1. An effective retirement date is always the first day of the month, and benefits are payable on the last working day of the month.

If salary is reported or creditable service is granted on your behalf after you have applied for disability benefits, your effective retirement date can be no earlier than the first day of the month following the last month in which you earned salary or received service credit. If you were receiving workers' compensation payments, your effective disability retirement date may also be affected (see Page 14).

Reference: Sections 121.091(4)(a) and 121.591(2)(c), Florida Statutes
Rules 60S-4.0035(4) and 4.007, Florida Administrative Code

¹³ Form FR-13 for Pension Plan members or Form PR-13 for Investment Plan members.

DENIAL OF APPLICATION

If you fail to demonstrate total and permanent disability or in the -line--of--duty disability, you will be notified by certified mail that the division intends to deny your application. The notice will include factual, legal, and policy grounds for the decision. You will then have 21 days to challenge the intended denial by submitting your written objections and evidence to the division, after which the division will have 21 days to respond.

You will be notified by certified mail if the division rejects your challenge. The final denial letter will explain the division's final decision and will advise you regarding your appeal rights. The Division of Retirement will enclose an appeal form with your final disability denial letter.

Right to Appeal

If the division denies your disability claim, you may request a hearing before the State Retirement Commission. To receive a hearing before the commission, you must submit the appeal form to the State Retirement Commission within 21 days of receipt of the division's final denial.

If you appeal to the State Retirement Commission, you may elect to receive the service retirement benefits for which you are eligible while you wait for the commission's decision on your appeal. If the application for disability benefits is approved on appeal, the service retirement will be converted to a disability retirement, but you will not be able to change your benefit payment option. If you choose to take an early service retirement and your appeal is denied, you cannot subsequently cancel or change this election.

If the State Retirement Commission approves your application for disability retirement, the commission may cover your reasonable attorney's fees and taxable costs up to an amount equal to half of your first year's disability benefit payments.

A decision of the State Retirement Commission is considered a final agency action. However, you may petition the District Court of Appeal for review of the commission's decision.

Reapplication and Review

If your initial application for disability retirement is denied, you may reapply for disability benefits. However, your disability claim will be reconsidered only if you present new medical evidence that was not available at the time of your initial application of a medical condition that existed before you terminated employment covered under the FRS. Your reapplication for disability retirement will be reviewed to determine if new information has been submitted.

Reference: Sections 121.091(4)(g), 121.23, and 121.591(2)(h), Florida Statutes
Rules 60S-4.002(4) and 4.007(1), (3), and (10), Florida Administrative Code

BENEFIT PAYMENT OPTIONS

If you are approved for disability retirement benefits, you must choose one of four benefit payment options. You will not begin receiving disability benefits until you have selected a benefit option. Although you may wait until you have an estimate of benefits before selecting an option, the division suggests that you complete your option selection form as soon as possible. If you were to die before filing your option selection form and you had no qualified joint annuitant, under Florida law, your selection would default to Option 1, providing no continuing benefit to your beneficiary. You may change your option selection at any time during the processing of your application, but your retirement option may not be changed once your benefit payment is cashed or deposited.

If you are married and you select either Option 1 or Option 2, your spouse must acknowledge your option selection in writing. If you select Option 2, Option 3, or Option 4, your benefit will be actuarially reduced¹⁴ from the Option 1 amount. However, the total benefit provided under each of these options is actuarially equal to what you alone would be expected to receive under Option 1. Continuing lifetime monthly benefits under Option 3 and Option 4 may be paid only to a person who qualifies as a joint annuitant.

¹⁴ The reduction is based on separate actuarial factors for disability retirement.

The actuarial factors used to calculate disability benefits can result in a lower Option 2, 3 or 4 retirement benefit as compared to the same optional benefit computed using the actuarial factors that apply to service retirement. The difference primarily results from different mortality rates and the value of not having disability benefits reduced for early retirement and may be offset by the existence of a minimum benefit. If your service retirement benefit is higher than your disability retirement benefit, you will be provided comparative benefit estimates based on both service and disability retirement and will have the option of selecting the benefit that is best for you.

Options 1 and 2

Option 1: Provides a monthly benefit payment to you for your lifetime and continued disability. This option does not provide a continuing benefit to a beneficiary. Upon your death, the monthly benefit will stop, and your beneficiary will be eligible to receive only a refund of contributions you paid, if any, which exceed the amount you received in benefits.

Option 2: Provides a reduced monthly benefit payment to you for your lifetime and continued disability. However, if you die within 10 years (120 months) of retiring, your beneficiary will receive a monthly benefit payment in the same amount you were receiving for the balance of the 120-month period. If you die after 10 years of disability retirement, no further benefits will be payable.

Options 3 and 4

Under Options 3 and 4, you may provide a continuing benefit for your spouse or other dependent beneficiary who is your joint annuitant. To qualify as your joint annuitant, an individual must meet the following criteria:

- They are your spouse;
- They are your parent or grandparent (as long as you provide at least half of the individual's financial support);
- They are your natural or legally adopted child who is either under age 25 or who is physically or mentally disabled and incapable of self-support; or

- They are a person for whom you are the legal guardian and to whom you provide at least half of his or her financial support.

Option 3: Provides a reduced monthly benefit payment to you for your lifetime and a continuing benefit to your surviving joint annuitant (spouse or financial dependent). Upon your death, your joint annuitant (spouse or financial dependent), if living, will receive a lifetime monthly benefit payment in the same amount as you were receiving.

Exception: If your surviving joint annuitant is under age 25 and is not your spouse, your joint annuitant will receive your Option 1 benefit amount. The benefit will stop when your joint annuitant reaches age 25, unless he or she is disabled and incapable of self-support, in which case the benefit will continue for the duration of the disability.

No further benefits are payable after both you and your joint annuitant are deceased. The factor by which an Option 3 benefit is reduced depends on your age and the age of your joint annuitant.

Option 4: Provides an adjusted monthly benefit payable to you while both you and your joint annuitant (spouse or financial dependent) are living. Upon the death of either you or your joint annuitant, the monthly benefit payable to the survivor is reduced to two-thirds of the monthly benefit received when both are living.

Exception: The benefit paid to a joint annuitant who is under age 25 and who is not your spouse will be your Option 1 benefit amount. The benefit will stop when your joint annuitant reaches age 25, unless he or she is disabled and incapable of self-support, in which case the benefit will continue for the duration of the disability.

No further Option 4 benefits are payable after both you and your joint annuitant are deceased. The factor by which an Option 4 benefit is adjusted depends on your age and the age of your joint annuitant.

Investment Plan Disability Retirees

Special survivor benefit provisions may apply to an Investment Plan disability retiree under this program if the retiree retired before July 1, 2004. Regardless of the benefit payment option the retiree chose, if any such retiree dies before the account balance transferred from the Investment Plan has been paid out as monthly disability benefits, any remaining vested amount will be paid to the retiree's beneficiary, in addition to any monthly benefits that may continue to be due. These special survivor provisions do not apply to Investment Plan members with an effective disability retirement date on or after July 1, 2004.

Reference: Sections 121.021(28), 121.091(6)-(7) and (12), and 121.591(2)(n), Florida Statutes
Rules 60S-4.002(4), 4.0035(1), and 4.010(5), Florida Administrative Code

YOUR DISABILITY BENEFIT

Because total and permanent disability is unpredictable and may occur at an early age, the FRS provides certain minimum disability benefits. However, with sufficient creditable service, you may be eligible for a higher benefit.

Minimum Disability Benefit

Regular Disability (25% Minimum Benefit)

If you are approved for regular disability retirement, regardless of your class of membership, your Option 1 benefit will be at least 25% of your average final compensation. If your actual earned benefit based on your years of creditable service would be higher than the 25% minimum regular disability benefit, the higher amount will be paid (see Pages 38 and 40 for sample calculations showing how the 25% regular disability minimum benefit is applied).

In-Line-of-Duty Disability (42% or 65% Minimum Benefit)

If you are a member of the Regular Class, Senior Management Service Class, or Elected Officers' Class when you become disabled and you are approved for in-line-of-duty disability retirement, your Option 1 benefit will be at least 42% of your average final compensation. If your actual earned benefit based on your years of creditable service would be higher than 42%, the higher amount will be paid (see Page 39 for a sample calculation illustrating how the in-line-of-duty disability minimum benefit applies to non-Special Risk Class members).

If you are a member of the Special Risk Class or Special Risk Administrative Support Class when you become disabled and you are approved for in-line-of-duty disability retirement, your Option 1 benefit will be at least 65% of your average final compensation. If your actual earned benefit based on your years of creditable service would be higher than 65 %, the higher amount will be paid (see Page 41 for a sample calculation showing how the in-line-of-duty disability minimum benefit applies to Special Risk Class members).

Reference: Section 121.091(4)(f), Florida Statutes
Rules 60S-4.004 and 6.001(6), Florida Administrative Code

Calculating Your Disability Benefit

The amount of your monthly disability benefit will partly depend on your average final compensation at retirement and how many years of creditable service you have. Your benefit will be adjusted if you select benefit payment Option 2, Option 3, or Option 4 (see Page 26). After retirement, you will receive any applicable cost-of-living adjustment (see Page 47) and, if you are eligible and apply, the Health Insurance Subsidy (HIS) benefit (see Page 47). The following formula shows how the basic Option 1 disability benefit is calculated, followed by an explanation of each part of the formula:

Years of Creditable Service	X	Percentage Value	X	Average Final Compensation	=	Yearly Option 1 Disability Benefit
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Yearly Benefit ÷ 12 = Monthly Option 1 Benefit

Years of Creditable Service

Years of creditable service means the total number of years and parts of years you worked in positions covered by the FRS or covered by one of the existing systems if you participated in one of these plans before joining the FRS.

You earn retirement credit for your service when you are paid for work in a covered position with one or more of approximately 1,000 public employers that participate in the FRS. You earn one month of service credit toward your total plan year for each month you have salary reported for work performed or paid leave taken in lieu of working. You do not earn service credit as an Other Personal Services (OPS) employee, a temporary employee, or independent contractor or for any period that you are participating in an optional retirement program, except that service under the Investment Plan does count as creditable service for purposes of disability retirement.¹⁵

Your creditable service also includes any optional service credit that you purchase under the Pension Plan, such as credit for military service or leaves of absence. Disability retirees are eligible to claim all service (for example, military service, past and prior service, leaves of absence, etc.) that they could have claimed under a service retirement. However, since disability retirees are guaranteed a minimum benefit, claiming this service may not always be advantageous to you. In some cases, buying service credit would neither increase your total percentage value above the minimum nor increase your average final compensation. For example, if an individual has 11 years of FRS service and a minimum disability retirement benefit as described on Page 29, it may not be to his or her advantage to purchase a year of refunded service. The division will let you know whether your benefit would increase with the purchase of optional creditable service.

¹⁵ Service under the Investment Plan will be creditable for vesting and benefit calculation purposes provided that a distribution has not been taken.

Average Final Compensation

If you are initially enrolled in the FRS prior to July 1, 2011, your average final compensation is the average of the five highest fiscal years of compensation you earn during your covered employment. If you are initially enrolled in the FRS on or after July 1, 2011, your average final compensation is the average of the eight highest fiscal years of compensation you earn during your covered employment. For retirement purposes, your salary records are kept by fiscal year (July 1 through June 30). Certain kinds of payments, such as lump-sum sick leave payments, retirement incentive bonuses, and lump-sum annual leave payments in excess of 500 hours cannot be included in your average final compensation (see Rule 60S-6.001(6), Florida Administrative Code, for a list of excluded payments).

Percentage Value

Percentage value is the rate at which you earn retirement credit for your service. This rate varies depending upon your membership class or plan, age, and years of creditable service. It is the value you receive for each year of your creditable service in a class or plan expressed as a percentage of compensation.

The following chart lists the percentage value earned for each year of service credit by class or plan. The potential values for service in the Regular Class are listed first, followed by values for service in other membership classes or plans in which you may have participated, such as the Special Risk Class, Special Risk Administrative Support Class, Elected Officers' Class, or Senior Management Service Class of the FRS; or the Teachers' Retirement System.

Retirement Plan/Class	% Value (per year of service)
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Regular Class

If initially enrolled in the FRS before July 1, 2011:

Retirement at age 62 or after 30 years of service	1.60%
Retirement at age 63 or after 31 years of service	1.63%
Retirement at age 64 or after 32 years of service	1.65%
Retirement at age 65 or after 33 years of service	1.68%

If initially enrolled in the FRS on or after July 1, 2011:

Retirement at age 65 or after 33 years of service	1.60%
Retirement at age 66 or after 34 years of service	1.63%
Retirement at age 67 or after 35 years of service	1.65%
Retirement at age 68 or after 36 years of service	1.68%

Special Risk Class

Service from 12/1/70 through 9/30/74	2.00%
Service on and after 10/1/74	3.00%
Past service with city or special district purchased as special risk service	2.00%

Special Risk Administrative Support Class¹⁶

If initially enrolled in the FRS before July 1, 2011:

Retirement at age 55; or after 25 years of service; or at age 52 with 25 years of service, including military service	1.60%
Retirement at age 56; or after 26 years of service; or at age 53 with 26 years of service, including military service	1.63%
Retirement at age 57; or after 27 years of service; or at age 54 with 27 years of service, including military service	1.65%
Retirement at age 58; or after 28 years of service; or at age 55 with 28 years of service, including military service	1.68%

¹⁶ For this service to apply toward satisfaction of the special risk normal retirement date, the member must have the minimum years of special service required to be vested.

If initially enrolled in the FRS on or after July 1, 2011:	
Retirement at age 60; or after 30 years of service; or at age 57 with 30 years of service, including military service	1.60%
Retirement at age 61; or after 31 years of service; or at age 58 with 31 years of service, including military service	1.63%
Retirement at age 62; or after 32 years of service; or at age 59 with 32 years of service, including military service	1.65%
Retirement at age 63; or after 33 years of service; or at age 60 with 33 years of service, including military service	1.68%

Elected Officers' Class

Judges and Justices	3.33%
All Others	3.00%

Senior Management Service Class 2.00%

Teachers' Retirement System

Plan E (no Social Security)	2.00%
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Reference: Sections 121.021(17) and (24), 121.091(1) and (4)(f), and 121.591(2)(b), Florida Statutes
Rules 60S-4.004 and 6.001(6) and (20), Florida Administrative Code

Obtaining Estimates and Information

If you are considering applying for disability benefits, you should contact the Division of Retirement by telephone as shown on Page 3 to discuss your options and to obtain comparison estimates of your benefits under service and disability retirement.

All FRS members can call the toll-free MyFRS Financial Guidance line at 866-446-9377 and select option 2 for information on FRS plans and other tax and estate-planning issues. In addition, frs.fl.gov provides access to FRS Online, where Pension Plan members can access retirement information¹⁷ and calculate benefit estimates.¹⁸ However, while FRS Online has valuable tools for calculating service-based benefits, it was not designed for calculating disability benefits. Because of the special circumstances that apply to disability retirement, we advise you to contact the Division of Retirement for disability benefit information (see Page 3).

SAMPLE DISABILITY BENEFIT CALCULATIONS

This section contains sample retirement benefit calculations for service and disability retirement. Each example includes a calculation based on service alone since, in some cases, your years of service would entitle you to a higher benefit than you would have if your benefit were based on the minimum disability amount. Your disability benefit would likely be different than the examples shown, depending on your years of service, average final compensation, age, retirement plan and class, type of disability, etc. However, the same calculation methodology should apply.

¹⁷ This information is also available in the Member Annual Statements that are annually sent to active Pension Plan members. If you are vested, your statement will include service and disability retirement estimates. If you are not vested, your statement will show only your total years of service.

¹⁸ To access FRS Online, go to frs.fl.gov. To obtain information from your retirement records or to perform estimates, log in and follow the instructions provided through the Help screens.

Steps to Calculate a Disability Retirement Benefit

1. Determine your years of creditable service in each class or plan. If you were employed on or after July 1, 2001, you must have at least eight years of service to qualify for a regular disability benefit.
2. Multiply the percentage value for a year of creditable service in a class/plan (see chart on Page 33) by your years of service in that class/plan to obtain a subtotal for each class/plan.
3. Add the percentage values for each class/plan in which you had creditable service (subtotals in Step 2) to determine your total percentage value for all classes/plans.
4. Compare the percentage value computed in Step 3 to the applicable minimum disability benefit multiplier (25% for regular disability, 42% for non-special risk in-line-of-duty disability, and 65% for special risk in-line-of-duty disability), and use the higher percentage.
5. If you initially enrolled in the FRS before July 1, 2011, multiply the average of your highest five fiscal years of salary by the total percentage value obtained in Step 4 to determine your Option 1 annual disability benefit based on service; or

If you initially enrolled in the FRS on or after July 1, 2011, multiply the average of your highest eight fiscal years of salary by the total percentage value obtained in Step 4 to determine your Option 1 annual disability benefit based on service.

Remember, there is no reduction for early retirement. Also note that an Option 2, Option 3, or Option 4 benefit would be actuarially adjusted to provide an ongoing benefit to a beneficiary or joint annuitant beyond the member's death.

Note: Your personal information, including your service credit and salary for each fiscal year, is available to you from FRS Online at frs.fl.gov. If you are vested, a summary of your personal information with projected estimates for both service and disability retirements is also provided to you each year as part of your Member Annual Statement.

Reference: Sections 121.021(17) and (24), 121.091(1) and (4)(f), and 121.591(2)(b), Florida Statutes
Rules 60S-4.004, and 6.001(6) and (20), Florida Administrative Code

Examples for All Members Except Special Risk Class

Note that the following examples are not your estimated benefit.

Example 1 – Regular Disability (Service-Based Value)**:

If initially enrolled in the FRS prior to July 1, 2011:

Following the steps listed on Page 36, assume that Anna is a member of the Pension Plan, that she is retiring at age 60 with 20 years of Regular Class service and six years of service in the Senior Management Service Class (SMSC), and that her average final compensation is \$50,000. Assume that she is totally and permanently disabled as a result of an illness unrelated to her work and that she qualifies for a 25% minimum disability benefit. With 26 years of creditable service in the FRS, Anna would be credited with 1.60% for each year of Regular Class service and 2% for each year of service in the SMSC. Her regular disability benefit would be calculated as follows:

Class/Plan	Years of Service	% Value per Year of Service	% Value for Class/Plan
Regular Class	20	1.60%	32.00%
SMSC	6	2.00%	12.00%
Total Service-Based Value:			44.00%
Regular Disability Minimum:			25.00%
Higher Multiplier:			44.00%

The higher benefit multiplier would apply. Since Anna's service -based benefit multiplier is higher than her minimum disability benefit multiplier, to determine her initial annual Option 1 retirement benefit, Anna would multiply her average final compensation by 44%, as shown:

$$\mathbf{\$50,000 \times 44.00\% = \$22,000}$$

Although it would be two years before she would reach age 62, her earliest normal retirement date, because she qualifies for disability retirement, Anna's benefit would not be reduced for early retirement. If Anna had taken an early service retirement instead of a disability retirement, her \$22,000 annual benefit would have been reduced by 10 percent, to \$19,800.

If initially enrolled in the FRS on or after July 1, 2011:

The vesting requirement for regular disability remains at eight years of service credit, and the earliest possible eligibility date would be July 1, 2019. In addition, instead of using the average of the highest five years of salary to calculate the average final compensation, you should use the average of the highest eight years.

**This illustration is only an example, not your estimated benefit.

Example 2 – In-Line-of-Duty Disability (Minimum Benefit):**

Assume that Ben is a member of the Pension Plan, that he is retiring at age 60 with nine years of Regular Class service and two years of service in the Elected Officers' Class (EOC) as an elected school board member, and that his average final compensation is \$50,000. He is totally and permanently disabled as a result of an injury he suffered in connection with his work. Taken into account the steps listed on Page 36, based on his 11 years of creditable service, his benefit would be 1.60% of his average final compensation for each year of Regular Class service plus 3% for each year of service in the Elected Officers' Class, subject to the 42% minimum benefit for in-line-of-duty disability. His benefit would be calculated as follows:

Class/Plan	Years of Service	% Value per Year of Service	% Value for Class/Plan
Regular Class	9	1.60%	14.40%
EOC	2	3.00%	6.00%
Total Service-Based Value:			<u>20.40%</u>
In-Line-of-Duty Disability Minimum:			<u>42.00%</u>
Higher Multiplier:			42.00%

Since Ben's minimum disability benefit multiplier is higher than his service benefit multiplier, he is eligible for the 42% minimum Option 1 benefit. To determine his initial annual Option 1 retirement benefit, Ben would multiply his average final compensation by 42%, as shown below:

$$\mathbf{\$50,000 \times 42.00\% = \$21,000}$$

Although it would be two years before Ben would reach age 62, which would be his earliest normal retirement date, since he is approved for disability retirement, his benefit would not be reduced for early retirement. If he had taken a service retirement instead, his benefit would have been \$10,200, which would then be reduced by 10% for early retirement, to \$9,180.

**This illustration is only an example, not your estimated benefit.

Reference: Section 121.091, Florida Statutes
 Sections 60S-4.004 and 6.001(6), Florida Administrative Code

Examples for Special Risk Class Members

Example 3 – Regular Disability (Service-Based Value)**:

If initially enrolled in the FRS prior to July 1, 2011:

Imagine that Carl is a sheriff's deputy who is totally and permanently disabled as a result of an illness unrelated to his work, so he qualifies for a 25% minimum disability benefit. He is age 55 with five years of Regular Class service, 14 years of service in the Special Risk Class, and one year of service in the Special Risk Administrative Support Class. His average final compensation is \$50,000. With 20 years of creditable service in the FRS, Carl would have 1.60% credit for each year of service in the Regular Class and the Special Risk Administrative Support Class and 3% for each year of service in the Special Risk Class. His regular disability benefit would be calculated as follows:

Class/Plan	Years of Service	% Value per Year of Service	% Value for Class/Plan
Regular Class	5	1.60%	8.00%
Special Risk Class	14	3.00%	42.00%
SR Admin. Supp.	1	1.60%	1.60%
Total Service-Based Value:			51.60%
Regular Disability Minimum:			25.00%
Higher Multiplier:			51.60%

Carl's service-based benefit multiplier is higher than his minimum disability benefit multiplier. Therefore, to determine his initial annual Option 1 retirement benefit, Carl would multiply his average final compensation by 51.60%, as shown below:

$$\mathbf{\$50,000 \times 51.60\% = \$25,800}$$

Because Carl qualifies for disability retirement, his benefit would not be reduced for early retirement. At age 55, had he not been disabled, the portion of his service benefit based on Regular Class Service (\$4,000) would have been reduced by 35 percent for early retirement. If he had taken a service retirement instead of disability retirement, his annual benefit would have been \$24,400.

If initially enrolled in the FRS on or after July 1, 2011:

The vesting requirement for regular disability remains eight years of service credit, and the earliest possible eligibility date would be July 1, 2019. In addition, instead of using the average of the highest five years of salary to calculate the average final compensation, you should use the average of the highest eight years.

**This illustration is only an example, not your estimated benefit.

Example – In-Line-of-Duty Disability (Minimum Benefit):**

If you again consider the imaginary Carl on Page 40, but this time assume that his disability is due to an injury sustained while performing his job, Carl's benefit would be subject to a higher minimum disability benefit multiplier. Since he was a Special Risk Class member when he suffered the injury, Carl's minimum in-line-of-duty disability benefit multiplier would be 65% for all service. His in-line-of-duty benefit would be calculated as follows:

Class/Plan	Year of Service	% Value per Year of Service	% Value for Class/Plan
Regular Class	5	1.60%	8.00%
Special Risk Class	14	3.00%	42.00%
SR Admin. Supp.	1	1.60%	1.60%
Total Service-Based Value:			51.60%
Special Risk In-Line-of-Duty Disability Minimum:			65.00%
Higher Multiplier:			65.00%

Because Carl's minimum disability benefit multiplier is higher than his service benefit multiplier, he is eligible for the 65% minimum Option 1 benefit. To determine his initial annual Option 1 retirement benefit, Carl would simply multiply his average final compensation by 65%, as shown:

$$\mathbf{\$50,000 \times 65.00\% = \$32,500}$$

Although it would be seven years before he would reach age 62, which would be his earliest normal retirement age for his Regular Class service, since he is approved for disability retirement, his benefit would not be reduced for early retirement. At age 55, had he not been disabled, the 65% minimum benefit would not have applied since he qualified for normal service retirement for all Special Risk Class service; only the portion of his benefit based on Regular Class Service would have been reduced for early retirement.

**This illustration is only an example, not your estimated benefit.

RECOVERY AND REEMPLOYMENT

The law governing the FRS does not permit a member to receive disability benefits while employed. If you return to any type of employment, public or private, after retiring under disability retirement, you must immediately notify the Division of Retirement regarding your reemployment.

As a disability retiree, you will void your retirement by becoming employed by any public or private employer at any time after your termination date. This restriction applies to all FRS disability retirees.

Reemployment After Disability Retirement

Reemployment with a Non-FRS Employer

You must terminate your disability benefits if you recover and become employed by an employer who does not participate in the FRS. However, if you were a member of the Pension Plan or a Hybrid member, you may be eligible for service retirement under the Pension Plan. If you were in the Investment Plan or a Hybrid member, you will become a compulsory member of that plan upon your recovery from disability. Your opening account balance, if any, under the Investment Plan will be the difference between the vested portion of your transferred account balance¹⁹ and the total benefits you received as a disability retiree. Your distribution options will be the same as they were prior to your disability approval.

Reemployment with an FRS Employer

When you recover and become reemployed in any capacity with an FRS employer, you must terminate your disability benefits. Other post-recovery provisions vary depending upon the plan you were in when you became disabled:

¹⁹ Non-vested amounts are held in a suspense account, forfeitable after five years.

Pension Plan – If you are employed in a regularly established position and participate in the Pension Plan, you will earn retirement credit for your new service. The following will apply:

- If you reenter covered employment within six months of your recovery, any retirement credit you had when you retired will be reinstated at no cost to you and your creditable service will be considered continuous, except for the period when you were receiving disability benefits.
- To receive retirement credit for any period of time during which you received both salary and disability benefits, you must repay the amount you received in disability benefits.
- If you remain reemployed for at least one continuous year of creditable service, you may buy retirement service credit for your period of disability.
- If you were not vested for service retirement when you retired under the FRS as a result of an in-line-of-duty disability, the credit you buy for your period of disability will apply toward your vesting requirements.

For each month claimed, the cost to buy this service is based on the contribution rate in effect during the time you were receiving disability benefits multiplied by your monthly rate of pay prior to your retirement, plus interest. To purchase credit for only a portion of the time you were retired on disability, the months you claim must be the most recent months of retirement.

Investment Plan or Hybrid Plan – If you recover and become employed in a regularly established position, you will be a compulsory member of the Investment Plan. Your opening account balance under the Investment Plan will be the difference between your transferred account balance and the disability benefits you have received as a disability retiree. If you were a Hybrid member, the credit you retained under the Pension Plan will be reinstated in full at no cost to you.

Whatever your plan of origin, if you terminate your disability benefits, return to FRS covered employment, and later find you are unable to continue working because of total and permanent disability, you may again retire on disability. However, you must reapply for disability benefits, and a new determination will be made regarding your eligibility (see Pages 9 and 20 for eligibility requirements and application procedures).

Reference: Sections 121.091(4)(g) and (h) and (9)(a) and (b), Florida Statutes
Rule 60S-4.007(8) and (9), Florida Administrative Code

DISABILITY REEXAMINATION

Reexamination

After you retire on disability, the division may occasionally reexamine your medical status to determine if you remain totally and permanently disabled and eligible for disability benefits. The division will mail the following forms to you:

- An FRS Retiree's Report of Continuing Disability Form (FR-13e), which you must complete, asks for information concerning your medical status since the date of your disability retirement.
- An FRS Physician's Report of Reexamination Form (FR-13f), which must be completed by your physician, details the disability reexamination performed by your physician.

If your physician charges you for completing the physician's report, pay the bill and send a copy to the division so that we can reimburse you, up to a maximum of \$100.

We will notify you in writing after the reexamination process has been completed and the division has determined whether you are still eligible for disability benefits.

Denial of Disability on Reexamination

The division will notify you if it intends to deny continuation of your disability benefits based on your reexamination. You may submit additional information to the division and ask for reconsideration of the denial of your benefit continuation.

If you are denied disability benefits on reconsideration, you will receive a final denial of benefits letter from the division, along with the form you must use if you wish to appeal the decision to the State Retirement Commission. To file an appeal and receive a hearing before the State Retirement Commission, you must complete the appeal form and submit it to the commission within 21 days of receipt of the division's final notice of denial (see Page 25 for more on appeals).

Commission decisions are considered final agency action; however, you may appeal the commission's decision to the District Court of Appeal.

Reference: Sections 121.091(4)(h) and 121.591(2)(k), Florida Statutes
Rule 60S-4.007(10), Florida Administrative Code

AFTER FRS DISABILITY RETIREMENT

Cost-of-Living Adjustment (COLA)

Retirees receiving disability benefits under the FRS receive an annual COLA every July. The increase is calculated based on the amount of your June FRS benefit. Your individual COLA is calculated when you retire and is based on your years of service before July 1, 2011, divided by your total years of service at retirement. This quotient is then multiplied by 3% to determine your COLA.

Reference: Section 121.101(3), Florida Statutes

Health Insurance Subsidy (HIS)

Most retirees²⁰ with health insurance coverage (including disability retirees) are eligible for a monthly supplemental payment to help pay for it. The amount of the monthly subsidy is \$7.50 for each year of service credit that the member has at retirement. The minimum monthly subsidy is \$45, so long as a member retires with up to six years of service credit²¹. The maximum monthly subsidy is \$225 if the member retires with 30 or more years of service credit. It is the retiree's responsibility to apply for the HIS benefit. Eligible retirees must apply for this supplemental benefit and provide health insurance coverage information. The form to apply for this supplemental benefit is automatically sent to retirees after they retire.

Reference: Section 112.363, Florida Statutes
Rule 60S-4.020, Florida Administrative Code

Insurance Coverage After Retirement

Under state law, Florida public employers that provide group health insurance plans for active employees must offer their retiring employees the opportunity to continue participating in their group health plans. The cost of health and hospitalization insurance premiums paid by a retiree cannot exceed the total employee and employer premium cost applicable to an active employee.

²⁰ Retirees in the DROP are not eligible for the subsidy until their program participation ends.

²¹ In-line-of-duty disability retirees may retire with fewer than six years of creditable service and still receive the minimum benefit.

You may lose your eligibility to participate if you choose not to continue participating in your employer's group plan at retirement, initially choose to continue but subsequently stop participating, or defer your retirement to a future date. The division has no authority over or responsibility for employer group health and hospitalization plans. Discuss this provision with your employer when you are preparing to retire.

Reference: Sections 110.123 and 112.0801, Florida Statutes

Taxation of Disability Benefits

The division will furnish you with IRS Form 1099-R in January of each year for income tax-filing purposes. Disability benefits are generally considered taxable income, but some or all of your in-line--of--duty disability benefits are not taxable. Since you may be eligible for special tax breaks, you should contact your local Internal Revenue Service office to see how you are affected.

The division withholds income tax from the taxable portion of your monthly retirement benefit based on federal law, unless you choose otherwise using your FRS Online account or on your Withholding Preference Certificate Form (W-4P). You will receive Form W-4P automatically when you retire.

Reference: Section 121.091(14), Florida Statutes
Rule 60S-4.015, Florida Administrative Code

Limitation of Benefits

State and federal law may limit the amount of your annual benefit. Under Florida law, your initial disability retirement benefit may not exceed 100% of your average final compensation. Section 415 of the Internal Revenue Code could also limit the amount of annual retirement benefits you can receive. The FRS Preservation of Benefits Plan (an excess benefit plan) effectively offsets the impact of the federal limit on retirees receiving disability benefits under the FRS. If you are affected by this federal limit, you will be made whole by payments from the Preservation of Benefits Plan and will not suffer a reduction in benefits as a result of the federal limit.

Reference: Sections 121.091(1) and (14)(d), 121.1001, and 121.30(5), Florida Statutes
Rules 60S-4.002(3) and 4.010(4), Florida Administrative Code

FREQUENTLY ASKED QUESTIONS

- 1) Q. What does “disabled” mean under the FRS?**

A. To be considered “disabled” under the FRS and therefore eligible for monthly disability benefits, you must be totally and permanently disabled by reason of a medically determinable physical or mental impairment from performing useful and efficient service as an officer or employee.
- 2) Q. I was in the Pension Plan but quit before vesting. If I return to the FRS, will I be covered for disability?**

A. Yes, since you were not eligible to retire, you would return as an active member covered for disability. Your previously earned service credit would be combined with any future service credit earned for covered employment.
- 3) Q. I was in the Investment Plan but quit before vesting and left my funds on deposit in the Investment Plan. If I return to the FRS, will I be covered for disability?**

A. Yes, since you had not completed one year of service and did not take a distribution from your plan account, you would return as an active member covered for disability. However, if you do not return to FRS covered employment within five years of termination, you will forfeit your suspended account balance and your service credit for the non-vested period.
- 4) Q. I retired from the Pension Plan. Will I be covered for disability if I return to work for an FRS employer?**

A. No.
- 5) Q. While in the Investment Plan, I quit and received a distribution from my investment account. Will I be covered for disability if I am reemployed with an FRS employer?**

A. No. A member of the Investment Plan who chooses to take a distribution once terminated is considered retired and loses the future opportunity to receive a disability benefit if reemployed. If you take money from your Investment Plan account, in any amount or by any method other than a de minimis or required minimum distribution, you effectively retired under the FRS.

6) Q. How do I apply for FRS disability benefits?

A. Contact your local human resource office or the Division of Retirement (see Page 3). Application forms are available on the Forms page of the division's website at frs.myflorida.com or from the joint website of the division and the SBA at MyFRS.com (see Page 20 for more on the application procedure).

7) Q. How do I find out what my disability benefit would be?

A. You may contact the Division of Retirement to request an estimate of your benefits (see Page 3). However, in general, if approved, your Option 1 benefit will be at least 25% of your average final compensation if your disability is not job-connected. If your disability occurred in the line of duty, your Option 1 benefit would be at least 42% of your average final compensation or at least 65% of your average final compensation if you are a Special Risk Class member. If your service-based benefit would be greater, you may choose to receive the higher amount (see Page 34 for more on obtaining estimates).

8) Q. How is my disability retirement effective date determined?

A. An effective retirement date is always the first day of the month, and benefits are payable on the last working day of the month. The division establishes your effective date of retirement as a disability retiree after you are approved for disability retirement. The actual date may depend on many factors, such as when your application for disability retirement is received by the division, whether you were on unpaid leave immediately before approval, whether you were receiving workers' compensation payments or were on other continuing pay status, and the date you terminated employment (see Page 24 for more on the establishment of your disability retirement effective date).

- 9) Q. When should I submit my application? Should I wait until all the necessary forms and documents are completed?**
- A.** Once you decide to apply for disability retirement, you should complete your FRS Application for Disability Retirement Form (FR-13) for Pension Plan members or Form PR-13 for Investment Plan members and submit via the Document Upload feature through your FRS Online account, fax, or mail it to the division as soon as possible. If you can, submit your application a month or more before your termination. You may mail in the other forms and documents required to complete the application process later (see Page 20). However, if you delay filing your application, you could delay your effective retirement date.
- 10) Q. When should I select a benefit payment option?**
- A.** You should file an option selection form (FRS-11o or PR-11o) as soon as possible, especially if your health status is uncertain (see Page 26). You may wait for an estimate of benefits before selecting an option. However, be aware that if you die before selecting an option, your choice will default to Option 1 (which provides no continuing benefit to your beneficiary). You may change your option selection at any time until you cash or deposit a benefit payment.
- 11) Q. When should I name a beneficiary?**
- A.** When you apply for retirement, all your previous beneficiary designations become null and void. If you die as an FRS member without having designated a beneficiary, your beneficiary would be determined by law under section 121.091(8) or 121.4501(20), Florida Statutes (see Page 16 for more about beneficiary designation).
- 12) Q. What if I die before I begin receiving benefits?**
- A.** You must reach your effective retirement date to receive a disability benefit. If you happen to die before that date, you would die as an active employee and your disability application and option selection would be null and void. You are also considered to have died as an active employee if you received salary payments of any kind for the month of your death, including pay for work performed

or paid leave taken in lieu of working (see Page 24 for more on retirement effective dates).

13) Q. What might delay approval of my disability application?

- A.** The most common causes of delay are the following:
- Insufficient medical information from a physician, which requires the division to seek an explanation.
 - An incomplete application submitted by the member.
 - In the case of an in-line-of-duty disability application, failure to provide a Notice of Injury or other proof that the disability occurred in the line of duty.

14) Q. If I terminated my FRS employment some time ago, can I still apply for disability benefits?

- A.** Yes, under certain circumstances. You must establish that you were totally and permanently disabled when you terminated. You cannot have been gainfully employed since your termination. You must have two Florida-licensed physicians submit a completed Physician's Report Form (FR-13b), verifying that you are currently totally and permanently disabled. Effective July 1, 2020, if you are receiving care at a federal Veterans Health Administration facility, two licensed physicians working at the facility may complete the form.

If your doctors did not start treating you until after you terminated FRS covered employment, they must document their position. If you took a refund of your contributions when you terminated, the resulting loss of service credit could affect your benefit amount or even affect your benefit eligibility in some cases.

15) Q. What if I don't have two Florida-licensed physicians?

- A.** You must be totally and permanently disabled as required by section 121.091(4), Florida Statutes, to qualify for FRS disability benefits. Under this statute, two Florida-licensed physicians must attest to your total and permanent disability unless you are employed in an FRS covered position and you are permanently assigned by your FRS employer to work outside the state of Florida but within the United States. In such circumstances, your total and permanent disability may be certified by two licensed physicians of the state of your work assignment. Effective July 1, 2020, if you are receiving care at a federal Veterans Health Administration facility, two licensed physicians working at the facility may complete the form. If you do not have your disability certified by two licensed physicians as required by section 121.091(4), Florida Statutes, the division will have no choice but to cancel your application under Florida law. However, if you live out of state or have only one physician, you may have your current physician forward your medical records to your former physician or an associate who is licensed in the state of Florida to complete and return the Physician's Report, FR-13b, to the division.

16) Q. Will a psychologist be acceptable as a licensed physician?

- A.** No, the division does not consider a psychologist to be a licensed medical physician.

17) Q. What if my application for disability is denied?

- A.** You will have 21 days after the division's final notice of denial to file a petition for a hearing before the State Retirement Commission. In addition, the division will advise you of any other alternatives you may consider (see Page 25 for more on your appeal rights).

18) Q. What happens if I am disabled while I'm on leave?

- A.** Whenever you are on an approved leave of absence, whether paid or unpaid, you are in an employer-employee relationship. This would include approved annual or sick leave and administrative leave. So, if you become disabled while on an approved leave of absence or you are placed on leave for medical reasons, you would be covered.

- 19) Q. Will I receive service credit for the time I was on leave?**
- A. You earn service credit for any approved paid leave of absence. If you are on an approved unpaid leave of absence, you earn no service credit. However, if you are in the Pension Plan and your disability application is approved, you can buy service credit for your unpaid leave before your disability retirement effective date without being required to return to work first.
- 20) Q. As a member of the Investment Plan, if I become disabled and take disability retirement, when would I qualify for HIS payments?**
- A. As an FRS disability retiree, you would become eligible for HIS payments on your effective date of retirement, regardless of your age or years of service. You must first apply for the HIS benefit and provide proof of insurance. Health insurance subsidy eligibility requirements are different for service retirees.
- 21) Q. When will I begin receiving my disability benefit checks?**
- A. Retirement payrolls are prepared once each month. As soon as the division receives your required documentation and approves your disability retirement, we will add your name to the earliest possible payroll, and you will be paid retroactively to your effective retirement date.
- 22) Q. If my effective disability retirement date is Aug. 1, will I get a check on that day?**
- A. No. Retirement benefits are payable on the last working day of each month. You will receive a payment at the end of August if all required documentation is received in time for your application to be approved and processed for the August payroll.
- 23) Q. Will I have to pay income tax on my disability benefits?**
- A. Generally, regular disability income is taxable. However, because the federal tax laws are complex and subject to change, you should contact your local Internal Revenue Service office or call 800-829-1040 for tax information on disability income (see Page 48 for more on taxation).

24) Q. Once I am getting disability benefits, will I be reevaluated?

- A.** Under section 121.091(4)(h), Florida Statutes, the division may require you to be reexamined. In that case, you must have Form FR-13f completed by a licensed medical physician who is now treating you, or a physician who last treated you for your disabling condition, to determine if you are still totally and permanently disabled. You may use a licensed medical physician from another state for this reevaluation.

25) Q. If my condition improves, can I take a job in a part-time or temporary position, or as an independent contractor, and still receive my disability benefits?

- A.** No. Under Florida law, to qualify for FRS disability benefits, your disability must prevent you from rendering useful and efficient service as an officer or employee. You may not draw disability benefits while you are gainfully employed in any capacity, by any employer, public or private.

26) Q. Will my FRS credit or investment account be reinstated if I recover and return to work in FRS covered employment?

- A.** If your disability occurred while you were in the Pension Plan, the service credit you had before you retired would be reinstated upon the completion of a minimum of one work year of creditable service. You may also buy credit for the time you were retired on disability. If you became disabled while in the Investment Plan, you would return to the FRS as a member of the Investment Plan, and an amount equal to the net difference between your transferred account balance and any disability benefits you received would be deposited in your Investment Plan account. In either case, your monthly disability benefits would be discontinued.

27) Q. If I recover and take an FRS covered job, must I vest again?

A. No. All your previous service would apply toward vesting. However, you might have to satisfy a previously unsatisfied vesting requirement if you took an in-line-of-duty disability retirement and were not vested when you retired.

Reference: Sections 121.091(4) and (14) and 121.591(2), Florida Statutes
Rules 60S-2.006(1)(c), 4.007, 4.015, and 6.001, Florida
Administrative Code

DISABILITY RETIREMENT CHECKLIST

To apply for regular or in-line-of-duty disability retirement benefits, you must submit the following documentation to the division. Choose the form appropriate to your retirement plan, Pension Plan or Investment Plan:

- FRS Application for Disability Retirement Form (FR-13) (Pension Plan) or Form PR-13 (Investment Plan);
- Statement of Disability by Employer Form (FR-13a);
- Two separate copies of the Physician's Report of Disability Form (FR-13b); and
- Birthdate verification.

Before you can begin receiving disability benefits, you must select your benefit payment option:

- Option Selection for FRS Members Form (FRS-11o) (Pension Plan) or Form PR-11o (Investment Plan);
- Spousal Acknowledgment Form (SA-1) (Pension Plan) or Form SA-2 (Investment Plan).

You must also confirm or change your beneficiary designation to provide for payment of benefits due after your death:

- Beneficiary Designation Form (FST-12) if you did not designate a beneficiary on your disability application or wish to change your designation.

If you are applying for in-line-of-duty disability retirement benefits, you may also be required to submit the following:

- Notice of Injury for each accident and any other available workers' compensation documentation.

Note: See Page 16 for beneficiary designation, Page 20 for application requirements (including Notice of Injury), Page 22 for birthdate verification requirements, and Page 26 for option selection.

Department of
**MANAGEMENT
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