Retirement -- Insurance

Number: INFORMAL

Date: February 19, 2015

Mr. Edward J. Whitehead
4732 Flatbush Avenue
Sarasota, Florida 34233

Dear Mr. Whitehead:

This office has received your correspondence requesting an Attorney General's Opinion on questions involving section 112.0801, Florida Statutes. Attorney General Bondi asked me to respond to your letter.

Section 16.01(3), Florida Statutes, authorizes the Florida Attorney General to render legal opinions to certain public officials on questions of law pertaining to their own official duties and responsibilities. By law, our office acts as the attorney for the State of Florida and its agencies. Thus, this office is precluded from providing legal advice or opinions to private individuals.

However, in an effort to be of some assistance to you, I have copied several previously issued Attorney General Opinions considering the provisions of section 112.0801, Florida Statutes. I enclose these copies and direct your attention particularly to Attorney General Opinions 99-44 (1999) and 08-41 (2008), which both discuss the language of the statute: "at a premium cost of no more than the premium applicable to active employees." You may wish to do additional research on this topic by accessing the Attorney General's website which provides a searchable database of previously issued formal Attorney General Opinions from 1974 to date. Please visit the Attorney General's website at www.myfloridalegal.com.

Further, if you have not already done so, please consider contacting a private attorney for any legal guidance you may need. The Florida Bar offers a Lawyer Referral Service toll-free at (800) 342-8011. If you cannot afford an attorney, you may be eligible for low cost or pro bono assistance through a local legal aid office. More information about local legal aid is online at http://floridalawhelp.org/.

I trust that the information we are providing will be helpful to you and that you understand that the inability of this office to provide you with more direct assistance is the result of statutory limitations, not a lack of concern.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/tsh

Enclosures: Ops. Att'y Gen. Fla. 08-41 (2008),
99-44 (1999), 96-06 (1996), 79-97 (1979)