

1 A bill to be entitled
 2 An act relating to the Special Risk Class of the
 3 Florida Retirement System; amending s. 121.0515, F.S.;
 4 adding 911 public safety telecommunicators to the
 5 class; requiring such members to have their retirement
 6 benefits calculated in accordance with provisions for
 7 Regular Class members; conforming cross-references;
 8 amending s. 121.091, F.S.; conforming a provision to
 9 changes made by the act; amending s. 121.71, F.S.;
 10 specifying the required employer retirement
 11 contribution rates for the new membership subclass of
 12 911 public safety telecommunicators; declaring that
 13 the act fulfills an important state interest;
 14 providing an effective date.

15

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

17

18 Section 1. Paragraph (h) of subsection (2), subsection
 19 (3), and paragraph (d) of subsection (8) of section 121.0515,
 20 Florida Statutes, are amended to read:

21 121.0515 Special Risk Class.—

22 (2) MEMBERSHIP.—

23 (h) Effective August 1, 2008, "special risk member"
 24 includes any member who meets the special criteria for continued
 25 membership set forth in paragraph (3) (k) ~~(3) (j)~~.

26 (3) CRITERIA.—A member, to be designated as a special risk
27 member, must meet the following criteria:

28 (a) Effective October 1, 1978, the member must be employed
29 as a law enforcement officer and be certified, or required to be
30 certified, in compliance with s. 943.1395, except that; ~~however,~~
31 sheriffs and elected police chiefs are not required to be
32 certified ~~excluded from meeting the certification requirements~~
33 ~~of this paragraph~~. In addition, the member's duties and
34 responsibilities must include the pursuit, apprehension, and
35 arrest of law violators or suspected law violators; or as of
36 July 1, 1982, the member must be an active member of a bomb
37 disposal unit whose primary responsibility is the location,
38 handling, and disposal of explosive devices; or the member must
39 be the supervisor or command officer of a member or members who
40 have such responsibilities. Administrative support personnel,
41 including, but not limited to, those whose primary duties and
42 responsibilities are in accounting, purchasing, legal, and
43 personnel, are not included;

44 (b) Effective October 1, 1978, the member must be employed
45 as a firefighter and be certified, or required to be certified,
46 in compliance with s. 633.408 and be employed solely within the
47 fire department of a local government employer or an agency of
48 state government with firefighting responsibilities. In
49 addition, the member's duties and responsibilities must include
50 on-the-scene fighting of fires; as of October 1, 2001, fire

51 prevention or firefighter training; as of October 1, 2001,
52 direct supervision of firefighting units, fire prevention, or
53 firefighter training; or as of July 1, 2001, aerial firefighting
54 surveillance performed by fixed-wing aircraft pilots employed by
55 the Florida Forest Service of the Department of Agriculture and
56 Consumer Services; or the member must be the supervisor or
57 command officer of a member or members who have such
58 responsibilities. Administrative support personnel, including,
59 but not limited to, those whose primary duties and
60 responsibilities are in accounting, purchasing, legal, and
61 personnel, are not included. All periods of creditable service
62 in fire prevention or firefighter training, or as the supervisor
63 or command officer of a member or members who have such
64 responsibilities, and for which the employer paid the special
65 risk contribution rate, are included;

66 (c) Effective October 1, 1978, the member must be employed
67 as a correctional officer and be certified, or required to be
68 certified, in compliance with s. 943.1395. In addition, the
69 member's primary duties and responsibilities must include ~~be~~ the
70 custody, and physical restraint if ~~when~~ necessary, of prisoners
71 or inmates within a prison, jail, or other criminal detention
72 facility, or while on work detail outside the facility, or while
73 being transported; or as of July 1, 1984, the member must be the
74 supervisor or command officer of a member or members who have
75 such responsibilities. Administrative support personnel,

76 including, but not limited to, those whose primary duties and
77 responsibilities are in accounting, purchasing, legal, and
78 personnel, are not included; however, wardens and assistant
79 wardens, as defined by rule, are included;

80 (d) Effective October 1, 1999, the member must be employed
81 by a licensed Advance Life Support (ALS) or Basic Life Support
82 (BLS) employer as an emergency medical technician or a paramedic
83 and be certified in compliance with s. 401.27. In addition, the
84 member's primary duties and responsibilities must include on-
85 the-scene emergency medical care or as of October 1, 2001,
86 direct supervision of emergency medical technicians or
87 paramedics, or the member must be the supervisor or command
88 officer of one or more members who have such responsibility.
89 Administrative support personnel, including, but not limited to,
90 those whose primary responsibilities are in accounting,
91 purchasing, legal, and personnel, are not included;

92 (e) Effective January 1, 2001, the member must be employed
93 as a community-based correctional probation officer and be
94 certified, or required to be certified, in compliance with s.
95 943.1395. In addition, the member's primary duties and
96 responsibilities must be the supervised custody, surveillance,
97 control, investigation, and counseling of assigned inmates,
98 probationers, parolees, or community controllees within the
99 community; or the member must be the supervisor of a member or
100 members who have such responsibilities. Administrative support

101 personnel, including, but not limited to, those whose primary
102 duties and responsibilities are in accounting, purchasing, legal
103 services, and personnel management, are not included; however,
104 probation and parole circuit and deputy circuit administrators
105 are included;

106 (f) Effective January 1, 2001, the member must be employed
107 in one of the following classes and must spend at least 75
108 percent of his or her time performing duties that ~~which~~ involve
109 contact with patients or inmates in a correctional or forensic
110 facility or institution:

- 111 1. Dietitian (class codes 5203 and 5204);
- 112 2. Public health nutrition consultant (class code 5224);
- 113 3. Psychological specialist (class codes 5230 and 5231);
- 114 4. Psychologist (class code 5234);
- 115 5. Senior psychologist (class codes 5237 and 5238);
- 116 6. Regional mental health consultant (class code 5240);
- 117 7. Psychological Services Director—DCF (class code 5242);
- 118 8. Pharmacist (class codes 5245 and 5246);
- 119 9. Senior pharmacist (class codes 5248 and 5249);
- 120 10. Dentist (class code 5266);
- 121 11. Senior dentist (class code 5269);
- 122 12. Registered nurse (class codes 5290 and 5291);
- 123 13. Senior registered nurse (class codes 5292 and 5293);
- 124 14. Registered nurse specialist (class codes 5294 and
125 5295);

- 126 15. Clinical associate (class codes 5298 and 5299);
- 127 16. Advanced registered nurse practitioner (class codes
- 128 5297 and 5300);
- 129 17. Advanced registered nurse practitioner specialist
- 130 (class codes 5304 and 5305);
- 131 18. Registered nurse supervisor (class codes 5306 and
- 132 5307);
- 133 19. Senior registered nurse supervisor (class codes 5308
- 134 and 5309);
- 135 20. Registered nursing consultant (class codes 5312 and
- 136 5313);
- 137 21. Quality management program supervisor (class code
- 138 5314);
- 139 22. Executive nursing director (class codes 5320 and
- 140 5321);
- 141 23. Speech and hearing therapist (class code 5406); or
- 142 24. Pharmacy manager (class code 5251);
- 143 (g) Effective October 1, 2005, through June 30, 2008, the
- 144 member must be employed by a law enforcement agency or medical
- 145 examiner's office in a forensic discipline recognized by the
- 146 International Association for Identification and must qualify
- 147 for active membership in the International Association for
- 148 Identification. The member's primary duties and responsibilities
- 149 must include the collection, examination, preservation,
- 150 documentation, preparation, or analysis of physical evidence or

151 testimony, or both, or the member must be the direct supervisor,
152 quality management supervisor, or command officer of one or more
153 individuals with such responsibility. Administrative support
154 personnel, including, but not limited to, those whose primary
155 responsibilities are clerical or in accounting, purchasing,
156 legal, and personnel, are not included;

157 (h) Effective July 1, 2008, the member must be employed by
158 the Department of Law Enforcement in the crime laboratory or by
159 the Division of State Fire Marshal in the forensic laboratory in
160 one of the following classes:

- 161 1. Forensic technologist (class code 8459);
- 162 2. Crime laboratory technician (class code 8461);
- 163 3. Crime laboratory analyst (class code 8463);
- 164 4. Senior crime laboratory analyst (class code 8464);
- 165 5. Crime laboratory analyst supervisor (class code 8466);
- 166 6. Forensic chief (class code 9602); or
- 167 7. Forensic services quality manager (class code 9603);

168 (i) Effective July 1, 2008, the member must be employed by
169 a local government law enforcement agency or medical examiner's
170 office and must spend at least 65 percent of his or her time
171 performing duties that involve the collection, examination,
172 preservation, documentation, preparation, or analysis of human
173 tissues or fluids or physical evidence having potential
174 biological, chemical, or radiological hazard or contamination,
175 or use chemicals, processes, or materials that may have

176 carcinogenic or health-damaging properties in the analysis of
 177 such evidence, or the member must be the direct supervisor of
 178 one or more individuals having such responsibility. If a special
 179 risk member changes to another position within the same agency,
 180 he or she must submit a complete application as provided in
 181 paragraph (4) (a);

182 (j) Effective July 1, 2018 the member must be employed as
 183 a 911 public safety telecommunicator as defined in s. 401.465.
 184 However, upon his or her retirement, the member shall have his
 185 or her benefits calculated in accordance with the Regular Class
 186 benefit provisions of s. 121.091(1) (a)1.; or

187 (k)~~(j)~~ The member must have already qualified for and be
 188 actively participating in special risk membership under
 189 paragraph (a), paragraph (b), or paragraph (c), must have
 190 suffered a qualifying injury as defined in this paragraph, must
 191 not be receiving disability retirement benefits as provided in
 192 s. 121.091(4), and must satisfy the requirements of this
 193 paragraph.

194 1. The ability to qualify for the class of membership
 195 defined in paragraph (2) (h) occurs when two licensed medical
 196 physicians, one of whom is a primary treating physician of the
 197 member, certify the existence of the physical injury and medical
 198 condition that constitute a qualifying injury as defined in this
 199 paragraph and ~~that~~ the member has reached maximum medical
 200 improvement after August 1, 2008. The certifications from the

201 licensed medical physicians must include, at a minimum, that the
202 injury to the special risk member has resulted in a physical
203 loss, or loss of use, of at least two of the following: left
204 arm, right arm, left leg, or right leg; and that:

205 a. The ~~That this~~ physical loss or loss of use is total and
206 permanent, unless ~~except if~~ the loss of use is due to a physical
207 injury to the member's brain, in which event the loss of use is
208 permanent with at least 75 percent loss of motor function with
209 respect to each arm or leg affected.

210 b. The ~~That this~~ physical loss or loss of use renders the
211 member physically unable to perform the essential job functions
212 of his or her special risk position.

213 c. ~~That,~~ Notwithstanding this physical loss or loss of
214 use, the individual can perform the essential job functions
215 required by the member's new position, as provided in
216 subparagraph 3.

217 d. ~~That~~ Use of artificial limbs is not possible or does
218 not alter the member's ability to perform the essential job
219 functions of the member's position.

220 e. ~~That~~ The physical loss or loss of use is a direct
221 result of a physical injury and not a result of any mental,
222 psychological, or emotional injury.

223 2. For the purposes of this paragraph, the term
224 "qualifying injury" means an injury sustained in the line of
225 duty, as certified by the member's employing agency, by a

226 special risk member that does not result in total and permanent
227 disability as defined in s. 121.091(4)(b). An injury is a
228 qualifying injury if the injury is a physical injury to the
229 member's physical body resulting in a physical loss, or loss of
230 use, of at least two of the following: left arm, right arm, left
231 leg, or right leg. Notwithstanding any other provision of this
232 section, an injury that would otherwise qualify as a qualifying
233 injury is not ~~considered~~ a qualifying injury if and when the
234 member ceases employment with the employer for whom he or she
235 was providing special risk services on the date the injury
236 occurred.

237 3. The new position, as described in sub-subparagraph
238 1.c., which ~~that~~ is required for qualification as a special risk
239 member under this paragraph is not required to be a position
240 with essential job functions that entitle an individual to
241 special risk membership. Whether a new position as described in
242 sub-subparagraph 1.c. exists and is available to the special
243 risk member is a decision to be made solely by the employer in
244 accordance with its hiring practices and applicable law.

245 4. This paragraph does not grant or create additional
246 rights for any individual to continued employment or to be hired
247 or rehired by his or her employer which ~~that~~ are not already
248 provided by state law ~~within the Florida Statutes~~, the State
249 Constitution, the Americans with Disabilities Act, if
250 applicable, or any other ~~applicable state or~~ federal law.

251 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

252 (d) Notwithstanding any other provision of this
 253 subsection, this subsection does not apply to any special risk
 254 member who qualifies for continued membership pursuant to
 255 paragraph (3)(k) ~~(3)(j)~~.

256 Section 2. Subsection (1) of section 121.091, Florida
 257 Statutes, is amended to read:

258 121.091 Benefits payable under the system.—Benefits may
 259 not be paid under this section unless the member has terminated
 260 employment as provided in s. 121.021(39)(a) or begun
 261 participation in the Deferred Retirement Option Program as
 262 provided in subsection (13), and a proper application has been
 263 filed in the manner prescribed by the department. The department
 264 may cancel an application for retirement benefits when the
 265 member or beneficiary fails to timely provide the information
 266 and documents required by this chapter and the department's
 267 rules. The department shall adopt rules establishing procedures
 268 for application for retirement benefits and for the cancellation
 269 of such application when the required information or documents
 270 are not received.

271 (1) NORMAL RETIREMENT BENEFIT.—Upon attaining his or her
 272 normal retirement date, the member, upon application to the
 273 administrator, shall receive a monthly benefit which shall begin
 274 to accrue on the first day of the month of retirement and be
 275 payable on the last day of that month and each month thereafter

276 during his or her lifetime. The normal retirement benefit,
277 including any past or additional retirement credit, may not
278 exceed 100 percent of the average final compensation. The amount
279 of monthly benefit shall be calculated as the product of A and
280 B, subject to the adjustment of C, if applicable, as set forth
281 below:

282 (a)1. For creditable years of Regular Class service, A is
283 1.60 percent of the member's average final compensation, up to
284 the member's normal retirement date. Upon completion of the
285 first year after the normal retirement date, A is 1.63 percent
286 of the member's average final compensation. Following the second
287 year after the normal retirement date, A is 1.65 percent of the
288 member's average final compensation. Following the third year
289 after the normal retirement date, and for subsequent years, A is
290 1.68 percent of the member's average final compensation.

291 Notwithstanding subparagraph 2., for creditable years of special
292 risk service through employment as a 911 public safety
293 telecommunicator as provided in s. 121.0515(3)(j), the amount of
294 monthly benefit shall be calculated in accordance with this
295 subparagraph.

296 2. For creditable years of special risk service, A is:

297 a. Two percent of the member's average final compensation
298 for all creditable years before ~~prior to~~ October 1, 1974;

299 b. Three percent of the member's average final
300 compensation for all creditable years after September 30, 1974,

301 and before October 1, 1978;

302 c. Two percent of the member's average final compensation
303 for all creditable years after September 30, 1978, and before
304 January 1, 1989;

305 d. Two and two-tenths percent of the member's final
306 monthly compensation for all creditable years after December 31,
307 1988, and before January 1, 1990;

308 e. Two and four-tenths percent of the member's average
309 final compensation for all creditable years after December 31,
310 1989, and before January 1, 1991;

311 f. Two and six-tenths percent of the member's average
312 final compensation for all creditable years after December 31,
313 1990, and before January 1, 1992;

314 g. Two and eight-tenths percent of the member's average
315 final compensation for all creditable years after December 31,
316 1991, and before January 1, 1993;

317 h. Three percent of the member's average final
318 compensation for all creditable years after December 31, 1992;
319 and

320 i. Three percent of the member's average final
321 compensation for all creditable years of service after September
322 30, 1978, and before January 1, 1993, for any special risk
323 member who retires after July 1, 2000, or any member of the
324 Special Risk Administrative Support Class entitled to retain the
325 special risk normal retirement date who was a member of the

326 Special Risk Class during the time period and who retires after
 327 July 1, 2000.

328 3. For creditable years of Senior Management Service Class
 329 service after January 31, 1987, A is 2 percent;

330 4. For creditable years of Elected Officers' Class service
 331 as a Supreme Court Justice, district court of appeal judge,
 332 circuit judge, or county court judge, A is 3 1/3 percent of the
 333 member's average final compensation, and for all other
 334 creditable service in such class, A is 3 percent of average
 335 final compensation;

336 (b) B is the number of the member's years and any
 337 fractional part of a year of creditable service earned
 338 subsequent to November 30, 1970; and

339 (c) C is the normal retirement benefit credit brought
 340 forward as of November 30, 1970, by a former member of an
 341 existing system. Such normal retirement benefit credit shall be
 342 determined as the product of X and Y when X is the percentage of
 343 average final compensation which the member would have been
 344 eligible to receive if the member had attained his or her normal
 345 retirement date as of November 30, 1970, all in accordance with
 346 the existing system under which the member is covered on
 347 November 30, 1970, and Y is average final compensation as
 348 defined in s. 121.021(24). However, any member of an existing
 349 retirement system who is eligible to retire and who does retire,
 350 become disabled, or die prior to April 15, 1971, may have his or

351 her retirement benefits calculated on the basis of the best 5 of
 352 the last 10 years of service.

353 (d) A member's average final compensation shall be
 354 determined by formula to obtain the coverage for the 5 highest
 355 fiscal years' salaries, calculated as provided by rule.

356 Section 3. Subsections (4) and (5) of section 121.71,
 357 Florida Statutes, are amended to read:

358 121.71 Uniform rates; process; calculations; levy.—

359 (4) Required employer retirement contribution rates for
 360 each membership class and subclass of the Florida Retirement
 361 System for both retirement plans are as follows:
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Membership Class	Percentage of Gross Compensation, Effective July 1, 2017
363	
364 Regular Class	2.90%
365 Special Risk Class	11.86%
366 Special Risk	3.83%

HB 379

2018

367	Administrative Support Class	
368	Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	6.45%
369	Elected Officers' Class— Justices, Judges	11.67%
370	Elected Officers' Class— County Elected Officers	8.54%
371	Senior Management Class	4.29%
372	DROP	4.17%
373		
		<u>Percentage of</u> <u>Gross</u> <u>Compensation,</u> <u>Effective</u>

Membership Subclass July 1, 2018

374

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Special Risk

911 Public Safety

Telecommunicators

X.XX%

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377 (5) In order to address unfunded actuarial liabilities of
 378 the system, the required employer retirement contribution rates
 379 for each membership class and subclass of the Florida Retirement
 380 System for both retirement plans are as follows:

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Percentage of
 Gross
 Compensation,
 Effective

Membership Class

July 1, 2017

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384

Regular Class

3.30%

385

Special Risk Class

9.69%

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Special Risk Administrative Support Class	29.08%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	42.69%
Elected Officers' Class— Justices, Judges	26.25%
Elected Officers' Class— County Elected Officers	35.24%
Senior Management Service Class	16.70%
DROP	7.43%

Percentage of
Gross

	<u>Compensation,</u>
	<u>Effective</u>
<u>Membership Subclass</u>	<u>July 1, 2018</u>

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Special Risk
911 Public Safety
Telecommunicators

X.XX%

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Section 4. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 5. This act shall take effect July 1, 2018.