

By Senator Rader

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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 (3),
 19 and paragraph (d) of subsection (8) of section 121.0515, Florida
 20 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~~

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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

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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,

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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);

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- 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 5321);
- 140 23. Speech and hearing therapist (class code 5406); or
- 141 24. Pharmacy manager (class code 5251);
- 142 (g) Effective October 1, 2005, through June 30, 2008, the
- 143 member must be employed by a law enforcement agency or medical
- 144 examiner's office in a forensic discipline recognized by the
- 145 International Association for Identification and must qualify
- 146 for active membership in the International Association for
- 147 Identification. The member's primary duties and responsibilities
- 148 must include the collection, examination, preservation,

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

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

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

167 (i) Effective July 1, 2008, the member must be employed by
168 a local government law enforcement agency or medical examiner's
169 office and must spend at least 65 percent of his or her time
170 performing duties that involve the collection, examination,
171 preservation, documentation, preparation, or analysis of human
172 tissues or fluids or physical evidence having potential
173 biological, chemical, or radiological hazard or contamination,
174 or use chemicals, processes, or materials that may have
175 carcinogenic or health-damaging properties in the analysis of
176 such evidence, or the member must be the direct supervisor of
177 one or more individuals having such responsibility. If a special

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178 risk member changes to another position within the same agency,
179 he or she must submit a complete application as provided in
180 paragraph (4) (a);

181 (j) Effective July 1, 2017, the member must be employed as
182 a 911 public safety telecommunicator as defined in s. 401.465.
183 However, upon his or her retirement, the member shall have his
184 or her benefits calculated in accordance with the Regular Class
185 benefit provisions of s. 121.091(1) (a)1.; or

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

193 1. The ability to qualify for the class of membership
194 defined in paragraph (2) (h) occurs when two licensed medical
195 physicians, one of whom is a primary treating physician of the
196 member, certify the existence of the physical injury and medical
197 condition that constitute a qualifying injury as defined in this
198 paragraph and ~~that~~ the member has reached maximum medical
199 improvement after August 1, 2008. The certifications from the
200 licensed medical physicians must include, at a minimum, that the
201 injury to the special risk member has resulted in a physical
202 loss, or loss of use, of at least two of the following: left
203 arm, right arm, left leg, or right leg; and that:

204 a. The ~~That this~~ physical loss or loss of use is total and
205 permanent, unless ~~except if~~ the loss of use is due to a physical
206 injury to the member's brain, in which event the loss of use is

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207 permanent with at least 75 percent loss of motor function with
208 respect to each arm or leg affected.

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

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

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

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

221 2. For the purposes of this paragraph, the term "qualifying
222 injury" means an injury sustained in the line of duty, as
223 certified by the member's employing agency, by a special risk
224 member that does not result in total and permanent disability as
225 defined in s. 121.091(4) (b). An injury is a qualifying injury if
226 the injury is a physical injury to the member's physical body
227 resulting in a physical loss, or loss of use, of at least two of
228 the following: left arm, right arm, left leg, or right leg.
229 Notwithstanding any other provision of this section, an injury
230 that would otherwise qualify as a qualifying injury is not
231 ~~considered~~ a qualifying injury if and when the member ceases
232 employment with the employer for whom he or she was providing
233 special risk services on the date the injury occurred.

234 3. The new position, as described in sub-subparagraph 1.c.,
235 which ~~that~~ is required for qualification as a special risk

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

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

248 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

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

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

255 121.091 Benefits payable under the system.—Benefits may not
 256 be paid under this section unless the member has terminated
 257 employment as provided in s. 121.021(39) (a) or begun
 258 participation in the Deferred Retirement Option Program as
 259 provided in subsection (13), and a proper application has been
 260 filed in the manner prescribed by the department. The department
 261 may cancel an application for retirement benefits when the
 262 member or beneficiary fails to timely provide the information
 263 and documents required by this chapter and the department's
 264 rules. The department shall adopt rules establishing procedures

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265 for application for retirement benefits and for the cancellation
266 of such application when the required information or documents
267 are not received.

268 (1) NORMAL RETIREMENT BENEFIT.—Upon attaining his or her
269 normal retirement date, the member, upon application to the
270 administrator, shall receive a monthly benefit which shall begin
271 to accrue on the first day of the month of retirement and be
272 payable on the last day of that month and each month thereafter
273 during his or her lifetime. The normal retirement benefit,
274 including any past or additional retirement credit, may not
275 exceed 100 percent of the average final compensation. The amount
276 of monthly benefit shall be calculated as the product of A and
277 B, subject to the adjustment of C, if applicable, as set forth
278 below:

279 (a)1. For creditable years of Regular Class service, A is
280 1.60 percent of the member's average final compensation, up to
281 the member's normal retirement date. Upon completion of the
282 first year after the normal retirement date, A is 1.63 percent
283 of the member's average final compensation. Following the second
284 year after the normal retirement date, A is 1.65 percent of the
285 member's average final compensation. Following the third year
286 after the normal retirement date, and for subsequent years, A is
287 1.68 percent of the member's average final compensation.
288 Notwithstanding subparagraph 2., for creditable years of special
289 risk service through employment as a 911 public safety
290 telecommunicator as provided in s. 121.0515(3)(j), the amount of
291 monthly benefit shall be calculated in accordance with this
292 subparagraph.

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

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- 294 a. Two percent of the member's average final compensation
295 for all creditable years before ~~prior to~~ October 1, 1974;
- 296 b. Three percent of the member's average final compensation
297 for all creditable years after September 30, 1974, and before
298 October 1, 1978;
- 299 c. Two percent of the member's average final compensation
300 for all creditable years after September 30, 1978, and before
301 January 1, 1989;
- 302 d. Two and two-tenths percent of the member's final monthly
303 compensation for all creditable years after December 31, 1988,
304 and before January 1, 1990;
- 305 e. Two and four-tenths percent of the member's average
306 final compensation for all creditable years after December 31,
307 1989, and before January 1, 1991;
- 308 f. Two and six-tenths percent of the member's average final
309 compensation for all creditable years after December 31, 1990,
310 and before January 1, 1992;
- 311 g. Two and eight-tenths percent of the member's average
312 final compensation for all creditable years after December 31,
313 1991, and before January 1, 1993;
- 314 h. Three percent of the member's average final compensation
315 for all creditable years after December 31, 1992; and
- 316 i. Three percent of the member's average final compensation
317 for all creditable years of service after September 30, 1978,
318 and before January 1, 1993, for any special risk member who
319 retires after July 1, 2000, or any member of the Special Risk
320 Administrative Support Class entitled to retain the special risk
321 normal retirement date who was a member of the Special Risk
322 Class during the time period and who retires after July 1, 2000.

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

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

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

334 (c) C is the normal retirement benefit credit brought
335 forward as of November 30, 1970, by a former member of an
336 existing system. Such normal retirement benefit credit shall be
337 determined as the product of X and Y when X is the percentage of
338 average final compensation which the member would have been
339 eligible to receive if the member had attained his or her normal
340 retirement date as of November 30, 1970, all in accordance with
341 the existing system under which the member is covered on
342 November 30, 1970, and Y is average final compensation as
343 defined in s. 121.021(24). However, any member of an existing
344 retirement system who is eligible to retire and who does retire,
345 become disabled, or die prior to April 15, 1971, may have his or
346 her retirement benefits calculated on the basis of the best 5 of
347 the last 10 years of service.

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

351 Section 3. Subsections (4) and (5) of section 121.71,

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352 Florida Statutes, are amended to read:

353 121.71 Uniform rates; process; calculations; levy.—

354 (4) Required employer retirement contribution rates for
 355 each membership class and subclass of the Florida Retirement
 356 System for both retirement plans are as follows:

357

Percentage of
 Gross
 Compensation,
 Effective
 July 1, 2016

Membership Class

358

359

Regular Class 2.97%

360

Special Risk Class 11.80%

361

Special Risk
 Administrative
 Support Class 3.87%

362

Elected Officers' Class—
 Legislators, Governor,
 Lt. Governor,
 Cabinet Officers,
 State Attorneys,
 Public Defenders 6.63%

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| | | |
|-----|---|--------|
| 364 | Elected Officers' Class— Justices, Judges | 11.68% |
| 365 | Elected Officers' Class— County Elected Officers | 8.55% |
| 366 | Senior Management Class | 4.38% |
| 367 | DROP | 4.23% |

| | | |
|-----|----------------------------|---|
| 368 | | <u>Percentage of</u> <u>Gross</u> <u>Compensation,</u> <u>Effective</u> <u>July 1, 2017</u> |
| 369 | <u>Membership Subclass</u> | |

| | | |
|-----|--------------------------|--------------|
| 370 | <u>Special Risk</u> | |
| 371 | <u>911 Public Safety</u> | |
| 371 | <u>Telecommunicators</u> | <u>X.XX%</u> |

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

376
377

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Percentage of
Gross
Compensation,
Effective
July 1, 2016

Membership Class

378

379

Regular Class

2.83%

380

Special Risk Class

9.05%

381

Special Risk

Administrative

Support Class

22.47%

382

Elected Officers' Class-

Legislators, Governor,

Lt. Governor,

Cabinet Officers,

State Attorneys,

Public Defenders

33.75%

383

Elected Officers' Class-

Justices, Judges

23.30%

384

Elected Officers' Class-

County Elected Officers

32.20%

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Senior Management Service
Class

15.67%

DROP

7.10%

Percentage of
Gross
Compensation,
Effective
July 1, 2017

Membership Subclass

Special Risk

911 Public Safety
Telecommunicators

X.XX%

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.

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Section 5. This act shall take effect July 1, 2017.