

HB 749

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CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the City of Jacksonville, Duval County;
8 amending chapter 92-341, Laws of Florida, as amended;
9 amending the Charter of the City of Jacksonville;
10 establishing a Correctional Officers Pension Fund within
11 the City of Jacksonville's 1937 General Employee's Pension
12 Fund and an additional funding source for pension benefits
13 for correctional officers of the Office of the Sheriff;
14 providing an effective date.

15
16 WHEREAS, the City of Jacksonville, Office of the Sheriff,
17 employs approximately 670 correctional officers whose primary
18 responsibility is the lawful detainment, supervision,
19 protection, custody and control, and investigation of all
20 inmates within the precincts of the Duval County jails and
21 prisons, and

22 WHEREAS, the correctional officers of the City of
23 Jacksonville, Office of the Sheriff, provide valuable services

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24 | to the city by administering drug treatment, work release, and
25 | other programs for persons sentenced through the criminal
26 | justice system, and

27 | WHEREAS, the correctional officers of the City of
28 | Jacksonville, Office of the Sheriff, perform duties which
29 | present higher risk of injury and exposure to communicable
30 | diseases such as AIDS, tuberculosis, and hepatitis than do other
31 | employees covered under the 1937 Pension Fund for the Employees
32 | of the City of Jacksonville, and

33 | WHEREAS, the correctional officers of the City of
34 | Jacksonville, Office of the Sheriff, are the only correctional
35 | officers in the counties or the State of Florida not allowed the
36 | benefits extended through a special risk pension trust, and

37 | WHEREAS, current pension benefits are inadequate to provide
38 | pension benefits and protection for the correctional officers of
39 | the City of Jacksonville, Office of the Sheriff, commensurate
40 | with the pension benefits provided to other local law
41 | enforcement or firesafety employees, as well as employees of
42 | other like agencies throughout the state, and

43 | WHEREAS, the proceeds of the additional funding from the
44 | administrative surcharge provided for in this act shall be
45 | applied to the costs of maintaining the pretrial and posttrial
46 | detention facilities of the City of Jacksonville, which costs
47 | include the expense of maintaining a pension for corrections
48 | officers necessary to recruit and maintain an adequate
49 | workforce, and

50 | WHEREAS, the administrative surcharge provided for in this
51 | act bears a direct and reasonable relationship to the cost of

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52 | the administration of the Duval County corrections system, which
 53 | includes the salaries and benefits of correctional officers who
 54 | are involved directly in the booking, supervision, protection,
 55 | custody and control, and investigation of detainees, NOW,
 56 | THEREFORE,

58 | Be It Enacted by the Legislature of the State of Florida:

60 | Section 1. Section 16.06 of chapter 92-341, Laws of
 61 | Florida, as amended, is created to read:

62 | ARTICLE 16. RETIREMENT AND PENSION BENEFITS

63 | Section 16.06. Funding and enhanced pension benefits for
 64 | correctional officers.--

65 | (1) There is hereby created within the 1937 General
 66 | Employees Pension Fund of the City of Jacksonville a separate
 67 | Correctional Officers Pension Fund for all correctional officers
 68 | employed by the City of Jacksonville on the effective date of
 69 | this act and for those to be hired in the future. All assets and
 70 | accrued benefits, employee contributions, and employer
 71 | contributions, including interest, for all affected correctional
 72 | officers in the 1937 Pension Fund for the Employees of the City
 73 | of Jacksonville shall be transferred to the Correctional
 74 | Officers Pension Fund, which shall be administered separately by
 75 | the Board of Pension Trustees administering the 1937 General
 76 | Employees Pension Fund, except that a separate three-member
 77 | Correctional Officers Advisory Committee shall be established to
 78 | perform the same functions for this fund as are performed by the
 79 | General Employees Pension Advisory Committee. The chair of the

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80 Correctional Officers Advisory Committee shall serve on the
81 Board of Pension Trustees for all matters directly related to
82 the Correctional Officers Pension Fund in lieu of the chair of
83 the General Employees Advisory Committee. The City Council of
84 the City of Jacksonville shall be responsible for implementing
85 this act and for establishing benefits for participants in the
86 Correctional Officers Pension Fund. The benefits for current
87 participants and future retirees of the Correctional Officers
88 Pension Fund shall be identical to those presently provided to
89 participants and retirees in the 1937 General Employees Pension
90 Fund, subject to those improvements deemed necessary by the city
91 council to address inadequacies in current benefits and funding.

92 (2) In support of remediating the cost of housing,
93 boarding, and caring for detainees held in the City of
94 Jacksonville's pretrial and posttrial detention facilities by
95 providing separate and additional funds for the enhancement of
96 pension benefits of the correctional officers of the City of
97 Jacksonville, Office of the Sheriff, each person who is arrested
98 and booked into a consolidated City of Jacksonville corrections
99 facility shall pay an administrative surcharge of \$20, which sum
100 shall be deposited into the City of Jacksonville's Correctional
101 Officers Pension Fund. Such surcharge funds shall be accounted
102 for separately and used only to supplement the pension benefits
103 for those members who are classified as correctional officers of
104 the City of Jacksonville, Office of the Sheriff, and are members
105 of said fund. The city shall provide procedures for refunds or
106 waivers of the administrative surcharge for those detainees:

107 (a) Against whom charges are dropped or not pursued;

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- 108 | (b) Who are acquitted of the charges;
- 109 | (c) Who are unable to pay due to indigency; or
- 110 | (d) Who demonstrate a legal basis for relief from such
- 111 | payment.

112 |

113 | No detainee shall be subject to continued detention, be denied

114 | access to judicial process or legal counsel, or be subject to

115 | penalty solely because of nonpayment of the administrative

116 | surcharge.

117 | Section 2. This act shall take effect upon becoming a law.