

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Retirement System; amending
7 s. 121.021, F.S., revising the definition of "average
8 final compensation"; increasing a contribution rate for
9 certain benefit change funding purposes; providing a
10 declaration of important state interest; amending s.
11 121.0515, F.S.; adding certain code compliance officers to
12 the Special Risk Class; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (24) of section 121.021, Florida
17 Statutes, is amended to read:

18 121.021 Definitions.--The following words and phrases as
19 used in this chapter have the respective meanings set forth
20 unless a different meaning is plainly required by the context:

21 (24) "Average final compensation" means the average of the
22 5 highest fiscal years of compensation for creditable service
23 prior to retirement, termination, or death; however, the

HB 789

2004
CS

24 "average final compensation" applicable to a member of the
 25 Special Risk Class is the average of the 3 highest fiscal years
 26 of compensation for creditable service prior to retirement,
 27 termination, or death. For in-line-of-duty disability benefits,
 28 if less than the number of years specified for calculating
 29 "average final compensation" ~~5-years~~ of creditable service have
 30 been completed, the term "average final compensation" means the
 31 average annual compensation of the total number of years of
 32 creditable service. Each year used in the calculation of average
 33 final compensation shall commence on July 1.

34 (a) The average final compensation shall include:

- 35 1. Accumulated annual leave payments, not to exceed 500
- 36 hours; and
- 37 2. All payments defined as compensation in subsection
- 38 (22).

39 (b) The average final compensation shall not include:

- 40 1. Compensation paid to professional persons for special
- 41 or particular services;
- 42 2. Payments for accumulated sick leave made due to
- 43 retirement or termination;
- 44 3. Payments for accumulated annual leave in excess of 500
- 45 hours;
- 46 4. Bonuses as defined in subsection (47);
- 47 5. Third party payments made on and after July 1, 1990; or
- 48 6. Fringe benefits (for example, automobile allowances or
- 49 housing allowances).

50 Section 2. Effective July 1, 2004, for the purposes of
 51 funding the 3-year average final compensation benefit change

HB 789

2004
CS

52 made by this act, the contribution rate set forth in s.
53 121.071(3), Florida Statutes, for the Special Risk Class of the
54 Florida Retirement System shall be increased by 2.14 percent.
55 This increase shall be in addition to other changes to
56 contribution rates which may be enacted into law to take effect
57 on that date.

58 Section 3. The Legislature finds that a proper and
59 legitimate state purpose is served when employees and retirees
60 of the state and its political subdivisions and the dependents,
61 survivors, and beneficiaries of such employees and retirees are
62 extended the basic protections afforded by governmental
63 retirement systems that provide fair and adequate benefits and
64 that are managed, administered, and funded in an actuarially
65 sound manner, as required by s. 14, Art. X, of the State
66 Constitution and part VII of chapter 112, Florida Statutes.
67 Therefore, the Legislature determines and declares that this act
68 fulfills an important state interest.

69 Section 4. Paragraph (b) of subsection (2) of section
70 121.0515, Florida Statutes, is amended to read:

71 121.0515 Special risk membership.--

72 (2) CRITERIA.--A member, to be designated as a special
73 risk member, must meet the following criteria:

74 (b) The member must be employed as a firefighter and be
75 certified, or required to be certified, in compliance with s.
76 633.35 and be employed solely within the fire department of a
77 local government employer or an agency of state government with
78 firefighting responsibilities. In addition, the member's duties
79 and responsibilities must include on-the-scene fighting of

HB 789

2004
CS

80 | fires, fire prevention, or firefighter training; direct
81 | supervision of firefighting units, fire prevention, or
82 | firefighter training; ~~or~~ aerial firefighting surveillance
83 | performed by fixed-wing aircraft pilots employed by the Division
84 | of Forestry of the Department of Agriculture and Consumer
85 | Services; or the member must be a code compliance officer
86 | employed by the Division of the State Fire Marshal of the
87 | Department of Financial Services or the Agency for Health Care
88 | Administration; or the member must be the supervisor or command
89 | officer of a member or members who have such responsibilities;
90 | provided, however, administrative support personnel, including,
91 | but not limited to, those whose primary duties and
92 | responsibilities are in accounting, purchasing, legal, and
93 | personnel, shall not be included and further provided that all
94 | periods of creditable service in fire prevention or firefighter
95 | training, or as the supervisor or command officer of a member or
96 | members who have such responsibilities, and for which the
97 | employer paid the special risk contribution rate, shall be
98 | included;

99 | Section 5. This act shall take effect July 1, 2004.