

By Senator Webster

9-570-05

1 A bill to be entitled

2 An act relating to the Florida Retirement

3 System; amending s. 121.021, F.S.; redefining

4 the term "average final compensation";

5 increasing a contribution rate for certain

6 benefit change funding purposes; providing a

7 declaration of important state interest;

8 amending s. 121.0515, F.S.; adding certain code

9 compliance officers to the Special Risk Class;

10 providing an effective date.

11

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

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14 Section 1. Subsection (24) of section 121.021, Florida

15 Statutes, is amended to read:

16 121.021 Definitions.--The following words and phrases

17 as used in this chapter have the respective meanings set forth

18 unless a different meaning is plainly required by the context:

19 (24) "Average final compensation" means the average of

20 the 5 highest fiscal years of compensation for creditable

21 service prior to retirement, termination, or death; however,

22 the "average final compensation" applicable to a member of the

23 Special Risk Class is the average of the 3 highest fiscal

24 years of compensation for creditable service prior to

25 retirement, termination, or death. For in-line-of-duty

26 disability benefits, if less than the number of years

27 specified for calculating "average final compensation" 5 years

28 of creditable service ~~has~~ ~~have~~ been completed, the term

29 "average final compensation" means the average annual

30 compensation of the total number of years of creditable

31

1 service. Each year used in the calculation of average final
2 compensation shall commence on July 1.

3 (a) The average final compensation shall include:

- 4 1. Accumulated annual leave payments, not to exceed
5 500 hours; and
6 2. All payments defined as compensation in subsection
7 (22).

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

- 9 1. Compensation paid to professional persons for
10 special or particular services;
11 2. Payments for accumulated sick leave made due to
12 retirement or termination;
13 3. Payments for accumulated annual leave in excess of
14 500 hours;
15 4. Bonuses as defined in subsection (47);
16 5. Third party payments made on and after July 1,
17 1990; or
18 6. Fringe benefits (for example, automobile allowances
19 or housing allowances).

20 Section 2. Effective July 1, 2005, for the purposes of
21 funding the 3-year average final compensation benefit change
22 made by this act, the contribution rate set forth in section
23 121.71(3), Florida Statutes, for the Special Risk Class of the
24 Florida Retirement System shall be increased by 2.14
25 percentage points. This increase shall be in addition to other
26 changes to contribution rates which may be enacted into law to
27 take effect on that date.

28 Section 3. The Legislature finds that a proper and
29 legitimate state purpose is served when employees and retirees
30 of the state and its political subdivisions and the
31 dependents, survivors, and beneficiaries of such employees and

1 retirees are extended the basic protections afforded by
2 governmental retirement systems that provide fair and adequate
3 benefits and that are managed, administered, and funded in an
4 actuarially sound manner, as required by Section 14, Article
5 X, of the State Constitution and part VII of chapter 112,
6 Florida Statutes. Therefore, the Legislature determines and
7 declares that this act fulfills an important state interest.

8 Section 4. Subsection (2) of section 121.0515, Florida
9 Statutes, is amended to read:

10 121.0515 Special risk membership.--

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

13 (a) The member must be employed as a law enforcement
14 officer and be certified, or required to be certified, in
15 compliance with s. 943.1395; however, sheriffs and elected
16 police chiefs shall be excluded from meeting the certification
17 requirements of this paragraph. In addition, the member's
18 duties and responsibilities must include the pursuit,
19 apprehension, and arrest of law violators or suspected law
20 violators; or the member must be an active member of a bomb
21 disposal unit whose primary responsibility is the location,
22 handling, and disposal of explosive devices; or the member
23 must be the supervisor or command officer of a member or
24 members who have such responsibilities; provided, however,
25 administrative support personnel, including, but not limited
26 to, those whose primary duties and responsibilities are in
27 accounting, purchasing, legal, and personnel, shall not be
28 included;

29 (b) The member must be employed as a firefighter and
30 be certified, or required to be certified, in compliance with
31 s. 633.35 and be employed solely within the fire department of

1 a local government employer or an agency of state government
2 with firefighting responsibilities. In addition, the member's
3 duties and responsibilities must include on-the-scene fighting
4 of fires, fire prevention, or firefighter training; direct
5 supervision of firefighting units, fire prevention, or
6 firefighter training; or aerial firefighting surveillance
7 performed by fixed-wing aircraft pilots employed by the
8 Division of Forestry of the Department of Agriculture and
9 Consumer Services or the member must be a code compliance
10 officer employed by the Division of the State Fire Marshal of
11 the Department of Financial Services or the Agency for Health
12 Care Administration; or the member must be the supervisor or
13 command officer of a member or members who have such
14 responsibilities. ~~;~~ ~~provided,~~ However, administrative support
15 personnel, including, but not limited to, those whose primary
16 duties and responsibilities are in accounting, purchasing,
17 legal, and personnel, shall not be included and further
18 provided that all periods of creditable service in fire
19 prevention or firefighter training, or as the supervisor or
20 command officer of a member or members who have such
21 responsibilities, and for which the employer paid the special
22 risk contribution rate, shall be included;

23 (c) The member must be employed as a correctional
24 officer and be certified, or required to be certified, in
25 compliance with s. 943.1395. In addition, the member's
26 primary duties and responsibilities must be the custody, and
27 physical restraint when necessary, of prisoners or inmates
28 within a prison, jail, or other criminal detention facility,
29 or while on work detail outside the facility, or while being
30 transported; or the member must be the supervisor or command
31 officer of a member or members who have such responsibilities;

1 provided, however, administrative support personnel,
2 including, but not limited to, those whose primary duties and
3 responsibilities are in accounting, purchasing, legal, and
4 personnel, shall not be included; however, wardens and
5 assistant wardens, as defined by rule, shall participate in
6 the Special Risk Class;

7 (d) The member must be employed by a licensed Advance
8 Life Support (ALS) or Basic Life Support (BLS) employer as an
9 emergency medical technician or a paramedic and be certified
10 in compliance with s. 401.27. In addition, the member's
11 primary duties and responsibilities must include on-the-scene
12 emergency medical care or direct supervision of emergency
13 medical technicians or paramedics, or the member must be the
14 supervisor or command officer of one or more members who have
15 such responsibility. However, administrative support
16 personnel, including, but not limited to, those whose primary
17 responsibilities are in accounting, purchasing, legal, and
18 personnel, shall not be included;

19 (e) The member must be employed as a community-based
20 correctional probation officer and be certified, or required
21 to be certified, in compliance with s. 943.1395. In addition,
22 the member's primary duties and responsibilities must be the
23 supervised custody, surveillance, control, investigation, and
24 counseling of assigned inmates, probationers, parolees, or
25 community controllees within the community; or the member must
26 be the supervisor of a member or members who have such
27 responsibilities. Administrative support personnel, including,
28 but not limited to, those whose primary duties and
29 responsibilities are in accounting, purchasing, legal
30 services, and personnel management, shall not be included;

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1 | however, probation and parole circuit and deputy circuit
2 | administrators shall participate in the Special Risk Class; ~~or~~
3 | (f) The member must be employed in one of the
4 | following classes and must spend at least 75 percent of his or
5 | her time performing duties which involve contact with patients
6 | or inmates in a correctional or forensic facility or
7 | institution:
8 | 1. Dietitian (class codes 5203 and 5204);~~---~~
9 | 2. Public health nutrition consultant (class code
10 | 5224);~~---~~
11 | 3. Psychological specialist (class codes 5230 and
12 | 5231);~~---~~
13 | 4. Psychologist (class code 5234);~~---~~
14 | 5. Senior psychologist (class codes 5237 and 5238);~~---~~
15 | 6. Regional mental health consultant (class code
16 | 5240);~~---~~
17 | 7. Psychological Services Director--DCF (class code
18 | 5242);~~---~~
19 | 8. Pharmacist (class codes 5245 and 5246);~~---~~
20 | 9. Senior pharmacist (class codes 5248 and 5249);~~---~~
21 | 10. Dentist (class code 5266);~~---~~
22 | 11. Senior dentist (class code 5269);~~---~~
23 | 12. Registered nurse (class codes 5290 and 5291);~~---~~
24 | 13. Senior registered nurse (class codes 5292 and
25 | 5293);~~---~~
26 | 14. Registered nurse specialist (class codes 5294 and
27 | 5295);~~---~~
28 | 15. Clinical associate (class codes 5298 and 5299);~~---~~
29 | 16. Advanced registered nurse practitioner (class
30 | codes 5297 and 5300);~~---~~
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- 1 17. Advanced registered nurse practitioner specialist
2 (class codes 5304 and 5305);~~i-~~
- 3 18. Registered nurse supervisor (class codes 5306 and
4 5307);~~i-~~
- 5 19. Senior registered nurse supervisor (class codes
6 5308 and 5309);~~i-~~
- 7 20. Registered nursing consultant (class codes 5312
8 and 5313);~~i-~~
- 9 21. Quality management program supervisor (class code
10 5314);~~i-~~
- 11 22. Executive nursing director (class codes 5320 and
12 5321);~~i-~~
- 13 23. Speech and hearing therapist (class code 5406); or
14 24. Pharmacy manager (class code 5251); or-

15 (g) The member must be employed as a youth custody
16 officer and be certified, or required to be certified, in
17 compliance with s. 943.1395. In addition, the member's primary
18 duties and responsibilities must be the supervised custody,
19 surveillance, control, investigation, apprehension, arrest,
20 and counseling of assigned juveniles within the community.

21 Section 5. This act shall take effect July 1, 2005.

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24 SENATE SUMMARY

25 Redefines the term "average final compensation," with
26 respect to members of the Special Risk Class of the
27 Florida Retirement System, to be the average of the 3
28 highest fiscal years of creditable service. Includes code
29 compliance officers of the Division of State Fire Marshal
30 or the Agency for Health Care Administration in the
31 Special Risk Class.