

1 A bill to be entitled
 2 An act relating to the Florida Retirement System; amending
 3 s. 121.021, F.S.; revising the definition of the term
 4 "average final compensation"; amending s. 121.0515, F.S.;
 5 adding certain code compliance officers to the Special
 6 Risk Class; increasing a contribution rate for certain
 7 benefit change funding purposes; providing a declaration
 8 of important state interest; providing an effective date.

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

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 12 Section 1. Subsection (24) of section 121.021, Florida
 13 Statutes, is amended to read:

14 121.021 Definitions.--The following words and phrases as
 15 used in this chapter have the respective meanings set forth
 16 unless a different meaning is plainly required by the context:

17 (24) "Average final compensation" means the average of the
 18 5 highest fiscal years of compensation for creditable service
 19 prior to retirement, termination, or death; however, the average
 20 final compensation applicable to a member of the Special Risk
 21 Class is the average of the 3 highest fiscal years of
 22 compensation for creditable service prior to retirement,
 23 termination, or death. For in-line-of-duty disability benefits,
 24 if less than the number of years specified for calculating
 25 average final compensation ~~5 years~~ of creditable service have
 26 been completed, the term "average final compensation" means the
 27 average annual compensation of the total number of years of

28 | creditable service. Each year used in the calculation of average
 29 | final compensation shall commence on July 1.

30 | (a) The average final compensation shall include:

31 | 1. Accumulated annual leave payments, not to exceed 500
 32 | hours; and

33 | 2. All payments defined as compensation in subsection
 34 | (22).

35 | (b) The average final compensation shall not include:

36 | 1. Compensation paid to professional persons for special
 37 | or particular services;

38 | 2. Payments for accumulated sick leave made due to
 39 | retirement or termination;

40 | 3. Payments for accumulated annual leave in excess of 500
 41 | hours;

42 | 4. Bonuses as defined in subsection (47);

43 | 5. Third party payments made on and after July 1, 1990; or

44 | 6. Fringe benefits (for example, automobile allowances or
 45 | housing allowances).

46 | Section 2. Paragraph (b) of subsection (2) of section
 47 | 121.0515, Florida Statutes, is amended to read:

48 | 121.0515 Special risk membership.--

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

51 | (b) The member must be employed as a firefighter and be
 52 | certified, or required to be certified, in compliance with s.
 53 | 633.35 and be employed solely within the fire department of a
 54 | local government employer or an agency of state government with
 55 | firefighting responsibilities. In addition, the member's duties

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56 and responsibilities must include on-the-scene fighting of
57 fires, fire prevention, or firefighter training; direct
58 supervision of firefighting units, fire prevention, or
59 firefighter training; or aerial firefighting surveillance
60 performed by fixed-wing aircraft pilots employed by the Division
61 of Forestry of the Department of Agriculture and Consumer
62 Services; or the member must be the supervisor or command
63 officer of a member or members who have such responsibilities;
64 or the member must be a code compliance officer employed by the
65 Division of the State Fire Marshal of the Department of
66 Financial Services or the Agency for Health Care Administration,
67 provided, however, that administrative support personnel,
68 including, but not limited to, those whose primary duties and
69 responsibilities are in accounting, purchasing, legal, and
70 personnel, shall not be included and further provided that all
71 periods of creditable service in fire prevention or firefighter
72 training, or as the supervisor or command officer of a member or
73 members who have such responsibilities, and for which the
74 employer paid the special risk contribution rate, shall be
75 included;

76 Section 3. Effective July 1, 2005, for the purposes of
77 funding the 3-year average final compensation benefit change
78 made by this act, the contribution rate set forth in s.
79 121.71(3), Florida Statutes, for the Special Risk Class of the
80 Florida Retirement System shall be increased by 2.14 percent.
81 This increase shall be in addition to other changes to
82 contribution rates which may be enacted into law to take effect
83 on that date.

84 Section 4. The Legislature finds that a proper and
85 legitimate state purpose is served when employees and retirees
86 of the state and its political subdivisions, and the dependents,
87 survivors, and beneficiaries of such employees and retirees, are
88 extended the basic protections afforded by governmental
89 retirement systems that provide fair and adequate benefits that
90 are managed, administered, and funded in an actuarially sound
91 manner, as required by s. 14, Art. X of the State Constitution
92 and part VII of chapter 112, Florida Statutes. Therefore, the
93 Legislature determines and declares that this act fulfills an
94 important state interest.

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