

By Senator Lawson

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1 A bill to be entitled

2 An act relating to the Special Risk Class of the Florida
3 Retirement System; amending s. 121.021, F.S.; redefining
4 the term "special risk member"; amending s. 121.0515,
5 F.S.; adding persons who are employed by the state and
6 work in certain facilities or settings to the Special Risk
7 Class; providing that any member of the Florida Retirement
8 System who is employed by the state may seek a review of
9 his or her eligibility for the Special Risk Class;
10 providing legislative findings that the act fulfills an
11 important state interest; providing an effective date.

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

14
15 Section 1. Paragraph (f) is added to subsection (15) of
16 section 121.021, Florida Statutes, to read:

17 121.021 Definitions.--The following words and phrases as
18 used in this chapter have the respective meanings set forth
19 unless a different meaning is plainly required by the context:

20 (15)

21 (f) Effective October 1, 2008, "special risk member"
22 includes any member who meets the criteria set forth in s.
23 121.0515(2) (i).

24 Section 2. Paragraph (i) is added to subsection (2) of
25 section 121.0515, Florida Statutes, and paragraph (a) of
26 subsection (3) of that section is amended, to read:

27 121.0515 Special risk membership.--

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

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30 (i) The member must be employed by the state and spend at
31 least 75 percent of his or her time performing duties that
32 involve the custody, control, or direct medical care of patients
33 or inmates in a correctional, juvenile justice, developmental
34 disability, or forensic facility or institution; however,
35 administrative support personnel, including, but not limited to,
36 those whose primary duties and responsibilities are in
37 accounting, purchasing, legal, and personnel, are not included.

38 (3) PROCEDURE FOR DESIGNATING.--

39 (a) Any member ~~of the Florida Retirement System employed by~~
40 ~~a county, city, or special district~~ who feels that he or she
41 meets the criteria set forth in this section for membership in
42 the Special Risk Class may request that his or her employer
43 submit an application to the department requesting that the
44 department designate him or her as a special risk member. If the
45 employer agrees that the member meets the requirements for
46 special risk membership, the employer shall submit an application
47 to the department in behalf of the employee containing a
48 certification that the member meets the criteria for special risk
49 membership ~~set forth in this section~~ and such other supporting
50 documentation as may be required by administrative rule. The
51 department shall, within 90 days, either designate or refuse to
52 designate the member as a special risk member. If the employer
53 declines to submit the member's application to the department or
54 if the department does not designate the member as a special risk
55 member, the member or the employer may appeal to the State
56 Retirement Commission, as provided in s. 121.23, for designation
57 as a special risk member. A member who receives a final
58 affirmative ruling pursuant to such appeal ~~for special risk~~

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59 membership shall have special risk membership retroactive to the
60 date the ~~such~~ member would have had special risk membership had
61 such membership been approved by the employer and the department,
62 as determined by the department, and the employer contributions
63 shall be paid in full within 1 year after the ~~such~~ final ruling.

64 Section 3. The Legislature finds that a proper and
65 legitimate state purpose is served when employees and retirees of
66 the state and the dependents, survivors, and beneficiaries of
67 such employees and retirees are extended the basic protections
68 afforded by governmental retirement systems. These persons must
69 be provided benefits that are fair and adequate and that are
70 managed, administered, and funded in a sound actuarial manner, as
71 required by Section 14, Article X of the State Constitution and
72 part VII of chapter 112, Florida Statutes. Therefore, the
73 Legislature hereby determines and declares that this act fulfills
74 an important state interest.

75 Section 4. This act shall take effect July 1, 2008.