

ENROLLED
CS/HB 531

2008 Legislature

1 A bill to be entitled
2 An act relating to the Florida Retirement System; amending
3 s. 121.0515, F.S.; revising the criteria under which
4 certain employees of the Department of Law Enforcement,
5 the Division of State Fire Marshal, or a local government
6 law enforcement agency or medical examiner's office are
7 eligible for membership in the Special Risk Class;
8 authorizing the Department of Management Services to
9 review the special risk designation of certain members;
10 authorizing certain members to purchase additional
11 retirement credit to upgrade prior service to Special Risk
12 Class service; providing for the calculation of
13 contributions for such service upgrade; authorizing the
14 employer to purchase such additional credit for certain
15 members; providing a declaration of important state
16 interest; providing an effective date.

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

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20 Section 1. Paragraph (h) of subsection (2) and subsection
21 (4) of section 121.0515, Florida Statutes, are amended,
22 paragraphs (i) and (j) are added to subsection (2) of that
23 section, and paragraph (c) is added to subsection (9) of that
24 section, to read:

25 121.0515 Special risk membership.--

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

28 (h) Effective October 1, 2005, through June 30, 2008, the

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29 member must be employed by a law enforcement agency or medical
30 examiner's office in a forensic discipline recognized by the
31 International Association for Identification and must qualify
32 for active membership in the International Association for
33 Identification. The member's primary duties and responsibilities
34 must include the collection, examination, preservation,
35 documentation, preparation, or analysis of physical evidence or
36 testimony, or both, or the member must be the direct supervisor,
37 quality management supervisor, or command officer of one or more
38 individuals with such responsibility. Administrative support
39 personnel, including, but not limited to, those whose primary
40 responsibilities are clerical or in accounting, purchasing,
41 legal, and personnel, shall not be included.

42 (i) Effective July 1, 2008, the member must be employed by
43 the Department of Law Enforcement in the crime laboratory or by
44 the Division of State Fire Marshal in the forensic laboratory in
45 one of the following classes:

- 46 1. Forensic technologist (class code 8459);
- 47 2. Crime laboratory technician (class code 8461);
- 48 3. Crime laboratory analyst (class code 8463);
- 49 4. Senior crime laboratory analyst (class code 8464);
- 50 5. Crime laboratory analyst supervisor (class code 8466);
- 51 6. Forensic chief (class code 9602); or
- 52 7. Forensic services quality manager (class code 9603).

53 (j) Effective July 1, 2008, the member must be employed by
54 a local government law enforcement agency or medical examiner's
55 office and must spend at least 65 percent of his or her time
56 performing duties that involve the collection, examination,

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57 preservation, documentation, preparation, or analysis of human
58 tissues or fluids or physical evidence having potential
59 biological, chemical, or radiological hazard or contamination,
60 or use chemicals, processes, or materials that may have
61 carcinogenic or health-damaging properties in the analysis of
62 such evidence, or the member must be the direct supervisor of
63 one or more individuals having such responsibility. If a special
64 risk member changes to another position within the same agency,
65 he or she must submit a complete application as provided in
66 paragraph (3) (a).

67 (4) REMOVAL OF SPECIAL RISK MEMBERSHIP.--

68 (a) Any member who is a special risk member on October 1,
69 1978, and who fails to meet the criteria for special risk
70 membership established by this section shall have his or her
71 special risk designation removed and thereafter shall be a
72 regular member and shall earn only regular membership credit.
73 The department shall have the authority to review the special
74 risk designation of members to determine whether or not those
75 members continue to meet the criteria for special risk
76 membership.

77 (b) Any member who is a special risk member on July 1,
78 2008, and who became eligible to participate under paragraph
79 (2) (h) but fails to meet the criteria for special risk
80 membership established by paragraph (2) (i) or paragraph (2) (j)
81 shall have his or her special risk designation removed and
82 thereafter shall be a Regular Class member and earn only Regular
83 Class membership credit. The department may review the special
84 risk designation of members to determine whether or not those

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85 members continue to meet the criteria for special risk
86 membership.

87 (9) CREDIT FOR UPGRADED SERVICE.--

88 (c) Any member of the Special Risk Class who has earned
89 creditable service in another membership class of the Florida
90 Retirement System in a position with the Department of Law
91 Enforcement or the Division of State Fire Marshal and became
92 covered by the Special Risk Class as described in paragraph
93 (2) (i), or with a local government law enforcement agency or
94 medical examiner's office and became covered by the Special Risk
95 Class as described in paragraph (2) (j), which service is within
96 the purview of the Special Risk Class, and is employed in such
97 position on or after July 1, 2008, may purchase additional
98 retirement credit to upgrade such service to Special Risk Class
99 service, to the extent of the percentages of the member's
100 average final compensation provided in s. 121.091(1) (a)2. The
101 cost for such credit shall be an amount representing the
102 actuarial accrued liability for the difference in accrual value
103 during the affected period of service. The cost shall be
104 calculated using the discount rate and other relevant actuarial
105 assumptions that were used to value the Florida Retirement
106 System defined benefit plan liabilities in the most recent
107 actuarial valuation. The division shall ensure that the transfer
108 sum is prepared using a formula and methodology certified by an
109 enrolled actuary. The cost must be paid immediately upon
110 notification by the division. The local government employer may
111 purchase the upgraded service credit on behalf of the member if
112 the member has been employed by that employer for at least 3

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113 years.

114 Section 2. The Legislature finds that a proper and
115 legitimate state purpose is served when employees and retirees
116 of the state and its political subdivisions, and the dependents,
117 survivors, and beneficiaries of such employees and retirees, are
118 extended additional protections afforded by governmental
119 retirement systems. These persons must be provided benefits that
120 are fair and adequate and that are managed, administered, and
121 funded in a sound actuarial manner, as required by Section 14,
122 Article X of the State Constitution and part VII of chapter 112,
123 Florida Statutes. Therefore, the Legislature determines and
124 declares that this act fulfills an important state interest.

125 Section 3. This act shall take effect July 1, 2008.