

By the Committee on Governmental Operations; and Senator
Villalobos

585-07244-08

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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 risk
27 member, must meet the following criteria:

28 (h) Effective October 1, 2005, through June 30, 2008, the
29 member must be employed by a law enforcement agency or medical

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30 examiner's office in a forensic discipline recognized by the
31 International Association for Identification and must qualify for
32 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,
57 preservation, documentation, preparation, or analysis of human
58 tissues or fluids or physical evidence having potential

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

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

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

75 (b) Any member who is a special risk member on July 1,
76 2008, and who became eligible to participate under paragraph
77 (2) (h) but fails to meet the criteria for special risk membership
78 established by paragraph (2) (i) or paragraph (2) (j) shall have
79 his or her special risk designation removed and thereafter shall
80 be a regular member and earn only regular membership credit. The
81 department may review the special risk designation of members to
82 determine whether or not those members continue to meet the
83 criteria for special risk membership.

84 (9) CREDIT FOR UPGRADED SERVICE.--

85 (c) Any member of the Special Risk Class who has earned
86 creditable service in another membership class of the Florida
87 Retirement System in a position with the Department of Law

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

110 Section 2. The Legislature finds that a proper and
111 legitimate state purpose is served when employees and retirees of
112 the state and its political subdivisions, and the dependents,
113 survivors, and beneficiaries of such employees and retirees, are
114 extended additional protections afforded by governmental
115 retirement systems. These persons must be provided benefits that
116 are fair and adequate and that are managed, administered, and

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117 | funded in a sound actuarial manner, as required by Section 14,
118 | Article X of the State Constitution and part VII of chapter 112,
119 | Florida Statutes. Therefore, the Legislature determines and
120 | declares that this act fulfills an important state interest.

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