

By Senator Smith

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1 A bill to be entitled
 2 An act relating to the Florida Retirement System;
 3 amending s. 121.021, F.S.; conforming cross-
 4 references; amending s. 121.0515, F.S.; revising
 5 criteria for membership in the special risk class to
 6 include court deputies; providing legislative findings
 7 that the act fulfills an important state interest;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (38) 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 (38) "Continuous service" means creditable service as a
 18 member, beginning with the first day of employment with an
 19 employer covered under a state-administered retirement system
 20 consolidated herein and continuing for as long as the member
 21 remains in an employer-employee relationship with an employer
 22 covered under this chapter. An absence of 1 calendar month or
 23 more from an employer's payroll is ~~shall be~~ considered a break
 24 in continuous service, except for periods of absence during
 25 which an employer-employee relationship continues to exist and
 26 such period of absence is creditable under this chapter or under
 27 one of the existing systems consolidated herein. However, a law
 28 enforcement officer as described ~~defined~~ in s. 121.0515(2)(a)1.
 29 ~~121.0515(3)(a)~~ who was a member of a state-administered

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30 retirement system under chapter 122 or chapter 321 and who
31 resigned and was subsequently reemployed in a law enforcement
32 position within 12 calendar months following ~~of~~ such resignation
33 by an employer under a ~~such~~ state-administered retirement system
34 is not ~~shall be~~ deemed to have ~~not~~ experienced a break in
35 service. Further, with respect to a state-employed law
36 enforcement officer who meets the criteria specified in s.
37 121.0515(2)(a)1. ~~121.0515(3)(a)~~, if the absence from the
38 employer's payroll is the result of a "layoff" as defined in s.
39 110.107 or a resignation to run for an elected office that meets
40 the criteria specified in s. 121.0515(2)(a)1. ~~121.0515(3)(a)~~, a
41 ~~no~~ break in continuous service is not ~~shall be~~ deemed to have
42 occurred if the member is reemployed as a state law enforcement
43 officer or is elected to an office that ~~which~~ meets the criteria
44 specified in s. 121.0515(2)(a)1. ~~121.0515(3)(a)~~ within 12
45 calendar months after the date of the layoff or resignation,
46 notwithstanding ~~the fact~~ that such period of layoff or
47 resignation is not creditable service under this chapter. A
48 withdrawal of contributions will constitute a break in service.
49 Continuous service also includes past service purchased under
50 this chapter if, ~~provided~~ such service is continuous within this
51 definition and the rules established by the administrator. The
52 administrator may establish administrative rules and procedures
53 for applying this definition to creditable service authorized
54 under this chapter. A ~~Any~~ correctional officer, as defined in s.
55 943.10, whose participation in the state-administered retirement
56 system is terminated due to the transfer of a county detention
57 facility through a contractual agreement with a private entity
58 pursuant to s. 951.062, is ~~shall be~~ deemed an employee with

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59 continuous service in the Special Risk Class if, ~~provided~~ return
60 to employment with the former employer takes place within 3
61 years due to contract termination or the officer is employed by
62 a covered employer in a special risk position within 1 year
63 after his or her initial termination of employment by such
64 transfer of its detention facilities to the private entity.

65 Section 2. Subsections (2) and (3), paragraph (b) of
66 subsection (5), paragraph (a) of subsection (6), subsection (7),
67 paragraphs (a) and (d) of subsection (8), and paragraph (c) of
68 subsection (10) of section 121.0515, Florida Statutes, are
69 amended, and present subsections (3) through (10) of that
70 section are redesignated as subsections (2) through (9),
71 respectively, to read:

72 121.0515 Special Risk Class.—

73 ~~(2) MEMBERSHIP.—~~

74 ~~(a) Until October 1, 1978, "special risk member" means any~~
75 ~~officer or employee whose application is approved by the~~
76 ~~administrator and who receives salary payments for work~~
77 ~~performed as a peace officer; law enforcement officer; police~~
78 ~~officer; highway patrol officer; custodial employee at a~~
79 ~~correctional or detention facility; correctional agency employee~~
80 ~~whose duties and responsibilities involve direct contact with~~
81 ~~inmates, but excluding secretarial and clerical employees;~~
82 ~~firefighter; or an employee in any other job in the field of law~~
83 ~~enforcement or fire protection if the duties of such person are~~
84 ~~certified as hazardous by his or her employer.~~

85 ~~(b) Effective October 1, 1978, through September 30, 1999,~~
86 ~~"special risk member" means a member of the Florida Retirement~~
87 ~~System who is designated as a special risk member by the~~

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88 ~~division in accordance with this section. Such member must be~~
89 ~~employed as a law enforcement officer, a firefighter, or a~~
90 ~~correctional officer and must meet certain other special~~
91 ~~criteria as set forth in this section.~~

92 ~~(c) Effective October 1, 1999, "special risk member" means~~
93 ~~a member of the Florida Retirement System who is designated as a~~
94 ~~special risk member by the division in accordance with this~~
95 ~~section. Such member must be employed as a law enforcement~~
96 ~~officer, a firefighter, a correctional officer, an emergency~~
97 ~~medical technician, or a paramedic and must meet certain other~~
98 ~~special criteria as set forth in this section.~~

99 ~~(d) Effective January 1, 2001, "special risk member"~~
100 ~~includes:~~

101 ~~1. Any member who is employed as a community-based~~
102 ~~correctional probation officer and meets the special criteria~~
103 ~~set forth in paragraph (3) (c).~~

104 ~~2. Any professional health care bargaining unit or non-unit~~
105 ~~member who is employed by the Department of Corrections or the~~
106 ~~Department of Children and Family Services and meets the special~~
107 ~~criteria set forth in paragraph (3) (f).~~

108 ~~(e) Effective July 1, 2001, "special risk member" includes~~
109 ~~any member who is employed as a youth custody officer by the~~
110 ~~Department of Juvenile Justice and meets the special criteria~~
111 ~~set forth in paragraph (3) (g).~~

112 ~~(f) Effective October 1, 2005, through June 30, 2008, the~~
113 ~~member must be employed by a law enforcement agency or medical~~
114 ~~examiner's office in a forensic discipline and meet the special~~
115 ~~criteria set forth in paragraph (3) (h).~~

116 ~~(g) Effective July 1, 2008, the member must be employed by~~

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117 ~~the Department of Law Enforcement in the crime laboratory or by~~
118 ~~the Division of State Fire Marshal in the forensic laboratory~~
119 ~~and meet the special criteria set forth in paragraph (3)(i).~~

120 ~~(h) Effective July 1, 2008, the member must be employed by~~
121 ~~a local government law enforcement agency or medical examiner's~~
122 ~~office and meet the special criteria set forth in paragraph~~
123 ~~(3)(j).~~

124 ~~(i) Effective August 1, 2008, "special risk member"~~
125 ~~includes any member who meets the special criteria for continued~~
126 ~~membership set forth in paragraph (3)(k).~~

127 (2)(3) CRITERIA.—Before October 1, 1978 A member, to be
128 designated as a special risk member, the member's application
129 must be approved by the administrator and the member must
130 receive salary payments for work performed as a peace officer;
131 law enforcement officer; police officer; highway patrol officer;
132 custodial employee at a correctional or detention facility;
133 correctional agency employee whose duties and responsibilities
134 involve direct contact with inmates, but excluding secretarial
135 and clerical employees; firefighter; or an employee in any other
136 job in the field of law enforcement or fire protection if the
137 member's duties are certified as hazardous by his or her
138 employer. Effective October 1, 1978, a member must be designated
139 as a special risk member by the department and ~~must~~ meet the
140 following criteria:

141 (a) Effective October 1, 1978, the member must be employed
142 as a law enforcement officer, a firefighter, or a correctional
143 officer and:

144 1. If employed as a law enforcement officer, the member
145 must ~~and~~ be certified, or required to be certified, in

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146 compliance with s. 943.1395; however, sheriffs and elected
147 police chiefs are excluded from meeting the certification
148 requirements ~~of this paragraph~~. In addition, the member's duties
149 and responsibilities must include the pursuit, apprehension, and
150 arrest of law violators or suspected law violators; or as of
151 July 1, 1982, the member must be an active member of a bomb
152 disposal unit whose primary responsibility is the location,
153 handling, and disposal of explosive devices; or the member must
154 be the supervisor or command officer of a member or members who
155 have such responsibilities. Administrative support personnel,
156 including, but not limited to, those whose primary duties and
157 responsibilities are in accounting, purchasing, legal, and
158 personnel, are not included;

159 2.(b) ~~If Effective October 1, 1978, the member must be~~
160 employed as a firefighter, the member must ~~and~~ be certified, or
161 required to be certified, in compliance with s. 633.35 and be
162 employed solely within the fire department of a local government
163 employer or an agency of state government with firefighting
164 responsibilities. In addition, the member's duties and
165 responsibilities must include on-the-scene fighting of fires; as
166 of October 1, 2001, fire prevention or firefighter training; as
167 of October 1, 2001, direct supervision of firefighting units,
168 fire prevention, or firefighter training; or as of July 1, 2001,
169 aerial firefighting surveillance performed by fixed-wing
170 aircraft pilots employed by the Division of Forestry of the
171 Department of Agriculture and Consumer Services; or the member
172 must be the supervisor or command officer of a member or members
173 who have such responsibilities. Administrative support
174 personnel, including, but not limited to, those whose primary

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175 duties and responsibilities are in accounting, purchasing,
176 legal, and personnel, are not included. All periods of
177 creditable service in fire prevention or firefighter training,
178 or as the supervisor or command officer of a member or members
179 who have such responsibilities, and for which the employer paid
180 the special risk contribution rate, are included; or

181 3.(e) If Effective October 1, 1978, the member must be
182 employed as a correctional officer, the member must ~~and~~ be
183 certified, or required to be certified, in compliance with s.
184 943.1395. In addition, the member's primary duties and
185 responsibilities must be the custody, and physical restraint
186 when necessary, of prisoners or inmates within a prison, jail,
187 or other criminal detention facility, or while on work detail
188 outside the facility, or while being transported; or as of July
189 1, 1984, the member must be the supervisor or command officer of
190 a member or members who have such responsibilities.

191 Administrative support personnel, including, but not limited to,
192 those whose primary duties and responsibilities are in
193 accounting, purchasing, legal, and personnel, are not included;
194 however, wardens and assistant wardens, as defined by rule, are
195 included.†

196 (b)(d) Effective October 1, 1999, Special Risk Class
197 membership also includes an emergency medical technician or
198 paramedic who is ~~the member must be~~ employed by a licensed
199 Advance Life Support (ALS) or Basic Life Support (BLS) employer
200 ~~as an emergency medical technician or a paramedic~~ and is ~~be~~
201 certified in compliance with s. 401.27. In addition, the
202 member's primary duties and responsibilities must include on-
203 the-scene emergency medical care or as of October 1, 2001,

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204 direct supervision of emergency medical technicians or
205 paramedics, or the member must be the supervisor or command
206 officer of one or more members who have such responsibility.
207 Administrative support personnel, including, but not limited to,
208 those whose primary responsibilities are in accounting,
209 purchasing, legal, and personnel, are not included.†

210 (c)(e) Effective January 1, 2001, Special Risk Class
211 membership also includes the member must be employed as a
212 community-based correctional probation officer who is employed
213 and is be certified, or required to be certified, in compliance
214 with s. 943.1395. In addition, the member's primary duties and
215 responsibilities must be the supervised custody, surveillance,
216 control, investigation, and counseling of assigned inmates,
217 probationers, parolees, or community controllees within the
218 community; or the member must be the supervisor of a member or
219 members who have such responsibilities. Administrative support
220 personnel, including, but not limited to, those whose primary
221 duties and responsibilities are in accounting, purchasing, legal
222 services, and personnel management, are not included; however,
223 probation and parole circuit and deputy circuit administrators
224 are included.†

225 (d)(f) Effective January 1, 2001, Special Risk Class
226 membership also includes a professional health care bargaining
227 unit or non-unit member who is employed by the Department of
228 Corrections or the Department of Children and Family Services
229 the member must be employed in one of the following classes and
230 who spends must spend at least 75 percent of his or her time
231 performing duties that which involve contact with patients or
232 inmates in a correctional or forensic facility or institution:

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- 233 1. Dietitian (class codes 5203 and 5204);
234 2. Public health nutrition consultant (class code 5224);
235 3. Psychological specialist (class codes 5230 and 5231);
236 4. Psychologist (class code 5234);
237 5. Senior psychologist (class codes 5237 and 5238);
238 6. Regional mental health consultant (class code 5240);
239 7. Psychological Services Director—DCF (class code 5242);
240 8. Pharmacist (class codes 5245 and 5246);
241 9. Senior pharmacist (class codes 5248 and 5249);
242 10. Dentist (class code 5266);
243 11. Senior dentist (class code 5269);
244 12. Registered nurse (class codes 5290 and 5291);
245 13. Senior registered nurse (class codes 5292 and 5293);
246 14. Registered nurse specialist (class codes 5294 and
247 5295);
248 15. Clinical associate (class codes 5298 and 5299);
249 16. Advanced registered nurse practitioner (class codes
250 5297 and 5300);
251 17. Advanced registered nurse practitioner specialist
252 (class codes 5304 and 5305);
253 18. Registered nurse supervisor (class codes 5306 and
254 5307);
255 19. Senior registered nurse supervisor (class codes 5308
256 and 5309);
257 20. Registered nursing consultant (class codes 5312 and
258 5313);
259 21. Quality management program supervisor (class code
260 5314);
261 22. Executive nursing director (class codes 5320 and 5321);

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262 23. Speech and hearing therapist (class code 5406); or

263 24. Pharmacy manager (class code 5251).~~†~~

264 (e)~~(g)~~ Effective July 1, 2001, Special Risk Class
265 membership also includes ~~the member must be employed as~~ a youth
266 custody officer who is employed by the Department of Juvenile
267 Justice and is ~~be~~ certified, or required to be certified, in
268 compliance with s. 943.1395. In addition, the member's primary
269 duties and responsibilities must be the supervised custody,
270 surveillance, control, investigation, apprehension, arrest, and
271 counseling of assigned juveniles within the community.~~†~~

272 (f)~~(h)~~ Effective October 1, 2005, through June 30, 2008,
273 the member must be employed by a law enforcement agency or
274 medical examiner's office in a forensic discipline recognized by
275 the International Association for Identification and must
276 qualify for active membership in the International Association
277 for Identification. The member's primary duties and
278 responsibilities must include the collection, examination,
279 preservation, documentation, preparation, or analysis of
280 physical evidence or testimony, or both, or the member must be
281 the direct supervisor, quality management supervisor, or command
282 officer of one or more individuals with such responsibility.
283 Administrative support personnel, including, but not limited to,
284 those whose primary responsibilities are clerical or in
285 accounting, purchasing, legal, and personnel, are not included.~~†~~

286 (g)~~(i)~~ Effective July 1, 2008, the member must be employed
287 by the Department of Law Enforcement in the crime laboratory or
288 by the Division of State Fire Marshal in the forensic laboratory
289 in one of the following classes:

290 1. Forensic technologist (class code 8459);

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- 291 2. Crime laboratory technician (class code 8461);
- 292 3. Crime laboratory analyst (class code 8463);
- 293 4. Senior crime laboratory analyst (class code 8464);
- 294 5. Crime laboratory analyst supervisor (class code 8466);
- 295 6. Forensic chief (class code 9602); or
- 296 7. Forensic services quality manager (class code 9603). ~~†~~
- 297 (h) ~~(j)~~ Effective July 1, 2008, the member must be employed
- 298 by a local government law enforcement agency or medical
- 299 examiner's office and must spend at least 65 percent of his or
- 300 her time performing duties that involve the collection,
- 301 examination, preservation, documentation, preparation, or
- 302 analysis of human tissues or fluids or physical evidence having
- 303 potential biological, chemical, or radiological hazard or
- 304 contamination, or use chemicals, processes, or materials that
- 305 may have carcinogenic or health-damaging properties in the
- 306 analysis of such evidence, or the member must be the direct
- 307 supervisor of one or more individuals having such
- 308 responsibility. If a special risk member changes to another
- 309 position within the same agency, he or she must submit a
- 310 complete application as provided in paragraph (3) (a). ~~(4) (a); or~~
- 311 (i) ~~(k)~~ Effective August 1, 2008, the member must have
- 312 already qualified for and be actively participating in special
- 313 risk membership under paragraph (a), ~~paragraph (b), or paragraph~~
- 314 ~~(c)~~, must have suffered a qualifying injury ~~as defined in this~~
- 315 ~~paragraph,~~ must not be receiving disability retirement benefits
- 316 under as provided in s. 121.091(4), and must satisfy the
- 317 requirements of this paragraph.
- 318 1. ~~The ability to qualify for the class of membership~~
- 319 ~~defined in paragraph (2) (f) occurs when~~ Two licensed medical

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320 physicians, one of whom is the member's a primary treating
321 physician ~~of the member~~, must certify the existence of the
322 ~~physical injury and medical condition that constitute a~~
323 ~~qualifying injury as defined in this paragraph~~ and that the
324 member ~~has~~ reached maximum medical improvement after August 1,
325 2008. The certifications ~~from the licensed medical physicians~~
326 must include, at a minimum, that the injury ~~to the special risk~~
327 ~~member has~~ resulted in a physical loss, or loss of use, of at
328 least two of the following: left arm, right arm, left leg, or
329 right leg; and that:

330 a. The ~~That this~~ physical loss or loss of use is total and
331 permanent, unless ~~except in the event that~~ the loss of use is
332 due to a physical injury to the member's brain, in which event
333 the loss of use is permanent with at least 75 percent loss of
334 motor function with respect to each arm or leg affected.

335 b. The ~~That this~~ physical loss or loss of use renders the
336 member physically unable to perform the essential job functions
337 of his or her special risk position.

338 c. ~~That,~~ Notwithstanding the ~~this~~ physical loss or loss of
339 use, the individual is able to perform the essential job
340 functions required by the member's new position, as provided in
341 subparagraph 3.

342 d. The ~~That~~ use of artificial limbs is ~~either~~ not possible
343 or does not alter the member's ability to perform the essential
344 job functions of the member's position.

345 e. ~~That~~ The physical loss or loss of use is a direct result
346 of a physical injury and not a result of any mental,
347 psychological, or emotional injury.

348 2. For the purposes of this paragraph, "qualifying injury"

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349 means a physical ~~an~~ injury and medical condition sustained in
350 the line of duty, as certified by the member's employing agency,
351 by a special risk member which ~~that~~ does not result in total and
352 permanent disability as defined in s. 121.091(4)(b). An injury
353 is a qualifying injury if the injury is a physical injury to the
354 member's physical body resulting in a physical loss, or loss of
355 use, of at least two of the following: left arm, right arm, left
356 leg, or right leg. Notwithstanding any other provision of this
357 section, an injury that would otherwise qualify as a qualifying
358 injury is not ~~considered~~ a qualifying injury if and when the
359 member ceases employment with the employer for whom he or she
360 was providing special risk services on the date the injury
361 occurred.

362 3. The new position, as described in sub-subparagraph 1.c.,
363 ~~that is required for qualification as a special risk member~~
364 ~~under this paragraph~~ is not required to be a position that has
365 ~~with~~ essential job functions that entitle an individual to
366 special risk membership. Whether the ~~a~~ new position ~~as described~~
367 ~~in sub-subparagraph 1.c.~~ exists and is available to the special
368 risk member is a decision to be made solely by the employer in
369 accordance with its hiring practices and applicable law.

370 4. This paragraph does not grant or create additional
371 rights for an ~~any~~ individual to continued employment or to be
372 hired or rehired by his or her employer which ~~that~~ are not
373 already provided under state law ~~within the Florida Statutes,~~
374 ~~the State Constitution,~~ the Americans with Disabilities Act, if
375 applicable, or any other applicable state or federal law.

376 (j) Effective July 1, 2012, Special Risk Class membership
377 also includes a member who is a court deputy in the state court

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378 system and whose primary duties include transporting,
379 controlling, and fingerprinting prisoners within the courthouse;
380 maintaining care and control of juries; notifying court
381 administration when larger courtrooms are needed, bringing
382 judge's supplies to the courtroom, announcing the judge and
383 calling the court to order; and maintaining a safe and secure
384 environment for the public in a courtroom setting.
385 Administrative support personnel, including, but not limited to,
386 those whose primary responsibilities are clerical or in
387 accounting, purchasing, legal, and personnel, are not included.

388 (4)-(5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.-

389 (b) Any member who is a special risk member on July 1,
390 2008, and who became eligible to participate under paragraph
391 (2) (f) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
392 Class membership under established by paragraph (2) (g) ~~(3) (i)~~ or
393 paragraph (2) (h) ~~(3) (j)~~ shall have his or her special risk
394 designation removed and thereafter shall be a Regular Class
395 member and earn only Regular Class membership credit. The
396 department may review the special risk designation of members to
397 determine whether ~~or not~~ those members continue to meet the
398 criteria for Special Risk Class membership.

399 (5)-(6) CREDIT FOR PAST SERVICE.-A special risk member may
400 purchase retirement credit in the Special Risk Class based upon
401 past service, and may upgrade retirement credit for such past
402 service, to the extent of 2 percent of the member's average
403 monthly compensation as specified in s. 121.091(1)(a) for such
404 service as follows:

405 (a) The member may purchase special risk credit for past
406 service with a municipality or special district that ~~which~~ has

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407 elected to join the Florida Retirement System, or with a
408 participating agency to which a member's governmental unit was
409 transferred, merged, or consolidated as provided in s.
410 121.081(1)(f), if the member was employed with the municipality
411 or special district at the time it commenced participating in
412 the Florida Retirement System or with the governmental unit at
413 the time of its transfer, merger, or consolidation with the
414 participating agency. The service must satisfy the criteria set
415 forth in subsection (2) ~~(3)~~ for Special Risk Class membership as
416 a law enforcement officer, firefighter, or correctional officer;
417 however, a certificate or waiver of certificate of compliance
418 with s. 943.1395 or s. 633.35 is not required for such service.

419 (6) ~~(7)~~ CREDIT FOR PRIOR SERVICE.—A special risk member who
420 has creditable service with an employer under chapter 122 or
421 chapter 321, or was employed as a correctional counselor with
422 the Department of Corrections between December 1, 1970, and
423 September 30, 1979, in a position that satisfies the criteria
424 provided in subsection (2) ~~(3)~~ for Special Risk Class membership
425 except the requirement for a certificate or waiver of
426 certificate, shall have those years of service counted towards
427 the attainment of the normal retirement date as a special risk
428 member under this chapter. The percentage value of each such
429 year of creditable service under chapter 122, chapter 321, or as
430 a correctional counselor may not change as a result of the
431 application of this subsection. A special risk member who has
432 taken a refund of contributions for such creditable service
433 under chapter 122 or chapter 321 and has reclaimed it as prior
434 service credit under this chapter may count ~~shall be permitted~~
435 ~~to have~~ such creditable service counted towards the attainment

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436 of the normal retirement date for the Special Risk Class of
437 membership under this chapter.

438 (7)~~(8)~~ SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

439 (a) A special risk member who is moved or reassigned to a
440 nonspecial risk law enforcement, firefighting, correctional, or
441 emergency medical care administrative support position with the
442 same agency, or who is subsequently employed in such a position
443 within any law enforcement, firefighting, correctional, or
444 emergency medical care agency under the Florida Retirement
445 System, shall participate in the Special Risk Administrative
446 Support Class and earn credit for such service at the same
447 percentage rate as that earned by a regular member.

448 Notwithstanding subsection (4) ~~(5)~~, service in an administrative
449 support position, for purposes of s. 121.091, applies toward
450 satisfaction of the special risk normal retirement date, as
451 defined in s. 121.021, if, while in such position, the member
452 remains certified as a law enforcement officer, firefighter,
453 correctional officer, emergency medical technician, or
454 paramedic; remains subject to reassignment at any time to a
455 position qualifying for special risk membership; and completes
456 an aggregate of the years of service as a designated special
457 risk member before retirement which is equal to or greater than
458 the years of service required to be vested.

459 (d) Notwithstanding any other provision of this subsection,
460 this subsection does not apply to any special risk member who
461 qualifies for continued membership pursuant to paragraph (2) (i)
462 ~~(3) (k)~~.

463 (9)~~(10)~~ CREDIT FOR UPGRADED SERVICE.—

464 (c) Any member of the Special Risk Class who has earned

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465 creditable service through June 30, 2008, in another membership
466 class of the Florida Retirement System in a position with the
467 Department of Law Enforcement or the Division of State Fire
468 Marshal and became covered by the Special Risk Class as
469 described in paragraph (2) (g) ~~(3) (i)~~, or with a local government
470 law enforcement agency or medical examiner's office and became
471 covered by the Special Risk Class as described in paragraph
472 (2) (h) ~~(3) (j)~~, which service is within the purview of the
473 Special Risk Class, and is employed in such position on or after
474 July 1, 2008, may purchase additional retirement credit to
475 upgrade such service to Special Risk Class service, to the
476 extent of the percentages of the member's average final
477 compensation provided in s. 121.091(1)(a)2. The cost for such
478 credit must be an amount representing the actuarial accrued
479 liability for the difference in accrual value during the
480 affected period of service. The cost shall be calculated using
481 the discount rate and other relevant actuarial assumptions that
482 were used to value the Florida Retirement System Pension Plan
483 liabilities in the most recent actuarial valuation. The division
484 must ~~shall~~ ensure that the transfer sum is prepared using a
485 formula and methodology certified by an enrolled actuary. The
486 cost must be paid immediately upon notification by the division.
487 The local government employer may purchase the upgraded service
488 credit on behalf of the member if the member has been employed
489 by that employer for at least 3 years.

490 Section 3. The Legislature finds that a proper and
491 legitimate state interest is served when state court employees
492 who are responsible for maintaining a safe and secure
493 environment for staff and the public in a courtroom setting are

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494 classified as members of the special risk class of the Florida
495 Retirement System. These persons must be provided benefits that
496 are fair and adequate and that are managed, administered, and
497 funded in an actuarially sound manner as required by s. 14,
498 Article X of the State Constitution and part VII of chapter 112,
499 Florida Statutes. Therefore, the Legislature determines and
500 declares that the amendment of s. 121.0515, Florida Statutes,
501 made by this act fulfills an important state interest.

502 Section 4. This act shall take effect July 1, 2012.