

By Senator Steube

23-00759-18

2018606\_\_

1                   A bill to be entitled  
 2           An act relating to the Special Risk Class of the  
 3           Florida Retirement System; amending s. 121.0515, F.S.;  
 4           adding 911 public safety telecommunicators to the  
 5           class; requiring such members to have their retirement  
 6           benefits calculated in accordance with provisions  
 7           applicable to Regular Class members; amending s.  
 8           121.091, F.S.; conforming a provision to changes made  
 9           by the act; amending s. 121.71, F.S.; specifying the  
 10          required employer retirement contribution rates for  
 11          the new membership subclass of 911 public safety  
 12          telecommunicators; declaring that the act fulfills an  
 13          important state interest; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Paragraph (h) of subsection (2), subsection (3),  
 18           and paragraph (d) of subsection (8) of section 121.0515, Florida  
 19           Statutes, are amended to read:

20           121.0515 Special Risk Class.—

21           (2) MEMBERSHIP.—

22           (h) Effective August 1, 2008, "special risk member"  
 23           includes any member who meets the special criteria for continued  
 24           membership set forth in paragraph (3) (k) ~~(3) (j)~~.

25           (3) CRITERIA.—A member, to be designated as a special risk  
 26           member, must meet the following criteria:

27           (a) Effective October 1, 1978, the member must be employed  
 28           as a law enforcement officer and be certified, or required to be  
 29           certified, in compliance with s. 943.1395, except that; ~~however,~~

23-00759-18

2018606\_\_

30 sheriffs and elected police chiefs are not required to be  
31 certified ~~excluded from meeting the certification requirements~~  
32 ~~of this paragraph~~. In addition, the member's duties and  
33 responsibilities must include the pursuit, apprehension, and  
34 arrest of law violators or suspected law violators; or as of  
35 July 1, 1982, the member must be an active member of a bomb  
36 disposal unit whose primary responsibility is the location,  
37 handling, and disposal of explosive devices; or the member must  
38 be the supervisor or command officer of a member or members who  
39 have such responsibilities. Administrative support personnel,  
40 including, but not limited to, those whose primary duties and  
41 responsibilities are in accounting, purchasing, legal, and  
42 personnel, are not included;

43 (b) Effective October 1, 1978, the member must be employed  
44 as a firefighter and be certified, or required to be certified,  
45 in compliance with s. 633.408 and be employed solely within the  
46 fire department of a local government employer or an agency of  
47 state government with firefighting responsibilities. In  
48 addition, the member's duties and responsibilities must include  
49 on-the-scene fighting of fires; as of October 1, 2001, fire  
50 prevention or firefighter training; as of October 1, 2001,  
51 direct supervision of firefighting units, fire prevention, or  
52 firefighter training; or as of July 1, 2001, aerial firefighting  
53 surveillance performed by fixed-wing aircraft pilots employed by  
54 the Florida Forest Service of the Department of Agriculture and  
55 Consumer Services; or the member must be the supervisor or  
56 command officer of a member or members who have such  
57 responsibilities. Administrative support personnel, including,  
58 but not limited to, those whose primary duties and

23-00759-18

2018606\_\_

59 responsibilities are in accounting, purchasing, legal, and  
60 personnel, are not included. All periods of creditable service  
61 in fire prevention or firefighter training, or as the supervisor  
62 or command officer of a member or members who have such  
63 responsibilities, and for which the employer paid the special  
64 risk contribution rate, are included;

65 (c) Effective October 1, 1978, the member must be employed  
66 as a correctional officer and be certified, or required to be  
67 certified, in compliance with s. 943.1395. In addition, the  
68 member's primary duties and responsibilities must include ~~be~~ the  
69 custody, and physical restraint if ~~when~~ necessary, of prisoners  
70 or inmates within a prison, jail, or other criminal detention  
71 facility, or while on work detail outside the facility, or while  
72 being transported; or as of July 1, 1984, the member must be the  
73 supervisor or command officer of a member or members who have  
74 such responsibilities. Administrative support personnel,  
75 including, but not limited to, those whose primary duties and  
76 responsibilities are in accounting, purchasing, legal, and  
77 personnel, are not included; however, wardens and assistant  
78 wardens, as defined by rule, are included;

79 (d) Effective October 1, 1999, the member must be employed  
80 by a licensed Advance Life Support (ALS) or Basic Life Support  
81 (BLS) employer as an emergency medical technician or a paramedic  
82 and be certified in compliance with s. 401.27. In addition, the  
83 member's primary duties and responsibilities must include on-  
84 the-scene emergency medical care or as of October 1, 2001,  
85 direct supervision of emergency medical technicians or  
86 paramedics, or the member must be the supervisor or command  
87 officer of one or more members who have such responsibility.

23-00759-18

2018606\_\_

88 Administrative support personnel, including, but not limited to,  
89 those whose primary responsibilities are in accounting,  
90 purchasing, legal, and personnel, are not included;

91 (e) Effective January 1, 2001, the member must be employed  
92 as a community-based correctional probation officer and be  
93 certified, or required to be certified, in compliance with s.  
94 943.1395. In addition, the member's primary duties and  
95 responsibilities must be the supervised custody, surveillance,  
96 control, investigation, and counseling of assigned inmates,  
97 probationers, parolees, or community controllees within the  
98 community; or the member must be the supervisor of a member or  
99 members who have such responsibilities. Administrative support  
100 personnel, including, but not limited to, those whose primary  
101 duties and responsibilities are in accounting, purchasing, legal  
102 services, and personnel management, are not included; however,  
103 probation and parole circuit and deputy circuit administrators  
104 are included;

105 (f) Effective January 1, 2001, the member must be employed  
106 in one of the following classes and must spend at least 75  
107 percent of his or her time performing duties that ~~which~~ involve  
108 contact with patients or inmates in a correctional or forensic  
109 facility or institution:

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director—DCF (class code 5242);

23-00759-18

2018606\_\_

- 117 8. Pharmacist (class codes 5245 and 5246);
- 118 9. Senior pharmacist (class codes 5248 and 5249);
- 119 10. Dentist (class code 5266);
- 120 11. Senior dentist (class code 5269);
- 121 12. Registered nurse (class codes 5290 and 5291);
- 122 13. Senior registered nurse (class codes 5292 and 5293);
- 123 14. Registered nurse specialist (class codes 5294 and
- 124 5295);
- 125 15. Clinical associate (class codes 5298 and 5299);
- 126 16. Advanced registered nurse practitioner (class codes
- 127 5297 and 5300);
- 128 17. Advanced registered nurse practitioner specialist
- 129 (class codes 5304 and 5305);
- 130 18. Registered nurse supervisor (class codes 5306 and
- 131 5307);
- 132 19. Senior registered nurse supervisor (class codes 5308
- 133 and 5309);
- 134 20. Registered nursing consultant (class codes 5312 and
- 135 5313);
- 136 21. Quality management program supervisor (class code
- 137 5314);
- 138 22. Executive nursing director (class codes 5320 and 5321);
- 139 23. Speech and hearing therapist (class code 5406); or
- 140 24. Pharmacy manager (class code 5251);
- 141 (g) Effective October 1, 2005, through June 30, 2008, the
- 142 member must be employed by a law enforcement agency or medical
- 143 examiner's office in a forensic discipline recognized by the
- 144 International Association for Identification and must qualify
- 145 for active membership in the International Association for

23-00759-18

2018606\_\_

146 Identification. The member's primary duties and responsibilities  
147 must include the collection, examination, preservation,  
148 documentation, preparation, or analysis of physical evidence or  
149 testimony, or both, or the member must be the direct supervisor,  
150 quality management supervisor, or command officer of one or more  
151 individuals with such responsibility. Administrative support  
152 personnel, including, but not limited to, those whose primary  
153 responsibilities are clerical or in accounting, purchasing,  
154 legal, and personnel, are not included;

155 (h) Effective July 1, 2008, the member must be employed by  
156 the Department of Law Enforcement in the crime laboratory or by  
157 the Division of State Fire Marshal in the forensic laboratory in  
158 one of the following classes:

- 159 1. Forensic technologist (class code 8459);
- 160 2. Crime laboratory technician (class code 8461);
- 161 3. Crime laboratory analyst (class code 8463);
- 162 4. Senior crime laboratory analyst (class code 8464);
- 163 5. Crime laboratory analyst supervisor (class code 8466);
- 164 6. Forensic chief (class code 9602); or
- 165 7. Forensic services quality manager (class code 9603);

166 (i) Effective July 1, 2008, the member must be employed by  
167 a local government law enforcement agency or medical examiner's  
168 office and must spend at least 65 percent of his or her time  
169 performing duties that involve the collection, examination,  
170 preservation, documentation, preparation, or analysis of human  
171 tissues or fluids or physical evidence having potential  
172 biological, chemical, or radiological hazard or contamination,  
173 or use chemicals, processes, or materials that may have  
174 carcinogenic or health-damaging properties in the analysis of

23-00759-18

2018606\_\_

175 such evidence, or the member must be the direct supervisor of  
176 one or more individuals having such responsibility. If a special  
177 risk member changes to another position within the same agency,  
178 he or she must submit a complete application as provided in  
179 paragraph (4) (a);

180 (j) Effective July 1, 2018, the member must be employed as  
181 a 911 public safety telecommunicator as defined in s. 401.465.  
182 However, upon his or her retirement, the member shall have his  
183 or her benefits calculated in accordance with the Regular Class  
184 benefit provisions of s. 121.091(1)(a)1.; or

185 (k)~~(j)~~ The member must have already qualified for and be  
186 actively participating in special risk membership under  
187 paragraph (a), paragraph (b), or paragraph (c), must have  
188 suffered a qualifying injury as defined in this paragraph, must  
189 not be receiving disability retirement benefits as provided in  
190 s. 121.091(4), and must satisfy the requirements of this  
191 paragraph.

192 1. The ability to qualify for the class of membership  
193 defined in paragraph (2) (h) occurs when two licensed medical  
194 physicians, one of whom is a primary treating physician of the  
195 member, certify the existence of the physical injury and medical  
196 condition that constitute a qualifying injury as defined in this  
197 paragraph and ~~that~~ the member has reached maximum medical  
198 improvement after August 1, 2008. The certifications from the  
199 licensed medical physicians must include, at a minimum, that the  
200 injury to the special risk member has resulted in a physical  
201 loss, or loss of use, of at least two of the following: left  
202 arm, right arm, left leg, or right leg; and that:

203 a. The ~~That this~~ physical loss or loss of use is total and

23-00759-18

2018606\_\_

204 permanent, unless ~~except~~ if the loss of use is due to a physical  
205 injury to the member's brain, in which event the loss of use is  
206 permanent with at least 75 percent loss of motor function with  
207 respect to each arm or leg affected.

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

211 c. ~~That,~~ Notwithstanding this physical loss or loss of use,  
212 the individual can perform the essential job functions required  
213 by the member's new position, as provided in subparagraph 3.

214 d. The ~~That~~ use of artificial limbs is not possible or does  
215 not alter the member's ability to perform the essential job  
216 functions of the member's position.

217 e. ~~That~~ The physical loss or loss of use is a direct result  
218 of a physical injury and not a result of any mental,  
219 psychological, or emotional injury.

220 2. For the purposes of this paragraph, the term "qualifying  
221 injury" means an injury sustained in the line of duty, as  
222 certified by the member's employing agency, by a special risk  
223 member that does not result in total and permanent disability as  
224 defined in s. 121.091(4)(b). An injury is a qualifying injury if  
225 the injury is a physical injury to the member's physical body  
226 resulting in a physical loss, or loss of use, of at least two of  
227 the following: left arm, right arm, left leg, or right leg.  
228 Notwithstanding any other provision of this section, an injury  
229 that would otherwise qualify as a qualifying injury is not  
230 ~~considered~~ a qualifying injury if and when the member ceases  
231 employment with the employer for whom he or she was providing  
232 special risk services on the date the injury occurred.



23-00759-18

2018606\_\_

233           3. The new position, as described in sub-subparagraph 1.c.,  
234 which ~~that~~ is required for qualification as a special risk  
235 member under this paragraph is not required to be a position  
236 with essential job functions that entitle an individual to  
237 special risk membership. Whether a new position as described in  
238 sub-subparagraph 1.c. exists and is available to the special  
239 risk member is a decision to be made solely by the employer in  
240 accordance with its hiring practices and applicable law.

241           4. This paragraph does not grant or create additional  
242 rights for any individual to continued employment or to be hired  
243 or rehired by his or her employer which ~~that~~ are not already  
244 provided by state law ~~within the Florida Statutes~~, the State  
245 Constitution, the Americans with Disabilities Act, if  
246 applicable, or any other ~~applicable state or~~ federal law.

247           (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

248           (d) Notwithstanding any other provision of this subsection,  
249 this subsection does not apply to any special risk member who  
250 qualifies for continued membership pursuant to paragraph (3) (k)  
251 ~~(3) (j)~~.

252           Section 2. Subsection (1) of section 121.091, Florida  
253 Statutes, is amended to read:

254           121.091 Benefits payable under the system.—Benefits may not  
255 be paid under this section unless the member has terminated  
256 employment as provided in s. 121.021(39) (a) or begun  
257 participation in the Deferred Retirement Option Program as  
258 provided in subsection (13), and a proper application has been  
259 filed in the manner prescribed by the department. The department  
260 may cancel an application for retirement benefits when the  
261 member or beneficiary fails to timely provide the information

23-00759-18

2018606\_\_

262 and documents required by this chapter and the department's  
263 rules. The department shall adopt rules establishing procedures  
264 for application for retirement benefits and for the cancellation  
265 of such application when the required information or documents  
266 are not received.

267 (1) NORMAL RETIREMENT BENEFIT.—Upon attaining his or her  
268 normal retirement date, the member, upon application to the  
269 administrator, shall receive a monthly benefit which shall begin  
270 to accrue on the first day of the month of retirement and be  
271 payable on the last day of that month and each month thereafter  
272 during his or her lifetime. The normal retirement benefit,  
273 including any past or additional retirement credit, may not  
274 exceed 100 percent of the average final compensation. The amount  
275 of monthly benefit shall be calculated as the product of A and  
276 B, subject to the adjustment of C, if applicable, as set forth  
277 below:

278 (a)1. For creditable years of Regular Class service, A is  
279 1.60 percent of the member's average final compensation, up to  
280 the member's normal retirement date. Upon completion of the  
281 first year after the normal retirement date, A is 1.63 percent  
282 of the member's average final compensation. Following the second  
283 year after the normal retirement date, A is 1.65 percent of the  
284 member's average final compensation. Following the third year  
285 after the normal retirement date, and for subsequent years, A is  
286 1.68 percent of the member's average final compensation.  
287 Notwithstanding subparagraph 2., for creditable years of special  
288 risk service through employment as a 911 public safety  
289 telecommunicator as provided in s. 121.0515(3)(j), the amount of  
290 monthly benefit shall be calculated in accordance with this

23-00759-18

2018606\_\_

291 subparagraph.

292 2. For creditable years of special risk service, A is:

293 a. Two percent of the member's average final compensation  
294 for all creditable years before ~~prior to~~ October 1, 1974;

295 b. Three percent of the member's average final compensation  
296 for all creditable years after September 30, 1974, and before  
297 October 1, 1978;

298 c. Two percent of the member's average final compensation  
299 for all creditable years after September 30, 1978, and before  
300 January 1, 1989;

301 d. Two and two-tenths percent of the member's final monthly  
302 compensation for all creditable years after December 31, 1988,  
303 and before January 1, 1990;

304 e. Two and four-tenths percent of the member's average  
305 final compensation for all creditable years after December 31,  
306 1989, and before January 1, 1991;

307 f. Two and six-tenths percent of the member's average final  
308 compensation for all creditable years after December 31, 1990,  
309 and before January 1, 1992;

310 g. Two and eight-tenths percent of the member's average  
311 final compensation for all creditable years after December 31,  
312 1991, and before January 1, 1993;

313 h. Three percent of the member's average final compensation  
314 for all creditable years after December 31, 1992; and

315 i. Three percent of the member's average final compensation  
316 for all creditable years of service after September 30, 1978,  
317 and before January 1, 1993, for any special risk member who  
318 retires after July 1, 2000, or any member of the Special Risk  
319 Administrative Support Class entitled to retain the special risk

23-00759-18

2018606\_\_

320 normal retirement date who was a member of the Special Risk  
321 Class during the time period and who retires after July 1, 2000.

322 3. For creditable years of Senior Management Service Class  
323 service after January 31, 1987, A is 2 percent;

324 4. For creditable years of Elected Officers' Class service  
325 as a Supreme Court Justice, district court of appeal judge,  
326 circuit judge, or county court judge, A is 3 1/3 percent of the  
327 member's average final compensation, and for all other  
328 creditable service in such class, A is 3 percent of average  
329 final compensation;

330 (b) B is the number of the member's years and any  
331 fractional part of a year of creditable service earned  
332 subsequent to November 30, 1970; and

333 (c) C is the normal retirement benefit credit brought  
334 forward as of November 30, 1970, by a former member of an  
335 existing system. Such normal retirement benefit credit shall be  
336 determined as the product of X and Y when X is the percentage of  
337 average final compensation which the member would have been  
338 eligible to receive if the member had attained his or her normal  
339 retirement date as of November 30, 1970, all in accordance with  
340 the existing system under which the member is covered on  
341 November 30, 1970, and Y is average final compensation as  
342 defined in s. 121.021(24). However, any member of an existing  
343 retirement system who is eligible to retire and who does retire,  
344 become disabled, or die prior to April 15, 1971, may have his or  
345 her retirement benefits calculated on the basis of the best 5 of  
346 the last 10 years of service.

347 (d) A member's average final compensation shall be  
348 determined by formula to obtain the coverage for the 5 highest

23-00759-18

2018606\_\_

349 fiscal years' salaries, calculated as provided by rule.

350 Section 3. Subsections (4) and (5) of section 121.71,  
 351 Florida Statutes, are amended to read:

352 121.71 Uniform rates; process; calculations; levy.—

353 (4) Required employer retirement contribution rates for  
 354 each membership class and subclass of the Florida Retirement  
 355 System for both retirement plans are as follows:  
 356

Membership Class	Percentage of Gross Compensation, Effective July 1, 2017
357	
358 Regular Class	2.90%
359 Special Risk Class	11.86%
360 Special Risk Administrative Support Class	3.83%
361 Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys,	6.45%

23-00759-18 2018606\_\_

362	Public Defenders	
363	Elected Officers' Class— Justices, Judges	11.67%
364	Elected Officers' Class— County Elected Officers	8.54%
365	Senior Management Class	4.29%
366	DROP	4.17%
367		
		<u>Percentage of</u>
		<u>Gross</u>
		<u>Compensation,</u>
		<u>Effective</u>
368	<u>Membership Subclass</u>	<u>July 1, 2018</u>
369	<u>Special Risk</u>	
	<u>911 Public Safety</u>	
370	<u>Telecommunicators</u>	<u>X.XX%</u>

371 (5) In order to address unfunded actuarial liabilities of  
 372 the system, the required employer retirement contribution rates  
 373 for each membership class and subclass of the Florida Retirement  
 374 System for both retirement plans are as follows:

23-00759-18

2018606\_\_

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	Percentage of Gross Compensation, Effective July 1, 2017
Membership Class	
Regular Class	3.30%
Special Risk Class	9.69%
Special Risk Administrative Support Class	29.08%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	42.69%
Elected Officers' Class— Justices, Judges	26.25%
Elected Officers' Class—	35.24%

23-00759-18

2018606\_\_

County Elected Officers

384

Senior Management Service  
Class

16.70%

385

DROP

7.43%

386

387

Percentage of  
Gross  
Compensation,  
Effective  
July 1, 2018

Membership Subclass

388

389

Special Risk

911 Public Safety

Telecommunicators

X.XX%

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Section 4. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida



23-00759-18

2018606\_\_

400 Statutes. Therefore, the Legislature determines and declares  
401 that this act fulfills an important state interest.

402 Section 5. This act shall take effect July 1, 2018.