

By Senator Jones

35-00818-21

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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 for
 7 Regular Class members; conforming cross-references;
 8 amending s. 121.091, F.S.; conforming a provision to
 9 changes made by the act; amending s. 121.71, F.S.;
 10 specifying the required employer retirement
 11 contribution rates for the new membership subclass of
 12 911 public safety telecommunicators; declaring that
 13 the act fulfills an important state interest;
 14 providing an effective date.

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

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

21 121.0515 Special Risk Class.—

22 (2) MEMBERSHIP.—

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

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

28 (a) Effective October 1, 1978, the member must be employed
 29 as a law enforcement officer and be certified, or required to be

35-00818-21

2021736__

30 certified, in compliance with s. 943.1395, except that, ~~however,~~
31 sheriffs and elected police chiefs are not required to be
32 certified ~~excluded from meeting the certification requirements~~
33 ~~of this paragraph~~. In addition, the member's duties and
34 responsibilities must include the pursuit, apprehension, and
35 arrest of law violators or suspected law violators; or as of
36 July 1, 1982, the member must be an active member of a bomb
37 disposal unit whose primary responsibility is the location,
38 handling, and disposal of explosive devices; or the member must
39 be the supervisor or command officer of a member or members who
40 have such responsibilities. Administrative support personnel,
41 including, but not limited to, those whose primary duties and
42 responsibilities are in accounting, purchasing, legal, and
43 personnel, are not included;

44 (b) Effective October 1, 1978, the member must be employed
45 as a firefighter and be certified, or required to be certified,
46 in compliance with s. 633.408 and be employed solely within the
47 fire department of a local government employer or an agency of
48 state government with firefighting responsibilities. In
49 addition, the member's duties and responsibilities must include
50 on-the-scene fighting of fires; as of October 1, 2001, fire
51 prevention or firefighter training; as of October 1, 2001,
52 direct supervision of firefighting units, fire prevention, or
53 firefighter training; or as of July 1, 2001, aerial firefighting
54 surveillance performed by fixed-wing aircraft pilots employed by
55 the Florida Forest Service of the Department of Agriculture and
56 Consumer Services; or the member must be the supervisor or
57 command officer of a member or members who have such
58 responsibilities. Administrative support personnel, including,

35-00818-21

2021736__

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

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

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

35-00818-21

2021736__

88 officer of one or more members who have such responsibility.
89 Administrative support personnel, including, but not limited to,
90 those whose primary responsibilities are in accounting,
91 purchasing, legal, and personnel, are not included;

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

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

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

35-00818-21

2021736__

- 117 7. Psychological Services Director—DCF (class code 5242);
118 8. Pharmacist (class codes 5245 and 5246);
119 9. Senior pharmacist (class codes 5248 and 5249);
120 10. Dentist (class code 5266);
121 11. Senior dentist (class code 5269);
122 12. Registered nurse (class codes 5290 and 5291);
123 13. Senior registered nurse (class codes 5292 and 5293);
124 14. Registered nurse specialist (class codes 5294 and
125 5295);
126 15. Clinical associate (class codes 5298 and 5299);
127 16. Advanced practice registered nurse (class codes 5297
128 and 5300);
129 17. Advanced practice registered nurse specialist (class
130 codes 5304 and 5305);
131 18. Registered nurse supervisor (class codes 5306 and
132 5307);
133 19. Senior registered nurse supervisor (class codes 5308
134 and 5309);
135 20. Registered nursing consultant (class codes 5312 and
136 5313);
137 21. Quality management program supervisor (class code
138 5314);
139 22. Executive nursing director (class codes 5320 and 5321);
140 23. Speech and hearing therapist (class code 5406); or
141 24. Pharmacy manager (class code 5251);
142 (g) Effective October 1, 2005, through June 30, 2008, the
143 member must be employed by a law enforcement agency or medical
144 examiner's office in a forensic discipline recognized by the
145 International Association for Identification and must qualify

35-00818-21

2021736__

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

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

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

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

35-00818-21

2021736__

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

181 (j) Effective July 1, 2021, the member must be employed as
182 a 911 public safety telecommunicator as defined in s. 401.465.

183 However:

184 1. Upon his or her retirement, the member shall have his or
185 her benefits calculated in accordance with the Regular Class
186 benefit provisions of s. 121.091(1) (a)1.; or

187 2. For all 911 telecommunicators certified on or before
188 December 31, 2011, the number of creditable years for full
189 retirement eligibility shall be 25 years without penalty; or

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

197 1. The ability to qualify for the class of membership
198 defined in paragraph (2) (h) occurs when two licensed medical
199 physicians, one of whom is a primary treating physician of the
200 member, certify the existence of the physical injury and medical
201 condition that constitute a qualifying injury as defined in this
202 paragraph and that the member has reached maximum medical
203 improvement after August 1, 2008. The certifications from the

35-00818-21

2021736__

204 licensed medical physicians must include, at a minimum, that the
205 injury to the special risk member has resulted in a physical
206 loss, or loss of use, of at least two of the following: left
207 arm, right arm, left leg, or right leg; and that:

208 a. The ~~That this~~ physical loss or loss of use is total and
209 permanent, unless ~~except if~~ the loss of use is due to a physical
210 injury to the member's brain, in which event the loss of use is
211 permanent with at least 75 percent loss of motor function with
212 respect to each arm or leg affected.

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

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

219 d. ~~That~~ Use of artificial limbs is not possible or does not
220 alter the member's ability to perform the essential job
221 functions of the member's position.

222 e. ~~That~~ The physical loss or loss of use is a direct result
223 of a physical injury and not a result of any mental,
224 psychological, or emotional injury.

225 2. For the purposes of this paragraph, the term "qualifying
226 injury" means an injury sustained in the line of duty, as
227 certified by the member's employing agency, by a special risk
228 member that does not result in total and permanent disability as
229 defined in s. 121.091(4)(b). An injury is a qualifying injury if
230 the injury is a physical injury to the member's physical body
231 resulting in a physical loss, or loss of use, of at least two of
232 the following: left arm, right arm, left leg, or right leg.

35-00818-21

2021736__

233 Notwithstanding any other provision of this section, an injury
234 that would otherwise qualify as a qualifying injury is not
235 ~~considered~~ a qualifying injury if and when the member ceases
236 employment with the employer for whom he or she was providing
237 special risk services on the date the injury occurred.

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

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

252 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

253 (d) Notwithstanding any other provision of this subsection,
254 this subsection does not apply to any special risk member who
255 qualifies for continued membership pursuant to paragraph (3) (k)
256 ~~(3) (j)~~.

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

259 121.091 Benefits payable under the system.—Benefits may not
260 be paid under this section unless the member has terminated
261 employment as provided in s. 121.021(39) (a) or begun

35-00818-21

2021736__

262 participation in the Deferred Retirement Option Program as
263 provided in subsection (13), and a proper application has been
264 filed in the manner prescribed by the department. The department
265 may cancel an application for retirement benefits when the
266 member or beneficiary fails to timely provide the information
267 and documents required by this chapter and the department's
268 rules. The department shall adopt rules establishing procedures
269 for application for retirement benefits and for the cancellation
270 of such application when the required information or documents
271 are not received.

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

283 (a)1. For creditable years of Regular Class service, A is
284 1.60 percent of the member's average final compensation, up to
285 the member's normal retirement date. Upon completion of the
286 first year after the normal retirement date, A is 1.63 percent
287 of the member's average final compensation. Following the second
288 year after the normal retirement date, A is 1.65 percent of the
289 member's average final compensation. Following the third year
290 after the normal retirement date, and for subsequent years, A is

35-00818-21

2021736__

291 1.68 percent of the member's average final compensation.
292 Notwithstanding subparagraph 2., for creditable years of special
293 risk service through employment as a 911 public safety
294 telecommunicator as provided in s. 121.0515(3)(j), the amount of
295 monthly benefit shall be calculated in accordance with this
296 subparagraph.

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

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

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

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

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

309 e. Two and four-tenths percent of the member's average
310 final compensation for all creditable years after December 31,
311 1989, and before January 1, 1991;

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

315 g. Two and eight-tenths percent of the member's average
316 final compensation for all creditable years after December 31,
317 1991, and before January 1, 1993;

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

35-00818-21

2021736__

320 i. Three percent of the member's average final compensation
321 for all creditable years of service after September 30, 1978,
322 and before January 1, 1993, for any special risk member who
323 retires after July 1, 2000, or any member of the Special Risk
324 Administrative Support Class entitled to retain the special risk
325 normal retirement date who was a member of the Special Risk
326 Class during the time period and who retires after July 1, 2000.

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

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

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

338 (c) C is the normal retirement benefit credit brought
339 forward as of November 30, 1970, by a former member of an
340 existing system. Such normal retirement benefit credit shall be
341 determined as the product of X and Y when X is the percentage of
342 average final compensation which the member would have been
343 eligible to receive if the member had attained his or her normal
344 retirement date as of November 30, 1970, all in accordance with
345 the existing system under which the member is covered on
346 November 30, 1970, and Y is average final compensation as
347 defined in s. 121.021(24). However, any member of an existing
348 retirement system who is eligible to retire and who does retire,

35-00818-21

2021736__

349 become disabled, or die prior to April 15, 1971, may have his or
 350 her retirement benefits calculated on the basis of the best 5 of
 351 the last 10 years of service.

352 (d) A member's average final compensation shall be
 353 determined by formula to obtain the coverage for the 5 highest
 354 fiscal years' salaries, calculated as provided by rule.

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

357 121.71 Uniform rates; process; calculations; levy.—

358 (4) Required employer retirement contribution rates for
 359 each membership class and subclass of the Florida Retirement
 360 System for both retirement plans are as follows:

361

362

Membership Class	Percentage of Gross Compensation, Effective July 1, 2020
Regular Class	4.84%
Special Risk Class	15.13%
Special Risk Administrative Support Class	9.89%

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35-00818-21

2021736__

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Elected Officers' Class—	8.38%
Legislators, Governor,	
Lt. Governor,	
Cabinet Officers,	
State Attorneys,	
Public Defenders	

368

Elected Officers' Class—	13.31%
Justices, Judges	

369

Elected Officers' Class—	10.07%
County Elected Officers	

370

Senior Management Class	6.39%
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371

DROP	7.03%
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372

<u>Membership Subclass</u>	<u>Percentage of</u>
	<u>Gross</u>
	<u>Compensation,</u>
	<u>Effective</u>
	<u>July 1, 2021</u>

373

<u>Special Risk</u>	
<u>911 Public Safety</u>	
<u>Telecommunicators</u>	<u>X.XX%</u>

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375

(5) In order to address unfunded actuarial liabilities of

35-00818-21 2021736__

376 the system, the required employer retirement contribution rates
 377 for each membership class and subclass of the Florida Retirement
 378 System for both retirement plans are as follows:

	Membership Class	Percentage of Gross Compensation, Effective July 1, 2020
381		
382	Regular Class	3.44%
383	Special Risk Class	7.60%
384	Special Risk Administrative Support Class	24.23%
385	Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	48.81%
386	Elected Officers' Class—	24.70%

35-00818-21 2021736__

Justices, Judges

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Elected Officers' Class-	37.39%
County Elected Officers	

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Senior Management Service Class	19.18%
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DROP	8.29%
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<u>Membership Subclass</u>	<u>Percentage of</u>
	<u>Gross</u>
	<u>Compensation,</u>
	<u>Effective</u>
	<u>July 1, 2021</u>

391

Special Risk

911 Public Safety

Telecommunicators

X.XX%

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

35-00818-21

2021736__

403 that this act fulfills an important state interest.

404 Section 5. This act shall take effect July 1, 2021.