

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Retirement System; amending
7 s. 121.021, F.S.; redefining the term "compensation" to
8 include certain supplementary payments made to
9 firefighters, paramedics, and emergency medical
10 technicians; providing legislative findings and a
11 declaration of important state interest; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (22) of section
17 121.021, Florida Statutes, is amended to read:

18 121.021 Definitions.--The following words and phrases as
19 used in this chapter have the respective meanings set forth
20 unless a different meaning is plainly required by the context:

21 (22) "Compensation" means the monthly salary paid a member
22 by his or her employer for work performed arising from that
23 employment.

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- 24 (a) Compensation shall include:
- 25 1. Overtime payments paid from a salary fund.
- 26 2. Accumulated annual leave payments.
- 27 3. Payments in addition to the employee's base rate of pay
- 28 if all the following apply:
- 29 a. The payments are paid according to a formal written
- 30 policy that applies to all eligible employees equally;
- 31 b. The policy provides that payments shall commence no
- 32 later than the 11th year of employment;
- 33 c. The payments are paid for as long as the employee
- 34 continues his or her employment; and
- 35 d. The payments are paid at least annually.
- 36 4. Amounts withheld for tax sheltered annuities or
- 37 deferred compensation programs, or any other type of salary
- 38 reduction plan authorized under the Internal Revenue Code.
- 39 5. Payments made in lieu of a permanent increase in the
- 40 base rate of pay, whether made annually or in 12 or 26 equal
- 41 payments within a 12-month period, when the member's base pay is
- 42 at the maximum of his or her pay range. When a portion of a
- 43 member's annual increase raises his or her pay range and the
- 44 excess is paid as a lump sum payment, such lump sum payment
- 45 shall be compensation for retirement purposes.
- 46 6. Effective July 1, 2002, salary supplements made
- 47 pursuant to s. 1012.72 requiring a valid National Board for
- 48 Professional Standards certificate, notwithstanding the
- 49 provisions of subparagraph 3.
- 50 7. Effective July 1, 2006, and notwithstanding the
- 51 provisions of subparagraph 3., any salary supplement received by

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52 a firefighter, paramedic, or emergency medical technician if
53 each of the following criteria applies:

54 a. The salary supplement is a recurring payment received
55 at least quarterly and in addition to the employee's regular or
56 overtime salary.

57 b. The salary supplement is received for assignment,
58 certifications, qualifications, or successful completion of
59 employer-approved education as provided in a formal written
60 policy or contract that applies to all firefighters, paramedics,
61 or emergency medical technicians.

62
63 Any salary supplement meeting the criteria of this subparagraph
64 that was received by the Division of Retirement for employment
65 prior to March 1, 2006, and that has not been returned to the
66 contributing employer or credited to the employee by July 1,
67 2006, shall also be compensation and credited to the employee.

68 Section 2. It is declared by the Legislature that
69 firefighters, emergency medical technicians, and paramedics
70 perform state and municipal functions; that it is their duty to
71 protect life and property at their own risk and peril; that it
72 is their duty to continuously instruct school personnel, public
73 officials, and private citizens about safety; and that their
74 activities are vital to the public safety. Therefore, the
75 Legislature declares that it is a proper and legitimate state
76 purpose to provide a uniform retirement system for the benefit
77 of firefighters, emergency medical technicians, and paramedics
78 and intends, in implementing the provisions of s. 14, Art. X of
79 the State Constitution as they relate to municipal and special

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80 district pension trust fund systems and plans, that such
81 retirement systems or plans be managed, administered, operated,
82 and funded in such manner as to maximize the protection of
83 pension trust funds. Pursuant to s. 18, Art. VII of the State
84 Constitution, the Legislature determines and declares that the
85 provisions of this act fulfill an important state interest.

86 Section 3. This act shall take effect July 1, 2006.