

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 5007 PCB APC 20-04 State-administered Retirement Systems

SPONSOR(S): Appropriations Committee, Cummings

TIED BILLS: **IDEN./SIM. BILLS:** SB 7044

FINAL HOUSE FLOOR ACTION: 111 Y's 5 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 5007 passed the House on February 13, 2020, and subsequently passed the Senate on February 13, 2020.

The Florida Retirement System (FRS) is a multiple-employer, contributory plan that provides retirement income benefits for employees of the state and county government agencies, district school boards, state colleges, and universities and it also serves as the retirement plan for participating employees of the cities and independent hospitals and special districts that have elected to join the system. Members of the FRS have two plan options available for participation: the pension plan, which is a defined benefit plan, and the investment plan, which is a defined contribution plan.

Current law requires an annual actuarial valuation of the FRS be provided by the administrator of the Department of Management Services and for the results to be reported to the Legislature by December 31 of each year. Thereafter, the Legislature uses the results of the actuarial valuation to establish uniform employer contribution rates during the next Legislative Session to ensure the FRS is funded in a sound actuarial manner.

Effective July 1, 2020, the bill revises the employer contribution rates for the FRS based on the 2019 Actuarial Valuation.

The application of the rates recommended in the 2019 Actuarial Valuation of the FRS will have a significant fiscal impact to funds appropriated by the Legislature associated with employee salaries and benefits. Provisions of the bill relating to employer retirement contribution rates will increase amounts agencies must pay for employee retirement benefits. See Fiscal Comments.

The bill was approved by the Governor on June 29, 2020, ch. 2020-116, L.O.F., and became effective on July 1, 2020.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.¹

The FRS is a multiple-employer, contributory plan² governed by the Florida Retirement System Act.³ As of June 30, 2019, the FRS provides retirement income benefits to 647,942 active members,⁴ 424,895 retired members and beneficiaries, and 32,670 members of the Deferred Retirement Option Program (DROP).⁵ It is the primary retirement plan for employees of state and county government agencies, district school boards, state colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 176 cities and 138 independent hospitals and special districts that have elected to join the system.⁶

Section 121.031, F.S., requires that an annual actuarial study of the FRS be provided by the administrator of the system (the Department of Management Services) and for the results to be reported to the Legislature by December 31 of each year. Thereafter, the Legislature uses the report in establishing the uniform contribution rates in law during the next regular legislative session.

The membership of the FRS is divided into five membership classes:⁷

- Regular Class⁸ consists of 562,260 members (86.78 percent of the membership);
- Special Risk Class⁹ includes 75,386 members (11.64 percent);
- Special Risk Administrative Support Class¹⁰ has 101 members (0.01 percent);
- Elected Officers' Class¹¹ has 2,200 members (0.34 percent); and
- Senior Management Service Class¹² has 7,981 members (1.23 percent).

¹ *Florida Retirement System Pension Plan And Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2019*, at 37. A copy of the report can be found online at: http://www.dms.myflorida.com/workforce_operations/retirement/publications/annual_reports [hereinafter *Annual Report*].

² Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class members or 6 percent for Special Risk Class members. Members were again required to contribute to the system after June 30, 2011.

³ Chapter 121, F.S.

⁴ As of June 30, 2019, the FRS Pension Plan, which is a defined benefit plan, had 502,146 members, and the investment plan, which is a defined contribution plan, had 145,796 members. *Annual Report*, *supra* note 1, at 160.

⁵ *Id.*

⁶ *Id.*, at 195.

⁷ *Annual Report*, *supra* note 1, at 163.

⁸ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁹ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics, and emergency technicians, among others. Section 121.0515, F.S.

¹⁰ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the FRS. Section 121.0515(8), F.S.

¹¹ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

¹² The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:

- The pension plan, which is a defined benefit plan; and
- The investment plan, which is a defined contribution plan.

Certain members, as specified by law and position title, may, in lieu of FRS participation, participate in optional retirement plans.

FRS Investment Plan

In 2000, the Legislature created the Public Employee Optional Retirement Program (investment plan), a defined contribution plan offered to eligible employees as an alternative to the pension plan. The earliest that any member could participate in the investment plan was July 1, 2002.

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹³ The SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.¹⁴

A member vests immediately in all employee contributions paid to the investment plan.¹⁵ With respect to the employer contributions, a member vests after completing one work year with an FRS employer.¹⁶ Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.¹⁷

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and investment earnings. Benefits are provided through employee-directed investments offered by approved investment providers. The amount of money contributed to each member's account varies by class as follows:

Membership Class	Percentage of Gross Compensation¹
Regular Class	6.30%
Special Risk Class	14.00%
Special Risk Administrative Support Class	7.95%
Elected Officers' Class	
• Justices and Judges	13.23%
• County Elected Officers	11.34%
• Others	9.38%
Senior Management Service Class	7.67%

¹ Includes the three percent employee contribution.

FRS Pension Plan

The pension plan is a defined benefit plan that is administered by the secretary of the Department of Management Services (DMS) through the Division of Retirement.¹⁸ Investment management is handled by the SBA.

¹³ Section 121.4501(8), F.S.

¹⁴ Section 4(e), Art. IV, Fla. Const.

¹⁵ Section 121.4501(6)(a), F.S.

¹⁶ If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b) – (d), F.S.

¹⁷ Section 121.591, F.S.

¹⁸ Section 121.025, F.S.

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.¹⁹ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.²⁰ A member vests immediately in all employee contributions paid to the pension plan.

For most members of the pension plan, normal retirement occurs at the earliest attainment of 30 years of service or age 62.²¹ For members in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.²² Members initially enrolled in the pension plan on or after July 1, 2011, must complete 33 years of service or attain age 65, and members in the Special Risk and Special Risk Administrative Support Classes must complete 30 years of service or attain age 60.²³

Contribution Rates

FRS employers are responsible for contributing a set percentage of the member's monthly compensation to the division to be distributed into the FRS Contributions Clearing Trust Fund. The employer contribution rate is a blended contribution rate set by statute, which is the same percentage regardless of whether the member participates in the pension plan or the investment plan.²⁴ The rate is determined annually based on an actuarial study by DMS that calculates the necessary level of funding to support all of the benefit obligations under both FRS retirement plans.

Effect of the Bill

The bill establishes the employer contribution rates for the normal costs and the unfunded actuarial liability (UAL) of the FRS, as determined by the July 1, 2019 Annual Valuation, necessary to adequately fund the program. The normal and UAL rates were 'blended' with the investment plan allocations and salaries to establish employer contribution rates. The proposed employer contributions for fiscal year 2020-2021 compared to the rates currently in effect, are contained in the table below.

Membership Class	"Blended" Normal Costs		Unfunded Actuarial Liability		Combined Contribution Rates	
	7/1/2019	7/1/2020	7/1/2019	7/1/2020	7/1/2019	7/1/2020
Regular Class	3.19%	4.84%	3.56%	3.44%	6.75%	8.28%
Special Risk Class	12.61%	15.13%	11.15%	7.60%	23.76%	22.73%
Special Risk Administrative Class	3.61%	9.89%	33.26%	24.23%	36.87%	34.12%
Elected Officer Class						
Leg/Gov/SAs/PDs	6.67%	8.38%	47.64%	48.81%	54.31%	57.19%
Judges	12.30%	13.31%	27.98%	24.70%	40.28%	38.01%
County Officers	8.73%	10.07%	38.37%	37.39%	47.10%	47.46%
Senior Management	4.60%	6.39%	19.09%	19.18%	23.69%	25.57%
DROP	4.68%	7.03%	8.26%	8.29%	12.94%	15.32%

Important State Interest

The bill declares that it fulfills an important state interest. It provides that a proper and legitimate state purpose is served by the bill, which includes providing benefits that are managed, administered, and funded in an actuarially sound manner.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

FISCAL IMPACT ON STATE GOVERNMENT:

¹⁹ Section 121.021(45)(a), F.S.

²⁰ Section 121.021(45)(b), F.S.

²¹ Section 121.021(29)(a)1., F.S.

²² Section 121.021(29)(b)1., F.S.

²³ Section 121.021(29)(a)2. and (b)2., F.S.

²⁴ Section 121.70(1), F.S.

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

A. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

C. FISCAL COMMENTS:

The application of the rates recommended in the 2019 Actuarial Valuation of the FRS will have a significant fiscal impact on funds to be paid into the Florida Retirement System Trust Fund.

The total combined employer contributions estimated to be paid into the Florida Retirement System Trust Fund in Fiscal Year 2020-2021 will increase by approximately \$404.6 million above the contributions paid in Fiscal Year 2019-2020. The estimated increase in contributions by employer contribution group for Fiscal Year 2020-2021 are as follows:

Employer Contribution Group	Estimated Increase In Contributions
State Agencies	\$47.0 Million
School Boards	\$232.7 Million
State Universities	\$21.6 Million
Colleges	\$18.6 Million
Counties	\$61.0 Million
Other	\$23.6 Million
Total:	\$404.6 Million