



Broward County Chiefs of Police Association, Inc.

## ***Legal Update***

**Legal Advisor Committee**

**Joel Cantor**  
**Major Mike Martinez**  
954-967-4490

June 2, 2011

### **SUCCESSSES AND MOSTLY FAILURES OF THE 2011 LEGISLATIVE AGENDA**

Please see below how some of our closely watched bills that were referenced in previous legal updates fared during the 2011 Legislative Session. Not one claims bill presented during this session was endorsed by the Legislature, although several of these claims bills were actually settled prior to or during the session.

#### **HOUSE BILL 783/SENATE BILL 890      PUBLIC SAFETY TELECOMMUNICATORS**

This bill that sought to exempt sworn state-certified law enforcement officers from certification requirements for public safety telecommunicators failed in the House.

#### **HOUSE BILL 411/SENATE BILL 416      PUBLIC RECORDS**

This bill that sought an exemption from public records requirements for photographs, video and audio recordings that depict or record the killing of a person failed in a House subcommittee.

#### **HOUSE BILL 79/SENATE BILL 80      TEXTING WHILE DRIVING**

This bill that sought to prohibit the use of a wireless communication device while operating a motor vehicle failed on the House and Senate floors.

#### **HOUSE BILL 821/SENATE BILL 1206      EYEWITNESS IDENTIFICATION**

This bill sought to substantially change how law enforcement agencies could use live or photographic line-ups to help a witness identify a perpetrator. This bill failed. The Florida Police Chiefs Association, the Florida Sheriffs Association and the Florida Prosecuting Attorneys Association will be working together to develop standards and/or guidelines for a uniform policy by all law enforcement agencies. Accredited law enforcement agencies will be required to incorporate into policy by 2012.

#### **SENATE BILL 830/HOUSE BILL 1021      LABOR AND EMPLOYMENT UNION ACTIVITIES**

This bill, which sought to prohibit an agency or any other branch of local government from deducting from employee wages, the dues, uniform assessments, penalties or special assessments of an employee organization or contributions made for purposes of political activity, failed.

#### **SENATE BILL 2100      CHANGES TO FLORIDA RETIREMENT SYSTEM**

For those who contribute into the Florida Retirement System (FRS), please see the attachment that explains several of the changes to retirement benefits. This bill has not become law yet, although we anticipate the Governor's signature shortly.

## Florida Retirement System

### 2011 Legislative Changes

**Senate Bill 2100** made several changes to the **Florida Retirement System (FRS)**. Though this bill has not become law, we know you have many questions and want to present information to help you understand these changes. For **current retirees**: Benefits were not changed during the 2011 legislative session; the annual FRS cost-of-living adjustment remains at 3%, and the Retiree Health Insurance Subsidy (HIS) benefit did not change.

Listed below are the key changes made in this legislation:

#### Employee Contributions

- Effective July 1, 2011, FRS members **must** contribute **3%** of their salary as retirement contributions, on a pre-tax basis (the salary is reduced by the amount of the employee contribution before determining the federal income tax deduction). The employer will automatically deduct the employee contributions.
- Members participating in the **Deferred Retirement Option Program (DROP)** and **re-employed retirees** who are not allowed to renew membership will not be required to make 3% contributions.

#### DROP

- Members with an effective DROP begin date on or before June 2011 will retain an annual interest rate of **6.5%**.
- The annual DROP interest rate will be **1.3%** for members whose DROP participation begins on or after July 1, 2011.

#### Cost-of Living Adjustment (COLA)

- Members with an effective retirement date or DROP begin date before August 1, 2011, will not have a change in their 3% COLA.
- Members with an effective retirement date or DROP begin date on or after August 1, 2011, will have an **individually calculated COLA** that is a reduction from 3% using the following formula:
  - The total years of service before July 1, 2011, divided by the total years of service at retirement. Multiply this number by 3% to get the retiree's COLA.

For example: a member who retires effective July 1, 2012, with 30 years of service of which 29 years occurred before July 1, 2011:

$$29/30 = .9667 \times 3\% = 2.9\%.$$

This member will receive a 2.9% COLA each July.

#### Changes for Members First Enrolled in the FRS on or after July 1, 2011

- **Vesting** for Pension Plan benefit eligibility will be after the completion of 8 years of creditable service.
- The average final compensation (AFC) used in calculating retirement benefits will be the highest 8 fiscal years of salary.
- The definition of "**normal retirement date**" is changed:
  - Members of the Regular Class, Senior Management Service Class and Elected Officers' Class will reach their normal retirement date:
    - a. The first day of the month after the member reaches age 65 and is vested; or
    - b. The first day of the month following the date the member completes 33 years of creditable service, regardless of age before age 65.
  - Members of the Special Risk Class will reach their normal retirement date:
    - a. The first day of the month after the member reaches age 60 and is vested; or
    - b. The first day of the month following the date the member completes 30 years of creditable service in the Special Risk Class, regardless of age before age 60; or
    - c. The first day of the month following the date the member reaches age 57 and completes 30 years of service comprised of Special Risk Class service and up to 4 years wartime military service purchased under Section 121.111, Florida Statutes.