

House Bill No. 749

An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; establishing a Correctional Officers Pension Fund within the City of Jacksonville's 1937 General Employee's Pension Fund and an additional funding source for pension benefits for correctional officers of the Office of the Sheriff; providing an effective date.

WHEREAS, the City of Jacksonville, Office of the Sheriff, employs approximately 670 correctional officers whose primary responsibility is the lawful detainment, supervision, protection, custody and control, and investigation of all inmates within the precincts of the Duval County jails and prisons, and

WHEREAS, the correctional officers of the City of Jacksonville, Office of the Sheriff, provide valuable services to the city by administering drug treatment, work release, and other programs for persons sentenced through the criminal justice system, and

WHEREAS, the correctional officers of the City of Jacksonville, Office of the Sheriff, perform duties which present higher risk of injury and exposure to communicable diseases such as AIDS, tuberculosis, and hepatitis than do other employees covered under the 1937 Pension Fund for the Employees of the City of Jacksonville, and

WHEREAS, the correctional officers of the City of Jacksonville, Office of the Sheriff, are the only correctional officers in the counties or the State of Florida not allowed the benefits extended through a special risk pension trust, and

WHEREAS, current pension benefits are inadequate to provide pension benefits and protection for the correctional officers of the City of Jacksonville, Office of the Sheriff, commensurate with the pension benefits provided to other local law enforcement or firesafety employees, as well as employees of other like agencies throughout the state, and

WHEREAS, the proceeds of the additional funding from the administrative surcharge provided for in this act shall be applied to the costs of maintaining the pretrial and posttrial detention facilities of the City of Jacksonville, which costs include the expense of maintaining a pension for corrections officers necessary to recruit and maintain an adequate workforce, and

WHEREAS, the administrative surcharge provided for in this act bears a direct and reasonable relationship to the cost of the administration of the Duval County corrections system, which includes the salaries and benefits of correctional officers who are involved directly in the booking, supervision, protection, custody and control, and investigation of detainees, NOW, THEREFORE,

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

Section 1. Section 16.06 of chapter 92-341, Laws of Florida, as amended, is created to read:

ARTICLE 16. RETIREMENT AND PENSION BENEFITS

Section 16.06. Funding and enhanced pension benefits for correctional officers.—

(1) There is hereby created within the 1937 General Employees Pension Fund of the City of Jacksonville a separate Correctional Officers Pension Fund for all correctional officers employed by the City of Jacksonville on the effective date of this act and for those to be hired in the future. All assets and accrued benefits, employee contributions, and employer contributions, including interest, for all affected correctional officers in the 1937 Pension Fund for the Employees of the City of Jacksonville shall be transferred to the Correctional Officers Pension Fund, which shall be administered separately by the Board of Pension Trustees administering the 1937 General Employees Pension Fund, except that a separate three-member Correctional Officers Advisory Committee shall be established to perform the same functions for this fund as are performed by the General Employees Pension Advisory Committee. The chair of the Correctional Officers Advisory Committee shall serve on the Board of Pension Trustees for all matters directly related to the Correctional Officers Pension Fund in lieu of the chair of the General Employees Advisory Committee. The City Council of the City of Jacksonville shall be responsible for implementing this act and for establishing benefits for participants in the Correctional Officers Pension Fund. The benefits for current participants and future retirees of the Correctional Officers Pension Fund shall be identical to those presently provided to participants and retirees in the 1937 General Employees Pension Fund, subject to those improvements deemed necessary by the city council to address inadequacies in current benefits and funding.

(2) In support of remediating the cost of housing, boarding, and caring for detainees held in the City of Jacksonville's pretrial and posttrial detention facilities by providing separate and additional funds for the enhancement of pension benefits of the correctional officers of the City of Jacksonville, Office of the Sheriff, each person who is arrested and booked into a consolidated City of Jacksonville corrections facility shall pay an administrative surcharge of \$20, which sum shall be deposited into the City of Jacksonville's Correctional Officers Pension Fund. Such surcharge funds shall be accounted for separately and used only to supplement the pension benefits for those members who are classified as correctional officers of the City of Jacksonville, Office of the Sheriff, and are members of said fund. The city shall provide procedures for refunds or waivers of the administrative surcharge for those detainees:

- (a) Against whom charges are dropped or not pursued;
- (b) Who are acquitted of the charges;

(c) Who are unable to pay due to indigency; or

(d) Who demonstrate a legal basis for relief from such payment.

No detainee shall be subject to continued detention, be denied access to judicial process or legal counsel, or be subject to penalty solely because of nonpayment of the administrative surcharge.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.