

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB APC 14-07 Florida Retirement System

**SPONSOR(S):** Appropriations Committee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee	26 Y, 0 N	Delaney	Leznoff

### SUMMARY ANALYSIS

The Florida Retirement System (FRS) is a multi-employer, contributory plan that provides retirement benefits to 621,774 active members and 346,678 retired members and beneficiaries, and 38,724 members of the Deferred Retirement Option Program. It is the primary retirement plan for employees of the state and county government agencies, district school boards, state colleges and universities. The FRS also serves as the retirement plan for employees of cities and independent special districts that have made an irrevocable election to participate.

Members of the FRS have two plan options available for participation: the defined benefit plan, also known as the pension plan; and the defined contribution plan, also known as the investment plan.

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.

Section 112.363 F.S., provides for a retiree health insurance subsidy (HIS). The subsidy is paid to eligible retirees of the FRS. The amount of monthly subsidy is \$5 for each year of service in the FRS, not to exceed \$150. The subsidy is funded through FRS employer contributions. The current contribution rate is 1.20 percent of member salaries. Under the current contribution rate, the fund is expected to deplete its reserves by September 2015.

Effective July 1, 2014, the bill:

- Revises s. 121.71, F.S. to adjust the employer contribution rates for the FRS based on the 2013 Actuarial Valuation.
- Revises applicable sections of law to increase the employer contribution rate for the HIS from 1.20 to 1.26 percent.

The bill conforms the law to the proposed House of Representative 2014-15 General Appropriations Act (GAA) as retirement and HIS contributions are included in the GAA.

The bill provides that a proper and legitimate state purpose is served, which includes providing benefits that are managed, administered, and funded in a sound actuarially manner.

The bill has a significant negative fiscal impact to the state and local governments: \$78.7 million in General Revenue (state, district school boards, state colleges and universities) and \$13.0 million in trust funds; \$53.7 million to local governments (county agencies, certain municipalities and special districts.)

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED 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 pension plan. Prior to 1975, members of the FRS were required to make employee contributions. Regular Class members contributed four percent of their salary while Special Risk Class Members contributed six percent. The 2011 Legislature reinstated employee contributions whereby all Class members contribute three percent of their salary.

The Florida Retirement System Act<sup>1</sup> governs the FRS, which is a multi-employer, contributory plan that provides retirement income benefits to 621,774 active members, 347,962 retirees and 38,724 members of the Deferred Optional Retirement System (DROP)<sup>2</sup>. It is the primary retirement plan for employees of the state and county government agencies, district school boards, community colleges and state universities. The FRS also serves as the retirement plan for 185 municipalities and 251 independent special districts that have irrevocably elected to participate<sup>3</sup>.

The membership of the FRS is divided into five membership classes<sup>4</sup>:

- Regular Class<sup>5</sup>: 542,971 members (87.33 percent)
- Special Risk Class<sup>6</sup>: 68,800 members (11.07 percent)
- Special Risk Administrative Support<sup>7</sup>: 58 members (0.01 percent)
- Elected Officer Class<sup>8</sup>: 2,246 members (0.36 percent)
- Senior Management Services Class<sup>9</sup>: 7,660 members (1.23 percent)

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

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

- The defined benefit plan, also known as the pension plan.
- The defined contribution plan, also known as the investment plan.

##### 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 FRS defined benefit plan. The investment plan was available for participation as of July 1, 2002.<sup>10</sup> Benefits under the investment plan accrue in individual member accounts funded by employer and employee contributions. Investments are employee-directed into State Board of Administration (SBA) approved investment providers. Members

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<sup>1</sup> Chapter 121, F.S.

<sup>2</sup> *The Florida Retirement System Annual Report*, July 1, 2012 to June 30, 2013. The pension plan had 514,436 active members and the investment plan had 107,338 members.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Members who do not qualify for membership in another class (includes renewed members.)

<sup>6</sup> Members include law enforcement officers, firefighters, correctional officers, correctional probation officers, paramedics, emergency medical technicians, certain professional health care workers, and certain forensic workers.

<sup>7</sup> Members are former members of the special risk class who are transferred or reassigned to an administrative support position in certain circumstances.

<sup>8</sup> Members include holders of specified elected offices in either state or local government.

<sup>9</sup> Members are high level executive or legal staff as provided by law.

<sup>10</sup> Part II, chapter 121, F.S.

of the investment plan contribute three percent of their salaries to their accounts<sup>11</sup>. The remainder of the allocation comes from employer contributions.

A member vests in the investment plan after one-year with an FRS employer. Vested benefits are payable upon termination of employment or death as a lump-sum distribution, roll-over distribution, or periodic distribution. The investment plan also provides disability benefits, which is essentially an option to collect disability benefits as provided in the defined benefit plan.

The SBA is primarily responsible for administering the investment plan.<sup>12</sup> The SBA is comprised of the Governor as chair, the Chief Financial Officer and the Attorney General.

#### Pension Plan (Defined Benefit Plan)

The pension plan is administered by the secretary of the Department of Management Services through the Division of Retirement. Investment management of retirement funds is handled by the State Board of Administration.

Participants of the pension plan are required to contribute three percent of their salary.<sup>13</sup>

#### Contribution Rates

FRS employers are responsible for contributing a percentage of a member's monthly salary to the FRS Contributions Clearing Account Trust Fund in the Division of Retirement to fund the program. The employer contribution is a "blended contribution rate" set by statute<sup>14</sup>, as amended by the Legislature based on an annual actuarial valuation. The rate consists of a blending of the actuarially determined contribution rates necessary to fund the pension plan's normal cost and the allocations being made into investment plan accounts. The purpose of the blending is to establish the same employer contribution rates regardless of whether an employee participates in the pension plan or the investment plan.

#### Retiree Health Insurance Subsidy (HIS)

Section 112.363, Florida Statutes, provides for a retiree health insurance subsidy. The subsidy is paid from the Retiree Health Insurance Subsidy Trust Fund to eligible retirees in the FRS. The amount of the payment is \$5 a month for each year of service in the FRS, not less than \$30 a month or more than \$150.

The subsidy is funded through contributions from participating FRS employers. The current contribution rate is 1.20 percent of employees' salaries. The contribution is paid to the Division for deposit in the Retiree Health Insurance Trust Fund. The program has been historically funded on a pay-as-you go basis with minimal reserves being maintained. Sections 121.052, 121.055 and 121.071, F.S, also set forth the employer contributions for the HIS.

Information provided by the Division of Retirement to staff<sup>15</sup> indicated that under current administration and law is projected to deplete its reserves by September 2015. After that date, the trust fund may not have sufficient funds to pay the full monthly benefit to retirees.

### **Effects 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, 2013 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 years 2014-2015, compared to rates currently in effect, are contained in the table below.

### Proposed and Current FRS Employer Contribution Rates<sup>16</sup>

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<sup>11</sup> Section 121.71, F.S.

<sup>12</sup> Section 121.4501, F.S.

<sup>13</sup> *Id.* 11

<sup>14</sup> Sections 121.031 and 121.71, F.S.

<sup>15</sup> On file with the Appropriations Committee

<sup>16</sup> Do not include the Health Insurance Subsidy Contribution (1.20 percent) or Administrative Fee (.04 percent)

Membership Class	"Blended" Normal Costs		Unfunded Actuarial Liability	
	7/1/2013	7/1/2014	7/1/2013	7/1/2014
Regular Class	3.53%	3.53%	2.19%	2.54%
Special Risk Class	11.00%	11.01%	6.83%	7.51%
Special Risk Administrative Class	4.17%	4.18%	30.56%	36.59%
Elected Officer Class				
Leg/Gov/SAs/PDs	6.52%	6.30%	24.85%	38.66%
Judges	10.05%	10.05%	17.00%	21.77%
County Officers	8.44%	8.36%	23.36%	33.58%
Senior Management	4.81%	4.80%	12.27%	15.04%
DROP	4.63%	4.30%	7.01%	6.72%

In addition, the bill increases the employer-paid contributions for the HIS from 1.20 to 1.26 percent of salaries. This increase will delay the projected depletion of reserves to August 2016. An increase of equivalent magnitude will likely be needed for FY 2015-16 to maintain the ability of the fund to continue to meet its obligations.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 112.363, F.S., effective July 1, 2014, to increase the employer paid contribution to the Retiree Health Insurance Trust Fund from 1.20 percent to 1.26 percent of salary for each applicable member of the Florida Retirement System.

Section 2: Amends s. 121.052, F.S., effective July 1, 2014, to increase the employer paid contribution to the Retiree Health Insurance Trust Fund from 1.20 percent to 1.26 percent of salary for each applicable member of the Elected Officers' Class of the Florida Retirement System.

Section 3: Amends s. 121.055, F.S., effective July 1, 2014, to increase the employer paid contribution to the Retiree Health Insurance Trust Fund from 1.20 percent to 1.26 percent of salary for each applicable member of the Senior Management Service Class of the Florida Retirement System.

Section 4: Amends s. 121.071, F.S., effective July 1, 2014, to increase the employer paid contribution to the Retiree Health Insurance Trust Fund from 1.20 percent to 1.26 percent of salary for each applicable member of the Regular, Special Risk, Special Risk Administrative Support classes of the Florida Retirement System.

Section 5: Amends section 121.71, F.S. to set the uniform employer contribution rates and the rates required to address the normal cost and unfunded actuarial liability for each class and subclass of the Florida Retirement System, effective July 1, 2014.

Section 6: Provides that the act fulfills an important state interest.

Section 7: Provides an effective date of July 1, 2014.

#### B. SECTION DIRECTORY:

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments Section

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments Section

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The costs associated with funding the increases in the 'Blended' Normal Cost and Unfunded Actuarial Liability employer contribution rates are combined out in the following chart (millions of \$):

	Cost by Employer Group (\$ in millions)					
	FRS		HIS		TOTAL	
	GR	TF	GR	TF	GR	TF
<b>Entities Funded by the State</b>						
State	19.4	12.1	1.5	0.9	20.9	13.0
County School Boards	38.8		6.9		45.7	
State Universities	6.8		0.7		7.5	
State Colleges	4.1		0.5		4.6	
<i>Total</i>	<b>69.1</b>	<b>12.1</b>	<b>9.6</b>	<b>0.9</b>	<b>78.7</b>	<b>13.0</b>

<b>Other Entities not Funded by the State</b>						
Counties	40.5		4.1		44.6	
Municipalities/Special Districts/Other	8.2		0.9		9.1	
<i>Total</i>	<b>48.7</b>		<b>5.0</b>		<b>53.7</b>	
<i>Grand Total</i>	<i>117.8</i>	<i>12.1</i>	<i>14.6</i>	<i>0.9</i>	<i>132.4</i>	<i>13.0</i>

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because this bill requires counties and/or cities to spend money or take action that requires the expenditure of money; however, an exception applies as the Legislature has determined that this bill satisfies an important state interest and similarly situated persons are all required to comply.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**