

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Wasserman Schultz offered the following:

**Amendment (with title amendment)**

On page 5, line 7,

insert:

Section 1. Paragraph (c) is added to subsection (15) of section 121.021, Florida Statutes, 1996 Supplement, to read:

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

(15)

(c) Effective January 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in s. 121.0515.

1           Section 2. Subsections (1) and (2) and paragraph (a)  
2 of subsection (7) of section 121.0515, Florida Statutes, are  
3 amended to read:

4           121.0515 Special risk membership; criteria;  
5 designation and removal of classification; credits for past  
6 service and prior service; retention of special risk normal  
7 retirement date.--

8           (1) LEGISLATIVE INTENT.--In creating the Special Risk  
9 Class of membership within the Florida Retirement System, it  
10 is the intent and purpose of the Legislature to recognize that  
11 persons employed in certain categories of law enforcement,  
12 firefighting, ~~and~~ criminal detention, and emergency medical  
13 care positions are required as one of the essential functions  
14 of their positions to perform work that is physically  
15 demanding or arduous, or work that requires extraordinary  
16 agility and mental acuity, and that such persons, because of  
17 diminishing physical and mental faculties, may find that they  
18 are not able, without risk to the health and safety of  
19 themselves, the public, or their coworkers, to continue  
20 performing such duties and thus enjoy the full career and  
21 retirement benefits enjoyed by persons employed in other  
22 positions and that, if they find it necessary, due to the  
23 physical and mental limitations of their age, to retire at an  
24 earlier age and usually with less service, they will suffer an  
25 economic deprivation therefrom. Therefore, as a means of  
26 recognizing the peculiar and special problems of this class of  
27 employees, it is the intent and purpose of the Legislature to  
28 establish a class of retirement membership that awards more  
29 retirement credit per year of service than that awarded to  
30 other employees; however, nothing contained herein shall  
31 require ineligibility for special risk membership upon

1 reaching age 55.

2 (2) CRITERIA.--A member, to be designated as a special  
3 risk member, must meet the following criteria:

4 (a) The member must be employed as a law enforcement  
5 officer and be certified, or required to be certified, in  
6 compliance with s. 943.1395; however, sheriffs and elected  
7 police chiefs shall be excluded from meeting the certification  
8 requirements of this paragraph. In addition, the member's  
9 duties and responsibilities must include the pursuit,  
10 apprehension, and arrest of law violators or suspected law  
11 violators; or the member must be an active member of a bomb  
12 disposal unit whose primary responsibility is the location,  
13 handling, and disposal of explosive devices; or the member  
14 must be the supervisor or command officer of a member or  
15 members who have such responsibilities; provided, however,  
16 administrative support personnel, including, but not limited  
17 to, those whose primary duties and responsibilities are in  
18 accounting, purchasing, legal, and personnel, shall not be  
19 included;

20 (b) The member must be employed as a firefighter and  
21 be certified, or required to be certified, in compliance with  
22 s. 633.35 and be employed solely within the fire department of  
23 the employer or agency of state government. In addition, the  
24 member's duties and responsibilities must include on-the-scene  
25 fighting of fires or direct supervision of firefighting units,  
26 or the member must be the supervisor or command officer of a  
27 member or members who have such responsibilities; provided,  
28 however, administrative support personnel, including, but not  
29 limited to, those whose primary duties and responsibilities  
30 are in accounting, purchasing, legal, and personnel, shall not  
31 be included; ~~or~~

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1           (c) The member must be employed as a correctional  
2 officer and be certified, or required to be certified, in  
3 compliance with s. 943.1395. In addition, the member's  
4 primary duties and responsibilities must be the custody, and  
5 physical restraint when necessary, of prisoners or inmates  
6 within a prison, jail, or other criminal detention facility,  
7 or while on work detail outside the facility, or while being  
8 transported; or the member must be the supervisor or command  
9 officer of a member or members who have such responsibilities;  
10 provided, however, administrative support personnel,  
11 including, but not limited to, those whose primary duties and  
12 responsibilities are in accounting, purchasing, legal, and  
13 personnel, shall not be included; however, superintendents and  
14 assistant superintendents shall participate in the Special  
15 Risk Class; or-

16           (d) The member must be employed by a licensed Advance  
17 Life Support (ALS) or Basic Life Support (BLS) employer as an  
18 emergency medical technician or a paramedic and be certified  
19 in compliance with s. 401.27. In addition, the member's  
20 primary duties and responsibilities must include on-the-scene  
21 emergency medical care. However, administrative support  
22 personnel, including, but not limited to, those whose primary  
23 responsibilities are in accounting, purchasing, legal, and  
24 personnel shall not be included.

25           (7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT  
26 DATE.--

27           (a) A special risk member who is moved or reassigned  
28 to a nonspecial risk law enforcement, firefighting, ~~or~~  
29 correctional, or emergency medical care administrative support  
30 position with the same agency, or who is subsequently employed  
31 in such a position with any law enforcement, firefighting, ~~or~~

1 correctional, or emergency medical care agency under the  
 2 Florida Retirement System, shall earn credit for such service  
 3 at the same percentage rate as that earned by a regular  
 4 member. Notwithstanding the provisions of subsection (4),  
 5 service in such an administrative support position shall, for  
 6 purposes of s. 121.091, apply toward satisfaction of the  
 7 special risk normal retirement date, as defined in s.  
 8 121.021(29)(c), provided that, while in such position, the  
 9 member remains certified as a law enforcement officer,  
 10 firefighter, ~~or~~ correctional officer, emergency medical  
 11 technician, or paramedic; remains subject to reassignment at  
 12 any time to a position qualifying for special risk membership;  
 13 and completes an aggregate of 10 or more years of service as a  
 14 designated special risk member prior to retirement.

15 Section 3. The Legislature finds that a proper and  
 16 legitimate state purpose is served when employees and retirees  
 17 of the state and of its political subdivisions, and the  
 18 dependents, survivors, and beneficiaries of such employees and  
 19 retirees, are extended the basic protections afforded by  
 20 governmental retirement systems that provide fair and adequate  
 21 benefits and that are managed, administered, and funded in an  
 22 actuarially sound manner, as required by s. 14 of Art. X of  
 23 the State Constitution and part VII of chapter 112 of the  
 24 Florida Statutes. Therefore, the Legislature hereby  
 25 determines and declares that the provisions of this act  
 26 fulfill an important state interest.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, line 3,

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1 after Services; insert:  
2       amending s. 121.021, F.S.; redefining the term  
3       "special risk member"; amending s. 121.0515,  
4       F.S.; adding to the Special Risk Class of  
5       membership certain emergency medical  
6       technicians and paramedics; providing  
7       legislative intent;  
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