

By Representative Fasano

1                                   A bill to be entitled  
2           An act relating to the Florida Retirement  
3           System; amending s. 121.021, F.S.; including  
4           certain correctional probation officers within  
5           the Special Risk Class of that system; amending  
6           s. 121.0515, F.S.; specifying criteria for  
7           inclusion of correctional probation officers in  
8           that class; providing for inclusion of  
9           probation and parole circuit and deputy circuit  
10          administrators in that class; providing a  
11          finding of important state interest; providing  
12          an effective date.

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

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16           Section 1. Paragraph (b) of subsection (15) of section  
17          121.021, Florida Statutes, 1996 Supplement, is amended to  
18          read:

19           121.021 Definitions.--The following words and phrases  
20          as used in this chapter have the respective meanings set forth  
21          unless a different meaning is plainly required by the context:

22           (15)

23           (b) Effective October 1, 1978, "special risk member"  
24          means a member of the Florida Retirement System who is  
25          designated as a special risk member by the division in  
26          accordance with s. 121.0515. Such member must be employed as  
27          a law enforcement officer, a firefighter, or a correctional  
28          officer and must meet certain other special criteria as set  
29          forth in s. 121.0515. Effective January 1, 1998, the term  
30          "special risk member" also includes any member who is employed

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1 as a correctional probation officer and meets the special  
2 criteria set forth in s. 121.0515(2)(d).

3 Section 2. Subsection (2) of section 121.0515, Florida  
4 Statutes, is amended to read:

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

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

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

27 (b) The member must be employed as a firefighter and  
28 be certified, or required to be certified, in compliance with  
29 s. 633.35 and be employed solely within the fire department of  
30 the employer or agency of state government. In addition, the  
31 member's duties and responsibilities must include on-the-scene

1 fighting of fires or direct supervision of firefighting units,  
2 or the member must be the supervisor or command officer of a  
3 member or members who have such responsibilities; provided,  
4 however, administrative support personnel, including, but not  
5 limited to, those whose primary duties and responsibilities  
6 are in accounting, purchasing, legal, and personnel, shall not  
7 be included; ~~or~~

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

23 (d) The member must be employed as a correctional  
24 probation officer and be certified, or must be required to be  
25 certified, in compliance with s. 943.1395. In addition, the  
26 member's primary duties and responsibilities must be the  
27 supervised custody, surveillance, control, investigation, and  
28 counseling of assigned inmates, probationers, parolees, or  
29 community controllees within institutions or the community; or  
30 the member must be the supervisor of a member or members who  
31 have such responsibilities; however, administrative support

1 personnel, including, but not limited to, those whose primary  
2 duties and responsibilities are in accounting, purchasing,  
3 legal, and personnel, are not included; except that probation  
4 and parole circuit and deputy circuit administrators are  
5 included in the Special Risk Class.

6 Section 3. The Legislature finds that a proper and  
7 legitimate state purpose is served when employees and retirees  
8 of the state and of its political subdivisions, and the  
9 dependents, survivors, and beneficiaries of such employees and  
10 retirees, are extended the basic protections afforded by  
11 governmental retirement systems that provide fair and adequate  
12 benefits and that are managed, administered, and funded in an  
13 actuarially sound manner, as required by Section 14 of Article  
14 X of the State Constitution and part VII of chapter 112,  
15 Florida Statutes. Therefore, the Legislature determines and  
16 declares that the provisions of this act fulfill an important  
17 state interest.

18 Section 4. This act shall take effect January 1, 1998.

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21 HOUSE SUMMARY

22 Includes correctional probation officers in the Special  
23 Risk Class of the Florida Retirement System provided they  
24 meet prescribed criteria and includes probation and  
25 parole regional administrators in the Special Risk Class.  
26 Provides a finding of important state interest.