

By Senator Crist

20-511-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

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

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

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

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past

1 service and prior service; retention of special risk normal  
2 retirement date.--

3 (1) LEGISLATIVE INTENT.--In creating the Special Risk  
4 Class of membership within the Florida Retirement System, it  
5 is the intent and purpose of the Legislature to recognize that  
6 persons employed in certain categories of law enforcement,  
7 firefighting, ~~and~~ criminal detention, and emergency medical  
8 care positions are required as one of the essential functions  
9 of their positions to perform work that is physically  
10 demanding or arduous, or work that requires extraordinary  
11 agility and mental acuity, and that such persons, because of  
12 diminishing physical and mental faculties, may find that they  
13 are not able, without risk to the health and safety of  
14 themselves, the public, or their coworkers, to continue  
15 performing such duties and thus enjoy the full career and  
16 retirement benefits enjoyed by persons employed in other  
17 positions and that, if they find it necessary, due to the  
18 physical and mental limitations of their age, to retire at an  
19 earlier age and usually with less service, they will suffer an  
20 economic deprivation therefrom. Therefore, as a means of  
21 recognizing the peculiar and special problems of this class of  
22 employees, it is the intent and purpose of the Legislature to  
23 establish a class of retirement membership that awards more  
24 retirement credit per year of service than that awarded to  
25 other employees; however, nothing contained herein shall  
26 require ineligibility for special risk membership upon  
27 reaching age 55.

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

30 (a) The member must be employed as a law enforcement  
31 officer and be certified, or required to be certified, in

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

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

27 (c) The member must be employed as a correctional  
28 officer and be certified, or required to be certified, in  
29 compliance with s. 943.1395. In addition, the member's  
30 primary duties and responsibilities must be the custody, and  
31 physical restraint when necessary, of prisoners or inmates

1 within a prison, jail, or other criminal detention facility,  
2 or while on work detail outside the facility, or while being  
3 transported; or the member must be the supervisor or command  
4 officer of a member or members who have such responsibilities;  
5 provided, however, administrative support personnel,  
6 including, but not limited to, those whose primary duties and  
7 responsibilities are in accounting, purchasing, legal, and  
8 personnel, shall not be included; however, superintendents and  
9 assistant superintendents shall participate in the Special  
10 Risk Class; or-

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

20 (7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT  
21 DATE.--

22 (a) A special risk member who is moved or reassigned  
23 to a nonspecial risk law enforcement, firefighting, ~~or~~  
24 correctional, or emergency medical care administrative support  
25 position with the same agency, or who is subsequently employed  
26 in such a position with any law enforcement, firefighting, ~~or~~  
27 correctional, or emergency medical care agency under the  
28 Florida Retirement System, shall earn credit for such service  
29 at the same percentage rate as that earned by a regular  
30 member. Notwithstanding the provisions of subsection (4),  
31 service in such an administrative support position shall, for

1 purposes of s. 121.091, apply toward satisfaction of the  
2 special risk normal retirement date, as defined in s.  
3 121.021(29)(c), provided that, while in such position, the  
4 member remains certified as a law enforcement officer,  
5 firefighter, ~~or~~ correctional officer, emergency medical  
6 technician, or paramedic; remains subject to reassignment at  
7 any time to a position qualifying for special risk membership;  
8 and completes an aggregate of 10 or more years of service as a  
9 designated special risk member prior to retirement.

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

21 Section 4. This act shall take effect January 1, 1999.

22  
23 \*\*\*\*\*

24 SENATE SUMMARY

25 Redefines the term "special risk member" for the purposes  
26 of the Florida Retirement System to include described  
27 members who are employed as emergency medical technicians  
28 or paramedics. Adds described emergency medical  
29 technicians and paramedics to the Special Risk Class.  
30  
31