

By Representative Wasserman Schultz

1                                   A bill to be entitled  
2           An act relating to the Florida Retirement  
3           System; amending s. 121.021, F.S.; redefining  
4           the term "special risk member"; amending s.  
5           121.0515, F.S.; adding to the Special Risk  
6           Class of membership certain emergency medical  
7           technicians and paramedics; providing  
8           legislative intent; providing an effective  
9           date.

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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, 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, 1998, "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:

1           121.0515 Special risk membership; criteria;  
2 designation and removal of classification; credits for past  
3 service and prior service; retention of special risk normal  
4 retirement date.--

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

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

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

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

29           (c) The member must be employed as a correctional  
30 officer and be certified, or required to be certified, in  
31 compliance with s. 943.1395. In addition, the member's

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

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

22 (7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT  
23 DATE.--

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

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

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

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

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27 HOUSE SUMMARY

28 Redefines the term "special risk member" for the purposes  
29 of the Florida Retirement System to include described  
30 members who are employed as a law enforcement officer, a  
31 firefighter, a correctional officer, an emergency medical  
technician, or a paramedic. Adds to the Special Risk  
Class of membership described emergency medical  
technicians and paramedics. See bill for details.