

Bill No. HB 1883, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Webster moved the following amendment to amendment		
12	(071186):		
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14	Senate Amendment (with title amendment)		
15	On page 85, between lines 2 and 3,		
16			
17	insert:		
18	Section 41. Paragraph (c) is added to subsection (15)		
19	of section 121.021, Florida Statutes, 1998 Supplement, to		
20	read:		
21	121.021 Definitions.--The following words and phrases		
22	as used in this chapter have the respective meanings set forth		
23	unless a different meaning is plainly required by the context:		
24	(15)		
25	<u>(c) Effective October 1, 1999, "special risk member"</u>		
26	<u>means a member of the Florida Retirement System who is</u>		
27	<u>designated as a special risk member by the division in</u>		
28	<u>accordance with s. 121.0515. Such member must be employed as</u>		
29	<u>a law enforcement officer, a firefighter, a correctional</u>		
30	<u>officer, an emergency medical technician, or a paramedic and</u>		
31	<u>must meet certain other special criteria as set forth in s.</u>		

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1 121.0515.

2 Section 42. Subsections (1) and (2) and paragraph (a)
3 of subsection (7) of section 121.0515, Florida Statutes, 1998
4 Supplement, are 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 (1) LEGISLATIVE INTENT.--In creating the Special Risk
10 Class of membership within the Florida Retirement System, it
11 is the intent and purpose of the Legislature to recognize that
12 persons employed in certain categories of law enforcement,
13 firefighting, ~~and~~ criminal detention, and emergency medical
14 care positions are required as one of the essential functions
15 of their positions to perform work that is physically
16 demanding or arduous, or work that requires extraordinary
17 agility and mental acuity, and that such persons, because of
18 diminishing physical and mental faculties, may find that they
19 are not able, without risk to the health and safety of
20 themselves, the public, or their coworkers, to continue
21 performing such duties and thus enjoy the full career and
22 retirement benefits enjoyed by persons employed in other
23 positions and that, if they find it necessary, due to the
24 physical and mental limitations of their age, to retire at an
25 earlier age and usually with less service, they will suffer an
26 economic deprivation therefrom. Therefore, as a means of
27 recognizing the peculiar and special problems of this class of
28 employees, it is the intent and purpose of the Legislature to
29 establish a class of retirement membership that awards more
30 retirement credit per year of service than that awarded to
31 other employees; however, nothing contained herein shall

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1 require ineligibility for special risk membership upon
2 reaching age 55.

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

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

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

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1 be included; ~~or~~

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

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

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

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

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

17 Section 43. The Legislature finds that a proper and
18 legitimate state purpose is served when employees and retirees
19 of the state and of its political subdivisions, and the
20 dependents, survivors, and beneficiaries of such employees and
21 retirees, are extended the basic protections afforded by
22 governmental retirement systems that provide fair and adequate
23 benefits and that are managed, administered, and funded in an
24 actuarially sound manner, as required by s. 14 of Art. X of
25 the State Constitution and part VII of chapter 112 of the
26 Florida Statutes. Therefore, the Legislature hereby
27 determines and declares that the provisions of this act
28 fulfill an important state interest.

29
30 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 89, line 22, after the semicolon

4

5 insert:

6 amending s. 121.021, F.S.; redefining the term

7 "special risk member"; amending s. 121.0515,

8 F.S.; adding to the Special Risk Class of

9 membership certain emergency medical

10 technicians and paramedics; providing

11 legislative intent;

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