

By Senators Webster, Dyer, Silver, Campbell, Brown-Waite, Saunders, Mitchell, Gutman, Latvala, Forman, Kurth, Klein, Dawson-White, Clary, Bronson, Jones, Casas and Meek

12-501-99

See HB 123

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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, 1998 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 October 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, 1998 Supplement, 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 participate in the Special
31 Risk Administrative Support Class and shall earn credit for

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

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

25 Section 4. This act shall take effect October 1, 1999.
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LEGISLATIVE SUMMARY

Redefines the term "special risk member" for the purpose of the Florida Retirement System to include reference to described emergency medical technicians and paramedics and adds to the Special Risk Class of membership such described emergency medical technicians and paramedics. See bill for details.