

By Senator Mitchell

4-631-99

See HB 97

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

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

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17 Section 1. Short title.--This act may be cited as the
18 "Keith Ward Act."

19 Section 2. Paragraph (b) of subsection (15) of section
20 121.021, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 121.021 Definitions.--The following words and phrases
23 as used in this chapter have the respective meanings set forth
24 unless a different meaning is plainly required by the context:

25 (15)

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

1 | forth in s. 121.0515. Effective January 1, 2000, the term
2 | "special risk member" also includes any member who is employed
3 | as a correctional probation officer and meets the special
4 | criteria set forth in s. 121.0515(2)(d).

5 | Section 3. Subsection (2) of section 121.0515, Florida
6 | Statutes, 1998 Supplement, is amended to read:

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

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

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

29 | (b) The member must be employed as a firefighter and
30 | be certified, or required to be certified, in compliance with
31 | s. 633.35 and be employed solely within the fire department of

1 the employer or agency of state government. In addition, the
2 member's duties and responsibilities must include on-the-scene
3 fighting of fires or direct supervision of firefighting units,
4 or the member must be the supervisor or command officer of a
5 member or members who have such responsibilities; provided,
6 however, administrative support personnel, including, but not
7 limited to, those whose primary duties and responsibilities
8 are in accounting, purchasing, legal, and personnel, shall not
9 be included; ~~or~~

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

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

1 the member must be the supervisor of a member or members who
2 have such responsibilities; provided, however, administrative
3 support personnel, including, but not limited to, those whose
4 primary duties and responsibilities are in accounting,
5 purchasing, legal, and personnel, shall not be included;
6 however, probation and parole circuit and deputy circuit
7 administrators shall participate in the Special Risk Class.

8 Section 4. The Legislature finds that a proper and
9 legitimate state purpose is served when employees and retirees
10 of the state and of its political subdivisions, and the
11 dependents, survivors, and beneficiaries of such employees and
12 retirees, are extended the basic protections afforded by
13 governmental retirement systems that provide fair and adequate
14 benefits and that are managed, administered, and funded in an
15 actuarially sound manner, as required by Section 14 of Article
16 X of the State Constitution and part VII of chapter 112,
17 Florida Statutes. Therefore, the Legislature determines and
18 declares that the provisions of this act fulfill an important
19 state interest.

20 Section 5. This act shall take effect January 1, 2000.

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23 HOUSE SUMMARY

24 Creates the "Keith Ward Act" to include correctional
25 probation officers in the Special Risk Class of the
26 Florida Retirement System provided they meet prescribed
27 criteria and include probation and parole regional
28 administrators in the Special Risk Class. Provides a
29 finding of important state interest.
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