

By Senators Latvala, Silver, Forman and Mitchell

19-633C-00

1                                   A bill to be entitled  
2           An act relating to the Florida Retirement  
3           System; amending s. 121.021, F.S.; including  
4           certain correctional probation officers within  
5           the Special Risk Class of that system; amending  
6           s. 121.0515, F.S.; specifying criteria for  
7           inclusion of correctional probation officers in  
8           that class; providing for inclusion of  
9           probation and parole circuit and deputy circuit  
10          administrators in that class; providing a  
11          finding of important state interest; amending  
12          s. 121.055, F.S.; adding assistant state  
13          attorneys, assistant statewide prosecutors,  
14          assistant public defenders and legislative  
15          assistants to the Senior Management Service  
16          Class of the Florida Retirement System;  
17          providing an effective date.

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

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21           Section 1. Paragraph (c) of subsection (15) of section  
22           121.021, Florida Statutes, is amended to read:

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

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27           (15)  
28           (c) Effective October 1, 1999, "special risk member"  
29           means a member of the Florida Retirement System who is  
30           designated as a special risk member by the division in  
31           accordance with s. 121.0515. Such member must be employed as  
a law enforcement officer, a firefighter, a correctional

1 officer, an emergency medical technician, or a paramedic and  
2 must meet certain other special criteria as set forth in s.  
3 121.0515. Effective January 1, 2001, the term "special risk  
4 member" also includes any member who is employed as a  
5 correctional probation officer and meets the special criteria  
6 set forth in s. 121.0515(2)(e).

7 Section 2. Subsection (2) of section 121.0515, Florida  
8 Statutes, is amended to read:

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

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

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

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1           (b) The member must be employed as a firefighter and  
2 be certified, or required to be certified, in compliance with  
3 s. 633.35 and be employed solely within the fire department of  
4 the employer or agency of state government. In addition, the  
5 member's duties and responsibilities must include on-the-scene  
6 fighting of fires or direct supervision of firefighting units,  
7 or the member must be the supervisor or command officer of a  
8 member or members who have such responsibilities; provided,  
9 however, administrative support personnel, including, but not  
10 limited to, those whose primary duties and responsibilities  
11 are in accounting, purchasing, legal, and personnel, shall not  
12 be included;

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

28           (d) The member must be employed by a licensed Advance  
29 Life Support (ALS) or Basic Life Support (BLS) employer as an  
30 emergency medical technician or a paramedic and be certified  
31 in compliance with s. 401.27. In addition, the member's

1 primary duties and responsibilities must include on-the-scene  
2 emergency medical care. However, administrative support  
3 personnel, including, but not limited to, those whose primary  
4 responsibilities are in accounting, purchasing, legal, and  
5 personnel, shall not be included; ~~or-~~

6 (e) The member must be employed as a correctional  
7 probation officer and be certified, or required to be  
8 certified, in compliance with s. 943.1395. In addition, the  
9 member's primary duties and responsibilities must be the  
10 supervised custody, surveillance, control, investigation, and  
11 counseling of assigned inmates, probationers, parolees, or  
12 community controllees within institutions of the community; or  
13 the member must be the supervisor of a member or members who  
14 have such responsibilities. Administrative support personnel,  
15 including, but not limited to, those whose primary duties and  
16 responsibilities are in accounting, purchasing, legal  
17 services, and personnel management, shall not be included;  
18 however, probation and parole circuit and deputy circuit  
19 administrators shall participate in the Special Risk Class.

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

1           Section 4. Paragraphs (c) and (h) of subsection (1) of  
2 section 121.055, Florida Statutes, are amended to read:

3           121.055 Senior Management Service Class.--There is  
4 hereby established a separate class of membership within the  
5 Florida Retirement System to be known as the "Senior  
6 Management Service Class," which shall become effective  
7 February 1, 1987.

8           (1)

9           (c)1. ~~Effective January 1, 1990,~~ Participation in the  
10 Senior Management Service Class shall be compulsory:

11           a. Effective January 1, 1990, for up to 75 nonelective  
12 positions at the level of committee staff director or higher  
13 or equivalent managerial or policymaking positions within the  
14 House of Representatives, as selected by the Speaker of the  
15 House of Representatives, up to 50 nonelective positions at  
16 the level of committee staff director or higher or equivalent  
17 managerial or policymaking positions within the Senate, as  
18 selected by the President of the Senate, all staff directors  
19 of joint committees and service offices of the Legislature,  
20 the Auditor General and up to 9 managerial or policymaking  
21 positions within his or her office as selected by the Auditor  
22 General, and the executive director of the Commission on  
23 Ethics.

24           b. For all legislative assistants, effective July 1,  
25 2000.

26           2. Participation in this class shall be compulsory,  
27 except as provided in subparagraph 3., for any legislative  
28 employee who holds a position designated for coverage in the  
29 Senior Management Service Class, and such participation shall  
30 continue until the employee terminates employment in a covered  
31 position.

1           3. In lieu of participation in the Senior Management  
2 Service Class, at the discretion of the President of the  
3 Senate and the Speaker of the House of Representatives, such  
4 members may participate in the Senior Management Service  
5 Optional Annuity Program as established in subsection (6).

6           (h)1. Except as provided in subparagraph 3., effective  
7 January 1, 1994, participation in the Senior Management  
8 Service Class shall be compulsory for the State Courts  
9 Administrator and the Deputy State Courts Administrators, the  
10 Clerk of the Supreme Court, the Marshal of the Supreme Court,  
11 the Executive Director of the Justice Administrative  
12 Commission, the Capital Collateral Representative, the clerks  
13 of the district courts of appeals, the marshals of the  
14 district courts of appeals, and the trial court administrator  
15 in each judicial circuit. Effective January 1, 1994,  
16 additional positions in the offices of the state attorney and  
17 public defender in each judicial circuit may be designated for  
18 inclusion in the Senior Management Service Class of the  
19 Florida Retirement System, provided that:

20           a. Positions to be included in the class shall be  
21 designated by the state attorney or public defender, as  
22 appropriate. Notice of intent to designate positions for  
23 inclusion in the class shall be published once a week for 2  
24 consecutive weeks in a newspaper of general circulation  
25 published in the county or counties affected, as provided in  
26 chapter 50.

27           b. One nonelective full-time position may be  
28 designated for each state attorney and public defender  
29 reporting to the Department of Management Services; for  
30 agencies with 200 or more regularly established positions  
31 under the state attorney or public defender, additional

1 nonelective full-time positions may be designated, not to  
2 exceed 0.5 percent of the regularly established positions  
3 within the agency.

4 c. Each position added to the class must be a  
5 managerial or policymaking position filled by an employee who  
6 serves at the pleasure of the state attorney or public  
7 defender without civil service protection, and who:

8 (I) Heads an organizational unit; or

9 (II) Has responsibility to effect or recommend  
10 personnel, budget, expenditure, or policy decisions in his or  
11 her areas of responsibility.

12 2. Participation in this class shall be compulsory,  
13 except as provided in subparagraph 3., for any judicial  
14 employee who holds a position designated for coverage in the  
15 Senior Management Service Class, and such participation shall  
16 continue until the employee terminates employment in a covered  
17 position. Effective January 1, 2001, participation in this  
18 class is compulsory for assistant state attorneys, assistant  
19 statewide prosecutors, and assistant public defenders.

20 3. In lieu of participation in the Senior Management  
21 Service Class, such members may participate in the Senior  
22 Management Service Optional Annuity Program as established in  
23 subsection (6).

24 Section 5. This act shall take effect January 1, 2001.  
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SENATE SUMMARY

Includes correctional probation officers in the Special Risk Class of the Florida Retirement System provided that they meet prescribed criteria, and includes probation and parole regional administrators in the Special Risk Class. Provides a finding of important state interest. Includes assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and legislative assistants in the Senior Management Service Class of the Florida Retirement System.