

By the Committee on Governmental Oversight and Productivity;
and Senators Latvala, Silver, Forman, Mitchell and Saunders

302-1681C-00

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

18
19 Be It Enacted by the Legislature of the State of Florida:
20

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:

26 (15)

27 (c) Effective October 1, 1999, "special risk member"
28 means a member of the Florida Retirement System who is
29 designated as a special risk member by the division in
30 accordance with s. 121.0515. Such member must be employed as
31 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)(c)2.

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;

31

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)1. 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 2. The member must be employed as a correctional
29 probation officer and be certified, or required to be
30 certified, in compliance with s. 943.1395. In addition, the
31 member's primary duties and responsibilities must be the

1 supervised custody, surveillance, control, investigation, and
2 counseling of assigned inmates, probationers, parolees, or
3 community controllees within institutions of the community; or
4 the member must be the supervisor of a member or members who
5 have such responsibilities. Administrative support personnel,
6 including, but not limited to, those whose primary duties and
7 responsibilities are in accounting, purchasing, legal
8 services, and personnel management, shall not be included;
9 however, probation and parole circuit and deputy circuit
10 administrators shall participate in the Special Risk Class; or

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

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 in the legislative
25 branch, effective July 1, 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 upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB's 1054 and 1440

Clarifies that legislative assistants must be employees of the legislative branch in order to be included in the senior management service class.

Changes the effective date to July 1, 2000.