

1 (c) Effective October 1, 1999, "special risk member"
2 means a member of the Florida Retirement System who is
3 designated as a special risk member by the division in
4 accordance with s. 121.0515. Such member must be employed as
5 a law enforcement officer, a firefighter, a correctional
6 officer, an emergency medical technician, or a paramedic and
7 must meet certain other special criteria as set forth in s.
8 121.0515. Effective January 1, 2001, the term "special risk
9 member" also includes any member who is employed as a
10 correctional probation officer and meets the special criteria
11 set forth in s. 121.0515(2)(e).

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

14 121.0515 Special risk membership; criteria;
15 designation and removal of classification; credits for past
16 service and prior service; retention of special risk normal
17 retirement date.--

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

20 (a) The member must be employed as a law enforcement
21 officer and be certified, or required to be certified, in
22 compliance with s. 943.1395; however, sheriffs and elected
23 police chiefs shall be excluded from meeting the certification
24 requirements of this paragraph. In addition, the member's
25 duties and responsibilities must include the pursuit,
26 apprehension, and arrest of law violators or suspected law
27 violators; or the member must be an active member of a bomb
28 disposal unit whose primary responsibility is the location,
29 handling, and disposal of explosive devices; or the member
30 must be the supervisor or command officer of a member or
31 members who have such responsibilities; provided, however,

1 administrative support personnel, including, but not limited
2 to, those whose primary duties and responsibilities are in
3 accounting, purchasing, legal, and personnel, shall not be
4 included;

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

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

1 (d) The member must be employed by a licensed Advance
2 Life Support (ALS) or Basic Life Support (BLS) employer as an
3 emergency medical technician or a paramedic and be certified
4 in compliance with s. 401.27. In addition, the member's
5 primary duties and responsibilities must include on-the-scene
6 emergency medical care. However, administrative support
7 personnel, including, but not limited to, those whose primary
8 responsibilities are in accounting, purchasing, legal, and
9 personnel, shall not be included; ~~or-~~

10 (e)1. The member must be employed as a correctional
11 probation officer and be certified, or required to be
12 certified, in compliance with s. 943.1395. In addition, the
13 member's primary duties and responsibilities must be the
14 supervised custody, surveillance, control, investigation, and
15 counseling of assigned inmates, probationers, parolees, or
16 community controllees within institutions of the community; or
17 the member must be the supervisor of a member or members who
18 have such responsibilities. Administrative support personnel,
19 including, but not limited to, those whose primary duties and
20 responsibilities are in accounting, purchasing, legal
21 services, and personnel management, shall not be included;
22 however, probation and parole circuit and deputy circuit
23 administrators shall participate in the Special Risk Class.

24 2. The member must be employed in a state forensic
25 facility as defined in s. 916.106, established for the
26 treatment of forensic clients, and must have been certified as
27 a correctional officer as defined in s. 943.10(2). In
28 addition, his or her primary responsibilities must require the
29 custody, control, and physical restraint of patients in a
30 forensic unit of a state hospital, or the member must be the
31 supervisor of a member or members who have such

1 responsibilities. However, professional medical personnel and
2 administrative support personnel, including, but not limited
3 to, dentists, doctors, nurses, and individuals whose primary
4 responsibilities are in accounting, purchasing, legal,
5 clerical support, and personnel, shall not be included.

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

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

20 121.055 Senior Management Service Class.--There is
21 hereby established a separate class of membership within the
22 Florida Retirement System to be known as the "Senior
23 Management Service Class," which shall become effective
24 February 1, 1987.

25 (1)

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

28 a. Effective January 1, 1990, for up to 75 nonelective
29 positions at the level of committee staff director or higher
30 or equivalent managerial or policymaking positions within the
31 House of Representatives, as selected by the Speaker of the

1 House of Representatives, up to 50 nonelective positions at
2 the level of committee staff director or higher or equivalent
3 managerial or policymaking positions within the Senate, as
4 selected by the President of the Senate, all staff directors
5 of joint committees and service offices of the Legislature,
6 the Auditor General and up to 9 managerial or policymaking
7 positions within his or her office as selected by the Auditor
8 General, and the executive director of the Commission on
9 Ethics.

10 b. For all legislative assistants, effective July 1,
11 2000.

12 2. Participation in this class shall be compulsory,
13 except as provided in subparagraph 3., for any legislative
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.

18 3. In lieu of participation in the Senior Management
19 Service Class, at the discretion of the President of the
20 Senate and the Speaker of the House of Representatives, such
21 members may participate in the Senior Management Service
22 Optional Annuity Program as established in subsection (6).

23 (h)1. Except as provided in subparagraph 3., effective
24 January 1, 1994, participation in the Senior Management
25 Service Class shall be compulsory for the State Courts
26 Administrator and the Deputy State Courts Administrators, the
27 Clerk of the Supreme Court, the Marshal of the Supreme Court,
28 the Executive Director of the Justice Administrative
29 Commission, the Capital Collateral Representative, the clerks
30 of the district courts of appeals, the marshals of the
31 district courts of appeals, and the trial court administrator

1 in each judicial circuit. Effective January 1, 1994,
2 additional positions in the offices of the state attorney and
3 public defender in each judicial circuit may be designated for
4 inclusion in the Senior Management Service Class of the
5 Florida Retirement System, provided that:

6 a. Positions to be included in the class shall be
7 designated by the state attorney or public defender, as
8 appropriate. Notice of intent to designate positions for
9 inclusion in the class shall be published once a week for 2
10 consecutive weeks in a newspaper of general circulation
11 published in the county or counties affected, as provided in
12 chapter 50.

13 b. One nonelective full-time position may be
14 designated for each state attorney and public defender
15 reporting to the Department of Management Services; for
16 agencies with 200 or more regularly established positions
17 under the state attorney or public defender, additional
18 nonelective full-time positions may be designated, not to
19 exceed 0.5 percent of the regularly established positions
20 within the agency.

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

25 (I) Heads an organizational unit; or

26 (II) Has responsibility to effect or recommend
27 personnel, budget, expenditure, or policy decisions in his or
28 her areas of responsibility.

29 2. Participation in this class shall be compulsory,
30 except as provided in subparagraph 3., for any judicial
31 employee who holds a position designated for coverage in the

1 Senior Management Service Class, and such participation shall
2 continue until the employee terminates employment in a covered
3 position. Effective January 1, 2001, participation in this
4 class is compulsory for assistant state attorneys, assistant
5 statewide prosecutors, and assistant public defenders.

6 3. In lieu of participation in the Senior Management
7 Service Class, such members may participate in the Senior
8 Management Service Optional Annuity Program as established in
9 subsection (6).

10 Section 5. This act shall take effect January 1, 2001.

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12 HOUSE SUMMARY

13
14 Includes correctional probation officers in the Special
15 Risk Class of the Florida Retirement System provided that
16 they meet prescribed criteria, and includes probation and
17 parole regional administrators in the Special Risk Class.
18 Provides that a member of the Florida Retirement System
19 meets the criteria for membership in the Special Risk
20 Class if the member is employed in a state forensic
21 facility, established for the treatment of forensic
22 clients, holds certification as a correctional officer,
23 and his or her primary responsibilities require the
24 custody, control, and physical restraint of patients in a
25 forensic unit of a state hospital. Includes members of
26 the system who supervise a member or members who have
27 such responsibilities within the special risk category.
28 Provides exceptions. Provides a finding of important
29 state interest. Includes assistant state attorneys,
30 assistant statewide prosecutors, assistant public
31 defenders, and legislative assistants in the Senior
Management Service Class of the Florida Retirement
System. See bill for details.