

By Senator Peaden

2-1505-03

1 A bill to be entitled
 2 An act relating to the Florida Retirement
 3 System; amending ss. 121.021, 121.0515, F.S.;
 4 including mosquito control officers of counties
 5 and mosquito control districts in the special
 6 risk class; restoring special risk
 7 classification to certain law enforcement
 8 officer employees of the Department of
 9 Environmental Protection and the Department of
 10 Insurance or their predecessor agencies;
 11 providing for payment of increased benefits to
 12 such officers who have retired or entered the
 13 Deferred Retirement Option Program or to the
 14 beneficiaries of deceased employees; providing
 15 for funding such increased benefits; providing
 16 an effective date.

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

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 20 Section 1. Paragraph (f) is added to subsection (15)
 21 of section 121.021, Florida Statutes, to 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 (f) As of the effective date of this paragraph, the
 27 term "special risk member" includes any member employed as a
 28 mosquito control officer by a county or a mosquito control
 29 district operating under chapter 388.

30 Section 2. Subsections (2) and (8) of section
 31 121.0515, Florida Statutes, are amended to read:

1 121.0515 Special risk membership.--

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

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

20 (b) The member must be employed as a firefighter and
21 be certified, or required to be certified, in compliance with
22 s. 633.35 and be employed solely within the fire department of
23 a local government employer or an agency of state government
24 with firefighting responsibilities. In addition, the member's
25 duties and responsibilities must include on-the-scene fighting
26 of fires, fire prevention, or firefighter training; direct
27 supervision of firefighting units, fire prevention, or
28 firefighter training; or aerial firefighting surveillance
29 performed by fixed-wing aircraft pilots employed by the
30 Division of Forestry of the Department of Agriculture and
31 Consumer Services; or the member must be the supervisor or

1 command officer of a member or members who have such
2 responsibilities; provided, however, administrative support
3 personnel, including, but not limited to, those whose primary
4 duties and responsibilities are in accounting, purchasing,
5 legal, and personnel, shall not be included and further
6 provided that all periods of creditable service in fire
7 prevention or firefighter training, or as the supervisor or
8 command officer of a member or members who have such
9 responsibilities, and for which the employer paid the special
10 risk contribution rate, shall be included;

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

26 (d) The member must be employed by a licensed Advance
27 Life Support (ALS) or Basic Life Support (BLS) employer as an
28 emergency medical technician or a paramedic and be certified
29 in compliance with s. 401.27. In addition, the member's
30 primary duties and responsibilities must include on-the-scene
31 emergency medical care or direct supervision of emergency

1 medical technicians or paramedics, or the member must be the
2 supervisor or command officer of one or more members who have
3 such responsibility. However, administrative support
4 personnel, including, but not limited to, those whose primary
5 responsibilities are in accounting, purchasing, legal, and
6 personnel, shall not be included;

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

21 (f) The member must be employed in one of the
22 following classes and must spend at least 75 percent of his or
23 her time performing duties which involve contact with patients
24 or inmates in a correctional or forensic facility or
25 institution:

- 26 1. Dietitian (class codes 5203 and 5204).
- 27 2. Public health nutrition consultant (class code
28 5224).
- 29 3. Psychological specialist (class codes 5230 and
30 5231).
- 31 4. Psychologist (class code 5234).

- 1 5. Senior psychologist (class codes 5237 and 5238).
- 2 6. Regional mental health consultant (class code
- 3 5240).
- 4 7. Psychological Services Director--DCF (class code
- 5 5242).
- 6 8. Pharmacist (class codes 5245 and 5246).
- 7 9. Senior pharmacist (class codes 5248 and 5249).
- 8 10. Dentist (class code 5266).
- 9 11. Senior dentist (class code 5269).
- 10 12. Registered nurse (class codes 5290 and 5291).
- 11 13. Senior registered nurse (class codes 5292 and
- 12 5293).
- 13 14. Registered nurse specialist (class codes 5294 and
- 14 5295).
- 15 15. Clinical associate (class codes 5298 and 5299).
- 16 16. Advanced registered nurse practitioner (class
- 17 codes 5297 and 5300).
- 18 17. Advanced registered nurse practitioner specialist
- 19 (class codes 5304 and 5305).
- 20 18. Registered nurse supervisor (class codes 5306 and
- 21 5307).
- 22 19. Senior registered nurse supervisor (class codes
- 23 5308 and 5309).
- 24 20. Registered nursing consultant (class codes 5312
- 25 and 5313).
- 26 21. Quality management program supervisor (class code
- 27 5314).
- 28 22. Executive nursing director (class codes 5320 and
- 29 5321).
- 30 23. Speech and hearing therapist (class code 5406); or
- 31 24. Pharmacy manager (class code 5251);~~;~~

1 (g) The member must be employed as a youth custody
2 officer and be certified, or required to be certified, in
3 compliance with s. 943.1395. In addition, the member's primary
4 duties and responsibilities must be the supervised custody,
5 surveillance, control, investigation, apprehension, arrest,
6 and counseling of assigned juveniles within the community; ~~or~~.

7 (h) The member must be employed as a mosquito control
8 officer by a county or a mosquito control district operating
9 under chapter 388. Any mosquito control officer participating
10 in the system on the effective date of this paragraph becomes
11 a member of the special risk class on that date.

12 (8) RESTORATION OF SPECIAL RISK CREDIT FOR SPECIFIED
13 PERIOD OF EMPLOYMENT.--

14 (a) A special risk member who was removed from the
15 Special Risk Class effective October 1978, for the sole reason
16 that he or she did not possess the required certificate or
17 temporary waiver of certificate, and who obtained
18 certification and was approved for special risk membership on
19 or before June 30, 1982, shall be permitted to have special
20 risk credit restored for that period upon:

21 1.(a) Certification by his or her employer that all
22 requirements for special risk membership except the
23 requirement for certification or temporary waiver of
24 certification were met; and

25 2.(b) Payment of contributions equal to the difference
26 in the contributions that were paid during the period and the
27 contributions required for special risk members during that
28 period, plus 6.5 percent interest thereon, compounded each
29 June 30 from date of service until date of payment.

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1 This credit may be purchased by the member or by the employer
2 on behalf of the member.

3 (b) A special risk member who is or was a law
4 enforcement officer of the Division of Recreation and Parks of
5 the Department of Environmental Protection or the Division of
6 Insurance Fraud of the Department of Insurance or who served
7 in such capacity in a predecessor agency shall have special
8 risk credit restored for the time the member spent as a member
9 of the system and served as a law enforcement officer with
10 power of arrest but was not credited with membership in the
11 special risk class. If the member has retired or entered the
12 Deferred Retirement Option Program of the system before the
13 effective date of this paragraph, the restored special risk
14 credit shall be applicable to future benefits. If the member
15 is deceased, the restored special risk credit shall be
16 applicable to future benefits received by the member's
17 beneficiaries.

18 Section 3. It is the intent of the Legislature that
19 any additional costs attributable to increased retirement
20 benefits paid as a result of the amendments by section 2 be
21 funded by the necessary amount from the excess actuarial
22 assets of the Florida Retirement System Trust Fund.

23 Section 4. This act shall take effect upon becoming a
24 law.

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SENATE SUMMARY

Makes mosquito control officers of counties and mosquito control districts members of the special risk class of the Florida Retirement System. Restores special risk membership benefits to persons employed as law enforcement officers by the Department of Environmental Protection and the Department of Insurance or their predecessor agencies and provides for funding such increased benefits from excess actuarial assets of the Florida Retirement System Trust Fund.