

By Senator Campbell

32-881B-04

1 A bill to be entitled
2 An act relating to the Florida Retirement
3 System; amending s. 121.0515, F.S.; providing
4 membership in the Special Risk Class for
5 employees of a law enforcement agency or
6 medical examiner's office whose duties include
7 collecting, examining, preserving, documenting,
8 preparing, or analyzing physical evidence or
9 testimony as expert witnesses; providing
10 retroactive applicability; providing an
11 effective date.

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

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15 Section 1. Subsection (2) of section 121.0515, Florida
16 Statutes, is amended to read:

17 121.0515 Special risk membership.--

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 a local government employer or an agency of state government
9 with firefighting responsibilities. In addition, the member's
10 duties and responsibilities must include on-the-scene fighting
11 of fires, fire prevention, or firefighter training; direct
12 supervision of firefighting units, fire prevention, or
13 firefighter training; or aerial firefighting surveillance
14 performed by fixed-wing aircraft pilots employed by the
15 Division of Forestry of the Department of Agriculture and
16 Consumer Services; or the member must be the supervisor or
17 command officer of a member or members who have such
18 responsibilities; provided, however, administrative support
19 personnel, including, but not limited to, those whose primary
20 duties and responsibilities are in accounting, purchasing,
21 legal, and personnel, shall not be included and further
22 provided that all periods of creditable service in fire
23 prevention or firefighter training, or as the supervisor or
24 command officer of a member or members who have such
25 responsibilities, and for which the employer paid the special
26 risk contribution rate, shall be included;

27 (c) The member must be employed as a correctional
28 officer and be certified, or required to be certified, in
29 compliance with s. 943.1395. In addition, the member's
30 primary duties and responsibilities must be the custody, and
31 physical restraint when necessary, of prisoners or inmates

1 within a prison, jail, or other criminal detention facility,
2 or while on work detail outside the facility, or while being
3 transported; or the member must be the supervisor or command
4 officer of a member or members who have such responsibilities;
5 provided, however, administrative support personnel,
6 including, but not limited to, those whose primary duties and
7 responsibilities are in accounting, purchasing, legal, and
8 personnel, shall not be included; however, wardens and
9 assistant wardens, as defined by rule, shall participate in
10 the Special Risk Class;

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 or direct supervision of emergency
17 medical technicians or paramedics, or the member must be the
18 supervisor or command officer of one or more members who have
19 such responsibility. However, administrative support
20 personnel, including, but not limited to, those whose primary
21 responsibilities are in accounting, purchasing, legal, and
22 personnel, shall not be included;

23 (e) The member must be employed as a community-based
24 correctional probation officer and be certified, or required
25 to be certified, in compliance with s. 943.1395. In addition,
26 the member's primary duties and responsibilities must be the
27 supervised custody, surveillance, control, investigation, and
28 counseling of assigned inmates, probationers, parolees, or
29 community controllees within the community; or the member must
30 be the supervisor of a member or members who have such
31 responsibilities. Administrative support personnel, including,

1 but not limited to, those whose primary duties and
2 responsibilities are in accounting, purchasing, legal
3 services, and personnel management, shall not be included;
4 however, probation and parole circuit and deputy circuit
5 administrators shall participate in the Special Risk Class; ~~or~~

6 (f) The member must be employed in one of the
7 following classes and must spend at least 75 percent of his or
8 her time performing duties which involve contact with patients
9 or inmates in a correctional or forensic facility or
10 institution:

- 11 1. Dietitian (class codes 5203 and 5204);i-
- 12 2. Public health nutrition consultant (class code
13 5224);i-
- 14 3. Psychological specialist (class codes 5230 and
15 5231);i-
- 16 4. Psychologist (class code 5234);i-
- 17 5. Senior psychologist (class codes 5237 and 5238);i-
- 18 6. Regional mental health consultant (class code
19 5240);i-
- 20 7. Psychological Services Director--DCF (class code
21 5242);i-
- 22 8. Pharmacist (class codes 5245 and 5246);i-
- 23 9. Senior pharmacist (class codes 5248 and 5249);i-
- 24 10. Dentist (class code 5266);i-
- 25 11. Senior dentist (class code 5269);i-
- 26 12. Registered nurse (class codes 5290 and 5291);i-
- 27 13. Senior registered nurse (class codes 5292 and
28 5293);i-
- 29 14. Registered nurse specialist (class codes 5294 and
30 5295);i-
- 31 15. Clinical associate (class codes 5298 and 5299);i-

- 1 16. Advanced registered nurse practitioner (class
2 codes 5297 and 5300);~~;~~
- 3 17. Advanced registered nurse practitioner specialist
4 (class codes 5304 and 5305);~~;~~
- 5 18. Registered nurse supervisor (class codes 5306 and
6 5307);~~;~~
- 7 19. Senior registered nurse supervisor (class codes
8 5308 and 5309);~~;~~
- 9 20. Registered nursing consultant (class codes 5312
10 and 5313);~~;~~
- 11 21. Quality management program supervisor (class code
12 5314);~~;~~
- 13 22. Executive nursing director (class codes 5320 and
14 5321);~~;~~
- 15 23. Speech and hearing therapist (class code 5406); or
16 24. Pharmacy manager (class code 5251);~~;~~
- 17 (g) The member must be employed as a youth custody
18 officer and be certified, or required to be certified, in
19 compliance with s. 943.1395. In addition, the member's primary
20 duties and responsibilities must be the supervised custody,
21 surveillance, control, investigation, apprehension, arrest,
22 and counseling of assigned juveniles within the community; ~~or.~~
- 23 (h) The member must be employed by a law enforcement
24 agency or medical examiner's office. The member's primary
25 duties and responsibilities must include the collection,
26 examination, preservation, documentation, preparation, or
27 analysis of physical evidence or testimony, or both, as an
28 expert witness in legal proceedings, or the member must be the
29 direct supervisor, quality management supervisor, or command
30 officer of one or more individuals with such responsibility.
31 Administrative support personnel, including, but not limited

1 to, those whose primary responsibilities are clerical or in
2 accounting, purchasing, legal, and personnel, shall not be
3 included. This paragraph shall apply retroactively to January
4 1, 1974.

5 Section 2. This act shall take effect October 1, 2004.

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SENATE SUMMARY

Makes employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence or testimony, or both, as expert witnesses in legal proceedings members of the Special Risk Class of the Florida Retirement System.