

By the Committee on Governmental Oversight and Productivity;
and Senators Campbell and Fasano

302-2150-04

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;
9 providing a declaration of important state
10 interest; providing an effective date.

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

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

16 121.0515 Special risk membership.--

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

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

1 to, those whose primary duties and responsibilities are in
2 accounting, purchasing, legal, and personnel, shall not be
3 included;

4 (b) The member must be employed as a firefighter and
5 be certified, or required to be certified, in compliance with
6 s. 633.35 and be employed solely within the fire department of
7 a local government employer or an agency of state government
8 with firefighting responsibilities. In addition, the member's
9 duties and responsibilities must include on-the-scene fighting
10 of fires, fire prevention, or firefighter training; direct
11 supervision of firefighting units, fire prevention, or
12 firefighter training; or aerial firefighting surveillance
13 performed by fixed-wing aircraft pilots employed by the
14 Division of Forestry of the Department of Agriculture and
15 Consumer Services; or the member must be the supervisor or
16 command officer of a member or members who have such
17 responsibilities; provided, however, administrative support
18 personnel, including, but not limited to, those whose primary
19 duties and responsibilities are in accounting, purchasing,
20 legal, and personnel, shall not be included and further
21 provided that all periods of creditable service in fire
22 prevention or firefighter training, or as the supervisor or
23 command officer of a member or members who have such
24 responsibilities, and for which the employer paid the special
25 risk contribution rate, shall be included;

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

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

10 (d) The member must be employed by a licensed Advance
11 Life Support (ALS) or Basic Life Support (BLS) employer as an
12 emergency medical technician or a paramedic and be certified
13 in compliance with s. 401.27. In addition, the member's
14 primary duties and responsibilities must include on-the-scene
15 emergency medical care or direct supervision of emergency
16 medical technicians or paramedics, or the member must be the
17 supervisor or command officer of one or more members who have
18 such responsibility. However, administrative support
19 personnel, including, but not limited to, those whose primary
20 responsibilities are in accounting, purchasing, legal, and
21 personnel, shall not be included;

22 (e) The member must be employed as a community-based
23 correctional probation officer and be certified, or required
24 to be certified, in compliance with s. 943.1395. In addition,
25 the member's primary duties and responsibilities must be the
26 supervised custody, surveillance, control, investigation, and
27 counseling of assigned inmates, probationers, parolees, or
28 community controllees within the community; or the member must
29 be the supervisor of a member or members who have such
30 responsibilities. Administrative support personnel, including,
31 but not limited to, those whose primary duties and

1 responsibilities are in accounting, purchasing, legal
2 services, and personnel management, shall not be included;
3 however, probation and parole circuit and deputy circuit
4 administrators shall participate in the Special Risk Class; ~~or~~
5 (f) The member must be employed in one of the
6 following classes and must spend at least 75 percent of his or
7 her time performing duties which involve contact with patients
8 or inmates in a correctional or forensic facility or
9 institution:
10 1. Dietitian (class codes 5203 and 5204);~~;~~
11 2. Public health nutrition consultant (class code
12 5224);~~;~~
13 3. Psychological specialist (class codes 5230 and
14 5231);~~;~~
15 4. Psychologist (class code 5234);~~;~~
16 5. Senior psychologist (class codes 5237 and 5238);~~;~~
17 6. Regional mental health consultant (class code
18 5240);~~;~~
19 7. Psychological Services Director--DCF (class code
20 5242);~~;~~
21 8. Pharmacist (class codes 5245 and 5246);~~;~~
22 9. Senior pharmacist (class codes 5248 and 5249);~~;~~
23 10. Dentist (class code 5266);~~;~~
24 11. Senior dentist (class code 5269);~~;~~
25 12. Registered nurse (class codes 5290 and 5291);~~;~~
26 13. Senior registered nurse (class codes 5292 and
27 5293);~~;~~
28 14. Registered nurse specialist (class codes 5294 and
29 5295);~~;~~
30 15. Clinical associate (class codes 5298 and 5299);~~;~~
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- 1 16. Advanced registered nurse practitioner (class
2 codes 5297 and 5300);~~i-~~
- 3 17. Advanced registered nurse practitioner specialist
4 (class codes 5304 and 5305);~~i-~~
- 5 18. Registered nurse supervisor (class codes 5306 and
6 5307);~~i-~~
- 7 19. Senior registered nurse supervisor (class codes
8 5308 and 5309);~~i-~~
- 9 20. Registered nursing consultant (class codes 5312
10 and 5313);~~i-~~
- 11 21. Quality management program supervisor (class code
12 5314);~~i-~~
- 13 22. Executive nursing director (class codes 5320 and
14 5321);~~i-~~
- 15 23. Speech and hearing therapist (class code 5406); or
16 24. Pharmacy manager (class code 5251);~~i-~~
- 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 in a forensic discipline
25 recognized by the International Association for Identification
26 and must qualify for active membership in the International
27 Association for Identification. The member's primary duties
28 and responsibilities must include the collection, examination,
29 preservation, documentation, preparation, or analysis of
30 physical evidence or testimony, or both, or the member must be
31 the direct supervisor, quality management supervisor, or

1 command officer of one or more individuals with such
2 responsibility. Administrative support personnel, including,
3 but not limited to, those whose primary responsibilities are
4 clerical or in accounting, purchasing, legal, and personnel,
5 shall not be included.

6 Section 2. The Legislature finds that a proper and
7 legitimate state purpose is served when employees and retirees
8 of the state and 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. These persons must be
12 provided benefits that are fair and adequate and that are
13 managed, administered, and funded in a sound actuarial manner,
14 as required by Section 14, Article X of the State Constitution
15 and part VII of chapter 112, Florida Statutes. Therefore, the
16 Legislature hereby determines and declares that this act
17 fulfills an important state interest.

18 Section 3. This act shall take effect October 1, 2004.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 1950

23 The Committee Substitute modifies the definition of forensic
24 science technician to provide certification by a standards
25 setting organization, eliminates the retroactive effect to
26 1974 of the original bill, and provides a declaration of an
27 important state interest in compliance with s. 18, Art. X,
28 State Constitution.
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