

HB 1223

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CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2 **Council/Committee Substitute**

3 Remove the entire bill and insert:

4 A bill to be entitled

5 An act relating to the Florida Retirement System; amending
6 ss. 121.021 and 121.0515, F.S.; providing membership in
7 the Special Risk Class for persons employed by the
8 Department of Corrections or the Department of Children
9 and Family Services as certain treatment and
10 rehabilitation personnel; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (f) is added to subsection (15) of
15 section 121.021, Florida Statutes, to read:

16 121.021 Definitions.--The following words and phrases as
17 used in this chapter have the respective meanings set forth
18 unless a different meaning is plainly required by the context:

19 (15)

20 (f) Effective July 1, 2006, the term "special risk member"
21 includes any member who is employed by the Department of
22 Corrections or the Department of Children and Family Services
23 and meets the special criteria set forth in s. 121.0515(2)(i).

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

26 121.0515 Special risk membership.--

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

29 (a) The member must be employed as a law enforcement
30 officer and be certified, or required to be certified, in
31 compliance with s. 943.1395; however, sheriffs and elected
32 police chiefs shall be excluded from meeting the certification
33 requirements of this paragraph. In addition, the member's duties
34 and responsibilities must include the pursuit, apprehension, and
35 arrest of law violators or suspected law violators; or the
36 member must be an active member of a bomb disposal unit whose
37 primary responsibility is the location, handling, and disposal
38 of explosive devices; or the member must be the supervisor or
39 command officer of a member or members who have such
40 responsibilities; provided, however, administrative support
41 personnel, including, but not limited to, those whose primary
42 duties and responsibilities are in accounting, purchasing,
43 legal, and personnel, shall not be included;

44 (b) The member must be employed as a firefighter and be
45 certified, or required to be certified, in compliance with s.
46 633.35 and be employed solely within the fire department of a
47 local government employer or an agency of state government with
48 firefighting responsibilities. In addition, the member's duties
49 and responsibilities must include on-the-scene fighting of
50 fires, fire prevention, or firefighter training; direct
51 supervision of firefighting units, fire prevention, or

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52 firefighter training; or aerial firefighting surveillance
53 performed by fixed-wing aircraft pilots employed by the Division
54 of Forestry of the Department of Agriculture and Consumer
55 Services; or the member must be the supervisor or command
56 officer of a member or members who have such responsibilities;
57 provided, however, administrative support personnel, including,
58 but not limited to, those whose primary duties and
59 responsibilities are in accounting, purchasing, legal, and
60 personnel, shall not be included and further provided that all
61 periods of creditable service in fire prevention or firefighter
62 training, or as the supervisor or command officer of a member or
63 members who have such responsibilities, and for which the
64 employer paid the special risk contribution rate, shall be
65 included;

66 (c) The member must be employed as a correctional officer
67 and be certified, or required to be certified, in compliance
68 with s. 943.1395. In addition, the member's primary duties and
69 responsibilities must be the custody, and physical restraint
70 when necessary, of prisoners or inmates within a prison, jail,
71 or other criminal detention facility, or while on work detail
72 outside the facility, or while being transported; or the member
73 must be the supervisor or command officer of a member or members
74 who have such responsibilities; provided, however,
75 administrative support personnel, including, but not limited to,
76 those whose primary duties and responsibilities are in
77 accounting, purchasing, legal, and personnel, shall not be
78 included; however, wardens and assistant wardens, as defined by
79 rule, shall participate in the Special Risk Class;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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80 (d) The member must be employed by a licensed Advance Life
81 Support (ALS) or Basic Life Support (BLS) employer as an
82 emergency medical technician or a paramedic and be certified in
83 compliance with s. 401.27. In addition, the member's primary
84 duties and responsibilities must include on-the-scene emergency
85 medical care or direct supervision of emergency medical
86 technicians or paramedics, or the member must be the supervisor
87 or command officer of one or more members who have such
88 responsibility. However, administrative support personnel,
89 including, but not limited to, those whose primary
90 responsibilities are in accounting, purchasing, legal, and
91 personnel, shall not be included;

92 (e) The member must be employed as a community-based
93 correctional probation officer and be certified, or required to
94 be certified, in compliance with s. 943.1395. In addition, the
95 member's primary duties and responsibilities must be the
96 supervised custody, surveillance, control, investigation, and
97 counseling of assigned inmates, probationers, parolees, or
98 community controllees within the community; or the member must
99 be the supervisor of a member or members who have such
100 responsibilities. Administrative support personnel, including,
101 but not limited to, those whose primary duties and
102 responsibilities are in accounting, purchasing, legal services,
103 and personnel management, shall not be included; however,
104 probation and parole circuit and deputy circuit administrators
105 shall participate in the Special Risk Class;

106 (f) The member must be employed in one of the following
107 classes and must spend at least 75 percent of his or her time

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108 performing duties which involve contact with patients or inmates
 109 in a correctional or forensic facility or institution:

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director--DCF (class code 5242);
- 117 8. Pharmacist (class codes 5245 and 5246);
- 118 9. Senior pharmacist (class codes 5248 and 5249);
- 119 10. Dentist (class code 5266);
- 120 11. Senior dentist (class code 5269);
- 121 12. Registered nurse (class codes 5290 and 5291);
- 122 13. Senior registered nurse (class codes 5292 and 5293);
- 123 14. Registered nurse specialist (class codes 5294 and
 124 5295);
- 125 15. Clinical associate (class codes 5298 and 5299);
- 126 16. Advanced registered nurse practitioner (class codes
 127 5297 and 5300);
- 128 17. Advanced registered nurse practitioner specialist
 129 (class codes 5304 and 5305);
- 130 18. Registered nurse supervisor (class codes 5306 and
 131 5307);
- 132 19. Senior registered nurse supervisor (class codes 5308
 133 and 5309);
- 134 20. Registered nursing consultant (class codes 5312 and
 135 5313);

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136 21. Quality management program supervisor (class code
137 5314);

138 22. Executive nursing director (class codes 5320 and
139 5321);

140 23. Speech and hearing therapist (class code 5406); or

141 24. Pharmacy manager (class code 5251);

142 (g) The member must be employed as a youth custody officer
143 and be certified, or required to be certified, in compliance
144 with s. 943.1395. In addition, the member's primary duties and
145 responsibilities must be the supervised custody, surveillance,
146 control, investigation, apprehension, arrest, and counseling of
147 assigned juveniles within the community; ~~or~~

148 (h) The member must be employed by a law enforcement
149 agency or medical examiner's office in a forensic discipline
150 recognized by the International Association for Identification
151 and must qualify for active membership in the International
152 Association for Identification. The member's primary duties and
153 responsibilities must include the collection, examination,
154 preservation, documentation, preparation, or analysis of
155 physical evidence or testimony, or both, or the member must be
156 the direct supervisor, quality management supervisor, or command
157 officer of one or more individuals with such responsibility.
158 Administrative support personnel, including, but not limited to,
159 those whose primary responsibilities are clerical or in
160 accounting, purchasing, legal, and personnel, shall not be
161 included; or-

162 (i) The member must be employed by the Department of
163 Corrections or the Department of Children and Family Services

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164 with the following specified primary duties and responsibilities
165 in one of the following positions:

166 1. Licensed practical nurses whose primary duties and
167 responsibilities include administering medication during
168 scheduled times, and as otherwise directed; and providing
169 routine practical nursing care, including assistance with
170 resident personal hygiene, feeding, vital signs, first aid,
171 dressing changes, irrigations, and enemas.

172 2. Unit treatment and rehabilitation specialists whose
173 primary duties and responsibilities include providing direct
174 patient care to mental health residents by participation in
175 therapy sessions, activity programs, personal hygiene, and
176 individualized treatment; maintaining a secure and therapeutic
177 environment, monitoring residents' progress, and implementing
178 specialized treatments as directed by the treatment team;
179 supervising residents in recreational or cultural activities;
180 coordinating clinic visits for residents and assisting nurses
181 when necessary; and writing and reading daily notes on
182 residents' behavior, reviewing daily program notes, shift
183 reports, and logs; and keeping current on all changes in the
184 residents' records.

185 3. Behavioral program specialists whose primary duties and
186 responsibilities include maintaining a safe, secure, and
187 therapeutic environment by implementing specialized behavior
188 control techniques; working closely with other staff to reduce
189 seclusion hours; directly supervising all unit treatment and
190 rehabilitative specialists; and writing required performance

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191 appraisals and other feedback on supervised staff in a timely
192 manner.

193 4. Unit treatment and rehabilitative senior supervisors
194 whose primary duties and responsibilities include either:

195 a. Directly supervising all unit treatment and
196 rehabilitative specialists at a treatment building or in
197 multiple buildings; reviewing progress notes and assigning and
198 coordinating unit treatment and rehabilitative specialist
199 activities; handling all emergency situations on shift; and
200 participating in or conducting therapy sessions; or

201 b. Directly supervising other unit treatment and
202 rehabilitative senior supervisors or behavioral program
203 specialists; coordinating activities for consistency from shift
204 to shift; preparing or implementing work schedules for assigned
205 buildings to ensure minimum coverage; approving leave and
206 schedule changes; disseminating information, policies, and
207 communications to treatment staff; serving as liaison between
208 counselors and treatment staff; and supervising and evaluating
209 volunteers and interns.

210 5. Rehabilitation therapists whose primary duties and
211 responsibilities include supervising and coordinating resident
212 work programs to include such duties as vocational evaluation
213 and counseling of residents for placement in classroom or job
214 site training; monitoring residents in their attainment of
215 occupational skills by means of on-the-job training and
216 classroom instruction; and directly supervising resident
217 groundskeepers.

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218 6. Human service workers whose primary duties and
219 responsibilities include either:

220 a. Maintaining the resident building to meet the
221 sanitation, safety, and infection control standards; serving
222 meals; conducting room checks and face counts; and escorting
223 residents to medical and other appointments as assigned; or

224 b. Assisting residents with their daily living activities;
225 admitting residents into the unit; assisting with discharges;
226 completing resident assessments and other forms as needed; and
227 assisting with therapeutic activities as assigned.

228
229 In addition, the performance of these duties by the member must
230 require the member to spend at least 75 percent of his or her
231 time in contact with patients or inmates in a correctional or
232 forensic facility or institution.

233 Section 3. This act shall take effect July 1, 2006.