

By the Committee on Criminal Justice; and Senator Lawson

591-2457-06

1 A bill to be entitled
2 An act relating to the Florida Retirement
3 System; amending ss. 121.021 and 121.0515,
4 F.S.; providing membership in the Special Risk
5 Class for persons employed by the Department of
6 Corrections, the Agency for Persons with
7 Disabilities, or the Department of Children and
8 Family Services as certain treatment and
9 rehabilitation personnel; providing an
10 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. Paragraph (f) is added to subsection (15)
15 of section 121.021, Florida Statutes, to read:

16 121.021 Definitions.--The following words and phrases
17 as 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
21 member" includes any member who is employed by the Department
22 of Corrections, the Agency for Persons with Disabilities, or
23 the Department of Children and Family Services and meets the
24 special criteria set forth in s. 121.0515(2)(i).

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

27 121.0515 Special risk membership.--

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

30 (a) The member must be employed as a law enforcement
31 officer and be certified, or required to be certified, in

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

15 | (b) The member must be employed as a firefighter and
16 | be certified, or required to be certified, in compliance with
17 | s. 633.35 and be employed solely within the fire department of
18 | a local government employer or an agency of state government
19 | with firefighting responsibilities. In addition, the member's
20 | duties and responsibilities must include on-the-scene fighting
21 | of fires, fire prevention, or firefighter training; direct
22 | supervision of firefighting units, fire prevention, or
23 | firefighter training; or aerial firefighting surveillance
24 | performed by fixed-wing aircraft pilots employed by the
25 | Division of Forestry of the Department of Agriculture and
26 | Consumer Services; or the member must be the supervisor or
27 | command officer of a member or members who have such
28 | responsibilities; provided, however, administrative support
29 | personnel, including, but not limited to, those whose primary
30 | duties and responsibilities are in accounting, purchasing,
31 | legal, and personnel, shall not be included and further

1 provided that all periods of creditable service in fire
2 prevention or firefighter training, or as the supervisor or
3 command officer of a member or members who have such
4 responsibilities, and for which the employer paid the special
5 risk contribution rate, shall be included;

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

21 (d) The member must be employed by a licensed Advance
22 Life Support (ALS) or Basic Life Support (BLS) employer as an
23 emergency medical technician or a paramedic and be certified
24 in compliance with s. 401.27. In addition, the member's
25 primary duties and responsibilities must include on-the-scene
26 emergency medical care or direct supervision of emergency
27 medical technicians or paramedics, or the member must be the
28 supervisor or command officer of one or more members who have
29 such responsibility. However, administrative support
30 personnel, including, but not limited to, those whose primary
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1 responsibilities are in accounting, purchasing, legal, and
2 personnel, shall not be included;

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

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

- 22 1. Dietitian (class codes 5203 and 5204);
- 23 2. Public health nutrition consultant (class code
24 5224);
- 25 3. Psychological specialist (class codes 5230 and
26 5231);
- 27 4. Psychologist (class code 5234);
- 28 5. Senior psychologist (class codes 5237 and 5238);
- 29 6. Regional mental health consultant (class code
30 5240);

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- 1 7. Psychological Services Director--DCF (class code
2 5242);
- 3 8. Pharmacist (class codes 5245 and 5246);
- 4 9. Senior pharmacist (class codes 5248 and 5249);
- 5 10. Dentist (class code 5266);
- 6 11. Senior dentist (class code 5269);
- 7 12. Registered nurse (class codes 5290 and 5291);
- 8 13. Senior registered nurse (class codes 5292 and
9 5293);
- 10 14. Registered nurse specialist (class codes 5294 and
11 5295);
- 12 15. Clinical associate (class codes 5298 and 5299);
- 13 16. Advanced registered nurse practitioner (class
14 codes 5297 and 5300);
- 15 17. Advanced registered nurse practitioner specialist
16 (class codes 5304 and 5305);
- 17 18. Registered nurse supervisor (class codes 5306 and
18 5307);
- 19 19. Senior registered nurse supervisor (class codes
20 5308 and 5309);
- 21 20. Registered nursing consultant (class codes 5312
22 and 5313);
- 23 21. Quality management program supervisor (class code
24 5314);
- 25 22. Executive nursing director (class codes 5320 and
26 5321);
- 27 23. Speech and hearing therapist (class code 5406); or
- 28 24. Pharmacy manager (class code 5251);
- 29 (g) The member must be employed as a youth custody
30 officer and be certified, or required to be certified, in
31 compliance with s. 943.1395. In addition, the member's primary

1 duties and responsibilities must be the supervised custody,
2 surveillance, control, investigation, apprehension, arrest,
3 and counseling of assigned juveniles within the community; ~~or~~

4 (h) The member must be employed by a law enforcement
5 agency or medical examiner's office in a forensic discipline
6 recognized by the International Association for Identification
7 and must qualify for active membership in the International
8 Association for Identification. The member's primary duties
9 and responsibilities must include the collection, examination,
10 preservation, documentation, preparation, or analysis of
11 physical evidence or testimony, or both, or the member must be
12 the direct supervisor, quality management supervisor, or
13 command officer of one or more individuals with such
14 responsibility. Administrative support personnel, including,
15 but not limited to, those whose primary responsibilities are
16 clerical or in accounting, purchasing, legal, and personnel,
17 shall not be included; or-

18 (i) The member must be employed by the Department of
19 Corrections, the Agency for Persons with Disabilities, or the
20 Department of Children and Family Services with the following
21 specified primary duties and responsibilities in one of the
22 following positions:

23 1. Licensed practical nurses whose primary duties and
24 responsibilities include administering medication during
25 scheduled times, and as otherwise directed; and providing
26 routine practical nursing care, including assistance with
27 resident personal hygiene, feeding, vital signs, first aid,
28 dressing changes, irrigations, and enemas.

29 2. Senior licensed practical nurses whose primary
30 duties and responsibilities include participating in the
31 screening, evaluation, and care of patients or inmates under

1 the supervision of a physician or registered nurse; providing
2 treatments and administering medication pursuant to
3 physician's orders; performing specific nursing tasks
4 including, but not limited to, venipuncture and vital signs;
5 providing appropriate nursing intervention in emergency
6 situations; documenting completely and accurately the care
7 provided to a patient in his or her patient record;
8 maintaining records and logs and assisting with data entry
9 within the scope of nursing-related information; and
10 participating in the monitoring, requisition, and
11 documentation of the use of medications, medical supplies, and
12 equipment.

13 3. Unit treatment and rehabilitation specialists whose
14 primary duties and responsibilities include providing direct
15 patient care to mental health residents by participation in
16 therapy sessions, activity programs, personal hygiene, and
17 individualized treatment; maintaining a secure and therapeutic
18 environment, monitoring residents' progress, and implementing
19 specialized treatments as directed by the treatment team;
20 supervising residents in recreational or cultural activities;
21 coordinating clinic visits for residents and assisting nurses
22 when necessary; and writing and reading daily notes on
23 residents' behavior, reviewing daily program notes, shift
24 reports, and logs; and keeping current on all changes in the
25 residents' records.

26 4. Behavioral program specialists whose primary duties
27 and responsibilities include maintaining a safe, secure, and
28 therapeutic environment by implementing specialized behavior
29 control techniques; working closely with other staff to reduce
30 seclusion hours; directly supervising all unit treatment and
31 rehabilitative specialists; and writing required performance

1 appraisals and other feedback on supervised staff in a timely
2 manner.

3 5. Unit treatment and rehabilitative senior
4 supervisors whose primary duties and responsibilities include
5 either:

6 a. Directly supervising all unit treatment and
7 rehabilitative specialists at a treatment building or in
8 multiple buildings; reviewing progress notes and assigning and
9 coordinating unit treatment and rehabilitative specialist
10 activities; handling all emergency situations on shift; and
11 participating in or conducting therapy sessions; or

12 b. Directly supervising other unit treatment and
13 rehabilitative senior supervisors or behavioral program
14 specialists; coordinating activities for consistency from
15 shift to shift; preparing or implementing work schedules for
16 assigned buildings to ensure minimum coverage; approving leave
17 and schedule changes; disseminating information, policies, and
18 communications to treatment staff; serving as liaison between
19 counselors and treatment staff; and supervising and evaluating
20 volunteers and interns.

21 6. Rehabilitation therapists whose primary duties and
22 responsibilities include supervising and coordinating resident
23 work programs to include such duties as vocational evaluation
24 and counseling of residents for placement in classroom or job
25 site training; monitoring residents in their attainment of
26 occupational skills by means of on-the-job training and
27 classroom instruction; and directly supervising resident
28 groundskeepers.

29 7. Human service workers whose primary duties and
30 responsibilities include either:

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1 a. Maintaining the resident building to meet the
2 sanitation, safety, and infection control standards; serving
3 meals; conducting room checks and face counts; and escorting
4 residents to medical and other appointments as assigned; or

5 b. Assisting residents with their daily living
6 activities; admitting residents into the unit; assisting with
7 discharges; completing resident assessments and other forms as
8 needed; and assisting with therapeutic activities as assigned.

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10 In addition, the performance of these duties by the member
11 must require the member to spend at least 75 percent of his or
12 her time in contact with patients or inmates in a correctional
13 or forensic facility or institution.

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

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 2246

- 19 - Places all positions into one new criteria paragraph and
20 replaces class codes with a description of the duties and
21 responsibilities for the positions.
22 - Adds senior licensed practical nurses to the special risk
23 class.
24 - Adds the Agency for Persons with Disabilities to the list
25 of employees for whom these special risk employees must
26 work.
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