

1 A bill to be entitled
 2 An act relating to the Florida Retirement System; amending
 3 ss. 121.021 and 121.0515, F.S.; providing membership in
 4 the Special Risk Class for county and municipal code
 5 enforcement officers; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

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 9 Section 1. Subsection (15) of section 121.021, Florida
 10 Statutes, is amended to read:

11 121.021 Definitions.--The following words and phrases as
 12 used in this chapter have the respective meanings set forth
 13 unless a different meaning is plainly required by the context:

14 (15)(a) Until October 1, 1978, "special risk member" means
 15 any officer or employee whose application is approved by the
 16 administrator and who receives salary payments for work
 17 performed as a peace officer; law enforcement officer; police
 18 officer; highway patrol officer; custodial employee at a
 19 correctional or detention facility; correctional agency employee
 20 whose duties and responsibilities involve direct contact with
 21 inmates, but excluding secretarial and clerical employees;
 22 firefighter; or an employee in any other job in the field of law
 23 enforcement or fire protection if the duties of such person are
 24 certified as hazardous by his or her employer.

25 (b) Effective October 1, 1978, "special risk member" means
 26 a member of the Florida Retirement System who is designated as a
 27 special risk member by the division in accordance with s.
 28 121.0515. Such member must be employed as a law enforcement

29 officer, a firefighter, or a correctional officer and must meet
 30 certain other special criteria as set forth in s. 121.0515.

31 (c) Effective October 1, 1999, "special risk member" means
 32 a member of the Florida Retirement System who is designated as a
 33 special risk member by the division in accordance with s.
 34 121.0515. Such member must be employed as a law enforcement
 35 officer, a firefighter, a correctional officer, an emergency
 36 medical technician, or a paramedic and must meet certain other
 37 special criteria as set forth in s. 121.0515.

38 (d)1. Effective January 1, 2001, "special risk member"
 39 includes any member who is employed as a community-based
 40 correctional probation officer and meets the special criteria
 41 set forth in s. 121.0515(2)(e).

42 2. Effective January 1, 2001, "special risk member"
 43 includes any professional health care bargaining unit or non-
 44 unit member who is employed by the Department of Corrections or
 45 the Department of Children and Family Services and meets the
 46 special criteria set forth in s. 121.0515(2)(f).

47 (e) Effective July 1, 2001, the term "special risk member"
 48 includes any member who is employed as a youth custody officer
 49 by the Department of Juvenile Justice and meets the special
 50 criteria set forth in s. 121.0515(2)(g).

51 (f) Effective October 1, 2006, the term "special risk
 52 member" includes a person employed by a county or municipality
 53 who serves as a code enforcement officer as defined in s.
 54 162.21.

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

57 | 121.0515 Special risk membership.--
 58 | (2) CRITERIA.--A member, to be designated as a special
 59 | risk member, must meet the following criteria:
 60 | (a) The member must be employed as a law enforcement
 61 | officer and be certified, or required to be certified, in
 62 | compliance with s. 943.1395; however, sheriffs and elected
 63 | police chiefs shall be excluded from meeting the certification
 64 | requirements of this paragraph. In addition, the member's
 65 | duties and responsibilities must include the pursuit,
 66 | apprehension, and arrest of law violators or suspected law
 67 | violators; or the member must be an active member of a bomb
 68 | disposal unit whose primary responsibility is the location,
 69 | handling, and disposal of explosive devices; or the member must
 70 | be the supervisor or command officer of a member or members who
 71 | have such responsibilities; provided, however, administrative
 72 | support personnel, including, but not limited to, those whose
 73 | primary duties and responsibilities are in accounting,
 74 | purchasing, legal, and personnel, shall not be included;
 75 | (b) The member must be employed as a firefighter and be
 76 | certified, or required to be certified, in compliance with s.
 77 | 633.35 and be employed solely within the fire department of a
 78 | local government employer or an agency of state government with
 79 | firefighting responsibilities. In addition, the member's duties
 80 | and responsibilities must include on-the-scene fighting of
 81 | fires, fire prevention, or firefighter training; direct
 82 | supervision of firefighting units, fire prevention, or
 83 | firefighter training; or aerial firefighting surveillance
 84 | performed by fixed-wing aircraft pilots employed by the Division

85 of Forestry of the Department of Agriculture and Consumer
86 Services; or the member must be the supervisor or command
87 officer of a member or members who have such responsibilities;
88 provided, however, administrative support personnel, including,
89 but not limited to, those whose primary duties and
90 responsibilities are in accounting, purchasing, legal, and
91 personnel, shall not be included and further provided that all
92 periods of creditable service in fire prevention or firefighter
93 training, or as the supervisor or command officer of a member or
94 members who have such responsibilities, and for which the
95 employer paid the special risk contribution rate, shall be
96 included;

97 (c) The member must be employed as a correctional officer
98 and be certified, or required to be certified, in compliance
99 with s. 943.1395. In addition, the member's primary duties and
100 responsibilities must be the custody, and physical restraint
101 when necessary, of prisoners or inmates within a prison, jail,
102 or other criminal detention facility, or while on work detail
103 outside the facility, or while being transported; or the member
104 must be the supervisor or command officer of a member or members
105 who have such responsibilities; provided, however,
106 administrative support personnel, including, but not limited to,
107 those whose primary duties and responsibilities are in
108 accounting, purchasing, legal, and personnel, shall not be
109 included; however, wardens and assistant wardens, as defined by
110 rule, shall participate in the Special Risk Class;

111 (d) The member must be employed by a licensed Advance Life
112 Support (ALS) or Basic Life Support (BLS) employer as an

113 emergency medical technician or a paramedic and be certified in
 114 compliance with s. 401.27. In addition, the member's primary
 115 duties and responsibilities must include on-the-scene emergency
 116 medical care or direct supervision of emergency medical
 117 technicians or paramedics, or the member must be the supervisor
 118 or command officer of one or more members who have such
 119 responsibility. However, administrative support personnel,
 120 including, but not limited to, those whose primary
 121 responsibilities are in accounting, purchasing, legal, and
 122 personnel, shall not be included;

123 (e) The member must be employed as a community-based
 124 correctional probation officer and be certified, or required to
 125 be certified, in compliance with s. 943.1395. In addition, the
 126 member's primary duties and responsibilities must be the
 127 supervised custody, surveillance, control, investigation, and
 128 counseling of assigned inmates, probationers, parolees, or
 129 community controllees within the community; or the member must
 130 be the supervisor of a member or members who have such
 131 responsibilities. Administrative support personnel, including,
 132 but not limited to, those whose primary duties and
 133 responsibilities are in accounting, purchasing, legal services,
 134 and personnel management, shall not be included; however,
 135 probation and parole circuit and deputy circuit administrators
 136 shall participate in the Special Risk Class;

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

- 141 1. Dietitian (class codes 5203 and 5204);
- 142 2. Public health nutrition consultant (class code 5224);
- 143 3. Psychological specialist (class codes 5230 and 5231);
- 144 4. Psychologist (class code 5234);
- 145 5. Senior psychologist (class codes 5237 and 5238);
- 146 6. Regional mental health consultant (class code 5240);
- 147 7. Psychological Services Director--DCF (class code 5242);
- 148 8. Pharmacist (class codes 5245 and 5246);
- 149 9. Senior pharmacist (class codes 5248 and 5249);
- 150 10. Dentist (class code 5266);
- 151 11. Senior dentist (class code 5269);
- 152 12. Registered nurse (class codes 5290 and 5291);
- 153 13. Senior registered nurse (class codes 5292 and 5293);
- 154 14. Registered nurse specialist (class codes 5294 and
- 155 5295);
- 156 15. Clinical associate (class codes 5298 and 5299);
- 157 16. Advanced registered nurse practitioner (class codes
- 158 5297 and 5300);
- 159 17. Advanced registered nurse practitioner specialist
- 160 (class codes 5304 and 5305);
- 161 18. Registered nurse supervisor (class codes 5306 and
- 162 5307);
- 163 19. Senior registered nurse supervisor (class codes 5308
- 164 and 5309);
- 165 20. Registered nursing consultant (class codes 5312 and
- 166 5313);
- 167 21. Quality management program supervisor (class code
- 168 5314);

169 22. Executive nursing director (class codes 5320 and
170 5321);

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

172 24. Pharmacy manager (class code 5251);

173 (g) The member must be employed as a youth custody officer
174 and be certified, or required to be certified, in compliance
175 with s. 943.1395. In addition, the member's primary duties and
176 responsibilities must be the supervised custody, surveillance,
177 control, investigation, apprehension, arrest, and counseling of
178 assigned juveniles within the community; ~~or~~

179 (h) The member must be employed by a law enforcement
180 agency or medical examiner's office in a forensic discipline
181 recognized by the International Association for Identification
182 and must qualify for active membership in the International
183 Association for Identification. The member's primary duties and
184 responsibilities must include the collection, examination,
185 preservation, documentation, preparation, or analysis of
186 physical evidence or testimony, or both, or the member must be
187 the direct supervisor, quality management supervisor, or command
188 officer of one or more individuals with such responsibility.
189 Administrative support personnel, including, but not limited to,
190 those whose primary responsibilities are clerical or in
191 accounting, purchasing, legal, and personnel, shall not be
192 included; ~~or~~

193 (i) The member must be an employee or agent of a county or
194 municipality who serves as a code enforcement officer as defined
195 in s. 162.21.

196 Section 3. This act shall take effect October 1, 2006.