

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 persons employed as nurses in
 5 county correctional facilities; providing a declaration of
 6 important state interest; providing an effective date.

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

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

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

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

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

HB 731

2006

29 121.0515. Such member must be employed as a law enforcement
30 officer, a firefighter, or a correctional officer and must meet
31 certain other special criteria as set forth in s. 121.0515.

32 (c) Effective October 1, 1999, "special risk member" means
33 a member of the Florida Retirement System who is designated as a
34 special risk member by the division in accordance with s.

35 121.0515. Such member must be employed as a law enforcement
36 officer, a firefighter, a correctional officer, an emergency
37 medical technician, or a paramedic and must meet certain other
38 special criteria as set forth in s. 121.0515.

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

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

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

52 (f) Effective October 1, 2006, the term "special risk
53 member" includes a person employed as a nurse whose duties
54 involve contact with inmates in a county correctional facility.

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

HB 731

2006

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 duties
65 | and responsibilities must include the pursuit, apprehension, and
66 | arrest of law violators or suspected law violators; or the
67 | member must be an active member of a bomb disposal unit whose
68 | primary responsibility is the location, handling, and disposal
69 | of explosive devices; or the member must be the supervisor or
70 | command officer of a member or members who have such
71 | responsibilities; provided, however, administrative support
72 | personnel, including, but not limited to, those whose primary
73 | duties and responsibilities are in accounting, purchasing,
74 | 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

HB 731

2006

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

HB 731

2006

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:

HB 731

2006

- 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);

HB 731

2006

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 employed as a nurse whose duties
194 involve contact with inmates in a county correctional facility.

195 Section 3. The Legislature finds that a proper and
196 legitimate state purpose is served when employees and retirees

HB 731

2006

197 of the state and its political subdivisions and the dependents,
198 survivors, and beneficiaries of such employees and retirees are
199 extended the basic protections afforded by governmental
200 retirement systems. These persons must be provided benefits that
201 are fair and adequate and that are managed, administered, and
202 funded in a sound actuarial manner, as required by section 14,
203 Article X of the State Constitution and part VII of chapter 112,
204 Florida Statutes. Therefore, the Legislature hereby determines
205 and declares that this act fulfills an important state interest.

206 Section 4. This act shall take effect October 1, 2006.