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CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Retirement System; amending  
7 ss. 121.021 and 121.0515, F.S.; providing membership in  
8 the Special Risk Class for persons employed as nurses in  
9 county correctional facilities; providing a declaration of  
10 important state interest; providing an effective date.

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

13  
14 Section 1. Subsection (15) of section 121.021, Florida  
15 Statutes, is amended 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)(a) Until October 1, 1978, "special risk member" means  
20 any officer or employee whose application is approved by the  
21 administrator and who receives salary payments for work  
22 performed as a peace officer; law enforcement officer; police  
23 officer; highway patrol officer; custodial employee at a

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24 | correctional or detention facility; correctional agency employee  
25 | whose duties and responsibilities involve direct contact with  
26 | inmates, but excluding secretarial and clerical employees;  
27 | firefighter; or an employee in any other job in the field of law  
28 | enforcement or fire protection if the duties of such person are  
29 | certified as hazardous by his or her employer.

30 |       (b) Effective October 1, 1978, "special risk member" means  
31 | a member of the Florida Retirement System who is designated as a  
32 | special risk member by the division in accordance with s.  
33 | 121.0515. Such member must be employed as a law enforcement  
34 | officer, a firefighter, or a correctional officer and must meet  
35 | certain other special criteria as set forth in s. 121.0515.

36 |       (c) Effective October 1, 1999, "special risk member" means  
37 | a member of the Florida Retirement System who is designated as a  
38 | special risk member by the division in accordance with s.  
39 | 121.0515. Such member must be employed as a law enforcement  
40 | officer, a firefighter, a correctional officer, an emergency  
41 | medical technician, or a paramedic and must meet certain other  
42 | special criteria as set forth in s. 121.0515.

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

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

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

56 (f) Effective October 1, 2006, the term "special risk  
57 member" includes any member who is employed by a county or a  
58 sheriff to work as a registered nurse, a licensed practical  
59 nurse, or an advanced registered nurse practitioner exclusively  
60 in a county detention facility as defined in s. 951.23(1)(a) and  
61 who meets the special criteria set forth in s. 121.0515(2)(i).

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

64 121.0515 Special risk membership.--

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

67 (a) The member must be employed as a law enforcement  
68 officer and be certified, or required to be certified, in  
69 compliance with s. 943.1395; however, sheriffs and elected  
70 police chiefs shall be excluded from meeting the certification  
71 requirements of this paragraph. In addition, the member's duties  
72 and responsibilities must include the pursuit, apprehension, and  
73 arrest of law violators or suspected law violators; or the  
74 member must be an active member of a bomb disposal unit whose  
75 primary responsibility is the location, handling, and disposal  
76 of explosive devices; or the member must be the supervisor or  
77 command officer of a member or members who have such  
78 responsibilities; provided, however, administrative support  
79 personnel, including, but not limited to, those whose primary

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80 | duties and responsibilities are in accounting, purchasing,  
81 | legal, and personnel, shall not be included;

82 |       (b) The member must be employed as a firefighter and be  
83 | certified, or required to be certified, in compliance with s.  
84 | 633.35 and be employed solely within the fire department of a  
85 | local government employer or an agency of state government with  
86 | firefighting responsibilities. In addition, the member's duties  
87 | and responsibilities must include on-the-scene fighting of  
88 | fires, fire prevention, or firefighter training; direct  
89 | supervision of firefighting units, fire prevention, or  
90 | firefighter training; or aerial firefighting surveillance  
91 | performed by fixed-wing aircraft pilots employed by the Division  
92 | of Forestry of the Department of Agriculture and Consumer  
93 | Services; or the member must be the supervisor or command  
94 | officer of a member or members who have such responsibilities;  
95 | provided, however, administrative support personnel, including,  
96 | but not limited to, those whose primary duties and  
97 | responsibilities are in accounting, purchasing, legal, and  
98 | personnel, shall not be included and further provided that all  
99 | periods of creditable service in fire prevention or firefighter  
100 | training, or as the supervisor or command officer of a member or  
101 | members who have such responsibilities, and for which the  
102 | employer paid the special risk contribution rate, shall be  
103 | included;

104 |       (c) The member must be employed as a correctional officer  
105 | and be certified, or required to be certified, in compliance  
106 | with s. 943.1395. In addition, the member's primary duties and  
107 | responsibilities must be the custody, and physical restraint

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

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108 | when necessary, of prisoners or inmates within a prison, jail,  
109 | or other criminal detention facility, or while on work detail  
110 | outside the facility, or while being transported; or the member  
111 | must be the supervisor or command officer of a member or members  
112 | who have such responsibilities; provided, however,  
113 | administrative support personnel, including, but not limited to,  
114 | those whose primary duties and responsibilities are in  
115 | accounting, purchasing, legal, and personnel, shall not be  
116 | included; however, wardens and assistant wardens, as defined by  
117 | rule, shall participate in the Special Risk Class;

118 |       (d) The member must be employed by a licensed Advance Life  
119 | Support (ALS) or Basic Life Support (BLS) employer as an  
120 | emergency medical technician or a paramedic and be certified in  
121 | compliance with s. 401.27. In addition, the member's primary  
122 | duties and responsibilities must include on-the-scene emergency  
123 | medical care or direct supervision of emergency medical  
124 | technicians or paramedics, or the member must be the supervisor  
125 | or command officer of one or more members who have such  
126 | responsibility. However, administrative support personnel,  
127 | including, but not limited to, those whose primary  
128 | responsibilities are in accounting, purchasing, legal, and  
129 | personnel, shall not be included;

130 |       (e) The member must be employed as a community-based  
131 | correctional probation officer and be certified, or required to  
132 | be certified, in compliance with s. 943.1395. In addition, the  
133 | member's primary duties and responsibilities must be the  
134 | supervised custody, surveillance, control, investigation, and  
135 | counseling of assigned inmates, probationers, parolees, or

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136 | community controllees within the community; or the member must  
 137 | be the supervisor of a member or members who have such  
 138 | responsibilities. Administrative support personnel, including,  
 139 | but not limited to, those whose primary duties and  
 140 | responsibilities are in accounting, purchasing, legal services,  
 141 | and personnel management, shall not be included; however,  
 142 | probation and parole circuit and deputy circuit administrators  
 143 | shall participate in the Special Risk Class;

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

- 148 |       1. Dietitian (class codes 5203 and 5204);
- 149 |       2. Public health nutrition consultant (class code 5224);
- 150 |       3. Psychological specialist (class codes 5230 and 5231);
- 151 |       4. Psychologist (class code 5234);
- 152 |       5. Senior psychologist (class codes 5237 and 5238);
- 153 |       6. Regional mental health consultant (class code 5240);
- 154 |       7. Psychological Services Director--DCF (class code 5242);
- 155 |       8. Pharmacist (class codes 5245 and 5246);
- 156 |       9. Senior pharmacist (class codes 5248 and 5249);
- 157 |       10. Dentist (class code 5266);
- 158 |       11. Senior dentist (class code 5269);
- 159 |       12. Registered nurse (class codes 5290 and 5291);
- 160 |       13. Senior registered nurse (class codes 5292 and 5293);
- 161 |       14. Registered nurse specialist (class codes 5294 and  
 162 |       5295);
- 163 |       15. Clinical associate (class codes 5298 and 5299);

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- 164           16. Advanced registered nurse practitioner (class codes  
165 5297 and 5300);
- 166           17. Advanced registered nurse practitioner specialist  
167 (class codes 5304 and 5305);
- 168           18. Registered nurse supervisor (class codes 5306 and  
169 5307);
- 170           19. Senior registered nurse supervisor (class codes 5308  
171 and 5309);
- 172           20. Registered nursing consultant (class codes 5312 and  
173 5313);
- 174           21. Quality management program supervisor (class code  
175 5314);
- 176           22. Executive nursing director (class codes 5320 and  
177 5321);
- 178           23. Speech and hearing therapist (class code 5406); or  
179           24. Pharmacy manager (class code 5251);
- 180           (g) The member must be employed as a youth custody officer  
181 and be certified, or required to be certified, in compliance  
182 with s. 943.1395. In addition, the member's primary duties and  
183 responsibilities must be the supervised custody, surveillance,  
184 control, investigation, apprehension, arrest, and counseling of  
185 assigned juveniles within the community; ~~or~~
- 186           (h) The member must be employed by a law enforcement  
187 agency or medical examiner's office in a forensic discipline  
188 recognized by the International Association for Identification  
189 and must qualify for active membership in the International  
190 Association for Identification. The member's primary duties and  
191 responsibilities must include the collection, examination,

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192 preservation, documentation, preparation, or analysis of  
193 physical evidence or testimony, or both, or the member must be  
194 the direct supervisor, quality management supervisor, or command  
195 officer of one or more individuals with such responsibility.  
196 Administrative support personnel, including, but not limited to,  
197 those whose primary responsibilities are clerical or in  
198 accounting, purchasing, legal, and personnel, shall not be  
199 included; ~~or-~~

200 (i) The member must be employed by a county or a sheriff  
201 to work exclusively in a county detention facility, as defined  
202 in s. 951.23(1)(a), as a registered nurse, a licensed practical  
203 nurse, or an advanced registered nurse practitioner, as defined  
204 in s. 464.003(4)-(6), and must spend at least 75 percent of his  
205 or her time performing nursing acts, as described in s.  
206 464.003(3), which involve contact with inmates.

207 Section 3. The Legislature finds that a proper and  
208 legitimate state purpose is served when employees and retirees  
209 of the state and its political subdivisions and the dependents,  
210 survivors, and beneficiaries of such employees and retirees are  
211 extended the basic protections afforded by governmental  
212 retirement systems. These persons must be provided benefits that  
213 are fair and adequate and that are managed, administered, and  
214 funded in a sound actuarial manner, as required by section 14,  
215 Article X of the State Constitution and part VII of chapter 112,  
216 Florida Statutes. Therefore, the Legislature hereby determines  
217 and declares that this act fulfills an important state interest.

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