

By the Committee on Criminal Justice; and Senators Wise and Fasano

591-1723-06

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A bill to be entitled  
An act relating to the Florida Retirement System; amending ss. 121.021, 121.0515, F.S.; including specified detention officers and supervisory employees of the Department of Juvenile Justice as special risk members of the system; providing that the act fulfills an important state interest; providing an effective date.

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

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

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

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

(b) Effective October 1, 1978, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in

1 accordance with s. 121.0515. Such member must be employed as  
2 a law enforcement officer, a firefighter, or a correctional  
3 officer and must meet certain other special criteria as set  
4 forth in s. 121.0515.

5 (c) Effective October 1, 1999, "special risk member"  
6 means a member of the Florida Retirement System who is  
7 designated as a special risk member by the division in  
8 accordance with s. 121.0515. Such member must be employed as  
9 a law enforcement officer, a firefighter, a correctional  
10 officer, an emergency medical technician, or a paramedic and  
11 must meet certain other special criteria as set forth in s.  
12 121.0515.

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

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

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

26 (f) Effective July 1, 2006, the term "special risk  
27 member" includes a person who is employed by the Department of  
28 Juvenile Justice as a juvenile detention officer, as a senior  
29 juvenile detention officer, or as the direct supervisor or  
30 command officer of these employees and who meets certain other  
31 special criteria as set forth in s. 121.0515.

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

3           121.0515 Special risk membership.--

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

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

22           (b) The member must be employed as a firefighter and  
23 be certified, or required to be certified, in compliance with  
24 s. 633.35 and be employed solely within the fire department of  
25 a local government employer or an agency of state government  
26 with firefighting responsibilities. In addition, the member's  
27 duties and responsibilities must include on-the-scene fighting  
28 of fires, fire prevention, or firefighter training; direct  
29 supervision of firefighting units, fire prevention, or  
30 firefighter training; or aerial firefighting surveillance  
31 performed by fixed-wing aircraft pilots employed by the

1 | Division of Forestry of the Department of Agriculture and  
2 | Consumer Services; or the member must be the supervisor or  
3 | command officer of a member or members who have such  
4 | responsibilities; provided, however, administrative support  
5 | personnel, including, but not limited to, those whose primary  
6 | duties and responsibilities are in accounting, purchasing,  
7 | legal, and personnel, shall not be included and further  
8 | provided that all periods of creditable service in fire  
9 | prevention or firefighter training, or as the supervisor or  
10 | command officer of a member or members who have such  
11 | responsibilities, and for which the employer paid the special  
12 | risk contribution rate, shall be included;

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

28 |       (d) The member must be employed by a licensed Advance  
29 | Life Support (ALS) or Basic Life Support (BLS) employer as an  
30 | emergency medical technician or a paramedic and be certified  
31 | in compliance with s. 401.27. In addition, the member's

1 primary duties and responsibilities must include on-the-scene  
2 emergency medical care or direct supervision of emergency  
3 medical technicians or paramedics, or the member must be the  
4 supervisor or command officer of one or more members who have  
5 such responsibility. However, administrative support  
6 personnel, including, but not limited to, those whose primary  
7 responsibilities are in accounting, purchasing, legal, and  
8 personnel, shall not be included;

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

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

- 28 1. Dietitian (class codes 5203 and 5204);
- 29 2. Public health nutrition consultant (class code  
30 5224);

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1           3. Psychological specialist (class codes 5230 and  
2 5231);  
3           4. Psychologist (class code 5234);  
4           5. Senior psychologist (class codes 5237 and 5238);  
5           6. Regional mental health consultant (class code  
6 5240);  
7           7. Psychological Services Director--DCF (class code  
8 5242);  
9           8. Pharmacist (class codes 5245 and 5246);  
10          9. Senior pharmacist (class codes 5248 and 5249);  
11          10. Dentist (class code 5266);  
12          11. Senior dentist (class code 5269);  
13          12. Registered nurse (class codes 5290 and 5291);  
14          13. Senior registered nurse (class codes 5292 and  
15 5293);  
16          14. Registered nurse specialist (class codes 5294 and  
17 5295);  
18          15. Clinical associate (class codes 5298 and 5299);  
19          16. Advanced registered nurse practitioner (class  
20 codes 5297 and 5300);  
21          17. Advanced registered nurse practitioner specialist  
22 (class codes 5304 and 5305);  
23          18. Registered nurse supervisor (class codes 5306 and  
24 5307);  
25          19. Senior registered nurse supervisor (class codes  
26 5308 and 5309);  
27          20. Registered nursing consultant (class codes 5312  
28 and 5313);  
29          21. Quality management program supervisor (class code  
30 5314);  
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1           22. Executive nursing director (class codes 5320 and  
2 5321);

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

4           24. Pharmacy manager (class code 5251);

5           (g) The member must be employed as a youth custody  
6 officer and be certified, or required to be certified, in  
7 compliance with s. 943.1395. In addition, the member's primary  
8 duties and responsibilities must be the supervised custody,  
9 surveillance, control, investigation, apprehension, arrest,  
10 and counseling of assigned juveniles within the community; ~~or~~

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

25           (i) The member must be employed by the Department of  
26 Juvenile Justice as a juvenile detention officer or a senior  
27 juvenile detention officer and must be subject to training in  
28 compliance with s. 985.406. In addition, the member's primary  
29 duties and responsibilities must be the supervision and  
30 control of detainees in all activities, the maintenance or  
31 assurance of the safe and secure custody of all assigned

1 detainees, and the creation or maintenance of an environment  
2 of zero tolerance for detainee escapes, detainee abuse, sexual  
3 harassment, and inappropriate conduct by staff with detainees;  
4 or the member must be the direct supervisor or command officer  
5 of a member or members who have such responsibilities;  
6 however, administrative support personnel, including, but not  
7 limited to, those whose primary duties and responsibilities  
8 are in accounting, purchasing, legal services, and personnel  
9 management, shall not be included.

10 Section 3. The Legislature determines and declares  
11 that this act fulfills an important state interest.

12 Section 4. This act shall take effect July 1, 2006.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 Senate Bill 748

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18 - Clarifies what juvenile detention positions are included  
19 in "or otherwise in a supervisory position" to avoid  
20 unnecessary confusion in the future.

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22 - Provides a statement that the Legislature finds the bill  
23 fulfills an important state interest to protect it  
24 against a possible unfunded mandate challenge.

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