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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 pilots or
9 aerial applicators authorized to provide mosquito control
10 services; providing a definition; providing a declaration
11 of important state interest; providing an effective date.
12

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

14
15 Section 1. Paragraph (f) is added to subsection (15) of
16 section 121.021, Florida Statutes, to read:

17 121.021 Definitions.--The following words and phrases as
18 used in this chapter have the respective meanings set forth
19 unless a different meaning is plainly required by the context:

20 (15)

21 (f) Effective October 1, 2006, the term "special risk
22 member" includes any member who is employed as a pilot or an
23 aerial applicator by a municipality, county, special district,

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24 | or state agency that is authorized to provide mosquito control
 25 | services under chapter 388 or by special act and who meets the
 26 | criteria set forth in s. 121.0515(2)(i).

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

29 | 121.0515 Special risk membership.--

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

32 | (a) The member must be employed as a law enforcement
 33 | officer and be certified, or required to be certified, in
 34 | compliance with s. 943.1395; however, sheriffs and elected
 35 | police chiefs shall be excluded from meeting the certification
 36 | requirements of this paragraph. In addition, the member's duties
 37 | and responsibilities must include the pursuit, apprehension, and
 38 | arrest of law violators or suspected law violators; or the
 39 | member must be an active member of a bomb disposal unit whose
 40 | primary responsibility is the location, handling, and disposal
 41 | of explosive devices; or the member must be the supervisor or
 42 | command officer of a member or members who have such
 43 | responsibilities; provided, however, administrative support
 44 | personnel, including, but not limited to, those whose primary
 45 | duties and responsibilities are in accounting, purchasing,
 46 | legal, and personnel, shall not be included;

47 | (b) The member must be employed as a firefighter and be
 48 | certified, or required to be certified, in compliance with s.
 49 | 633.35 and be employed solely within the fire department of a
 50 | local government employer or an agency of state government with
 51 | firefighting responsibilities. In addition, the member's duties

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52 | and responsibilities must include on-the-scene fighting of
53 | fires, fire prevention, or firefighter training; direct
54 | supervision of firefighting units, fire prevention, or
55 | firefighter training; or aerial firefighting surveillance
56 | performed by fixed-wing aircraft pilots employed by the Division
57 | of Forestry of the Department of Agriculture and Consumer
58 | Services; or the member must be the supervisor or command
59 | officer of a member or members who have such responsibilities;
60 | provided, however, administrative support personnel, including,
61 | but not limited to, those whose primary duties and
62 | responsibilities are in accounting, purchasing, legal, and
63 | personnel, shall not be included and further provided that all
64 | periods of creditable service in fire prevention or firefighter
65 | training, or as the supervisor or command officer of a member or
66 | members who have such responsibilities, and for which the
67 | employer paid the special risk contribution rate, shall be
68 | included;

69 | (c) The member must be employed as a correctional officer
70 | and be certified, or required to be certified, in compliance
71 | with s. 943.1395. In addition, the member's primary duties and
72 | responsibilities must be the custody, and physical restraint
73 | when necessary, of prisoners or inmates within a prison, jail,
74 | or other criminal detention facility, or while on work detail
75 | outside the facility, or while being transported; or the member
76 | must be the supervisor or command officer of a member or members
77 | who have such responsibilities; provided, however,
78 | administrative support personnel, including, but not limited to,
79 | those whose primary duties and responsibilities are in

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

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80 | accounting, purchasing, legal, and personnel, shall not be
81 | included; however, wardens and assistant wardens, as defined by
82 | rule, shall participate in the Special Risk Class;

83 | (d) The member must be employed by a licensed Advance Life
84 | Support (ALS) or Basic Life Support (BLS) employer as an
85 | emergency medical technician or a paramedic and be certified in
86 | compliance with s. 401.27. In addition, the member's primary
87 | duties and responsibilities must include on-the-scene emergency
88 | medical care or direct supervision of emergency medical
89 | technicians or paramedics, or the member must be the supervisor
90 | or command officer of one or more members who have such
91 | responsibility. However, administrative support personnel,
92 | including, but not limited to, those whose primary
93 | responsibilities are in accounting, purchasing, legal, and
94 | personnel, shall not be included;

95 | (e) The member must be employed as a community-based
96 | correctional probation officer and be certified, or required to
97 | be certified, in compliance with s. 943.1395. In addition, the
98 | member's primary duties and responsibilities must be the
99 | supervised custody, surveillance, control, investigation, and
100 | counseling of assigned inmates, probationers, parolees, or
101 | community controllees within the community; or the member must
102 | be the supervisor of a member or members who have such
103 | responsibilities. Administrative support personnel, including,
104 | but not limited to, those whose primary duties and
105 | responsibilities are in accounting, purchasing, legal services,
106 | and personnel management, shall not be included; however,

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107 | probation and parole circuit and deputy circuit administrators
108 | shall participate in the Special Risk Class;

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

- 113 | 1. Dietitian (class codes 5203 and 5204);
- 114 | 2. Public health nutrition consultant (class code 5224);
- 115 | 3. Psychological specialist (class codes 5230 and 5231);
- 116 | 4. Psychologist (class code 5234);
- 117 | 5. Senior psychologist (class codes 5237 and 5238);
- 118 | 6. Regional mental health consultant (class code 5240);
- 119 | 7. Psychological Services Director--DCF (class code 5242);
- 120 | 8. Pharmacist (class codes 5245 and 5246);
- 121 | 9. Senior pharmacist (class codes 5248 and 5249);
- 122 | 10. Dentist (class code 5266);
- 123 | 11. Senior dentist (class code 5269);
- 124 | 12. Registered nurse (class codes 5290 and 5291);
- 125 | 13. Senior registered nurse (class codes 5292 and 5293);
- 126 | 14. Registered nurse specialist (class codes 5294 and
127 | 5295);
- 128 | 15. Clinical associate (class codes 5298 and 5299);
- 129 | 16. Advanced registered nurse practitioner (class codes
130 | 5297 and 5300);
- 131 | 17. Advanced registered nurse practitioner specialist
132 | (class codes 5304 and 5305);
- 133 | 18. Registered nurse supervisor (class codes 5306 and
134 | 5307);

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135 | 19. Senior registered nurse supervisor (class codes 5308
136 | and 5309);

137 | 20. Registered nursing consultant (class codes 5312 and
138 | 5313);

139 | 21. Quality management program supervisor (class code
140 | 5314);

141 | 22. Executive nursing director (class codes 5320 and
142 | 5321);

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

144 | 24. Pharmacy manager (class code 5251);

145 | (g) The member must be employed as a youth custody officer
146 | and be certified, or required to be certified, in compliance
147 | with s. 943.1395. In addition, the member's primary duties and
148 | responsibilities must be the supervised custody, surveillance,
149 | control, investigation, apprehension, arrest, and counseling of
150 | assigned juveniles within the community; ~~or~~

151 | (h) The member must be employed by a law enforcement
152 | agency or medical examiner's office in a forensic discipline
153 | recognized by the International Association for Identification
154 | and must qualify for active membership in the International
155 | Association for Identification. The member's primary duties and
156 | responsibilities must include the collection, examination,
157 | preservation, documentation, preparation, or analysis of
158 | physical evidence or testimony, or both, or the member must be
159 | the direct supervisor, quality management supervisor, or command
160 | officer of one or more individuals with such responsibility.
161 | Administrative support personnel, including, but not limited to,
162 | those whose primary responsibilities are clerical or in

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163 accounting, purchasing, legal, and personnel, shall not be
164 included; ~~or-~~

165 (i) The member must be employed as a pilot or an aerial
166 applicator by a municipality, county, special district, or state
167 agency that is authorized to provide mosquito control services
168 under chapter 388 or by special act, must be licensed as a pilot
169 by the Federal Aviation Administration, and must satisfy any
170 licensure or certification requirements established by the
171 Department of Agriculture and Consumer Services pursuant to s.
172 388.361(4). In addition, the member's primary duties and
173 responsibilities must include piloting or copiloting, often at
174 low altitudes, a rotary-wing or fixed-wing aircraft for chemical
175 application of pesticides for controlling mosquitoes or other
176 arthropods.

177 Section 3. The Legislature finds that a proper and
178 legitimate state purpose is served when employees and retirees
179 of the state and its political subdivisions, and the dependents,
180 survivors, and beneficiaries of such employees and retirees, are
181 extended the basic protections afforded by governmental
182 retirement systems. These persons must be provided benefits that
183 are fair and adequate and that are managed, administered, and
184 funded in a sound actuarial manner, as required by Section 14,
185 Article X of the State Constitution and part VII of chapter 112,
186 Florida Statutes. Therefore, the Legislature hereby determines
187 and declares that this act fulfills an important state interest.

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