

HB 901

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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 of the system for persons employed  
9 as ocean water rescue lifeguards who meet other specified  
10 qualifications; providing a declaration of important state  
11 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 an ocean water  
23 rescue lifeguard by an employer that is advanced certified by

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24 | the United States Lifesaving Association, who is certified in  
 25 | compliance with s. 401.27 as an emergency medical technician or  
 26 | paramedic, who works directly under the supervision of a fire  
 27 | rescue department or is supervised by a medical director, and  
 28 | who meets the special criteria set forth in s. 121.0515(2)(i).

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

31 | 121.0515 Special risk membership.--

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

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

49 | (b) The member must be employed as a firefighter and be  
 50 | certified, or required to be certified, in compliance with s.  
 51 | 633.35 and be employed solely within the fire department of a

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

71 | (c) The member must be employed as a correctional officer  
72 | and be certified, or required to be certified, in compliance  
73 | with s. 943.1395. In addition, the member's primary duties and  
74 | responsibilities must be the custody, and physical restraint  
75 | when necessary, of prisoners or inmates within a prison, jail,  
76 | or other criminal detention facility, or while on work detail  
77 | outside the facility, or while being transported; or the member  
78 | must be the supervisor or command officer of a member or members  
79 | who have such responsibilities; provided, however,

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80 | administrative support personnel, including, but not limited to,  
81 | those whose primary duties and responsibilities are in  
82 | accounting, purchasing, legal, and personnel, shall not be  
83 | included; however, wardens and assistant wardens, as defined by  
84 | rule, shall participate in the Special Risk Class;

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

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

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108 and personnel management, shall not be included; however,  
109 probation and parole circuit and deputy circuit administrators  
110 shall participate in the Special Risk Class;

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

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

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- 135           18. Registered nurse supervisor (class codes 5306 and  
136 5307);
- 137           19. Senior registered nurse supervisor (class codes 5308  
138 and 5309);
- 139           20. Registered nursing consultant (class codes 5312 and  
140 5313);
- 141           21. Quality management program supervisor (class code  
142 5314);
- 143           22. Executive nursing director (class codes 5320 and  
144 5321);
- 145           23. Speech and hearing therapist (class code 5406); or  
146           24. Pharmacy manager (class code 5251);
- 147           (g) The member must be employed as a youth custody officer  
148 and be certified, or required to be certified, in compliance  
149 with s. 943.1395. In addition, the member's primary duties and  
150 responsibilities must be the supervised custody, surveillance,  
151 control, investigation, apprehension, arrest, and counseling of  
152 assigned juveniles within the community; ~~or~~
- 153           (h) The member must be employed by a law enforcement  
154 agency or medical examiner's office in a forensic discipline  
155 recognized by the International Association for Identification  
156 and must qualify for active membership in the International  
157 Association for Identification. The member's primary duties and  
158 responsibilities must include the collection, examination,  
159 preservation, documentation, preparation, or analysis of  
160 physical evidence or testimony, or both, or the member must be  
161 the direct supervisor, quality management supervisor, or command  
162 officer of one or more individuals with such responsibility.

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163 Administrative support personnel, including, but not limited to,  
164 those whose primary responsibilities are clerical or in  
165 accounting, purchasing, legal, and personnel, shall not be  
166 included; ~~or-~~

167 (i) The member must be employed as an ocean water rescue  
168 lifeguard by an employer that is advanced certified by the  
169 United States Lifesaving Association, must be certified in  
170 compliance with s. 401.27 as an emergency medical technician or  
171 paramedic, and must maintain compliance with the United States  
172 Lifesaving Association's Fulltime Open Water Lifeguard training  
173 standards. In addition, the member must work directly under the  
174 supervision of a fire rescue department or be supervised by a  
175 medical director and must have primary duties and  
176 responsibilities that include maintaining open water life-safety  
177 and on-the-scene emergency rescue and response to emergencies in  
178 the water and on ocean-front beaches. However, administrative  
179 support personnel, including, but not limited to, those whose  
180 primary responsibilities are in accounting, purchasing, legal,  
181 and personnel, shall not be included.

182 Section 3. The Legislature finds that a proper and  
183 legitimate state purpose is served when employees and retirees  
184 of the state and its political subdivisions and the dependents,  
185 survivors, and beneficiaries of such employees and retirees are  
186 extended the basic protections afforded by governmental  
187 retirement systems. These persons must be provided benefits that  
188 are fair and adequate and that are managed, administered, and  
189 funded in a sound actuarial manner, as required by s. 14, Art. X  
190 of the State Constitution and part VII of chapter 112, Florida

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191 | Statutes. Therefore, the Legislature hereby determines and  
192 | declares that this act fulfills an important state interest.

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