

By Senator Oelrich

14-1400-07

See HB 69

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A bill to be entitled
An act relating to the Florida Retirement System; amending ss. 121.021 and 121.0515, F.S.; providing membership in the Special Risk Class for persons employed as pilots or aerial applicators authorized to provide mosquito control services; providing a definition; providing a declaration of important state interest; providing an effective date.

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

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

(f) Effective October 1, 2007, the term "special risk member" includes any member who is employed as a pilot or an aerial applicator by a municipality, county, special district, or state agency that is authorized to provide mosquito control services under chapter 388 or by special act and who meets the criteria set forth in s. 121.0515(2)(i).

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

121.0515 Special risk membership.--

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

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in

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

15 | (b) The member must be employed as a firefighter and
16 | be certified, or required to be certified, in compliance with
17 | s. 633.35 and be employed solely within the fire department of
18 | a local government employer or an agency of state government
19 | with firefighting responsibilities. In addition, the member's
20 | duties and responsibilities must include on-the-scene fighting
21 | of fires, fire prevention, or firefighter training; direct
22 | supervision of firefighting units, fire prevention, or
23 | firefighter training; or aerial firefighting surveillance
24 | performed by fixed-wing aircraft pilots employed by the
25 | Division of Forestry of the Department of Agriculture and
26 | Consumer Services; or the member must be the supervisor or
27 | command officer of a member or members who have such
28 | responsibilities; provided, however, administrative support
29 | personnel, including, but not limited to, those whose primary
30 | duties and responsibilities are in accounting, purchasing,
31 | legal, and personnel, shall not be included and further

1 provided that all periods of creditable service in fire
2 prevention or firefighter training, or as the supervisor or
3 command officer of a member or members who have such
4 responsibilities, and for which the employer paid the special
5 risk contribution rate, shall be included;

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

21 (d) The member must be employed by a licensed Advance
22 Life Support (ALS) or Basic Life Support (BLS) employer as an
23 emergency medical technician or a paramedic and be certified
24 in compliance with s. 401.27. In addition, the member's
25 primary duties and responsibilities must include on-the-scene
26 emergency medical care or direct supervision of emergency
27 medical technicians or paramedics, or the member must be the
28 supervisor or command officer of one or more members who have
29 such responsibility. However, administrative support
30 personnel, including, but not limited to, those whose primary
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1 responsibilities are in accounting, purchasing, legal, and
2 personnel, shall not be included;

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

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

- 22 1. Dietitian (class codes 5203 and 5204);
- 23 2. Public health nutrition consultant (class code
24 5224);
- 25 3. Psychological specialist (class codes 5230 and
26 5231);
- 27 4. Psychologist (class code 5234);
- 28 5. Senior psychologist (class codes 5237 and 5238);
- 29 6. Regional mental health consultant (class code
30 5240);

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- 1 7. Psychological Services Director--DCF (class code
2 5242);
- 3 8. Pharmacist (class codes 5245 and 5246);
- 4 9. Senior pharmacist (class codes 5248 and 5249);
- 5 10. Dentist (class code 5266);
- 6 11. Senior dentist (class code 5269);
- 7 12. Registered nurse (class codes 5290 and 5291);
- 8 13. Senior registered nurse (class codes 5292 and
9 5293);
- 10 14. Registered nurse specialist (class codes 5294 and
11 5295);
- 12 15. Clinical associate (class codes 5298 and 5299);
- 13 16. Advanced registered nurse practitioner (class
14 codes 5297 and 5300);
- 15 17. Advanced registered nurse practitioner specialist
16 (class codes 5304 and 5305);
- 17 18. Registered nurse supervisor (class codes 5306 and
18 5307);
- 19 19. Senior registered nurse supervisor (class codes
20 5308 and 5309);
- 21 20. Registered nursing consultant (class codes 5312
22 and 5313);
- 23 21. Quality management program supervisor (class code
24 5314);
- 25 22. Executive nursing director (class codes 5320 and
26 5321);
- 27 23. Speech and hearing therapist (class code 5406); or
- 28 24. Pharmacy manager (class code 5251);
- 29 (g) The member must be employed as a youth custody
30 officer and be certified, or required to be certified, in
31 compliance with s. 943.1395. In addition, the member's primary

1 duties and responsibilities must be the supervised custody,
2 surveillance, control, investigation, apprehension, arrest,
3 and counseling of assigned juveniles within the community; ~~or~~

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

18 (i) The member must be employed as a pilot or an
19 aerial applicator by a municipality, county, special district,
20 or state agency that is authorized to provide mosquito control
21 services under chapter 388 or by special act, must be licensed
22 as a pilot by the Federal Aviation Administration, and must
23 satisfy any licensure or certification requirements
24 established by the Department of Agriculture and Consumer
25 Services pursuant to s. 388.361(4). In addition, the member's
26 primary duties and responsibilities must include piloting or
27 copiloting, often at low altitudes, a rotary-wing or
28 fixed-wing aircraft for chemical application of pesticides for
29 controlling mosquitoes or other arthropods.

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

1 of the state and its political subdivisions, and the
2 dependents, survivors, and beneficiaries of such employees and
3 retirees, are extended the basic protections afforded by
4 governmental retirement systems. These persons must be
5 provided benefits that are fair and adequate and that are
6 managed, administered, and funded in a sound actuarial manner
7 as required by Section 14, Article X of the State Constitution
8 and part VII of chapter 112, Florida Statutes. Therefore, the
9 Legislature determines and declares that this act fulfills an
10 important state interest.

11 Section 4. This act shall take effect October 1, 2007.
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