

HB 205

2007

1 A bill to be entitled

2 An act relating to the Florida Retirement System; amending
3 ss. 121.021 and 121.0515, F.S.; providing membership in
4 the Special Risk Class of the system for persons employed
5 as ocean water rescue lifeguards who meet other specified
6 qualifications; providing a declaration of important state
7 interest; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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

13 121.021 Definitions.--The following words and phrases as
14 used in this chapter have the respective meanings set forth
15 unless a different meaning is plainly required by the context:

16 (15)

17 (f) Effective October 1, 2007, the term "special risk
18 member" includes any member who is employed as an ocean water
19 rescue lifeguard by an employer that is advanced certified by
20 the United States Lifesaving Association, who is certified in
21 compliance with s. 401.27 as an emergency medical technician or
22 paramedic, who works directly under the supervision of a fire
23 rescue department or is supervised by a medical director, and
24 who meets the special criteria set forth in s. 121.0515(2)(i).

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

27 121.0515 Special risk membership.--

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

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

45 (b) The member must be employed as a firefighter and be
46 certified, or required to be certified, in compliance with s.
47 633.35 and be employed solely within the fire department of a
48 local government employer or an agency of state government with
49 firefighting responsibilities. In addition, the member's duties
50 and responsibilities must include on-the-scene fighting of
51 fires, fire prevention, or firefighter training; direct
52 supervision of firefighting units, fire prevention, or
53 firefighter training; or aerial firefighting surveillance
54 performed by fixed-wing aircraft pilots employed by the Division
55 of Forestry of the Department of Agriculture and Consumer

56 Services; or the member must be the supervisor or command
57 officer of a member or members who have such responsibilities;
58 provided, however, administrative support personnel, including,
59 but not limited to, those whose primary duties and
60 responsibilities are in accounting, purchasing, legal, and
61 personnel, shall not be included and further provided that all
62 periods of creditable service in fire prevention or firefighter
63 training, or as the supervisor or command officer of a member or
64 members who have such responsibilities, and for which the
65 employer paid the special risk contribution rate, shall be
66 included;

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

81 (d) The member must be employed by a licensed Advance Life
82 Support (ALS) or Basic Life Support (BLS) employer as an
83 emergency medical technician or a paramedic and be certified in

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84 compliance with s. 401.27. In addition, the member's primary
85 duties and responsibilities must include on-the-scene emergency
86 medical care or direct supervision of emergency medical
87 technicians or paramedics, or the member must be the supervisor
88 or command officer of one or more members who have such
89 responsibility. However, administrative support personnel,
90 including, but not limited to, those whose primary
91 responsibilities are in accounting, purchasing, legal, and
92 personnel, shall not be included;

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

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

- 111 1. Dietitian (class codes 5203 and 5204);

- 112 2. Public health nutrition consultant (class code 5224);
- 113 3. Psychological specialist (class codes 5230 and 5231);
- 114 4. Psychologist (class code 5234);
- 115 5. Senior psychologist (class codes 5237 and 5238);
- 116 6. Regional mental health consultant (class code 5240);
- 117 7. Psychological Services Director--DCF (class code 5242);
- 118 8. Pharmacist (class codes 5245 and 5246);
- 119 9. Senior pharmacist (class codes 5248 and 5249);
- 120 10. Dentist (class code 5266);
- 121 11. Senior dentist (class code 5269);
- 122 12. Registered nurse (class codes 5290 and 5291);
- 123 13. Senior registered nurse (class codes 5292 and 5293);
- 124 14. Registered nurse specialist (class codes 5294 and
- 125 5295);
- 126 15. Clinical associate (class codes 5298 and 5299);
- 127 16. Advanced registered nurse practitioner (class codes
- 128 5297 and 5300);
- 129 17. Advanced registered nurse practitioner specialist
- 130 (class codes 5304 and 5305);
- 131 18. Registered nurse supervisor (class codes 5306 and
- 132 5307);
- 133 19. Senior registered nurse supervisor (class codes 5308
- 134 and 5309);
- 135 20. Registered nursing consultant (class codes 5312 and
- 136 5313);
- 137 21. Quality management program supervisor (class code
- 138 5314);

139 22. Executive nursing director (class codes 5320 and
140 5321);

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

142 24. Pharmacy manager (class code 5251);

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

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

163 (i) The member must be employed as an ocean water rescue
164 lifeguard by an employer that is advanced certified by the
165 United States Lifesaving Association, must be certified in
166 compliance with s. 401.27 as an emergency medical technician or

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

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

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