

By Senator Fasano

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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 of the system for persons employed as ocean water rescue lifeguards who meet other specified qualifications; 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 an ocean water rescue lifeguard by an employer that is advanced certified by the United States Lifesaving Association, who is certified in compliance with s. 401.27 as an emergency medical technician or paramedic, who works directly under the supervision of a fire rescue department or is supervised by a medical director, and who meets the special 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.--

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

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

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

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

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

25 |         (d) The member must be employed by a licensed Advance  
26 | Life Support (ALS) or Basic Life Support (BLS) employer as an  
27 | emergency medical technician or a paramedic and be certified  
28 | in compliance with s. 401.27. In addition, the member's  
29 | primary duties and responsibilities must include on-the-scene  
30 | emergency medical care or direct supervision of emergency  
31 | medical technicians or paramedics, or the member must be the

1 supervisor or command officer of one or more members who have  
2 such responsibility. However, administrative support  
3 personnel, including, but not limited to, those whose primary  
4 responsibilities are in accounting, purchasing, legal, and  
5 personnel, shall not be included;

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

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

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

- 1           6. Regional mental health consultant (class code
- 2 5240);
- 3           7. Psychological Services Director--DCF (class code
- 4 5242);
- 5           8. Pharmacist (class codes 5245 and 5246);
- 6           9. Senior pharmacist (class codes 5248 and 5249);
- 7           10. Dentist (class code 5266);
- 8           11. Senior dentist (class code 5269);
- 9           12. Registered nurse (class codes 5290 and 5291);
- 10          13. Senior registered nurse (class codes 5292 and
- 11 5293);
- 12          14. Registered nurse specialist (class codes 5294 and
- 13 5295);
- 14          15. Clinical associate (class codes 5298 and 5299);
- 15          16. Advanced registered nurse practitioner (class
- 16 codes 5297 and 5300);
- 17          17. Advanced registered nurse practitioner specialist
- 18 (class codes 5304 and 5305);
- 19          18. Registered nurse supervisor (class codes 5306 and
- 20 5307);
- 21          19. Senior registered nurse supervisor (class codes
- 22 5308 and 5309);
- 23          20. Registered nursing consultant (class codes 5312
- 24 and 5313);
- 25          21. Quality management program supervisor (class code
- 26 5314);
- 27          22. Executive nursing director (class codes 5320 and
- 28 5321);
- 29          23. Speech and hearing therapist (class code 5406); or
- 30          24. Pharmacy manager (class code 5251);
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1 (g) The member must be employed as a youth custody  
2 officer and be certified, or required to be certified, in  
3 compliance with s. 943.1395. In addition, the member's primary  
4 duties and responsibilities must be the supervised custody,  
5 surveillance, control, investigation, apprehension, arrest,  
6 and counseling of assigned juveniles within the community; ~~or~~

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

21 (i) The member must be employed as an ocean water  
22 rescue lifeguard by an employer that is advanced certified by  
23 the United States Lifesaving Association, must be certified in  
24 compliance with s. 401.27 as an emergency medical technician  
25 or paramedic, and must maintain compliance with the United  
26 States Lifesaving Association's Fulltime Open Water Lifeguard  
27 training standards. In addition, the member must work directly  
28 under the supervision of a fire rescue department or be  
29 supervised by a medical director and must have primary duties  
30 and responsibilities that include maintaining open water  
31 life-safety and on-the-scene emergency rescue and response to

1 emergencies in the water and on ocean-front beaches. However,  
2 administrative support personnel, including, but not limited  
3 to, those whose primary responsibilities are in accounting,  
4 purchasing, legal, and personnel, shall not be included.

5       Section 3. The Legislature finds that a proper and  
6 legitimate state purpose is served when employees and retirees  
7 of the state and its political subdivisions and the  
8 dependents, survivors, and beneficiaries of such employees and  
9 retirees are extended the basic protections afforded by  
10 governmental retirement systems. These persons must be  
11 provided benefits that are fair and adequate and that are  
12 managed, administered, and funded in a sound actuarial manner,  
13 as required by s. 14, Art. X of the State Constitution and  
14 part VII of chapter 112, Florida Statutes. Therefore, the  
15 Legislature hereby determines and declares that this act  
16 fulfills an important state interest.

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

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20                   SENATE SUMMARY

21       Provides membership in the Special Risk Class of the  
22       Florida Retirement System for persons who work full time  
23       as ocean water rescue lifeguards, who are under the  
24       supervision of a medical director or a fire rescue  
25       department, are certified as emergency medical  
26       technicians or paramedics, and have life-safety and  
27       rescue responsibilities.  
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