

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 for persons employed as pilots or  
 5           aerial applicators authorized to provide mosquito control  
 6           services; providing a definition; providing a declaration  
 7           of important state interest; providing an effective date.

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 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 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 and who meets the  
 22           criteria set forth in s. 121.0515(2)(i).

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

25           121.0515 Special risk membership.--

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

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

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

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

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

79 (d) The member must be employed by a licensed Advance Life  
80 Support (ALS) or Basic Life Support (BLS) employer as an  
81 emergency medical technician or a paramedic and be certified in  
82 compliance with s. 401.27. In addition, the member's primary  
83 duties and responsibilities must include on-the-scene emergency

84 medical care or direct supervision of emergency medical  
85 technicians or paramedics, or the member must be the supervisor  
86 or command officer of one or more members who have such  
87 responsibility. However, administrative support personnel,  
88 including, but not limited to, those whose primary  
89 responsibilities are in accounting, purchasing, legal, and  
90 personnel, shall not be included;

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

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

- 109 1. Dietitian (class codes 5203 and 5204);
- 110 2. Public health nutrition consultant (class code 5224);
- 111 3. Psychological specialist (class codes 5230 and 5231);

- 112 4. Psychologist (class code 5234);
- 113 5. Senior psychologist (class codes 5237 and 5238);
- 114 6. Regional mental health consultant (class code 5240);
- 115 7. Psychological Services Director--DCF (class code 5242);
- 116 8. Pharmacist (class codes 5245 and 5246);
- 117 9. Senior pharmacist (class codes 5248 and 5249);
- 118 10. Dentist (class code 5266);
- 119 11. Senior dentist (class code 5269);
- 120 12. Registered nurse (class codes 5290 and 5291);
- 121 13. Senior registered nurse (class codes 5292 and 5293);
- 122 14. Registered nurse specialist (class codes 5294 and
- 123 5295);
- 124 15. Clinical associate (class codes 5298 and 5299);
- 125 16. Advanced registered nurse practitioner (class codes
- 126 5297 and 5300);
- 127 17. Advanced registered nurse practitioner specialist
- 128 (class codes 5304 and 5305);
- 129 18. Registered nurse supervisor (class codes 5306 and
- 130 5307);
- 131 19. Senior registered nurse supervisor (class codes 5308
- 132 and 5309);
- 133 20. Registered nursing consultant (class codes 5312 and
- 134 5313);
- 135 21. Quality management program supervisor (class code
- 136 5314);
- 137 22. Executive nursing director (class codes 5320 and
- 138 5321);
- 139 23. Speech and hearing therapist (class code 5406); or

140           24. Pharmacy manager (class code 5251);  
 141           (g) The member must be employed as a youth custody officer  
 142 and be certified, or required to be certified, in compliance  
 143 with s. 943.1395. In addition, the member's primary duties and  
 144 responsibilities must be the supervised custody, surveillance,  
 145 control, investigation, apprehension, arrest, and counseling of  
 146 assigned juveniles within the community; ~~or~~

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

161           (i) The member must be employed as a pilot or an aerial  
 162 applicator by a municipality, county, special district, or state  
 163 agency that is authorized to provide mosquito control services  
 164 under chapter 388 or by special act, must be licensed as a pilot  
 165 by the Federal Aviation Administration, and must satisfy any  
 166 licensure or certification requirements established by the  
 167 Department of Agriculture and Consumer Services pursuant to s.

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168 388.361(4). In addition, the member's primary duties and  
169 responsibilities must include piloting or copiloting, often at  
170 low altitudes, a rotary-wing or fixed-wing aircraft for chemical  
171 application of pesticides for controlling mosquitoes or other  
172 arthropods.

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

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