

1 A bill to be entitled
 2 An act relating to the Florida Retirement System; amending
 3 s. 121.021, F.S.; revising the definition of "special risk
 4 member"; amending s. 121.0515, F.S.; providing membership
 5 in the Special Risk Class for certain persons whose duties
 6 involve contact with residents, patients, or inmates in a
 7 correctional, juvenile justice, developmental disability,
 8 or forensic facility or institution; authorizing a member
 9 of the Florida Retirement System employed by the state to
 10 request that his or her employer submit an application to
 11 the Department of Management Services requesting
 12 designation as a special risk member under certain
 13 circumstances; providing a declaration of important state
 14 interest; providing an effective date.

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

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

20 121.021 Definitions.--The following words and phrases as
 21 used in this chapter have the respective meanings set forth
 22 unless a different meaning is plainly required by the context:

23 (15)

24 (f) Effective October 1, 2008, "special risk member"
 25 includes any member who is employed by the state and meets the
 26 special criteria set forth in s. 121.0515(2)(i).

27 Section 2. Subsection (2) and paragraph (a) of subsection
 28 (3) of section 121.0515, Florida Statutes, are amended to read:

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29 | 121.0515 Special risk membership.--

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

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

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

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

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

83 (d) The member must be employed by a licensed Advance Life
84 Support (ALS) or Basic Life Support (BLS) employer as an

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

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

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

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- 113 1. Dietitian (class codes 5203 and 5204);
- 114 2. Public health nutrition consultant (class code 5224);
- 115 3. Psychological specialist (class codes 5230 and 5231);
- 116 4. Psychologist (class code 5234);
- 117 5. Senior psychologist (class codes 5237 and 5238);
- 118 6. Regional mental health consultant (class code 5240);
- 119 7. Psychological Services Director--DCF (class code 5242);
- 120 8. Pharmacist (class codes 5245 and 5246);
- 121 9. Senior pharmacist (class codes 5248 and 5249);
- 122 10. Dentist (class code 5266);
- 123 11. Senior dentist (class code 5269);
- 124 12. Registered nurse (class codes 5290 and 5291);
- 125 13. Senior registered nurse (class codes 5292 and 5293);
- 126 14. Registered nurse specialist (class codes 5294 and
- 127 5295);
- 128 15. Clinical associate (class codes 5298 and 5299);
- 129 16. Advanced registered nurse practitioner (class codes
- 130 5297 and 5300);
- 131 17. Advanced registered nurse practitioner specialist
- 132 (class codes 5304 and 5305);
- 133 18. Registered nurse supervisor (class codes 5306 and
- 134 5307);
- 135 19. Senior registered nurse supervisor (class codes 5308
- 136 and 5309);
- 137 20. Registered nursing consultant (class codes 5312 and
- 138 5313);
- 139 21. Quality management program supervisor (class code
- 140 5314);

141 22. Executive nursing director (class codes 5320 and
142 5321);

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

144 24. Pharmacy manager (class code 5251);

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

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

165 (i) The member must be employed by the state in a position
166 that requires at least 75 percent of his or her time to be spent
167 performing duties that involve contact with residents, patients,
168 or inmates in a correctional, juvenile justice, developmental

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169 disability, or forensic facility or institution. Administrative
170 support personnel, including, but not limited to, those whose
171 primary duties and responsibilities are clerical or in
172 accounting, purchasing, legal, and personnel, shall not be
173 included.

174 (3) PROCEDURE FOR DESIGNATING.--

175 (a) Any member of the Florida Retirement System employed
176 by the state or a county, city, or special district who feels
177 that he or she meets the criteria set forth in this section for
178 membership in the Special Risk Class may request that his or her
179 employer submit an application to the department requesting that
180 the department designate him or her as a special risk member. If
181 the employer agrees that the member meets the requirements for
182 special risk membership, the employer shall submit an
183 application to the department in behalf of the employee
184 containing a certification that the member meets the criteria
185 for special risk membership set forth in this section and such
186 other supporting documentation as may be required by
187 administrative rule. The department shall, within 90 days,
188 either designate or refuse to designate the member as a special
189 risk member. If the employer declines to submit the member's
190 application to the department or if the department does not
191 designate the member as a special risk member, the member or the
192 employer may appeal to the State Retirement Commission, as
193 provided in s. 121.23, for designation as a special risk member.
194 A member who receives a final affirmative ruling pursuant to
195 such appeal for special risk membership shall have special risk
196 membership retroactive to the date such member would have had

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197 special risk membership had such membership been approved by the
198 employer and the department, as determined by the department,
199 and the employer contributions shall be paid in full within 1
200 year after such final ruling.

201 Section 3. The Legislature finds that a proper and
202 legitimate state purpose is served when employees and retirees
203 of the state and its political subdivisions and the dependents,
204 survivors, and beneficiaries of such employees and retirees are
205 extended the basic protections afforded by governmental
206 retirement systems. These persons must be provided benefits that
207 are fair and adequate and that are managed, administered, and
208 funded in a sound actuarial manner as required by Section 14,
209 Article X of the State Constitution and part VII of chapter 112,
210 Florida Statutes. Therefore, the Legislature hereby determines
211 and declares that this act fulfills an important state interest.

212 Section 4. This act shall take effect October 1, 2008.