

By Senator Hill

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1 A bill to be entitled
2 An act relating to the Florida Retirement System;
3 amending s. 121.021, F.S.; redefining the term
4 "special risk member" to include members employed by
5 public acute care hospitals serving certain patients;
6 amending s. 121.0515, F.S.; revising criteria for
7 membership in the special risk class to include
8 members employed by public acute care hospitals
9 serving certain patients; providing legislative
10 findings that the act fulfils an important state
11 interest; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (15) of section 121.021, Florida
16 Statutes, is amended to read:

17 121.021 Definitions.—The following words and phrases as
18 used in this chapter have the respective meanings set forth
19 unless a different meaning is plainly required by the context:

20 (15) "Special risk member" means:

21 (a) Until October 1, 1978, ~~"special risk member"~~ means any
22 officer or employee whose application is approved by the
23 administrator and who receives salary payments for work
24 performed as a peace officer; law enforcement officer; police
25 officer; highway patrol officer; custodial employee at a
26 correctional or detention facility; correctional agency employee
27 whose duties and responsibilities involve direct contact with
28 inmates, but excluding secretarial and clerical employees;
29 firefighter; or an employee in any other job in the field of law

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30 enforcement or fire protection if the duties of such person are
31 certified as hazardous by his or her employer.

32 (b) Effective October 1, 1978, ~~"special risk member"~~ means
33 a member of the Florida Retirement System who is designated as a
34 special risk member by the division in accordance with s.
35 121.0515. Such member must be employed as a law enforcement
36 officer, a firefighter, or a correctional officer and meet the
37 ~~must meet certain other~~ special criteria as set forth in s.
38 121.0515.

39 (c) Effective October 1, 1999, ~~"special risk member"~~ means
40 a member of the Florida Retirement System who is designated as a
41 special risk member by the division in accordance with s.
42 121.0515. Such member must be employed as a law enforcement
43 officer, a firefighter, a correctional officer, an emergency
44 medical technician, or a paramedic and meet the ~~must meet~~
45 ~~certain other~~ special criteria as set forth in s. 121.0515.

46 (d)1. Effective January 1, 2001, ~~"special risk member"~~
47 ~~includes~~ any member who is employed as a community-based
48 correctional probation officer and meets the special criteria
49 set forth in s. 121.0515(2) (e).

50 2. Effective January 1, 2001, ~~"special risk member"~~
51 ~~includes~~ any professional health care bargaining unit or non-
52 unit member who is employed by the Department of Corrections or
53 the Department of Children and Family Services and meets the
54 special criteria set forth in s. 121.0515(2) (f).

55 (e) Effective July 1, 2001, ~~the term "special risk member"~~
56 ~~includes~~ any member who is employed as a youth custody officer
57 by the Department of Juvenile Justice and meets the special
58 criteria set forth in s. 121.0515(2) (g).

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59 (f) Effective July 1, 2009, any member who is employed by a
60 public acute care hospital that serves members of the public and
61 meets the special criteria set forth in s. 121.0515(2)(k).

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

64 121.0515 Special risk membership.—

65 (2) CRITERIA.—A member, to be designated as a special risk
66 member, must meet at least one the following criteria:

67 (a) The member must be employed as a law enforcement
68 officer and be certified, or required to be certified, in
69 compliance with s. 943.1395.~~‡~~ However, sheriffs and elected
70 police chiefs shall be excluded from meeting the certification
71 requirements of this paragraph. In addition, the member's duties
72 and responsibilities must include the pursuit, apprehension, and
73 arrest of law violators or suspected law violators; or the
74 member must be an active member of a bomb disposal unit whose
75 primary responsibility is the location, handling, and disposal
76 of explosive devices; or the member must be the supervisor or
77 command officer of a member or members who have such
78 responsibilities; provided, however, administrative support
79 personnel, including, but not limited to, those whose primary
80 duties and responsibilities are in accounting, purchasing,
81 legal, and personnel, shall not be included.~~‡~~

82 (b) The member must be employed as a firefighter and be
83 certified, or required to be certified, in compliance with s.
84 633.35 and be employed solely within the fire department of a
85 local government employer or an agency of state government with
86 firefighting responsibilities. In addition, the member's duties
87 and responsibilities must include on-the-scene fighting of

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88 fires, fire prevention, or firefighter training; direct
89 supervision of firefighting units, fire prevention, or
90 firefighter training; or aerial firefighting surveillance
91 performed by fixed-wing aircraft pilots employed by the Division
92 of Forestry of the Department of Agriculture and Consumer
93 Services; or the member must be the supervisor or command
94 officer of a member or members who have such responsibilities;
95 provided, however, administrative support personnel, including,
96 but not limited to, those whose primary duties and
97 responsibilities are in accounting, purchasing, legal, and
98 personnel, shall not be included and further provided that all
99 periods of creditable service in fire prevention or firefighter
100 training, or as the supervisor or command officer of a member or
101 members who have such responsibilities, and for which the
102 employer paid the special risk contribution rate, shall be
103 included.~~†~~

104 (c) The member must be employed as a correctional officer
105 and be certified, or required to be certified, in compliance
106 with s. 943.1395. In addition, the member's primary duties and
107 responsibilities must be the custody, and physical restraint
108 when necessary, of prisoners or inmates within a prison, jail,
109 or other criminal detention facility, or while on work detail
110 outside the facility, or while being transported; or the member
111 must be the supervisor or command officer of a member or members
112 who have such responsibilities; provided, however,
113 administrative support personnel, including, but not limited to,
114 those whose primary duties and responsibilities are in
115 accounting, purchasing, legal, and personnel, shall not be
116 included; however, wardens and assistant wardens, as defined by

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117 rule, shall participate in the Special Risk Class.†

118 (d) The member must be employed by a licensed Advance Life
119 Support (ALS) or Basic Life Support (BLS) employer as an
120 emergency medical technician or a paramedic and be certified in
121 compliance with s. 401.27. In addition, the member's primary
122 duties and responsibilities must include on-the-scene emergency
123 medical care or direct supervision of emergency medical
124 technicians or paramedics, or the member must be the supervisor
125 or command officer of one or more members who have such
126 responsibility. However, administrative support personnel,
127 including, but not limited to, those whose primary
128 responsibilities are in accounting, purchasing, legal, and
129 personnel, shall not be included.†

130 (e) The member must be employed as a community-based
131 correctional probation officer and be certified, or required to
132 be certified, in compliance with s. 943.1395. In addition, the
133 member's primary duties and responsibilities must be the
134 supervised custody, surveillance, control, investigation, and
135 counseling of assigned inmates, probationers, parolees, or
136 community controllees within the community; or the member must
137 be the supervisor of a member or members who have such
138 responsibilities. Administrative support personnel, including,
139 but not limited to, those whose primary duties and
140 responsibilities are in accounting, purchasing, legal services,
141 and personnel management, shall not be included; however,
142 probation and parole circuit and deputy circuit administrators
143 shall participate in the Special Risk Class.†

144 (f) The member must be employed in one of the following
145 classes and must spend at least 75 percent of his or her time

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146 performing duties which involve contact with patients or inmates
147 in a correctional or forensic facility or institution:

- 148 1. Dietitian (class codes 5203 and 5204);
- 149 2. Public health nutrition consultant (class code 5224);
- 150 3. Psychological specialist (class codes 5230 and 5231);
- 151 4. Psychologist (class code 5234);
- 152 5. Senior psychologist (class codes 5237 and 5238);
- 153 6. Regional mental health consultant (class code 5240);
- 154 7. Psychological Services Director-DCF (class code 5242);
- 155 8. Pharmacist (class codes 5245 and 5246);
- 156 9. Senior pharmacist (class codes 5248 and 5249);
- 157 10. Dentist (class code 5266);
- 158 11. Senior dentist (class code 5269);
- 159 12. Registered nurse (class codes 5290 and 5291);
- 160 13. Senior registered nurse (class codes 5292 and 5293);
- 161 14. Registered nurse specialist (class codes 5294 and
162 5295);
- 163 15. Clinical associate (class codes 5298 and 5299);
- 164 16. Advanced registered nurse practitioner (class codes
165 5297 and 5300);
- 166 17. Advanced registered nurse practitioner specialist
167 (class codes 5304 and 5305);
- 168 18. Registered nurse supervisor (class codes 5306 and
169 5307);
- 170 19. Senior registered nurse supervisor (class codes 5308
171 and 5309);
- 172 20. Registered nursing consultant (class codes 5312 and
173 5313);
- 174 21. Quality management program supervisor (class code

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175 5314);

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

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

178 24. Pharmacy manager (class code 5251).~~†~~

179 (g) The member must be employed as a youth custody officer
180 and be certified, or required to be certified, in compliance
181 with s. 943.1395. In addition, the member's primary duties and
182 responsibilities must be the supervised custody, surveillance,
183 control, investigation, apprehension, arrest, and counseling of
184 assigned juveniles within the community.~~†~~~~or~~

185 (h) Effective October 1, 2005, through June 30, 2008, the
186 member must be employed by a law enforcement agency or medical
187 examiner's office in a forensic discipline recognized by the
188 International Association for Identification and must qualify
189 for active membership in the International Association for
190 Identification. The member's primary duties and responsibilities
191 must include the collection, examination, preservation,
192 documentation, preparation, or analysis of physical evidence or
193 testimony, or both, or the member must be the direct supervisor,
194 quality management supervisor, or command officer of one or more
195 individuals with such responsibility. Administrative support
196 personnel, including, but not limited to, those whose primary
197 responsibilities are clerical or in accounting, purchasing,
198 legal, and personnel, shall not be included.

199 (i) Effective July 1, 2008, the member must be employed by
200 the Department of Law Enforcement in the crime laboratory or by
201 the Division of State Fire Marshal in the forensic laboratory in
202 one of the following classes:

203 1. Forensic technologist (class code 8459);

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- 204 2. Crime laboratory technician (class code 8461);
205 3. Crime laboratory analyst (class code 8463);
206 4. Senior crime laboratory analyst (class code 8464);
207 5. Crime laboratory analyst supervisor (class code 8466);
208 6. Forensic chief (class code 9602); or
209 7. Forensic services quality manager (class code 9603).

210 (j) Effective July 1, 2008, the member must be employed by
211 a local government law enforcement agency or medical examiner's
212 office and must spend at least 65 percent of his or her time
213 performing duties that involve the collection, examination,
214 preservation, documentation, preparation, or analysis of human
215 tissues or fluids or physical evidence having potential
216 biological, chemical, or radiological hazard or contamination,
217 or use chemicals, processes, or materials that may have
218 carcinogenic or health-damaging properties in the analysis of
219 such evidence, or the member must be the direct supervisor of
220 one or more individuals having such responsibility. If a special
221 risk member changes to another position within the same agency,
222 he or she must submit a complete application as provided in
223 paragraph (3) (a).

224 (k) The member must be employed by a public acute care
225 hospital that serves as a trauma center and that provides
226 treatment to members of the public who have deadly or crippling
227 infectious diseases, who are accused of or convicted of serious
228 violent crimes, who have been subjected to hazardous materials
229 or biological or chemical agents as a result of terrorism or
230 industrial accidents, or who have diseases that require
231 treatment interventions using extremely toxic substances.

232 Section 3. The Legislature finds that a proper and

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233 legitimate state interest is served when employees of public
234 acute care hospitals that serve members of the public who have
235 deadly or crippling infectious diseases, who are accused of or
236 convicted of serious violent crimes, who have been subjected to
237 hazardous materials or biological or chemical agents as a result
238 of terrorism or industrial accidents, or have diseases that
239 require treatment interventions using extremely toxic substances
240 are classified as members of the special risk class of the
241 Florida Retirement System. These persons must be provided
242 benefits that are fair and adequate and that are managed,
243 administered, and funded in an actuarially sound manner as
244 required by s. 14, Article X of the State Constitution, and part
245 VII of chapter 112, Florida Statutes. Therefore, the Legislature
246 determines and declares that the amendment of s. 121.091,
247 Florida Statutes, by this act fulfills an important state
248 interest.

249 Section 4. This act shall take effect July 1, 2009.