

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"; amending s. 121.0515, F.S.;
5 revising criteria for membership in the special risk
6 class to include members employed by public acute care
7 hospitals serving certain patients; providing
8 legislative findings that the act fulfills an
9 important state interest; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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

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

18 (15) "Special risk member" means a member who meets the
19 criteria specified in s. 121.0515.

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

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30 ~~certified as hazardous by his or her employer.~~

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

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

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

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

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

57 Section 2. Subsection (2), paragraph (b) of subsection (4),
58 and paragraph (c) of subsection (9) of section 121.0515, Florida

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59 Statutes, are amended to read:

60 121.0515 Special risk membership.—

61 (2) CRITERIA.—Prior to October 1, 1978, A member, to be
62 designated as a special risk member, the member's application
63 must be approved by the administrator and the member must
64 receive salary payments for work performed as a peace officer;
65 law enforcement officer; police officer; highway patrol officer;
66 custodial employee at a correctional or detention facility;
67 correctional agency employee whose duties and responsibilities
68 involve direct contact with inmates, but excluding secretarial
69 and clerical employees; firefighter; or an employee in any other
70 job in the field of law enforcement or fire protection if the
71 member's duties are certified as hazardous by his or her
72 employer. Effective October 1, 1978, a member must be designated
73 as a special risk member by the department and ~~must~~ meet the
74 following criteria:

75 (a) Effective October 1, 1978, the member must be employed
76 as a law enforcement officer, a firefighter, or a correctional
77 officer and:

78 1.(a) If employed ~~The member must be employed~~ as a law
79 enforcement officer, the member must ~~and~~ be certified, or
80 required to be certified, in compliance with s. 943.1395;
81 however, sheriffs and elected police chiefs are ~~shall be~~
82 excluded from meeting the certification requirements ~~of this~~
83 ~~paragraph~~. In addition, the member's duties and responsibilities
84 must include the pursuit, apprehension, and arrest of law
85 violators or suspected law violators; ~~or~~ the member must be an
86 active member of a bomb disposal unit whose primary
87 responsibility is the location, handling, and disposal of

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88 explosive devices; or the member must be the supervisor or
89 command officer of a member or members who have such
90 responsibilities.~~;~~ ~~provided, however,~~ Administrative support
91 personnel, including, but not limited to, those whose primary
92 duties and responsibilities are in accounting, purchasing,
93 legal, and personnel, are ~~shall~~ not ~~be~~ included;

94 2.(b) If employed ~~The member must be employed~~ as a
95 firefighter, the member must ~~and~~ be certified, or required to be
96 certified, in compliance with s. 633.35 and be employed solely
97 within the fire department of a local government employer or an
98 agency of state government with firefighting responsibilities.

99 In addition, the member's duties and responsibilities must
100 include on-the-scene fighting of fires, fire prevention, or
101 firefighter training; direct supervision of firefighting units,
102 fire prevention, or firefighter training; or aerial firefighting
103 surveillance performed by fixed-wing aircraft pilots employed by
104 the Division of Forestry of the Department of Agriculture and
105 Consumer Services; or the member must be the supervisor or
106 command officer of a member or members who have such
107 responsibilities.~~;~~ ~~provided, however,~~ Administrative support
108 personnel, including, but not limited to, those whose primary
109 duties and responsibilities are in accounting, purchasing,
110 legal, and personnel, are ~~shall~~ not ~~be~~ included; however, ~~and~~
111 ~~further provided that~~ all periods of creditable service in fire
112 prevention or firefighter training, or as the supervisor or
113 command officer of a member or members who have such
114 responsibilities, and for which the employer paid the special
115 risk contribution rate, are ~~shall be~~ included; or

116 3.(c) If employed ~~The member must be employed~~ as a

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117 correctional officer, the member must ~~and~~ be certified, or
 118 required to be certified, in compliance with s. 943.1395. In
 119 addition, the member's primary duties and responsibilities must
 120 be the custody, and physical restraint when necessary, of
 121 prisoners or inmates within a prison, jail, or other criminal
 122 detention facility, or while on work detail outside the
 123 facility, or while being transported; or the member must be the
 124 supervisor or command officer of a member or members who have
 125 such responsibilities. ~~;~~ ~~provided, however,~~ Administrative
 126 support personnel, including, but not limited to, those whose
 127 primary duties and responsibilities are in accounting,
 128 purchasing, legal, and personnel, are ~~shall~~ not be included;
 129 however, wardens and assistant wardens, as defined by rule,
 130 shall participate in the Special Risk Class. ~~;~~

131 (b) Effective October 1, 1999, special risk membership also
 132 includes an emergency medical technician or paramedic who is

133 ~~(d) The member must be employed by a licensed Advance Life~~
 134 ~~Support (ALS) or Basic Life Support (BLS) employer as an~~
 135 ~~emergency medical technician or a paramedic and be certified in~~
 136 ~~compliance with s. 401.27. In addition, the member's primary~~
 137 ~~duties and responsibilities must include on-the-scene emergency~~
 138 ~~medical care or direct supervision of emergency medical~~
 139 ~~technicians or paramedics, or the member must be the supervisor~~
 140 ~~or command officer of one or more members who have such~~
 141 ~~responsibility. However,~~ Administrative support personnel,
 142 including, but not limited to, those whose primary
 143 responsibilities are in accounting, purchasing, legal, and
 144 personnel, are ~~shall~~ not be included. ~~;~~

145 (c) Effective January 1, 2001, special risk membership also

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146 includes a community-based correctional probation officer who is

147 ~~(e) The member must be~~ employed as a community-based
148 correctional probation officer and is ~~be~~ certified, or required
149 to be certified, in compliance with s. 943.1395. In addition,
150 the member's primary duties and responsibilities must be the
151 supervised custody, surveillance, control, investigation, and
152 counseling of assigned inmates, probationers, parolees, or
153 community controllees within the community; or the member must
154 be the supervisor of a member or members who have such
155 responsibilities. Administrative support personnel, including,
156 but not limited to, those whose primary duties and
157 responsibilities are in accounting, purchasing, legal services,
158 and personnel management, are ~~shall~~ not ~~be~~ included; however,
159 probation and parole circuit and deputy circuit administrators
160 shall participate in the Special Risk Class.†

161 (d) Effective January 1, 2001, special risk membership also
162 includes a professional health care bargaining unit or non-unit
163 member who is employed by the Department of Corrections or the
164 Department of Children and Family Services

165 ~~(f) The member must be employed~~ in one of the following
166 classes and who spends ~~must~~ spend at least 75 percent of his or
167 her time performing duties that ~~which~~ involve contact with
168 patients or inmates in a correctional or forensic facility or
169 institution:

- 170 1. Dietitian (class codes 5203 and 5204);
- 171 2. Public health nutrition consultant (class code 5224);
- 172 3. Psychological specialist (class codes 5230 and 5231);
- 173 4. Psychologist (class code 5234);
- 174 5. Senior psychologist (class codes 5237 and 5238);

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- 175 6. Regional mental health consultant (class code 5240);
- 176 7. Psychological Services Director-DCF (class code 5242);
- 177 8. Pharmacist (class codes 5245 and 5246);
- 178 9. Senior pharmacist (class codes 5248 and 5249);
- 179 10. Dentist (class code 5266);
- 180 11. Senior dentist (class code 5269);
- 181 12. Registered nurse (class codes 5290 and 5291);
- 182 13. Senior registered nurse (class codes 5292 and 5293);
- 183 14. Registered nurse specialist (class codes 5294 and
- 184 5295);
- 185 15. Clinical associate (class codes 5298 and 5299);
- 186 16. Advanced registered nurse practitioner (class codes
- 187 5297 and 5300);
- 188 17. Advanced registered nurse practitioner specialist
- 189 (class codes 5304 and 5305);
- 190 18. Registered nurse supervisor (class codes 5306 and
- 191 5307);
- 192 19. Senior registered nurse supervisor (class codes 5308
- 193 and 5309);
- 194 20. Registered nursing consultant (class codes 5312 and
- 195 5313);
- 196 21. Quality management program supervisor (class code
- 197 5314);
- 198 22. Executive nursing director (class codes 5320 and 5321);
- 199 23. Speech and hearing therapist (class code 5406); or
- 200 24. Pharmacy manager (class code 5251).~~†~~
- 201 (e) Effective July 1, 2001, special risk membership also
- 202 includes a youth custody officer who is employed by the
- 203 Department of Juvenile Justice and

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204 ~~(g) The member must be employed as a youth custody officer~~
205 ~~and be~~ certified, or required to be certified, in compliance
206 with s. 943.1395. In addition, the member's primary duties and
207 responsibilities must be the supervised custody, surveillance,
208 control, investigation, apprehension, arrest, and counseling of
209 assigned juveniles within the community.~~;~~~~or~~

210 (f)~~(h)~~ Effective October 1, 2005, through June 30, 2008,
211 the member must be employed by a law enforcement agency or
212 medical examiner's office in a forensic discipline recognized by
213 the International Association for Identification and must
214 qualify for active membership in the International Association
215 for Identification. The member's primary duties and
216 responsibilities must include the collection, examination,
217 preservation, documentation, preparation, or analysis of
218 physical evidence or testimony, or both, or the member must be
219 the direct supervisor, quality management supervisor, or command
220 officer of one or more individuals with such responsibility.
221 Administrative support personnel, including, but not limited to,
222 those whose primary responsibilities are clerical or in
223 accounting, purchasing, legal, and personnel, are ~~shall~~ not be
224 included.

225 (g)~~(i)~~ Effective July 1, 2008, the member must be employed
226 by the Department of Law Enforcement in the crime laboratory or
227 by the Division of State Fire Marshal in the forensic laboratory
228 in one of the following classes:

- 229 1. Forensic technologist (class code 8459);
- 230 2. Crime laboratory technician (class code 8461);
- 231 3. Crime laboratory analyst (class code 8463);
- 232 4. Senior crime laboratory analyst (class code 8464);

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- 233 5. Crime laboratory analyst supervisor (class code 8466);
234 6. Forensic chief (class code 9602); or
235 7. Forensic services quality manager (class code 9603).

236 (h)~~(j)~~ Effective July 1, 2008, the member must be employed
237 by a local government law enforcement agency or medical
238 examiner's office and must spend at least 65 percent of his or
239 her time performing duties that involve the collection,
240 examination, preservation, documentation, preparation, or
241 analysis of human tissues or fluids or physical evidence having
242 potential biological, chemical, or radiological hazard or
243 contamination, or use chemicals, processes, or materials that
244 may have carcinogenic or health-damaging properties in the
245 analysis of such evidence, or the member must be the direct
246 supervisor of one or more individuals having such
247 responsibility. If a special risk member changes to another
248 position within the same agency, he or she must submit a
249 complete application as provided in paragraph (3) (a).

250 (i) Effective July 1, 2010, special risk membership also
251 includes a member who is employed by a public acute care
252 hospital that serves members of the public and serves as a
253 trauma center, and that provides treatment to members of the
254 public who have deadly or crippling infectious diseases, who are
255 accused of or convicted of serious violent crimes, who have been
256 subjected to hazardous materials or biological or chemical
257 agents as a result of terrorism or industrial accidents, or who
258 have diseases that require treatment interventions using
259 extremely toxic substances.

260 (4) REMOVAL OF SPECIAL RISK MEMBERSHIP.—

261 (b) Any member who is a special risk member on July 1,

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262 2008, and who became eligible to participate under paragraph
263 (2) (f) ~~(2) (h)~~ but fails to meet the criteria for special risk
264 membership under ~~established by~~ paragraph (2) (g) ~~(2) (i)~~ or
265 paragraph (2) (h) ~~(2) (j)~~ shall have his or her special risk
266 designation removed and thereafter shall be a Regular Class
267 member and earn only Regular Class membership credit. The
268 department may review the special risk designation of members to
269 determine whether ~~or not~~ those members continue to meet the
270 criteria for special risk membership.

271 (9) CREDIT FOR UPGRADED SERVICE.—

272 (c) Any member of the Special Risk Class who has earned
273 creditable service in another membership class of the Florida
274 Retirement System in a position with the Department of Law
275 Enforcement or the Division of State Fire Marshal and became
276 covered by the Special Risk Class as described in paragraph
277 (2) (g) ~~(2) (i)~~, or with a local government law enforcement agency
278 or medical examiner's office and became covered by the Special
279 Risk Class ~~as~~ described in paragraph (2) (h) ~~(2) (j)~~, which
280 service is within the purview of the Special Risk Class, and is
281 employed in such position on or after July 1, 2008, may purchase
282 additional retirement credit to upgrade such service to Special
283 Risk Class service, to the extent of the percentages of the
284 member's average final compensation provided in s.

285 121.091(1)(a)2. The cost for such credit must ~~shall~~ be an amount
286 representing the actuarial accrued liability for the difference
287 in accrual value during the affected period of service. The cost
288 shall be calculated using the discount rate and other relevant
289 actuarial assumptions that were used to value the Florida
290 Retirement System defined benefit plan liabilities in the most

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291 recent actuarial valuation. The Division of Retirement shall
292 ensure that the transfer sum is prepared using a formula and
293 methodology certified by an enrolled actuary. The cost must be
294 paid immediately upon notification by the division. The local
295 government employer may purchase the upgraded service credit on
296 behalf of the member if the member has been employed by that
297 employer for at least 3 years.

298 Section 3. The Legislature finds that a proper and
299 legitimate state interest is served when employees of public
300 acute care hospitals that serve members of the public who have
301 deadly or crippling infectious diseases, who are accused of or
302 convicted of serious violent crimes, who have been subjected to
303 hazardous materials or biological or chemical agents as a result
304 of terrorism or industrial accidents, or who have diseases that
305 require treatment interventions using extremely toxic substances
306 are classified as members of the special risk class of the
307 Florida Retirement System. These persons must be provided
308 benefits that are fair and adequate and that are managed,
309 administered, and funded in an actuarially sound manner as
310 required by s. 14, Article X of the State Constitution, and part
311 VII of chapter 112, Florida Statutes. Therefore, the Legislature
312 determines and declares that the amendment of s. 121.091,
313 Florida Statutes, made by this act fulfills an important state
314 interest.

315 Section 4. This act shall take effect July 1, 2010.