

1 A bill to be entitled
 2 An act relating to the Florida Retirement System; amending
 3 s. 121.021, F.S.; redefining the term "special risk
 4 member"; amending s. 121.0515, F.S.; revising criteria for
 5 membership in the special risk class to include court
 6 deputies; providing legislative findings that the act
 7 fulfills an important state interest; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (15) of section 121.021, Florida
 13 Statutes, is amended to read:

14 121.021 Definitions.—The following words and phrases as
 15 used in this chapter have the respective meanings set forth
 16 unless a different meaning is plainly required by the context:

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

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

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

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

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

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

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

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

56 Section 2. Subsection (2), paragraph (b) of subsection

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57 (4), and paragraph (c) of subsection (9) of section 121.0515,
 58 Florida Statutes, are amended to read:

59 121.0515 Special risk membership.—

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

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

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

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

93 2.(b) If employed ~~The member must be employed~~ as a
 94 firefighter, the member must ~~and~~ be certified, or required to be
 95 certified, in compliance with s. 633.35 and be employed solely
 96 within the fire department of a local government employer or an
 97 agency of state government with firefighting responsibilities.
 98 In addition, the member's duties and responsibilities must
 99 include on-the-scene fighting of fires, fire prevention, or
 100 firefighter training; direct supervision of firefighting units,
 101 fire prevention, or firefighter training; or aerial firefighting
 102 surveillance performed by fixed-wing aircraft pilots employed by
 103 the Division of Forestry of the Department of Agriculture and
 104 Consumer Services; or the member must be the supervisor or
 105 command officer of a member or members who have such
 106 responsibilities.~~;~~ ~~provided, however,~~ Administrative support
 107 personnel, including, but not limited to, those whose primary
 108 duties and responsibilities are in accounting, purchasing,
 109 legal, and personnel, are ~~shall~~ not ~~be~~ included; however, ~~and~~
 110 ~~further provided that~~ all periods of creditable service in fire
 111 prevention or firefighter training, or as the supervisor or
 112 command officer of a member or members who have such

113 responsibilities, and for which the employer paid the special
 114 risk contribution rate, are ~~shall be~~ included; or

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

130 (b) Effective October 1, 1999, special risk membership
 131 also includes an emergency medical technician or paramedic who
 132 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
 146 also includes a community-based correctional probation officer
 147 who is

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

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

166 ~~(f) The member must be employed~~ in one of the following
 167 classes and who spends ~~must spend~~ at least 75 percent of his or
 168 her time performing duties that ~~which~~ involve contact with

169 patients or inmates in a correctional or forensic facility or
 170 institution:

- 171 1. Dietitian (class codes 5203 and 5204);
- 172 2. Public health nutrition consultant (class code 5224);
- 173 3. Psychological specialist (class codes 5230 and 5231);
- 174 4. Psychologist (class code 5234);
- 175 5. Senior psychologist (class codes 5237 and 5238);
- 176 6. Regional mental health consultant (class code 5240);
- 177 7. Psychological Services Director—DCF (class code 5242);
- 178 8. Pharmacist (class codes 5245 and 5246);
- 179 9. Senior pharmacist (class codes 5248 and 5249);
- 180 10. Dentist (class code 5266);
- 181 11. Senior dentist (class code 5269);
- 182 12. Registered nurse (class codes 5290 and 5291);
- 183 13. Senior registered nurse (class codes 5292 and 5293);
- 184 14. Registered nurse specialist (class codes 5294 and
 185 5295);
- 186 15. Clinical associate (class codes 5298 and 5299);
- 187 16. Advanced registered nurse practitioner (class codes
 188 5297 and 5300);
- 189 17. Advanced registered nurse practitioner specialist
 190 (class codes 5304 and 5305);
- 191 18. Registered nurse supervisor (class codes 5306 and
 192 5307);
- 193 19. Senior registered nurse supervisor (class codes 5308
 194 and 5309);
- 195 20. Registered nursing consultant (class codes 5312 and
 196 5313);

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197 21. Quality management program supervisor (class code
198 5314);

199 22. Executive nursing director (class codes 5320 and
200 5321);

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

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

203 (e) Effective July 1, 2001, special risk membership also
204 includes a youth custody officer who is employed by the
205 Department of Juvenile Justice and

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

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

225 | accounting, purchasing, legal, and personnel, are ~~shall~~ not ~~be~~
 226 | included.

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

- 231 | 1. Forensic technologist (class code 8459);
- 232 | 2. Crime laboratory technician (class code 8461);
- 233 | 3. Crime laboratory analyst (class code 8463);
- 234 | 4. Senior crime laboratory analyst (class code 8464);
- 235 | 5. Crime laboratory analyst supervisor (class code 8466);
- 236 | 6. Forensic chief (class code 9602); or
- 237 | 7. Forensic services quality manager (class code 9603).

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

252 | (i) Effective July 1, 2010, special risk membership also

253 includes a member who is a court deputy in the state courts
 254 system and whose primary duties include transporting,
 255 controlling, and fingerprinting prisoners within the courthouse;
 256 maintaining care and control of juries; notifying court
 257 administration when larger courtrooms are needed, bringing
 258 judge's supplies to the courtroom, announcing the judge and
 259 calling the court to order; and maintaining a safe and secure
 260 environment for the public in a courtroom setting.

261 Administrative support personnel, including, but not limited to,
 262 those whose primary responsibilities are clerical or in
 263 accounting, purchasing, legal, and personnel, are not included.

264 (4) REMOVAL OF SPECIAL RISK MEMBERSHIP.—

265 (b) Any member who is a special risk member on July 1,
 266 2008, and who became eligible to participate under paragraph
 267 (2) (f) ~~(2) (h)~~ but fails to meet the criteria for special risk
 268 membership under established by paragraph (2) (g) ~~(2) (i)~~ or
 269 paragraph (2) (h) ~~(2) (j)~~ shall have his or her special risk
 270 designation removed and thereafter shall be a Regular Class
 271 member and earn only Regular Class membership credit. The
 272 department may review the special risk designation of members to
 273 determine whether ~~or not~~ those members continue to meet the
 274 criteria for special risk membership.

275 (9) CREDIT FOR UPGRADED SERVICE.—

276 (c) Any member of the Special Risk Class who has earned
 277 creditable service in another membership class of the Florida
 278 Retirement System in a position with the Department of Law
 279 Enforcement or the Division of State Fire Marshal and became
 280 covered by the Special Risk Class as described in paragraph

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281 (2) (g) ~~(2) (i)~~, or with a local government law enforcement agency
 282 or medical examiner's office and became covered by the Special
 283 Risk Class ~~as~~ described in paragraph (2) (h) ~~(2) (j)~~, which
 284 service is within the purview of the Special Risk Class, and is
 285 employed in such position on or after July 1, 2008, may purchase
 286 additional retirement credit to upgrade such service to Special
 287 Risk Class service, to the extent of the percentages of the
 288 member's average final compensation provided in s.

289 121.091(1)(a)2. The cost for such credit must ~~shall~~ be an amount
 290 representing the actuarial accrued liability for the difference
 291 in accrual value during the affected period of service. The cost
 292 shall be calculated using the discount rate and other relevant
 293 actuarial assumptions that were used to value the Florida
 294 Retirement System defined benefit plan liabilities in the most
 295 recent actuarial valuation. The Division of Retirement shall
 296 ensure that the transfer sum is prepared using a formula and
 297 methodology certified by an enrolled actuary. The cost must be
 298 paid immediately upon notification by the division. The local
 299 government employer may purchase the upgraded service credit on
 300 behalf of the member if the member has been employed by that
 301 employer for at least 3 years.

302 Section 3. The Legislature finds that a proper and
 303 legitimate state interest is served when state court employees
 304 who are responsible for maintaining a safe and secure
 305 environment for staff and the public in a courtroom setting are
 306 classified as members of the special risk class of the Florida
 307 Retirement System. These persons must be provided benefits that
 308 are fair and adequate and that are managed, administered, and

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309 funded in an actuarially sound manner as required by s. 14,
310 Article X of the State Constitution, and part VII of chapter
311 112, Florida Statutes. Therefore, the Legislature determines and
312 declares that the amendment of s. 121.0515, Florida Statutes,
313 made by this act fulfills an important state interest.

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