

By Senator Smith

29-01491-10

20101996__

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 court deputies; providing legislative
 7 findings that the act fulfills an important state
 8 interest; providing an 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~~
 29 ~~certified as hazardous by his or her employer.~~

29-01491-10

20101996

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

29-01491-10

20101996__

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

29-01491-10

20101996__

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

29-01491-10

20101996

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 also
131 includes an emergency medical technician or paramedic who is

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

144 (c) Effective January 1, 2001, special risk membership also
145 includes a community-based correctional probation officer who is

29-01491-10

20101996

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

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

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

- 169 1. Dietitian (class codes 5203 and 5204);
- 170 2. Public health nutrition consultant (class code 5224);
- 171 3. Psychological specialist (class codes 5230 and 5231);
- 172 4. Psychologist (class code 5234);
- 173 5. Senior psychologist (class codes 5237 and 5238);
- 174 6. Regional mental health consultant (class code 5240);

29-01491-10

20101996

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

29-01491-10

20101996__

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

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

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

- 228 1. Forensic technologist (class code 8459);
- 229 2. Crime laboratory technician (class code 8461);
- 230 3. Crime laboratory analyst (class code 8463);
- 231 4. Senior crime laboratory analyst (class code 8464);
- 232 5. Crime laboratory analyst supervisor (class code 8466);

29-01491-10

20101996__

233 6. Forensic chief (class code 9602); or

234 7. Forensic services quality manager (class code 9603).

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

249 (i) Effective July 1, 2010, special risk membership also
250 includes a member who is a court deputy in the state court
251 system and whose primary duties include transporting,
252 controlling, and fingerprinting prisoners within the courthouse;
253 maintaining care and control of juries; notifying court
254 administration when larger courtrooms are needed, bringing
255 judge's supplies to the courtroom, announcing the judge and
256 calling the court to order; and maintaining a safe and secure
257 environment for the public in a courtroom setting.

258 Administrative support personnel, including, but not limited to,
259 those whose primary responsibilities are clerical or in
260 accounting, purchasing, legal, and personnel, are not included.

261 (4) REMOVAL OF SPECIAL RISK MEMBERSHIP.—

29-01491-10

20101996__

262 (b) Any member who is a special risk member on July 1,
 263 2008, and who became eligible to participate under paragraph
 264 (2) (f) ~~(2) (h)~~ but fails to meet the criteria for special risk
 265 membership under ~~established by~~ paragraph (2) (g) ~~(2) (i)~~ or
 266 paragraph (2) (h) ~~(2) (j)~~ shall have his or her special risk
 267 designation removed and thereafter shall be a Regular Class
 268 member and earn only Regular Class membership credit. The
 269 department may review the special risk designation of members to
 270 determine whether ~~or not~~ those members continue to meet the
 271 criteria for special risk membership.

272 (9) CREDIT FOR UPGRADED SERVICE.—

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

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

29-01491-10

20101996

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

299 Section 3. The Legislature finds that a proper and
300 legitimate state interest is served when state court employees
301 who are responsible for maintaining a safe and secure
302 environment for staff and the public in a courtroom setting are
303 classified as members of the special risk class of the Florida
304 Retirement System. These persons must be provided benefits that
305 are fair and adequate and that are managed, administered, and
306 funded in an actuarially sound manner as required by s. 14,
307 Article X of the State Constitution, and part VII of chapter
308 112, Florida Statutes. Therefore, the Legislature determines and
309 declares that the amendment of s. 121.0515, Florida Statutes,
310 made by this act fulfills an important state interest.

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