

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harrell offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 129 and 130, insert:

5 Section 3. Section 945.75, Florida Statutes, is repealed.

6 Section 4. Section 985.105, Florida Statutes, is repealed.

7 Section 5. Paragraphs (h) through (k) of subsection (3) of
8 section 121.0515, Florida Statutes, are redesignated as

9 paragraphs (g) through (j) of that subsection, respectively, and

10 paragraphs (e) through (i) of subsection (2), present paragraphs

11 (g) and (k) of subsection (3), paragraph (b) of subsection (5),

12 paragraph (d) of subsection (8), and paragraph (c) of subsection

13 (10) of that section are amended to read:

14 121.0515 Special Risk Class.—

15 (2) MEMBERSHIP.—

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16 ~~(e) Effective July 1, 2001, "special risk member" includes~~
17 ~~any member who is employed as a youth custody officer by the~~
18 ~~Department of Juvenile Justice and meets the special criteria~~
19 ~~set forth in paragraph (3) (g).~~

20 (e)-(f) Effective October 1, 2005, through June 30, 2008,
21 the member must be employed by a law enforcement agency or
22 medical examiner's office in a forensic discipline and meet the
23 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

24 (f)-(g) Effective July 1, 2008, the member must be employed
25 by the Department of Law Enforcement in the crime laboratory or
26 by the Division of State Fire Marshal in the forensic laboratory
27 and meet the special criteria set forth in paragraph (3) (h)
28 ~~(3) (i)~~.

29 (g)-(h) Effective July 1, 2008, the member must be employed
30 by a local government law enforcement agency or medical
31 examiner's office and meet the special criteria set forth in
32 paragraph (3) (i) ~~(3) (j)~~.

33 (h)-(i) Effective August 1, 2008, "special risk member"
34 includes any member who meets the special criteria for continued
35 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

36 (3) CRITERIA.—A member, to be designated as a special risk
37 member, must meet the following criteria:

38 ~~(g) Effective July 1, 2001, the member must be employed as~~
39 ~~a youth custody officer and be certified, or required to be~~
40 ~~certified, in compliance with s. 943.1395. In addition, the~~
41 ~~member's primary duties and responsibilities must be the~~
42 ~~supervised custody, surveillance, control, investigation,~~

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43 ~~apprehension, arrest, and counseling of assigned juveniles~~
44 ~~within the community;~~

45 (j) ~~(k)~~ The member must have already qualified for and be
46 actively participating in special risk membership under
47 paragraph (a), paragraph (b), or paragraph (c), must have
48 suffered a qualifying injury as defined in this paragraph, must
49 not be receiving disability retirement benefits as provided in
50 s. 121.091(4), and must satisfy the requirements of this
51 paragraph.

52 1. The ability to qualify for the class of membership
53 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
54 medical physicians, one of whom is a primary treating physician
55 of the member, certify the existence of the physical injury and
56 medical condition that constitute a qualifying injury as defined
57 in this paragraph and that the member has reached maximum
58 medical improvement after August 1, 2008. The certifications
59 from the licensed medical physicians must include, at a minimum,
60 that the injury to the special risk member has resulted in a
61 physical loss, or loss of use, of at least two of the following:
62 left arm, right arm, left leg, or right leg; and:

63 a. That this physical loss or loss of use is total and
64 permanent, except in the event that the loss of use is due to a
65 physical injury to the member's brain, in which event the loss
66 of use is permanent with at least 75 percent loss of motor
67 function with respect to each arm or leg affected.

68 b. That this physical loss or loss of use renders the
69 member physically unable to perform the essential job functions
70 of his or her special risk position.

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71 c. That, notwithstanding this physical loss or loss of
72 use, the individual is able to perform the essential job
73 functions required by the member's new position, as provided in
74 subparagraph 3.

75 d. That use of artificial limbs is either not possible or
76 does not alter the member's ability to perform the essential job
77 functions of the member's position.

78 e. That the physical loss or loss of use is a direct
79 result of a physical injury and not a result of any mental,
80 psychological, or emotional injury.

81 2. For the purposes of this paragraph, "qualifying injury"
82 means an injury sustained in the line of duty, as certified by
83 the member's employing agency, by a special risk member that
84 does not result in total and permanent disability as defined in
85 s. 121.091(4)(b). An injury is a qualifying injury if the injury
86 is a physical injury to the member's physical body resulting in
87 a physical loss, or loss of use, of at least two of the
88 following: left arm, right arm, left leg, or right leg.
89 Notwithstanding any other provision of this section, an injury
90 that would otherwise qualify as a qualifying injury is not
91 considered a qualifying injury if and when the member ceases
92 employment with the employer for whom he or she was providing
93 special risk services on the date the injury occurred.

94 3. The new position, as described in sub-subparagraph
95 1.c., that is required for qualification as a special risk
96 member under this paragraph is not required to be a position
97 with essential job functions that entitle an individual to
98 special risk membership. Whether a new position as described in

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99 sub-subparagraph 1.c. exists and is available to the special
100 risk member is a decision to be made solely by the employer in
101 accordance with its hiring practices and applicable law.

102 4. This paragraph does not grant or create additional
103 rights for any individual to continued employment or to be hired
104 or rehired by his or her employer that are not already provided
105 within the Florida Statutes, the State Constitution, the
106 Americans with Disabilities Act, if applicable, or any other
107 applicable state or federal law.

108 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

109 (b) Any member who is a special risk member on July 1,
110 2008, and who became eligible to participate under paragraph
111 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
112 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
113 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
114 designation removed and thereafter shall be a Regular Class
115 member and earn only Regular Class membership credit. The
116 department may review the special risk designation of members to
117 determine whether or not those members continue to meet the
118 criteria for Special Risk Class membership.

119 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

120 (d) Notwithstanding any other provision of this
121 subsection, this subsection does not apply to any special risk
122 member who qualifies for continued membership pursuant to
123 paragraph (3) (j) ~~(3) (k)~~.

124 (10) CREDIT FOR UPGRADED SERVICE.—

125 (c) Any member of the Special Risk Class who has earned
126 creditable service through June 30, 2008, in another membership

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127 class of the Florida Retirement System in a position with the
 128 Department of Law Enforcement or the Division of State Fire
 129 Marshal and became covered by the Special Risk Class as
 130 described in paragraph (3)(h) ~~(3)(i)~~, or with a local government
 131 law enforcement agency or medical examiner's office and became
 132 covered by the Special Risk Class as described in paragraph
 133 (3)(i) ~~(3)(j)~~, which service is within the purview of the
 134 Special Risk Class, and is employed in such position on or after
 135 July 1, 2008, may purchase additional retirement credit to
 136 upgrade such service to Special Risk Class service, to the
 137 extent of the percentages of the member's average final
 138 compensation provided in s. 121.091(1)(a)2. The cost for such
 139 credit must be an amount representing the actuarial accrued
 140 liability for the difference in accrual value during the
 141 affected period of service. The cost shall be calculated using
 142 the discount rate and other relevant actuarial assumptions that
 143 were used to value the Florida Retirement System Pension Plan
 144 liabilities in the most recent actuarial valuation. The division
 145 shall ensure that the transfer sum is prepared using a formula
 146 and methodology certified by an enrolled actuary. The cost must
 147 be paid immediately upon notification by the division. The local
 148 government employer may purchase the upgraded service credit on
 149 behalf of the member if the member has been employed by that
 150 employer for at least 3 years.

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 153 **T I T L E A M E N D M E N T**

154 Remove line 21 and insert:

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155 juvenile offenders; repealing s. 945.75, F.S.;

156 deleting a requirement that the Department of

157 Corrections and counties develop programs under which

158 a judge may order juveniles who have committed

159 delinquent acts to tour correctional facilities;

160 repealing s. 985.105, F.S., relating to the creation,

161 duties, and qualifications of the youth custody

162 officer position within the Department of Juvenile

163 Justice; amending s. 121.0515, F.S.; conforming

164 provisions to changes made by the act; providing an

165 effective date.