

1 A bill to be entitled

2 An act relating to retirement; amending s. 121.0515,
3 F.S.; revising criteria for membership in the special
4 risk class to include members employed as a 911 public
5 safety telecommunicator; requiring the member to have
6 his or her benefits calculated in accordance with the
7 provisions for Regular Class members; providing a
8 declaration of important state interest; providing an
9 effective date.

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

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13 Section 1. Paragraphs (j) and (k) of subsection (3) of
14 section 121.0515, Florida Statutes, are amended, and paragraph
15 (1) is added to that subsection, to read:

16 121.0515 Special Risk Class.—

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

19 (j) Effective July 1, 2008, the member must be employed by
20 a local government law enforcement agency or medical examiner's
21 office and must spend at least 65 percent of his or her time
22 performing duties that involve the collection, examination,
23 preservation, documentation, preparation, or analysis of human
24 tissues or fluids or physical evidence having potential
25 biological, chemical, or radiological hazard or contamination,
26 or use chemicals, processes, or materials that may have

27 | carcinogenic or health-damaging properties in the analysis of
28 | such evidence, or the member must be the direct supervisor of
29 | one or more individuals having such responsibility. If a special
30 | risk member changes to another position within the same agency,
31 | he or she must submit a complete application as provided in
32 | paragraph (4) (a); ~~or~~

33 | (k) The member must have already qualified for and be
34 | actively participating in special risk membership under
35 | paragraph (a), paragraph (b), or paragraph (c), must have
36 | suffered a qualifying injury as defined in this paragraph, must
37 | not be receiving disability retirement benefits as provided in
38 | s. 121.091(4), and must satisfy the requirements of this
39 | paragraph.

40 | 1. The ability to qualify for the class of membership
41 | defined in paragraph (2) (i) occurs when two licensed medical
42 | physicians, one of whom is a primary treating physician of the
43 | member, certify the existence of the physical injury and medical
44 | condition that constitute a qualifying injury as defined in this
45 | paragraph and that the member has reached maximum medical
46 | improvement after August 1, 2008. The certifications from the
47 | licensed medical physicians must include, at a minimum, that the
48 | injury to the special risk member has resulted in a physical
49 | loss, or loss of use, of at least two of the following: left
50 | arm, right arm, left leg, or right leg; and:

51 | a. That this physical loss or loss of use is total and
52 | permanent, except if the loss of use is due to a physical injury

53 to the member's brain, in which event the loss of use is
54 permanent with at least 75 percent loss of motor function with
55 respect to each arm or leg affected.

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

59 c. That, notwithstanding this physical loss or loss of
60 use, the individual can perform the essential job functions
61 required by the member's new position, as provided in
62 subparagraph 3.

63 d. That use of artificial limbs is not possible or does
64 not alter the member's ability to perform the essential job
65 functions of the member's position.

66 e. That the physical loss or loss of use is a direct
67 result of a physical injury and not a result of any mental,
68 psychological, or emotional injury.

69 2. For the purposes of this paragraph, "qualifying injury"
70 means an injury sustained in the line of duty, as certified by
71 the member's employing agency, by a special risk member that
72 does not result in total and permanent disability as defined in
73 s. 121.091(4)(b). An injury is a qualifying injury if the injury
74 is a physical injury to the member's physical body resulting in
75 a physical loss, or loss of use, of at least two of the
76 following: left arm, right arm, left leg, or right leg.
77 Notwithstanding any other provision of this section, an injury
78 that would otherwise qualify as a qualifying injury is not

79 considered a qualifying injury if and when the member ceases
 80 employment with the employer for whom he or she was providing
 81 special risk services on the date the injury occurred.

82 3. The new position, as described in sub-subparagraph
 83 1.c., that is required for qualification as a special risk
 84 member under this paragraph is not required to be a position
 85 with essential job functions that entitle an individual to
 86 special risk membership. Whether a new position as described in
 87 sub-subparagraph 1.c. exists and is available to the special
 88 risk member is a decision to be made solely by the employer in
 89 accordance with its hiring practices and applicable law.

90 4. This paragraph does not grant or create additional
 91 rights for any individual to continued employment or to be hired
 92 or rehired by his or her employer that are not already provided
 93 within the Florida Statutes, the State Constitution, the
 94 Americans with Disabilities Act, if applicable, or any other
 95 applicable state or federal law; ~~or-~~

96 (1) Effective July 1, 2015, the member must be employed as
 97 a 911 public safety telecommunicator as defined in s. 401.465.
 98 However, upon his or her retirement, the member shall have his
 99 or her benefits calculated in accordance with the Regular Class
 100 benefit provisions of s. 121.091(1)(a)1.

101 Section 2. The Legislature finds that a proper and
 102 legitimate state purpose is served when employees and retirees
 103 of the state and its political subdivisions, and the dependents,
 104 survivors, and beneficiaries of such employees and retirees, are

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105 extended the basic protections afforded by governmental
106 retirement systems. These persons must be provided benefits that
107 are fair and adequate and are managed, administered, and funded
108 in an actuarially sound manner, as required by s. 14, Article X
109 of the State Constitution and part VII of chapter 112, Florida
110 Statutes. Therefore, the Legislature determines and declares
111 that this act fulfills an important state interest.

112 Section 3. This act shall take effect July 1, 2014.