

By Senator Soto

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1 A bill to be entitled
2 An act relating to the special risk class; amending s.
3 121.0515, F.S.; adding certified 911 public safety
4 telecommunicators to the class; providing that such
5 telecommunicators are not eligible for a certain
6 adjustment in his or her monthly retirement benefit;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (3) of section 121.0515, Florida
12 Statutes, is amended to read:

13 121.0515 Special Risk Class.—

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

16 (a) Effective October 1, 1978, the member must be employed
17 as a law enforcement officer and be certified, or required to be
18 certified, in compliance with s. 943.1395, except that; however,
19 sheriffs and elected police chiefs are not required to be
20 certified ~~excluded from meeting the certification requirements~~
21 ~~of this paragraph~~. In addition, the member's duties and
22 responsibilities must include the pursuit, apprehension, and
23 arrest of law violators or suspected law violators; or as of
24 July 1, 1982, the member must be an active member of a bomb
25 disposal unit whose primary responsibility is the location,
26 handling, and disposal of explosive devices; or the member must
27 be the supervisor or command officer of a member or members who
28 have such responsibilities. Administrative support personnel,
29 including, but not limited to, those whose primary duties and

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30 responsibilities are in accounting, purchasing, legal, and
31 personnel, are not included;

32 (b) Effective October 1, 1978, the member must be employed
33 as a firefighter and be certified, or required to be certified,
34 in compliance with s. 633.408 and be employed solely within the
35 fire department of a local government employer or an agency of
36 state government with firefighting responsibilities. In
37 addition, the member's duties and responsibilities must include
38 on-the-scene fighting of fires; as of October 1, 2001, fire
39 prevention or firefighter training; as of October 1, 2001,
40 direct supervision of firefighting units, fire prevention, or
41 firefighter training; or as of July 1, 2001, aerial firefighting
42 surveillance performed by fixed-wing aircraft pilots employed by
43 the Florida Forest Service of the Department of Agriculture and
44 Consumer Services; or the member must be the supervisor or
45 command officer of a member or members who have such
46 responsibilities. ~~Administrative support personnel, including,~~
47 ~~but not limited to, those whose primary duties and~~
48 ~~responsibilities are in accounting, purchasing, legal, and~~
49 ~~personnel, are not included.~~ All periods of creditable service
50 in fire prevention or firefighter training, or as the supervisor
51 or command officer of a member or members who have such
52 responsibilities, and for which the employer paid the special
53 risk contribution rate, are included. Administrative support
54 personnel, including, but not limited to, those whose primary
55 duties and responsibilities are in accounting, purchasing,
56 legal, and personnel, are not included;

57 (c) Effective October 1, 1978, the member must be employed
58 as a correctional officer and be certified, or required to be

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59 certified, in compliance with s. 943.1395. In addition, the
60 member's primary duties and responsibilities must include ~~be~~ the
61 custody, and physical restraint if ~~when~~ necessary, of prisoners
62 or inmates within a prison, jail, or other criminal detention
63 facility, or while on work detail outside the facility, or while
64 being transported; or as of July 1, 1984, the member must be the
65 supervisor or command officer of a member or members who have
66 such responsibilities. Administrative support personnel,
67 including, but not limited to, those whose primary duties and
68 responsibilities are in accounting, purchasing, legal, and
69 personnel, are not included; however, wardens and assistant
70 wardens, as defined by rule, are included;

71 (d) Effective October 1, 1999, the member must be employed
72 by a licensed Advance Life Support (ALS) or Basic Life Support
73 (BLS) employer as an emergency medical technician or a paramedic
74 and be certified in compliance with s. 401.27. In addition, the
75 member's primary duties and responsibilities must include on-
76 the-scene emergency medical care or as of October 1, 2001,
77 direct supervision of emergency medical technicians or
78 paramedics, or the member must be the supervisor or command
79 officer of one or more members who have such responsibility.
80 Administrative support personnel, including, but not limited to,
81 those whose primary responsibilities are in accounting,
82 purchasing, legal, and personnel, are not included;

83 (e) Effective January 1, 2001, the member must be employed
84 as a community-based correctional probation officer and be
85 certified, or required to be certified, in compliance with s.
86 943.1395. In addition, the member's primary duties and
87 responsibilities must be the supervised custody, surveillance,

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88 control, investigation, and counseling of assigned inmates,
89 probationers, parolees, or community controllees within the
90 community; or the member must be the supervisor of a member or
91 members who have such responsibilities. Administrative support
92 personnel, including, but not limited to, those whose primary
93 duties and responsibilities are in accounting, purchasing, legal
94 services, and personnel management, are not included; however,
95 probation and parole circuit and deputy circuit administrators
96 are included;

97 (f) Effective January 1, 2001, the member must be employed
98 in one of the following classes and must spend at least 75
99 percent of his or her time performing duties that ~~which~~ involve
100 contact with patients or inmates in a correctional or forensic
101 facility or institution:

- 102 1. Dietitian (class codes 5203 and 5204);
- 103 2. Public health nutrition consultant (class code 5224);
- 104 3. Psychological specialist (class codes 5230 and 5231);
- 105 4. Psychologist (class code 5234);
- 106 5. Senior psychologist (class codes 5237 and 5238);
- 107 6. Regional mental health consultant (class code 5240);
- 108 7. Psychological Services Director-DCF (class code 5242);
- 109 8. Pharmacist (class codes 5245 and 5246);
- 110 9. Senior pharmacist (class codes 5248 and 5249);
- 111 10. Dentist (class code 5266);
- 112 11. Senior dentist (class code 5269);
- 113 12. Registered nurse (class codes 5290 and 5291);
- 114 13. Senior registered nurse (class codes 5292 and 5293);
- 115 14. Registered nurse specialist (class codes 5294 and
116 5295);

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- 117 15. Clinical associate (class codes 5298 and 5299);
- 118 16. Advanced registered nurse practitioner (class codes
- 119 5297 and 5300);
- 120 17. Advanced registered nurse practitioner specialist
- 121 (class codes 5304 and 5305);
- 122 18. Registered nurse supervisor (class codes 5306 and
- 123 5307);
- 124 19. Senior registered nurse supervisor (class codes 5308
- 125 and 5309);
- 126 20. Registered nursing consultant (class codes 5312 and
- 127 5313);
- 128 21. Quality management program supervisor (class code
- 129 5314);
- 130 22. Executive nursing director (class codes 5320 and 5321);
- 131 23. Speech and hearing therapist (class code 5406); or
- 132 24. Pharmacy manager (class code 5251);
- 133 (g) Effective July 1, 2001, the member must be employed as
- 134 a youth custody officer and be certified, or required to be
- 135 certified, in compliance with s. 943.1395. In addition, the
- 136 member's primary duties and responsibilities must be the
- 137 supervised custody, surveillance, control, investigation,
- 138 apprehension, arrest, and counseling of assigned juveniles
- 139 within the community;
- 140 (h) Effective October 1, 2005, through June 30, 2008, the
- 141 member must be employed by a law enforcement agency or medical
- 142 examiner's office in a forensic discipline recognized by the
- 143 International Association for Identification and must qualify
- 144 for active membership in the International Association for
- 145 Identification. The member's primary duties and responsibilities

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146 must include the collection, examination, preservation,
147 documentation, preparation, or analysis of physical evidence or
148 testimony, or both, or the member must be the direct supervisor,
149 quality management supervisor, or command officer of one or more
150 individuals with such responsibility. Administrative support
151 personnel, including, but not limited to, those whose primary
152 responsibilities are clerical or in accounting, purchasing,
153 legal, and personnel, are not included;

154 (i) Effective July 1, 2008, the member must be employed by
155 the Department of Law Enforcement in the crime laboratory or by
156 the Division of State Fire Marshal in the forensic laboratory in
157 one of the following classes:

- 158 1. Forensic technologist (class code 8459);
- 159 2. Crime laboratory technician (class code 8461);
- 160 3. Crime laboratory analyst (class code 8463);
- 161 4. Senior crime laboratory analyst (class code 8464);
- 162 5. Crime laboratory analyst supervisor (class code 8466);
- 163 6. Forensic chief (class code 9602); or
- 164 7. Forensic services quality manager (class code 9603);

165 (j) Effective July 1, 2008, the member must be employed by
166 a local government law enforcement agency or medical examiner's
167 office and must spend at least 65 percent of his or her time
168 performing duties that involve the collection, examination,
169 preservation, documentation, preparation, or analysis of human
170 tissues or fluids or physical evidence having potential
171 biological, chemical, or radiological hazard or contamination,
172 or use chemicals, processes, or materials that may have
173 carcinogenic or health-damaging properties in the analysis of
174 such evidence, or the member must be the direct supervisor of

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175 one or more individuals having such responsibility. If a special
176 risk member changes to another position within the same agency,
177 he or she must submit a complete application as provided in
178 paragraph (4) (a);

179 (k) Effective July 1, 2015, the member must be employed as
180 a 911 public safety telecommunicator certified under s. 401.465.
181 However, such telecommunicators are not eligible for the
182 adjustment in the monthly retirement benefit provided pursuant
183 to s. 121.091(1) (a) 2.; or

184 (1)-(k) The member must have already qualified for and be
185 actively participating in special risk membership under
186 paragraph (a), paragraph (b), or paragraph (c), must have
187 suffered a qualifying injury as defined in this paragraph, must
188 not be receiving disability retirement benefits as provided in
189 s. 121.091(4), and must satisfy the requirements of this
190 paragraph.

191 1. The ability to qualify for the class of membership
192 defined in paragraph (2) (i) occurs when two licensed medical
193 physicians, one of whom is a primary treating physician of the
194 member, certify the existence of the physical injury and medical
195 condition that constitute a qualifying injury as defined in this
196 paragraph and ~~that~~ the member has reached maximum medical
197 improvement after August 1, 2008. The certifications from the
198 licensed medical physicians must include, at a minimum, that the
199 injury to the special risk member has resulted in a physical
200 loss, or loss of use, of at least two of the following: left
201 arm, right arm, left leg, or right leg; and that:

202 a. The ~~That this~~ physical loss or loss of use is total and
203 permanent, unless ~~except if~~ the loss of use is due to a physical

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

207 b. The ~~That~~ this physical loss or loss of use renders the
208 member physically unable to perform the essential job functions
209 of his or her special risk position.

210 c. ~~That~~, Notwithstanding this physical loss or loss of use,
211 the individual can perform the essential job functions required
212 by the member's new position, as provided in subparagraph 3.

213 d. ~~That~~ Use of artificial limbs is not possible or does not
214 alter the member's ability to perform the essential job
215 functions of the member's position.

216 e. ~~That~~ The physical loss or loss of use is a direct result
217 of a physical injury and not a result of any mental,
218 psychological, or emotional injury.

219 2. For the purposes of this paragraph, "qualifying injury"
220 means an injury sustained in the line of duty, as certified by
221 the member's employing agency, by a special risk member that
222 does not result in total and permanent disability as defined in
223 s. 121.091(4)(b). An injury is a qualifying injury if the injury
224 is a physical injury to the member's physical body resulting in
225 a physical loss, or loss of use, of at least two of the
226 following: left arm, right arm, left leg, or right leg.
227 Notwithstanding any other provision of this section, an injury
228 that would otherwise qualify as a qualifying injury is not
229 ~~considered~~ a qualifying injury if and when the member ceases
230 employment with the employer for whom he or she was providing
231 special risk services on the date the injury occurred.

232 3. The new position, as described in sub-subparagraph 1.c.,

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233 which ~~that~~ is required for qualification as a special risk
234 member under this paragraph is not required to be a position
235 with essential job functions that entitle an individual to
236 special risk membership. Whether a new position as described in
237 sub-subparagraph 1.c. exists and is available to the special
238 risk member is a decision to be made solely by the employer in
239 accordance with its hiring practices and applicable law.

240 4. This paragraph does not grant or create additional
241 rights for any individual to continued employment or to be hired
242 or rehired by his or her employer that are not already provided
243 by state law ~~within the Florida Statutes~~, the State
244 Constitution, the Americans with Disabilities Act, if
245 applicable, or any other ~~applicable state or~~ federal law.

246 Section 2. This act shall take effect July 1, 2014.