



303670

576-03514-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Special Risk Class; amending s.
121.0515, F.S.; adding specified Florida State
Hospital employees to the class; conforming cross-
references; declaring that the act fulfills an
important state interest; providing appropriations;
providing an effective date.

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

Section 1. Paragraph (h) of subsection (2), subsection (3),
and paragraph (d) of subsection (8) of section 121.0515, Florida
Statutes, are amended to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

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

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

(a) Effective October 1, 1978, the member must be employed
as a law enforcement officer and be certified, or required to be
certified, in compliance with s. 943.1395, except that; however,
sheriffs and elected police chiefs are not required to be
certified ~~excluded from meeting the certification requirements~~
~~of this paragraph~~. In addition, the member's duties and
responsibilities must include the pursuit, apprehension, and



303670

576-03514-18

28 arrest of law violators or suspected law violators; or as of
29 July 1, 1982, the member must be an active member of a bomb
30 disposal unit whose primary responsibility is the location,
31 handling, and disposal of explosive devices; or the member must
32 be the supervisor or command officer of a member or members who
33 have such responsibilities. Administrative support personnel,
34 including, but not limited to, those whose primary duties and
35 responsibilities are in accounting, purchasing, legal, and
36 personnel, are not included;

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



303670

576-03514-18

57 responsibilities, and for which the employer paid the special
58 risk contribution rate, are included;

59 (c) Effective October 1, 1978, the member must be employed
60 as a correctional officer and be certified, or required to be
61 certified, in compliance with s. 943.1395. In addition, the
62 member's primary duties and responsibilities must include ~~be~~ the
63 custody, and physical restraint if ~~when~~ necessary, of prisoners
64 or inmates within a prison, jail, or other criminal detention
65 facility, or while on work detail outside the facility, or while
66 being transported; or as of July 1, 1984, the member must be the
67 supervisor or command officer of a member or members who have
68 such responsibilities. Administrative support personnel,
69 including, but not limited to, those whose primary duties and
70 responsibilities are in accounting, purchasing, legal, and
71 personnel, are not included; however, wardens and assistant
72 wardens, as defined by rule, are included;

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

85 (e) Effective January 1, 2001, the member must be employed



303670

576-03514-18

86 as a community-based correctional probation officer and be
87 certified, or required to be certified, in compliance with s.
88 943.1395. In addition, the member's primary duties and
89 responsibilities must be the supervised custody, surveillance,
90 control, investigation, and counseling of assigned inmates,
91 probationers, parolees, or community controllees within the
92 community; or the member must be the supervisor of a member or
93 members who have such responsibilities. Administrative support
94 personnel, including, but not limited to, those whose primary
95 duties and responsibilities are in accounting, purchasing, legal
96 services, and personnel management, are not included; however,
97 probation and parole circuit and deputy circuit administrators
98 are included;

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

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



303670

576-03514-18

- 115 12. Registered nurse (class codes 5290 and 5291);
116 13. Senior registered nurse (class codes 5292 and 5293);
117 14. Registered nurse specialist (class codes 5294 and
118 5295);
119 15. Clinical associate (class codes 5298 and 5299);
120 16. Advanced registered nurse practitioner (class codes
121 5297 and 5300);
122 17. Advanced registered nurse practitioner specialist
123 (class codes 5304 and 5305);
124 18. Registered nurse supervisor (class codes 5306 and
125 5307);
126 19. Senior registered nurse supervisor (class codes 5308
127 and 5309);
128 20. Registered nursing consultant (class codes 5312 and
129 5313);
130 21. Quality management program supervisor (class code
131 5314);
132 22. Executive nursing director (class codes 5320 and 5321);
133 23. Speech and hearing therapist (class code 5406); or
134 24. Pharmacy manager (class code 5251);
135 (g) Effective October 1, 2005, through June 30, 2008, the
136 member must be employed by a law enforcement agency or medical
137 examiner's office in a forensic discipline recognized by the
138 International Association for Identification and must qualify
139 for active membership in the International Association for
140 Identification. The member's primary duties and responsibilities
141 must include the collection, examination, preservation,
142 documentation, preparation, or analysis of physical evidence or
143 testimony, or both, or the member must be the direct supervisor,



303670

576-03514-18

144 quality management supervisor, or command officer of one or more
145 individuals with such responsibility. Administrative support
146 personnel, including, but not limited to, those whose primary
147 responsibilities are clerical or in accounting, purchasing,
148 legal, and personnel, are not included;

149 (h) Effective July 1, 2008, the member must be employed by
150 the Department of Law Enforcement in the crime laboratory or by
151 the Division of State Fire Marshal in the forensic laboratory in
152 one of the following classes:

- 153 1. Forensic technologist (class code 8459);
- 154 2. Crime laboratory technician (class code 8461);
- 155 3. Crime laboratory analyst (class code 8463);
- 156 4. Senior crime laboratory analyst (class code 8464);
- 157 5. Crime laboratory analyst supervisor (class code 8466);
- 158 6. Forensic chief (class code 9602); or
- 159 7. Forensic services quality manager (class code 9603);

160 (i) Effective July 1, 2008, the member must be employed by
161 a local government law enforcement agency or medical examiner's
162 office and must spend at least 65 percent of his or her time
163 performing duties that involve the collection, examination,
164 preservation, documentation, preparation, or analysis of human
165 tissues or fluids or physical evidence having potential
166 biological, chemical, or radiological hazard or contamination,
167 or use chemicals, processes, or materials that may have
168 carcinogenic or health-damaging properties in the analysis of
169 such evidence, or the member must be the direct supervisor of
170 one or more individuals having such responsibility. If a special
171 risk member changes to another position within the same agency,
172 he or she must submit a complete application as provided in



303670

576-03514-18

173 paragraph (4) (a);

174 (j) Effective January 1, 2019, the member must be employed
175 in any of the following classes and must spend at least 65
176 percent of his or her time performing duties that involve
177 contact with patients or inmates at Florida State Hospital:

178 1. Abuse registry counselor (class code 5961).

179 2. Barber/beautician (class codes 6201, 6205, and 6206).

180 3. Behavioral program associate (class codes 5750 and
181 5762).

182 4. Behavioral program specialist (class codes 5751 and
183 5763).

184 5. Certified radiologic technologist (class codes 5523,
185 5524, 5527, and 5528).

186 6. Chaplain (class codes 5819 and 5820).

187 7. Child protective investigator (class code 8371).

188 8. Child protective field support consultant (class code
189 8374).

190 9. Children, youth, and families counselor (class code
191 5954).

192 10. Classroom teacher (class codes 4144 and 4147).

193 11. Custodial trainer (class code 6530).

194 12. Custodial worker (class codes 6511 and 6526).

195 13. Dental assistant (class codes 5632 and 5633).

196 14. Dental hygienist (class code 5641).

197 15. Dental technician (class code 5644).

198 16. Dietetic technician (class code 5594).

199 17. Direct services aide (class code 5702).

200 18. Education and training specialist (class code 1328).

201 19. Food control specialist (class code 6217).



303670

576-03514-18

- 202 20. Food support worker (class code 6213).
- 203 21. Groundskeeper (class code 6394).
- 204 22. Health support aide (class codes 5504 and 5505).
- 205 23. Human services counselor (class codes 5934, 5936, 5937,
- 206 5940, and 5941).
- 207 24. Human services program analyst (class code 5871).
- 208 25. Human services program consultant (class codes 5918,
- 209 5919, and 5920).
- 210 26. Human services program records analyst (class code
- 211 5864).
- 212 27. Human services program specialist (class code 5877).
- 213 28. Human services worker (class codes 5706, 5709, 5781,
- 214 and 5784).
- 215 29. Librarian (class code 4315).
- 216 30. Librarian specialist (class codes 4318 and 4319).
- 217 31. Medical laboratory technician (class codes 5047 and
- 218 5048).
- 219 32. Pharmacy technician (class codes 5500 and 5501).
- 220 33. Rehabilitation therapist (class codes 5562 and 5563).
- 221 34. Residential unit specialist (class code 5736).
- 222 35. Senior chaplain (class code 5823).
- 223 36. Social services counselor (class codes 5953 and 5960).
- 224 37. Storekeeper (class codes 0918, 0921, and 0922).
- 225 38. Teacher aide (class codes 4133 and 4142).
- 226 39. Therapy aide (class codes 5556 and 5557).
- 227 40. Training specialist (class codes 1322 and 1324).
- 228 41. Unit treatment and rehab specialist (class codes 5776
- 229 and 5791).
- 230 42. Vocational instructor (class codes 1309, 1310, 1311,



303670

576-03514-18

231 1312, 1313, and 1315).

232 43. Volunteer services center specialist (class code 6000).

233 44. Volunteer services specialist (class code 5997); or

234 (k)(j) The member must have already qualified for and be
235 actively participating in special risk membership under
236 paragraph (a), paragraph (b), or paragraph (c), must have
237 suffered a qualifying injury as defined in this paragraph, must
238 not be receiving disability retirement benefits as provided in
239 s. 121.091(4), and must satisfy the requirements of this
240 paragraph.

241 1. The ability to qualify for the class of membership
242 defined in paragraph (2)(h) occurs when two licensed medical
243 physicians, one of whom is a primary treating physician of the
244 member, certify the existence of the physical injury and medical
245 condition that constitute a qualifying injury as defined in this
246 paragraph and ~~that~~ the member has reached maximum medical
247 improvement after August 1, 2008. The certifications from the
248 licensed medical physicians must include, at a minimum, that the
249 injury to the special risk member has resulted in a physical
250 loss, or loss of use, of at least two of the following: left
251 arm, right arm, left leg, or right leg; and that:

252 a. The ~~That this~~ physical loss or loss of use is total and
253 permanent, unless ~~except if~~ the loss of use is due to a physical
254 injury to the member's brain, in which event the loss of use is
255 permanent with at least 75 percent loss of motor function with
256 respect to each arm or leg affected.

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



303670

576-03514-18

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

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

266 e. ~~That~~ The physical loss or loss of use is a direct result
267 of a physical injury and not a result of any mental,
268 psychological, or emotional injury.

269 2. For the purposes of this paragraph, "qualifying injury"
270 means an injury sustained in the line of duty, as certified by
271 the member's employing agency, by a special risk member that
272 does not result in total and permanent disability as defined in
273 s. 121.091(4)(b). An injury is a qualifying injury if the injury
274 is a physical injury to the member's physical body resulting in
275 a physical loss, or loss of use, of at least two of the
276 following: left arm, right arm, left leg, or right leg.

277 Notwithstanding any other provision of this section, an injury
278 that would otherwise qualify as a qualifying injury is not
279 ~~considered~~ a qualifying injury if and when the member ceases
280 employment with the employer for whom he or she was providing
281 special risk services on the date the injury occurred.

282 3. The new position, as described in sub-subparagraph 1.c.,
283 which ~~that~~ is required for qualification as a special risk
284 member under this paragraph is not required to be a position
285 with essential job functions that entitle an individual to
286 special risk membership. Whether a new position as described in
287 sub-subparagraph 1.c. exists and is available to the special
288 risk member is a decision to be made solely by the employer in



303670

576-03514-18

289 accordance with its hiring practices and applicable law.

290 4. This paragraph does not grant or create additional
291 rights for any individual to continued employment or to be hired
292 or rehired by his or her employer that are not already provided
293 by state law within the Florida Statutes, the State
294 Constitution, the Americans with Disabilities Act, if
295 applicable, or any other ~~applicable state or~~ federal law.

296 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

297 (d) Notwithstanding any other provision of this subsection,
298 this subsection does not apply to any special risk member who
299 qualifies for continued membership pursuant to paragraph (3) (k)
300 ~~(3) (j)~~.

301 Section 2. The Legislature finds that a proper and
302 legitimate state purpose is served when employees and retirees
303 of the state and its political subdivisions, and the dependents,
304 survivors, and beneficiaries of such employees and retirees, are
305 extended the basic protections afforded by governmental
306 retirement systems. These persons must be provided benefits that
307 are fair and adequate and are managed, administered, and funded
308 in an actuarially sound manner, as required by s. 14, Article X
309 of the State Constitution and part VII of chapter 112, Florida
310 Statutes. Therefore, the Legislature determines and declares
311 that this act fulfills an important state interest.

312 Section 3. For the 2018-2019 fiscal year, the recurring
313 sums of \$1,263,118 from the General Revenue Fund, \$605,606 from
314 the Federal Grants Trust Fund, and \$70,448 from the Operations
315 and Maintenance Trust Fund are appropriated to the Department of
316 Children and Families to implement this act.

317 Section 4. This act shall take effect January 1, 2019.