

1 A bill to be entitled
 2 An act relating to the Special Risk Class; amending s.
 3 121.0515, F.S.; adding to the class certain employees
 4 of specified state hospitals and other facilities who
 5 spend a certain amount of time performing duties that
 6 involve contact with patients or inmates; conforming
 7 cross-references; declaring that the act fulfills an
 8 important state interest; providing an effective date.

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

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

15 121.0515 Special Risk Class.—

16 (2) MEMBERSHIP.—

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

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

22 (a) Effective October 1, 1978, the member must be employed
 23 as a law enforcement officer and be certified, or required to be
 24 certified, in compliance with s. 943.1395, except that; ~~however,~~
 25 sheriffs and elected police chiefs are not required to be

26 certified ~~excluded from meeting the certification requirements~~
27 ~~of this paragraph.~~ In addition, the member's duties and
28 responsibilities must include the pursuit, apprehension, and
29 arrest of law violators or suspected law violators; or as of
30 July 1, 1982, the member must be an active member of a bomb
31 disposal unit whose primary responsibility is the location,
32 handling, and disposal of explosive devices; or the member must
33 be the supervisor or command officer of a member or members who
34 have such responsibilities. Administrative support personnel,
35 including, but not limited to, those whose primary duties and
36 responsibilities are in accounting, purchasing, legal, and
37 personnel, are not included;

38 (b) Effective October 1, 1978, the member must be employed
39 as a firefighter and be certified, or required to be certified,
40 in compliance with s. 633.408 and be employed solely within the
41 fire department of a local government employer or an agency of
42 state government with firefighting responsibilities. In
43 addition, the member's duties and responsibilities must include
44 on-the-scene fighting of fires; as of October 1, 2001, fire
45 prevention or firefighter training; as of October 1, 2001,
46 direct supervision of firefighting units, fire prevention, or
47 firefighter training; or as of July 1, 2001, aerial firefighting
48 surveillance performed by fixed-wing aircraft pilots employed by
49 the Florida Forest Service of the Department of Agriculture and
50 Consumer Services; or the member must be the supervisor or

51 | command officer of a member or members who have such
52 | responsibilities. Administrative support personnel, including,
53 | but not limited to, those whose primary duties and
54 | responsibilities are in accounting, purchasing, legal, and
55 | personnel, are not included. All periods of creditable service
56 | in fire prevention or firefighter training, or as the supervisor
57 | or command officer of a member or members who have such
58 | responsibilities, and for which the employer paid the special
59 | risk contribution rate, are included;

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

74 | (d) Effective October 1, 1999, the member must be employed
75 | by a licensed Advance Life Support (ALS) or Basic Life Support

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

86 (e) Effective January 1, 2001, the member must be employed
87 as a community-based correctional probation officer and be
88 certified, or required to be certified, in compliance with s.
89 943.1395. In addition, the member's primary duties and
90 responsibilities must be the supervised custody, surveillance,
91 control, investigation, and counseling of assigned inmates,
92 probationers, parolees, or community controllees within the
93 community; or the member must be the supervisor of a member or
94 members who have such responsibilities. Administrative support
95 personnel, including, but not limited to, those whose primary
96 duties and responsibilities are in accounting, purchasing, legal
97 services, and personnel management, are not included; however,
98 probation and parole circuit and deputy circuit administrators
99 are included;

100 (f) Effective January 1, 2001, the member must be employed

101 in one of the following classes and must spend at least 75
102 percent of his or her time performing duties that ~~which~~ involve
103 contact with patients or inmates in a correctional or forensic
104 facility or institution:

- 105 1. Dietitian (class codes 5203 and 5204);
- 106 2. Public health nutrition consultant (class code 5224);
- 107 3. Psychological specialist (class codes 5230 and 5231);
- 108 4. Psychologist (class code 5234);
- 109 5. Senior psychologist (class codes 5237 and 5238);
- 110 6. Regional mental health consultant (class code 5240);
- 111 7. Psychological Services Director—DCF (class code 5242);
- 112 8. Pharmacist (class codes 5245 and 5246);
- 113 9. Senior pharmacist (class codes 5248 and 5249);
- 114 10. Dentist (class code 5266);
- 115 11. Senior dentist (class code 5269);
- 116 12. Registered nurse (class codes 5290 and 5291);
- 117 13. Senior registered nurse (class codes 5292 and 5293);
- 118 14. Registered nurse specialist (class codes 5294 and
119 5295);
- 120 15. Clinical associate (class codes 5298 and 5299);
- 121 16. Advanced practice registered nurse (class codes 5297
122 and 5300);
- 123 17. Advanced practice registered nurse specialist (class
124 codes 5304 and 5305);
- 125 18. Registered nurse supervisor (class codes 5306 and

126 5307);

127 19. Senior registered nurse supervisor (class codes 5308

128 and 5309);

129 20. Registered nursing consultant (class codes 5312 and

130 5313);

131 21. Quality management program supervisor (class code

132 5314);

133 22. Executive nursing director (class codes 5320 and

134 5321);

135 23. Speech and hearing therapist (class code 5406); or

136 24. Pharmacy manager (class code 5251);

137 (g) Effective October 1, 2005, through June 30, 2008, the

138 member must be employed by a law enforcement agency or medical

139 examiner's office in a forensic discipline recognized by the

140 International Association for Identification and must qualify

141 for active membership in the International Association for

142 Identification. The member's primary duties and responsibilities

143 must include the collection, examination, preservation,

144 documentation, preparation, or analysis of physical evidence or

145 testimony, or both, or the member must be the direct supervisor,

146 quality management supervisor, or command officer of one or more

147 individuals with such responsibility. Administrative support

148 personnel, including, but not limited to, those whose primary

149 responsibilities are clerical or in accounting, purchasing,

150 legal, and personnel, are not included;

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

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

162 (i) Effective July 1, 2008, the member must be employed by
163 a local government law enforcement agency or medical examiner's
164 office and must spend at least 65 percent of his or her time
165 performing duties that involve the collection, examination,
166 preservation, documentation, preparation, or analysis of human
167 tissues or fluids or physical evidence having potential
168 biological, chemical, or radiological hazard or contamination,
169 or use chemicals, processes, or materials that may have
170 carcinogenic or health-damaging properties in the analysis of
171 such evidence, or the member must be the direct supervisor of
172 one or more individuals having such responsibility. If a special
173 risk member changes to another position within the same agency,
174 he or she must submit a complete application as provided in
175 paragraph (4) (a);

176 (j) Effective January 1, 2020, the member must be employed
 177 in any of the following classes and must spend at least 65
 178 percent of his or her time performing duties that involve
 179 contact with patients or inmates at Florida State Hospital;
 180 Northeast Florida State Hospital; Sunland Center at Marianna and
 181 at Chattahoochee, including the Developmental Disabilities
 182 Defendant Program and Pathways; or the North Florida Evaluation
 183 and Treatment Center:

- 184 1. Abuse registry counselor (class code 5961).
- 185 2. Barber/beautician (class codes 6201, 6205, and 6206).
- 186 3. Behavioral program associate (class codes 5750 and
 187 5762).
- 188 4. Behavioral program specialist (class codes 5751 and
 189 5763).
- 190 5. Certified radiologic technologist (class codes 5523,
 191 5524, 5527, and 5528).
- 192 6. Chaplain (class codes 5819 and 5820).
- 193 7. Child protective investigator (class code 8371).
- 194 8. Child protective field support consultant (class code
 195 8374).
- 196 9. Children, youth, and families counselor (class code
 197 5954).
- 198 10. Classroom teacher (class codes 4144 and 4147).
- 199 11. Custodial worker (class codes 6511 and 6526).
- 200 12. Dental assistant (class codes 5632 and 5633).

- 201 13. Dental hygienist (class code 5641).
- 202 14. Dental technician (class code 5644).
- 203 15. Dietetic technician (class code 5594).
- 204 16. Direct services aide (class code 5702).
- 205 17. Education and training specialist (class code 1328).
- 206 18. Food control specialist (class code 6217).
- 207 19. Food support worker (class code 6213).
- 208 20. Health support aide (class codes 5504 and 5505).
- 209 21. Human services counselor (class codes 5934, 5936,
- 210 5937, 5940, and 5941).
- 211 22. Human services program specialist (class code 5877).
- 212 23. Human services worker (class codes 5706, 5709, 5781,
- 213 and 5784).
- 214 24. Librarian (class code 4315).
- 215 25. Librarian specialist (class codes 4318 and 4319).
- 216 26. Licensed practical nurse (class code 5599).
- 217 27. Pharmacy technician (class codes 5500 and 5501).
- 218 28. Rehabilitation therapist (class codes 5562 and 5563).
- 219 29. Residential unit specialist (class code 5736).
- 220 30. Senior chaplain (class code 5823).
- 221 31. Senior licensed practical nurse (class codes 5597 and
- 222 5600).
- 223 32. Social services counselor (class codes 5953 and 5960).
- 224 33. Storekeeper (class codes 0918, 0921, and 0922).
- 225 34. Teacher aide (class codes 4133 and 4142).

226 35. Therapy aide (class codes 5556 and 5557).
 227 36. Training specialist (class codes 1322 and 1324).
 228 37. Unit treatment and rehab specialist (class codes 5776
 229 and 5791).

230 38. Vocational instructor (class codes 1309, 1310, 1311,
 231 1312, 1313, and 1315).

232 39. Volunteer services center specialist (class code
 233 6000).

234 40. Volunteer services specialist (class code 5997); or
 235 (k)~~(j)~~ The member must have already qualified for and be
 236 actively participating in special risk membership under
 237 paragraph (a), paragraph (b), or paragraph (c), must have
 238 suffered a qualifying injury as defined in this paragraph, must
 239 not be receiving disability retirement benefits as provided in
 240 s. 121.091(4), and must satisfy the requirements of this
 241 paragraph.

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

251 loss, or loss of use, of at least two of the following: left
252 arm, right arm, left leg, or right leg; and that:

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

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

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

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

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

271 2. For the purposes of this paragraph, "qualifying injury"
272 means an injury sustained in the line of duty, as certified by
273 the member's employing agency, by a special risk member which
274 ~~that~~ does not result in total and permanent disability as
275 defined in s. 121.091(4)(b). An injury is a qualifying injury if

276 the injury is a physical injury to the member's physical body
277 resulting in a physical loss, or loss of use, of at least two of
278 the following: left arm, right arm, left leg, or right leg.
279 Notwithstanding any other provision of this section, an injury
280 that would otherwise qualify as a qualifying injury is not
281 ~~considered~~ a qualifying injury if and when the member ceases
282 employment with the employer for whom he or she was providing
283 special risk services on the date the injury occurred.

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

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

298 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

299 (d) Notwithstanding any other provision of this
300 subsection, this subsection does not apply to any special risk

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301 member who qualifies for continued membership pursuant to
302 paragraph (3) (k) ~~(3) (j)~~.

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

314 Section 3. This act shall take effect January 1, 2020.