

1                                   A bill to be entitled  
 2           An act relating to the Special Risk Class of the  
 3           Florida Retirement System; amending s. 121.0515, F.S.;  
 4           adding employees of a water, sewer, or other public  
 5           works department of a participating employer who work  
 6           in certain hazardous conditions to the Special Risk  
 7           Class of the Florida Retirement System; providing a  
 8           declaration of important state interest; providing an  
 9           effective date.

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

12  
 13           Section 1. Subsection (3) of section 121.0515, Florida  
 14           Statutes, is amended, and paragraph (i) is added to subsection  
 15           (2) of that section, to read:

16           121.0515 Special Risk Class.—

17           (2) MEMBERSHIP.—

18           (i) Effective July 1, 2020, "special risk member" includes  
 19 any member who is employed in a water, sewer, or other public  
 20 works department and meets the special criteria set forth in  
 21 paragraph (3) (k).

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

24           (a) Effective October 1, 1978, the member must be employed  
 25 as a law enforcement officer and be certified, or required to be

26 certified, in compliance with s. 943.1395, except that; ~~however,~~  
27 sheriffs and elected police chiefs are not required to be  
28 certified ~~excluded from meeting the certification requirements~~  
29 ~~of this paragraph~~. In addition, the member's duties and  
30 responsibilities must include the pursuit, apprehension, and  
31 arrest of law violators or suspected law violators; or as of  
32 July 1, 1982, the member must be an active member of a bomb  
33 disposal unit whose primary responsibility is the location,  
34 handling, and disposal of explosive devices; or the member must  
35 be the supervisor or command officer of a member or members who  
36 have such responsibilities. Administrative support personnel,  
37 including, but not limited to, those whose primary duties and  
38 responsibilities are in accounting, purchasing, legal, and  
39 personnel, are not included;

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

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

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

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

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

101 administrators are included;

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

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

126 codes 5304 and 5305);

127 18. Registered nurse supervisor (class codes 5306 and

128 5307);

129 19. Senior registered nurse supervisor (class codes 5308

130 and 5309);

131 20. Registered nursing consultant (class codes 5312 and

132 5313);

133 21. Quality management program supervisor (class code

134 5314);

135 22. Executive nursing director (class codes 5320 and

136 5321);

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

138 24. Pharmacy manager (class code 5251);

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

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

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

142 International Association for Identification and must qualify

143 for active membership in the International Association for

144 Identification. The member's primary duties and responsibilities

145 must include the collection, examination, preservation,

146 documentation, preparation, or analysis of physical evidence or

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

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

149 individuals with such responsibility. Administrative support

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

151 responsibilities are clerical or in accounting, purchasing,  
152 legal, and personnel, are not included;

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

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

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

176 he or she must submit a complete application as provided in  
177 paragraph (4) (a); ~~or~~

178 (j) The member must have already qualified for and be  
179 actively participating in special risk membership under  
180 paragraph (a), paragraph (b), or paragraph (c), must have  
181 suffered a qualifying injury as defined in this paragraph, must  
182 not be receiving disability retirement benefits as provided in  
183 s. 121.091(4), and must satisfy the requirements of this  
184 paragraph.

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

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

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

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

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

211           e. ~~That~~ The physical loss or loss of use is a direct  
212 result of a physical injury and not a result of any mental,  
213 psychological, or emotional injury.

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

226 | was providing special risk services on the date the injury  
227 | occurred.

228 |       3. The new position, as described in sub-subparagraph  
229 | 1.c., that is required for qualification as a special risk  
230 | member under this paragraph is not required to be a position  
231 | with essential job functions that entitle an individual to  
232 | special risk membership. Whether a new position as described in  
233 | sub-subparagraph 1.c. exists and is available to the special  
234 | risk member is a decision to be made solely by the employer in  
235 | accordance with its hiring practices and applicable law.

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

242 |       (k) Effective July 1, 2020, the member must be employed in  
243 | a water, sewer, or other public works department of a  
244 | participating employer and must perform duties that include  
245 | working in hazardous conditions, such as responding to a  
246 | chemical release or spill; working in a confined space with  
247 | oxygen deficiencies or poisonous gases; cutting cement pipes or  
248 | materials containing asbestos; pouring lead joints; working with  
249 | toxic or hazardous chemicals or toxic, hazardous, or industrial  
250 | wastewater requiring the use of a respirator or a self-contained

251 breathing apparatus; or working in a confined space where there  
252 is a clear and present safety or health hazard that poses an  
253 imminent risk to the life and safety of the member.

254 Section 2. The Legislature finds that a proper and  
255 legitimate state purpose is served when employees and retirees  
256 of the state and its political subdivisions, and the dependents,  
257 survivors, and beneficiaries of such employees and retirees, are  
258 extended the basic protections afforded by governmental  
259 retirement systems. These persons must be provided benefits that  
260 are fair and adequate and that are managed, administered, and  
261 funded in an actuarially sound manner, as required by s. 14,  
262 Article X of the State Constitution and part VII of chapter 112,  
263 Florida Statutes. Therefore, the Legislature determines and  
264 declares that this act fulfills an important state interest.

265 Section 3. This act shall take effect July 1, 2020.