

By Senator Bradley

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1                   A bill to be entitled  
2       An act relating to special risk class; amending s.  
3       121.0515, F.S.; revising criteria for designation as a  
4       member of the Special Risk Class of the Florida  
5       Retirement System, as of a specified date; conforming  
6       provisions to changes made by the act; reenacting ss.  
7       121.021(12) and (15) and 121.122(3)(a), F.S., relating  
8       to the definitions of the terms "member" and "special  
9       risk member" or "Special Risk Class member,"  
10      respectively, and to renewed membership in the Florida  
11      Retirement System, to incorporate the amendments made  
12      to s. 121.0515, F.S., in references thereto; providing  
13      an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17       Section 1. Paragraph (h) of subsection (2), subsection (3),  
18      and paragraph (d) of subsection (8) of section 121.0515, Florida  
19      Statutes, are amended to read:

20       121.0515 Special Risk Class.—

21       (2) MEMBERSHIP.—

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

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

27       (a) Effective October 1, 1978, the member must be employed  
28      as a law enforcement officer and be certified, or required to be  
29      certified, in compliance with s. 943.1395; however, sheriffs and

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

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

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59 personnel, are not included. All periods of creditable service  
60 in fire prevention or firefighter training, or as the supervisor  
61 or command officer of a member or members who have such  
62 responsibilities, and for which the employer paid the special  
63 risk contribution rate, are included;

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

79 (d) Effective October 1, 1999, the member must be employed  
80 by a licensed Advance Life Support (ALS) or Basic Life Support  
81 (BLS) employer as an emergency medical technician or a paramedic  
82 and be certified in compliance with s. 401.27. In addition, the  
83 member's primary duties and responsibilities must include on-  
84 the-scene emergency medical care or as of October 1, 2001,  
85 direct supervision of emergency medical technicians or  
86 paramedics, or the member must be the supervisor or command  
87 officer of one or more members who have such responsibility.

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88 Administrative support personnel, including, but not limited to,  
89 those whose primary responsibilities are in accounting,  
90 purchasing, legal, and personnel, are not included;

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

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

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director—DCF (class code 5242);

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- 117 8. Pharmacist (class codes 5245 and 5246);
- 118 9. Senior pharmacist (class codes 5248 and 5249);
- 119 10. Dentist (class code 5266);
- 120 11. Senior dentist (class code 5269);
- 121 12. Registered nurse (class codes 5290 and 5291);
- 122 13. Senior registered nurse (class codes 5292 and 5293);
- 123 14. Registered nurse specialist (class codes 5294 and
- 124 5295);
- 125 15. Clinical associate (class codes 5298 and 5299);
- 126 16. Advanced practice registered nurse (class codes 5297
- 127 and 5300);
- 128 17. Advanced practice registered nurse specialist (class
- 129 codes 5304 and 5305);
- 130 18. Registered nurse supervisor (class codes 5306 and
- 131 5307);
- 132 19. Senior registered nurse supervisor (class codes 5308
- 133 and 5309);
- 134 20. Registered nursing consultant (class codes 5312 and
- 135 5313);
- 136 21. Quality management program supervisor (class code
- 137 5314);
- 138 22. Executive nursing director (class codes 5320 and 5321);
- 139 23. Speech and hearing therapist (class code 5406); or
- 140 24. Pharmacy manager (class code 5251);
- 141 (g) Effective October 1, 2005, through June 30, 2008, the
- 142 member must be employed by a law enforcement agency or medical
- 143 examiner's office in a forensic discipline recognized by the
- 144 International Association for Identification and must qualify
- 145 for active membership in the International Association for

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

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

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

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

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

180 (j) Effective July 1, 2024, the member must be employed in  
181 any of the following classes and must spend at least 75 percent  
182 of his or her time performing duties that involve contact with  
183 inmates:

- 184 1. Vocational instructor III - F/C (class code 1315).
- 185 2. Government analyst I (class code 2224), at a private  
186 facility.
- 187 3. Government operations consultant II (class code 2236).
- 188 4. Library technical assistant I (class code 4303).
- 189 5. Engineering technician IV (class code 4612).
- 190 6. Wellness education specialist I - F/C (class code 5567).
- 191 7. Chaplain - F/C (class code 5819).
- 192 8. Senior chaplain F/C (class code 5823).
- 193 9. Counseling and social services supervisor I - F/C - SES  
194 (class code 5947).
- 195 10. Social services counselor - F/C (class code 5960).
- 196 11. Staff interpreter/translator (class code 5988).
- 197 12. Instructional assistant I (class code 6071).
- 198 13. Utilities supervisor - HAC/UP - F/C - SES (class code  
199 6352).
- 200 14. Maintenance and construction superintendent - SES  
201 (class code 6387).
- 202 15. Plumber (class code 6441).
- 203 16. Master electrician (class code 6446).

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- 204       17. Senior refrigeration mechanic (class code 6454).
- 205       18. Senior maintenance mechanic (class code 6467).
- 206       19. Maintenance mechanic - F/C (class code 6469).
- 207       20. Automotive equipment maintenance superintendent - SES
- 208 (class code 6542).
- 209       21. Electronic technician II (class code 7234).
- 210       22. Correctional probation senior officer - INSTITUTION
- 211 (class code 8041).
- 212       23. Classification officer (class code 8051).
- 213       24. Senior classification officer (class code 8052).
- 214       25. Classification supervisor (class code 8053).
- 215       26. Correctional services consultant (class code 8058),
- 216 assigned to a reception center.
- 217       27. Placement and transition specialist (class code 8081).
- 218       28. Education supervisor I - SES (class code 8082).
- 219       29. Education supervisor II - SES (class code 8083).
- 220       30. Vocational teacher - EJT (class code 8085).
- 221       31. Academic teacher (class code 8093).
- 222       32. Correctional programs consultant (class code 8094).
- 223       33. Special education teacher (class code 9095); or
- 224       (k) The member must have already qualified for and be
- 225 actively participating in special risk membership under
- 226 paragraph (a), paragraph (b), or paragraph (c), must have
- 227 suffered a qualifying injury as defined in this paragraph, must
- 228 not be receiving disability retirement benefits as provided in
- 229 s. 121.091(4), and must satisfy the requirements of this
- 230 paragraph.
- 231       1. The ability to qualify for the class of membership
- 232 defined in paragraph (2) (h) occurs when two licensed medical



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233 physicians, one of whom is a primary treating physician of the  
234 member, certify the existence of the physical injury and medical  
235 condition that constitute a qualifying injury as defined in this  
236 paragraph and that the member has reached maximum medical  
237 improvement after August 1, 2008. The certifications from the  
238 licensed medical physicians must include, at a minimum, that the  
239 injury to the special risk member has resulted in a physical  
240 loss, or loss of use, of at least two of the following: left  
241 arm, right arm, left leg, or right leg; and:

242 a. That this physical loss or loss of use is total and  
243 permanent, except if the loss of use is due to a physical injury  
244 to the member's brain, in which event the loss of use is  
245 permanent with at least 75 percent loss of motor function with  
246 respect to each arm or leg affected.

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

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

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

256 e. That the physical loss or loss of use is a direct result  
257 of a physical injury and not a result of any mental,  
258 psychological, or emotional injury.

259 2. For the purposes of this paragraph, "qualifying injury"  
260 means an injury sustained in the line of duty, as certified by  
261 the member's employing agency, by a special risk member that

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262 does not result in total and permanent disability as defined in  
263 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
264 is a physical injury to the member's physical body resulting in  
265 a physical loss, or loss of use, of at least two of the  
266 following: left arm, right arm, left leg, or right leg.  
267 Notwithstanding any other provision of this section, an injury  
268 that would otherwise qualify as a qualifying injury is not  
269 considered a qualifying injury if and when the member ceases  
270 employment with the employer for whom he or she was providing  
271 special risk services on the date the injury occurred.

272 3. The new position, as described in sub-subparagraph 1.c.,  
273 that is required for qualification as a special risk member  
274 under this paragraph is not required to be a position with  
275 essential job functions that entitle an individual to special  
276 risk membership. Whether a new position as described in sub-  
277 subparagraph 1.c. exists and is available to the special risk  
278 member is a decision to be made solely by the employer in  
279 accordance with its hiring practices and applicable law.

280 4. This paragraph does not grant or create additional  
281 rights for any individual to continued employment or to be hired  
282 or rehired by his or her employer that are not already provided  
283 within the Florida Statutes, the State Constitution, the  
284 Americans with Disabilities Act, if applicable, or any other  
285 applicable state or federal law.

286 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

287 (d) Notwithstanding any other provision of this subsection,  
288 this subsection does not apply to any special risk member who  
289 qualifies for continued membership pursuant to paragraph (3)(k)  
290 ~~(3)(j)~~.

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291 Section 2. For the purpose of incorporating the amendment  
292 made by this act to section 121.0515, Florida Statutes, in  
293 references thereto, subsections (12) and (15) of section  
294 121.021, Florida Statutes, are reenacted to read:

295 121.021 Definitions.—The following words and phrases as  
296 used in this chapter have the respective meanings set forth  
297 unless a different meaning is plainly required by the context:

298 (12) "Member" means any officer or employee who is covered  
299 or who becomes covered under this system in accordance with this  
300 chapter. On and after December 1, 1970, all new members and  
301 those members transferring from existing systems shall be  
302 divided into the following classes: "Special Risk Class," as  
303 provided in s. 121.0515; "Special Risk Administrative Support  
304 Class," as provided in s. 121.0515(8); "Elected Officers'  
305 Class," as provided in s. 121.052; "Senior Management Service  
306 Class," as provided in s. 121.055; and "Regular Class," which  
307 consists of all members who are not in the Special Risk Class,  
308 Special Risk Administrative Support Class, Elected Officers'  
309 Class, or Senior Management Service Class.

310 (15) "Special risk member" or "Special Risk Class member"  
311 means a member of the Florida Retirement System who meets the  
312 eligibility and criteria required under s. 121.0515 for  
313 participation in the Special Risk Class.

314 Section 3. For the purpose of incorporating the amendment  
315 made by this act to section 121.0515, Florida Statutes, in  
316 references thereto, paragraph (a) of subsection (3) of section  
317 121.122, Florida Statutes, is reenacted to read:

318 121.122 Renewed membership in system.—

319 (3) A retiree of the investment plan, the State University

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320 System Optional Retirement Program, the Senior Management  
321 Service Optional Annuity Program, or the State Community College  
322 System Optional Retirement Program who is reemployed with a  
323 covered employer in a regularly established position on or after  
324 July 1, 2017, shall be enrolled as a renewed member of the  
325 investment plan unless employed in a position eligible for  
326 participation in the State University System Optional Retirement  
327 Program as provided in subsection (4) or the State Community  
328 College System Optional Retirement Program as provided in  
329 subsection (5). The renewed member must satisfy the vesting  
330 requirements and other provisions of this chapter.

331 (a) A renewed member of the investment plan shall be  
332 enrolled in one of the following membership classes:

333 1. In the Regular Class, if the position does not meet the  
334 requirements for membership under s. 121.0515, s. 121.053, or s.  
335 121.055.

336 2. In the Special Risk Class, if the position meets the  
337 requirements of s. 121.0515.

338 3. In the Elected Officers' Class, if the position meets  
339 the requirements of s. 121.053.

340 4. In the Senior Management Service Class, if the position  
341 meets the requirements of s. 121.055.

342 Section 4. This act shall take effect July 1, 2024.