Florida Senate - 2007

By Senator Oelrich

14-780A-07 1 A bill to be entitled 2 An act relating to the State Retirement System; creating s. 121.0517, F.S.; creating the 3 Qualifying Injured Special Risk Class in the 4 5 system; declaring legislative intent; providing б conditions of eligibility for membership in the 7 class; providing consequences and benefits of 8 membership; providing an effective date. 9 Be It Enacted by the Legislature of the State of Florida: 10 11 12 Section 1. Section 121.0517, Florida Statutes, is 13 created to read: 121.0517 Qualifying injured special risk membership .--14 (1) In creating the Qualifying Injured Special Risk 15 Class of membership within the Florida Retirement System, it 16 17 is the intent and purpose of the Legislature to recognize that 18 persons employed in positions in the categories of law enforcement, firefighting, and criminal detention are required 19 as one of the essential functions of their positions to 20 21 perform work that is unusually dangerous and physically 22 demanding or arduous or work that requires extraordinary 23 agility. The Legislature further recognizes that these persons, because their jobs expose them to such risk, may 2.4 suffer a disability in line of duty, as defined in s. 25 26 121.021(13). It is the intent that, if such disability in line 27 of duty is a "qualifying injury" as defined in subsection (4), 2.8 a special risk member may be reclassified as a "qualifying injured special risk member." The intent of creating the 29 gualifying injured special risk class is to rectify situations 30 in which a special risk member is not receiving disability 31

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30 maximum medical improvement after October 1, 2007. The	28	and medical condition that constitutes a qualifying injury as
	29	defined in subsection (4) and upon the employee reaching
31 certifications must include, at a minimum, all the following:	30	maximum medical improvement after October 1, 2007. The
	31	certifications must include, at a minimum, all the following:

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1	(a) That the injury to the special risk member has
2	resulted in a physical loss or loss of use of one or more
3	arms, legs, hands, or feet;
4	(b) That this physical loss or loss of use is total
5	and permanent, except in the event of a physical injury to the
б	special risk member's brain, in which event the loss of use
7	<u>is:</u>
8	1. Permanent and total with respect to at least one
9	hand or one foot; or
10	2. Permanent with at least 75 percent loss of motor
11	function with respect to one arm or one leq;
12	(c) That this physical loss or loss of use renders the
13	special risk member physically unable to perform the essential
14	job functions of his or her special risk position;
15	(d) That, notwithstanding this physical loss or loss
16	of use, the individual is able to perform the essential job
17	functions required by his or her new position;
18	(e) That the use of artificial limbs either is not
19	possible or does not change the special risk member's ability
20	to perform the essential job functions of his or her position;
21	and
22	(f) That the physical loss or loss of use of one or
23	more arms, legs, hands, or feet is a direct result of a
24	physical injury and not of any mental, psychological, or
25	emotional injury.
26	(4) For the purposes of this section, the term
27	"qualifying injury" means an injury in the line of duty, as
28	certified by the member's employing agency, to a special risk
29	member which does not result in total and permanent disability
30	as defined in s. 121.091(4)(b). An injury is not a qualifying
31	injury unless the injury is a physical injury to the special

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1	<u>risk member's physical body resulting in a physical loss or</u>
2	<u>loss of use of one or more arms, legs, hands, or feet.</u>
3	Notwithstanding anything in this section to the contrary, an
4	injury that would otherwise qualify as a qualifying injury
5	shall not be treated as a qualifying injury or shall cease
6	conforming to the definition of qualifying injury if and when
7	the special risk member ceases employment with the employer
8	for whom he or she was providing special risk services on the
9	date the injury occurred.
10	(5) This section does not grant or create additional
11	rights for any individual to continued employment, to be
12	hired, or to be rehired with his or her employer which are not
13	already provided within the Florida Statutes, the Florida
14	Constitution, the Americans with Disabilities Act, if
15	applicable, or any other applicable state or federal law.
16	Section 2. This act shall take effect July 1, 2007.
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18	* * * * * * * * * * * * * * * * * * * *
19	SENATE SUMMARY
20	Creates the Qualifying Injured Special Risk Class in the State Retirement System to provide for continued
21 employment of special risk members who have sustained qualifying injuries but are neither receiving disabit 22 retirement benefits nor able to continue performing previous functions of their special risk employment	employment of special risk members who have sustained
	retirement benefits nor able to continue performing the
	are able to perform the functions of new jobs with that
	Special fish employer.
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