

1 A bill to be entitled
 2 An act relating to youth custody officers; repealing
 3 s. 985.105, F.S., relating to the creation, duties,
 4 and qualifications of the youth custody officer
 5 position within the Department of Juvenile Justice;
 6 amending s. 121.0515, F.S.; conforming provisions to
 7 changes made by the act; providing an effective date.

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

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 11 Section 1. Section 985.105, Florida Statutes, is repealed.

12 Section 2. Paragraphs (h) through (k) of subsection (3) of
 13 section 121.0515, Florida Statutes, are redesignated as
 14 paragraphs (g) through (j) of that subsection, respectively, and
 15 paragraphs (e) through (i) of subsection (2), present paragraphs
 16 (g) and (k) of subsection (3), paragraph (b) of subsection (5),
 17 paragraph (d) of subsection (8), and paragraph (c) of subsection
 18 (10) of that section are amended to read:

19 121.0515 Special Risk Class.—

20 (2) MEMBERSHIP.—

21 ~~(e) Effective July 1, 2001, "special risk member" includes~~
 22 ~~any member who is employed as a youth custody officer by the~~
 23 ~~Department of Juvenile Justice and meets the special criteria~~
 24 ~~set forth in paragraph (3)(g).~~

25 (e)(f) Effective October 1, 2005, through June 30, 2008,
 26 the member must be employed by a law enforcement agency or
 27 medical examiner's office in a forensic discipline and meet the
 28 special criteria set forth in paragraph (3)(g) ~~(3)(h)~~.

29 | (f)~~(g)~~ Effective July 1, 2008, the member must be employed
 30 | by the Department of Law Enforcement in the crime laboratory or
 31 | by the Division of State Fire Marshal in the forensic laboratory
 32 | and meet the special criteria set forth in paragraph (3) (h)
 33 | ~~(3) (i)~~.

34 | (g)~~(h)~~ Effective July 1, 2008, the member must be employed
 35 | by a local government law enforcement agency or medical
 36 | examiner's office and meet the special criteria set forth in
 37 | paragraph (3) (i) ~~(3) (j)~~.

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

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

43 | ~~(g) Effective July 1, 2001, the member must be employed as
 44 | a youth custody officer and be certified, or required to be
 45 | certified, in compliance with s. 943.1395. In addition, the
 46 | member's primary duties and responsibilities must be the
 47 | supervised custody, surveillance, control, investigation,
 48 | apprehension, arrest, and counseling of assigned juveniles
 49 | within the community;~~

50 | (j)~~(k)~~ The member must have already qualified for and be
 51 | actively participating in special risk membership under
 52 | paragraph (a), paragraph (b), or paragraph (c), must have
 53 | suffered a qualifying injury as defined in this paragraph, must
 54 | not be receiving disability retirement benefits as provided in
 55 | s. 121.091(4), and must satisfy the requirements of this
 56 | paragraph.

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57 | 1. The ability to qualify for the class of membership
58 | defined in paragraph (2)(h) ~~(2)(i)~~ occurs when two licensed
59 | medical physicians, one of whom is a primary treating physician
60 | of the member, certify the existence of the physical injury and
61 | medical condition that constitute a qualifying injury as defined
62 | in this paragraph and that the member has reached maximum
63 | medical improvement after August 1, 2008. The certifications
64 | from the licensed medical physicians must include, at a minimum,
65 | that the injury to the special risk member has resulted in a
66 | physical loss, or loss of use, of at least two of the following:
67 | left arm, right arm, left leg, or right leg; and:

68 | a. That this physical loss or loss of use is total and
69 | permanent, except in the event that the loss of use is due to a
70 | physical injury to the member's brain, in which event the loss
71 | of use is permanent with at least 75 percent loss of motor
72 | function with respect to each arm or leg affected.

73 | b. That this physical loss or loss of use renders the
74 | member physically unable to perform the essential job functions
75 | of his or her special risk position.

76 | c. That, notwithstanding this physical loss or loss of
77 | use, the individual is able to perform the essential job
78 | functions required by the member's new position, as provided in
79 | subparagraph 3.

80 | d. That use of artificial limbs is either not possible or
81 | does not alter the member's ability to perform the essential job
82 | functions of the member's position.

83 | e. That the physical loss or loss of use is a direct
84 | result of a physical injury and not a result of any mental,

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85 | psychological, or emotional injury.

86 | 2. For the purposes of this paragraph, "qualifying injury"
87 | means an injury sustained in the line of duty, as certified by
88 | the member's employing agency, by a special risk member that
89 | does not result in total and permanent disability as defined in
90 | s. 121.091(4)(b). An injury is a qualifying injury if the injury
91 | is a physical injury to the member's physical body resulting in
92 | a physical loss, or loss of use, of at least two of the
93 | following: left arm, right arm, left leg, or right leg.
94 | Notwithstanding any other provision of this section, an injury
95 | that would otherwise qualify as a qualifying injury is not
96 | considered a qualifying injury if and when the member ceases
97 | employment with the employer for whom he or she was providing
98 | special risk services on the date the injury occurred.

99 | 3. The new position, as described in sub-subparagraph
100 | 1.c., that is required for qualification as a special risk
101 | member under this paragraph is not required to be a position
102 | with essential job functions that entitle an individual to
103 | special risk membership. Whether a new position as described in
104 | sub-subparagraph 1.c. exists and is available to the special
105 | risk member is a decision to be made solely by the employer in
106 | accordance with its hiring practices and applicable law.

107 | 4. This paragraph does not grant or create additional
108 | rights for any individual to continued employment or to be hired
109 | or rehired by his or her employer that are not already provided
110 | within the Florida Statutes, the State Constitution, the
111 | Americans with Disabilities Act, if applicable, or any other
112 | applicable state or federal law.

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113 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

114 (b) Any member who is a special risk member on July 1,
115 2008, and who became eligible to participate under paragraph
116 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
117 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
118 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
119 designation removed and thereafter shall be a Regular Class
120 member and earn only Regular Class membership credit. The
121 department may review the special risk designation of members to
122 determine whether or not those members continue to meet the
123 criteria for Special Risk Class membership.

124 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

125 (d) Notwithstanding any other provision of this
126 subsection, this subsection does not apply to any special risk
127 member who qualifies for continued membership pursuant to
128 paragraph (3) (j) ~~(3) (k)~~.

129 (10) CREDIT FOR UPGRADED SERVICE.—

130 (c) Any member of the Special Risk Class who has earned
131 creditable service through June 30, 2008, in another membership
132 class of the Florida Retirement System in a position with the
133 Department of Law Enforcement or the Division of State Fire
134 Marshal and became covered by the Special Risk Class as
135 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
136 law enforcement agency or medical examiner's office and became
137 covered by the Special Risk Class as described in paragraph
138 (3) (i) ~~(3) (j)~~, which service is within the purview of the
139 Special Risk Class, and is employed in such position on or after
140 July 1, 2008, may purchase additional retirement credit to

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141 upgrade such service to Special Risk Class service, to the
142 extent of the percentages of the member's average final
143 compensation provided in s. 121.091(1)(a)2. The cost for such
144 credit must be an amount representing the actuarial accrued
145 liability for the difference in accrual value during the
146 affected period of service. The cost shall be calculated using
147 the discount rate and other relevant actuarial assumptions that
148 were used to value the Florida Retirement System Pension Plan
149 liabilities in the most recent actuarial valuation. The division
150 shall ensure that the transfer sum is prepared using a formula
151 and methodology certified by an enrolled actuary. The cost must
152 be paid immediately upon notification by the division. The local
153 government employer may purchase the upgraded service credit on
154 behalf of the member if the member has been employed by that
155 employer for at least 3 years.

156 Section 3. This act shall take effect July 1, 2013.