

By Senator Evers

2-00886-13

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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.
8

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 Section 985.105, Florida Statutes, is repealed.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. Present paragraphs (h) through (k) of subsection
13 (3) of section 121.0515, Florida Statutes, are redesignated as
14 paragraphs (g) through (j), respectively, and paragraphs (e)
15 through (i) of subsection (2), present paragraphs (g) and (k) of
16 subsection (3), paragraph (b) of subsection (5), paragraph (d)
17 of subsection (8), and paragraph (c) of subsection (10) of that
18 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

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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.

57 1. The ability to qualify for the class of membership
58 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed

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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 use,
77 the individual is able to perform the essential job functions
78 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 result
84 of a physical injury and not a result of any mental,
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

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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 1.c.,
100 that is required for qualification as a special risk member
101 under this paragraph is not required to be a position with
102 essential job functions that entitle an individual to special
103 risk membership. Whether a new position as described in sub-
104 subparagraph 1.c. exists and is available to the special risk
105 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.

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

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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 subsection,
126 this subsection does not apply to any special risk member who
127 qualifies for continued membership pursuant to paragraph (3) (j)
128 ~~(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
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

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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.