

1 A bill to be entitled

2 An act relating to retirement; amending s. 121.0515,  
3 F.S.; revising criteria for membership in the special  
4 risk class to include members employed as a 911 public  
5 safety telecommunicator; requiring the member to have  
6 his or her benefits calculated in accordance with the  
7 provisions for Regular Class members; providing a  
8 declaration of important state interest; providing an  
9 effective date.

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

12  
13 Section 1. Paragraphs (j) and (k) of subsection (3) of  
14 section 121.0515, Florida Statutes, are amended, and paragraph  
15 (1) is added to that subsection, to read:

16 121.0515 Special Risk Class.—

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

19 (j) Effective July 1, 2008, the member must be employed by  
20 a local government law enforcement agency or medical examiner's  
21 office and must spend at least 65 percent of his or her time  
22 performing duties that involve the collection, examination,  
23 preservation, documentation, preparation, or analysis of human  
24 tissues or fluids or physical evidence having potential  
25 biological, chemical, or radiological hazard or contamination,  
26 or use chemicals, processes, or materials that may have

27 carcinogenic or health-damaging properties in the analysis of  
28 such evidence, or the member must be the direct supervisor of  
29 one or more individuals having such responsibility. If a special  
30 risk member changes to another position within the same agency,  
31 he or she must submit a complete application as provided in  
32 paragraph (4) (a); ~~or~~

33 (k) The member must have already qualified for and be  
34 actively participating in special risk membership under  
35 paragraph (a), paragraph (b), or paragraph (c), must have  
36 suffered a qualifying injury as defined in this paragraph, must  
37 not be receiving disability retirement benefits as provided in  
38 s. 121.091(4), and must satisfy the requirements of this  
39 paragraph.

40 1. The ability to qualify for the class of membership  
41 defined in paragraph (2) (i) occurs when two licensed medical  
42 physicians, one of whom is a primary treating physician of the  
43 member, certify the existence of the physical injury and medical  
44 condition that constitute a qualifying injury as defined in this  
45 paragraph and that the member has reached maximum medical  
46 improvement after August 1, 2008. The certifications from the  
47 licensed medical physicians must include, at a minimum, that the  
48 injury to the special risk member has resulted in a physical  
49 loss, or loss of use, of at least two of the following: left  
50 arm, right arm, left leg, or right leg; and:

51 a. That this physical loss or loss of use is total and  
52 permanent, except if the loss of use is due to a physical injury

53 to the member's brain, in which event the loss of use is  
54 permanent with at least 75 percent loss of motor function with  
55 respect to each arm or leg affected.

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

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

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

66 e. That the physical loss or loss of use is a direct  
67 result of a physical injury and not a result of any mental,  
68 psychological, or emotional injury.

69 2. For the purposes of this paragraph, "qualifying injury"  
70 means an injury sustained in the line of duty, as certified by  
71 the member's employing agency, by a special risk member that  
72 does not result in total and permanent disability as defined in  
73 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
74 is a physical injury to the member's physical body resulting in  
75 a physical loss, or loss of use, of at least two of the  
76 following: left arm, right arm, left leg, or right leg.  
77 Notwithstanding any other provision of this section, an injury  
78 that would otherwise qualify as a qualifying injury is not

79 considered a qualifying injury if and when the member ceases  
80 employment with the employer for whom he or she was providing  
81 special risk services on the date the injury occurred.

82 3. The new position, as described in sub-subparagraph  
83 1.c., that is required for qualification as a special risk  
84 member under this paragraph is not required to be a position  
85 with essential job functions that entitle an individual to  
86 special risk membership. Whether a new position as described in  
87 sub-subparagraph 1.c. exists and is available to the special  
88 risk member is a decision to be made solely by the employer in  
89 accordance with its hiring practices and applicable law.

90 4. This paragraph does not grant or create additional  
91 rights for any individual to continued employment or to be hired  
92 or rehired by his or her employer that are not already provided  
93 within the Florida Statutes, the State Constitution, the  
94 Americans with Disabilities Act, if applicable, or any other  
95 applicable state or federal law; ~~or-~~

96 (1) Effective July 1, 2015, the member must be employed as  
97 a 911 public safety telecommunicator as defined in s. 401.465.  
98 However, upon his or her retirement, the member shall have his  
99 or her benefits calculated in accordance with the Regular Class  
100 benefit provisions of s. 121.091(1)(a)1.

101 Section 2. The Legislature finds that a proper and  
102 legitimate state purpose is served when employees and retirees  
103 of the state and its political subdivisions, and the dependents,  
104 survivors, and beneficiaries of such employees and retirees, are

HB 1037

2014

105 extended the basic protections afforded by governmental  
106 retirement systems. These persons must be provided benefits that  
107 are fair and adequate and are managed, administered, and funded  
108 in an actuarially sound manner, as required by s. 14, Article X  
109 of the State Constitution and part VII of chapter 112, Florida  
110 Statutes. Therefore, the Legislature determines and declares  
111 that this act fulfills an important state interest.

112 Section 3. This act shall take effect July 1, 2014.