

1                                   A bill to be entitled  
 2           An act relating to the Special Risk Class; amending s.  
 3           121.0515, F.S.; adding certified 911 public safety  
 4           telecommunicators to the class; requiring such members  
 5           to have their benefits calculated in accordance with  
 6           provisions for Regular Class members; providing an  
 7           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. Subsection (3) of section 121.0515, Florida  
 12           Statutes, is amended to read:

13           121.0515 Special Risk Class.—

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

16           (a) Effective October 1, 1978, the member must be employed  
 17           as a law enforcement officer and be certified, or required to be  
 18           certified, in compliance with s. 943.1395, except that; ~~however,~~  
 19           sheriffs and elected police chiefs are not required to be  
 20           certified ~~excluded from meeting the certification requirements~~  
 21           ~~of this paragraph~~. In addition, the member's duties and  
 22           responsibilities must include the pursuit, apprehension, and  
 23           arrest of law violators or suspected law violators; or as of  
 24           July 1, 1982, the member must be an active member of a bomb  
 25           disposal unit whose primary responsibility is the location,  
 26           handling, and disposal of explosive devices; or the member must

27 | be the supervisor or command officer of a member or members who  
28 | have such responsibilities. Administrative support personnel,  
29 | including, but not limited to, those whose primary duties and  
30 | responsibilities are in accounting, purchasing, legal, and  
31 | personnel, are not included;

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

53 risk contribution rate, are included;

54 (c) Effective October 1, 1978, the member must be employed  
55 as a correctional officer and be certified, or required to be  
56 certified, in compliance with s. 943.1395. In addition, the  
57 member's primary duties and responsibilities must include ~~be~~ the  
58 custody, and physical restraint if ~~when~~ necessary, of prisoners  
59 or inmates within a prison, jail, or other criminal detention  
60 facility, or while on work detail outside the facility, or while  
61 being transported; or as of July 1, 1984, the member must be the  
62 supervisor or command officer of a member or members who have  
63 such responsibilities. Administrative support personnel,  
64 including, but not limited to, those whose primary duties and  
65 responsibilities are in accounting, purchasing, legal, and  
66 personnel, are not included; however, wardens and assistant  
67 wardens, as defined by rule, are included;

68 (d) Effective October 1, 1999, the member must be employed  
69 by a licensed Advance Life Support (ALS) or Basic Life Support  
70 (BLS) employer as an emergency medical technician or a paramedic  
71 and be certified in compliance with s. 401.27. In addition, the  
72 member's primary duties and responsibilities must include on-  
73 the-scene emergency medical care or as of October 1, 2001,  
74 direct supervision of emergency medical technicians or  
75 paramedics, or the member must be the supervisor or command  
76 officer of one or more members who have such responsibility.  
77 Administrative support personnel, including, but not limited to,  
78 those whose primary responsibilities are in accounting,

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79 purchasing, legal, and personnel, are not included;

80 (e) Effective January 1, 2001, the member must be employed  
81 as a community-based correctional probation officer and be  
82 certified, or required to be certified, in compliance with s.  
83 943.1395. In addition, the member's primary duties and  
84 responsibilities must be the supervised custody, surveillance,  
85 control, investigation, and counseling of assigned inmates,  
86 probationers, parolees, or community controllees within the  
87 community; or the member must be the supervisor of a member or  
88 members who have such responsibilities. Administrative support  
89 personnel, including, but not limited to, those whose primary  
90 duties and responsibilities are in accounting, purchasing, legal  
91 services, and personnel management, are not included; however,  
92 probation and parole circuit and deputy circuit administrators  
93 are included;

94 (f) Effective January 1, 2001, the member must be employed  
95 in one of the following classes and must spend at least 75  
96 percent of his or her time performing duties that ~~which~~ involve  
97 contact with patients or inmates in a correctional or forensic  
98 facility or institution:

- 99 1. Dietitian (class codes 5203 and 5204);
- 100 2. Public health nutrition consultant (class code 5224);
- 101 3. Psychological specialist (class codes 5230 and 5231);
- 102 4. Psychologist (class code 5234);
- 103 5. Senior psychologist (class codes 5237 and 5238);
- 104 6. Regional mental health consultant (class code 5240);

- 105 |       7. Psychological Services Director—DCF (class code 5242);
- 106 |       8. Pharmacist (class codes 5245 and 5246);
- 107 |       9. Senior pharmacist (class codes 5248 and 5249);
- 108 |       10. Dentist (class code 5266);
- 109 |       11. Senior dentist (class code 5269);
- 110 |       12. Registered nurse (class codes 5290 and 5291);
- 111 |       13. Senior registered nurse (class codes 5292 and 5293);
- 112 |       14. Registered nurse specialist (class codes 5294 and
- 113 | 5295);
- 114 |       15. Clinical associate (class codes 5298 and 5299);
- 115 |       16. Advanced registered nurse practitioner (class codes
- 116 | 5297 and 5300);
- 117 |       17. Advanced registered nurse practitioner specialist
- 118 | (class codes 5304 and 5305);
- 119 |       18. Registered nurse supervisor (class codes 5306 and
- 120 | 5307);
- 121 |       19. Senior registered nurse supervisor (class codes 5308
- 122 | and 5309);
- 123 |       20. Registered nursing consultant (class codes 5312 and
- 124 | 5313);
- 125 |       21. Quality management program supervisor (class code
- 126 | 5314);
- 127 |       22. Executive nursing director (class codes 5320 and
- 128 | 5321);
- 129 |       23. Speech and hearing therapist (class code 5406); or
- 130 |       24. Pharmacy manager (class code 5251);

131 (g) Effective October 1, 2005, through June 30, 2008, the  
132 member must be employed by a law enforcement agency or medical  
133 examiner's office in a forensic discipline recognized by the  
134 International Association for Identification and must qualify  
135 for active membership in the International Association for  
136 Identification. The member's primary duties and responsibilities  
137 must include the collection, examination, preservation,  
138 documentation, preparation, or analysis of physical evidence or  
139 testimony, or both, or the member must be the direct supervisor,  
140 quality management supervisor, or command officer of one or more  
141 individuals with such responsibility. Administrative support  
142 personnel, including, but not limited to, those whose primary  
143 responsibilities are clerical or in accounting, purchasing,  
144 legal, and personnel, are not included;

145 (h) Effective July 1, 2008, the member must be employed by  
146 the Department of Law Enforcement in the crime laboratory or by  
147 the Division of State Fire Marshal in the forensic laboratory in  
148 one of the following classes:

- 149 1. Forensic technologist (class code 8459);
- 150 2. Crime laboratory technician (class code 8461);
- 151 3. Crime laboratory analyst (class code 8463);
- 152 4. Senior crime laboratory analyst (class code 8464);
- 153 5. Crime laboratory analyst supervisor (class code 8466);
- 154 6. Forensic chief (class code 9602); or
- 155 7. Forensic services quality manager (class code 9603);

156 (i) Effective July 1, 2008, the member must be employed by

157 a local government law enforcement agency or medical examiner's  
158 office and must spend at least 65 percent of his or her time  
159 performing duties that involve the collection, examination,  
160 preservation, documentation, preparation, or analysis of human  
161 tissues or fluids or physical evidence having potential  
162 biological, chemical, or radiological hazard or contamination,  
163 or use chemicals, processes, or materials that may have  
164 carcinogenic or health-damaging properties in the analysis of  
165 such evidence, or the member must be the direct supervisor of  
166 one or more individuals having such responsibility. If a special  
167 risk member changes to another position within the same agency,  
168 he or she must submit a complete application as provided in  
169 paragraph (4) (a);

170 (j) Effective July 1, 2016, the member must be employed as  
171 a 911 public safety telecommunicator as defined in s. 401.465.  
172 However, upon his or her retirement, the member shall have his  
173 or her benefits calculated in accordance with the Regular Class  
174 benefit provisions of s. 121.091(1)(a)1.; or

175 (k)~~(j)~~ The member must have already qualified for and be  
176 actively participating in special risk membership under  
177 paragraph (a), paragraph (b), or paragraph (c), must have  
178 suffered a qualifying injury as defined in this paragraph, must  
179 not be receiving disability retirement benefits as provided in  
180 s. 121.091(4), and must satisfy the requirements of this  
181 paragraph.

182 1. The ability to qualify for the class of membership

183 defined in paragraph (2) (h) occurs when two licensed medical  
184 physicians, one of whom is a primary treating physician of the  
185 member, certify the existence of the physical injury and medical  
186 condition that constitute a qualifying injury as defined in this  
187 paragraph and ~~that~~ the member has reached maximum medical  
188 improvement after August 1, 2008. The certifications from the  
189 licensed medical physicians must include, at a minimum, that the  
190 injury to the special risk member has resulted in a physical  
191 loss, or loss of use, of at least two of the following: left  
192 arm, right arm, left leg, or right leg; and that:

193 a. The ~~That this~~ physical loss or loss of use is total and  
194 permanent, unless ~~except if~~ the loss of use is due to a physical  
195 injury to the member's brain, in which event the loss of use is  
196 permanent with at least 75 percent loss of motor function with  
197 respect to each arm or leg affected.

198 b. The ~~That this~~ physical loss or loss of use renders the  
199 member physically unable to perform the essential job functions  
200 of his or her special risk position.

201 c. ~~That~~, Notwithstanding this physical loss or loss of  
202 use, the individual can perform the essential job functions  
203 required by the member's new position, as provided in  
204 subparagraph 3.

205 d. ~~That~~ Use of artificial limbs is not possible or does  
206 not alter the member's ability to perform the essential job  
207 functions of the member's position.

208 e. ~~That~~ The physical loss or loss of use is a direct



209 result of a physical injury and not a result of any mental,  
210 psychological, or emotional injury.

211 2. For the purposes of this paragraph, "qualifying injury"  
212 means an injury sustained in the line of duty, as certified by  
213 the member's employing agency, by a special risk member that  
214 does not result in total and permanent disability as defined in  
215 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
216 is a physical injury to the member's physical body resulting in  
217 a physical loss, or loss of use, of at least two of the  
218 following: left arm, right arm, left leg, or right leg.

219 Notwithstanding any other provision of this section, an injury  
220 that would otherwise qualify as a qualifying injury is not  
221 ~~considered~~ a qualifying injury if and when the member ceases  
222 employment with the employer for whom he or she was providing  
223 special risk services on the date the injury occurred.

224 3. The new position, as described in sub-subparagraph  
225 1.c., which ~~that~~ is required for qualification as a special risk  
226 member under this paragraph is not required to be a position  
227 with essential job functions that entitle an individual to  
228 special risk membership. Whether a new position as described in  
229 sub-subparagraph 1.c. exists and is available to the special  
230 risk member is a decision to be made solely by the employer in  
231 accordance with its hiring practices and applicable law.

232 4. This paragraph does not grant or create additional  
233 rights for any individual to continued employment or to be hired  
234 or rehired by his or her employer that are not already provided

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235 by state law ~~within the Florida Statutes,~~ the State  
236 Constitution, the Americans with Disabilities Act, if  
237 applicable, or any other ~~applicable state or~~ federal law.  
238       Section 2. This act shall take effect July 1, 2016.