

By Senator Flores

39-01177-18

20181778__

1 A bill to be entitled
 2 An act relating to the Special Risk Class of the
 3 Florida Retirement System; amending s. 121.0515, F.S.;
 4 adding certain pilots and registered nurses to the
 5 class beginning on a specified date; providing a
 6 declaration of important state interest; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (h) of subsection (2), subsection (3),
 12 and paragraph (d) of subsection (8) of section 121.0515, Florida
 13 Statutes, are amended to read:

14 121.0515 Special Risk Class.—

15 (2) MEMBERSHIP.—

16 (h) Effective August 1, 2008, "special risk member"
 17 includes any member who meets the special criteria for continued
 18 membership set forth in paragraph (3) (k) ~~(3) (j)~~.

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

21 (a) Effective October 1, 1978, the member must be employed
 22 as a law enforcement officer and be certified, or required to be
 23 certified, in compliance with s. 943.1395, except that; however,
 24 sheriffs and elected police chiefs are not required to be
 25 certified ~~excluded from meeting the certification requirements~~
 26 ~~of this paragraph~~. In addition, the member's duties and
 27 responsibilities must include the pursuit, apprehension, and
 28 arrest of law violators or suspected law violators; or as of
 29 July 1, 1982, the member must be an active member of a bomb

39-01177-18

20181778__

30 disposal unit whose primary responsibility is the location,
31 handling, and disposal of explosive devices; or the member must
32 be the supervisor or command officer of a member or members who
33 have such responsibilities. Administrative support personnel,
34 including, but not limited to, those whose primary duties and
35 responsibilities are in accounting, purchasing, legal, and
36 personnel, are not included;

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

39-01177-18

20181778__

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

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

85 (e) Effective January 1, 2001, the member must be employed
86 as a community-based correctional probation officer and be
87 certified, or required to be certified, in compliance with s.

39-01177-18

20181778__

88 943.1395. In addition, the member's primary duties and
89 responsibilities must be the supervised custody, surveillance,
90 control, investigation, and counseling of assigned inmates,
91 probationers, parolees, or community controllees within the
92 community; or the member must be the supervisor of a member or
93 members who have such responsibilities. Administrative support
94 personnel, including, but not limited to, those whose primary
95 duties and responsibilities are in accounting, purchasing, legal
96 services, and personnel management, are not included; however,
97 probation and parole circuit and deputy circuit administrators
98 are included;

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

- 104 1. Dietitian (class codes 5203 and 5204);
- 105 2. Public health nutrition consultant (class code 5224);
- 106 3. Psychological specialist (class codes 5230 and 5231);
- 107 4. Psychologist (class code 5234);
- 108 5. Senior psychologist (class codes 5237 and 5238);
- 109 6. Regional mental health consultant (class code 5240);
- 110 7. Psychological Services Director—DCF (class code 5242);
- 111 8. Pharmacist (class codes 5245 and 5246);
- 112 9. Senior pharmacist (class codes 5248 and 5249);
- 113 10. Dentist (class code 5266);
- 114 11. Senior dentist (class code 5269);
- 115 12. Registered nurse (class codes 5290 and 5291);
- 116 13. Senior registered nurse (class codes 5292 and 5293);

39-01177-18

20181778__

117 14. Registered nurse specialist (class codes 5294 and
118 5295);

119 15. Clinical associate (class codes 5298 and 5299);

120 16. Advanced registered nurse practitioner (class codes
121 5297 and 5300);

122 17. Advanced registered nurse practitioner specialist
123 (class codes 5304 and 5305);

124 18. Registered nurse supervisor (class codes 5306 and
125 5307);

126 19. Senior registered nurse supervisor (class codes 5308
127 and 5309);

128 20. Registered nursing consultant (class codes 5312 and
129 5313);

130 21. Quality management program supervisor (class code
131 5314);

132 22. Executive nursing director (class codes 5320 and 5321);

133 23. Speech and hearing therapist (class code 5406); or

134 24. Pharmacy manager (class code 5251);

135 (g) Effective October 1, 2005, through June 30, 2008, the
136 member must be employed by a law enforcement agency or medical
137 examiner's office in a forensic discipline recognized by the
138 International Association for Identification and must qualify
139 for active membership in the International Association for
140 Identification. The member's primary duties and responsibilities
141 must include the collection, examination, preservation,
142 documentation, preparation, or analysis of physical evidence or
143 testimony, or both, or the member must be the direct supervisor,
144 quality management supervisor, or command officer of one or more
145 individuals with such responsibility. Administrative support

39-01177-18

20181778__

146 personnel, including, but not limited to, those whose primary
147 responsibilities are clerical or in accounting, purchasing,
148 legal, and personnel, are not included;

149 (h) Effective July 1, 2008, the member must be employed by
150 the Department of Law Enforcement in the crime laboratory or by
151 the Division of State Fire Marshal in the forensic laboratory in
152 one of the following classes:

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

160 (i) Effective July 1, 2008, the member must be employed by
161 a local government law enforcement agency or medical examiner's
162 office and must spend at least 65 percent of his or her time
163 performing duties that involve the collection, examination,
164 preservation, documentation, preparation, or analysis of human
165 tissues or fluids or physical evidence having potential
166 biological, chemical, or radiological hazard or contamination,
167 or use chemicals, processes, or materials that may have
168 carcinogenic or health-damaging properties in the analysis of
169 such evidence, or the member must be the direct supervisor of
170 one or more individuals having such responsibility. If a special
171 risk member changes to another position within the same agency,
172 he or she must submit a complete application as provided in
173 paragraph (4) (a);

174 (j) Effective July 1, 2018, the member must be employed by

39-01177-18

20181778__

175 a local government as a pilot or registered nurse and perform
176 his or her primary duties and responsibilities on an air
177 ambulance service as defined in s. 401.23, which is licensed
178 pursuant to s. 401.251 and operated by the local government; or

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

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

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

202 b. The ~~That this~~ physical loss or loss of use renders the
203 member physically unable to perform the essential job functions

39-01177-18

20181778__

204 of his or her special risk position.

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

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

211 e. ~~That~~ The physical loss or loss of use is a direct result
212 of a physical injury and not a result of any mental,
213 psychological, or emotional injury.

214 2. For the purposes of this paragraph, the term "qualifying
215 injury" means an injury sustained in the line of duty, as
216 certified by the member's employing agency, by a special risk
217 member that does not result in total and permanent disability as
218 defined in s. 121.091(4)(b). An injury is a qualifying injury if
219 the injury is a physical injury to the member's physical body
220 resulting in a physical loss, or loss of use, of at least two of
221 the following: left arm, right arm, left leg, or right leg.
222 Notwithstanding any other provision of this section, an injury
223 that would otherwise qualify as a qualifying injury is not
224 ~~considered~~ a qualifying injury if and when the member ceases
225 employment with the employer for whom he or she was providing
226 special risk services on the date the injury occurred.

227 3. The new position, as described in sub-subparagraph 1.c.,
228 which ~~that~~ is required for qualification as a special risk
229 member under this paragraph is not required to be a position
230 with essential job functions that entitle an individual to
231 special risk membership. Whether a new position as described in
232 sub-subparagraph 1.c. exists and is available to the special

39-01177-18

20181778__

233 risk member is a decision to be made solely by the employer in
234 accordance with its hiring practices and applicable law.

235 4. This paragraph does not grant or create additional
236 rights for any individual to continued employment or to be hired
237 or rehired by his or her employer which ~~that~~ are not already
238 provided by state law ~~within the Florida Statutes~~, the State
239 Constitution, the Americans with Disabilities Act, if
240 applicable, or any other ~~applicable state or~~ federal law.

241 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

242 (d) Notwithstanding any other provision of this subsection,
243 this subsection does not apply to any special risk member who
244 qualifies for continued membership pursuant to paragraph (3) (k)
245 ~~(3) (j)~~.

246 Section 2. The Legislature finds that a proper and
247 legitimate state purpose is served when employees and retirees
248 of the state and its political subdivisions, and the dependents,
249 survivors, and beneficiaries of such employees and retirees, are
250 extended the basic protections afforded by governmental
251 retirement systems. These persons must be provided benefits that
252 are fair and adequate and are managed, administered, and funded
253 in an actuarially sound manner, as required by s. 14, Article X
254 of the State Constitution and part VII of chapter 112, Florida
255 Statutes. Therefore, the Legislature determines and declares
256 that this act fulfills an important state interest.

257 Section 3. This act shall take effect July 1, 2018.