

1                   A bill to be entitled  
 2           An act relating to the Special Risk Class; amending s.  
 3           121.0515, F.S.; adding specified Florida State  
 4           Hospital employees to the class; conforming cross-  
 5           references; declaring that the act fulfills an  
 6           important state interest; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

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

13           121.0515 Special Risk Class.—

14           (2) MEMBERSHIP.—

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

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

20           (a) Effective October 1, 1978, the member must be employed  
 21           as a law enforcement officer and be certified, or required to be  
 22           certified, in compliance with s. 943.1395, except that; ~~however,~~  
 23           sheriffs and elected police chiefs are not required to be  
 24           certified ~~excluded from meeting the certification requirements~~  
 25           ~~of this paragraph~~. In addition, the member's duties and

26 | responsibilities must include the pursuit, apprehension, and  
27 | arrest of law violators or suspected law violators; or as of  
28 | July 1, 1982, the member must be an active member of a bomb  
29 | disposal unit whose primary responsibility is the location,  
30 | handling, and disposal of explosive devices; or the member must  
31 | be the supervisor or command officer of a member or members who  
32 | have such responsibilities. Administrative support personnel,  
33 | including, but not limited to, those whose primary duties and  
34 | responsibilities are in accounting, purchasing, legal, and  
35 | personnel, are not included;

36 |       (b) Effective October 1, 1978, the member must be employed  
37 | as a firefighter and be certified, or required to be certified,  
38 | in compliance with s. 633.408 and be employed solely within the  
39 | fire department of a local government employer or an agency of  
40 | state government with firefighting responsibilities. In  
41 | addition, the member's duties and responsibilities must include  
42 | on-the-scene fighting of fires; as of October 1, 2001, fire  
43 | prevention or firefighter training; as of October 1, 2001,  
44 | direct supervision of firefighting units, fire prevention, or  
45 | firefighter training; or as of July 1, 2001, aerial firefighting  
46 | surveillance performed by fixed-wing aircraft pilots employed by  
47 | the Florida Forest Service of the Department of Agriculture and  
48 | Consumer Services; or the member must be the supervisor or  
49 | command officer of a member or members who have such  
50 | responsibilities. Administrative support personnel, including,

51 but not limited to, those whose primary duties and  
52 responsibilities are in accounting, purchasing, legal, and  
53 personnel, are not included. All periods of creditable service  
54 in fire prevention or firefighter training, or as the supervisor  
55 or command officer of a member or members who have such  
56 responsibilities, and for which the employer paid the special  
57 risk contribution rate, are included;

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

72 (d) Effective October 1, 1999, the member must be employed  
73 by a licensed Advance Life Support (ALS) or Basic Life Support  
74 (BLS) employer as an emergency medical technician or a paramedic  
75 and be certified in compliance with s. 401.27. In addition, the

76 member's primary duties and responsibilities must include on-  
77 the-scene emergency medical care or as of October 1, 2001,  
78 direct supervision of emergency medical technicians or  
79 paramedics, or the member must be the supervisor or command  
80 officer of one or more members who have such responsibility.  
81 Administrative support personnel, including, but not limited to,  
82 those whose primary responsibilities are in accounting,  
83 purchasing, legal, and personnel, are not included;

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

98 (f) Effective January 1, 2001, the member must be employed  
99 in one of the following classes and must spend at least 75  
100 percent of his or her time performing duties that ~~which~~ involve

101 contact with patients or inmates in a correctional or forensic  
102 facility or institution:

- 103 1. Dietitian (class codes 5203 and 5204);
- 104 2. Public health nutrition consultant (class code 5224);
- 105 3. Psychological specialist (class codes 5230 and 5231);
- 106 4. Psychologist (class code 5234);
- 107 5. Senior psychologist (class codes 5237 and 5238);
- 108 6. Regional mental health consultant (class code 5240);
- 109 7. Psychological Services Director—DCF (class code 5242);
- 110 8. Pharmacist (class codes 5245 and 5246);
- 111 9. Senior pharmacist (class codes 5248 and 5249);
- 112 10. Dentist (class code 5266);
- 113 11. Senior dentist (class code 5269);
- 114 12. Registered nurse (class codes 5290 and 5291);
- 115 13. Senior registered nurse (class codes 5292 and 5293);
- 116 14. Registered nurse specialist (class codes 5294 and  
117 5295);
- 118 15. Clinical associate (class codes 5298 and 5299);
- 119 16. Advanced registered nurse practitioner (class codes  
120 5297 and 5300);
- 121 17. Advanced registered nurse practitioner specialist  
122 (class codes 5304 and 5305);
- 123 18. Registered nurse supervisor (class codes 5306 and  
124 5307);
- 125 19. Senior registered nurse supervisor (class codes 5308

126 and 5309);

127 20. Registered nursing consultant (class codes 5312 and

128 5313);

129 21. Quality management program supervisor (class code

130 5314);

131 22. Executive nursing director (class codes 5320 and

132 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

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 January 1, 2019, the member must be employed  
175 in any of the following classes and must spend at least 65

- 176 percent of his or her time performing duties that involve  
177 contact with patients or inmates at Florida State Hospital:
- 178 1. Abuse registry counselor (class code 5961).
  - 179 2. Barber/beautician (class codes 6201, 6205, and 6206).
  - 180 3. Behavioral program associate (class codes 5750 and  
181 5762).
  - 182 4. Behavioral program specialist (class codes 5751 and  
183 5763).
  - 184 5. Certified rad technol (class codes 5523, 5524, 5527,  
185 and 5528).
  - 186 6. Chaplain (class codes 5819 and 5820).
  - 187 7. Child protective investigator (class code 8371).
  - 188 8. Child protective field support consultant (class code  
189 8374).
  - 190 9. Children, youth, and families counselor (class code  
191 5954).
  - 192 10. Classroom teacher (class codes 4144 and 4147).
  - 193 11. Custodial trainer (class code 6530).
  - 194 12. Custodial worker (class codes 6511 and 6526).
  - 195 13. Dental assistant (class codes 5632 and 5633).
  - 196 14. Dental hygienist (class code 5641).
  - 197 15. Dental technician (class code 5644).
  - 198 16. Dietetic technician (class code 5594).
  - 199 17. Direct services aide (class code 5702).
  - 200 18. Education and training specialist (class code 1328).



- 201        19. Food control specialist (class code 6217).
- 202        20. Food support worker (class code 6213).
- 203        21. Groundskeeper (class code 6394).
- 204        22. Health support aide (class codes 5504 and 5505).
- 205        23. Human services counselor (class codes 5934, 5936,
- 206 5937, 5940, and 5941).
- 207        24. Human services program analyst (class code 5871).
- 208        25. Human services program consultant (class codes 5918,
- 209 5919, and 5920).
- 210        26. Human services program records analyst (class code
- 211 5864).
- 212        27. Human services program specialist (class code 5877).
- 213        28. Human services worker (class codes 5706, 5709, 5781,
- 214 5784).
- 215        29. Librarian (class code 4315).
- 216        30. Librarian specialist (class codes 4318 and 4319).
- 217        31. Medical laboratory technician (class codes 5047 and
- 218 5048).
- 219        32. Pharmacy technician (class codes 5500 and 5501).
- 220        33. Rehabilitation therapist (class codes 5562 and 5563).
- 221        34. Residential unit specialist (class code 5736).
- 222        35. Senior chaplain (class code 5823).
- 223        36. Social services counselor (class codes 5953 and 5960).
- 224        37. Storekeeper (class codes 0918, 0921, and 0922).
- 225        38. Teacher aide (class codes 4133 and 4142).

226           39. Therapy aide (class codes 5556 and 5557).  
 227           40. Training specialist (class codes 1322 and 1324).  
 228           41. Unit treatment and rehab specialist (class codes 5776  
 229 and 5791).

230           42. Vocational instructor (class codes 1309, 1310, 1311,  
 231 1312, 1313, and 1315).

232           43. Volunteer services center specialist (class code  
 233 6000).

234           44. Volunteer services specialist (class code 5997); or  
 235           (k)~~(j)~~ The member must have already qualified for and be  
 236 actively participating in special risk membership under  
 237 paragraph (a), paragraph (b), or paragraph (c), must have  
 238 suffered a qualifying injury as defined in this paragraph, must  
 239 not be receiving disability retirement benefits as provided in  
 240 s. 121.091(4), and must satisfy the requirements of this  
 241 paragraph.

242           1. The ability to qualify for the class of membership  
 243 defined in paragraph (2) (h) occurs when two licensed medical  
 244 physicians, one of whom is a primary treating physician of the  
 245 member, certify the existence of the physical injury and medical  
 246 condition that constitute a qualifying injury as defined in this  
 247 paragraph and ~~that~~ the member has reached maximum medical  
 248 improvement after August 1, 2008. The certifications from the  
 249 licensed medical physicians must include, at a minimum, that the  
 250 injury to the special risk member has resulted in a physical

251 loss, or loss of use, of at least two of the following: left  
252 arm, right arm, left leg, or right leg; and that:

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

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

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

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

268 e. ~~That~~ The physical loss or loss of use is a direct  
269 result of a physical injury and not a result of any mental,  
270 psychological, or emotional injury.

271 2. For the purposes of this paragraph, "qualifying injury"  
272 means an injury sustained in the line of duty, as certified by  
273 the member's employing agency, by a special risk member that  
274 does not result in total and permanent disability as defined in  
275 s. 121.091(4)(b). An injury is a qualifying injury if the injury

276 is a physical injury to the member's physical body resulting in  
277 a physical loss, or loss of use, of at least two of the  
278 following: left arm, right arm, left leg, or right leg.  
279 Notwithstanding any other provision of this section, an injury  
280 that would otherwise qualify as a qualifying injury is not  
281 ~~considered~~ a qualifying injury if and when the member ceases  
282 employment with the employer for whom he or she was providing  
283 special risk services on the date the injury occurred.

284 3. The new position, as described in sub-subparagraph  
285 1.c., which ~~that~~ is required for qualification as a special risk  
286 member under this paragraph is not required to be a position  
287 with essential job functions that entitle an individual to  
288 special risk membership. Whether a new position as described in  
289 sub-subparagraph 1.c. exists and is available to the special  
290 risk member is a decision to be made solely by the employer in  
291 accordance with its hiring practices and applicable law.

292 4. This paragraph does not grant or create additional  
293 rights for any individual to continued employment or to be hired  
294 or rehired by his or her employer that are not already provided  
295 by state law ~~within the Florida Statutes~~, the State  
296 Constitution, the Americans with Disabilities Act, if  
297 applicable, or any other ~~applicable state or~~ federal law.

298 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

299 (d) Notwithstanding any other provision of this  
300 subsection, this subsection does not apply to any special risk

301 member who qualifies for continued membership pursuant to  
302 paragraph (3) (k) ~~(3) (j)~~.

303       Section 2. The Legislature finds that a proper and  
304 legitimate state purpose is served when employees and retirees  
305 of the state and its political subdivisions, and the dependents,  
306 survivors, and beneficiaries of such employees and retirees, are  
307 extended the basic protections afforded by governmental  
308 retirement systems. These persons must be provided benefits that  
309 are fair and adequate and are managed, administered, and funded  
310 in an actuarially sound manner, as required by s. 14, Article X  
311 of the State Constitution and part VII of chapter 112, Florida  
312 Statutes. Therefore, the Legislature determines and declares  
313 that this act fulfills an important state interest.

314       Section 3. This act shall take effect January 1, 2019.