

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 an
 6 effective date.

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 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

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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 July 1, 2018, the member must be employed by
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 and licensed pursuant
 178 to s. 401.251, 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
 204 of his or her special risk position.

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

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

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

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

226 member ceases employment with the employer for whom he or she
227 was providing special risk services on the date the injury
228 occurred.

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

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

243 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

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

248 Section 2. This act shall take effect July 1, 2018.