

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fernández offered the following:

**Amendment (with title amendment)**

Between lines 1441 and 1442, insert:

Section 18. Subsection (1), present paragraph (h) of subsection (2), paragraph (i) and present paragraph (j) of subsection (3), and paragraphs (a) and (d) of subsection (8) of section 121.0515, Florida Statutes, are amended, and a new paragraph (h) is added to subsection (2) and a new paragraph (j) is added to subsection (3) of that section, to read:

121.0515 Special Risk Class.—

(1) ESTABLISHMENT OF CLASS.—A separate class of membership within the Florida Retirement System, to be known as the

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14 "Special Risk Class," is established to recognize that persons  
15 employed in certain categories of law enforcement, firefighting,  
16 criminal detention, and emergency medical care positions and  
17 persons employed as school guardians pursuant to s. 1006.12 are  
18 required as one of the essential functions of their positions to  
19 perform work that is physically demanding or arduous, or work  
20 that requires extraordinary agility and mental acuity, and that  
21 such persons, because of diminishing physical and mental  
22 faculties, may find that they are not able, without risk to the  
23 health and safety of themselves, the public, or their coworkers,  
24 to continue performing such duties and thus enjoy the full  
25 career and retirement benefits enjoyed by persons employed in  
26 other membership classes and that, if they find it necessary,  
27 due to the physical and mental limitations of their age, to  
28 retire at an earlier age and usually with less service, they  
29 will suffer an economic deprivation therefrom. To address the  
30 peculiar and special problems of this class of employees, a  
31 class of retirement membership is established that awards more  
32 retirement credit per year of service than that awarded to other  
33 employees; however, nothing contained herein shall require  
34 ineligibility for Special Risk Class membership upon reaching  
35 age 55.

36 (2) MEMBERSHIP.—

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37 (h) Effective July 1, 2019, "special risk member" includes  
38 any member who meets the special criteria for continued  
39 membership set forth in paragraph (3) (j).

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

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

45 (i) Effective July 1, 2008, the member must be employed by  
46 a local government law enforcement agency or medical examiner's  
47 office and must spend at least 65 percent of his or her time  
48 performing duties that involve the collection, examination,  
49 preservation, documentation, preparation, or analysis of human  
50 tissues or fluids or physical evidence having potential  
51 biological, chemical, or radiological hazard or contamination,  
52 or use chemicals, processes, or materials that may have  
53 carcinogenic or health-damaging properties in the analysis of  
54 such evidence, or the member must be the direct supervisor of  
55 one or more individuals having such responsibility. If a special  
56 risk member changes to another position within the same agency,  
57 he or she must submit a complete application as provided in  
58 paragraph (4) (a); ~~or~~

59 (j) Effective July 1, 2019, the member must be employed by  
60 a school board as a school guardian pursuant to 1006.12; or

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61        ~~(k)-(j)~~ The member must have already qualified for and be  
62 actively participating in special risk membership under  
63 paragraph (a), paragraph (b), or paragraph (c), must have  
64 suffered a qualifying injury as defined in this paragraph, must  
65 not be receiving disability retirement benefits as provided in  
66 s. 121.091(4), and must satisfy the requirements of this  
67 paragraph.

68        1. The ability to qualify for the class of membership  
69 defined in paragraph ~~(2)(i)-(2)(h)~~ occurs when two licensed  
70 medical physicians, one of whom is a primary treating physician  
71 of the member, certify the existence of the physical injury and  
72 medical condition that constitute a qualifying injury as defined  
73 in this paragraph and that the member has reached maximum  
74 medical improvement after August 1, 2008. The certifications  
75 from the licensed medical physicians must include, at a minimum,  
76 that the injury to the special risk member has resulted in a  
77 physical loss, or loss of use, of at least two of the following:  
78 left arm, right arm, left leg, or right leg; and:

79        a. That this physical loss or loss of use is total and  
80 permanent, except if the loss of use is due to a physical injury  
81 to the member's brain, in which event the loss of use is  
82 permanent with at least 75 percent loss of motor function with  
83 respect to each arm or leg affected.

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

87           c. That, notwithstanding this physical loss or loss of  
88 use, the individual can perform the essential job functions  
89 required by the member's new position, as provided in  
90 subparagraph 3.

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

94           e. That the physical loss or loss of use is a direct  
95 result of a physical injury and not a result of any mental,  
96 psychological, or emotional injury.

97           2. For the purposes of this paragraph, "qualifying injury"  
98 means an injury sustained in the line of duty, as certified by  
99 the member's employing agency, by a special risk member that  
100 does not result in total and permanent disability as defined in  
101 s. 121.091(4) (b). An injury is a qualifying injury if the injury  
102 is a physical injury to the member's physical body resulting in  
103 a physical loss, or loss of use, of at least two of the  
104 following: left arm, right arm, left leg, or right leg.  
105 Notwithstanding any other provision of this section, an injury  
106 that would otherwise qualify as a qualifying injury is not  
107 considered a qualifying injury if and when the member ceases

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108 employment with the employer for whom he or she was providing  
109 special risk services on the date the injury occurred.

110 3. The new position, as described in sub-subparagraph  
111 1.c., that is required for qualification as a special risk  
112 member under this paragraph is not required to be a position  
113 with essential job functions that entitle an individual to  
114 special risk membership. Whether a new position as described in  
115 sub-subparagraph 1.c. exists and is available to the special  
116 risk member is a decision to be made solely by the employer in  
117 accordance with its hiring practices and applicable law.

118 4. This paragraph does not grant or create additional  
119 rights for any individual to continued employment or to be hired  
120 or rehired by his or her employer that are not already provided  
121 within the Florida Statutes, the State Constitution, the  
122 Americans with Disabilities Act, if applicable, or any other  
123 applicable state or federal law.

124 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

125 (a) A special risk member who is moved or reassigned to a  
126 nonspecial risk law enforcement, firefighting, correctional, or  
127 emergency medical care administrative support position or as a  
128 school guardian pursuant to s. 1006.12 with the same agency, or  
129 who is subsequently employed in such a position within any law  
130 enforcement, firefighting, correctional, ~~or~~ emergency medical  
131 care, or educational agency under the Florida Retirement System,  
132 shall participate in the Special Risk Administrative Support

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133 Class and earn credit for such service at the same percentage  
134 rate as that earned by a regular member. Notwithstanding  
135 subsection (5), service in an administrative support position,  
136 for purposes of s. 121.091, applies toward satisfaction of the  
137 special risk normal retirement date, as defined in s. 121.021,  
138 if, while in such position, the member remains certified as a  
139 law enforcement officer, firefighter, correctional officer,  
140 emergency medical technician, ~~or~~ paramedic, or school guardian;  
141 remains subject to reassignment at any time to a position  
142 qualifying for special risk membership; and completes an  
143 aggregate of the years of service as a designated special risk  
144 member before retirement which is equal to or greater than the  
145 years of service required to be vested.

146 (d) Notwithstanding any other provision of this  
147 subsection, this subsection does not apply to any special risk  
148 member who qualifies for continued membership pursuant to  
149 paragraph (3) (k) ~~(3) (j)~~.

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**T I T L E   A M E N D M E N T**

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Between lines 199 and 200, insert:

154

amending s. 121.0515, F.S.; revising provisions

155

relating to the Florida Retirement System;

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