

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Fernández offered the following:

Substitute Amendment for Amendment (935951) (with title amendment)

Between lines 902 and 903, insert:

Section 16. Paragraph (h) of subsection (2) of section 121.0515, Florida Statutes, is redesignated as paragraph (i), paragraph (j) of subsection (3) is redesignated as paragraph (k), subsection (1), present paragraph (h) of subsection (2), present paragraphs (i) and (j) of subsection (3), and paragraph (a) of subsection (8) of that section are amended, and new paragraph (h) is added to subsection (2) and new paragraph (j) is added to subsection (3), to read:

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14 121.0515 Special Risk Class.—

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

38 (2) MEMBERSHIP.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

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

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

T I T L E A M E N D M E N T

Remove line 57 and insert:

152 to safe schools; amending s. 1002.32, F.S.; conforming cross-
 153 references and provisions to changes made by the act; amending
 154 s. 121.0515, F.S.; revising provisions relating to the Florida
 155 Retirement System; amending ss. 23.1225 and