

By Senator Brandes

24-01165-20

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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 juvenile detention officers and juvenile
5 detention officer supervisors employed by the
6 Department of Juvenile Justice who meet certain
7 criteria to the class; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Subsection (3) of section 121.0515, Florida
12 Statutes, is amended, and paragraph (i) is added to subsection
13 (2) of that section, to read:

14 121.0515 Special Risk Class.—

15 (2) MEMBERSHIP.—

16 (i) Effective July 1, 2020, the member must be employed by
17 the Department of Juvenile Justice as a juvenile detention
18 officer or a juvenile detention officer supervisor and meet the
19 special criteria set forth in paragraph (3)(k).

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

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

24-01165-20

20201146__

30 July 1, 1982, the member must be an active member of a bomb
31 disposal unit whose primary responsibility is the location,
32 handling, and disposal of explosive devices; or the member must
33 be the supervisor or command officer of a member or members who
34 have such responsibilities. Administrative support personnel,
35 including, but not limited to, those whose primary duties and
36 responsibilities are in accounting, purchasing, legal, and
37 personnel, are not included;

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

24-01165-20

20201146__

59 risk contribution rate, are included;

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

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

86 (e) Effective January 1, 2001, the member must be employed
87 as a community-based correctional probation officer and be

24-01165-20

20201146__

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

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

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

24-01165-20

20201146__

- 117 13. Senior registered nurse (class codes 5292 and 5293);
118 14. Registered nurse specialist (class codes 5294 and
119 5295);
120 15. Clinical associate (class codes 5298 and 5299);
121 16. Advanced practice registered nurse (class codes 5297
122 and 5300);
123 17. Advanced practice registered nurse specialist (class
124 codes 5304 and 5305);
125 18. Registered nurse supervisor (class codes 5306 and
126 5307);
127 19. Senior registered nurse supervisor (class codes 5308
128 and 5309);
129 20. Registered nursing consultant (class codes 5312 and
130 5313);
131 21. Quality management program supervisor (class code
132 5314);
133 22. Executive nursing director (class codes 5320 and 5321);
134 23. Speech and hearing therapist (class code 5406); or
135 24. Pharmacy manager (class code 5251);
- 136 (g) Effective October 1, 2005, through June 30, 2008, the
137 member must be employed by a law enforcement agency or medical
138 examiner's office in a forensic discipline recognized by the
139 International Association for Identification and must qualify
140 for active membership in the International Association for
141 Identification. The member's primary duties and responsibilities
142 must include the collection, examination, preservation,
143 documentation, preparation, or analysis of physical evidence or
144 testimony, or both, or the member must be the direct supervisor,
145 quality management supervisor, or command officer of one or more

24-01165-20

20201146__

146 individuals with such responsibility. Administrative support
147 personnel, including, but not limited to, those whose primary
148 responsibilities are clerical or in accounting, purchasing,
149 legal, and personnel, are not included;

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

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

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

24-01165-20

20201146__

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

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

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

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

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

24-01165-20

20201146__

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

207 e. ~~That~~ The physical loss or loss of use is a direct result
208 of a physical injury and not a result of any mental,
209 psychological, or emotional injury.

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

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

231 4. This paragraph does not grant or create additional
232 rights for any individual to continued employment or to be hired

24-01165-20

20201146__

233 or rehired by his or her employer which ~~that~~ are not already
234 provided by state law ~~within the Florida Statutes~~, the State
235 Constitution, the Americans with Disabilities Act, if
236 applicable, or any other ~~applicable state or federal law~~; or
237 (k) Effective July 1, 2020, the member must be employed as
238 a juvenile detention officer or a juvenile detention officer
239 supervisor at the Department of Juvenile Justice; be certified,
240 or required to be certified, in accordance with s. 985.66(3);
241 and have primary duties and responsibilities that include
242 ensuring the custody, and applying physical restraint when
243 necessary, of detained youth within a juvenile detention
244 facility or while being transported, or be the supervisor or
245 command officer of a member who has such duties and
246 responsibilities.

247 Section 2. This act shall take effect July 1, 2020.