

By the Committee on Criminal Justice; and Senator Brandes

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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 justice detention officers I and II
5 and juvenile justice detention officer supervisors
6 employed by the Department of Juvenile Justice who
7 meet certain criteria to the class; providing a
8 declaration of important state interest; providing an
9 effective date.

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

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

16 121.0515 Special Risk Class.—

17 (2) MEMBERSHIP.—

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

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

25 (a) Effective October 1, 1978, the member must be employed
26 as a law enforcement officer and be certified, or required to be
27 certified, in compliance with s. 943.1395, except that; ~~however,~~
28 sheriffs and elected police chiefs are not required to be
29 certified ~~excluded from meeting the certification requirements~~

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30 ~~of this paragraph.~~ In addition, the member's duties and
31 responsibilities must include the pursuit, apprehension, and
32 arrest of law violators or suspected law violators; or as of
33 July 1, 1982, the member must be an active member of a bomb
34 disposal unit whose primary responsibility is the location,
35 handling, and disposal of explosive devices; or the member must
36 be the supervisor or command officer of a member or members who
37 have such responsibilities. Administrative support personnel,
38 including, but not limited to, those whose primary duties and
39 responsibilities are in accounting, purchasing, legal, and
40 personnel, are not included;

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

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59 in fire prevention or firefighter training, or as the supervisor
60 or command officer of a member or members who have such
61 responsibilities, and for which the employer paid the special
62 risk contribution rate, are included;

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

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

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88 purchasing, legal, and personnel, are not included;

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

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

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

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- 117 10. Dentist (class code 5266);
- 118 11. Senior dentist (class code 5269);
- 119 12. Registered nurse (class codes 5290 and 5291);
- 120 13. Senior registered nurse (class codes 5292 and 5293);
- 121 14. Registered nurse specialist (class codes 5294 and
- 122 5295);
- 123 15. Clinical associate (class codes 5298 and 5299);
- 124 16. Advanced practice registered nurse (class codes 5297
- 125 and 5300);
- 126 17. Advanced practice registered nurse specialist (class
- 127 codes 5304 and 5305);
- 128 18. Registered nurse supervisor (class codes 5306 and
- 129 5307);
- 130 19. Senior registered nurse supervisor (class codes 5308
- 131 and 5309);
- 132 20. Registered nursing consultant (class codes 5312 and
- 133 5313);
- 134 21. Quality management program supervisor (class code
- 135 5314);
- 136 22. Executive nursing director (class codes 5320 and 5321);
- 137 23. Speech and hearing therapist (class code 5406); or
- 138 24. Pharmacy manager (class code 5251);
- 139 (g) Effective October 1, 2005, through June 30, 2008, the
- 140 member must be employed by a law enforcement agency or medical
- 141 examiner's office in a forensic discipline recognized by the
- 142 International Association for Identification and must qualify
- 143 for active membership in the International Association for
- 144 Identification. The member's primary duties and responsibilities
- 145 must include the collection, examination, preservation,

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146 documentation, preparation, or analysis of physical evidence or
147 testimony, or both, or the member must be the direct supervisor,
148 quality management supervisor, or command officer of one or more
149 individuals with such responsibility. Administrative support
150 personnel, including, but not limited to, those whose primary
151 responsibilities are clerical or in accounting, purchasing,
152 legal, and personnel, are not included;

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

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

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

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175 risk member changes to another position within the same agency,
176 he or she must submit a complete application as provided in
177 paragraph (4) (a); ~~or~~

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

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

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

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

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

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

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

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

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

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233 accordance with its hiring practices and applicable law.

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

240 (k) Effective July 1, 2020, the member must be employed as
241 a juvenile justice detention officer I or II or a juvenile
242 justice detention officer supervisor at the Department of
243 Juvenile Justice; be certified in accordance with s. 985.66(3);
244 and have primary duties and responsibilities that include
245 ensuring the custody, and applying physical restraint when
246 necessary, of detained youth within a juvenile detention
247 facility or while being transported, or be the supervisor of a
248 member who has such duties and responsibilities.

249 Section 2. The Legislature finds that a proper and
250 legitimate state purpose is served when employees and retirees
251 of the state and its political subdivisions, and the dependents,
252 survivors, and beneficiaries of such employees and retirees, are
253 extended the basic protections afforded by governmental
254 retirement systems. These persons must be provided benefits that
255 are fair and adequate and that are managed, administered, and
256 funded in an actuarially sound manner, as required by s. 14,
257 Article X of the State Constitution and part VII of chapter 112,
258 Florida Statutes. Therefore, the Legislature determines and
259 declares that this act fulfills an important state interest.

260 Section 3. This act shall take effect July 1, 2020.