

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 specified employees of the Department of
 5 Juvenile Justice who meet certain criteria to the
 6 Special Risk Class of the Florida Retirement System;
 7 providing a declaration of important state interest;
 8 providing an effective date.

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

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

15 121.0515 Special Risk Class.—

16 (2) MEMBERSHIP.—

17 (i) Effective July 1, 2020, "special risk member" includes
 18 any member who is employed by the Department of Juvenile Justice
 19 as a juvenile justice detention officer I or II or a supervisor
 20 or command officer of a juvenile justice detention officer I or
 21 II and meets the special criteria set forth in paragraph (3)(k).

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

24 (a) Effective October 1, 1978, the member must be employed
 25 as a law enforcement officer and be certified, or required to be

26 certified, in compliance with s. 943.1395, except that; ~~however,~~
27 sheriffs and elected police chiefs are not required to be
28 certified ~~excluded from meeting the certification requirements~~
29 ~~of this paragraph~~. In addition, the member's duties and
30 responsibilities must include the pursuit, apprehension, and
31 arrest of law violators or suspected law violators; or as of
32 July 1, 1982, the member must be an active member of a bomb
33 disposal unit whose primary responsibility is the location,
34 handling, and disposal of explosive devices; or the member must
35 be the supervisor or command officer of a member or members who
36 have such responsibilities. Administrative support personnel,
37 including, but not limited to, those whose primary duties and
38 responsibilities are in accounting, purchasing, legal, and
39 personnel, are not included;

40 (b) Effective October 1, 1978, the member must be employed
41 as a firefighter and be certified, or required to be certified,
42 in compliance with s. 633.408 and be employed solely within the
43 fire department of a local government employer or an agency of
44 state government with firefighting responsibilities. In
45 addition, the member's duties and responsibilities must include
46 on-the-scene fighting of fires; as of October 1, 2001, fire
47 prevention or firefighter training; as of October 1, 2001,
48 direct supervision of firefighting units, fire prevention, or
49 firefighter training; or as of July 1, 2001, aerial firefighting
50 surveillance performed by fixed-wing aircraft pilots employed by

51 the Florida Forest Service of the Department of Agriculture and
52 Consumer Services; or the member must be the supervisor or
53 command officer of a member or members who have such
54 responsibilities. Administrative support personnel, including,
55 but not limited to, those whose primary duties and
56 responsibilities are in accounting, purchasing, legal, and
57 personnel, are not included. All periods of creditable service
58 in fire prevention or firefighter training, or as the supervisor
59 or command officer of a member or members who have such
60 responsibilities, and for which the employer paid the special
61 risk contribution rate, are included;

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

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

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

101 administrators are included;

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

- 107 1. Dietitian (class codes 5203 and 5204);
- 108 2. Public health nutrition consultant (class code 5224);
- 109 3. Psychological specialist (class codes 5230 and 5231);
- 110 4. Psychologist (class code 5234);
- 111 5. Senior psychologist (class codes 5237 and 5238);
- 112 6. Regional mental health consultant (class code 5240);
- 113 7. Psychological Services Director—DCF (class code 5242);
- 114 8. Pharmacist (class codes 5245 and 5246);
- 115 9. Senior pharmacist (class codes 5248 and 5249);
- 116 10. Dentist (class code 5266);
- 117 11. Senior dentist (class code 5269);
- 118 12. Registered nurse (class codes 5290 and 5291);
- 119 13. Senior registered nurse (class codes 5292 and 5293);
- 120 14. Registered nurse specialist (class codes 5294 and
 121 5295);
- 122 15. Clinical associate (class codes 5298 and 5299);
- 123 16. Advanced practice registered nurse (class codes 5297
 124 and 5300);
- 125 17. Advanced practice registered nurse specialist (class

126 codes 5304 and 5305);

127 18. Registered nurse supervisor (class codes 5306 and

128 5307);

129 19. Senior registered nurse supervisor (class codes 5308

130 and 5309);

131 20. Registered nursing consultant (class codes 5312 and

132 5313);

133 21. Quality management program supervisor (class code

134 5314);

135 22. Executive nursing director (class codes 5320 and

136 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,

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
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.

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

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

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

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

226 | was providing special risk services on the date the injury
227 | occurred.

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

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

242 | (k) Effective July 1, 2020, the member must be employed as
243 | a juvenile justice detention officer I or II or a supervisor or
244 | command officer of a juvenile justice detention officer I or II
245 | and be certified, or in the process of being certified, in
246 | compliance with s. 985.66. The member's primary duties and
247 | responsibilities must include:

248 | 1. Ensuring the secure and safe custody, including the use
249 | of physical restraint when necessary, of delinquent juveniles
250 | within a juvenile detention facility or while being transported

HB 1175

2020

251 to and from a juvenile detention facility.

252 2. Supervising an employee whose duties and
253 responsibilities include those listed in subparagraph 1.

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

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