

1                                   A bill to be entitled  
 2           An act relating to 911 public safety  
 3           telecommunicators; amending s. 112.1815, F.S.;  
 4           revising the definition of "first responder" to  
 5           include 911 public safety telecommunicators; expanding  
 6           eligibility for certain workers' compensation benefits  
 7           for first responders to include 911 public safety  
 8           telecommunicators; amending s. 121.0515, F.S.;  
 9           revising criteria in the Special Risk Class of the  
 10          Florida Retirement System to include members employed  
 11          as 911 public safety telecommunicators; specifying the  
 12          amount of creditable years needed to receive a full  
 13          retirement benefit without penalty; requiring such  
 14          members to have their retirement benefits calculated  
 15          in accordance with provisions for Regular Class  
 16          members; conforming cross-references; declaring that  
 17          the act fulfills an important state interest;  
 18          providing an effective date.

19  
 20   Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Subsection (1) of section 112.1815, Florida  
 23   Statutes, is amended to read:

24           112.1815 First responders ~~Firefighters, paramedics,~~  
 25   ~~emergency medical technicians, and law enforcement officers;~~

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26 special provisions for employment-related accidents and  
27 injuries.—

28 (1) As used in this section, the term "first responder" ~~as~~  
29 ~~used in this section~~ means a law enforcement officer as defined  
30 in s. 943.10, a firefighter as defined in s. 633.102, ~~or~~ an  
31 emergency medical technician or paramedic as defined in s.  
32 401.23, or a 911 public safety telecommunicator as defined in s.  
33 401.465 employed by state or local government. The term also  
34 includes first responders serving in a volunteer capacity who  
35 are law enforcement officer, firefighter, or emergency medical  
36 technician or paramedic engaged by the state or a local  
37 government ~~is also considered a first responder of the state or~~  
38 ~~local government for purposes of this section.~~

39 Section 2. Paragraph (h) of subsection (2), subsection  
40 (3), and paragraph (d) of subsection (8) of section 121.0515,  
41 Florida Statutes, are amended to read:

42 121.0515 Special Risk Class.—

43 (2) MEMBERSHIP.—

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

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

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

51 certified, in compliance with s. 943.1395, except that; ~~however,~~  
52 sheriffs and elected police chiefs are not required to be  
53 certified ~~excluded from meeting the certification requirements~~  
54 ~~of this paragraph~~. In addition, the member's duties and  
55 responsibilities must include the pursuit, apprehension, and  
56 arrest of law violators or suspected law violators; or as of  
57 July 1, 1982, the member must be an active member of a bomb  
58 disposal unit whose primary responsibility is the location,  
59 handling, and disposal of explosive devices; or the member must  
60 be the supervisor or command officer of a member or members who  
61 have such responsibilities. Administrative support personnel,  
62 including, but not limited to, those whose primary duties and  
63 responsibilities are in accounting, purchasing, legal, and  
64 personnel, are not included;

65 (b) Effective October 1, 1978, the member must be employed  
66 as a firefighter and be certified, or required to be certified,  
67 in compliance with s. 633.408 and be employed solely within the  
68 fire department of a local government employer or an agency of  
69 state government with firefighting responsibilities. In  
70 addition, the member's duties and responsibilities must include  
71 on-the-scene fighting of fires; as of October 1, 2001, fire  
72 prevention or firefighter training; as of October 1, 2001,  
73 direct supervision of firefighting units, fire prevention, or  
74 firefighter training; or as of July 1, 2001, aerial firefighting  
75 surveillance performed by fixed-wing aircraft pilots employed by

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76 | the Florida Forest Service of the Department of Agriculture and  
77 | Consumer Services; or the member must be the supervisor or  
78 | command officer of a member or members who have such  
79 | responsibilities. Administrative support personnel, including,  
80 | but not limited to, those whose primary duties and  
81 | responsibilities are in accounting, purchasing, legal, and  
82 | personnel, are not included. All periods of creditable service  
83 | in fire prevention or firefighter training, or as the supervisor  
84 | or command officer of a member or members who have such  
85 | responsibilities, and for which the employer paid the special  
86 | risk contribution rate, are included;

87 |       (c) Effective October 1, 1978, the member must be employed  
88 | as a correctional officer and be certified, or required to be  
89 | certified, in compliance with s. 943.1395. In addition, the  
90 | member's primary duties and responsibilities must be the  
91 | custody, and physical restraint if ~~when~~ necessary, of prisoners  
92 | or inmates within a prison, jail, or other criminal detention  
93 | facility, or while on work detail outside the facility, or while  
94 | being transported; or as of July 1, 1984, the member must be the  
95 | supervisor or command officer of a member or members who have  
96 | such responsibilities. Administrative support personnel,  
97 | including, but not limited to, those whose primary duties and  
98 | responsibilities are in accounting, purchasing, legal, and  
99 | personnel, are not included; however, wardens and assistant  
100 | wardens, as defined by rule, are included;

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101 (d) Effective October 1, 1999, the member must be employed  
102 by a licensed Advance Life Support (ALS) or Basic Life Support  
103 (BLS) employer as an emergency medical technician or a paramedic  
104 and be certified in compliance with s. 401.27. In addition, the  
105 member's primary duties and responsibilities must include on-  
106 the-scene emergency medical care or as of October 1, 2001,  
107 direct supervision of emergency medical technicians or  
108 paramedics, or the member must be the supervisor or command  
109 officer of one or more members who have such responsibility.  
110 Administrative support personnel, including, but not limited to,  
111 those whose primary responsibilities are in accounting,  
112 purchasing, legal, and personnel, are not included;

113 (e) Effective January 1, 2001, the member must be employed  
114 as a community-based correctional probation officer and be  
115 certified, or required to be certified, in compliance with s.  
116 943.1395. In addition, the member's primary duties and  
117 responsibilities must be the supervised custody, surveillance,  
118 control, investigation, and counseling of assigned inmates,  
119 probationers, parolees, or community controllees within the  
120 community; or the member must be the supervisor of a member or  
121 members who have such responsibilities. Administrative support  
122 personnel, including, but not limited to, those whose primary  
123 duties and responsibilities are in accounting, purchasing, legal  
124 services, and personnel management, are not included; however,  
125 probation and parole circuit and deputy circuit administrators

126 are included;

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

- 132 1. Dietitian (class codes 5203 and 5204);
- 133 2. Public health nutrition consultant (class code 5224);
- 134 3. Psychological specialist (class codes 5230 and 5231);
- 135 4. Psychologist (class code 5234);
- 136 5. Senior psychologist (class codes 5237 and 5238);
- 137 6. Regional mental health consultant (class code 5240);
- 138 7. Psychological Services Director—DCF (class code 5242);
- 139 8. Pharmacist (class codes 5245 and 5246);
- 140 9. Senior pharmacist (class codes 5248 and 5249);
- 141 10. Dentist (class code 5266);
- 142 11. Senior dentist (class code 5269);
- 143 12. Registered nurse (class codes 5290 and 5291);
- 144 13. Senior registered nurse (class codes 5292 and 5293);
- 145 14. Registered nurse specialist (class codes 5294 and  
 146 5295);
- 147 15. Clinical associate (class codes 5298 and 5299);
- 148 16. Advanced practice registered nurse (class codes 5297  
 149 and 5300);
- 150 17. Advanced practice registered nurse specialist (class

151 codes 5304 and 5305);

152 18. Registered nurse supervisor (class codes 5306 and

153 5307);

154 19. Senior registered nurse supervisor (class codes 5308

155 and 5309);

156 20. Registered nursing consultant (class codes 5312 and

157 5313);

158 21. Quality management program supervisor (class code

159 5314);

160 22. Executive nursing director (class codes 5320 and

161 5321);

162 23. Speech and hearing therapist (class code 5406); or

163 24. Pharmacy manager (class code 5251);

164 (g) Effective October 1, 2005, through June 30, 2008, the

165 member must be employed by a law enforcement agency or medical

166 examiner's office in a forensic discipline recognized by the

167 International Association for Identification and must qualify

168 for active membership in the International Association for

169 Identification. The member's primary duties and responsibilities

170 must include the collection, examination, preservation,

171 documentation, preparation, or analysis of physical evidence or

172 testimony, or both, or the member must be the direct supervisor,

173 quality management supervisor, or command officer of one or more

174 individuals with such responsibility. Administrative support

175 personnel, including, but not limited to, those whose primary

176 responsibilities are clerical or in accounting, purchasing,  
177 legal, and personnel, are not included;

178 (h) Effective July 1, 2008, the member must be employed by  
179 the Department of Law Enforcement in the crime laboratory or by  
180 the Division of State Fire Marshal in the forensic laboratory in  
181 one of the following classes:

- 182 1. Forensic technologist (class code 8459);
- 183 2. Crime laboratory technician (class code 8461);
- 184 3. Crime laboratory analyst (class code 8463);
- 185 4. Senior crime laboratory analyst (class code 8464);
- 186 5. Crime laboratory analyst supervisor (class code 8466);
- 187 6. Forensic chief (class code 9602); or
- 188 7. Forensic services quality manager (class code 9603);

189 (i) Effective July 1, 2008, the member must be employed by  
190 a local government law enforcement agency or medical examiner's  
191 office and must spend at least 65 percent of his or her time  
192 performing duties that involve the collection, examination,  
193 preservation, documentation, preparation, or analysis of human  
194 tissues or fluids or physical evidence having potential  
195 biological, chemical, or radiological hazard or contamination,  
196 or use chemicals, processes, or materials that may have  
197 carcinogenic or health-damaging properties in the analysis of  
198 such evidence, or the member must be the direct supervisor of  
199 one or more individuals having such responsibility. If a special  
200 risk member changes to another position within the same agency,



201 he or she must submit a complete application as provided in  
202 paragraph (4) (a);

203 (j) Effective July 1, 2021, the member must be employed as  
204 a 911 public safety telecommunicator as defined in s. 401.465.  
205 The number of creditable years for full retirement eligibility  
206 for the member shall be 25 years without penalty. However, upon  
207 his or her retirement, the member shall have his or her benefits  
208 calculated in accordance with the Regular Class benefit  
209 provisions of s. 121.091(1) (a)1.; or

210 (k)~~(j)~~ The member must have already qualified for and be  
211 actively participating in special risk membership under  
212 paragraph (a), paragraph (b), or paragraph (c), must have  
213 suffered a qualifying injury as defined in this paragraph, must  
214 not be receiving disability retirement benefits as provided in  
215 s. 121.091(4), and must satisfy the requirements of this  
216 paragraph.

217 1. The ability to qualify for the class of membership  
218 defined in paragraph (2) (h) occurs when two licensed medical  
219 physicians, one of whom is a primary treating physician of the  
220 member, certify the existence of the physical injury and medical  
221 condition that constitute a qualifying injury as defined in this  
222 paragraph and that the member has reached maximum medical  
223 improvement after August 1, 2008. The certifications from the  
224 licensed medical physicians must include, at a minimum, that the  
225 injury to the special risk member has resulted in a physical

226 | loss, or loss of use, of at least two of the following: left  
227 | arm, right arm, left leg, or right leg; and that:

228 |       a. The ~~That this~~ physical loss or loss of use is total and  
229 | permanent, unless ~~except if~~ the loss of use is due to a physical  
230 | injury to the member's brain, in which event the loss of use is  
231 | permanent with at least 75 percent loss of motor function with  
232 | respect to each arm or leg affected.

233 |       b. The ~~That this~~ physical loss or loss of use renders the  
234 | member physically unable to perform the essential job functions  
235 | of his or her special risk position.

236 |       c. ~~That,~~ Notwithstanding the ~~this~~ physical loss or loss of  
237 | use, the individual can perform the essential job functions  
238 | required by the member's new position, as provided in  
239 | subparagraph 3.

240 |       d. ~~That~~ Use of artificial limbs is not possible or does  
241 | not alter the member's ability to perform the essential job  
242 | functions of the member's position.

243 |       e. ~~That~~ The physical loss or loss of use is a direct  
244 | result of a physical injury and not a result of any mental,  
245 | psychological, or emotional injury.

246 |       2. For the purposes of this paragraph, the term  
247 | "qualifying injury" means an injury sustained in the line of  
248 | duty, as certified by the member's employing agency, by a  
249 | special risk member that does not result in total and permanent  
250 | disability as defined in s. 121.091(4)(b). An injury is a

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251 qualifying injury if the injury is a physical injury to the  
252 member's physical body resulting in a physical loss, or loss of  
253 use, of at least two of the following: left arm, right arm, left  
254 leg, or right leg. Notwithstanding any other provision of this  
255 section, an injury that would otherwise qualify as a qualifying  
256 injury is not ~~considered~~ a qualifying injury if and when the  
257 member ceases employment with the employer for whom he or she  
258 was providing special risk services on the date the injury  
259 occurred.

260 3. The new position, as described in sub-subparagraph  
261 1.c., which ~~that~~ is required for qualification as a special risk  
262 member under this paragraph is not required to be a position  
263 with essential job functions that entitle an individual to  
264 special risk membership. Whether a new position as described in  
265 sub-subparagraph 1.c. exists and is available to the special  
266 risk member is a decision to be made solely by the employer in  
267 accordance with its hiring practices and applicable law.

268 4. This paragraph does not grant or create additional  
269 rights for any individual to continued employment or to be hired  
270 or rehired by his or her employer which ~~that~~ are not already  
271 provided within the Florida Statutes, the State Constitution,  
272 the Americans with Disabilities Act, if applicable, or any other  
273 applicable state or federal law.

274 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

275 (d) Notwithstanding any other provision of this

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276 subsection, this subsection does not apply to any special risk  
277 member who qualifies for continued membership pursuant to  
278 paragraph (3) (k) ~~(3) (j)~~.

279 Section 3. The Legislature finds that a proper and  
280 legitimate state purpose is served when employees and retirees  
281 of the state and its political subdivisions, and the dependents,  
282 survivors, and beneficiaries of such employees and retirees, are  
283 extended the basic protections afforded by governmental  
284 retirement systems. These persons must be provided benefits that  
285 are fair and adequate and are managed, administered, and funded  
286 in an actuarially sound manner, as required by s. 14, Article X  
287 of the State Constitution and part VII of chapter 112, Florida  
288 Statutes. Therefore, the Legislature determines and declares  
289 that this act fulfills an important state interest.

290 Section 4. This act shall take effect July 1, 2021.