

By Senator Jones

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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;~~
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

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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 (3),
40 and paragraph (d) of subsection (8) of section 121.0515, Florida
41 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,

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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
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

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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;

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

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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

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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 5321);

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

162 24. Pharmacy manager (class code 5251);

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

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

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

166 International Association for Identification and must qualify

167 for active membership in the International Association for

168 Identification. The member's primary duties and responsibilities

169 must include the collection, examination, preservation,

170 documentation, preparation, or analysis of physical evidence or

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

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

173 individuals with such responsibility. Administrative support

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

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

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

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

188 (i) Effective July 1, 2008, the member must be employed by
189 a local government law enforcement agency or medical examiner's
190 office and must spend at least 65 percent of his or her time
191 performing duties that involve the collection, examination,
192 preservation, documentation, preparation, or analysis of human
193 tissues or fluids or physical evidence having potential
194 biological, chemical, or radiological hazard or contamination,
195 or use chemicals, processes, or materials that may have
196 carcinogenic or health-damaging properties in the analysis of
197 such evidence, or the member must be the direct supervisor of
198 one or more individuals having such responsibility. If a special
199 risk member changes to another position within the same agency,
200 he or she must submit a complete application as provided in
201 paragraph (4) (a);

202 (j) Effective July 1, 2021, the member must be employed as
203 a 911 public safety telecommunicator as defined in s. 401.465.

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204 The number of creditable years for full retirement eligibility
 205 for the member shall be 25 years without penalty. However, upon
 206 his or her retirement, the member shall have his or her benefits
 207 calculated in accordance with the Regular Class benefit
 208 provisions of s. 121.091(1)(a)1.; or

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

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

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

232 b. The ~~That this~~ physical loss or loss of use renders the

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233 member physically unable to perform the essential job functions
234 of his or her special risk position.

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

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

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

245 2. For the purposes of this paragraph, the term "qualifying
246 injury" means an injury sustained in the line of duty, as
247 certified by the member's employing agency, by a special risk
248 member that does not result in total and permanent disability as
249 defined in s. 121.091(4)(b). An injury is a qualifying injury if
250 the injury is a physical injury to the member's physical body
251 resulting in a physical loss, or loss of use, of at least two of
252 the following: left arm, right arm, left leg, or right leg.
253 Notwithstanding any other provision of this section, an injury
254 that would otherwise qualify as a qualifying injury is not
255 ~~considered~~ a qualifying injury if and when the member ceases
256 employment with the employer for whom he or she was providing
257 special risk services on the date the injury occurred.

258 3. The new position, as described in sub-subparagraph 1.c.,
259 which ~~that~~ is required for qualification as a special risk
260 member under this paragraph is not required to be a position
261 with essential job functions that entitle an individual to

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262 special risk membership. Whether a new position as described in
263 sub-subparagraph 1.c. exists and is available to the special
264 risk member is a decision to be made solely by the employer in
265 accordance with its hiring practices and applicable law.

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

272 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

273 (d) Notwithstanding any other provision of this subsection,
274 this subsection does not apply to any special risk member who
275 qualifies for continued membership pursuant to paragraph (3)(k)
276 ~~(3)(j)~~.

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

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