



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

28 (a) Effective October 1, 1978, the member must be employed  
29 as a law enforcement officer and be certified, or required to be  
30 certified, in compliance with s. 943.1395; however, sheriffs and  
31 elected police chiefs are excluded from meeting the  
32 certification requirements of this paragraph. In addition, the  
33 member's duties and responsibilities must include the pursuit,  
34 apprehension, and arrest of law violators or suspected law  
35 violators; or as of July 1, 1982, the member must be an active  
36 member of a bomb disposal unit whose primary responsibility is  
37 the location, handling, and disposal of explosive devices; or  
38 the member must be the supervisor or command officer of a member  
39 or members who have such responsibilities. Administrative  
40 support personnel, including, but not limited to, those whose  
41 primary duties and responsibilities are in accounting,  
42 purchasing, legal, and personnel, are not included;

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

51 direct supervision of firefighting units, fire prevention, or  
52 firefighter training; or as of July 1, 2001, aerial firefighting  
53 surveillance performed by fixed-wing aircraft pilots employed by  
54 the Florida Forest Service of the Department of Agriculture and  
55 Consumer Services; or the member must be the supervisor or  
56 command officer of a member or members who have such  
57 responsibilities. Administrative support personnel, including,  
58 but not limited to, those whose primary duties and  
59 responsibilities are in accounting, purchasing, legal, and  
60 personnel, are not included. All periods of creditable service  
61 in fire prevention or firefighter training, or as the supervisor  
62 or command officer of a member or members who have such  
63 responsibilities, and for which the employer paid the special  
64 risk contribution rate, are included;

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

76 | responsibilities are in accounting, purchasing, legal, and  
 77 | personnel, are not included with the exception of those meeting  
 78 | the criteria established in paragraph (j); however, wardens and  
 79 | assistant wardens, as defined by rule, are included;

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

92 |         (e) Effective January 1, 2001, the member must be employed  
 93 | as a community-based correctional probation officer and be  
 94 | certified, or required to be certified, in compliance with s.  
 95 | 943.1395. In addition, the member's primary duties and  
 96 | responsibilities must be the supervised custody, surveillance,  
 97 | control, investigation, and counseling of assigned inmates,  
 98 | probationers, parolees, or community controllees within the  
 99 | community; or the member must be the supervisor of a member or  
 100 | members who have such responsibilities. Administrative support

101 personnel, including, but not limited to, those whose primary  
102 duties and responsibilities are in accounting, purchasing, legal  
103 services, and personnel management, are not included; however,  
104 probation and parole circuit and deputy circuit administrators  
105 are included;

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

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

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

151 testimony, or both, or the member must be the direct supervisor,  
152 quality management supervisor, or command officer of one or more  
153 individuals with such responsibility. Administrative support  
154 personnel, including, but not limited to, those whose primary  
155 responsibilities are clerical or in accounting, purchasing,  
156 legal, and personnel, are not included;

157 (h) Effective July 1, 2008, the member must be employed by  
158 the Department of Law Enforcement in the crime laboratory or by  
159 the Division of State Fire Marshal in the forensic laboratory in  
160 one of the following classes:

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

168 (i) Effective July 1, 2008, the member must be employed by  
169 a local government law enforcement agency or medical examiner's  
170 office and must spend at least 65 percent of his or her time  
171 performing duties that involve the collection, examination,  
172 preservation, documentation, preparation, or analysis of human  
173 tissues or fluids or physical evidence having potential  
174 biological, chemical, or radiological hazard or contamination,  
175 or use chemicals, processes, or materials that may have

176 carcinogenic or health-damaging properties in the analysis of  
177 such evidence, or the member must be the direct supervisor of  
178 one or more individuals having such responsibility. If a special  
179 risk member changes to another position within the same agency,  
180 he or she must submit a complete application as provided in  
181 paragraph (4)(a); ~~or~~

182 (j) Effective July 1, 2024, the member must be employed in  
183 any of the following classes and must spend at least 75 percent  
184 of his or her time performing duties that involve contact with  
185 inmates:

186 1. Vocational instructor III - F/C (class code 1315).

187 2. Government analyst I (class code 2224), at a private  
188 facility.

189 3. Government operations consultant II (class code 2236).

190 4. Library technical assistant I (class code 4303).

191 5. Engineering technician IV (class code 4612).

192 6. Wellness education specialist I - F/C (class code  
193 5567).

194 7. Chaplain - F/C (class code 5819).

195 8. Senior chaplain F/C (class code 5823).

196 9. Counseling and social services supervisor I - F/C - SES  
197 (class code 5947).

198 10. Social services counselor - F/C (class code 5960).

199 11. Staff interpreter/translator (class code 5988).

200 12. Instructional assistant I (class code 6071).

- 201        13. Utilities supervisor - HAC/UP - F/C - SES (class code
- 202 6352).
- 203        14. Maintenance and construction superintendent - SES
- 204 (class code 6387).
- 205        15. Plumber (class code 6441).
- 206        16. Master electrician (class code 6446).
- 207        17. Senior refrigeration mechanic (class code 6454).
- 208        18. Senior maintenance mechanic (class code 6467).
- 209        19. Maintenance mechanic - F/C (class code 6469).
- 210        20. Automotive equipment maintenance superintendent - SES
- 211 (class code 6542).
- 212        21. Electronic technician II (class code 7234).
- 213        22. Correctional probation senior officer - INSTITUTION
- 214 (class code 8041).
- 215        23. Classification officer (class code 8051).
- 216        24. Senior classification officer (class code 8052).
- 217        25. Classification supervisor (class code 8053).
- 218        26. Correctional services consultant (class code 8058),
- 219 assigned to a reception center.
- 220        27. Placement and transition specialist (class code 8081).
- 221        28. Education supervisor I - SES (class code 8082).
- 222        29. Education supervisor II - SES (class code 8083).
- 223        30. Vocational teacher - EJT (class code 8085).
- 224        31. Academic teacher (class code 8093).
- 225        32. Correctional Services Administrator - SES (class code

226 8058).

227 33. Correctional programs consultant (class code 8094).

228 34. Special education teacher (class code 9095); or

229 (k) The member must have already qualified for and be  
 230 actively participating in special risk membership under  
 231 paragraph (a), paragraph (b), or paragraph (c), must have  
 232 suffered a qualifying injury as defined in this paragraph, must  
 233 not be receiving disability retirement benefits as provided in  
 234 s. 121.091(4), and must satisfy the requirements of this  
 235 paragraph.

236 1. The ability to qualify for the class of membership  
 237 defined in paragraph (2)(h) occurs when two licensed medical  
 238 physicians, one of whom is a primary treating physician of the  
 239 member, certify the existence of the physical injury and medical  
 240 condition that constitute a qualifying injury as defined in this  
 241 paragraph and that the member has reached maximum medical  
 242 improvement after August 1, 2008. The certifications from the  
 243 licensed medical physicians must include, at a minimum, that the  
 244 injury to the special risk member has resulted in a physical  
 245 loss, or loss of use, of at least two of the following: left  
 246 arm, right arm, left leg, or right leg; and:

247 a. That this physical loss or loss of use is total and  
 248 permanent, except if the loss of use is due to a physical injury  
 249 to the member's brain, in which event the loss of use is  
 250 permanent with at least 75 percent loss of motor function with

251 respect to each arm or leg affected.

252 b. That this physical loss or loss of use renders the  
253 member physically unable to perform the essential job functions  
254 of his or her special risk position.

255 c. That, notwithstanding this physical loss or loss of  
256 use, the individual can perform the essential job functions  
257 required by the member's new position, as provided in  
258 subparagraph 3.

259 d. That use of artificial limbs is not possible or does  
260 not alter the member's ability to perform the essential job  
261 functions of the member's position.

262 e. That the physical loss or loss of use is a direct  
263 result of a physical injury and not a result of any mental,  
264 psychological, or emotional injury.

265 2. For the purposes of this paragraph, "qualifying injury"  
266 means an injury sustained in the line of duty, as certified by  
267 the member's employing agency, by a special risk member that  
268 does not result in total and permanent disability as defined in  
269 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
270 is a physical injury to the member's physical body resulting in  
271 a physical loss, or loss of use, of at least two of the  
272 following: left arm, right arm, left leg, or right leg.  
273 Notwithstanding any other provision of this section, an injury  
274 that would otherwise qualify as a qualifying injury is not  
275 considered a qualifying injury if and when the member ceases

276 employment with the employer for whom he or she was providing  
277 special risk services on the date the injury occurred.

278 3. The new position, as described in sub-subparagraph  
279 1.c., that is required for qualification as a special risk  
280 member under this paragraph is not required to be a position  
281 with essential job functions that entitle an individual to  
282 special risk membership. Whether a new position as described in  
283 sub-subparagraph 1.c. exists and is available to the special  
284 risk member is a decision to be made solely by the employer in  
285 accordance with its hiring practices and applicable law.

286 4. This paragraph does not grant or create additional  
287 rights for any individual to continued employment or to be hired  
288 or rehired by his or her employer that are not already provided  
289 within the Florida Statutes, the State Constitution, the  
290 Americans with Disabilities Act, if applicable, or any other  
291 applicable state or federal law.

292 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

293 (d) Notwithstanding any other provision of this  
294 subsection, this subsection does not apply to any special risk  
295 member who qualifies for continued membership pursuant to  
296 paragraph (3)(k) ~~(3)(j)~~.

297 Section 2. For the purpose of incorporating the amendment  
298 made by this act to section 121.0515, Florida Statutes, in  
299 references thereto, subsections (12) and (15) of section  
300 121.021, Florida Statutes, are reenacted to read:

301           121.021 Definitions.—The following words and phrases as  
302 used in this chapter have the respective meanings set forth  
303 unless a different meaning is plainly required by the context:

304           (12) "Member" means any officer or employee who is covered  
305 or who becomes covered under this system in accordance with this  
306 chapter. On and after December 1, 1970, all new members and  
307 those members transferring from existing systems shall be  
308 divided into the following classes: "Special Risk Class," as  
309 provided in s. 121.0515; "Special Risk Administrative Support  
310 Class," as provided in s. 121.0515(8); "Elected Officers'  
311 Class," as provided in s. 121.052; "Senior Management Service  
312 Class," as provided in s. 121.055; and "Regular Class," which  
313 consists of all members who are not in the Special Risk Class,  
314 Special Risk Administrative Support Class, Elected Officers'  
315 Class, or Senior Management Service Class.

316           (15) "Special risk member" or "Special Risk Class member"  
317 means a member of the Florida Retirement System who meets the  
318 eligibility and criteria required under s. 121.0515 for  
319 participation in the Special Risk Class.

320           Section 3. For the purpose of incorporating the amendment  
321 made by this act to section 121.0515, Florida Statutes, in  
322 references thereto, paragraph (a) of subsection (3) of section  
323 121.122, Florida Statutes, is reenacted to read:

324           121.122 Renewed membership in system.—

325           (3) A retiree of the investment plan, the State University

326 System Optional Retirement Program, the Senior Management  
327 Service Optional Annuity Program, or the State Community College  
328 System Optional Retirement Program who is reemployed with a  
329 covered employer in a regularly established position on or after  
330 July 1, 2017, shall be enrolled as a renewed member of the  
331 investment plan unless employed in a position eligible for  
332 participation in the State University System Optional Retirement  
333 Program as provided in subsection (4) or the State Community  
334 College System Optional Retirement Program as provided in  
335 subsection (5). The renewed member must satisfy the vesting  
336 requirements and other provisions of this chapter.

337 (a) A renewed member of the investment plan shall be  
338 enrolled in one of the following membership classes:

339 1. In the Regular Class, if the position does not meet the  
340 requirements for membership under s. 121.0515, s. 121.053, or s.  
341 121.055.

342 2. In the Special Risk Class, if the position meets the  
343 requirements of s. 121.0515.

344 3. In the Elected Officers' Class, if the position meets  
345 the requirements of s. 121.053.

346 4. In the Senior Management Service Class, if the position  
347 meets the requirements of s. 121.055.

348 Section 4. The Legislature finds that a proper and  
349 legitimate state purpose is served when employees and retirees  
350 of the state and its political subdivisions, and the dependents,

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351 survivors, and beneficiaries of such employees and retirees, are  
352 extended the basic protections afforded by governmental  
353 retirement systems. These persons must be provided benefits that  
354 are fair and adequate and that are managed, administered, and  
355 funded in an actuarially sound manner as required by s. 14,  
356 Article X of the State Constitution and part VII of chapter 112,  
357 Florida Statutes. Therefore, the Legislature determines and  
358 declares that this act fulfills an important state interest.

359 Section 5. This act shall take effect July 1, 2024.