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A bill to be entitled  
An act relating to the special risk class; amending s. 121.0515, F.S.; revising the Special Risk Class member criteria to include members employed as certain prosecutors and special investigators; providing the years of creditable service for full retirement eligibility; making technical changes; amending ss. 121.052 and 121.055, F.S.; conforming provisions to changes made by the act; providing a declaration of important state interest; providing an effective date.

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

Section 1. Paragraph (h) of subsection (2), subsection (3), and paragraph (d) of subsection (8) of section 121.0515, Florida Statutes, are amended to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

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

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

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

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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 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; however,  
100 probation and parole circuit and deputy circuit administrators

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101 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 Department of Financial Services in the forensic laboratory  
156 in 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,

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176 he or she must submit a complete application as provided in  
177 paragraph (4) (a); ~~or~~

178 (j) Effective July 1, 2026, the member must be employed as  
179 a state attorney as defined in s. 542.17(7), the statewide  
180 prosecutor as described in s. 16.56, an assistant statewide  
181 prosecutor as designated under s. 16.56(3), or a special  
182 investigator as defined in s. 27.251. The number of creditable  
183 years for full retirement eligibility for such member shall be  
184 30 years without penalty; or

185 (k) The member must have already qualified for and be  
186 actively participating in special risk membership under  
187 paragraph (a), paragraph (b), or paragraph (c), must have  
188 suffered a qualifying injury as defined in this paragraph, must  
189 not be receiving disability retirement benefits as provided in  
190 s. 121.091(4), and must satisfy the requirements of this  
191 paragraph.

192 1. The ability to qualify for the class of membership  
193 defined in paragraph (2) (h) occurs when two licensed medical  
194 physicians, one of whom is a primary treating physician of the  
195 member, certify the existence of the physical injury and medical  
196 condition that constitute a qualifying injury as defined in this  
197 paragraph and that the member has reached maximum medical  
198 improvement after August 1, 2008. The certifications from the  
199 licensed medical physicians must include, at a minimum, that the  
200 injury to the special risk member has resulted in a physical

201 loss, or loss of use, of at least two of the following: left  
202 arm, right arm, left leg, or right leg; and that:

203 a. The ~~That~~ ~~this~~ physical loss or loss of use is total and  
204 permanent, except if the loss of use is due to a physical injury  
205 to the member's brain, in which event the loss of use is  
206 permanent with at least 75 percent loss of motor function with  
207 respect to each arm or leg affected.

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

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

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

218 e. ~~That~~ The physical loss or loss of use is a direct  
219 result of a physical injury and not a result of any mental,  
220 psychological, or emotional injury.

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

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226 qualifying injury if the injury is a physical injury to the  
227 member's physical body resulting in a physical loss, or loss of  
228 use, of at least two of the following: left arm, right arm, left  
229 leg, or right leg. Notwithstanding any other provision of this  
230 section, an injury that would otherwise qualify as a qualifying  
231 injury is not ~~eonsidered~~ a qualifying injury if and when the  
232 member ceases employment with the employer for whom he or she  
233 was providing special risk services on the date the injury  
234 occurred.

235 3. The new position, as described in sub-subparagraph  
236 1.c., which that is required for qualification as a special risk  
237 member under this paragraph is not required to be a position  
238 with essential job functions that entitle an individual to  
239 special risk membership. Whether a new position as described in  
240 sub-subparagraph 1.c. exists and is available to the special  
241 risk member is a decision to be made solely by the employer in  
242 accordance with its hiring practices and applicable law.

243 4. This paragraph does not grant or create additional  
244 rights for any individual to continued employment or to be hired  
245 or rehired by his or her employer which that are not already  
246 provided within the Florida Statutes, the State Constitution,  
247 the Americans with Disabilities Act, if applicable, or any other  
248 applicable state or federal law.

249 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—  
250 (d) Notwithstanding any other provision of this

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

254 **Section 2. Paragraph (a) of subsection (2) of section  
255 121.052, Florida Statutes, is amended to read:**

256 121.052 Membership class of elected officers.—

257 (2) **MEMBERSHIP.**—The following holders of elective office,  
258 hereinafter referred to as "elected officers," whether assuming  
259 elective office by election, reelection, or appointment, are  
260 members of the Elected Officers' Class, except as provided in  
261 subsection (3):

262 (a) Any Governor, Lieutenant Governor, Cabinet officer,  
263 legislator, Supreme Court justice, district court of appeal  
264 judge, or circuit judge, ~~or state attorney~~ assuming office on or  
265 after July 1, 1972.

266 **Section 3. Paragraphs (h) and (k) of subsection (1) of  
267 section 121.055, Florida Statutes, are amended to read:**

268 121.055 Senior Management Service Class.—There is hereby  
269 established a separate class of membership within the Florida  
270 Retirement System to be known as the "Senior Management Service  
271 Class," which shall become effective February 1, 1987.

272 (1)

273 (h)1. Except as provided in subparagraph 3., effective  
274 January 1, 1994, participation in the Senior Management Service  
275 Class shall be compulsory for the State Courts Administrator and

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276 the Deputy State Courts Administrators, the Clerk of the Supreme  
277 Court, the Marshal of the Supreme Court, the Executive Director  
278 of the Justice Administrative Commission, the capital collateral  
279 regional counsel, the clerks of the district courts of appeals,  
280 the marshals of the district courts of appeals, and the trial  
281 court administrator and the Chief Deputy Court Administrator in  
282 each judicial circuit. Effective January 1, 1994, additional  
283 positions in the office offices of the ~~state attorney and~~ public  
284 defender in each judicial circuit may be designated for  
285 inclusion in the Senior Management Service Class of the Florida  
286 Retirement System, provided that:

287 a. Positions to be included in the class shall be  
288 designated by the ~~state attorney or~~ public defender, as  
289 appropriate. Notice of intent to designate positions for  
290 inclusion in the class shall be published for at least 2  
291 consecutive weeks on a publicly accessible website as provided  
292 in s. 50.0311 or, if published in print, once a week for 2  
293 consecutive weeks in a newspaper qualified under chapter 50 in  
294 the county or counties affected.

295 b. One nonelective full-time position may be designated  
296 for each ~~state attorney and~~ public defender reporting to the  
297 Department of Management Services; for agencies with 200 or more  
298 regularly established positions under the state attorney or  
299 public defender, additional nonelective full-time positions may  
300 be designated, not to exceed 0.5 percent of the regularly

301 established positions within the agency.

302       c. Each position added to the class must be a managerial  
303 or policymaking position filled by an employee who serves at the  
304 pleasure of the ~~state attorney~~ or public defender without civil  
305 service protection, and who:

306           (I) Heads an organizational unit; or

307           (II) Has responsibility to effect or recommend personnel,  
308 budget, expenditure, or policy decisions in his or her areas of  
309 responsibility.

310       2. Participation in this class shall be compulsory, except  
311 as provided in subparagraph 3., for any judicial employee who  
312 holds a position designated for coverage in the Senior  
313 Management Service Class, and such participation shall continue  
314 until the employee terminates employment in a covered position.  
315 Effective January 1, 2001, participation in this class is  
316 compulsory for ~~assistant state attorneys, assistant statewide~~  
317 ~~prosecutors, assistant public defenders,~~ and assistant capital  
318 collateral regional counsel. Effective January 1, 2002,  
319 participation in this class is compulsory for assistant  
320 attorneys general.

321       3. In lieu of participation in the Senior Management  
322 Service Class, such members, excluding ~~assistant state~~  
323 ~~attorneys, assistant public defenders, assistant statewide~~  
324 ~~prosecutors, assistant attorneys general, and assistant capital~~  
325 collateral regional counsel, may participate in the Senior

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326 Management Service Optional Annuity Program as established in  
327 subsection (6).

328 (k) Any ~~state attorney or~~ public defender in the Elected  
329 Officers' Class who has creditable service as an ~~assistant state~~  
330 ~~attorney or~~ assistant public defender may upgrade retirement  
331 credit for such service in accordance with the provisions of  
332 paragraph (j).

333 **Section 4.** The Legislature finds that a proper and  
334 legitimate state purpose is served when employees, officers, and  
335 retirees of the state and its political subdivisions, and the  
336 dependents, survivors, and beneficiaries of such employees,  
337 officers, and retirees, are extended the basic protections  
338 afforded by governmental retirement systems. These persons must  
339 be provided benefits that are fair and adequate and that are  
340 managed, administered, and funded in an actuarially sound manner  
341 as required by s. 14, Article X of the State Constitution and  
342 part VII of chapter 112, Florida Statutes. Therefore, the  
343 Legislature determines and declares that this act fulfills an  
344 important state interest.

345 **Section 5.** This act shall take effect July 1, 2026.