

1 A bill to be entitled
2 An act relating to the special risk class; amending s.
3 121.0515, F.S.; revising the Special Risk Class member
4 criteria to include members employed as certain
5 prosecutors and special investigators; providing the
6 years of creditable service for full retirement
7 eligibility; making technical changes; amending ss.
8 121.052 and 121.055, F.S.; conforming provisions to
9 changes made by the act; providing a declaration of
10 important state interest; providing an effective date.
11

12 Be It Enacted by the Legislature of the State of Florida:
13

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

17 121.0515 Special Risk Class.—

18 (2) MEMBERSHIP.—

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

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 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

are included;

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

1. Dietitian (class codes 5203 and 5204);
2. Public health nutrition consultant (class code 5224);
3. Psychological specialist (class codes 5230 and 5231);
4. Psychologist (class code 5234);
5. Senior psychologist (class codes 5237 and 5238);
6. Regional mental health consultant (class code 5240);
7. Psychological Services Director-DCF (class code 5242);
8. Pharmacist (class codes 5245 and 5246);
9. Senior pharmacist (class codes 5248 and 5249);
10. Dentist (class code 5266);
11. Senior dentist (class code 5269);
12. Registered nurse (class codes 5290 and 5291);
13. Senior registered nurse (class codes 5292 and 5293);
14. Registered nurse specialist (class codes 5294 and 5295);
15. Clinical associate (class codes 5298 and 5299);
16. Advanced practice registered nurse (class codes 5297 and 5300);
17. Advanced practice registered nurse specialist (class

codes 5304 and 5305);

18. Registered nurse supervisor (class codes 5306 and 5307);

19. Senior registered nurse supervisor (class codes 5308 and 5309);

20. Registered nursing consultant (class codes 5312 and 5313);

21. Quality management program supervisor (class code 5314);

22. Executive nursing director (class codes 5320 and 5321);

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

24. Pharmacy manager (class code 5251);

(g) Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary

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

(h) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Department of Financial Services in the forensic laboratory in one of the following classes:

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

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

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

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

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

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

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

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

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

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 ~~considered~~ 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

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

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

121.052 Membership class of elected officers.—

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

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

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

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

(1)

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

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

established positions within the agency.

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

(I) Heads an organizational unit; or

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

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

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

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.