

By Senator Martin

33-01134B-26

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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
certified, in compliance with s. 943.1395, except that; however,
sheriffs and elected police chiefs are not required to be
certified ~~excluded from meeting the certification requirements~~
~~of this paragraph~~. In addition, the member's duties and

33-01134B-26

20261304__

responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or as of July 1, 1982, the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included;

(b) Effective October 1, 1978, the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.408 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires; as of October 1, 2001, fire prevention or firefighter training; as of October 1, 2001, direct supervision of firefighting units, fire prevention, or firefighter training; or as of July 1, 2001, aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Florida Forest Service of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included. All periods of creditable service in fire prevention or firefighter training, or as the supervisor

33-01134B-26

20261304__

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;

33-01134B-26

20261304__

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

33-01134B-26

20261304__

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 5321);
136 23. Speech and hearing therapist (class code 5406); or
137 24. Pharmacy manager (class code 5251);
138 (g) Effective October 1, 2005, through June 30, 2008, the
139 member must be employed by a law enforcement agency or medical
140 examiner's office in a forensic discipline recognized by the
141 International Association for Identification and must qualify
142 for active membership in the International Association for
143 Identification. The member's primary duties and responsibilities
144 must include the collection, examination, preservation,
145 documentation, preparation, or analysis of physical evidence or

33-01134B-26

20261304__

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,

33-01134B-26

20261304__

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

(j) Effective July 1, 2026, the member must be employed as a state attorney as defined in s. 542.17(7), the statewide prosecutor as described in s. 16.56, an assistant statewide prosecutor as designated under s. 16.56(3), or a special investigator as defined in s. 27.251. The number of creditable years for full retirement eligibility for such member shall be 25 years without penalty; or

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

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

33-01134B-26

20261304__

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

33-01134B-26

20261304__

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

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

247 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

248 (d) Notwithstanding any other provision of this subsection,
249 this subsection does not apply to any special risk member who
250 qualifies for continued membership pursuant to paragraph (3) (k)
251 ~~(3) (j)~~.

252 Section 2. Paragraph (a) of subsection (2) of section
253 121.052, Florida Statutes, is amended to read:

254 121.052 Membership class of elected officers.—

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

260 (a) Any Governor, Lieutenant Governor, Cabinet officer,
261 legislator, Supreme Court justice, district court of appeal

33-01134B-26

20261304__

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

a. Positions to be included in the class shall be designated by the ~~state attorney~~ or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published for at least 2 consecutive weeks on a publicly accessible website as provided in s. 50.0311 or, if published in print, once a week for 2

33-01134B-26

20261304__

consecutive weeks in a newspaper qualified under chapter 50 in the county or counties affected.

b. One nonelective full-time position may be designated for each ~~state attorney and~~ public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may 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

33-01134B-26

20261304__

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

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

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

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