

By Senator Martin

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

14 Section 1. Paragraph (h) of subsection (2), subsection (3),
15 and paragraph (d) of subsection (8) of section 121.0515, Florida
16 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

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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

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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;

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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
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);

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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

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

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

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

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

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

177 (j) Effective July 1, 2026, the member must be employed as
178 a state attorney as defined in s. 542.17(7), the statewide
179 prosecutor as described in s. 16.56, an assistant statewide
180 prosecutor as designated under s. 16.56(3), or a special
181 investigator as defined in s. 27.251. The number of creditable
182 years for full retirement eligibility for such member shall be
183 25 years without penalty; or

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

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

202 a. The ~~That this~~ physical loss or loss of use is total and
203 permanent, except if the loss of use is due to a physical injury

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204 to the member's brain, in which event the loss of use is
205 permanent with at least 75 percent loss of motor function with
206 respect to each arm or leg affected.

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

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

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

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

220 2. For the purposes of this paragraph, the term "qualifying
221 injury" means an injury sustained in the line of duty, as
222 certified by the member's employing agency, by a special risk
223 member that does not result in total and permanent disability as
224 defined in s. 121.091(4)(b). An injury is a qualifying injury if
225 the injury is a physical injury to the member's physical body
226 resulting in a physical loss, or loss of use, of at least two of
227 the following: left arm, right arm, left leg, or right leg.
228 Notwithstanding any other provision of this section, an injury
229 that would otherwise qualify as a qualifying injury is not
230 ~~considered~~ a qualifying injury if and when the member ceases
231 employment with the employer for whom he or she was providing
232 special risk services on the date the injury occurred.

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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

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262 judge, or circuit judge, ~~or state attorney~~ assuming office on or
263 after July 1, 1972.

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

266 121.055 Senior Management Service Class.—There is hereby
267 established a separate class of membership within the Florida
268 Retirement System to be known as the "Senior Management Service
269 Class," which shall become effective February 1, 1987.

270 (1)

271 (h)1. Except as provided in subparagraph 3., effective
272 January 1, 1994, participation in the Senior Management Service
273 Class shall be compulsory for the State Courts Administrator and
274 the Deputy State Courts Administrators, the Clerk of the Supreme
275 Court, the Marshal of the Supreme Court, the Executive Director
276 of the Justice Administrative Commission, the capital collateral
277 regional counsel, the clerks of the district courts of appeals,
278 the marshals of the district courts of appeals, and the trial
279 court administrator and the Chief Deputy Court Administrator in
280 each judicial circuit. Effective January 1, 1994, additional
281 positions in the office ~~offices~~ of the ~~state attorney~~ and public
282 defender in each judicial circuit may be designated for
283 inclusion in the Senior Management Service Class of the Florida
284 Retirement System, provided that:

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

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

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

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

304 (I) Heads an organizational unit; or
305 (II) Has responsibility to effect or recommend personnel,
306 budget, expenditure, or policy decisions in his or her areas of
307 responsibility.

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

319 3. In lieu of participation in the Senior Management

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320 Service Class, such members, excluding ~~assistant state~~
321 ~~attorneys, assistant public defenders, assistant statewide~~
322 ~~prosecutors, assistant attorneys general, and assistant capital~~
323 collateral regional counsel, may participate in the Senior
324 Management Service Optional Annuity Program as established in
325 subsection (6).

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

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

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