

1 A bill to be entitled
 2 An act relating to the Special Risk Class of the
 3 Florida Retirement System; amending s. 121.0515, F.S.;
 4 adding to the class certain employees of specified
 5 state hospitals and other facilities who spend a
 6 certain amount of time performing duties that involve
 7 contact with patients or inmates; declaring that the
 8 act fulfills an important state interest; providing an
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (3) of section 121.0515, Florida
 14 Statutes, is amended, and paragraph (i) is added to subsection
 15 (2) of that section, to read:

16 121.0515 Special Risk Class.—

17 (2) MEMBERSHIP.—

18 (i) Effective July 1, 2020, "special risk member" includes
 19 any member who is employed by the Florida State Hospital;
 20 Northeast Florida State Hospital; Sunland Center at Marianna and
 21 Chattahoochee, including the Developmental Disabilities
 22 Defendant Program; or North Florida Evaluation and Treatment
 23 Center and who meets the special criteria set forth in paragraph
 24 (3) (k).

25 (3) CRITERIA.—A member, to be designated as a special risk

26 member, must meet the following criteria:

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

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

91 | (e) Effective January 1, 2001, the member must be employed
92 | as a community-based correctional probation officer and be
93 | certified, or required to be certified, in compliance with s.
94 | 943.1395. In addition, the member's primary duties and
95 | responsibilities must be the supervised custody, surveillance,
96 | control, investigation, and counseling of assigned inmates,
97 | probationers, parolees, or community controllees within the
98 | community; or the member must be the supervisor of a member or
99 | members who have such responsibilities. Administrative support
100 | personnel, including, but not limited to, those whose primary

101 duties and responsibilities are in accounting, purchasing, legal
102 services, and personnel management, are not included; however,
103 probation and parole circuit and deputy circuit administrators
104 are included;

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

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director—DCF (class code 5242);
- 117 8. Pharmacist (class codes 5245 and 5246);
- 118 9. Senior pharmacist (class codes 5248 and 5249);
- 119 10. Dentist (class code 5266);
- 120 11. Senior dentist (class code 5269);
- 121 12. Registered nurse (class codes 5290 and 5291);
- 122 13. Senior registered nurse (class codes 5292 and 5293);
- 123 14. Registered nurse specialist (class codes 5294 and
124 5295);
- 125 15. Clinical associate (class codes 5298 and 5299);

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

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

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

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

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

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

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

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

199 a. The ~~That this~~ physical loss or loss of use is total and
200 permanent, unless ~~except if~~ the loss of use is due to a physical

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

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

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

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

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

217 2. For the purposes of this paragraph, "qualifying injury"
218 means an injury sustained in the line of duty, as certified by
219 the member's employing agency, by a special risk member which
220 ~~that~~ does not result in total and permanent disability as
221 defined in s. 121.091(4)(b). An injury is a qualifying injury if
222 the injury is a physical injury to the member's physical body
223 resulting in a physical loss, or loss of use, of at least two of
224 the following: left arm, right arm, left leg, or right leg.
225 Notwithstanding any other provision of this section, an injury

226 that would otherwise qualify as a qualifying injury is not
 227 ~~considered~~ a qualifying injury if and when the member ceases
 228 employment with the employer for whom he or she was providing
 229 special risk services on the date the injury occurred.

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

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

244 (k) Effective July 1, 2020, the member must be employed in
 245 any of the following classes and must spend at least 75 percent
 246 of his or her time performing duties that involve contact with
 247 patients or inmates at the Florida State Hospital; Northeast
 248 Florida State Hospital; Sunland Center at Marianna and
 249 Chattahoochee, including the Developmental Disabilities
 250 Defendant Program; or North Florida Evaluation and Treatment

- 251 Center:
- 252 1. Abuse registry counselor (class code 5961).
- 253 2. Barber/beautician (class codes 6201, 6205, and 6206).
- 254 3. Behavioral program associate (class codes 5750 and
 255 5762).
- 256 4. Behavioral program specialist (class codes 5751 and
 257 5763).
- 258 5. Certified radiologic technologist (class codes 5523,
 259 5524, 5527, and 5528).
- 260 6. Chaplain (class codes 5819 and 5820).
- 261 7. Child protective investigator (class code 8371).
- 262 8. Child protective field support consultant (class code
 263 8374).
- 264 9. Children, youth, and families counselor (class code
 265 5954).
- 266 10. Classroom teacher (class codes 4144 and 4147).
- 267 11. Custodial worker (class codes 6511 and 6526).
- 268 12. Dental assistant (class codes 5632 and 5633).
- 269 13. Dental hygienist (class code 5641).
- 270 14. Dental technician (class code 5644).
- 271 15. Dietetic technician (class code 5594).
- 272 16. Direct services aide (class code 5702).
- 273 17. Education and training specialist (class code 1328).
- 274 18. Food control specialist (class code 6217).
- 275 19. Food support worker (class code 6213).

- 276 20. Health support aide (class codes 5504 and 5505).
- 277 21. Human services counselor (class codes 5934, 5936,
- 278 5937, 5940, and 5941).
- 279 22. Human services program specialist (class code 5877).
- 280 23. Human services worker (class codes 5706, 5709, 5781,
- 281 and 5784).
- 282 24. Librarian (class code 4315).
- 283 25. Librarian specialist (class codes 4318 and 4319).
- 284 26. Licensed practical nurse (class code 5599).
- 285 27. Pharmacy technician (class codes 5500 and 5501).
- 286 28. Rehabilitation therapist (class codes 5562 and 5563).
- 287 29. Residential unit specialist (class code 5736).
- 288 30. Senior chaplain (class code 5823).
- 289 31. Senior licensed practical nurse (class codes 5597 and
- 290 5600).
- 291 32. Social services counselor (class codes 5953 and 5960).
- 292 33. Storekeeper (class codes 0918, 0921, and 0922).
- 293 34. Teacher aide (class codes 4133 and 4142).
- 294 35. Therapy aide (class codes 5556 and 5557).
- 295 36. Training specialist (class codes 1322 and 1324).
- 296 37. Unit treatment and rehab specialist (class codes 5776
- 297 and 5791).
- 298 38. Vocational instructor (class codes 1309, 1310, 1311,
- 299 1312, 1313, and 1315).
- 300 39. Volunteer services center specialist (class code

301 6000).

302 40. Volunteer services specialist (class code 5997).

303 Section 2. The Legislature finds that a proper and
304 legitimate state purpose is served when employees and retirees
305 of the state and its political subdivisions, and the dependents,
306 survivors, and beneficiaries of such employees and retirees, are
307 extended the basic protections afforded by governmental
308 retirement systems. These persons must be provided benefits that
309 are fair and adequate and are managed, administered, and funded
310 in an actuarially sound manner, as required by s. 14, Article X
311 of the State Constitution and part VII of chapter 112, Florida
312 Statutes. Therefore, the Legislature determines and declares
313 that this act fulfills an important state interest.

314 Section 3. This act shall take effect July 1, 2020.