

1 A bill to be entitled
 2 An act relating to 911 public safety
 3 telecommunicators; amending s. 121.0515, F.S.;
 4 revising criteria in the Special Risk Class of the
 5 Florida Retirement System to include members employed
 6 as 911 public safety telecommunicators; specifying the
 7 number of creditable years needed to receive a full
 8 retirement benefit without penalty; requiring such
 9 members to have their retirement benefits calculated
 10 in accordance with provisions for Regular Class
 11 members; making technical changes; declaring that the
 12 act fulfills an important state interest; providing an
 13 effective date.

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

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

20 121.0515 Special Risk Class.—

21 (2) MEMBERSHIP.—

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

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,

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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 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);

181 (j) Effective July 1, 2024, the member must be employed as
182 a 911 public safety telecommunicator as defined in s. 401.465.
183 The number of creditable years for full retirement eligibility
184 for the member shall be 25 years without penalty. However, upon
185 his or her retirement, the member shall have his or her benefits
186 calculated in accordance with the Regular Class benefit
187 provisions of s. 121.091(1) (a)1.; or

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

195 1. The ability to qualify for the class of membership
196 defined in paragraph (2) (h) occurs when two licensed medical
197 physicians, one of whom is a primary treating physician of the
198 member, certify the existence of the physical injury and medical
199 condition that constitute a qualifying injury as defined in this
200 paragraph and that the member has reached maximum medical

201 improvement after August 1, 2008. The certifications from the
202 licensed medical physicians must include, at a minimum, that the
203 injury to the special risk member has resulted in a physical
204 loss, or loss of use, of at least two of the following: left
205 arm, right arm, left leg, or right leg; and that:

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

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

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

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

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

224 2. For the purposes of this paragraph, the term
225 "qualifying injury" means an injury sustained in the line of

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

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

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

251 applicable state or federal law.

252 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

253 (d) Notwithstanding any other provision of this
 254 subsection, this subsection does not apply to any special risk
 255 member who qualifies for continued membership pursuant to
 256 paragraph (3) (k) ~~(3) (j)~~.

257 Section 2. The Legislature finds that a proper and
 258 legitimate state purpose is served when employees and retirees
 259 of the state and its political subdivisions, and the dependents,
 260 survivors, and beneficiaries of such employees and retirees, are
 261 extended the basic protections afforded by governmental
 262 retirement systems. These persons must be provided benefits that
 263 are fair and adequate and are managed, administered, and funded
 264 in an actuarially sound manner, as required by s. 14, Article X
 265 of the State Constitution and part VII of chapter 112, Florida
 266 Statutes. Therefore, the Legislature determines and declares
 267 that this act fulfills an important state interest.

268 Section 3. This act shall take effect July 1, 2024.