

HB 563

2015

1 A bill to be entitled
2 An act relating to the Special Risk Class; amending s.
3 121.0515, F.S.; adding certified 911 public safety
4 telecommunicators to the class; requiring such members
5 to have their benefits calculated in accordance with
6 provisions for Regular Class members; providing an
7 effective date.

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

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11 Section 1. Subsection (3) of section 121.0515, Florida
12 Statutes, is amended to read:

13 121.0515 Special Risk Class.—

14 (3) CRITERIA.—A member, to be designated as a special risk
15 member, must meet the following criteria:

16 (a) Effective October 1, 1978, the member must be employed
17 as a law enforcement officer and be certified, or required to be
18 certified, in compliance with s. 943.1395, except that; ~~however,~~
19 sheriffs and elected police chiefs are not required to be
20 certified ~~excluded from meeting the certification requirements~~
21 ~~of this paragraph~~. In addition, the member's duties and
22 responsibilities must include the pursuit, apprehension, and
23 arrest of law violators or suspected law violators; or as of
24 July 1, 1982, the member must be an active member of a bomb
25 disposal unit whose primary responsibility is the location,
26 handling, and disposal of explosive devices; or the member must

27 | be the supervisor or command officer of a member or members who
28 | have such responsibilities. Administrative support personnel,
29 | including, but not limited to, those whose primary duties and
30 | responsibilities are in accounting, purchasing, legal, and
31 | personnel, are not included;

32 | (b) Effective October 1, 1978, the member must be employed
33 | as a firefighter and be certified, or required to be certified,
34 | in compliance with s. 633.408 and be employed solely within the
35 | fire department of a local government employer or an agency of
36 | state government with firefighting responsibilities. In
37 | addition, the member's duties and responsibilities must include
38 | on-the-scene fighting of fires; as of October 1, 2001, fire
39 | prevention or firefighter training; as of October 1, 2001,
40 | direct supervision of firefighting units, fire prevention, or
41 | firefighter training; or as of July 1, 2001, aerial firefighting
42 | surveillance performed by fixed-wing aircraft pilots employed by
43 | the Florida Forest Service of the Department of Agriculture and
44 | Consumer Services; or the member must be the supervisor or
45 | command officer of a member or members who have such
46 | responsibilities. Administrative support personnel, including,
47 | but not limited to, those whose primary duties and
48 | responsibilities are in accounting, purchasing, legal, and
49 | personnel, are not included. All periods of creditable service
50 | in fire prevention or firefighter training, or as the supervisor
51 | or command officer of a member or members who have such
52 | responsibilities, and for which the employer paid the special

53 risk contribution rate, are included;

54 (c) Effective October 1, 1978, the member must be employed
55 as a correctional officer and be certified, or required to be
56 certified, in compliance with s. 943.1395. In addition, the
57 member's primary duties and responsibilities must include ~~be~~ the
58 custody, and physical restraint if ~~when~~ necessary, of prisoners
59 or inmates within a prison, jail, or other criminal detention
60 facility, or while on work detail outside the facility, or while
61 being transported; or as of July 1, 1984, the member must be the
62 supervisor or command officer of a member or members who have
63 such responsibilities. Administrative support personnel,
64 including, but not limited to, those whose primary duties and
65 responsibilities are in accounting, purchasing, legal, and
66 personnel, are not included; however, wardens and assistant
67 wardens, as defined by rule, are included;

68 (d) Effective October 1, 1999, the member must be employed
69 by a licensed Advance Life Support (ALS) or Basic Life Support
70 (BLS) employer as an emergency medical technician or a paramedic
71 and be certified in compliance with s. 401.27. In addition, the
72 member's primary duties and responsibilities must include on-
73 the-scene emergency medical care or as of October 1, 2001,
74 direct supervision of emergency medical technicians or
75 paramedics, or the member must be the supervisor or command
76 officer of one or more members who have such responsibility.
77 Administrative support personnel, including, but not limited to,
78 those whose primary responsibilities are in accounting,

79 purchasing, legal, and personnel, are not included;

80 (e) Effective January 1, 2001, the member must be employed
81 as a community-based correctional probation officer and be
82 certified, or required to be certified, in compliance with s.
83 943.1395. In addition, the member's primary duties and
84 responsibilities must be the supervised custody, surveillance,
85 control, investigation, and counseling of assigned inmates,
86 probationers, parolees, or community controllees within the
87 community; or the member must be the supervisor of a member or
88 members who have such responsibilities. Administrative support
89 personnel, including, but not limited to, those whose primary
90 duties and responsibilities are in accounting, purchasing, legal
91 services, and personnel management, are not included; however,
92 probation and parole circuit and deputy circuit administrators
93 are included;

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

- 99 1. Dietitian (class codes 5203 and 5204);
- 100 2. Public health nutrition consultant (class code 5224);
- 101 3. Psychological specialist (class codes 5230 and 5231);
- 102 4. Psychologist (class code 5234);
- 103 5. Senior psychologist (class codes 5237 and 5238);
- 104 6. Regional mental health consultant (class code 5240);

- 105 | 7. Psychological Services Director—DCF (class code 5242);
- 106 | 8. Pharmacist (class codes 5245 and 5246);
- 107 | 9. Senior pharmacist (class codes 5248 and 5249);
- 108 | 10. Dentist (class code 5266);
- 109 | 11. Senior dentist (class code 5269);
- 110 | 12. Registered nurse (class codes 5290 and 5291);
- 111 | 13. Senior registered nurse (class codes 5292 and 5293);
- 112 | 14. Registered nurse specialist (class codes 5294 and
- 113 | 5295);
- 114 | 15. Clinical associate (class codes 5298 and 5299);
- 115 | 16. Advanced registered nurse practitioner (class codes
- 116 | 5297 and 5300);
- 117 | 17. Advanced registered nurse practitioner specialist
- 118 | (class codes 5304 and 5305);
- 119 | 18. Registered nurse supervisor (class codes 5306 and
- 120 | 5307);
- 121 | 19. Senior registered nurse supervisor (class codes 5308
- 122 | and 5309);
- 123 | 20. Registered nursing consultant (class codes 5312 and
- 124 | 5313);
- 125 | 21. Quality management program supervisor (class code
- 126 | 5314);
- 127 | 22. Executive nursing director (class codes 5320 and
- 128 | 5321);
- 129 | 23. Speech and hearing therapist (class code 5406); or
- 130 | 24. Pharmacy manager (class code 5251);

131 (g) Effective October 1, 2005, through June 30, 2008, the
132 member must be employed by a law enforcement agency or medical
133 examiner's office in a forensic discipline recognized by the
134 International Association for Identification and must qualify
135 for active membership in the International Association for
136 Identification. The member's primary duties and responsibilities
137 must include the collection, examination, preservation,
138 documentation, preparation, or analysis of physical evidence or
139 testimony, or both, or the member must be the direct supervisor,
140 quality management supervisor, or command officer of one or more
141 individuals with such responsibility. Administrative support
142 personnel, including, but not limited to, those whose primary
143 responsibilities are clerical or in accounting, purchasing,
144 legal, and personnel, are not included;

145 (h) Effective July 1, 2008, the member must be employed by
146 the Department of Law Enforcement in the crime laboratory or by
147 the Division of State Fire Marshal in the forensic laboratory in
148 one of the following classes:

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

156 (i) Effective July 1, 2008, the member must be employed by

157 a local government law enforcement agency or medical examiner's
 158 office and must spend at least 65 percent of his or her time
 159 performing duties that involve the collection, examination,
 160 preservation, documentation, preparation, or analysis of human
 161 tissues or fluids or physical evidence having potential
 162 biological, chemical, or radiological hazard or contamination,
 163 or use chemicals, processes, or materials that may have
 164 carcinogenic or health-damaging properties in the analysis of
 165 such evidence, or the member must be the direct supervisor of
 166 one or more individuals having such responsibility. If a special
 167 risk member changes to another position within the same agency,
 168 he or she must submit a complete application as provided in
 169 paragraph (4) (a);

170 (j) Effective July 1, 2015, the member must be employed as
 171 a 911 public safety telecommunicator as defined in s. 401.465.
 172 However, upon his or her retirement, the member shall have his
 173 or her benefits calculated in accordance with the Regular Class
 174 benefit provisions of s. 121.091(1)(a)1.; or

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

182 1. The ability to qualify for the class of membership

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

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

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

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

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

208 e. ~~That~~ The physical loss or loss of use is a direct

209 result of a physical injury and not a result of any mental,
210 psychological, or emotional injury.

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

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

232 4. This paragraph does not grant or create additional
233 rights for any individual to continued employment or to be hired
234 or rehired by his or her employer that are not already provided

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235 by state law ~~within the Florida Statutes,~~ the State
236 Constitution, the Americans with Disabilities Act, if
237 applicable, or any other ~~applicable state or~~ federal law.

238 Section 2. This act shall take effect July 1, 2015.