Florida Senate - 2005

By Senator Lynn

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7-200-05
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1	A bill to be entitled
2	An act relating to the Florida Retirement
3	System; amending s. 121.055, F.S.; permitting
4	community college employees who are members of
5	the Senior Management Service Class, and who
6	otherwise qualify, to elect membership in the
7	defined benefit plan of the system; prescribing
8	requirements in making such election; providing
9	for payment of the costs of such membership;
10	providing an effective date.
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. Paragraph (b) of subsection (1) of section
15	121.055, Florida Statutes, is amended to read:
16	121.055 Senior Management Service ClassThere is
17	hereby established a separate class of membership within the
18	Florida Retirement System to be known as the "Senior
19	Management Service Class, " which shall become effective
20	February 1, 1987.
21	(1)
22	(b)1. Except as provided in subparagraph 2., effective
23	January 1, 1990, participation in the Senior Management
24	Service Class shall be compulsory for the president of each
25	community college, the manager of each participating city or
26	county, and all appointed district school superintendents.
27	Effective January 1, 1994, additional positions may be
28	designated for inclusion in the Senior Management Service
29	Class of the Florida Retirement System, provided that:
30	a. Positions to be included in the class shall be
31	designated by the local agency employer. Notice of intent to
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1 designate positions for inclusion in the class shall be 2 published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties 3 affected, as provided in chapter 50. 4 5 b. Up to 10 nonelective full-time positions may be 6 designated for each local agency employer reporting to the 7 Department of Management Services; for local agencies with 100 8 or more regularly established positions, additional nonelective full-time positions may be designated, not to 9 exceed 1 percent of the regularly established positions within 10 11 the agency. 12 c. Each position added to the class must be a 13 managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the 14 pleasure of the local agency employer without civil service 15 16 protection, and who: 17 (I) Heads an organizational unit; or 18 (II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or 19 her areas of responsibility. 20 21 2. In lieu of participation in the Senior Management 22 Service Class, members of the Senior Management Service Class 23 pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to 2.4 withdraw from the Florida Retirement System shall be 25 irrevocable for as long as the employee holds such a position. 26 27 Any service creditable under the Senior Management Service 2.8 Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit 29 in the Senior Management Service Class shall not be earned 30 after such withdrawal. Such members shall not be eligible to 31

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CODING: Words stricken are deletions; words underlined are additions.

1	participate in the Senior Management Service Optional Annuity
2	Program.
3	3. Effective July 1, 2005, any active community
4	college employee in a regularly established senior management
5	position who has not participated in the Florida Retirement
б	System or has withdrawn from the Florida Retirement System
7	under subparagraph 2. has one opportunity to choose to move to
8	the Florida Retirement System defined benefit plan. This
9	election is irrevocable.
10	a. The election must be made in writing and must be
11	filed with the department and with the personnel officer of
12	the community college.
13	b. The employee shall receive service credit in the
14	Florida Retirement System defined benefit program equal to his
15	or her years of service in the community college system. The
16	cost of such credit shall be an amount representing the
17	present value of that employee's accumulated benefit
18	obligation under the Florida Retirement System defined benefit
19	program for the affected period of service.
20	c. The employee must transfer the total accumulated
21	employer contributions and earnings on deposit in the
22	employee's alternative retirement plan established as allowed
23	under subparagraph 2. If the transferred amount is not
24	sufficient to pay the amount due, the remainder must be paid
25	by the employee unless it is paid by the employer on behalf of
26	the employee.
27	Section 2. This act shall take effect July 1, 2005.
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1	* * * * * * * * * * * * * * * * * * * *
2	SENATE SUMMARY
3	Allows a community college employee who occupies a senior management position but who does not participate in, or
4	has withdrawn from, the Florida Retirement System to join the system's defined benefit plan. Such a person has one
5	opportunity to make the election, which is irrevocable. If the accumulated employer contributions, plus earnings
6	on deposit, for the employee are insufficient to pay the cost of crediting the employee's defined benefit plan
7	based on his or her years of service, the employee must make up the difference unless that amount is paid by his
8	or her employer.
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