

1 A bill to be entitled
 2 An act relating to the Florida Retirement System; amending
 3 s. 121.052, F.S.; providing that election to participate
 4 in the Senior Management Service Class by elected county
 5 officers does not affect the statutory limit on the number
 6 of nonelective full-time positions that may be designated
 7 for inclusion in the class by a school district; deleting
 8 obsolete provisions; amending s. 121.055, F.S.;
 9 authorizing the designation of a certain number of
 10 nonelective full-time positions for certain school
 11 districts for inclusion in the Senior Management Service
 12 Class; deleting obsolete provisions; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (c) of subsection (3) of section
 18 121.052, Florida Statutes, is amended to read:

19 121.052 Membership class of elected officers.--

20 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.--Effective
 21 July 1, 1990, participation in the Elected Officers' Class shall
 22 be compulsory for elected officers listed in paragraphs (2) (a)-
 23 (d) and (f) assuming office on or after said date, unless the
 24 elected officer elects membership in another class or withdraws
 25 from the Florida Retirement System as provided in paragraphs
 26 (3) (a) - (d) :

27 (c) Any elected officer may, within 6 months after
 28 assuming office, ~~or within 6 months after this act becomes a law~~

29 ~~for serving elected officers,~~ elect membership in the Senior
 30 Management Service Class as provided in s. 121.055 in lieu of
 31 membership in the Elected Officers' Class. Any such election
 32 made by a county elected officer does not affect ~~shall have no~~
 33 ~~effect upon~~ the statutory limit on the number of nonelective
 34 full-time positions that may be designated by a local agency
 35 employer or a specified school district for inclusion in the
 36 Senior Management Service Class under s. 121.055(1)(b)1.

37 Section 2. Paragraph (b) of subsection (1) of section
 38 121.055, Florida Statutes, is amended to read:

39 121.055 Senior Management Service Class.--There is hereby
 40 established a separate class of membership within the Florida
 41 Retirement System to be known as the "Senior Management Service
 42 Class," which shall become effective February 1, 1987.

43 (1)

44 (b)1. Except as provided in subparagraph 2., effective
 45 January 1, 1990, participation in the Senior Management Service
 46 Class is ~~shall be~~ compulsory for the president of each community
 47 college, the manager of each participating city or county, and
 48 all appointed district school superintendents. Effective January
 49 1, 1994, additional positions may be designated for inclusion in
 50 the ~~Senior Management Service class~~ if ~~of the Florida Retirement~~
 51 ~~System, provided that:~~

52 a. Positions to be included are ~~in the class shall be~~
 53 designated by the local agency employer. Notice of intent to
 54 designate positions for inclusion in the class must ~~shall~~ be
 55 published once a week for 2 consecutive weeks in a newspaper of
 56 general circulation published in the county or counties

57 affected, as provided in chapter 50.

58 b. Up to 10 nonelective full-time positions may be
 59 designated for each local agency employer reporting to the
 60 department and up to 15 nonelective full-time positions may be
 61 designated for each school district serving as the fiscal agent
 62 for a regional consortium service organization established under
 63 s. 1001.451. of Management Services; For local agencies with 100
 64 or more regularly established positions, additional nonelective
 65 full-time positions may be designated, not to exceed 1 percent
 66 of the regularly established positions within the agency.

67 c. Each position added to the class is ~~must be~~ a
 68 managerial or policymaking position filled by an employee who is
 69 not subject to continuing contract and serves at the pleasure of
 70 the local agency employer without civil service protection, and
 71 who:

- 72 (I) Heads an organizational unit; or
- 73 (II) Has responsibility to effect or recommend personnel,
 74 budget, expenditure, or policy decisions in his or her areas of
 75 responsibility.

76 2. In lieu of participation in the Senior Management
 77 Service Class, members of the ~~Senior Management Service~~ class
 78 under ~~pursuant to the provisions of~~ subparagraph 1. may withdraw
 79 from the Florida Retirement System ~~altogether~~. The decision to
 80 withdraw is ~~from the Florida Retirement System shall be~~
 81 irrevocable ~~for~~ as long as the employee holds such a position.
 82 Any service creditable under the Senior Management Service Class
 83 is ~~shall be~~ retained after the member withdraws from the Florida
 84 Retirement System; however, additional service credit in the

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85 ~~Senior Management Service~~ class may ~~shall~~ not be earned after
86 such withdrawal. Such members are ~~shall~~ not be eligible to
87 participate in the Senior Management Service Optional Annuity
88 Program.

89 ~~3. Effective January 1, 2006, through June 30, 2006, an~~
90 ~~employee who has withdrawn from the Florida Retirement System~~
91 ~~under subparagraph 2. has one opportunity to elect to~~
92 ~~participate in either the defined benefit program or the Public~~
93 ~~Employee Optional Retirement Program of the Florida Retirement~~
94 ~~System.~~

95 ~~a. If the employee elects to participate in the Public~~
96 ~~Employee Optional Retirement Program, membership shall be~~
97 ~~prospective, and the applicable provisions of s. 121.4501(4)~~
98 ~~shall govern the election.~~

99 ~~b. If the employee elects to participate in the defined~~
100 ~~benefit program of the Florida Retirement System, the employee~~
101 ~~shall, upon payment to the system trust fund of the amount~~
102 ~~calculated under sub-sub-subparagraph (I), receive service~~
103 ~~credit for prior service based upon the time during which the~~
104 ~~employee had withdrawn from the system.~~

105 ~~(I) The cost for such credit shall be an amount~~
106 ~~representing the actuarial accrued liability for the affected~~
107 ~~period of service. The cost shall be calculated using the~~
108 ~~discount rate and other relevant actuarial assumptions that were~~
109 ~~used to value the Florida Retirement System defined benefit plan~~
110 ~~liabilities in the most recent actuarial valuation. The~~
111 ~~calculation shall include any service already maintained under~~
112 ~~the defined benefit plan in addition to the period of~~

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113 ~~withdrawal. The actuarial accrued liability attributable to any~~
114 ~~service already maintained under the defined benefit plan shall~~
115 ~~be applied as a credit to the total cost resulting from the~~
116 ~~calculation. The division shall ensure that the transfer sum is~~
117 ~~prepared using a formula and methodology certified by an~~
118 ~~actuary.~~

119 ~~(II) The employee must transfer a sum representing the net~~
120 ~~cost owed for the actuarial accrued liability in sub-sub-~~
121 ~~subparagraph (I) immediately following the time of such~~
122 ~~movement, determined assuming that attained service equals the~~
123 ~~sum of service in the defined benefit program and the period of~~
124 ~~withdrawal.~~

125 Section 3. This act shall take effect July 1, 2009.