

Bill No. CS for SB 2074

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Burt moved the following amendment:

**Senate Amendment (with title amendment)**

On page 15, line 4, through  
page 18, line 3, delete those lines

and insert:

Section 2. Subsections (10) and (34) of section  
121.021, Florida Statutes, are amended to read:

121.021 Definitions.--The following words and phrases  
as used in this chapter have the respective meanings set forth  
unless a different meaning is plainly required by the context:

(10) "Employer" means any agency, branch, department,  
institution, university, institution of higher education, or  
board of the state, or any county agency, branch, department  
board, district school board, or special district of the  
state, or any city of the state which participates in the  
system for the benefit of certain of its employees, or a  
charter school or charter technical career center that  
participates as provided in s. 121.051(2)(d).

(34) "Covered group" means the officers and employees

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1 of an employer who become members under this chapter. "Covered  
2 group" applies also when the employer is a charter technical  
3 career center, charter school, special district, or city for  
4 which coverage under this chapter is applied for by the  
5 employer and approved for social security coverage by the  
6 United States Secretary of Health and Human Services and  
7 approved by the administrator for membership under this  
8 chapter. Members of a firefighters' pension trust fund or a  
9 municipal police officers' retirement trust fund, established  
10 in accordance with chapter 175 or chapter 185, respectively,  
11 shall be considered eligible for membership under this chapter  
12 only after holding a referendum and by affirmative majority  
13 vote electing coverage under this chapter.

14 Section 3. Paragraphs (c) and (d) of subsection (2) of  
15 section 121.051, Florida Statutes, are amended to read:

16 121.051 Participation in the system.--

17 (2) OPTIONAL PARTICIPATION.--

18 (c) Employees of members of the State Community  
19 College System or charter technical career centers sponsored  
20 by members of the State Community College System, as  
21 designated in s. 240.3031, who are members of the Regular  
22 Class of the Florida Retirement System and who comply with the  
23 criteria set forth in this paragraph and in s. 240.3195 may  
24 elect, in lieu of participating in the Florida Retirement  
25 System, to withdraw from the Florida Retirement System  
26 altogether and participate in a lifetime monthly annuity  
27 program, to be known as the State Community College System  
28 Optional Retirement Program, which may be provided by the  
29 employing agency under s. 240.3195. Pursuant thereto:

30 1. The cost to the employer for such annuity shall  
31 equal the normal cost portion of the employer retirement

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1 contribution which would be required if the employee were a  
2 member of the Regular Class, plus the portion of the  
3 contribution rate required by s. 112.363(8) that would  
4 otherwise be assigned to the Retiree Health Insurance Subsidy  
5 Trust Fund, and less an amount approved by the employer to  
6 provide for the administration of the optional retirement  
7 program. The employer providing such annuity shall contribute  
8 an additional amount to the Florida Retirement System Trust  
9 Fund equal to the unfunded actuarial accrued liability portion  
10 of the Regular Class contribution rate.

11         2. The decision to participate in such an optional  
12 retirement program shall be irrevocable for as long as the  
13 employee holds a position eligible for participation. Any  
14 service creditable under the Florida Retirement System shall  
15 be retained after the member withdraws from the Florida  
16 Retirement System; however, additional service credit in the  
17 Florida Retirement System shall not be earned while a member  
18 of the optional retirement program.

19         3. Participation in an optional annuity program shall  
20 be limited to those employees who satisfy the following  
21 eligibility criteria:

22             a. The employee must be otherwise eligible for  
23 membership in the Regular Class of the Florida Retirement  
24 System, as provided in s. 121.021(11) and (12).

25             b. The employee must be employed in a full-time  
26 position classified in the Accounting Manual for Florida's  
27 Public Community Colleges as:

28                 (I) Instructional; or

29                 (II) Executive Management, Instructional Management,  
30 or Institutional Management, if a community college determines  
31 that recruiting to fill a vacancy in the position is to be

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1 conducted in the national or regional market, and:

2 (A) The duties and responsibilities of the position  
3 include either the formulation, interpretation, or  
4 implementation of policies; or

5 (B) The duties and responsibilities of the position  
6 include the performance of functions that are unique or  
7 specialized within higher education and that frequently  
8 involve the support of the mission of the community college.

9 c. The employee must be employed in a position not  
10 included in the Senior Management Service Class of the Florida  
11 Retirement System, as described in s. 121.055.

12 4. Participants in the program are subject to the same  
13 reemployment limitations, renewed membership provisions, and  
14 forfeiture provisions as are applicable to regular members of  
15 the Florida Retirement System under ss. 121.091(9), 121.122,  
16 and 121.091(5), respectively.

17 5. Eligible community college employees shall be  
18 compulsory members of the Florida Retirement System until,  
19 pursuant to the procedures set forth in s. 240.3195, the first  
20 day of the next full calendar month following the filing of  
21 both a written election to withdraw and a completed  
22 application for an individual contract or certificate with the  
23 program administrator and receipt of such election by the  
24 division.

25 (d) The governing body of a charter school or a  
26 charter technical career center may elect to participate in  
27 the system upon proper application to the administrator and  
28 shall cover its units as approved by the Secretary of Health  
29 and Human Services and the administrator. Once this election  
30 is made and approved, it may not be revoked, and all present  
31 officers and employees selecting coverage under this chapter

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1 and all future officers and employees shall be compulsory  
2 members of the Florida Retirement System.

3 Section 4. Section 121.1122, Florida Statutes, is  
4 amended to read:

5 121.1122 Purchase of retirement credit for in-state  
6 public service and in-state service in accredited nonpublic,  
7 nonsectarian schools and colleges, including charter schools  
8 and charter technical career centers.--Effective January 1,  
9 1998, a member of the Florida Retirement System may purchase  
10 creditable service for periods of certain public or nonpublic,  
11 ~~nonsectarian~~ employment performed in this state, as provided  
12 in this section.

13 (1) PURCHASE OF RETIREMENT CREDIT AUTHORIZED.--Subject  
14 to the provisions of subsections (2) and (3), a member of the  
15 Florida Retirement System may purchase up to 5 years of  
16 retirement credit for:

17 (a) Periods of public employment in this state; or

18 (b) Periods of employment in charter schools or  
19 charter technical career centers or in any nonpublic,  
20 nonsectarian school or college in this state that is  
21 accredited by the Southern Association of Colleges and  
22 Schools.

23  
24 Credit for 1 year of such service may be purchased for each  
25 year of creditable service a member completes under the  
26 Florida Retirement System.

27 (2) LIMITATIONS AND CONDITIONS.--

28 (a) A member is not eligible to receive credit for  
29 in-state service under this section until he or she has  
30 completed 10 years of creditable service under the Florida  
31 Retirement System, excluding service purchased under this

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1 section and out-of-state service claimed and purchased under  
2 s. 121.1115.

3 (b) A member may not purchase and receive credit for  
4 more than 5 years of creditable service aggregated under the  
5 provisions of this section and s. 121.1115.

6 (c) Service credit claimed under this section shall be  
7 credited only as service in the Regular Class of membership  
8 and shall be subject to the provisions of s. 112.65.

9 (d) A member shall be eligible to receive service  
10 credit for in-state service performed after leaving the  
11 Florida Retirement System only upon returning to membership  
12 and completing at least 1 year of creditable service in the  
13 Florida Retirement System following the in-state service.

14 (e) The service claimed must have been service covered  
15 by a retirement or pension plan provided by the employer.

16 (3) COST.--The cost to purchase retirement credit  
17 under this section shall be calculated in the same manner as  
18 set forth in s. 121.1115(2) for purchase of credit for  
19 out-of-state service.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, lines 18 through 24, delete those lines

25  
26

and insert:

27 amending s. 121.021, F.S.; redefining the terms  
28 "covered group" and "employer" with respect to  
29 the Florida Retirement System to include  
30 charter technical career centers; amending s.  
31 121.051, F.S.; providing for optional

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1 participation in the Florida Retirement System  
2 by employees of charter technical career  
3 centers; amending s. 121.1122, F.S.; including  
4 charter technical career centers with a group  
5 for the purchase of certain retirement credit;  
6 amending s.  
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