

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Boyd offered the following:

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13 **Amendment (with title amendment)**

14 On page 19, line 23 through page 21, line 21
15 remove from the bill: all of said lines

16

17 and insert in lieu thereof:

18 Section 5. Subsection (1) and paragraphs (a) and (c)
19 of subsection (3) of section 121.055, Florida Statutes, are
20 amended to read:

21 121.055 Senior Management Service Class.--There is
22 hereby established a separate class of membership within the
23 Florida Retirement System to be known as the "Senior
24 Management Service Class," which shall become effective
25 February 1, 1987.

26 (1)(a) Participation in the Senior Management Service
27 Class shall be limited to and compulsory for any member of the
28 Florida Retirement System who holds a position in the Senior
29 Management Service of the State of Florida, established by
30 part III of chapter 110, unless such member elects, within the
31 time specified herein, to participate in the Senior Management

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1 Service Optional Annuity Program as established in subsection
2 (6).

3 (b)1. Except as provided in subparagraph 2., effective
4 January 1, 1990, participation in the Senior Management
5 Service Class shall be compulsory for the president of each
6 community college, the manager of each participating city or
7 county, and all appointed district school superintendents.
8 Effective January 1, 1994, additional positions may be
9 designated for inclusion in the Senior Management Service
10 Class of the Florida Retirement System, provided that:

11 a. Positions to be included in the class shall be
12 designated by the local agency employer. Notice of intent to
13 designate positions for inclusion in the class shall be
14 published once a week for 2 consecutive weeks in a newspaper
15 of general circulation published in the county or counties
16 affected, as provided in chapter 50.

17 b. One nonelective full-time position may be
18 designated for each local agency employer reporting to the
19 Division of Retirement; for local agencies with 100 ~~200~~ or
20 more regularly established positions, additional nonelective
21 full-time positions may be designated, not to exceed 1 ~~0.5~~
22 percent of the regularly established positions within the
23 agency.

24 c. Each position added to the class must be a
25 managerial or policymaking position filled by an employee who
26 is not subject to continuing contract and serves at the
27 pleasure of the local agency employer without civil service
28 protection, and who:

29 (I) Heads an organizational unit; or

30 (II) Has responsibility to effect or recommend

31 personnel, budget, expenditure, or policy decisions in his or

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1 her areas of responsibility.

2 2. In lieu of participation in the Senior Management
3 Service Class, members of the Senior Management Service Class
4 pursuant to the provisions of subparagraph 1. may withdraw
5 from the Florida Retirement System altogether and participate
6 in a lifetime monthly annuity program which may be provided by
7 the employing agency. The cost to the employer for such
8 annuity shall equal the normal cost portion of the
9 contributions required in the Senior Management Service Class.
10 The employer providing such annuity shall contribute an
11 additional amount to the Florida Retirement System Trust Fund
12 equal to the unfunded actuarial accrued liability portion of
13 the Senior Management Service Class contribution rate. The
14 decision to participate in such local government annuity shall
15 be irrevocable for as long as the employee holds a position
16 eligible for the annuity. Any service creditable under the
17 Senior Management Service Class shall be retained after the
18 member withdraws from the Florida Retirement System; however,
19 additional service credit in the Senior Management Service
20 Class shall not be earned after such withdrawal. Such members
21 shall not be eligible to participate in the Senior Management
22 Service Optional Annuity Program.

23 (c)1. Effective January 1, 1990, participation in the
24 Senior Management Service Class shall be compulsory for up to
25 75 nonelective positions at the level of committee staff
26 director or higher or equivalent managerial or policymaking
27 positions within the House of Representatives, as selected by
28 the Speaker of the House of Representatives, up to 50
29 nonelective positions at the level of committee staff director
30 or higher or equivalent managerial or policymaking positions
31 within the Senate, as selected by the President of the Senate,

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1 all staff directors of Joint Committees of the Legislature,
2 the Auditor General and up to 9 managerial or policymaking
3 positions within his or her office as selected by the Auditor
4 General, and the executive director of the Commission on
5 Ethics.

6 2. Participation in this class shall be compulsory,
7 except as provided in subparagraph 3., for any legislative
8 employee who holds a position designated for coverage in the
9 Senior Management Service Class, and such participation shall
10 continue until the employee terminates employment in a covered
11 position.

12 3. In lieu of participation in the Senior Management
13 Service Class, in the discretion of the Joint Legislative
14 Management Committee, such members may participate in the
15 Senior Management Service Optional Annuity Program as
16 established in subsection (6).

17 (d) Effective January 1, 1991, participation in the
18 Senior Management Service Class shall be compulsory for any
19 member of the Florida Retirement System in a position that has
20 been designated eligible for inclusion in the Executive
21 Service of the State University System or who holds a position
22 as president of a state university, unless such member elects,
23 pursuant to s. 121.35, to participate in the optional
24 retirement program.

25 (e) Effective January 1, 1991, participation in the
26 Senior Management Service Class shall be compulsory for the
27 number of senior managers who have policymaking authority with
28 the State Board of Administration, as determined by the
29 Governor, Treasurer, and Comptroller acting as the State Board
30 of Administration, unless such member elects to participate in
31 the Senior Management Service Optional Annuity Program as

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1 established in subsection (6) in lieu of participation in the
2 Senior Management Service Class. Such election shall be made
3 in writing and filed with the division and the personnel
4 officer of the State Board of Administration within 90 days
5 after becoming eligible for membership in the Senior
6 Management Service Class.

7 (f) Effective July 1, 1997:

8 1. Any elected state officer eligible for membership
9 in the Elected State and County Officers' Class under s.
10 121.052(2)(a), (b), or (c) who elects membership in the Senior
11 Management Service Class under s. 121.052(3)(c) may, within 6
12 months after assuming office or within 6 months after this act
13 becomes a law for serving elected state officers, elect to
14 participate in the Senior Management Service Optional Annuity
15 Program, as provided in subsection (6), in lieu of membership
16 in the Senior Management Service Class.

17 2. Any elected county officer eligible for membership
18 in the Elected State and County Officers' Class under s.
19 121.052(2)(d) who elects membership in the Senior Management
20 Service Class under s. 121.052(3)(c) may, within 6 months
21 after assuming office, or within 6 months after this act
22 becomes a law for serving elected county officers, elect to
23 participate in a lifetime monthly annuity program, as provided
24 in subparagraph (b)2., in lieu of membership in the Senior
25 Management Service Class.

26 (g) Effective July 1, 1996, participation in the
27 Senior Management Service Class shall be compulsory for any
28 member of the Florida Retirement System employed with the
29 Department of Military Affairs in the positions of the
30 Adjutant General, Assistant Adjutant General-Army, Assistant
31 Adjutant General-Air, State Quartermaster, Director of

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1 Military Personnel, Director of Administration, and additional
2 directors as designated by the agency head, not to exceed a
3 total of 10 positions. In lieu of participation in the Senior
4 Management Service Class, such members may participate in the
5 Senior Management Service Optional Annuity Program as
6 established in subsection (6).

7 (h)1. Except as provided in subparagraph 3., effective
8 January 1, 1994, participation in the Senior Management
9 Service Class shall be compulsory for the State Courts
10 Administrator and the Deputy State Courts Administrators, the
11 Clerk of the Supreme Court, the Marshal of the Supreme Court,
12 the Executive Director of the Justice Administrative
13 Commission, the Capital Collateral Representative, the clerks
14 of the district courts of appeals, the marshals of the
15 district courts of appeals, and the trial court administrator
16 in each judicial circuit. Effective January 1, 1994,
17 additional positions in the offices of the state attorney and
18 public defender in each judicial circuit may be designated for
19 inclusion in the Senior Management Service Class of the
20 Florida Retirement System, provided that:

21 a. Positions to be included in the class shall be
22 designated by the state attorney or public defender, as
23 appropriate. Notice of intent to designate positions for
24 inclusion in the class shall be published once a week for 2
25 consecutive weeks in a newspaper of general circulation
26 published in the county or counties affected, as provided in
27 chapter 50.

28 b. One nonelective full-time position may be
29 designated for each state attorney and public defender
30 reporting to the Division of Retirement; for agencies with 200
31 or more regularly established positions under the state

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1 attorney or public defender, additional nonelective full-time
2 positions may be designated, not to exceed 0.5 percent of the
3 regularly established positions within the agency.

4 c. Each position added to the class must be a
5 managerial or policymaking position filled by an employee who
6 serves at the pleasure of the state attorney or public
7 defender without civil service protection, and who:

8 (I) Heads an organizational unit; or

9 (II) Has responsibility to effect or recommend
10 personnel, budget, expenditure, or policy decisions in his or
11 her areas of responsibility.

12 2. Participation in this class shall be compulsory,
13 except as provided in subparagraph 3., for any judicial
14 employee who holds a position designated for coverage in the
15 Senior Management Service Class and such participation shall
16 continue until the employee terminates employment in a covered
17 position.

18 3. In lieu of participation in the Senior Management
19 Service Class, such members may participate in the Senior
20 Management Service Optional Annuity Program as established in
21 subsection (6).

22 (i) Effective July 1, 1998, participation in the
23 Senior Management Service Class shall be compulsory for any
24 member of the Florida Retirement System employed as a judge of
25 compensation claims with the Office of the Judges of
26 Compensation Claims within the Department of Labor and
27 Employment Security. In lieu of participation in the Senior
28 Management Service Class, such members may participate in the
29 Senior Management Service Optional Annuity Program as
30 established in subsection (6).

31 (j)~~(i)~~ Employment Except as may otherwise be provided,

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1 any member of the Senior Management Service Class may purchase
 2 additional retirement credit in such class for creditable
 3 service within the purview of the Senior Management Service
 4 Class retroactive to February 1, 1987, and may upgrade
 5 retirement credit for such service, to the extent of 2 percent
 6 of the member's average monthly compensation as specified in
 7 paragraph (4)(d) for such service. Contributions for upgrading
 8 the additional Senior Management Service credit pursuant to
 9 this paragraph shall be equal to the difference in the
 10 contributions paid and the Senior Management Service Class
 11 contribution rate as a percentage of gross salary in effect
 12 for the period being claimed, plus interest thereon at the
 13 rate of 6.5 percent a year, compounded annually until the date
 14 of payment. This service credit may be purchased by the
 15 employer on behalf of the member.

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17 and insert in lieu thereof:

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

21 And the title is amended as follows:

22

On page 1, line 15

23

24 after the semicolon, insert:

25

providing that judges of compensation claims
 under the Worker's Compensation Law shall be
 compulsory members of the Senior Management
 Service Class and may elect to participate in
 the Senior Management Service Optional Annuity
 Program in lieu thereof;

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