

By Senator Silver

38-871-99

1 A bill to be entitled
2 An act relating to judicial employees; amending
3 s. 121.055, F.S.; adding assistant state
4 attorneys, assistant statewide prosecutors, and
5 assistant public defenders to the Senior
6 Management Service Class of the Florida
7 Retirement System; authorizing the state courts
8 to pay Selected Exempt Service benefits to
9 judicial assistants; providing an effective
10 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 (h) of subsection (1) of section
15 121.055, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 121.055 Senior Management Service Class.--There is
18 hereby established a separate class of membership within the
19 Florida Retirement System to be known as the "Senior
20 Management Service Class," which shall become effective
21 February 1, 1987.

22 (h)1. Except as provided in subparagraph 3., effective
23 January 1, 1994, participation in the Senior Management
24 Service Class shall be compulsory for the State Courts
25 Administrator and the Deputy State Courts Administrators, the
26 Clerk of the Supreme Court, the Marshal of the Supreme Court,
27 the Executive Director of the Justice Administrative
28 Commission, the Capital Collateral Representative, the clerks
29 of the district courts of appeals, the marshals of the
30 district courts of appeals, and the trial court administrator
31 in each judicial circuit. Effective January 1, 1994,

1 additional positions in the offices of the state attorney and
2 public defender in each judicial circuit may be designated for
3 inclusion in the Senior Management Service Class of the
4 Florida Retirement System, provided that:

5 a. Positions to be included in the class shall be
6 designated by the state attorney or public defender, as
7 appropriate. Notice of intent to designate positions for
8 inclusion in the class shall be published once a week for 2
9 consecutive weeks in a newspaper of general circulation
10 published in the county or counties affected, as provided in
11 chapter 50.

12 b. One nonelective full-time position may be
13 designated for each state attorney and public defender
14 reporting to the Division of Retirement; for agencies with 200
15 or more regularly established positions under the state
16 attorney or public defender, additional nonelective full-time
17 positions may be designated, not to exceed 0.5 percent of the
18 regularly established positions within the agency.

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

23 (I) Heads an organizational unit; or

24 (II) Has responsibility to effect or recommend
25 personnel, budget, expenditure, or policy decisions in his or
26 her areas of responsibility.

27 2. Participation in this class shall be compulsory,
28 except as provided in subparagraph 3., for any judicial
29 employee who holds a position designated for coverage in the
30 Senior Management Service Class and such participation shall
31 continue until the employee terminates employment in a covered

1 position. Effective January 1, 2000, participation in this
2 class shall be compulsory for assistant state attorneys,
3 assistant statewide prosecutors, and assistant public
4 defenders.

5 3. In lieu of participation in the Senior Management
6 Service Class, such members may participate in the Senior
7 Management Service Optional Annuity Program as established in
8 subsection (6).

9 Section 2. The state courts are authorized to pay
10 Selected Exempt Service benefits to all judicial assistants
11 within the state courts system.

12 Section 3. This act shall take effect October 1, 1999.

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15 SENATE SUMMARY

16 Includes assistant state attorneys, assistant statewide
17 prosecutors, and assistant public defenders in the Senior
18 Management Service Class of the Florida Retirement
19 System. Authorizes the state courts to pay Selected
20 Exempt Service benefits to judicial assistants.
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