

By Senator Scott

31-1348A-00

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 112.362, F.S., relating
4 to the minimum benefit adjustment; providing
5 for a person to refuse the minimum benefit
6 adjustment; amending s. 121.021, F.S.; revising
7 and adding definitions; amending s. 121.051,
8 F.S.; providing for rules relating to the
9 submission of documents required for proper
10 application by cities and special districts for
11 Florida Retirement System participation;
12 clarifying retention of Florida Retirement
13 System membership for certain members;
14 providing for furnishing of employee
15 information upon enrollment in the Florida
16 Retirement System; amending s. 121.0515, F.S.,
17 relating to Special Risk Class membership;
18 providing for definitions; clarifying
19 provisions relating to upgrading of past
20 service to creditable service under the Special
21 Risk Class; clarifying circumstances for
22 retroactive coverage for Special Risk
23 Administrative Support Class members; amending
24 s. 121.081, F.S., relating to past service and
25 prior service; providing guidelines when less
26 than all prior service is claimed; clarifying
27 matters related to past service credit and
28 prior service credit; creating s. 121.085,
29 F.S.; relating to claiming of creditable
30 service; providing for submission of required
31 information or evidence to establish a claim;

1 providing a restriction with respect to
2 unclaimed service; amending s. 121.091, F.S.,
3 relating to retirement benefits payable under
4 the system; providing for retention of service
5 credit upon termination; restricting payment of
6 retirement benefits potentially subject to
7 forfeiture; providing for payment of retirement
8 benefits directly to a beneficiary, rather than
9 a trust, in certain cases; providing
10 requirements relative to payment of retirement
11 benefits; amending s. 121.121, F.S., relating
12 to authorized leaves of absence; providing that
13 leaves under the Family Medical Leave Act are
14 included in this provision; amending s. 287.16,
15 F.S.; revising duties relating to the
16 acquisition, operation, and disposal of
17 watercraft; providing legislative intent;
18 providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (7) is added to section 112.362,
23 Florida Statutes, to read:

24 112.362 Recomputation of retirement benefits.--

25 (7) A member, or a joint annuitant or other
26 beneficiary, who is receiving a monthly benefit may refuse the
27 application of the minimum benefit adjustment to such benefit.

28 Section 2. Subsection (54) of section 121.021, Florida
29 Statutes, is amended, and subsections (55) through (61) are
30 added to that section, to read:

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1 121.021 Definitions.--The following words and phrases
2 as used in this chapter have the respective meanings set forth
3 unless a different meaning is plainly required by the context:

4 (54) "Work year" means the period of time an employee
5 is required to work during the plan year to receive a full
6 year of retirement credit, as provided by rule.

7 (55) "Benefit" means any payment, lump sum or
8 periodic, to a member, retiree, or beneficiary, based
9 partially or entirely on employer contributions.

10 (56) "Calendar month" means one of the 12 divisions of
11 a year as determined by the Gregorian calendar.

12 (57) "Calendar year" means a period of time beginning
13 January 1 and ending on the following December 31.

14 (58) "Leave of absence" means a leave of absence from
15 employment under the Florida Retirement System, subsequent to
16 November 30, 1970, for which retirement credit may be received
17 in accordance with s. 121.121.

18 (59) "Payee" means a retiree or beneficiary of a
19 retiree who is receiving a retirement benefit payment.

20 (60) "Retiree" means a former member of the Florida
21 Retirement System or an existing system who has terminated
22 employment and is receiving benefits from the system in which
23 he was a member. The term also includes a person who retired
24 and is receiving benefits under s. 112.05.

25 (61) "Signature" means the name or mark of a person as
26 written by that person. When an "X" is used as a signature on
27 a document, the document must include the printed names and
28 addresses of two persons who witnessed the signing, or the
29 document must be notarized.

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1 Section 3. Paragraphs (b) and (f) of subsection (2)
2 and subsection (4) of section 121.051, Florida Statutes, are
3 amended to read:

4 121.051 Participation in the system.--

5 (2) OPTIONAL PARTICIPATION.--

6 (b)1. The governing body of any municipality or
7 special district in the state may elect to participate in the
8 system upon proper application to the administrator and may
9 cover all or any of its units as approved by the Secretary of
10 Health and Human Services and the administrator. The
11 department shall adopt rules establishing provisions for the
12 submission of documents necessary for such application. Prior
13 to being approved for participation in the Florida Retirement
14 System, the governing body of any such municipality or special
15 district that has a local retirement system shall submit to
16 the administrator a certified financial statement showing the
17 condition of the local retirement system as of a date within 3
18 months prior to the proposed effective date of membership in
19 the Florida Retirement System. The statement must be certified
20 by a recognized accounting firm that is independent of the
21 local retirement system. All required documents necessary for
22 extending Florida Retirement System coverage must be received
23 by the department for consideration at least 15 days prior to
24 the proposed effective date of coverage. If the municipality
25 or special district does not comply with this requirement, the
26 department may require that the effective date of coverage be
27 changed.

28 2. Any city or special district that has an existing
29 retirement system covering the employees in the units that are
30 to be brought under the Florida Retirement System may
31 participate only after holding a referendum in which all

1 employees in the affected units have the right to participate.
2 Only those employees electing coverage under the Florida
3 Retirement System by affirmative vote in said referendum shall
4 be eligible for coverage under this chapter, and those not
5 participating or electing not to be covered by the Florida
6 Retirement System shall remain in their present systems and
7 shall not be eligible for coverage under this chapter. After
8 the referendum is held, all future employees shall be
9 compulsory members of the Florida Retirement System.

10 3. The governing body of any city or special district
11 complying with subparagraph 1. may elect to provide, or not
12 provide, benefits based on past service of officers and
13 employees as described in s. 121.081(1). However, if such
14 employer elects to provide past service benefits, such
15 benefits must be provided for all officers and employees of
16 its covered group.

17 4. Once this election is made and approved it may not
18 be revoked, except pursuant to subparagraphs 5. and 6., and
19 all present officers and employees electing coverage under
20 this chapter and all future officers and employees shall be
21 compulsory members of the Florida Retirement System.

22 5. Subject to the conditions set forth in subparagraph
23 6., the governing body of any hospital licensed under chapter
24 395 which is governed by the board of a special district as
25 defined in s. 189.403(1) or by the board of trustees of a
26 public health trust created under s. 154.07, hereinafter
27 referred to as "hospital district," and which participates in
28 the system, may elect to cease participation in the system
29 with regard to future employees in accordance with the
30 following procedure:

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1 a. No more than 30 days and at least 7 days before
2 adopting a resolution to partially withdraw from the Florida
3 Retirement System and establish an alternative retirement plan
4 for future employees, a public hearing must be held on the
5 proposed withdrawal and proposed alternative plan.

6 b. From 7 to 15 days before such hearing, notice of
7 intent to withdraw, specifying the time and place of the
8 hearing, must be provided in writing to employees of the
9 hospital district proposing partial withdrawal and must be
10 published in a newspaper of general circulation in the area
11 affected, as provided by ss. 50.011-50.031. Proof of
12 publication of such notice shall be submitted to the
13 Department of Management Services.

14 c. The governing body of any hospital district seeking
15 to partially withdraw from the system must, before such
16 hearing, have an actuarial report prepared and certified by an
17 enrolled actuary, as defined in s. 112.625(3), illustrating
18 the cost to the hospital district of providing, through the
19 retirement plan that the hospital district is to adopt,
20 benefits for new employees comparable to those provided under
21 the Florida Retirement System.

22 d. Upon meeting all applicable requirements of this
23 subparagraph, and subject to the conditions set forth in
24 subparagraph 6., partial withdrawal from the system and
25 adoption of the alternative retirement plan may be
26 accomplished by resolution duly adopted by the hospital
27 district board. The hospital district board must provide
28 written notice of such withdrawal to the division by mailing a
29 copy of the resolution to the division, postmarked no later
30 than December 15, 1995. The withdrawal shall take effect
31 January 1, 1996.

1 6. Following the adoption of a resolution under
2 sub-subparagraph 5.d., all employees of the withdrawing
3 hospital district who were participants in the Florida
4 Retirement System prior to January 1, 1996, shall remain as
5 participants in the system for as long as they are employees
6 of the hospital district, and all rights, duties, and
7 obligations between the hospital district, the system, and the
8 employees shall remain in full force and effect. Any employee
9 who is hired or appointed on or after January 1, 1996, may not
10 participate in the Florida Retirement System, and the
11 withdrawing hospital district shall have no obligation to the
12 system with respect to such employees.

13 (f) 1. Whenever an employer that participates in the
14 Florida Retirement System undertakes the transfer, merger, or
15 consolidation of governmental services or functions, the
16 employer must notify the department at least 60 days prior to
17 such action and shall provide documentation as required by the
18 department.

19 2. When the agency to which a member's employing unit
20 is transferred or with which it is merged or consolidated does
21 not participate in the Florida Retirement System, the member
22 must elect in writing to remain in the Florida Retirement
23 System or to transfer to the local retirement system operated
24 by such agency. If such agency does not participate in a local
25 retirement system, the member shall continue membership in the
26 Florida Retirement System. In either case, the membership
27 shall continue for as long as the member is employed by the
28 agency to which his unit was transferred or with which it was
29 merged or consolidated.

30 (4) INFORMATION REQUIRED.--The employer and employee
31 shall furnish the administrator with such information as he or

1 she may request for the proper enrollment of officers and
2 employees in the system.

3 Section 4. Subsection (2), paragraph (a) of subsection
4 (5), and paragraph (b) of subsection (7) of section 121.0515,
5 Florida Statutes, are amended to read:

6 121.0515 Special risk membership; criteria;
7 designation and removal of classification; credits for past
8 service and prior service; retention of special risk normal
9 retirement date.--

10 (2) CRITERIA.--A member, to be designated as a special
11 risk member, must meet the following criteria:

12 (a) The member must be employed as a law enforcement
13 officer and be certified, or required to be certified, in
14 compliance with s. 943.1395; however, sheriffs and elected
15 police chiefs shall be excluded from meeting the certification
16 requirements of this paragraph. In addition, the member's
17 duties and responsibilities must include the pursuit,
18 apprehension, and arrest of law violators or suspected law
19 violators; or the member must be an active member of a bomb
20 disposal unit whose primary responsibility is the location,
21 handling, and disposal of explosive devices; or the member
22 must be the supervisor or command officer of a member or
23 members who have such responsibilities; provided, however,
24 administrative support personnel, including, but not limited
25 to, those whose primary duties and responsibilities are in
26 accounting, purchasing, legal, and personnel, shall not be
27 included;

28 (b) The member must be employed as a firefighter and
29 be certified, or required to be certified, in compliance with
30 s. 633.35 and be employed solely within the fire department of
31 the employer or agency of state government. In addition, the

1 member's duties and responsibilities must include on-the-scene
2 fighting of fires or direct supervision of firefighting units,
3 or the member must be the supervisor or command officer of a
4 member or members who have such responsibilities; provided,
5 however, administrative support personnel, including, but not
6 limited to, those whose primary duties and responsibilities
7 are in accounting, purchasing, legal, and personnel, shall not
8 be included;

9 (c) The member must be employed as a correctional
10 officer and be certified, or required to be certified, in
11 compliance with s. 943.1395. In addition, the member's
12 primary duties and responsibilities must be the custody, and
13 physical restraint when necessary, of prisoners or inmates
14 within a prison, jail, or other criminal detention facility,
15 or while on work detail outside the facility, or while being
16 transported; or the member must be the supervisor or command
17 officer of a member or members who have such responsibilities;
18 provided, however, administrative support personnel,
19 including, but not limited to, those whose primary duties and
20 responsibilities are in accounting, purchasing, legal, and
21 personnel, shall not be included; however, correctional
22 superintendents and assistant superintendents, as defined by
23 rule, shall participate in the Special Risk Class; or

24 (d) The member must be employed by a licensed Advance
25 Life Support (ALS) or Basic Life Support (BLS) employer as an
26 emergency medical technician or a paramedic and be certified
27 in compliance with s. 401.27. In addition, the member's
28 primary duties and responsibilities must include on-the-scene
29 emergency medical care. However, administrative support
30 personnel, including, but not limited to, those whose primary
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1 responsibilities are in accounting, purchasing, legal, and
2 personnel, shall not be included.

3 (5) CREDIT FOR PAST SERVICE.--A special risk member
4 may purchase retirement credit in the Special Risk Class based
5 upon past service, and may upgrade retirement credit for such
6 past service, to the extent of 2 percent of the member's
7 average monthly compensation as specified in s. 121.091(1)(a)
8 for such service as follows:

9 (a) The member may purchase special risk credit for
10 past service with a city or special district ~~that~~ which has
11 elected to join the Florida Retirement System, or with a
12 participating agency to which a member's governmental unit was
13 transferred or with which it was merged or consolidated as
14 provided in s. 121.081(1)(f), if the member was employed with
15 the city or special district at the time it commenced
16 participating in the Florida Retirement System or with the
17 governmental unit at the time of its transfer to or merger or
18 consolidation with the participating agency. The service must
19 satisfy the criteria set forth in subsection (2) for special
20 risk membership as a law enforcement officer, firefighter, or
21 correctional officer; however, no certificate or waiver of
22 certificate of compliance with s. 943.1395 or s. 633.35 shall
23 be required for such service.

24 (7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT
25 DATE.--

26 (b) Upon application by a member, the provisions of
27 this subsection shall apply, with respect to such member,
28 retroactively to October 1, 1978, provided that the member was
29 removed from the Special Risk Class effective October 1, 1978,
30 due to a change in special risk criteria as a result of the
31 enactment of chapter 78-308, Laws of Florida, or was

1 reassigned or employed for training or career development or
2 to fill a critical agency need.

3 Section 5. Subsection (2) of section 121.081, Florida
4 Statutes, is amended to read:

5 121.081 Past service; prior service;
6 contributions.--Conditions under which past service or prior
7 service may be claimed and credited are:

8 (2) Prior service, as defined in s. 121.021(19), may
9 be claimed as creditable service under the Florida Retirement
10 System after a member has been reemployed for 1 complete year
11 of creditable service within a period of 12 consecutive
12 months, except as provided in paragraph (c). Service performed
13 as a participant of the optional retirement program for the
14 State University System under s. 121.35 or the Senior
15 Management Service Optional Annuity Program under s. 121.055
16 may be used to satisfy the reemployment requirement of 1
17 complete year of creditable service. The member shall not be
18 permitted to make any contributions for prior service until
19 after completion of the 1 year of creditable service. If a
20 member does not wish to claim credit for all of his or her
21 prior service, the service the member claims must be the most
22 recent period of service.The required contributions for
23 claiming the various types of prior service are:

24 (a) For prior service performed prior to the date the
25 system becomes noncontributory for the member and for which
26 the member had credit under one of the existing retirement
27 systems and received a refund of contributions upon
28 termination of employment, the member shall contribute 4
29 percent of all salary received during the period being
30 claimed, plus 4 percent interest compounded annually from date
31 of refund until July 1, 1975, and 6.5 percent interest

1 compounded annually thereafter, until full payment is made to
2 the Retirement Trust Fund, and shall receive credit in the
3 Regular Class. A member who elected to transfer to the Florida
4 Retirement System from an existing system may receive credit
5 for prior service under the existing system if he or she was
6 eligible under the existing system to claim the prior service
7 at the time of the transfer. Contributions for such prior
8 service shall be determined by the applicable provisions of
9 the system under which the prior service is claimed and shall
10 be paid by the member, with matching contributions paid by the
11 employer at the time the service was performed. Effective July
12 1, 1978, the account of a person who terminated under s.
13 238.05(3) may not be charged interest for contributions that
14 remained on deposit in the Annuity Savings Trust Fund
15 established under chapter 238, upon retirement under this
16 chapter or chapter 238.

17 (b) For prior service performed prior to the date the
18 system becomes noncontributory for the member and for which
19 the member had credit under the Florida Retirement System and
20 received a refund of contributions upon termination of
21 employment, the member shall contribute at the rate that was
22 required of him or her during the period of service being
23 claimed, on all salary received during such period, plus 4
24 percent interest compounded annually from date of refund until
25 July 1, 1975, and 6.5 percent interest compounded annually
26 thereafter, until the full payment is made to the Retirement
27 Trust Fund, and shall receive credit in the membership class
28 in which the member participated during the period claimed.

29 (c) For prior service as defined in s. 121.021(19)(b)
30 and (c) during which no contributions were made because the
31 member did not participate in a retirement system, the member

1 shall contribute 14.38 percent of all salary received during
2 such period or 14.38 percent of \$100 per month during such
3 period, whichever is greater, plus 4 percent interest
4 compounded annually from the first year of service claimed
5 until July 1, 1975, and 6.5 percent interest compounded
6 annually thereafter, until full payment is made to the
7 Retirement Trust Fund, and shall receive credit in the Regular
8 Class.

9 (d) In order to claim credit for prior service as
10 defined in s. 121.021(19)(d) for which no retirement
11 contributions were paid during the period of such service, the
12 member shall contribute the total employee and employer
13 contributions which were required to be made to the Highway
14 Patrol Pension Trust Fund, as provided in chapter 321, during
15 the period claimed, plus 4 percent interest compounded
16 annually from the first year of service until July 1, 1975,
17 and 6.5 percent interest compounded annually thereafter, until
18 full payment is made to the Retirement Trust Fund. However,
19 any governmental entity that ~~which~~ employed such member may
20 elect to pay up to 50 percent of the contributions and
21 interest required to purchase this prior service credit. The
22 service shall be credited in accordance with the provisions of
23 the Highway Patrol Pension Plan in effect during the period
24 claimed unless the member terminated and withdrew his or her
25 retirement contributions and was thereafter enrolled in the
26 State and County Officers and Employees' Retirement System or
27 the Florida Retirement System, in which case the service shall
28 be credited as Regular Class service.

29 (e) For service performed under the Florida Retirement
30 System after December 1, 1970, that was never reported to the
31 division or the department due to error, retirement credit may

1 be claimed by a member of the Florida Retirement System. The
2 department shall adopt rules establishing criteria for
3 claiming such credit and detailing the documentation required
4 to substantiate the error.

5 (f) The employer may not be required to make
6 contributions for prior service credit for any member, except
7 that the employer shall pay the employer portion of
8 contributions for any legislator who elects to withdraw from
9 the Florida Retirement System and later rejoins the system and
10 pays any employee contributions required in accordance with s.
11 121.052(3)(d).

12 Section 6. Section 121.085, Florida Statutes, is
13 created to read:

14 121.085 Creditable service.--The following provisions
15 apply to creditable service as defined in s. 121.021(17):

16 (1) The department shall adopt rules establishing
17 procedures for the submission of evidence or information
18 necessary to establish a member's claim of creditable service.

19 (2) No creditable service that remained unclaimed at
20 retirement may be claimed or purchased after a retirement
21 benefit payment has been cashed or deposited.

22 Section 7. Subsection (5) of section 121.091, Florida
23 Statutes, is amended, paragraph (c) is added to subsection
24 (8), and paragraphs (e) and (f) are added to subsection (14)
25 of that section, to read:

26 121.091 Benefits payable under the system.--Benefits
27 may not be paid under this section unless the member has
28 terminated employment as provided in s. 121.021(39)(a) or
29 begun participation in the Deferred Retirement Option Program
30 as provided in subsection (13), and a proper application has
31 been filed in the manner prescribed by the department. The

1 department may cancel an application for retirement benefits
2 when the member or beneficiary fails to timely provide the
3 information and documents required by this chapter and the
4 department's rules. The department shall adopt rules
5 establishing procedures for application for retirement
6 benefits and for the cancellation of such application when the
7 required information or documents are not received.

8 (5) TERMINATION BENEFITS.--A member whose employment
9 is terminated before retirement retains membership rights to
10 previously earned member-noncontributory service credit, and
11 to member-contributory service credit if the member leaves the
12 member contributions on deposit in his or her retirement
13 account. If a terminated member receives a refund of member
14 contributions, such member may reinstate membership rights to
15 the previously earned service credit represented by the refund
16 by completing 1 year of creditable service and repaying the
17 refunded member contributions, plus interest.

18 (a) A member whose employment is terminated for any
19 reason other than death or retirement prior to becoming vested
20 is entitled to the return of his or her accumulated
21 contributions as of the date of termination.

22 (b) A member whose employment is terminated for any
23 reason other than death or retirement after becoming vested
24 may elect to receive a deferred monthly benefit which shall
25 begin to accrue on the first day of the month of normal or
26 early retirement and shall be payable on the last day of that
27 month and each month thereafter during his or her lifetime.
28 The amount of monthly benefit shall be computed in the same
29 manner as for a normal retirement benefit in accordance with
30 subsection (1) or early retirement benefit in accordance with
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1 s. 121.021(30), but based on average monthly compensation and
2 creditable service as of the date of termination.

3 (c) In lieu of the deferred monthly benefit provided
4 in paragraph (b), the terminated member may elect to receive a
5 lump-sum amount equal to his or her accumulated contributions
6 as of the date of termination.

7 (d) If any retired member dies without having received
8 in benefit payments an amount equal to his or her accumulated
9 contributions, there shall be payable to his or her designated
10 beneficiary an amount equal to the excess, if any, of the
11 member's accumulated contributions over the total monthly
12 payments made to the member prior to the date of death.

13 (e) A member shall be deemed a terminated member when
14 termination of employment has occurred as provided in s.
15 121.021(39).

16 (f) Any member who has been found guilty by a verdict
17 of a jury, or by the court trying the case without a jury, of
18 committing, aiding, or abetting any embezzlement or theft from
19 his or her employer, bribery in connection with the
20 employment, or other felony specified in chapter 838, except
21 ss. 838.15 and 838.16, committed prior to retirement, or who
22 has entered a plea of guilty or of nolo contendere to such
23 crime, or any member whose employment is terminated by reason
24 of the member's admitted commitment, aiding, or abetting of an
25 embezzlement or theft from his or her employer, bribery, or
26 other felony specified in chapter 838, except ss. 838.15 and
27 838.16, shall forfeit all rights and benefits under this
28 chapter, except the return of his or her accumulated
29 contributions as of the date of termination.

30 (g) Any elected official who is convicted by the
31 Senate of an impeachable offense shall forfeit all rights and

1 benefits under this chapter, except the return of his or her
2 accumulated contributions as of the date of the conviction.

3 (h) Any member who, prior to retirement, is adjudged
4 by a court of competent jurisdiction to have violated any
5 state law against strikes by public employees, or who has been
6 found guilty by such court of violating any state law
7 prohibiting strikes by public employees, shall forfeit all
8 rights and benefits under this chapter, except the return of
9 his or her accumulated contributions as of the date of the
10 conviction.

11 (i) Any beneficiary who by a verdict of a jury or by
12 the court trying the case without a jury is found guilty, or
13 who has entered a plea of guilty or nolo contendere, of
14 unlawfully and intentionally killing or procuring the death of
15 the member forfeits all rights to the deceased member's
16 benefits under this chapter, and the benefits will be paid as
17 if such beneficiary had predeceased the decedent.

18 (j) Benefits may not be paid by the division pending
19 final resolution of ~~such~~ charges against a member or the
20 beneficiary if the resolution of such charges could require
21 the forfeiture of benefits as provided in paragraph (f),
22 paragraph (g), paragraph (h), or paragraph (i).

23 (8) DESIGNATION OF BENEFICIARIES.--

24 (c) Notwithstanding the member's designation of
25 benefits to be paid through a trust to a beneficiary that is a
26 natural person as provided in s. 121.021(46), and
27 notwithstanding the provisions of the trust, benefits shall be
28 paid directly to the beneficiary if such person in no longer a
29 minor or incapacitated as defined in s. 744.102(10) and (11).

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1 (14) PAYMENT OF BENEFITS.--This subsection applies to
2 the payment of benefits to a payee (retiree or beneficiary)
3 under the Florida Retirement System:

4 (e) A benefit may not be reduced for the purpose of
5 preserving a member's eligibility for a federal program.

6 (f) The division shall adopt rules establishing
7 procedures for determining that the persons to whom benefits
8 are being paid are still living. The division shall suspend
9 the benefits being paid to any payee when it is unable to
10 contact such payee and to confirm that he or she is still
11 living.

12 Section 8. Subsection (1) of section 121.121, Florida
13 Statutes, is amended to read:

14 121.121 Authorized leaves of absence.--

15 (1) A member may purchase creditable service for up to
16 2 work years of authorized leaves of absence, including any
17 leaves of absence under the Family Medical Leave Act, if:

18 (a) The member has completed a minimum of 10 years of
19 creditable service, excluding periods for which a leave of
20 absence was authorized;

21 (b) The leave of absence is authorized in writing by
22 the employer of the member and approved by the administrator;

23 (c) The member returns to active employment performing
24 service with a Florida Retirement System employer in a
25 regularly established position immediately upon termination of
26 the leave of absence and remains on the employer's payroll for
27 1 calendar month, except that a member who retires on
28 disability while on a medical leave of absence shall not be
29 required to return to employment. A member whose work year is
30 less than 12 months and whose leave of absence terminates
31 between school years is eligible to receive credit for the

1 leave of absence as long as he or she returns to the
2 employment of his or her employer at the beginning of the next
3 school year and remains on the employer's payroll for 1
4 calendar month; and

5 (d) The member makes the required contributions for
6 service credit during the leave of absence, which shall be 8
7 percent until January 1, 1975, and 9 percent thereafter of his
8 or her rate of monthly compensation in effect immediately
9 prior to the commencement of such leave for each month of such
10 period, plus 4 percent interest until July 1, 1975, and 6.5
11 percent interest thereafter on such contributions, compounded
12 annually each June 30 from the due date of the contribution to
13 date of payment. Effective July 1, 1980, any leave of absence
14 purchased pursuant to this section shall be at the
15 contribution rates specified in s. 121.071 in effect at the
16 time the leave is granted for the class of membership from
17 which the leave of absence was granted; however, any member
18 who purchased leave-of-absence credit prior to July 1, 1980,
19 for a leave of absence from a position in a class other than
20 the regular membership class, may pay the appropriate
21 additional contributions plus compound interest thereon and
22 receive creditable service for such leave of absence in the
23 membership class from which the member was granted the leave
24 of absence.

25 Section 9. Subsections (2) and (6) of section 287.16,
26 Florida Statutes, are amended to read:

27 287.16 Powers and duties of department.--The
28 Department of Management Services shall have the following
29 powers, duties, and responsibilities:

30 (2) To establish and operate central facilities for
31 the acquisition, disposal, operation, maintenance, repair,

1 storage, supervision, control, and regulation of all
2 state-owned or state-leased aircraft, watercraft, and motor
3 vehicles and to operate any state facilities for those
4 purposes. Acquisition may be by purchase, lease, loan, or in
5 any other legal manner.

6 (6) To adopt and enforce rules and regulations for the
7 efficient and safe use, operation, maintenance, repair,
8 disposal, and replacement of all state-owned or state-leased
9 aircraft, watercraft, and motor vehicles and to require the
10 placement of appropriate stickers, decals, or other markings
11 upon them ~~the aircraft and motor vehicles of the state~~. The
12 department may delegate to the respective heads of the
13 agencies to which aircraft, watercraft, and motor vehicles are
14 assigned the duty of enforcing the rules and regulations
15 adopted by the department.

16 Section 10. It is the intent of the Legislature that
17 the amendments of sections 112.362, 121.021, 121.051,
18 121.0515, 121.081, 121.091, 121.121, and 287.16, Florida
19 Statutes, made by this act are supplemental to other
20 amendments to those sections which may be enacted at the 2000
21 Regular Session of the Legislature, unless a contrary intent
22 is specifically indicated in this act or in such other
23 amendments.

24 Section 11. This act shall take effect July 1, 2000.
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SENATE SUMMARY

Revises varied provisions of law relating to duties and functions of the Department of Management services. Provides powers and rights of members of the Florida Retirement System and persons whose employer disassociates from that system. Provides for continuation of membership and for credit for past service. Defines terms for purposes of the system. Revises duties of the department with respect to state aircraft, watercraft, and motor vehicles. (See bill for details.)