

By the Fiscal Responsibility Council and Committee on
State Administration and Representative Fasano

1 A bill to be entitled
2 An act relating to trust funds; creating s.
3 121.4502, F.S.; creating the Public Employee
4 Optional Retirement Program Trust Fund, to be
5 administered by the State Board of
6 Administration as a retirement trust fund not
7 subject to termination pursuant to s. 19(f),
8 Art. III of the State Constitution; providing
9 for sources of moneys and purposes; providing
10 for exemption from the general revenue service
11 charges; amending s. 121.4501, F.S.;
12 authorizing the board to adopt rules to
13 maintain the qualified status of the Optional
14 Retirement Program in compliance with the
15 Internal Revenue Code; providing a contingent
16 effective date.

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

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20 Section 1. Section 121.4502, Florida Statutes, is
21 created to read:

22 121.4502 Public Employee Optional Retirement Program
23 Trust Fund.--

24 (1) The Public Employee Optional Retirement Program
25 Trust Fund is created to hold the assets of the Public
26 Employee Optional Retirement Program in trust for the
27 exclusive benefit of such program's participants and
28 beneficiaries, and for the payment of reasonable
29 administrative expenses of the program, in accordance with s.
30 401 of the Internal Revenue Code, and shall be administered by
31 the State Board of Administration as trustee. Funds shall be

1 credited to the trust fund as provided in this part, to be
2 used for the purposes of this part. The trust fund is exempt
3 from the service charges imposed by s. 215.20.

4 (2) The Public Employee Optional Retirement Program
5 Trust Fund is a retirement trust fund of the Florida
6 Retirement System that accounts for retirement plan assets
7 held by the state in a trustee capacity as a fiduciary for
8 individual participants in the Public Employee Optional
9 Retirement Program and, pursuant to s. 19(f), Art. III of the
10 State Constitution, is not subject to termination.

11 Section 2. Paragraph (a) of subsection (13) of section
12 121.4501, Florida Statutes, is amended to read:

13 121.4501 Public Employee Optional Retirement
14 Program.--

15 (13) FEDERAL REQUIREMENTS.--

16 (a) Provisions of this section shall be construed, and
17 the Public Employee Optional Retirement Program shall be
18 administered, so as to comply with the Internal Revenue Code,
19 26 U.S.C., and specifically with plan qualification
20 requirements imposed on governmental plans under s. 401(a) of
21 the Internal Revenue Code. The board shall have the power and
22 authority to adopt rules reasonably necessary to establish or
23 maintain the qualified status of the Optional Retirement
24 Program under the Internal Revenue Code and to implement and
25 administer the Optional Retirement Program in compliance with
26 the Internal Revenue Code and this part, provided however,
27 that the board shall not have the authority to adopt any rule
28 which makes a substantive change to the Optional Retirement
29 Program as designed by this part.

30 Section 3. This act shall take effect July 1, 2001, if
31 passed by a three-fifths vote of the membership of each house,

1 and if HB 347 or similar legislation is adopted in the same
2 legislative session or an extension thereof.
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