

Bill No. HB 1973, 1st Eng.

Amendment No. Barcode 093494

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Garcia moved the following **amendment to amendment**
(923882):

Senate Amendment (with title amendment)

On page 26, between lines 8 and 9,

insert:

Section 12. Paragraph (h) of subsection (1),
subsection (3), and paragraph (c) of subsection (6) of section
121.055, Florida Statutes, as amended by chapter 2001-262,
Laws of Florida, are amended to read:

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

(1)

(h)1. Except as provided in subparagraph 3., effective
January 1, 1994, participation in the Senior Management
Service Class shall be compulsory for the State Courts
Administrator and the Deputy State Courts Administrators, the

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1 Clerk of the Supreme Court, the Marshal of the Supreme Court,
2 the Executive Director of the Justice Administrative
3 Commission, the Capital Collateral Regional Counsels, the
4 clerks of the district courts of appeals, the marshals of the
5 district courts of appeals, and the trial court administrator
6 and the Chief Deputy Court Administrator in each judicial
7 circuit. Effective January 1, 1994, additional positions in
8 the offices of the state attorney and public defender in each
9 judicial circuit may be designated for inclusion in the Senior
10 Management Service Class of the Florida Retirement System,
11 provided that:

12 a. Positions to be included in the class shall be
13 designated by the state attorney or public defender, as
14 appropriate. Notice of intent to designate positions for
15 inclusion in the class shall be published once a week for 2
16 consecutive weeks in a newspaper of general circulation
17 published in the county or counties affected, as provided in
18 chapter 50.

19 b. One nonelective full-time position may be
20 designated for each state attorney and public defender
21 reporting to the Department of Management Services; for
22 agencies with 200 or more regularly established positions
23 under the state attorney or public defender, additional
24 nonelective full-time positions may be designated, not to
25 exceed 0.5 percent of the regularly established positions
26 within the agency.

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

31 (I) Heads an organizational unit; or

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1 (II) Has responsibility to effect or recommend
2 personnel, budget, expenditure, or policy decisions in his or
3 her areas of responsibility.

4 2. Participation in this class shall be compulsory,
5 except as provided in subparagraph 3., for any judicial
6 employee who holds a position designated for coverage in the
7 Senior Management Service Class, and such participation shall
8 continue until the employee terminates employment in a covered
9 position. Effective January 1, 2001, participation in this
10 class is compulsory for assistant state attorneys, assistant
11 statewide prosecutors, assistant public defenders, and
12 assistant capital collateral regional counsels. Effective
13 January 1, 2002, participation in this class is compulsory for
14 assistant attorneys general.

15 3. In lieu of participation in the Senior Management
16 Service Class, such members, excluding assistant state
17 attorneys, assistant public defenders, assistant statewide
18 prosecutors, assistant attorneys general, and assistant
19 capital collateral regional counsels, may participate in the
20 Senior Management Service Optional Annuity Program as
21 established in subsection (6).

22 (3)(a) The following table states the required
23 retirement contribution rates for members of the Senior
24 Management Service Class and their employers in terms of a
25 percentage of the member's gross compensation. A change in the
26 contribution rate is effective with the first salary paid on
27 or after the beginning date of the change. Contributions
28 shall be made for each pay period and are in addition to the
29 contributions required for social security and the Retiree
30 Health Insurance Subsidy Trust Fund.

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1 Dates of Contribution

2 Rate Changes	Members	Employers
3 Effective July 1, 2001	0%	11.73%

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 5 (b) The employer paying the salary of a member of the
 6 Senior Management Service Class shall contribute an amount as
 7 specified in this section which shall constitute the entire
 8 employer retirement contribution with respect to such member.
 9 The employer shall also withhold one-half of the entire
 10 contribution of the member required for social security
 11 coverage.

12 (c) The following table states the required employer
 13 contribution on behalf of each member of the Senior Management
 14 Service Class in terms of a percentage of the member's gross
 15 compensation. Such contribution constitutes the entire health
 16 insurance subsidy contribution with respect to the member. A
 17 change in the contribution rate is effective with the first
 18 salary paid on or after the beginning date of the change. The
 19 retiree health insurance subsidy contribution rate is as
 20 follows:

22 Dates of Contribution	Contribution
23 Rate Changes	Rate
24 October 1, 1987, through December 31, 1988	0.24%
25 January 1, 1989, through December 31, 1993	0.48%
26 January 1, 1994, through December 31, 1994	0.56%
27 January 1, 1995, through June 30, 1998	0.66%
28 July 1, 1998, through June 30, 2001	0.94%
29 Effective July 1, 2001	1.11%

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 31 Such contributions and accompanying payroll data are due and

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1 payable no later than the 5th working day of the month
2 immediately following the month during which the payroll
3 period ended and shall be deposited by the administrator in
4 the Retiree Health Insurance Subsidy Trust Fund.

5 (6)

6 (c) Participation.--

7 1. Any eligible employee who is employed on or before
8 February 1, 1987, may elect to participate in the optional
9 annuity program in lieu of participation in the Senior
10 Management Service Class. Such election shall be made in
11 writing and filed with the department and the personnel
12 officer of the employer on or before May 1, 1987. Any
13 eligible employee who is employed on or before February 1,
14 1987, and who fails to make an election to participate in the
15 optional annuity program by May 1, 1987, shall be deemed to
16 have elected membership in the Senior Management Service
17 Class.

18 2. Any employee who becomes eligible to participate in
19 the optional annuity program by reason of initial employment
20 commencing after February 1, 1987, may, within 90 days after
21 the date of commencement of employment, elect to participate
22 in the optional annuity program. Such election shall be made
23 in writing and filed with the personnel officer of the
24 employer. Any eligible employee who does not within 90 days
25 after commencement of such employment elect to participate in
26 the optional annuity program shall be deemed to have elected
27 membership in the Senior Management Service Class.

28 3. A person who is appointed to a position in the
29 Senior Management Service Class and who is a member of an
30 existing retirement system or the Special Risk or Special Risk
31 Administrative Support Classes of the Florida Retirement

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1 System may elect to remain in such system or class in lieu of
2 participation in the Senior Management Service Class or
3 optional annuity program. Such election shall be made in
4 writing and filed with the department and the personnel
5 officer of the employer within 90 days of such appointment.
6 Any eligible employee who fails to make an election to
7 participate in the existing system, the Special Risk Class of
8 the Florida Retirement System, the Special Risk Administrative
9 Support Class of the Florida Retirement System, or the
10 optional annuity program shall be deemed to have elected
11 membership in the Senior Management Service Class.

12 4. Except as provided in subparagraph 5., an
13 employee's election to participate in the optional annuity
14 program is irrevocable as long as such employee continues to
15 be employed in an eligible position and continues to meet the
16 eligibility requirements set forth in this paragraph.

17 5. Effective from July 1, 2002, through September 30,
18 2002, any active employee in a regularly established position
19 who has elected to participate in the Senior Management
20 Service Optional Annuity Program has one opportunity to choose
21 to move from the Senior Management Service Optional Annuity
22 Program to the Florida Retirement System defined benefit
23 program.

24 a. The election must be made in writing and must be
25 filed with the department and the personnel officer of the
26 employer before October 1, 2002, or, in the case of an active
27 employee who is on a leave of absence on July 1, 2002, within
28 90 days after the conclusion of the leave of absence. This
29 election is irrevocable.

30 b. The employee will receive service credit under the
31 defined benefit program of the Florida Retirement System equal

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1 to his or her years of service under the Senior Management
2 Service Optional Annuity Program. The cost for such credit
3 shall be an amount representing the present value of that
4 employee's accumulated benefit obligation for the affected
5 period of service.

6 c. The employee must transfer the total accumulated
7 employer contributions and earnings on deposit in his or her
8 Senior Management Service Optional Annuity Program account. If
9 the transferred amount is not sufficient to pay the amount
10 due, the employee must pay a sum representing the remainder of
11 the amount due. In no case may the employee retain any
12 employer contributions or earnings thereon from the Senior
13 Management Service Optional Annuity Program account.

14
15 (Redesignate subsequent sections.)

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

19 And the title is amended as follows:

20 On page 28, line 1, after the semicolon

21

22 insert:

23 revising provisions governing contributions to
24 the Senior Management Service Optional Annuity
25 Program;

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