

Bill No. CS/HB 807, 1st Eng.

Amendment No.      Barcode 203668

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Sanderson and Garcia moved the following **amendment to amendment** (622674):

**Senate Amendment**

On page 22, line 1, through  
page 27, line 18, delete those lines

and insert:

Section 5. Paragraph (h) of subsection (1), subsection (3), paragraph (d) of subsection (4), and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, are amended, and paragraph (k) is added to subsection (1) of that section, 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

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

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

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

30       c. Each position added to the class must be a  
 31 managerial or policymaking position filled by an employee who

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1 serves at the pleasure of the state attorney or public  
2 defender without civil service protection, and who:

3 (I) Heads an organizational unit; or

4 (II) Has responsibility to effect or recommend  
5 personnel, budget, expenditure, or policy decisions in his or  
6 her areas of responsibility.

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

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

25 (k) Any state attorney or public defender in the  
26 Elected Officers' Class who has creditable service as an  
27 assistant state attorney or assistant public defender may  
28 upgrade retirement credit for such service in accordance with  
29 the provisions of paragraph (j).

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