

By the Fiscal Responsibility Council and Representatives
Rubio and McGriff

1 A bill to be entitled
2 An act relating to the Florida Retirement
3 System; amending s. 121.4501, F.S., relating to
4 the Public Employee Optional Retirement
5 Program; amending the definition of "eligible
6 employee"; providing for an extension of time
7 to transfer assets from the defined benefit
8 plan in the event of market disruption;
9 providing for acceptance of rollovers;
10 requiring the election be filed with the
11 third-party administrator; amending the
12 earnings rate for funds in the suspense account
13 to be invested by the board; providing for
14 spousal notification of designation of
15 beneficiary; providing for spousal rollovers to
16 an eligible retirement plan; providing
17 authorization for statements under oath;
18 amending s. 121.571, F.S., relating to
19 contributions to participant accounts;
20 providing for a penalty for late contributions;
21 providing for an assessment equal to certain
22 market losses and the calculation thereof;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (d) of subsection (2), paragraph
28 (c) of subsection (3), paragraphs (a), (b), and (c) of
29 subsection (4), subsection (6), paragraphs (c) and (e) of
30 subsection (7), and paragraph (a) of subsection (8) of section
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1 121.4501, Florida Statutes, are amended, and paragraph (c) is
2 added to subsection (5) of said section, to read:
3 121.4501 Public Employee Optional Retirement
4 Program.--
5 (2) DEFINITIONS.--As used in this section, the term:
6 (d) "Eligible employee" means an officer or employee,
7 as defined in s. 121.021(11), who:
8 1. Is a member of, or is eligible for membership in,
9 the Florida Retirement System, including any renewed member of
10 the Florida Retirement System;
11 2. Participates in, or is eligible to participate in,
12 the Senior Management Service Optional Annuity Program as
13 established under s. 121.055(6); or
14 3. Is eligible to participate in, but does not
15 participate in, the State University System Optional
16 Retirement Program established under s. 121.35 or the State
17 Community College System Optional Retirement Program
18 established under s. 121.051(2)(c).
19
20 The term does not include ~~any renewed member of the Florida~~
21 ~~Retirement System~~, any member participating in the Deferred
22 Retirement Option Program established under s. 121.091(13) ~~or~~
23 any employee participating in an optional retirement program
24 established under s. 121.051(2)(c) or s. 121.35.
25 (3) ELIGIBILITY; RETIREMENT SERVICE CREDIT.--
26 (c)1. Notwithstanding paragraph (b), each eligible
27 employee who elects to participate in the Public Employee
28 Optional Retirement Program and establishes one or more
29 individual participant accounts under the optional program may
30 elect to transfer to the optional program a sum representing
31 the present value of the employee's accumulated benefit

1 obligation under the defined benefit retirement program of the
2 Florida Retirement System. Upon such transfer, all service
3 credit previously earned under the defined benefit program of
4 the Florida Retirement System shall be nullified for purposes
5 of entitlement to a future benefit under the defined benefit
6 program of the Florida Retirement System. A participant is
7 precluded from transferring the accumulated benefit obligation
8 balance from the defined benefit program upon the expiration
9 of the period afforded to enroll in the optional program.

10 2. For purposes of this subsection, the present value
11 of the member's accumulated benefit obligation is based upon
12 the member's estimated creditable service and estimated
13 average final compensation as of midnight of the day prior to
14 the opening of the election window for the employee. The
15 actuarial present value of the employee's accumulated benefit
16 obligation shall be based on the following:

17 a. The discount rate and other relevant actuarial
18 assumptions used to value the Florida Retirement System Trust
19 Fund at the time the amount to be transferred is determined,
20 consistent with the factors provided in sub-subparagraphs b.
21 and c.

22 b. A benefit commencement age, based on the member's
23 estimated creditable service as of midnight on May 31, 2002.
24 The benefit commencement age shall be the younger of the
25 following, but shall not be younger than the member's age as
26 of midnight on May 31, 2002:

27 (I) Age 62; or

28 (II) The age the member would attain if the member
29 completed 30 years of service with an employer, assuming the
30 member worked continuously from May 31, 2002, and disregarding
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1 any vesting requirement that would otherwise apply under the
2 defined benefit program of the Florida Retirement System.

3 c. For members of the Special Risk Class and for
4 members of the Special Risk Administrative Support Class
5 entitled to retain special risk normal retirement date, the
6 benefit commencement age shall be the younger of the
7 following, but shall not be younger than the member's age as
8 of midnight on May 31, 2002:

9 (I) Age 55; or

10 (II) The age the member would attain if the member
11 completed 25 years of service with an employer, assuming the
12 member worked continuously from May 31, 2002, and disregarding
13 any vesting requirement that would otherwise apply under the
14 defined benefit program of the Florida Retirement System.

15 d. The calculation shall disregard vesting
16 requirements and early retirement reduction factors that would
17 otherwise apply under the defined benefit retirement program.

18 3. For each participant who elects to transfer moneys
19 from the defined benefit program to his or her account in the
20 optional program, the division shall recompute the amount
21 transferred under subparagraph 2. not later than 60 days after
22 the actual transfer of funds based upon the participant's
23 actual creditable service and actual final average
24 compensation as of the initial date of participation in the
25 optional program. If the recomputed amount differs from the
26 amount transferred under subparagraph 2. by \$10 or more, the
27 division shall:

28 a. Transfer, or cause to be transferred, from the
29 Florida Retirement System Trust Fund to the participant's
30 account in the optional program the excess, if any, of the
31 recomputed amount over the previously transferred amount

1 together with interest from the initial date of transfer to
2 the date of transfer under this subparagraph, based upon 8
3 percent effective annual interest, compounded annually.

4 b. Transfer, or cause to be transferred, from the
5 participant's account to the Florida Retirement System Trust
6 Fund the excess, if any, of the previously transferred amount
7 over the recomputed amount, together with interest from the
8 initial date of transfer to the date of transfer under this
9 subparagraph, based upon 6 percent effective annual interest,
10 compounded annually, pro rata based on the participant's
11 allocation plan.

12 4. As directed by the participant, the board shall
13 transfer or cause to be transferred the appropriate amounts to
14 the designated accounts. The board shall establish transfer
15 procedures by rule, but the actual transfer shall not be later
16 than 30 days after the effective date of the member's
17 participation in the optional program unless the major
18 financial markets for securities available for a transfer are
19 seriously disrupted by an unforeseen event which also causes
20 the suspension of trading on any national securities exchange
21 in the country where the securities were issued. In that
22 event, such 30-day period of time may be extended by a
23 resolution of the trustees. Transfers are not commissionable
24 or subject to other fees and may be in the form of securities
25 or cash as determined by the state board. Such securities
26 shall be valued as of the date of receipt in the participant's
27 account.

28 5. If the board or the division receives notification
29 from the United States Internal Revenue Service that this
30 paragraph or any portion of this paragraph will cause the
31 retirement system, or a portion thereof, to be disqualified

1 for tax purposes under the Internal Revenue Code, then the
2 portion that will cause the disqualification does not apply.
3 Upon such notice, the state board and the division shall
4 notify the presiding officers of the Legislature.

5 (4) PARTICIPATION; ENROLLMENT.--

6 (a)1. With respect to an eligible employee who is
7 employed in a regularly established position on June 1, 2002,
8 by a state employer:

9 a. Any such employee may elect to participate in the
10 Public Employee Optional Retirement Program in lieu of
11 retaining his or her membership in the defined benefit program
12 of the Florida Retirement System. The election must be made in
13 writing or by electronic means and must be filed with the
14 third-party administrator by August 31,~~department and the~~
15 ~~personnel officer of the employer within 90 days after June 1,~~
16 2002, or, in the case of an active employee who is on a leave
17 of absence on April June 1, 2002, by August 31, 2002, or,
18 within 90 days after the conclusion of the leave of absence,
19 whichever is later. This election is irrevocable, except as
20 provided in paragraph (e). Upon making such election, the
21 employee shall be enrolled as a participant of the Public
22 Employee Optional Retirement Program, the employee's
23 membership in the Florida Retirement System shall be governed
24 by the provisions of this part, and the employee's membership
25 in the defined benefit program of the Florida Retirement
26 System shall terminate. The employee's enrollment in the
27 Public Employee Optional Retirement Program shall be effective
28 the first day of the month for which a full month's employer
29 contribution is made to the optional program.

30 b. Any such employee who fails to elect to participate
31 in the Public Employee Optional Retirement Program within the

1 prescribed time period ~~90 days~~ is deemed to have elected to
2 retain membership in the defined benefit program of the
3 Florida Retirement System, and the employee's option to elect
4 to participate in the optional program is forfeited.

5 2. With respect to employees who become eligible to
6 participate in the Public Employee Optional Retirement Program
7 by reason of employment in a regularly established position
8 with a state employer commencing after April ~~June~~ 1, 2002:

9 a. Any such employee shall, by default, be enrolled in
10 the defined benefit retirement program of the Florida
11 Retirement System at the commencement of employment, and may,
12 by the end of the 5th month following the employee's month of
13 hire ~~within 180 days after employment commences~~, elect to
14 participate in the Public Employee Optional Retirement
15 Program. The employee's election must be made in writing or by
16 electronic means and must be filed with the third-party
17 administrator ~~personnel officer of the employer~~. The election
18 to participate in the optional program is irrevocable, except
19 as provided in paragraph (e).

20 b. If the employee files such election before the
21 initial payroll is submitted for the employee, enrollment in
22 the Public Employee Optional Retirement Program shall be
23 effective on the first day of employment.

24 c. If the employee files such election within the
25 prescribed time period ~~180 days after employment commences~~,
26 but after the initial payroll is submitted for the employee,
27 enrollment in the optional program shall be effective on the
28 first day of the month for which a full month's employer
29 contribution is made to the optional program.

30 d. Any such employee who fails to elect to participate
31 in the Public Employee Optional Retirement Program within the

1 prescribed time period ~~180 days~~ is deemed to have elected to
2 retain membership in the defined benefit program of the
3 Florida Retirement System, and the employee's option to elect
4 to participate in the optional program is forfeited.

5 3. For purposes of this paragraph, "state employer"
6 means any agency, board, branch, commission, community
7 college, department, institution, institution of higher
8 education, or water management district of the state, which
9 participates in the Florida Retirement System for the benefit
10 of certain employees.

11 (b)1. With respect to an eligible employee who is
12 employed in a regularly established position on September 1,
13 2002, by a district school board employer:

14 a. Any such employee may elect to participate in the
15 Public Employee Optional Retirement Program in lieu of
16 retaining his or her membership in the defined benefit program
17 of the Florida Retirement System. The election must be made in
18 writing or by electronic means and must be filed with the
19 third-party administrator by November 30, ~~department and the~~
20 ~~personnel officer of the employer within 90 days after~~
21 ~~September 1, 2002,~~ or, in the case of an active employee who
22 is on a leave of absence on July ~~September~~ 1, 2002, by
23 November 30, 2002, or, within 90 days after the conclusion of
24 the leave of absence, whichever is later. This election is
25 irrevocable, except as provided in paragraph (e). Upon making
26 such election, the employee shall be enrolled as a participant
27 of the Public Employee Optional Retirement Program, the
28 employee's membership in the Florida Retirement System shall
29 be governed by the provisions of this part, and the employee's
30 membership in the defined benefit program of the Florida
31 Retirement System shall terminate. The employee's enrollment

1 in the Public Employee Optional Retirement Program shall be
2 effective the first day of the month for which a full month's
3 employer contribution is made to the optional program.

4 b. Any such employee who fails to elect to participate
5 in the Public Employee Optional Retirement Program within the
6 prescribed time period ~~90 days~~ is deemed to have elected to
7 retain membership in the defined benefit program of the
8 Florida Retirement System, and the employee's option to elect
9 to participate in the optional program is forfeited.

10 2. With respect to employees who become eligible to
11 participate in the Public Employee Optional Retirement Program
12 by reason of employment in a regularly established position
13 with a district school board employer commencing after July
14 ~~September~~ 1, 2002:

15 a. Any such employee shall, by default, be enrolled in
16 the defined benefit retirement program of the Florida
17 Retirement System at the commencement of employment, and may,
18 by the end of the 5th month following the employee's month of
19 hire ~~within 180 days after employment commences~~, elect to
20 participate in the Public Employee Optional Retirement
21 Program. The employee's election must be made in writing or by
22 electronic means and must be filed with the third-party
23 administrator ~~personnel officer of the employer~~. The election
24 to participate in the optional program is irrevocable, except
25 as provided in paragraph (e).

26 b. If the employee files such election before the
27 initial payroll is submitted for the employee, enrollment in
28 the Public Employee Optional Retirement Program shall be
29 effective on the first day of employment.

30 c. If the employee files such election within the
31 prescribed time period ~~180 days after employment commences~~,

1 but after the initial payroll is submitted for the employee,
2 enrollment in the optional program shall be effective on the
3 first day of the month for which a full month's employer
4 contribution is made to the optional program.

5 d. Any such employee who fails to elect to participate
6 in the Public Employee Optional Retirement Program within the
7 prescribed time period ~~180 days~~ is deemed to have elected to
8 retain membership in the defined benefit program of the
9 Florida Retirement System, and the employee's option to elect
10 to participate in the optional program is forfeited.

11 3. For purposes of this paragraph, "district school
12 board employer" means any district school board that
13 participates in the Florida Retirement System for the benefit
14 of certain employees, or a charter school or charter technical
15 career center that participates in the Florida Retirement
16 System as provided in s. 121.051(2)(d).

17 (c)1. With respect to an eligible employee who is
18 employed in a regularly established position on December 1,
19 2002, by a local employer:

20 a. Any such employee may elect to participate in the
21 Public Employee Optional Retirement Program in lieu of
22 retaining his or her membership in the defined benefit program
23 of the Florida Retirement System. The election must be made in
24 writing or by electronic means and must be filed with the
25 third-party administrator by February 28, 2003 ~~department and~~
26 ~~the personnel officer of the employer within 90 days after~~
27 ~~December 1, 2002~~, or, in the case of an active employee who is
28 on a leave of absence on October ~~December~~ 1, 2002, by February
29 28, 2003, or, within 90 days after the conclusion of the leave
30 of absence, whichever is later. This election is irrevocable.
31 Upon making such election, the employee shall be enrolled as a

1 participant of the Public Employee Optional Retirement
2 Program, the employee's membership in the Florida Retirement
3 System shall be governed by the provisions of this part, and
4 the employee's membership in the defined benefit program of
5 the Florida Retirement System shall terminate. The employee's
6 enrollment in the Public Employee Optional Retirement Program
7 shall be effective the first day of the month for which a full
8 month's employer contribution is made to the optional program.

9 b. Any such employee who fails to elect to participate
10 in the Public Employee Optional Retirement Program within the
11 prescribed time period ~~90 days~~ is deemed to have elected to
12 retain membership in the defined benefit program of the
13 Florida Retirement System, and the employee's option to elect
14 to participate in the optional program is forfeited.

15 2. With respect to employees who become eligible to
16 participate in the Public Employee Optional Retirement Program
17 by reason of employment in a regularly established position
18 with a local employer commencing after October ~~December~~ 1,
19 2002:

20 a. Any such employee shall, by default, be enrolled in
21 the defined benefit retirement program of the Florida
22 Retirement System at the commencement of employment, and may,
23 by the end of the 5th month following the employee's month of
24 hire ~~within 180 days after employment commences~~, elect to
25 participate in the Public Employee Optional Retirement
26 Program. The employee's election must be made in writing or by
27 electronic means and must be filed with the third-party
28 administrator ~~personnel officer of the employer~~. The election
29 to participate in the optional program is irrevocable, except
30 as provided in paragraph (e).

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1 b. If the employee files such election before the
2 initial payroll is submitted for the employee, enrollment in
3 the Public Employee Optional Retirement Program shall be
4 effective on the first day of employment.

5 c. If the employee files such election within the
6 prescribed time period ~~180 days after employment commences,~~
7 but after the initial payroll is submitted for the employee,
8 enrollment in the optional program shall be effective on the
9 first day of the month for which a full month's employer
10 contribution is made to the optional program.

11 d. Any such employee who fails to elect to participate
12 in the Public Employee Optional Retirement Program within the
13 prescribed time period ~~180 days~~ is deemed to have elected to
14 retain membership in the defined benefit program of the
15 Florida Retirement System, and the employee's option to elect
16 to participate in the optional program is forfeited.

17 3. For purposes of this paragraph, "local employer"
18 means any employer not included in paragraph (a) or paragraph
19 (b).

20 (5) CONTRIBUTIONS.--

21 (c) The Public Employee Optional Retirement Program
22 may accept for deposit into participant accounts contributions
23 in the form of rollovers or direct trustee-to-trustee
24 transfers by or on behalf of participants, reasonably
25 determined by the board to be eligible for rollover or
26 transfer to the optional retirement program pursuant to the
27 Internal Revenue Code, if such contributions are made in
28 accordance with rules as may be adopted by the board. Such
29 contributions shall be accounted for in accordance with any
30 applicable Internal Revenue Code requirements and rules of the
31 board.

1 (6) VESTING REQUIREMENTS.--

2 (a)1. With respect to employer contributions paid on
3 behalf of the participant to the Public Employee Optional
4 Retirement Program, plus interest and earnings thereon and
5 less investment fees and administrative charges, a participant
6 shall be vested after completing 1 work year, as defined in s.
7 121.021(54), with an employer, including any service while the
8 participant was a member of the defined benefit retirement
9 program or an optional retirement program authorized under s.
10 121.051(2)(c) or s. 121.055(6).

11 2. If the participant terminates employment prior to
12 satisfying the vesting requirements, the nonvested
13 accumulation shall be transferred from the participant's
14 accounts to the state board for deposit and investment by the
15 board in the suspense account of the Public Employee Optional
16 Retirement Program Trust Fund of the board. If the terminated
17 participant is reemployed as an eligible employee within 5
18 years, the state board shall transfer to the participant's
19 account any amount of the moneys previously transferred from
20 the participant's accounts to the suspense account of the
21 Public Employee Optional Retirement Program Trust Fund, plus
22 the actual earnings on such amount while in the suspense
23 account ~~interest calculated at 3.0 percent per annum,~~
24 ~~calculated from the date of transfer to the date of~~
25 ~~reemployment.~~

26 (b)1. A participant shall be vested in the amount
27 transferred from the defined benefit program, plus interest
28 and earnings thereon and less administrative charges and
29 investment fees, upon meeting the service requirements for the
30 participant's membership class as set forth in s. 121.021(29).
31 The third-party administrator shall account for such amounts

1 for each participant. The division shall notify the
2 participant and the third-party administrator when the
3 participant has satisfied the vesting period for Florida
4 Retirement System purposes.

5 2. If the participant terminates employment prior to
6 satisfying the vesting requirements, the nonvested
7 accumulation shall be transferred from the participant's
8 accounts to the state board for deposit and investment by the
9 board in the suspense account of the Public Employee Optional
10 Retirement Program Trust Fund of the board. If the terminated
11 participant is reemployed as an eligible employee within 5
12 years, the state board shall transfer to the participant's
13 account any amount of the moneys previously transferred from
14 the participant's accounts to the suspense account of the
15 Public Employee Optional Retirement Program Trust Fund, plus
16 the actual earnings on such amount while in the suspense
17 account interest calculated at 6.0 percent per annum,
18 ~~calculated from the date of transfer to the date of~~
19 ~~reemployment.~~

20 (c) Any nonvested accumulations transferred from a
21 participant's account to the suspense account shall be
22 forfeited by the participant if the participant is not
23 reemployed as an eligible employee within 5 years after
24 termination.

25 (7) BENEFITS.--Under the Public Employee Optional
26 Retirement Program:

27 (c) Benefits shall be payable in accordance with the
28 following terms and conditions:

29 1. To the extent vested, benefits shall be payable
30 only to a participant, or to his or her beneficiaries as
31 designated by the participant. If a participant designates a

1 beneficiary who is not the participant's spouse, the
2 participant's spouse shall be notified. This requirement shall
3 not apply to the designation of a contingent beneficiary
4 designated to receive benefits hereunder in the event the
5 participant's spouse dies before such contingent beneficiary.

6 2. Benefits shall be paid by the third-party
7 administrator or designated approved providers in accordance
8 with the law, the contracts, and any applicable board rule or
9 policy.

10 3. To begin receiving the benefits, the participant
11 must be terminated from all employment with all Florida
12 Retirement System employers, as provided in s. 121.021(39), or
13 the participant must be deceased. If a participant elects to
14 receive his or her benefits upon termination of employment,
15 the participant must submit a written application to the
16 third-party administrator indicating his or her preferred
17 distribution date and selecting an authorized method of
18 distribution as provided in paragraph (d). The participant may
19 defer receipt of benefits until he or she chooses to make such
20 application, subject to federal requirements.

21 4. In the event of a participant's death, moneys
22 accumulated by, or on behalf of, the participant, less
23 withholding taxes remitted to the Internal Revenue Service,
24 shall be distributed to the participant's designated
25 beneficiary or beneficiaries, or to the participant's estate,
26 as if the participant retired on the date of death, as
27 provided in paragraph (e). No other death benefits shall be
28 available for survivors of participants under the Public
29 Employee Optional Retirement Program, except for such
30 benefits, or coverage for such benefits, as are separately
31 afforded by the employer, at the employer's discretion.

- 1 (e) Survivor benefits shall be payable as:
2 1. A lump-sum distribution payable to the
3 beneficiaries, or to the deceased participant's estate;
4 2. An eligible rollover distribution on behalf of the
5 surviving spouse of a deceased participant, whereby all
6 accrued benefits, plus interest and investment earnings, are
7 paid from the deceased participant's account directly to the
8 custodian of an eligible retirement plan ~~individual retirement~~
9 ~~account or an individual retirement annuity~~, as described in
10 s. 402(c)(8)(B)~~(9)~~ of the Internal Revenue Code, on behalf of
11 the surviving spouse; or
12 3. A partial lump-sum payment whereby a portion of the
13 accrued benefit is paid to the deceased participant's
14 surviving spouse or other designated beneficiaries, less
15 withholding taxes remitted to the Internal Revenue Service,
16 and the remaining amount is transferred directly to the
17 custodian of an individual retirement account or an individual
18 retirement annuity, as described in s. 402(c)(9) of the
19 Internal Revenue Code, on behalf of the surviving spouse. The
20 proportions must be specified by the participant or the
21 surviving beneficiary.

22
23 This paragraph does not abrogate other applicable provisions
24 of state or federal law providing for payment of death
25 benefits.

26 (8) ADMINISTRATION OF PROGRAM.--

27 (a) The Public Employee Optional Retirement Program
28 shall be administered by the state board and affected
29 employers. The board is authorized to require oaths, by
30 affidavit or otherwise, and acknowledgments from persons in
31 connection with the administration of its duties and

1 responsibilities under this chapter. No oaths, by affidavit or
2 otherwise, shall be required of an employee participant at the
3 time of election. Acknowledgment of an employee's election to
4 participate in the program shall be no greater than necessary
5 to confirm the employee's election.The board shall adopt
6 rules establishing the role and responsibilities of affected
7 state, local government, and education-related employers, the
8 state board, the department, and third-party contractors in
9 administering the Public Employee Optional Retirement Program.
10 The department shall adopt rules necessary to implement the
11 optional program in coordination with the defined benefit
12 retirement program and the disability benefits available under
13 the optional program.

14 Section 2. Paragraph (a) of subsection (2) of section
15 121.571, Florida Statutes, is amended to read:

16 121.571 Contributions.--Contributions to the Public
17 Employee Optional Retirement Program shall be made as follows:

18 (2) CONTRIBUTIONS TO PARTICIPANT ACCOUNTS.--Employer
19 and participant contributions to participant accounts shall be
20 accounted for separately. Interest and investment earnings on
21 employer contributions shall accrue on a tax-deferred basis
22 until proceeds are distributed. Pursuant thereto:

23 (a) All contributions made on behalf of a participant
24 pursuant to this subsection shall be transferred by the
25 employer to the third-party administrator for deposit in the
26 participant's account. All contributions made on behalf of a
27 participant shall be made timely. Employer contributions
28 received after the 5th working day of each month shall be
29 considered late. The employer shall be assessed a penalty of 1
30 percent of the contributions due for each calendar month or
31 part thereof that the contributions are late. If contributions

1 made by an employer are not received within the calendar month
2 they are due and if that lateness results in market losses to
3 participants, the employer shall make each participant whole
4 for market losses resulting from the late contributions.
5 Proceeds from the 1-percent assessment and any market loss
6 shall be deposited into participant accounts by the
7 third-party administrator. The third-party administrator,
8 hired by the board pursuant to s. 121.4501(8), shall calculate
9 the market losses for each affected participant. When
10 contributions are more than 1 calendar month late, the
11 employer shall also pay the cost of the third-party
12 administrator calculation and reconciliation adjustments
13 resulting from the late contributions. The third-party
14 administrator shall notify the employer of the results of the
15 calculations and the total amount due from the employer. The
16 employer shall remit to the third-party administrator the
17 amount due within 10 working days after the date of the
18 penalty notice sent by the third-party administrator. The
19 board is authorized to adopt rules to implement the provisions
20 regarding late contributions, the process for making
21 participants whole for resultant market losses, and the
22 penalties charged to the employers.

23 Section 3. This act shall take effect June 1, 2002.
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