

By the Committee on Governmental Oversight and Productivity;
and Senator Lynn

585-1711-05

1 A bill to be entitled

2 An act relating to the Florida Retirement

3 System; amending s. 121.055, F.S.; during a

4 specified period of time, permitting local

5 government employees who are members of the

6 Senior Management Service Class, who have

7 withdrawn from the Florida Retirement System,

8 to elect membership in the defined benefit

9 program or the public employee optional

10 retirement program of the system; prescribing

11 requirements in making such election; providing

12 for payment of the costs of such membership;

13 providing an effective date.

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

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17 Section 1. Paragraph (b) of subsection (1) of section

18 121.055, Florida Statutes, is amended to read:

19 121.055 Senior Management Service Class.--There is

20 hereby established a separate class of membership within the

21 Florida Retirement System to be known as the "Senior

22 Management Service Class," which shall become effective

23 February 1, 1987.

24 (1)

25 (b)1. Except as provided in subparagraph 2., effective

26 January 1, 1990, participation in the Senior Management

27 Service Class shall be compulsory for the president of each

28 community college, the manager of each participating city or

29 county, and all appointed district school superintendents.

30 Effective January 1, 1994, additional positions may be

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1 designated for inclusion in the Senior Management Service
2 Class of the Florida Retirement System, provided that:

3 a. Positions to be included in the class shall be
4 designated by the local agency employer. Notice of intent to
5 designate positions for inclusion in the class shall be
6 published once a week for 2 consecutive weeks in a newspaper
7 of general circulation published in the county or counties
8 affected, as provided in chapter 50.

9 b. Up to 10 nonelective full-time positions may be
10 designated for each local agency employer reporting to the
11 Department of Management Services; for local agencies with 100
12 or more regularly established positions, additional
13 nonelective full-time positions may be designated, not to
14 exceed 1 percent of the regularly established positions within
15 the agency.

16 c. Each position added to the class must be a
17 managerial or policymaking position filled by an employee who
18 is not subject to continuing contract and serves at the
19 pleasure of the local agency employer without civil service
20 protection, and who:

21 (I) Heads an organizational unit; or

22 (II) Has responsibility to effect or recommend
23 personnel, budget, expenditure, or policy decisions in his or
24 her areas of responsibility.

25 2. In lieu of participation in the Senior Management
26 Service Class, members of the Senior Management Service Class
27 pursuant to the provisions of subparagraph 1. may withdraw
28 from the Florida Retirement System altogether. The decision to
29 withdraw from the Florida Retirement System shall be
30 irrevocable for as long as the employee holds such a position.
31 Any service creditable under the Senior Management Service

1 Class shall be retained after the member withdraws from the
2 Florida Retirement System; however, additional service credit
3 in the Senior Management Service Class shall not be earned
4 after such withdrawal. Such members shall not be eligible to
5 participate in the Senior Management Service Optional Annuity
6 Program.

7 3. Effective January 1, 2006, through June 30, 2006,
8 an employee who has withdrawn from the Florida Retirement
9 System under subparagraph 2. has one opportunity to elect to
10 participate in either the defined benefit program or the
11 Public Employee Optional Retirement Program of the Florida
12 Retirement System.

13 a. If the employee elects to participate in the Public
14 Employee Optional Retirement Program, membership shall be
15 prospective, and the applicable provisions of s. 121.4501(4)
16 shall govern the election.

17 b. If the employee elects to participate in the
18 defined benefit program of the Florida Retirement System, the
19 employee shall, upon payment to the system trust fund of the
20 amount calculated under sub-sub-subparagraph (I), receive
21 service credit for prior service based upon the time during
22 which the employee had withdrawn from the system.

23 (I) The cost for such credit shall be an amount
24 representing the actuarial accrued liability for the affected
25 period of service. The cost shall be calculated, using the
26 discount rate and other relevant actuarial assumptions that
27 were used to value the Florida Retirement System defined
28 benefit plan liabilities in the most recent actuarial
29 valuation. The calculation shall include any service already
30 maintained under the defined benefit plan in addition to the
31 period of withdrawal. The actuarial accrued liability

1 attributable to any service already maintained under the
2 defined benefit plan shall be applied as a credit to the total
3 cost resulting from the calculation. The division shall ensure
4 that the transfer sum is prepared using a formula and
5 methodology certified by an actuary.

6 (II) The employee must transfer a sum representing the
7 net cost owed for the actuarial accrued liability in
8 sub-sub-subparagraph (I) immediately following the time of
9 such movement, determined assuming that attained service
10 equals the sum of service in the defined benefit program and
11 the period of withdrawal.

12 Section 2. This act shall take effect July 1, 2005.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 688

17 Expands bill to include any member of the Senior Management
18 Service Class.

19 Permits such employee who has withdrawn from the Florida
20 Retirement System one opportunity to elect to participate in
21 either the defined benefit program or the Public Employee
22 Optional Retirement Program from January 1, 2006 to June 30,
23 2006.

24 Requires payment by the electing employee of an amount
25 representing the actuarial accrued liability for the affected
26 period of service.

27 Establishes method of calculation.

28 Requires transfer sum paid by employee to be prepared using a
29 formula and methodology certified by an actuary.
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