

By Senator Constantine

22-750-06

1 A bill to be entitled
2 An act relating to deferred compensation
3 programs; amending s. 112.215, F.S.; revising
4 the term "employee" and defining the term
5 "governmental entity"; authorizing governmental
6 entities, by ordinance, contract agreement, or
7 other documentation, to participate in the
8 deferred compensation plan of the state and
9 specifying responsibility of the Chief
10 Financial Officer with respect thereto;
11 amending s. 20.121, F.S., relating to the
12 Department of Financial Services, to conform;
13 providing effective dates.

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

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17 Section 1. Paragraph (d) of subsection (2) of section
18 20.121, Florida Statutes, is amended to read:

19 20.121 Department of Financial Services.--There is
20 created a Department of Financial Services.

21 (2) DIVISIONS.--The Department of Financial Services
22 shall consist of the following divisions:

23 (d) The Division of Treasury, which shall include a
24 Bureau of Deferred Compensation responsible for administering
25 the Government Employees Deferred Compensation Plan as
26 provided in ~~established under~~ s. 112.215 ~~for state employees.~~

27 Section 2. Subsection (2), paragraphs (a) and (d) of
28 subsection (4), and subsections (5), (6), and (12) of section
29 112.215, Florida Statutes, are amended to read:

30 112.215 Government employees; deferred compensation
31 program.--

1 (2)(a) For the purposes of this section, the term
2 "employee" means any person, whether appointed, elected, or
3 under contract, providing services for a governmental entity
4 ~~the state; any state agency or county or other political~~
5 ~~subdivision of the state; any municipality; any state~~
6 ~~university board of trustees; or any constitutional county~~
7 ~~officer under s. 1(d), Art. VIII of the State Constitution~~ for
8 which compensation or statutory fees are paid.

9 (b) "Governmental entity" means the state; any state
10 agency or county or other political subdivision of the state;
11 any municipality; any state university board of trustees; or
12 any constitutional county officer under s. 1(d), Art. VIII of
13 the State Constitution.

14 (4)(a) The Chief Financial Officer, with the approval
15 of the State Board of Administration, shall establish such
16 plan or plans of deferred compensation for ~~state~~ employees of
17 governmental entities, including all such investment vehicles
18 or products incident thereto, as may be available through, or
19 offered by, qualified companies or persons, and may approve
20 one or more such plans for implementation by and on behalf of
21 governmental entities ~~the state and their its agencies and~~
22 employees.

23 (d) In accordance with such approved plan, and upon
24 contract or agreement with an eligible employee, deferrals of
25 compensation may be accomplished by payroll deductions made by
26 the appropriate officer or officers of the governmental entity
27 ~~state~~, with such funds being thereafter held and administered
28 in accordance with the plan.

29 (5) Any county, municipality, or other political
30 subdivision of the state may by ordinance, and any
31 constitutional county officer under s. 1(d), Art. VIII of the

1 State Constitution of 1968 may by contract agreement or other
2 documentation constituting approval, for itself and its
3 employees:

4 (a) Adopt and establish ~~for itself and its employees~~ a
5 deferred compensation program. The ordinance shall designate
6 an appropriate official of the county, municipality, or
7 political subdivision to approve and administer a deferred
8 compensation plan or otherwise provide for such approval and
9 administration. The ordinance shall also designate a public
10 official or body to make the determinations provided for in
11 paragraph (6)(b). If a constitutional county officer elects to
12 adopt and establish for that office and its employees a
13 deferred compensation program, the constitutional county
14 officer shall be the appropriate official to make the
15 determinations provided for in this subsection and in
16 paragraph (6)(b);-

17 (b) Adopt the deferred compensation program of the
18 state; or

19 (c) Both adopt and establish a deferred compensation
20 program and adopt the state's deferred compensation program.

21 (6)(a) No deferred compensation plan of the state
22 shall become effective until approved by the State Board of
23 Administration and the Chief Financial Officer is satisfied by
24 opinion from such federal agency or agencies as may be deemed
25 necessary that the compensation deferred thereunder, ~~and/or~~
26 the investment products purchased pursuant to the plan, or
27 both will not be included in the employee's taxable income
28 under federal or state law until it is actually received by
29 such employee under the terms of the plan, and that such
30 compensation will nonetheless be deemed compensation at the
31 time of deferral for the purposes of social security coverage,

1 for the purposes of the state retirement system, or ~~and~~ for
2 any other retirement, pension, or benefit program established
3 by law.

4 (b) No deferred compensation plan adopted and
5 established by ~~of~~ a county, municipality, other political
6 subdivision, or constitutional county officer shall become
7 effective until the appropriate official or body designated
8 under subsection (5) is satisfied by opinion from such federal
9 agency or agencies as may be deemed necessary that the
10 compensation deferred thereunder, ~~and/or~~ the investment
11 products purchased pursuant to the plan, or both will not be
12 included in the employee's taxable income under federal or
13 state law until it is actually received by such employee under
14 the terms of the plan, and that such compensation will
15 nonetheless be deemed compensation at the time of deferral for
16 the purposes of social security coverage, for the purposes of
17 the retirement system of the appropriate county, municipality,
18 political subdivision, or constitutional county officer, and
19 for any other retirement, pension, or benefit program
20 established by law.

21 (12) The Chief Financial Officer may adopt any rule
22 necessary to administer and implement this act with respect to
23 deferred compensation plans for ~~state~~ employees of
24 governmental entities that have adopted the state's plan.

25 Section 3. This act shall take effect upon becoming a
26 law.

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29 SENATE SUMMARY

30 Authorizes governmental entities to adopt the deferred
31 compensation program of the state. Authorizes the Chief
Financial Officer to adopt rules.