

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

11  
 12 Be It Enacted by the Legislature of the State of Florida:

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 14           Section 1. Paragraph (d) of subsection (2) of section  
 15           20.121, Florida Statutes, is amended to read:

16           20.121 Department of Financial Services.--There is created  
 17           a Department of Financial Services.

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

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

24           Section 2. Subsection (2), paragraphs (a) and (d) of  
 25           subsection (4), and subsections (5), (6), and (12) of section  
 26           112.215, Florida Statutes, are amended to read:

27           112.215 Government employees; deferred compensation  
 28           program.--

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

37           (b) "Governmental entity" means the state; any state  
 38 agency or county or other political subdivision of the state;  
 39 any municipality; any state university board of trustees; or any  
 40 constitutional county officer under s. 1(d), Art. VIII of the  
 41 State Constitution.

42           (4)(a) The Chief Financial Officer, with the approval of  
 43 the State Board of Administration, shall establish such plan or  
 44 plans of deferred compensation for ~~state~~ employees of  
 45 governmental entities, including all such investment vehicles or  
 46 products incident thereto, as may be available through, or  
 47 offered by, qualified companies or persons, and may approve one  
 48 or more such plans for implementation by and on behalf of  
 49 governmental entities ~~the state~~ and their ~~its~~ agencies and  
 50 employees.

51           (d) In accordance with such approved plan, and upon  
 52 contract or agreement with an eligible employee, deferrals of  
 53 compensation may be accomplished by payroll deductions made by  
 54 the appropriate officer or officers of the governmental entity  
 55 ~~state~~, with such funds being thereafter held and administered in  
 56 accordance with the plan.

57 (5) Any county, municipality, or other political  
 58 subdivision of the state may by ordinance, and any  
 59 constitutional county officer under s. 1(d), Art. VIII of the  
 60 State Constitution of 1968 may by contract agreement or other  
 61 documentation constituting approval, for itself and its  
 62 employees:

63 (a) ~~Adopt and establish for itself and its employees a~~  
 64 deferred compensation program. The ordinance shall designate an  
 65 appropriate official of the county, municipality, or political  
 66 subdivision to approve and administer a deferred compensation  
 67 plan or otherwise provide for such approval and administration.  
 68 The ordinance shall also designate a public official or body to  
 69 make the determinations provided for in paragraph (6)(b). If a  
 70 constitutional county officer elects to adopt and establish for  
 71 that office and its employees a deferred compensation program,  
 72 the constitutional county officer shall be the appropriate  
 73 official to make the determinations provided for in this  
 74 subsection and in paragraph (6)(b);~~—~~

75 (b) Adopt the deferred compensation program of the state;  
 76 or

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

79 (6)(a) No deferred compensation plan of the state shall  
 80 become effective until approved by the State Board of  
 81 Administration and the Chief Financial Officer is satisfied by  
 82 opinion from such federal agency or agencies as may be deemed  
 83 necessary that the compensation deferred thereunder, ~~and/or~~ the  
 84 investment products purchased pursuant to the plan, or both will

85 not be included in the employee's taxable income under federal  
 86 or state law until it is actually received by such employee  
 87 under the terms of the plan, and that such compensation will  
 88 nonetheless be deemed compensation at the time of deferral for  
 89 the purposes of social security coverage, for the purposes of  
 90 the state retirement system, or ~~and~~ for any other retirement,  
 91 pension, or benefit program established by law.

92 (b) No deferred compensation plan adopted and established  
 93 by ~~of~~ a county, municipality, other political subdivision, or  
 94 constitutional county officer shall become effective until the  
 95 appropriate official or body designated under subsection (5) is  
 96 satisfied by opinion from such federal agency or agencies as may  
 97 be deemed necessary that the compensation deferred thereunder,  
 98 ~~and/or~~ the investment products purchased pursuant to the plan,  
 99 or both will not be included in the employee's taxable income  
 100 under federal or state law until it is actually received by such  
 101 employee under the terms of the plan, and that such compensation  
 102 will nonetheless be deemed compensation at the time of deferral  
 103 for the purposes of social security coverage, for the purposes  
 104 of the retirement system of the appropriate county,  
 105 municipality, political subdivision, or constitutional county  
 106 officer, and for any other retirement, pension, or benefit  
 107 program established by law.

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

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