

By Senator Oelrich

14-03452-08

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1 A bill to be entitled

2 An act relating to retirement for medical faculty at  
3 colleges of medicine at state universities; amending s.  
4 121.021, F.S.; clarifying that the term "compensation" for  
5 purposes of the benefit retirement program or the Public  
6 Employee Optional Retirement Program of the Florida  
7 Retirement System does not include fees or salary payments  
8 made from a faculty practice plan authorized by the Board  
9 of Governors of the State University System for clinical  
10 faculty at a college of medicine in a state university;  
11 amending s. 121.051, F.S.; requiring that a person  
12 appointed to a faculty position at a college of medicine  
13 of a state university having a faculty practice plan  
14 participate in the optional retirement program of the  
15 State University System rather than the Florida Retirement  
16 System; providing definitions; amending s. 121.35, F.S.;  
17 defining the term "participant's gross monthly  
18 compensation" for purposes of the optional retirement  
19 program for the State University System; providing that  
20 the entities of the state university faculty practice plan  
21 are agents for the collection and administration of income  
22 generated from university faculty practice activities;  
23 specifying that such entities are not providers of medical  
24 services or the employer of any faculty physicians and do  
25 not have any partnership or agency relationship with  
26 faculty physicians or other health care professionals;  
27 providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Paragraph (b) of subsection (22) of section  
32 121.021, Florida Statutes, is amended to read:

33 121.021 Definitions.--The following words and phrases as  
34 used in this chapter have the respective meanings set forth  
35 unless a different meaning is plainly required by the context:

36 (22) "Compensation" means the monthly salary paid a member  
37 by his or her employer for work performed arising from that  
38 employment.

39 (b) Under no circumstances shall compensation for a member  
40 participating in the defined benefit retirement program or the  
41 Public Employee Optional Retirement Program of the Florida  
42 Retirement System include:

43 1. Fees paid professional persons for special or particular  
44 services or include salary payments made from a faculty practice  
45 plan authorized by the Board of Governors of the State University  
46 System for eligible clinical faculty at a college of medicine in  
47 a state university ~~with a faculty practice plan~~; or

48 2. Any bonuses or other payments prohibited from inclusion  
49 in the member's average final compensation and defined in  
50 subsection (47).

51 Section 2. Paragraph (a) of subsection (1) of section  
52 121.051, Florida Statutes, is amended to read:

53 121.051 Participation in the system.--

54 (1) COMPULSORY PARTICIPATION.--

55 (a) The provisions of this law shall be compulsory as to  
56 all officers and employees, except elected officers who meet the  
57 requirements of s. 121.052(3), who are employed on or after  
58 December 1, 1970, of an employer other than those referred to in

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59 | paragraph (2) (b), and each officer or employee, as a condition of  
60 | employment, shall become a member of the system as of his or her  
61 | date of employment, except that a person who is retired from any  
62 | state retirement system and is reemployed on or after December 1,  
63 | 1970, may ~~shall not be permitted to~~ renew his or her membership  
64 | in any state retirement system except as provided in s.  
65 | 121.091(4) (h) for a person who recovers from disability, and as  
66 | provided in s. 121.091(9) (b)8. for a person who is elected to  
67 | public office, and, effective July 1, 1991, as provided in s.  
68 | 121.122 for all other retirees. Officers and employees of the  
69 | University Athletic Association, Inc., a nonprofit association  
70 | connected with the University of Florida, employed on and after  
71 | July 1, 1979, shall not participate in any state-supported  
72 | retirement system.

73 |       1.a. Any person appointed on or after July 1, 1989, to a  
74 | faculty position in a college at the J. Hillis Miller Health  
75 | Center at the University of Florida or the Medical Center at the  
76 | University of South Florida which has a faculty practice plan  
77 | provided by rule adopted by the Board of Regents may ~~shall~~ not  
78 | participate in the Florida Retirement System. Effective July 1,  
79 | 2008, any person appointed thereafter to a faculty position,  
80 | including clinical faculty, in a college of medicine at a state  
81 | university that has a faculty practice plan authorized by the  
82 | Board of Governors may not participate in the Florida Retirement  
83 | System. A faculty member so appointed shall participate in the  
84 | optional retirement program for the State University System ~~on~~  
85 | ~~the basis of his or her state-funded compensation,~~  
86 | notwithstanding the provisions of s. 121.35(2) (a).

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87 b. For purposes of this subparagraph, the term "faculty  
88 position" is defined as a position assigned the principal  
89 responsibility of teaching, research, or public service activities  
90 or for administrative responsibility directly related to the  
91 academic mission of the college of medicine. The term "clinical  
92 faculty" is defined as a faculty position appointment in  
93 conjunction with a professional position in a hospital or other  
94 clinical environment at a college of medicine. The term "faculty  
95 practice plan" includes professional services to patients,  
96 institutions, or other parties which are rendered by the clinical  
97 faculty employed by a college of medicine at a state university  
98 authorized by the Board of Governors.

99 Section 3. Paragraph (g) is added to subsection (4) of  
100 section 121.35, Florida Statutes, to read:

101 121.35 Optional retirement program for the State University  
102 System.--

103 (4) CONTRIBUTIONS.--

104 (g) Effective July 1, 2008, for purposes of paragraph (a)  
105 and notwithstanding s. 121.021(22)(b)1., the term "participant's  
106 gross monthly compensation" includes salary payments made to  
107 eligible clinical faculty from a state university using funds  
108 provided by a faculty practice plan authorized by the Board of  
109 Governors of the State University System if:

110 1. There is not any employer contribution from the state  
111 university to any other retirement program with respect to such  
112 salary payments; and

113 2. The employer contribution on behalf of the participant  
114 in the optional retirement program with respect to such salary  
115 payments is made using funds provided by the faculty practice

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116 plan.

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118 The state university faculty practice plan entities authorized by  
119 the Board of Governors of the State University System function as  
120 the university's agent for the orderly collection and  
121 administration of income generated from university faculty  
122 practice activities as part of the university board's provision  
123 for a clinical setting for health care education, research, and  
124 services and are subject to control by the university board and  
125 its applicable rules and regulations. The university faculty  
126 practice plan entities are not and cannot be providers of medical  
127 services or the employer of any faculty physicians or other  
128 health care professionals, and do not have a partnership, joint  
129 venture, association, employment, or agency relationship with any  
130 university faculty physicians or other health care professionals.

131 Section 4. This act shall take effect July 1, 2008.