

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McKeel offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 113 and 114, insert:

5 Section 2. Paragraph (b) of subsection (22) of section
6 121.021, Florida Statutes, is amended to read:

7 121.021 Definitions.--The following words and phrases as
8 used in this chapter have the respective meanings set forth
9 unless a different meaning is plainly required by the context:

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

13 (b) Under no circumstances shall compensation for a member
14 participating in the defined benefit retirement program or the
15 Public Employee Optional Retirement Program of the Florida
16 Retirement System include:

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17 1. Fees paid professional persons for special or
18 particular services or include salary payments made from a
19 faculty practice plan authorized by the Board of Governors of
20 the State University System for eligible clinical faculty at a
21 college in a state university that has ~~with~~ a faculty practice
22 plan; or

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

26 Section 3. Paragraph (a) of subsection (1) of section
27 121.051, Florida Statutes, is amended to read:

28 121.051 Participation in the system.--

29 (1) COMPULSORY PARTICIPATION.--

30 (a) The provisions of this law shall be compulsory as to
31 all officers and employees, except elected officers who meet the
32 requirements of s. 121.052(3), who are employed on or after
33 December 1, 1970, of an employer other than those referred to in
34 paragraph (2)(b), and each officer or employee, as a condition
35 of employment, shall become a member of the system as of his or
36 her date of employment, except that a person who is retired from
37 any state retirement system and is reemployed on or after
38 December 1, 1970, may ~~shall not be permitted to~~ renew his or her
39 membership in any state retirement system except as provided in
40 s. 121.091(4)(h) for a person who recovers from disability, and
41 as provided in s. 121.091(9)(b)8. for a person who is elected to
42 public office, and, effective July 1, 1991, as provided in s.
43 121.122 for all other retirees. Officers and employees of the
44 University Athletic Association, Inc., a nonprofit association

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45 connected with the University of Florida, employed on and after
46 July 1, 1979, shall not participate in any state-supported
47 retirement system.

48 1.a. Any person appointed on or after July 1, 1989, to a
49 faculty position in a college at the J. Hillis Miller Health
50 Center at the University of Florida or the Medical Center at the
51 University of South Florida which has a faculty practice plan
52 provided by rule adopted by the Board of Regents ~~may shall~~ not
53 participate in the Florida Retirement System. Effective July 1,
54 2008, any person appointed thereafter to a faculty position,
55 including clinical faculty, in a college at a state university
56 that has a faculty practice plan authorized by the Board of
57 Governors may not participate in the Florida Retirement System.
58 A faculty member so appointed shall participate in the optional
59 retirement program for the State University System ~~on the basis~~
60 ~~of his or her state-funded compensation,~~ notwithstanding the
61 provisions of s. 121.35(2)(a).

62 b. For purposes of this subparagraph, the term "faculty
63 position" is defined as a position assigned the principal
64 responsibility of teaching, research, or public service
65 activities or administrative responsibility directly related to
66 the academic mission of the college. The term "clinical faculty"
67 is defined as a faculty position appointment in conjunction with
68 a professional position in a hospital or other clinical
69 environment at a college. The term "faculty practice plan"
70 includes professional services to patients, institutions, or
71 other parties which are rendered by the clinical faculty employed

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72 by a college that has a faculty practice plan at a state
73 university authorized by the Board of Governors.

74 Section 4. Paragraph (a) of subsection (4) of section
75 121.35, Florida Statutes, is amended, and paragraph (g) is added
76 to that subsection, to read:

77 121.35 Optional retirement program for the State
78 University System.--

79 (4) CONTRIBUTIONS.--

80 (a) Through June 30, 2001, each employer shall contribute
81 on behalf of each participant in the optional retirement program
82 an amount equal to the normal cost portion of the employer
83 retirement contribution which would be required if the
84 participant were a regular member of the Florida Retirement
85 System defined benefit program, plus the portion of the
86 contribution rate required in s. 112.363(8) that would otherwise
87 be assigned to the Retiree Health Insurance Subsidy Trust Fund.
88 Effective July 1, 2001, each employer shall contribute on behalf
89 of each participant in the optional program an amount equal to
90 10.43 percent of the participant's gross monthly compensation.
91 The department shall deduct an amount approved by the
92 Legislature to provide for the administration of this program.
93 The payment of the contributions to the optional program which
94 is required by this paragraph for each participant shall be made
95 by the employer to the department, which shall forward the
96 contributions to the designated company or companies contracting
97 for payment of benefits for the participant under the program.
98 However, such contributions paid on behalf of an employee
99 described in paragraph (3)(c) shall not be forwarded to a

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100 company and shall not begin to accrue interest until the
101 employee has executed a ~~an annuity~~ contract and notified the
102 department.

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

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

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

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118 **T I T L E A M E N D M E N T**

119 Remove line 15 and insert:

120 members; amending s. 121.021, F.S.; clarifying that the term
121 "compensation" for purposes of the benefit retirement program or
122 the Public Employee Optional Retirement Program of the Florida
123 Retirement System does not include fees or salary payments made
124 from a faculty practice plan authorized by the Board of
125 Governors of the State University System for clinical faculty at
126 a state university having a faculty practice plan; amending s.
127 121.051, F.S.; requiring that a person appointed to a faculty

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128 position at a state university having a faculty practice plan
129 participate in the optional retirement program of the State
130 University System rather than the Florida Retirement System;
131 providing definitions; amending s. 121.35, F.S.; requiring the
132 participating employee in the optional retirement program to
133 execute a contract, not just an annuity contract, with a
134 designated company in order for employee contributions to be
135 forwarded to the company and for interest to accrue; defining
136 the term "participant's gross monthly compensation" for purposes
137 of the optional retirement program for the State University
138 System; providing a declaration of important state