

RESOLUTION 2011 - 250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RATIFYING THE DIRECT PAYMENT OF EMPLOYEE RETIREMENT CONTRIBUTIONS PURSUANT TO INTERNAL REVENUE CODE § 414(h)(2)

WHEREAS, Internal Revenue Code ("Code") section 414(h)(2) permits public employers to directly pay ("pick up") contributions to a governmental pension plan that are designated as employee contributions so that they may be paid for on a pre-tax basis and thereby be excluded from an employee's taxable income, provided the contributions are paid by the employer in lieu of contributions by the employee, and the employee may not elect, directly or indirectly, to receive the amounts instead of having them paid by the employer; and

WHEREAS, on May 26, 2011 the Governor of Florida signed and approved Chapter No. 2011-68 which contains numerous changes to the Florida Retirement System ("FRS"); including the provision that all employees receiving retirement benefits through FRS would have to contribute 3% of their gross earnings annually; and

WHEREAS, on June 7, 2011 the St. Johns County Personnel Services Department, as directed by the County Administrator, provided for an automatic deduction of the 3% FRS contribution which would be directly forwarded by the County to the FRS without employee interaction; and

WHEREAS, other elected officials as the "employing unit" are also members of the Florida Retirement System and receive their funding directly or indirectly from the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida has determined that taking this action does not increase the County's cost of funding the retirement benefits owed to FRS and chooses to ratify this action of the County Administrator in order to allow covered employees to exclude such amounts from their taxable income due to the application of Code section 414(h)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THAT:

1. Pursuant to Code section 414(h)(2), the Board of County Commissioners, as the Employer, ratifies the decision to "pick-up" the Florida Retirement System contributions designated as employee contributions that its covered employees, owe to FRS.
2. Pursuant to this Resolution, all contributions that are designated as employee contributions to FRS will be "picked-up" by the Employer in accordance with the rules of Code section 414(h)(2). These "pick up" contributions will continue to be withheld from employee wages with no individual discretion by employees to have some other amount withheld or to have no amount withheld.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 6th day of September, 2011.

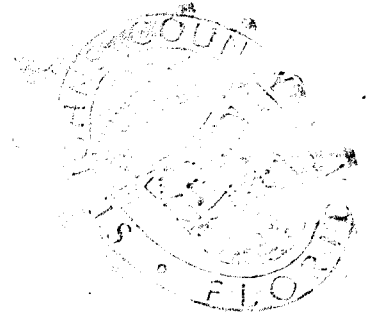
BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 9/12/11



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