

113-296AX-06

Bill No. HB 2393

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Lawson and Turnbull offered the following:

Amendment (with title amendment)

On page 42, line 6 through page 56, line 9
remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. Effective July 1, 2001, subsections (29)
and (45) of section 121.021, Florida Statutes, are amended to
read:

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

(29) "Normal retirement date" means the first day of
any month following the date a member attains one of the
following statuses:

(a) If a Regular Class member, the member:

1. Completes 5 ~~10~~ or more years of creditable service
and attains age 62; or

2. Completes 30 years of creditable service,
regardless of age, which may include a maximum of 4 years of

1 military service credit as long as such credit is not claimed
2 under any other system.

3 (b) If a Special Risk Class member, the member:

4 1. Completes 5 ~~10~~ or more years of creditable service
5 in the Special Risk Class and attains age 55;

6 2. Completes 25 years of creditable service in the
7 Special Risk Class, regardless of age; or

8 3. Completes 25 years of creditable service and
9 attains age 52, which service may include a maximum of 4 years
10 of military service credit as long as such credit is not
11 claimed under any other system and the remaining years are in
12 the Special Risk Class.

13 (c) If a Senior Management Service Class member, the
14 member:

15 1. Completes 5 ~~7~~ years of creditable service in the
16 Senior Management Service Class and attains age 62; or

17 2. Completes 30 years of any creditable service,
18 regardless of age, which may include a maximum of 4 years of
19 military service credit as long as such credit is not claimed
20 under any other system.

21 (d) If an Elected Officers' Class member, the member:

22 1. Completes 5 ~~8~~ years of creditable service in the
23 Elected Officers' Class and attains age 62; or

24 2. Completes 30 years of any creditable service,
25 regardless of age, which may include a maximum of 4 years of
26 military service credit as long as such credit is not claimed
27 under any other system.

28

29 "Normal retirement age" is attained on the "normal retirement
30 date."

31 (45)(a) "Vested" or "vesting" means the guarantee that

1 a member is eligible to receive a future retirement benefit
 2 upon completion of the required years of creditable service
 3 for the employee's class of membership, even though the member
 4 may have terminated covered employment before reaching normal
 5 or early retirement date. Being vested does not entitle a
 6 member to a disability benefit based on a disability caused by
 7 an injury or disease that occurs after termination of covered
 8 employment.

9 (b) Effective July 1, 2001, a 5-year vesting
 10 requirement shall be implemented for the Florida Retirement
 11 System. Pursuant thereto:

12 1. Any member employed in a regularly established
 13 position on July 1, 2001, who completes or has completed a
 14 total of 5 years of creditable service will be considered
 15 vested as described in paragraph (a).

16 2. Any member not employed in a regularly established
 17 position on July 1, 2001, will be deemed vested upon
 18 completion of 5 years of creditable service, provided that
 19 such member is employed in a covered position for at least 1
 20 work year after July 1, 2001. However, no member shall be
 21 required to complete more years of creditable service than
 22 would have been required for that member to vest under
 23 retirement laws in effect before July 1, 2001.

24 Section 5. Effective July 1, 2001, paragraph (a) of
 25 subsection (2) of section 121.051, Florida Statutes, is
 26 amended to read:

27 121.051 Participation in the system.--

28 (2) OPTIONAL PARTICIPATION.--

29 (a)1. Any officer or employee who is a member of an
 30 existing system, except any officer or employee of any
 31 nonprofit professional association or corporation, may elect,

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1 if eligible, to become a member of this system at any time
2 between April 15, 1971, and June 1, 1971, inclusive, by
3 notifying his or her employer in writing of the desire to
4 transfer membership from the existing system to this system.
5 Any officer or employee who was a member of an existing system
6 on December 1, 1970, and who did not elect to become a member
7 of this system shall continue to be covered under the existing
8 system subject to the provisions of s. 121.045. A person who
9 has retired under any state retirement system shall not be
10 eligible to transfer to the Florida Retirement System created
11 by this chapter subsequent to such retirement. Any officer or
12 employee who, prior to July 1, 1947, filed a written rejection
13 of membership in a state retirement system and who continues
14 employment without participating in the Florida Retirement
15 System may withdraw the rejection in writing and, if otherwise
16 eligible, participate in the Florida Retirement System and
17 purchase prior service in accordance with this chapter. Any
18 former member of an existing system who was permitted to
19 transfer to the Florida Retirement System while employed by
20 the University Athletic Association, Inc., a nonprofit
21 association connected with the University of Florida, during
22 this or subsequent transfer periods, contrary to the
23 provisions of this paragraph, is hereby confirmed as a member
24 of the Florida Retirement System, the provisions of this
25 paragraph to the contrary notwithstanding. Any officer or
26 employee of the University Athletic Association, Inc.,
27 employed prior to July 1, 1979, who was a member of the
28 Florida Retirement System and who chose in writing on a
29 University Athletic Association Plan Participation Election
30 form, between July 1, 1979, and March 31, 1980, inclusively,
31 to terminate his or her participation in the Florida

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1 Retirement System shall hereby have such termination of
2 participation confirmed and declared irrevocable retroactive
3 to the date Florida Retirement System retirement contributions
4 ceased to be reported for such officer or employee. The
5 following specific conditions shall apply to any such officer
6 or employee whose participation was so terminated: The officer
7 or employee shall retain all creditable service earned in the
8 Florida Retirement System through the month that retirement
9 contributions ceased to be reported and no creditable service
10 shall be earned after such month; the officer or employee
11 shall not be eligible for disability retirement or death in
12 line of duty benefits if such occurred after the date that
13 participation terminated; and, the officer or employee may
14 participate in the Florida Retirement System in the future
15 only if employed by a participating employer in a regularly
16 established position.

17 2. Any member transferring from the existing system
18 under chapter 238 shall retain rights to survivor benefits
19 under that chapter through November 30, 1975, or until fully
20 insured for disability benefits under social security,
21 whichever is the earliest date, and thereafter no such rights
22 shall exist.

23 3. Any officer or employee who is a member of an
24 existing system on April 15, 1972, and who was eligible to
25 transfer to this system under the provisions of subparagraph
26 1., but who elected to remain in the existing system, may
27 elect, if eligible under the Social Security Act, 42 U.S.C. s.
28 418(d)(6)(F), to become a member of this system at any time
29 between April 15, 1972, and June 30, 1972, inclusive, by
30 notifying his or her employer in writing of the desire to
31 transfer membership from an existing system to this system.

1 Such transfer shall be subject to the following conditions:

2 a. All persons electing to transfer to the Florida
3 Retirement System under this subparagraph shall be transferred
4 on July 1, 1972, and shall thereafter be subject to the
5 provisions of the Florida Retirement System retroactively to
6 November 30, 1970, and at retirement have their benefits
7 calculated in accordance with the provisions of s. 121.091.

8 b. Social security coverage incidental to such
9 elective membership in the Florida Retirement System shall be
10 effective November 30, 1970, and all amounts required from a
11 member for retroactive social security coverage shall, at the
12 time such election is made, be deducted from the individual
13 account of the member, and the difference between the amount
14 remaining in the individual account of such member and the
15 total amount which such member would have contributed had he
16 or she become a member of the Florida Retirement System on
17 November 30, 1970, shall be paid into the system trust fund
18 and added to the member's individual account prior to July 1,
19 1975, or by his or her date of retirement, if earlier.
20 Interest at the rate of 8 percent per annum, compounded
21 annually until paid, shall be charged on any balance remaining
22 unpaid on said date.

23 c. There is appropriated out of the system trust fund
24 into the Social Security Contribution Trust Fund the amount
25 required by federal laws and regulations to be contributed
26 with respect to social security coverage for the years after
27 November 30, 1970, of the members of an existing system who
28 transfer to the Florida Retirement System in accordance with
29 this subparagraph and who qualify for retroactive social
30 security coverage. The amount paid from this appropriation
31 with respect to the employees of any employer shall be charged

1 to the employing agency. There shall be credited against this
2 charge the difference between the matching contributions
3 actually made for the affected employees from November 30,
4 1970, to June 30, 1972, and the amount of matching
5 contributions that would have been required under the Florida
6 Retirement System.

7 d. The net amounts charged the employing agencies for
8 employees transferring to the Florida Retirement System under
9 this subparagraph shall be paid to the system trust fund prior
10 to July 1, 1975. Interest at the rate of 8 percent per annum,
11 compounded annually until paid, shall be charged on any
12 balance remaining unpaid on said date.

13 e. The administrator shall request such modification
14 of the state's agreement with the Social Security
15 Administration, or any referendum required under the Social
16 Security Act governing social security coverage, as may be
17 required to implement the provisions of this law. Retroactive
18 social security coverage for service with an employer prior to
19 November 30, 1970, shall not be provided for any member who
20 was not covered under the agreement as of November 30, 1970.

21 4. Any officer or employee who was a member of an
22 existing system on December 1, 1970, and who is still a member
23 of an existing system, except any officer or employee of any
24 nonprofit professional association or corporation, may elect,
25 if eligible, to become a member of this system at any time
26 between September 1, 1974, and November 30, 1974, inclusive,
27 by notifying his or her employer in writing of the desire to
28 transfer membership from the existing system to this system.
29 This decision to transfer or not to transfer shall become
30 irrevocable on November 30, 1974. All members electing to
31 transfer during the transfer period shall become members of

1 the Florida Retirement System on January 1, 1975, and shall be
2 subject to the provisions of the Florida Retirement System on
3 and after that date. Any officer or employee who was a member
4 of an existing system on December 1, 1970, and who does not
5 elect to become a member of this system shall continue to be
6 covered under the existing system, subject to the provisions
7 of s. 121.045. Any member transferring from the Teachers'
8 Retirement System of Florida under chapter 238 to the Florida
9 Retirement System on January 1, 1975, shall retain rights to
10 survivor benefits under chapter 238 from January 1, 1975,
11 through December 31, 1979, or until fully insured for
12 disability benefits under the Social Security Act, whichever
13 is the earliest date, and thereafter no such rights shall
14 exist.

15 5.a. Any officer or employee who was a member of an
16 existing system on December 1, 1970, and who is still a member
17 of an existing system, except any officer or employee of any
18 nonprofit professional association or corporation, may elect,
19 if eligible, to become a member of this system at any time
20 between January 2, 1982, and May 31, 1982, inclusive, by
21 notifying his or her employer in writing of the desire to
22 transfer membership from the existing system to this system.
23 This decision to transfer or not to transfer shall become
24 irrevocable on May 31, 1982. All members electing to transfer
25 during the transfer period shall become members of the Florida
26 Retirement System on July 1, 1982, and shall be subject to the
27 provisions of the Florida Retirement System on and after that
28 date. Any officer or employee who was a member of an existing
29 system on December 1, 1970, and who does not elect to become a
30 member of this system shall continue to be covered under the
31 existing system, subject to the provisions of s. 121.045. Any

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1 member transferring from the Teachers' Retirement System under
2 chapter 238 to the Florida Retirement System on January 1,
3 1979, shall retain rights to survivor benefits under chapter
4 238 from January 1, 1979, through December 31, 1983, or until
5 fully insured for disability benefits under the federal Social
6 Security Act, whichever is the earliest date, and thereafter
7 no such rights shall exist. Any such member transferring to
8 the Florida Retirement System on July 1, 1982, shall retain
9 rights to survivor benefits under chapter 238 from July 1,
10 1982, through June 30, 1987, or until fully insured for
11 disability benefits under the federal Social Security Act,
12 whichever is the earliest date, and thereafter no such rights
13 shall exist.

14 b. Any deficit, as determined by the state actuary,
15 accruing to the Survivors' Benefit Trust Fund of the Teachers'
16 Retirement System and resulting from the passage of chapter
17 78-308, Laws of Florida, and chapter 80-242, Laws of Florida,
18 shall become an obligation of the Florida Retirement System
19 Trust Fund.

20 6. Any active member of an existing system who was not
21 employed in a covered position during a time when transfer to
22 the Florida Retirement System was allowed as described in rule
23 22B-1.004(2)(a), Florida Administrative Code, or as provided
24 in paragraph (1)(c) of this section, may elect, if eligible,
25 to become a member of this system at any time between January
26 1, 1991, and May 29, 1991, inclusive, by notifying his or her
27 employer in writing of the desire to transfer membership from
28 the existing system to this system. The decision to transfer
29 or not to transfer shall become irrevocable on May 29, 1991.
30 Failure to notify the employer shall result in compulsory
31 membership in the existing system. All members electing to

1 transfer during the transfer period shall become members of
 2 the Florida Retirement System on July 1, 1991, and shall be
 3 subject to the provisions of the Florida Retirement System on
 4 and after that date. Any member so transferring from the
 5 existing system under chapter 238 to the Florida Retirement
 6 System on July 1, 1991, shall retain rights to survivor
 7 benefits under that chapter from July 1, 1991, through June
 8 30, 1996, or until fully insured for benefits under the
 9 federal Social Security Act, whichever is the earliest date,
 10 and thereafter no such rights shall exist.

11 Section 6. Paragraph (a) of subsection (7) of section
 12 121.0515, Florida Statutes, is amended to read:

13 121.0515 Special risk membership; criteria;
 14 designation and removal of classification; credits for past
 15 service and prior service; retention of special risk normal
 16 retirement date.--

17 (7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT
 18 DATE.--

19 (a) A special risk member who is moved or reassigned
 20 to a nonspecial risk law enforcement, firefighting,
 21 correctional, or emergency medical care administrative support
 22 position with the same agency, or who is subsequently employed
 23 in such a position with any law enforcement, firefighting,
 24 correctional, or emergency medical care agency under the
 25 Florida Retirement System, shall participate in the Special
 26 Risk Administrative Support Class and shall earn credit for
 27 such service at the same percentage rate as that earned by a
 28 regular member. Notwithstanding the provisions of subsection
 29 (4), service in such an administrative support position shall,
 30 for purposes of s. 121.091, apply toward satisfaction of the
 31 special risk normal retirement date, as defined in s.

1 121.021(29)(b), provided that, while in such position, the
 2 member remains certified as a law enforcement officer,
 3 firefighter, correctional officer, emergency medical
 4 technician, or paramedic; remains subject to reassignment at
 5 any time to a position qualifying for special risk membership;
 6 and completes an aggregate of 5 ~~10~~ or more years of service as
 7 a designated special risk member prior to retirement.

8 Section 7. Effective July 1, 2001, subsection (8) and
 9 paragraphs (b) and (c) of subsection (12) of section 121.052,
 10 Florida Statutes, are amended to read:

11 121.052 Membership class of elected officers.--

12 (8) NORMAL RETIREMENT DATE; VESTING REQUIREMENT.--A
 13 member of the Elected Officers' Class shall have the same
 14 normal retirement date as defined in s. 121.021(29) for a
 15 member of the regular class of the Florida Retirement System,
 16 ~~except that only 8 years of creditable service in this class~~
 17 ~~are needed to attain the normal retirement date specified in~~
 18 ~~s. 121.021(29)(a).~~ Any public service commissioner who was
 19 removed from the Elected State Officers' Class on July 1,
 20 1979, after attaining at least 8 years of creditable service
 21 in that class shall be considered to have reached the normal
 22 retirement date upon attaining age 62 as required in s.
 23 121.021(29)(a).

24 (12) BENEFITS.--

25 (b) The benefit provisions of s. 121.091(2)-(6), (8),
 26 (9), and (11), relating to benefits payable for dual normal
 27 retirement ages, early retirement, disability retirement,
 28 termination benefits, optional forms of retirement,
 29 designation of beneficiaries, employment after retirement, and
 30 method of computing actuarial equivalent, respectively, shall
 31 also apply to members of the Elected Officers' Class, ~~except~~

1 ~~that only 8 years of creditable service in this class are~~
 2 ~~needed to attain the benefits specified in s. 121.091(3) and~~
 3 ~~(5). These provisions shall be construed in such manner as to~~
 4 ~~make them compatible with the provisions of this section.~~

5 (c) The benefit provisions of s. 121.091(7), relating
 6 to death benefits, shall apply to members of the Elected
 7 Officers' Class and shall be construed in such manner as to
 8 make them compatible with the provisions of this section
 9 ~~however, only 8 years of creditable service in this class are~~
 10 ~~needed to obtain such benefits, except that:~~

11 1. If any elected official dies in office who would
 12 have been vested under the Elected Officers' Class, any other
 13 class of the Florida Retirement System, or any other
 14 state-administered retirement system, if the official had
 15 lived to complete his or her term of office, the official's
 16 spouse may elect to leave the official's retirement
 17 contributions in the retirement trust fund and pay into said
 18 fund any required contributions which would have been paid by
 19 the officer or the employer had the officer lived to complete
 20 the term of office.

21 2. If a deceased member's surviving spouse as
 22 described in subparagraph 1. previously received a refund of
 23 the member's contributions made to the retirement trust fund,
 24 the surviving spouse may pay into the retirement trust fund an
 25 amount equal to the deceased member's contributions previously
 26 refunded, together with interest at 4 percent compounded
 27 annually on the amount of such refunded contributions from the
 28 date of refund until July 1, 1975, and at 6.5 percent
 29 compounded annually thereafter to the date of payment, plus
 30 such additional contributions as may be required under
 31 subparagraph 1., in order to become vested, as applicable.

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Upon conclusion of the term of office to which the deceased officer was elected, a spouse who pays into the retirement trust fund such additional or refunded contributions, plus interest, shall be eligible to receive a monthly benefit in the same manner as the surviving spouse of a member who dies after accumulating the required number of years of creditable service as described herein.

Section 8. Effective July 1, 2001, paragraph (a) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.--

(1)(a) Any member who retired under any existing system as defined in s. 121.021(2), and receives a benefit thereof, and who serves in an office covered by the Elected Officers' Class for a period of at least 5 & years, shall be entitled to receive an additional retirement benefit for such elected officer service prior to July 1, 1990, under the Elected Officers' Class of the Florida Retirement System, as follows:

1. Upon completion of 5 & or more years of creditable service in an office covered by the Elected Officers' Class, s. 121.052, such member shall notify the administrator of his or her intent to purchase elected officer service prior to July 1, 1990, and shall pay the member contribution applicable for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund; however, such member may

1 purchase retirement credit under the Elected Officers' Class
2 only for such service as an elected officer.

3 2. Upon payment of the amount specified in
4 subparagraph 1., the employer shall pay into the Florida
5 Retirement System Trust Fund the applicable employer
6 contribution for the period of elected officer service prior
7 to July 1, 1990, being claimed by the member, plus 4 percent
8 interest compounded annually from the first year of service
9 claimed until July 1, 1975, and 6.5 percent interest
10 compounded annually thereafter, until full payment is made to
11 the Florida Retirement System Trust Fund.

12 Section 9. Effective July 1, 2001, paragraph (b) of
13 subsection (4) of section 121.055, Florida Statutes, is
14 amended to read:

15 121.055 Senior Management Service Class.--There is
16 hereby established a separate class of membership within the
17 Florida Retirement System to be known as the "Senior
18 Management Service Class," which shall become effective
19 February 1, 1987.

20 (4)

21 (b) Service in an eligible position prior to February
22 1, 1987, or after January 31, 1987, shall satisfy the
23 requirement of attaining the normal retirement date as defined
24 in s. 121.021(29) for a Senior Management Service Class
25 member, provided the employee is a member of the Senior
26 Management Service Class after January 31, 1987. A member of
27 this class who fails to complete 5 7 years of creditable
28 service in an eligible position shall be required to satisfy
29 the requirements for the normal retirement date for a regular
30 member as provided in s. 121.021(29).

31 Section 10. Effective July 1, 2001, paragraph (i) of

1 subsection (1) and paragraph (b) of subsection (2) of section
2 121.081, Florida Statutes, are amended to read:

3 121.081 Past service; prior service;
4 contributions.--Conditions under which past service or prior
5 service may be claimed and credited are:

6 (1)

7 (i) An employee of a state agency who was a member of
8 a state-administered retirement system and who was granted
9 educational leave with pay pursuant to a written educational
10 leave-with-pay policy may claim such period of educational
11 leave as past service subject to the following conditions:

12 1. The educational leave must have occurred prior to
13 December 31, 1971;

14 2. The member must have completed at least 5 ~~10~~ years
15 of creditable service excluding the period of the educational
16 leave;

17 3. The employee must have returned to employment with
18 a state agency employer who participated in the retirement
19 system, which return was immediately upon termination of the
20 educational leave, and must have remained on the employer's
21 payroll for at least 1 calendar month following the return to
22 employment;

23 4. The employee must be a member of the Florida
24 Retirement System at the time he or she claims such service;

25 5. Not more than 24 months of creditable service may
26 be claimed for such period of educational leave with pay;

27 6. The service must not be claimed under any other
28 state or federal retirement system; and

29 7. The member must pay to the retirement trust fund
30 for claiming such past-service credit an amount equal to 8
31 percent of his or her gross annual salary immediately prior to

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1 the educational leave with pay for each year of past service
2 claimed, plus 4 percent interest thereon compounded annually
3 each June 30 from the first year of service claimed until July
4 1, 1975, and 6.5 percent interest thereafter on the unpaid
5 balance compounded annually each June 30 until paid.

6 (2) Prior service, as defined in s. 121.021(19), may
7 be claimed as creditable service under the Florida Retirement
8 System after a member has been reemployed for 1 complete year
9 of creditable service within a period of 12 consecutive
10 months, except as provided in paragraph (c). Service performed
11 as a participant of the optional retirement program for the
12 State University System under s. 121.35 or the Senior
13 Management Service Optional Annuity Program under s. 121.055
14 may be used to satisfy the reemployment requirement of 1
15 complete year of creditable service. The member shall not be
16 permitted to make any contributions for prior service until
17 after completion of the 1 year of creditable service. The
18 required contributions for claiming the various types of prior
19 service are:

20 (b) For prior service performed prior to the date the
21 system became ~~becomes~~ noncontributory for the member, and for
22 which the member had credit under the Florida Retirement
23 System and received a refund of contributions upon termination
24 of employment, the member shall contribute at the rate that
25 was required of him or her during the period of service being
26 claimed, on all salary received during such period, plus 4
27 percent interest compounded annually from the date of refund
28 until July 1, 1975, and 6.5 percent interest compounded
29 annually thereafter, until the full payment is made to the
30 Florida Retirement System Trust Fund.

31 Section 11. Effective July 1, 2001, paragraph (a) of

1 subsection (1) and paragraphs (a), (h), and (j) of subsection
2 (4) of section 121.091, Florida Statutes, are amended to read:

3 121.091 Benefits payable under the system.--Benefits
4 may not be paid under this section unless the member has
5 terminated employment as provided in s. 121.021(39)(a) or
6 begun participation in the Deferred Retirement Option Program
7 as provided in subsection (13), and a proper application has
8 been filed in the manner prescribed by the department. The
9 department may cancel an application for retirement benefits
10 when the member or beneficiary fails to timely provide the
11 information and documents required by this chapter and the
12 department's rules. The department shall adopt rules
13 establishing procedures for application for retirement
14 benefits and for the cancellation of such application when the
15 required information or documents are not received.

16 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or
17 her normal retirement date, the member, upon application to
18 the administrator, shall receive a monthly benefit which shall
19 begin to accrue on the first day of the month of retirement
20 and be payable on the last day of that month and each month
21 thereafter during his or her lifetime. The normal retirement
22 benefit, including any past or additional retirement credit,
23 may not exceed 100 percent of the average final compensation.
24 The amount of monthly benefit shall be calculated as the
25 product of A and B, subject to the adjustment of C, if
26 applicable, as set forth below:

27 (a)1. For creditable years of Regular Class service, A
28 is 1.60 percent of the member's average final compensation, up
29 to the member's normal retirement date. Upon completion of the
30 first year after the normal retirement date, A is 1.63 percent
31 of the member's average final compensation. Following the

- 1 second year after the normal retirement date, A is 1.65
2 percent of the member's average final compensation. Following
3 the third year after the normal retirement date, and for
4 subsequent years, A is 1.68 percent of the member's average
5 final compensation.
- 6 2. For creditable years of special risk service, ~~A is:~~
- 7 a. A is 2.00 ~~Two~~ percent of the member's average final
8 compensation for all creditable years prior to October 1,
9 1974;
- 10 b. A is 3.00 ~~Three~~ percent of the member's average
11 final compensation for all creditable years after September
12 30, 1974, and before October 1, 1978;
- 13 c. A is 2.00 ~~Two~~ percent of the member's average final
14 compensation for all creditable years after September 30,
15 1978, and before January 1, 1989;
- 16 d. A is 2.20 ~~Two and two-tenths~~ percent of the
17 member's final monthly compensation for all creditable years
18 after December 31, 1988, and before January 1, 1990;
- 19 e. A is 2.40 ~~Two and four-tenths~~ percent of the
20 member's average final compensation for all creditable years
21 after December 31, 1989, and before January 1, 1991;
- 22 f. A is 2.60 ~~Two and six-tenths~~ percent of the
23 member's average final compensation for all creditable years
24 after December 31, 1990, and before January 1, 1992;
- 25 g. A is 2.80 ~~Two and eight-tenths~~ percent of the
26 member's average final compensation for all creditable years
27 after December 31, 1991, and before January 1, 1993; ~~and~~
- 28 h. A is 3.00 ~~Three~~ percent of the member's average
29 final compensation for all creditable years after December 31,
30 1992;
- 31 3. For creditable years of Senior Management Service

1 Class service after January 31, 1987, A is 2 percent;

2 4. For creditable years of Elected Officers' Class
3 service as a Supreme Court Justice, district court of appeal
4 judge, circuit judge, or county court judge, A is 3 1/3
5 percent of the member's average final compensation, and for
6 all other creditable service in such class, A is 3.00 3
7 percent of average final compensation;

8 (4) DISABILITY RETIREMENT BENEFIT.--

9 (a) Disability retirement; entitlement and effective
10 date.--

11 1. A member who becomes totally and permanently
12 disabled, as defined in paragraph (b), after completing 5
13 years of creditable service, or a member who becomes totally
14 and permanently disabled in the line of duty regardless of
15 service, shall be entitled to a monthly disability benefit+
16 ~~except that any member with less than 5 years of creditable~~
17 ~~service on July 1, 1980, or any person who becomes a member of~~
18 ~~the Florida Retirement System on or after such date must have~~
19 ~~completed 10 years of creditable service prior to becoming~~
20 ~~totally and permanently disabled in order to receive~~
21 ~~disability retirement benefits for any disability which occurs~~
22 ~~other than in the line of duty. However, if a member employed~~
23 ~~on July 1, 1980, with less than 5 years of creditable service~~
24 ~~as of that date, becomes totally and permanently disabled~~
25 ~~after completing 5 years of creditable service and is found~~
26 ~~not to have attained fully insured status for benefits under~~
27 ~~the federal Social Security Act, such member shall be entitled~~
28 ~~to a monthly disability benefit.~~

29 2. If the division has received from the employer the
30 required documentation of the member's termination of
31 employment, the effective retirement date for a member who

1 applies and is approved for disability retirement shall be
2 established by rule of the division.

3 3. For a member who is receiving Workers' Compensation
4 payments, the effective disability retirement date may not
5 precede the date the member reaches Maximum Medical
6 Improvement (MMI), unless the member terminates employment
7 prior to reaching MMI.

8 (h) Recovery from disability.--The administrator may
9 require periodic reexaminations at the expense of the
10 retirement fund. The division may adopt rules establishing
11 procedures for conducting and review of such reexaminations.

12 1. If the administrator finds that a member who is
13 receiving disability benefits is, at any time prior to his or
14 her normal retirement date, no longer disabled, the
15 administrator shall direct that the benefits be discontinued.
16 The decision of the administrator on this question shall be
17 final and binding. If such member:

18 a. Does not reenter the employ of an employer and was
19 not vested as of the disability retirement date, he or she
20 shall be entitled to a refund of the excess, if any, of his or
21 her accumulated contributions over the total disability
22 benefits received up to the date of recovery.

23 b. Does not reenter the employ of an employer, but was
24 vested as of the disability retirement date, he or she may
25 elect to receive:

26 (I) A refund of the excess, if any, of his or her
27 accumulated contributions over the total disability benefits
28 received up to the date of recovery; or

29 (II) A deferred benefit commencing on the last day of
30 the month of the normal retirement date which shall be payable
31 on the last day of the month thereafter during his or her

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1 lifetime. The amount of such monthly benefit shall be
2 computed in the same manner as for a normal retirement
3 benefit, in accordance with subsection (1), but shall be based
4 on average monthly compensation and creditable service as of
5 the member's disability retirement date.

6 c. Reenters employment of an employer within 6 months
7 after recovery, the member's service will be deemed to have
8 been continuous, but the period beginning with the first month
9 for which he or she received a disability benefit payment and
10 ending with the date he or she reentered employment will not
11 be considered as creditable service for the purpose of
12 computing benefits except as provided in sub-subparagraph d.
13 As used in this section, the term "accumulated contributions"
14 for such member means the excess of the member's accumulated
15 contributions as of the disability retirement date over the
16 total disability benefits received under paragraph (e).

17 d. Terminates his or her disability benefit, reenters
18 covered employment, and is continuously employed for a minimum
19 of 1 year of creditable service, he or she may claim as
20 creditable service the months during which he or she was
21 receiving a disability benefit, upon payment of the required
22 contributions. Contributions shall equal the total required
23 employee and employer contribution rate applicable during the
24 period the retiree received retirement benefits, multiplied
25 times his or her rate of monthly compensation prior to the
26 commencement of disability retirement for each month of the
27 period claimed, plus 4 percent interest until July 1, 1975,
28 and 6.5 percent interest thereafter, compounded annually each
29 June 30 to the date of payment. If the member does not claim
30 credit for all of the months he or she received disability
31 benefits, the months claimed must be the most recent months of

1 retirement. Such credit for periods of disability, when
2 purchased under the Florida Retirement System, shall apply
3 toward vesting requirements for eligibility to purchase
4 additional credit for other service.

5 2. Both the member receiving disability benefits who
6 reenters employment and the employer employing such disability
7 retiree shall notify the division immediately upon
8 reemployment, and the division shall terminate such member's
9 disability benefits, effective the first day of the month
10 following the month in which notification of recovery is
11 received. If the member is reemployed with a Florida
12 Retirement System employer at the time of benefit termination,
13 and he or she has received disability retirement benefit and
14 salary payments concurrently prior to notifying the division,
15 he or she may elect within 30 days to:

16 a. Retain the retirement benefits received prior to
17 termination of disability benefits and begin receiving
18 retirement service credit effective upon the date of
19 termination of benefits; or

20 b. Repay, within 12 months after his or her decision
21 to receive service credit, the retirement benefits received
22 for each month of reemployment prior to termination of
23 disability benefits and begin receiving retirement service
24 credit effective upon the date of reemployment. Any such
25 unpaid benefits shall have compound interest of 6.5 percent
26 added June 30.

27

28 A member may not receive both retirement service credit for
29 employment and retirement benefits for the same month.

30 3. If, after recovery of disability and reentry into
31 covered employment, the member again becomes disabled and is

1 again approved for disability retirement, the Option 1 monthly
2 retirement benefit shall not be less than the Option 1 monthly
3 benefit calculated at the time of the previous disability,
4 plus any cost of living increases up to the time the
5 disability benefit was terminated upon his or her reentry into
6 covered employment.

7 (j) Disability retirement of justice or judge by order
8 of Supreme Court.--

9 1. If a member is a justice of the Supreme Court,
10 judge of a district court of appeal, circuit judge, or judge
11 of a county court who has served for 5 ~~10~~ years or more as an
12 elected constitutional judicial officer, including service as
13 a judicial officer in any court abolished pursuant to Art. V
14 of the State Constitution, and who is retired for disability
15 by order of the Supreme Court upon recommendation of the
16 Judicial Qualifications Commission pursuant to the provisions
17 of Art. V of the State Constitution, the member's Option 1
18 monthly benefit as provided in subparagraph (6)(a)1. shall not
19 be less than two-thirds of his or her monthly compensation as
20 of the member's disability retirement date. Such a member may
21 alternatively elect to receive a disability retirement benefit
22 under any other option as provided in paragraph (6)(a).

23 2. Should any justice or judge who is a member of the
24 Florida Retirement System be retired for disability by order
25 of the Supreme Court upon recommendation of the Judicial
26 Qualifications Commission pursuant to the provisions of Art. V
27 of the State Constitution, then all contributions to his or
28 her account and all contributions made on his or her behalf by
29 the employer shall be transferred to and deposited in the
30 General Revenue Fund of the state, and there is hereby
31 appropriated annually out of the General Revenue Fund, to be

1 paid into the Florida Retirement System Fund, an amount
2 necessary to pay the benefits of all justices and judges
3 retired from the Florida Retirement System pursuant to Art. V
4 of the State Constitution.

5 Section 12. Effective July 1, 2001, paragraph (b) of
6 subsection (1) of section 121.1115, Florida Statutes, is
7 amended to read:

8 121.1115 Purchase of retirement credit for
9 out-of-state and federal service.--Effective January 1, 1995,
10 a member of the Florida Retirement System may purchase
11 creditable service for periods of public employment in another
12 state and receive creditable service for such periods of
13 employment. Service with the Federal Government, including any
14 military service, may be claimed. Upon completion of each year
15 of service earned under the Florida Retirement System, a
16 member may purchase up to 1 year of retirement credit for his
17 or her out-of-state service, subject to the following
18 provisions:

19 (1) LIMITATIONS AND CONDITIONS.--To receive credit for
20 the out-of-state service:

21 (b) The member must have completed a minimum of 5 ~~10~~
22 years of creditable service under the Florida Retirement
23 System, excluding out-of-state service and in-state service
24 claimed and purchased under s. 121.1122.

25 Section 13. Effective July 1, 2001, paragraph (a) of
26 subsection (2) of section 121.1122, Florida Statutes, is
27 amended to read:

28 121.1122 Purchase of retirement credit for in-state
29 public service and in-state service in accredited nonpublic
30 schools and colleges, including charter schools and charter
31 technical career centers.--Effective January 1, 1998, a member

1 of the Florida Retirement System may purchase creditable
2 service for periods of certain public or nonpublic employment
3 performed in this state, as provided in this section.

4 (2) LIMITATIONS AND CONDITIONS.--

5 (a) A member is not eligible to receive credit for
6 in-state service under this section until he or she has
7 completed 5 ~~10~~ years of creditable service under the Florida
8 Retirement System, excluding service purchased under this
9 section and out-of-state service claimed and purchased under
10 s. 121.1115.

11 Section 14. Effective July 1, 2001, paragraph (a) of
12 subsection (1) of section 121.121, Florida Statutes, is
13 amended to read:

14 121.121 Authorized leaves of absence.--

15 (1) A member may purchase creditable service for up to
16 2 work years of authorized leaves of absence if:

17 (a) The member has completed a minimum of 5 ~~10~~ years
18 of creditable service, excluding periods for which a leave of
19 absence was authorized;

20 Section 15. Effective July 1, 2000, in order to fund
21 the reduction in vesting requirements provided in this act:

22 (1) The contribution rates that apply to the Regular
23 Class of the Florida Retirement System shall be increased by
24 0.49 percentage points;

25 (2) The contribution rates that apply to the Special
26 Risk Class of the Florida Retirement System shall be increased
27 by 0.76 percentage points;

28 (3) The contribution rates that apply to the Special
29 Risk Administrative Support Class of the Florida Retirement
30 System shall be increased by 0.27 percentage points;

31 (4) The contribution rates that apply to the Judicial

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1 sub-class of the Elected Officers' Class of the Florida
2 Retirement System shall be increased by 0.41 percentage
3 points;
4 (5) The contribution rates that apply to the
5 legislative-attorney-Cabinet sub-class of the Elected
6 Officers' Class of the Florida Retirement System shall be
7 increased by 0.72 percentage points;
8 (6) The contribution rates that apply to the County
9 Officers' sub-class of the Elected Officers' Class of the
10 Florida Retirement System shall be increased by 0.37
11 percentage points; and
12 (7) The contribution rates that apply to the Senior
13 Management Service Class of the Florida Retirement System
14 shall be increased by 0.27 percentage points.
15
16 These increases shall be in addition to all other changes to
17 such contribution rates which may be enacted into law to take
18 effect on that date. The Division of Statutory Revision is
19 directed to adjust accordingly the contribution rates set
20 forth in ss. 121.052, 121.055, and 121.071, Florida Statutes.

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 2, after the semicolon,
26
27 and insert in lieu thereof:
28 amending ss. 121.021, 121.0515, 121.052,
29 121.053, 121.055, 121.081, 121.091, 121.1115,
30 121.1122, and 121.121, F.S.; providing that
31 members employed in a regularly established

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1 position shall be vested after 5 years of
2 creditable service; providing that any
3 terminated, inactive member must be actively
4 employed in a covered position for 1 calendar
5 year or more on or after the bill's effective
6 date to achieve vested status with 5 years of
7 service; providing for employer contribution
8 rate increases to each membership class;
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