

By Senator Aronberg

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1                                   A bill to be entitled  
 2           An act relating to the Florida Retirement System;  
 3           amending s. 121.111, F.S.; authorizing additional  
 4           persons to purchase credit for prior military wartime  
 5           service; revising the payroll contribution rates for  
 6           the membership classes of the system; providing a  
 7           declaration of important state interest; providing an  
 8           effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Subsection (2) of section 121.111, Florida  
 13 Statutes, is amended to read:

14           121.111 Credit for military service.—

15           (2) (a) Any member ~~whose initial date of employment is~~  
 16 ~~before January 1, 1987,~~ who has military service as defined in  
 17 s. 121.021(20) (b) ~~7~~ and who does not claim such service under  
 18 subsection (1) may receive creditable service for such military  
 19 service if:

20           1.(a) The member is vested;

21           2.(b) Creditable service, not to exceed a total of 4 years,  
 22 is claimed only as service earned in the Regular Class of  
 23 membership; and

24           3.(c) The member pays into the proper retirement trust fund  
 25 4 percent of gross salary, based upon his or her first year of  
 26 salary subsequent to July 1, 1945, that he or she has credit for  
 27 under this system, plus 4 percent interest thereon compounded  
 28 annually from the date of first creditable service under this  
 29 chapter until July 1, 1975, and 6.5 percent interest compounded

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30 annually thereafter, until payment is made to the proper  
31 retirement trust fund.

32 (b)~~(d)~~ The member may not receive credit for any wartime  
33 military service if the member also receives credit for such  
34 service under any federal, state, or local retirement or pension  
35 system where "length of service" is a factor in determining the  
36 amount of compensation received. However, credit for wartime  
37 military service may be received where the member also receives  
38 credit under a pension system providing retired pay for  
39 nonregular service in the Armed Forces of the United States in  
40 accordance with 10 U.S.C. ss. 1331 et seq., as follows:

41 1. Any person whose retirement date under the Florida  
42 Retirement System is prior to July 1, 1985, may claim such  
43 service at any time,~~as provided in this subsection,~~ upon  
44 payment of contributions and interest as provided in  
45 subparagraph (a)3. ~~paragraph (c)~~, with interest computed to the  
46 retired member's retirement date. The benefit must ~~shall~~ be  
47 recalculated and increased to include the additional service  
48 credit granted for such wartime military service, and a lump-sum  
49 payment ~~shall be~~ made to the retiree for the amount owed due to  
50 the additional service credit, retroactive to the date of  
51 retirement.

52 2. Any person whose retirement date is on or after July 1,  
53 1985, must claim such service and pay the required  
54 contributions, as provided in subparagraph (a)3. ~~paragraph (c)~~,  
55 prior to the commencement of his or her retirement benefits,~~as~~  
56 ~~provided in this subsection.~~

57 (c)~~(e)~~ Any member claiming credit under this subsection  
58 must certify on the form prescribed by the department that

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59 credit for such service has not and will not be claimed for  
60 retirement purposes under any other federal, state, or local  
61 retirement or pension system where "length of service" is a  
62 factor in determining the amount of compensation received,  
63 except if ~~where~~ credit for such service has been granted in a  
64 pension system providing retired pay for nonregular service as  
65 provided in paragraph (b) ~~(d)~~. If the member dies prior to  
66 retirement, the member's beneficiary must make the required  
67 certification before credit may be claimed. If such  
68 certification is not made by the member or the member's  
69 beneficiary, credit for wartime military service may ~~shall~~ not  
70 be claimed ~~allowed~~.

71 (d) ~~(f)~~ Service credit awarded for wartime military service  
72 equals ~~shall be~~ the total number of years, months, and days from  
73 and including the date of entry into active duty through the  
74 date of discharge from active duty, up to a maximum of 4 years.  
75 If the military service includes a partial year, it must ~~shall~~  
76 be stated as a fraction of a year. Creditable military service  
77 must ~~shall~~ be calculated in accordance with rule 60S-  
78 2.005(2)(j), Florida Administrative Code.

79 Section 2. Effective July 1, 2009, in order to fund the  
80 benefits provided by this act:

81 (1) The contribution rate that applies to the Regular Class  
82 of the Florida Retirement System is increased by 0.11 percentage  
83 points.

84 (2) The contribution rate that applies to the Special Risk  
85 Class of the Florida Retirement System is increased by 0.16  
86 percentage points.

87 (3) The contribution rate that applies to the Special Risk

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88 Administrative Support Class of the Florida Retirement System is  
89 increased by 0.21 percentage points.

90 (4) The contribution rate that applies to the Judicial  
91 subclass of the Elected Officers' Class of the Florida  
92 Retirement System is increased by 0.20 percentage points.

93 (5) The contribution rate that applies to the legislative-  
94 attorney-Cabinet subclass of the Elected Officers' Class of the  
95 Florida Retirement System is increased by 0.19 percentage  
96 points.

97 (6) The contribution rate that applies to the County  
98 Officers' subclass of the Elected Officers' Class of the Florida  
99 Retirement System is increased by 0.22 percentage points.

100 (7) The contribution rate that applies to the Senior  
101 Management Service Class of the Florida Retirement System is  
102 increased by 0.18 percentage points.

103  
104 These increases are in addition to all other changes to such  
105 contribution rates which may be enacted into law to take effect  
106 on that date. The Division of Statutory Revision is directed to  
107 adjust the contribution rates set forth in ss. 121.052, 121.055,  
108 and 121.071, Florida Statutes.

109 Section 3. The Legislature finds that a proper and  
110 legitimate state purpose is served when certain employees and  
111 retirees of the state and its political subdivisions, and the  
112 dependents, survivors, and beneficiaries of such employees and  
113 retirees, are extended the basic protections afforded by  
114 governmental retirement systems. These persons must be provided  
115 benefits that are fair and adequate and that are managed,  
116 administered, and funded in an actuarially sound manner, as

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117 required by Section 14, Article X of the State Constitution, and  
118 part VII of chapter 112, Florida Statutes. Therefore, the  
119 Legislature determines and declares that this act fulfills an  
120 important state interest.

121 Section 4. This act shall take effect July 1, 2009.