

HB 1033

2011

1 A bill to be entitled
2 An act relating to retirement; amending s. 25.073, F.S.;
3 providing for a former justice or judge to be qualified to
4 serve as a retired justice or judge under certain
5 conditions; providing circumstances under which such
6 justice or judge may not serve as a retired justice or
7 judge; amending s. 121.053, F.S.; exempting retired judges
8 consenting to temporary duty from certain termination and
9 reemployment limitations; providing an effective date.

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11 WHEREAS, the Supreme Court of Florida has certified the
12 need for additional judgeships to meet the workload of the
13 court, but due to economic conditions, none have been funded by
14 the Legislature since 2007, and

15 WHEREAS, the trial courts in this state have experienced a
16 tremendous increase in foreclosure cases, and

17 WHEREAS, senior judges provide temporary replacement
18 coverage of scheduled dockets of judges who become ill, injured,
19 or unexpectedly obligated to attend to other duties, and, thus,
20 prevent litigants from suffering unwanted delay of their cases,
21 and

22 WHEREAS, unlike other employees who return to state service
23 after retirement, senior judges are paid a daily fixed stipend,
24 and

25 WHEREAS, a 1-year delay in a retired judge's performance of
26 senior judge duties will detrimentally affect the currency of
27 experience and critical skills required of a judge to properly
28 and appropriately rule on legal issues, NOW, THEREFORE,

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

Section 1. Present subsections (2) and (3) of section 25.073, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

25.073 Retired justices or judges assigned to temporary duty; additional compensation; appropriation.—

(2) Notwithstanding subsection (1), a former justice or judge who has failed to win reelection or be retained after more than 12 years of service as a justice or judge may be qualified to serve as a retired justice or judge unless:

(a) The former justice or judge has been reprimanded, fined, suspended, or disciplined by the Florida Supreme Court for violations of the Florida Code of Judicial Conduct or the rules regulating The Florida Bar;

(b) The Judicial Qualifications Commission has brought charges against the former justice or judge which were not dismissed, or the former justice or judge was not exonerated of all such charges; or

(c) Any party objects to the assignment of the former justice or judge when the former justice or judge is to preside over a civil case, including any appeal of a civil case.

Section 2. Subsection (6) of section 121.053, Florida Statutes, is amended to read:

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

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57 (6) A retired judge consenting to temporary duty in any
58 court, as assigned by the Chief Justice of the Supreme Court in
59 accordance with s. 2, Art. V of the State Constitution, is not
60 subject to the renewed membership provisions of this section, to
61 termination as defined in s. 121.021(39), or to the 12-month
62 reemployment limitation in s. 121.091(9).

63 Section 3. This act shall take effect July 1, 2011.