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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/06/2012 10:33 AM

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Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) is added to section 25.073,
Florida Statutes, to read:

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

(4) For a former justice or retired judge who has reached
his or her normal retirement age or date under chapter 121 and
who has consented to temporary duty in any court, as assigned by
the Chief Justice of the Supreme Court in accordance with s. 2,
Art. V of the State Constitution:



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14 (a) The definition of the term "termination" in s. 121.021
15 does not apply, and termination occurs when the former justice
16 or judge ceases all nontemporary, active duty as a judge and
17 retires from the Florida Retirement System.

18 (b) Section 121.091(9)(c) does not apply, and such
19 temporary duty is not considered reemployment or employment
20 after retirement for purposes of chapter 121 and renewed
21 membership in the Florida Retirement System is not permitted.

22 Section 2. Effective on this act becoming a law,
23 subsections (1), (3), and (5) of section 43.291, Florida
24 Statutes, are amended to read:

25 43.291 Judicial nominating commissions.—

26 (1) (a) Each judicial nominating commission shall be
27 composed of the following members:

28 ~~1.(a)~~ Four members of The Florida Bar, appointed by the
29 Governor, who are engaged in the practice of law, each of whom
30 is a resident of the territorial jurisdiction served by the
31 commission to which the member is appointed. The Board of
32 Governors of The Florida Bar shall submit to the Governor three
33 recommended nominees for each position. The Governor shall
34 select the appointee from the list of nominees recommended for
35 that position, but the Governor may reject all of the nominees
36 recommended for a position and request that the Board of
37 Governors submit a new list of three different recommended
38 nominees for that position who have not been previously
39 recommended by the Board of Governors.

40 ~~2.(b)~~ Five members appointed by the Governor who shall
41 serve at the pleasure of the Governor, each of whom is a
42 resident of the territorial jurisdiction served by the



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43 commission to which the member is appointed, of which at least
44 two are members of The Florida Bar engaged in the practice of
45 law. Notwithstanding any other law, each current member of a
46 judicial nominating commission appointed by the Governor after
47 January 4, 2011, other than those selected from a list of
48 nominees provided by the Board of Governors of The Florida Bar,
49 shall serve at the pleasure of the Governor.

50 (b) Each expired term or vacancy shall be filled by
51 appointment in the same manner as the member whose position is
52 being filled.

53 (3) Notwithstanding any other provision of this section,
54 each current member of a judicial nominating commission selected
55 from a list of nominees provided ~~appointed directly~~ by the Board
56 of Governors of The Florida Bar shall serve the remainder of his
57 or her term, unless removed for cause. ~~The terms of all other~~
58 ~~members of a judicial nominating commission are hereby~~
59 ~~terminated, and the Governor shall appoint new Members~~ selected
60 from a list of nominees provided by the Board of Governors of
61 The Florida Bar shall serve terms to each judicial nominating
62 ~~commission~~ in the following manner:

63 (a) One appointment ~~Two appointments~~ for a term ~~terms~~
64 ending July 1, 2012 ~~2002~~, ~~one of which shall be an appointment~~
65 ~~selected from nominations submitted by the Board of Governors of~~
66 ~~The Florida Bar pursuant to paragraph (1)(a);~~

67 (b) Two appointments for terms ending July 1, 2014 ~~2003~~;
68 and

69 (c) One appointment ~~Two appointments~~ for a term ~~terms~~
70 ending July 1, 2015 ~~2004~~.

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72 Every subsequent appointment of a member selected from a list of
73 nominees provided by the Board of Governors of The Florida Bar,
74 except an appointment to fill a vacant, unexpired term, shall be
75 for 4 years. ~~Each expired term or vacancy shall be filled by~~
76 ~~appointment in the same manner as the member whose position is~~
77 ~~being filled.~~

78 (5) A member of a judicial nominating commission may be
79 suspended for cause by the Governor ~~pursuant to uniform rules of~~
80 ~~procedure established by the Executive Office of the Governor~~
81 consistent with s. 7, ~~of~~ Art. IV of the State Constitution.

82 Section 3. Subsection (39) of section 121.021, Florida
83 Statutes, is amended to read:

84 121.021 Definitions.—The following words and phrases as
85 used in this chapter have the respective meanings set forth
86 unless a different meaning is plainly required by the context:

87 (39) (a) "Termination" occurs, except as provided in
88 paragraph (b) or paragraph (d), when a member ceases all
89 employment relationships with participating employers, however:

90 1. For retirements effective before July 1, 2010, if a
91 member is employed by any such employer within the next calendar
92 month, termination shall be deemed not to have occurred. A leave
93 of absence constitutes a continuation of the employment
94 relationship, except that a leave of absence without pay due to
95 disability may constitute termination if such member makes
96 application for and is approved for disability retirement in
97 accordance with s. 121.091(4). The department or state board may
98 require other evidence of termination as it deems necessary.

99 2. For retirements effective on or after July 1, 2010, if a
100 member is employed by any such employer within the next 6



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101 calendar months, termination shall be deemed not to have
102 occurred. A leave of absence constitutes a continuation of the
103 employment relationship, except that a leave of absence without
104 pay due to disability may constitute termination if such member
105 makes application for and is approved for disability retirement
106 in accordance with s. 121.091(4). The department or state board
107 may require other evidence of termination as it deems necessary.

108 (b) "Termination" for a member electing to participate in
109 the Deferred Retirement Option Program occurs when the program
110 participant ceases all employment relationships with
111 participating employers in accordance with s. 121.091(13),
112 however:

113 1. For termination dates occurring before July 1, 2010, if
114 the member is employed by any such employer within the next
115 calendar month, termination will be deemed not to have occurred,
116 except as provided in s. 121.091(13)(b)4.c. A leave of absence
117 shall constitute a continuation of the employment relationship.

118 2. For termination dates occurring on or after July 1,
119 2010, if the member becomes employed by any such employer within
120 the next 6 calendar months, termination will be deemed not to
121 have occurred, except as provided in s. 121.091(13)(b)4.c. A
122 leave of absence constitutes a continuation of the employment
123 relationship.

124 (c) Effective July 1, 2011, "termination" for a member
125 receiving a refund of employee contributions occurs when a
126 member ceases all employment relationships with participating
127 employers for 3 calendar months. A leave of absence constitutes
128 a continuation of the employment relationship.

129 (d) Effective July 1, 2012, a former justice or retired



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130 judge who has reached his or her normal retirement age or date
131 and consents to temporary employment as a senior judge in any
132 court, as assigned by the Chief Justice of the Supreme Court in
133 accordance with s. 2, Art. V of the State Constitution, meets
134 the definition of "termination" when all nontemporary employment
135 as a judge ceases and the former justice or judge retires under
136 this chapter.

137 Section 4. Subsection (9) of section 121.091, Florida
138 Statutes, is amended to read:

139 121.091 Benefits payable under the system.—Benefits may not
140 be paid under this section unless the member has terminated
141 employment as provided in s. 121.021(39) (a) or begun
142 participation in the Deferred Retirement Option Program as
143 provided in subsection (13), and a proper application has been
144 filed in the manner prescribed by the department. The department
145 may cancel an application for retirement benefits when the
146 member or beneficiary fails to timely provide the information
147 and documents required by this chapter and the department's
148 rules. The department shall adopt rules establishing procedures
149 for application for retirement benefits and for the cancellation
150 of such application when the required information or documents
151 are not received.

152 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

153 (a) Any person who is retired under this chapter, except
154 under the disability retirement provisions of subsection (4),
155 may be employed by an employer that does not participate in a
156 state-administered retirement system and receive compensation
157 from that employment without limiting or restricting in any way
158 the retirement benefits payable to that person.



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159 (b) Any person whose retirement is effective before July 1,
160 2010, or whose participation in the Deferred Retirement Option
161 Program terminates before July 1, 2010, except under the
162 disability retirement provisions of subsection (4) or as
163 provided in s. 121.053, may be reemployed by an employer that
164 participates in a state-administered retirement system and
165 receive retirement benefits and compensation from that employer,
166 except that the person may not be reemployed by an employer
167 participating in the Florida Retirement System before meeting
168 the definition of termination in s. 121.021 and may not receive
169 both a salary from the employer and retirement benefits for 12
170 calendar months immediately subsequent to the date of
171 retirement. However, a DROP participant shall continue
172 employment and receive a salary during the period of
173 participation in the Deferred Retirement Option Program, as
174 provided in subsection (13).

175 1. A retiree who violates such reemployment limitation
176 before completion of the 12-month limitation period must give
177 timely notice of this fact in writing to the employer and to the
178 Division of Retirement or the state board and shall have his or
179 her retirement benefits suspended for the months employed or the
180 balance of the 12-month limitation period as required in sub-
181 subparagraphs b. and c. A retiree employed in violation of this
182 paragraph and an employer who employs or appoints such person
183 are jointly and severally liable for reimbursement to the
184 retirement trust fund, including the Florida Retirement System
185 Trust Fund and the Public Employee Optional Retirement Program
186 Trust Fund, from which the benefits were paid. The employer must
187 have a written statement from the retiree that he or she is not



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188 retired from a state-administered retirement system. Retirement
189 benefits shall remain suspended until repayment has been made.
190 Benefits suspended beyond the reemployment limitation shall
191 apply toward repayment of benefits received in violation of the
192 reemployment limitation.

193 a. A district school board may reemploy a retiree as a
194 substitute or hourly teacher, education paraprofessional,
195 transportation assistant, bus driver, or food service worker on
196 a noncontractual basis after he or she has been retired for 1
197 calendar month. A district school board may reemploy a retiree
198 as instructional personnel, as defined in s. 1012.01(2)(a), on
199 an annual contractual basis after he or she has been retired for
200 1 calendar month. Any member who is reemployed within 1 calendar
201 month after retirement shall void his or her application for
202 retirement benefits. District school boards reemploying such
203 teachers, education paraprofessionals, transportation
204 assistants, bus drivers, or food service workers are subject to
205 the retirement contribution required by subparagraph 2.

206 b. A community college board of trustees may reemploy a
207 retiree as an adjunct instructor or as a participant in a phased
208 retirement program within the Florida Community College System,
209 after he or she has been retired for 1 calendar month. A member
210 who is reemployed within 1 calendar month after retirement shall
211 void his or her application for retirement benefits. Boards of
212 trustees reemploying such instructors are subject to the
213 retirement contribution required in subparagraph 2. A retiree
214 may be reemployed as an adjunct instructor for no more than 780
215 hours during the first 12 months of retirement. A retiree
216 reemployed for more than 780 hours during the first 12 months of



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217 retirement must give timely notice in writing to the employer
218 and to the Division of Retirement or the state board of the date
219 he or she will exceed the limitation. The division shall suspend
220 his or her retirement benefits for the remainder of the 12
221 months of retirement. Any retiree employed in violation of this
222 sub-subparagraph and any employer who employs or appoints such
223 person without notifying the division to suspend retirement
224 benefits are jointly and severally liable for any benefits paid
225 during the reemployment limitation period. The employer must
226 have a written statement from the retiree that he or she is not
227 retired from a state-administered retirement system. Any
228 retirement benefits received by the retiree while reemployed in
229 excess of 780 hours during the first 12 months of retirement
230 must be repaid to the Florida Retirement System Trust Fund, and
231 retirement benefits shall remain suspended until repayment is
232 made. Benefits suspended beyond the end of the retiree's first
233 12 months of retirement shall apply toward repayment of benefits
234 received in violation of the 780-hour reemployment limitation.

235 c. The State University System may reemploy a retiree as an
236 adjunct faculty member or as a participant in a phased
237 retirement program within the State University System after the
238 retiree has been retired for 1 calendar month. A member who is
239 reemployed within 1 calendar month after retirement shall void
240 his or her application for retirement benefits. The State
241 University System is subject to the retired contribution
242 required in subparagraph 2., as appropriate. A retiree may be
243 reemployed as an adjunct faculty member or a participant in a
244 phased retirement program for no more than 780 hours during the
245 first 12 months of his or her retirement. A retiree reemployed



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246 for more than 780 hours during the first 12 months of retirement
247 must give timely notice in writing to the employer and to the
248 Division of Retirement or the state board of the date he or she
249 will exceed the limitation. The division shall suspend his or
250 her retirement benefits for the remainder of the 12 months. Any
251 retiree employed in violation of this sub-subparagraph and any
252 employer who employs or appoints such person without notifying
253 the division to suspend retirement benefits are jointly and
254 severally liable for any benefits paid during the reemployment
255 limitation period. The employer must have a written statement
256 from the retiree that he or she is not retired from a state-
257 administered retirement system. Any retirement benefits received
258 by the retiree while reemployed in excess of 780 hours during
259 the first 12 months of retirement must be repaid to the Florida
260 Retirement System Trust Fund, and retirement benefits shall
261 remain suspended until repayment is made. Benefits suspended
262 beyond the end of the retiree's first 12 months of retirement
263 shall apply toward repayment of benefits received in violation
264 of the 780-hour reemployment limitation.

265 d. The Board of Trustees of the Florida School for the Deaf
266 and the Blind may reemploy a retiree as a substitute teacher,
267 substitute residential instructor, or substitute nurse on a
268 noncontractual basis after he or she has been retired for 1
269 calendar month. Any member who is reemployed within 1 calendar
270 month after retirement shall void his or her application for
271 retirement benefits. The Board of Trustees of the Florida School
272 for the Deaf and the Blind reemploying such teachers,
273 residential instructors, or nurses is subject to the retirement
274 contribution required by subparagraph 2.



275 e. A developmental research school may reemploy a retiree
276 as a substitute or hourly teacher or an education
277 paraprofessional as defined in s. 1012.01(2) on a noncontractual
278 basis after he or she has been retired for 1 calendar month. A
279 developmental research school may reemploy a retiree as
280 instructional personnel, as defined in s. 1012.01(2)(a), on an
281 annual contractual basis after he or she has been retired for 1
282 calendar month after retirement. Any member who is reemployed
283 within 1 calendar month voids his or her application for
284 retirement benefits. A developmental research school that
285 reemploys retired teachers and education paraprofessionals is
286 subject to the retirement contribution required by subparagraph
287 2.

288 f. A charter school may reemploy a retiree as a substitute
289 or hourly teacher on a noncontractual basis after he or she has
290 been retired for 1 calendar month. A charter school may reemploy
291 a retired member as instructional personnel, as defined in s.
292 1012.01(2)(a), on an annual contractual basis after he or she
293 has been retired for 1 calendar month after retirement. Any
294 member who is reemployed within 1 calendar month voids his or
295 her application for retirement benefits. A charter school that
296 reemploys such teachers is subject to the retirement
297 contribution required by subparagraph 2.

298 2. The employment of a retiree or DROP participant of a
299 state-administered retirement system does not affect the average
300 final compensation or years of creditable service of the retiree
301 or DROP participant. Before July 1, 1991, upon employment of any
302 person, other than an elected officer as provided in s. 121.053,
303 who is retired under a state-administered retirement program,



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304 the employer shall pay retirement contributions in an amount
305 equal to the unfunded actuarial liability portion of the
306 employer contribution which would be required for regular
307 members of the Florida Retirement System. Effective July 1,
308 1991, contributions shall be made as provided in s. 121.122 for
309 retirees who have renewed membership or, as provided in
310 subsection (13), for DROP participants.

311 3. Any person who is holding an elective public office
312 which is covered by the Florida Retirement System and who is
313 concurrently employed in nonelected covered employment may elect
314 to retire while continuing employment in the elective public
315 office if he or she terminates his or her nonelected covered
316 employment. Such person shall receive his or her retirement
317 benefits in addition to the compensation of the elective office
318 without regard to the time limitations otherwise provided in
319 this subsection. A person who seeks to exercise the provisions
320 of this subparagraph as they existed before May 3, 1984, may not
321 be deemed to be retired under those provisions, unless such
322 person is eligible to retire under this subparagraph, as amended
323 by chapter 84-11, Laws of Florida.

324 (c) Any person whose retirement is effective on or after
325 July 1, 2010, or whose participation in the Deferred Retirement
326 Option Program terminates on or after July 1, 2010, who is
327 retired under this chapter, except under the disability
328 retirement provisions of subsection (4) or as provided in s.
329 121.053, may be reemployed by an employer that participates in a
330 state-administered retirement system and receive retirement
331 benefits and compensation from that employer. However, a person
332 may not be reemployed by an employer participating in the



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333 Florida Retirement System before meeting the definition of
334 termination in s. 121.021 and may not receive both a salary from
335 the employer and retirement benefits for 6 calendar months after
336 meeting the definition of termination, except as provided in
337 paragraph (f). However, a DROP participant shall continue
338 employment and receive a salary during the period of
339 participation in the Deferred Retirement Option Program, as
340 provided in subsection (13).

341 1. The reemployed retiree may not renew membership in the
342 Florida Retirement System.

343 2. The employer shall pay retirement contributions in an
344 amount equal to the unfunded actuarial liability portion of the
345 employer contribution that would be required for active members
346 of the Florida Retirement System in addition to the
347 contributions required by s. 121.76.

348 3. A retiree initially reemployed in violation of this
349 paragraph and an employer that employs or appoints such person
350 are jointly and severally liable for reimbursement of any
351 retirement benefits paid to the retirement trust fund from which
352 the benefits were paid, including the Florida Retirement System
353 Trust Fund and the Public Employee Optional Retirement Program
354 Trust Fund, as appropriate. The employer must have a written
355 statement from the employee that he or she is not retired from a
356 state-administered retirement system. Retirement benefits shall
357 remain suspended until repayment is made. Benefits suspended
358 beyond the end of the retiree's 6-month reemployment limitation
359 period shall apply toward the repayment of benefits received in
360 violation of this paragraph.

361 (d) This subsection applies to retirees, as defined in s.



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362 121.4501(2), except as provided in paragraph (f), of the Florida
363 Retirement System Investment Plan, subject to the following
364 conditions:

365 1. A retiree may not be reemployed with an employer
366 participating in the Florida Retirement System until such person
367 has been retired for 6 calendar months.

368 2. A retiree employed in violation of this subsection and
369 an employer that employs or appoints such person are jointly and
370 severally liable for reimbursement of any benefits paid to the
371 retirement trust fund from which the benefits were paid. The
372 employer must have a written statement from the retiree that he
373 or she is not retired from a state-administered retirement
374 system.

375 (e) The limitations of this subsection apply to
376 reemployment in any capacity irrespective of the category of
377 funds from which the person is compensated, except as provided
378 in paragraph (f).

379 (f) Effective July 1, 2012, a former justice or retired
380 judge who has reached his or her normal retirement age or date
381 and consents to temporary employment as a senior judge in any
382 court, as assigned by the Chief Justice of the Supreme Court in
383 accordance with s. 2, Art. V of the State Constitution, is not
384 subject to paragraph (c), paragraph (d), or paragraph (e).

385 Section 5. Paragraph (a) of subsection (1) of section
386 121.591, Florida Statutes, is amended to read:

387 121.591 Payment of benefits.—Benefits may not be paid under
388 the Florida Retirement System Investment Plan unless the member
389 has terminated employment as provided in s. 121.021(39) (a) or is
390 deceased and a proper application has been filed as prescribed



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391 by the state board or the department. Before termination of
392 employment, benefits, including employee contributions, are not
393 payable under the investment plan for employee hardships,
394 unforeseeable emergencies, loans, medical expenses, educational
395 expenses, purchase of a principal residence, payments necessary
396 to prevent eviction or foreclosure on an employee's principal
397 residence, or any other reason prior to termination from all
398 employment relationships with participating employers. The state
399 board or department, as appropriate, may cancel an application
400 for retirement benefits if the member or beneficiary fails to
401 timely provide the information and documents required by this
402 chapter and the rules of the state board and department. In
403 accordance with their respective responsibilities, the state
404 board and the department shall adopt rules establishing
405 procedures for application for retirement benefits and for the
406 cancellation of such application if the required information or
407 documents are not received. The state board and the department,
408 as appropriate, are authorized to cash out a de minimis account
409 of a member who has been terminated from Florida Retirement
410 System covered employment for a minimum of 6 calendar months. A
411 de minimis account is an account containing employer and
412 employee contributions and accumulated earnings of not more than
413 \$5,000 made under the provisions of this chapter. Such cash-out
414 must be a complete lump-sum liquidation of the account balance,
415 subject to the provisions of the Internal Revenue Code, or a
416 lump-sum direct rollover distribution paid directly to the
417 custodian of an eligible retirement plan, as defined by the
418 Internal Revenue Code, on behalf of the member. Any nonvested
419 accumulations and associated service credit, including amounts



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420 transferred to the suspense account of the Florida Retirement
421 System Investment Plan Trust Fund authorized under s.
422 121.4501(6), shall be forfeited upon payment of any vested
423 benefit to a member or beneficiary, except for de minimis
424 distributions or minimum required distributions as provided
425 under this section. If any financial instrument issued for the
426 payment of retirement benefits under this section is not
427 presented for payment within 180 days after the last day of the
428 month in which it was originally issued, the third-party
429 administrator or other duly authorized agent of the state board
430 shall cancel the instrument and credit the amount of the
431 instrument to the suspense account of the Florida Retirement
432 System Investment Plan Trust Fund authorized under s.
433 121.4501(6). Any amounts transferred to the suspense account are
434 payable upon a proper application, not to include earnings
435 thereon, as provided in this section, within 10 years after the
436 last day of the month in which the instrument was originally
437 issued, after which time such amounts and any earnings
438 attributable to employer contributions shall be forfeited. Any
439 forfeited amounts are assets of the trust fund and are not
440 subject to chapter 717.

441 (1) NORMAL BENEFITS.—Under the investment plan:

442 (a) Benefits in the form of vested accumulations as
443 described in s. 121.4501(6) are payable under this subsection in
444 accordance with the following terms and conditions:

445 1. Benefits are payable only to a member, an alternate
446 payee of a qualified domestic relations order, or a beneficiary.

447 2. Benefits shall be paid by the third-party administrator
448 or designated approved providers in accordance with the law, the



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449 contracts, and any applicable board rule or policy.

450 3. The member must be terminated from all employment with
451 all Florida Retirement System employers, as provided in s.
452 121.021(39).

453 4. Benefit payments may not be made until the member has
454 been terminated for 3 calendar months, except that the state
455 board may authorize by rule for the distribution of up to 10
456 percent of the member's account after being terminated for 1
457 calendar month if the member has reached the normal retirement
458 date as defined in s. 121.021. Effective July 1, 2012, a former
459 justice or retired judge who has consented to temporary
460 employment as a senior judge in any court pursuant to s. 25.073
461 may receive a regular distribution of his or her account as
462 provided in this paragraph after providing proof of termination
463 from his or her regularly established position.

464 5. If a member or former member of the Florida Retirement
465 System receives an invalid distribution, such person must either
466 repay the full amount within 90 days after receipt of final
467 notification by the state board or the third-party administrator
468 that the distribution was invalid, or, in lieu of repayment, the
469 member must terminate employment from all participating
470 employers. If such person fails to repay the full invalid
471 distribution within 90 days after receipt of final notification,
472 the person may be deemed retired from the investment plan by the
473 state board and is subject to s. 121.122. If such person is
474 deemed retired, any joint and several liability set out in s.
475 121.091(9)(d)2. is void, and the state board, the department, or
476 the employing agency is not liable for gains on payroll
477 contributions that have not been deposited to the person's



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478 account in the investment plan, pending resolution of the
479 invalid distribution. The member or former member who has been
480 deemed retired or who has been determined by the state board to
481 have taken an invalid distribution may appeal the agency
482 decision through the complaint process as provided under s.
483 121.4501(9)(g)3. As used in this subparagraph, the term "invalid
484 distribution" means any distribution from an account in the
485 investment plan which is taken in violation of this section, s.
486 121.091(9), or s. 121.4501.

487 Section 6. (1) Effective July 1, 2012, in order to fund the
488 benefit changes provided in this act, the required employer
489 contribution rates of the Florida Retirement System established
490 in s. 121.71(4), Florida Statutes, shall be adjusted as follows:

491 (a) Elected Officers' Class for Justices and Judges shall
492 be increased by 0.45 percentage points; and

493 (b) Deferred Retirement Option Program shall be increased
494 by 0.01 percentage points.

495 (2) Effective July 1, 2012, in order to fund the benefit
496 changes provided in this act, the required employer contribution
497 rates for the unfunded actuarial liability of the Florida
498 Retirement System established in s. 121.71(5), Florida Statutes,
499 for the Elected Officers' Class for Justices and Judges shall be
500 increased by 0.91 percentage points.

501 (3) The adjustments provided in subsections (1) and (2)
502 shall be in addition to all other changes to such contribution
503 rates which may be enacted into law to take effect on July 1,
504 2012, and July 1, 2013. The Division of Statutory Revision is
505 requested to adjust accordingly the contribution rates provided
506 in s. 121.71, Florida Statutes.



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507 Section 7. The Legislature finds that a proper and
508 legitimate state purpose is served when employees and retirees
509 of the state and its political subdivisions, and the dependents,
510 survivors, and beneficiaries of such employees and retirees, are
511 extended the basic protections afforded by governmental
512 retirement systems that provide fair and adequate benefits and
513 that are managed, administered, and funded in an actuarially
514 sound manner as required by s. 14, Article X of the State
515 Constitution and part VII of chapter 112, Florida Statutes.
516 Therefore, the Legislature determines and declares that this act
517 fulfills an important state interest.

518 Section 8. The sum of \$1.6 million from the General Revenue
519 Fund is appropriated on a recurring basis to the judicial branch
520 to fund the increased employer contributions associated with the
521 costs of the retirement benefits granted in this act.

522 Section 9. Except as otherwise expressly provided in this
523 act and except for this section, which shall take effect upon
524 this act becoming a law, this act shall take effect July 1,
525 2012.

526
527 ===== T I T L E A M E N D M E N T =====

528 And the title is amended as follows:

529 Delete everything before the enacting clause
530 and insert:

531 A bill to be entitled
532 An act relating to justices and judges; amending s.
533 25.073, F.S.; providing that, for a former judge or
534 retired judge who has consented to temporary duty in
535 any court, the definition of the term "termination" in



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536 ch. 121, F.S., does not apply, and termination occurs
537 when the former justice or judge ceases all
538 nontemporary, active duty as a judge and retires from
539 the Florida Retirement System; amending s. 43.291,
540 F.S.; revising requirements for the appointment of
541 members of judicial nominating commissions; providing
542 that, with the exception of members selected from a
543 list of nominees provided by the Board of Governors of
544 The Florida Bar, a current member of a judicial
545 nominating commission appointed by the Governor serves
546 at the pleasure of the Governor; providing for each
547 expired term or vacancy to be filled by appointment in
548 the same manner as the member whose position is being
549 filled; deleting obsolete provisions; deleting a
550 requirement that the Executive Office of the Governor
551 establish uniform rules of procedure consistent with
552 the State Constitution when suspending for cause a
553 member of a judicial nominating commission; amending
554 s. 121.021, F.S.; revising the definition of the term
555 "termination," to conform to changes made by the act;
556 amending s. 121.091, F.S.; providing that a former
557 justice or retired judge who has reached his or her
558 normal retirement age or date and consents to
559 temporary employment as a senior judge in any court,
560 as assigned by the Chief Justice of the Supreme Court,
561 is not subject to certain specified limitations on
562 employment after retirement; amending s. 121.591,
563 F.S.; providing that a former justice or retired judge
564 who has consented to temporary employment as a senior



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565 judge in any court may receive a regular distribution
566 of his or her retirement benefits account after
567 providing proof of termination from his or her
568 regularly established position; providing that, in
569 order to fund the benefit changes set forth in the
570 act, the required employer contribution rates of the
571 Florida Retirement System, and the required employer
572 contribution rates for the unfunded actuarial
573 liability of the Florida Retirement System, are
574 increased by specified amounts; providing a statement
575 of important state interest; providing an
576 appropriation; providing effective dates.