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LEGISLATIVE ACTION

Senate

.

House

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03/06/2012 11:10 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 retired 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 justice or judge
16 ceases all nontemporary, active duty as a judge and retires from
17 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 upon 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, each of whom
41 is a resident of the territorial jurisdiction served by the
42 commission to which the member is appointed, of which at least



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

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

52 (3) Members of a judicial nominating commission shall be
53 appointed to serve staggered terms as follows:

54 (a) Two appointments directly by the Governor and one
55 appointment from the list of nominees provided by the Board of
56 Governors of The Florida Bar for terms ending on July 1, 2012.

57 (b) One appointment directly by the Governor and two
58 appointments from the list of nominees provided by the Board of
59 Governors of The Florida Bar for terms ending on July 1, 2014.

60 (c) Two appointments directly by the Governor and one
61 appointment from the list of nominees provided by the Board of
62 Governors of The Florida Bar for terms ending on July 1, 2015.

63 ~~Notwithstanding any other provision of this section, each~~
64 ~~current member of a judicial nominating commission appointed~~
65 ~~directly by the Board of Governors of The Florida Bar shall~~
66 ~~serve the remainder of his or her term, unless removed for~~
67 ~~cause. The terms of all other members of a judicial nominating~~
68 ~~commission are hereby terminated, and the Governor shall appoint~~
69 ~~new members to each judicial nominating commission in the~~
70 ~~following manner:~~

71 ~~(a) Two appointments for terms ending July 1, 2002, one of~~



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72 ~~which shall be an appointment selected from nominations~~
73 ~~submitted by the Board of Governors of The Florida Bar pursuant~~
74 ~~to paragraph (1) (a);~~

75 ~~(b) Two appointments for terms ending July 1, 2003; and~~

76 ~~(c) Two appointments for terms ending July 1, 2004.~~

77
78 Every subsequent appointment, except an appointment to fill a
79 vacant, unexpired term, shall be for 4 years. ~~Each expired term~~
80 ~~or vacancy shall be filled by appointment in the same manner as~~
81 ~~the member whose position is being filled.~~

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

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

88 121.021 Definitions.—The following words and phrases as
89 used in this chapter have the respective meanings set forth
90 unless a different meaning is plainly required by the context:

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

94 1. For retirements effective before July 1, 2010, if a
95 member is employed by any such employer within the next calendar
96 month, termination shall be deemed not to have occurred. A leave
97 of absence constitutes a continuation of the employment
98 relationship, except that a leave of absence without pay due to
99 disability may constitute termination if such member makes
100 application for and is approved for disability retirement in



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101 accordance with s. 121.091(4). The department or state board may
102 require other evidence of termination as it deems necessary.

103 2. For retirements effective on or after July 1, 2010, if a
104 member is employed by any such employer within the next 6
105 calendar months, termination shall be deemed not to have
106 occurred. A leave of absence constitutes a continuation of the
107 employment relationship, except that a leave of absence without
108 pay due to disability may constitute termination if such member
109 makes application for and is approved for disability retirement
110 in accordance with s. 121.091(4). The department or state board
111 may require other evidence of termination as it deems necessary.

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

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

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

128 (c) Effective July 1, 2011, "termination" for a member
129 receiving a refund of employee contributions occurs when a



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130 member ceases all employment relationships with participating
131 employers for 3 calendar months. A leave of absence constitutes
132 a continuation of the employment relationship.

133 (d) Effective July 1, 2012, a retired justice or retired
134 judge who has reached his or her normal retirement age or date
135 and who consents to temporary employment as a senior judge in
136 any court, as assigned by the Chief Justice of the Supreme Court
137 in accordance with s. 2, Art. V of the State Constitution, meets
138 the definition of "termination" when all nontemporary employment
139 as a judge ceases and the justice or judge retires under this
140 chapter.

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

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

156 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

157 (a) Any person who is retired under this chapter, except
158 under the disability retirement provisions of subsection (4),



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159 may be employed by an employer that does not participate in a
160 state-administered retirement system and receive compensation
161 from that employment without limiting or restricting in any way
162 the retirement benefits payable to that person.

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

179 1. A retiree who violates such reemployment limitation
180 before completion of the 12-month limitation period must give
181 timely notice of this fact in writing to the employer and to the
182 Division of Retirement or the state board and shall have his or
183 her retirement benefits suspended for the months employed or the
184 balance of the 12-month limitation period as required in sub-
185 subparagraphs b. and c. A retiree employed in violation of this
186 paragraph and an employer who employs or appoints such person
187 are jointly and severally liable for reimbursement to the



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188 retirement trust fund, including the Florida Retirement System
189 Trust Fund and the Public Employee Optional Retirement Program
190 Trust Fund, from which the benefits were paid. The employer must
191 have a written statement from the retiree that he or she is not
192 retired from a state-administered retirement system. Retirement
193 benefits shall remain suspended until repayment has been made.
194 Benefits suspended beyond the reemployment limitation shall
195 apply toward repayment of benefits received in violation of the
196 reemployment limitation.

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

210 b. A community college board of trustees may reemploy a
211 retiree as an adjunct instructor or as a participant in a phased
212 retirement program within the Florida Community College System,
213 after he or she has been retired for 1 calendar month. A member
214 who is reemployed within 1 calendar month after retirement shall
215 void his or her application for retirement benefits. Boards of
216 trustees reemploying such instructors are subject to the



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217 retirement contribution required in subparagraph 2. A retiree
218 may be reemployed as an adjunct instructor for no more than 780
219 hours during the first 12 months of retirement. A retiree
220 reemployed for more than 780 hours during the first 12 months of
221 retirement must give timely notice in writing to the employer
222 and to the Division of Retirement or the state board of the date
223 he or she will exceed the limitation. The division shall suspend
224 his or her retirement benefits for the remainder of the 12
225 months of retirement. Any retiree employed in violation of this
226 sub-subparagraph and any employer who employs or appoints such
227 person without notifying the division to suspend retirement
228 benefits are jointly and severally liable for any benefits paid
229 during the reemployment limitation period. The employer must
230 have a written statement from the retiree that he or she is not
231 retired from a state-administered retirement system. Any
232 retirement benefits received by the retiree while reemployed in
233 excess of 780 hours during the first 12 months of retirement
234 must be repaid to the Florida Retirement System Trust Fund, and
235 retirement benefits shall remain suspended until repayment is
236 made. Benefits suspended beyond the end of the retiree's first
237 12 months of retirement shall apply toward repayment of benefits
238 received in violation of the 780-hour reemployment limitation.

239 c. The State University System may reemploy a retiree as an
240 adjunct faculty member or as a participant in a phased
241 retirement program within the State University System after the
242 retiree has been retired for 1 calendar month. A member who is
243 reemployed within 1 calendar month after retirement shall void
244 his or her application for retirement benefits. The State
245 University System is subject to the retired contribution



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246 required in subparagraph 2., as appropriate. A retiree may be
247 reemployed as an adjunct faculty member or a participant in a
248 phased retirement program for no more than 780 hours during the
249 first 12 months of his or her retirement. A retiree reemployed
250 for more than 780 hours during the first 12 months of retirement
251 must give timely notice in writing to the employer and to the
252 Division of Retirement or the state board of the date he or she
253 will exceed the limitation. The division shall suspend his or
254 her retirement benefits for the remainder of the 12 months. Any
255 retiree employed in violation of this sub-subparagraph and any
256 employer who employs or appoints such person without notifying
257 the division to suspend retirement benefits are jointly and
258 severally liable for any benefits paid during the reemployment
259 limitation period. The employer must have a written statement
260 from the retiree that he or she is not retired from a state-
261 administered retirement system. Any retirement benefits received
262 by the retiree while reemployed in excess of 780 hours during
263 the first 12 months of retirement must be repaid to the Florida
264 Retirement System Trust Fund, and retirement benefits shall
265 remain suspended until repayment is made. Benefits suspended
266 beyond the end of the retiree's first 12 months of retirement
267 shall apply toward repayment of benefits received in violation
268 of the 780-hour reemployment limitation.

269 d. The Board of Trustees of the Florida School for the Deaf
270 and the Blind may reemploy a retiree as a substitute teacher,
271 substitute residential instructor, or substitute nurse on a
272 noncontractual basis after he or she has been retired for 1
273 calendar month. Any member who is reemployed within 1 calendar
274 month after retirement shall void his or her application for



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275 retirement benefits. The Board of Trustees of the Florida School
276 for the Deaf and the Blind reemploying such teachers,
277 residential instructors, or nurses is subject to the retirement
278 contribution required by subparagraph 2.

279 e. A developmental research school may reemploy a retiree
280 as a substitute or hourly teacher or an education
281 paraprofessional as defined in s. 1012.01(2) on a noncontractual
282 basis after he or she has been retired for 1 calendar month. A
283 developmental research school may reemploy a retiree as
284 instructional personnel, as defined in s. 1012.01(2)(a), on an
285 annual contractual basis after he or she has been retired for 1
286 calendar month after retirement. Any member who is reemployed
287 within 1 calendar month voids his or her application for
288 retirement benefits. A developmental research school that
289 reemploys retired teachers and education paraprofessionals is
290 subject to the retirement contribution required by subparagraph
291 2.

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

302 2. The employment of a retiree or DROP participant of a
303 state-administered retirement system does not affect the average



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304 final compensation or years of creditable service of the retiree
305 or DROP participant. Before July 1, 1991, upon employment of any
306 person, other than an elected officer as provided in s. 121.053,
307 who is retired under a state-administered retirement program,
308 the employer shall pay retirement contributions in an amount
309 equal to the unfunded actuarial liability portion of the
310 employer contribution which would be required for regular
311 members of the Florida Retirement System. Effective July 1,
312 1991, contributions shall be made as provided in s. 121.122 for
313 retirees who have renewed membership or, as provided in
314 subsection (13), for DROP participants.

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

328 (c) Any person whose retirement is effective on or after
329 July 1, 2010, or whose participation in the Deferred Retirement
330 Option Program terminates on or after July 1, 2010, who is
331 retired under this chapter, except under the disability
332 retirement provisions of subsection (4) or as provided in s.



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333 121.053, may be reemployed by an employer that participates in a
334 state-administered retirement system and receive retirement
335 benefits and compensation from that employer. However, a person
336 may not be reemployed by an employer participating in the
337 Florida Retirement System before meeting the definition of
338 termination in s. 121.021 and may not receive both a salary from
339 the employer and retirement benefits for 6 calendar months after
340 meeting the definition of termination, except as provided in
341 paragraph (f). However, a DROP participant shall continue
342 employment and receive a salary during the period of
343 participation in the Deferred Retirement Option Program, as
344 provided in subsection (13).

345 1. The reemployed retiree may not renew membership in the
346 Florida Retirement System.

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

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



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362 beyond the end of the retiree's 6-month reemployment limitation
363 period shall apply toward the repayment of benefits received in
364 violation of this paragraph.

365 (d) This subsection applies to retirees, as defined in s.
366 121.4501(2) and except as provided in paragraph (f), of the
367 Florida Retirement System Investment Plan, subject to the
368 following conditions:

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

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

379 (e) The limitations of this subsection apply to
380 reemployment in any capacity irrespective of the category of
381 funds from which the person is compensated, except as provided
382 in paragraph (f).

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

389 Section 5. Paragraph (a) of subsection (1) of section
390 121.591, Florida Statutes, is amended to read:



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391 121.591 Payment of benefits.—Benefits may not be paid under
392 the Florida Retirement System Investment Plan unless the member
393 has terminated employment as provided in s. 121.021(39)(a) or is
394 deceased and a proper application has been filed as prescribed
395 by the state board or the department. Before termination of
396 employment, benefits, including employee contributions, are not
397 payable under the investment plan for employee hardships,
398 unforeseeable emergencies, loans, medical expenses, educational
399 expenses, purchase of a principal residence, payments necessary
400 to prevent eviction or foreclosure on an employee's principal
401 residence, or any other reason prior to termination from all
402 employment relationships with participating employers. The state
403 board or department, as appropriate, may cancel an application
404 for retirement benefits if the member or beneficiary fails to
405 timely provide the information and documents required by this
406 chapter and the rules of the state board and department. In
407 accordance with their respective responsibilities, the state
408 board and the department shall adopt rules establishing
409 procedures for application for retirement benefits and for the
410 cancellation of such application if the required information or
411 documents are not received. The state board and the department,
412 as appropriate, are authorized to cash out a de minimis account
413 of a member who has been terminated from Florida Retirement
414 System covered employment for a minimum of 6 calendar months. A
415 de minimis account is an account containing employer and
416 employee contributions and accumulated earnings of not more than
417 \$5,000 made under the provisions of this chapter. Such cash-out
418 must be a complete lump-sum liquidation of the account balance,
419 subject to the provisions of the Internal Revenue Code, or a



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

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

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



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

451 2. Benefits shall be paid by the third-party administrator
452 or designated approved providers in accordance with the law, the
453 contracts, and any applicable board rule or policy.

454 3. The member must be terminated from all employment with
455 all Florida Retirement System employers, as provided in s.
456 121.021(39).

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

468 5. If a member or former member of the Florida Retirement
469 System receives an invalid distribution, such person must either
470 repay the full amount within 90 days after receipt of final
471 notification by the state board or the third-party administrator
472 that the distribution was invalid, or, in lieu of repayment, the
473 member must terminate employment from all participating
474 employers. If such person fails to repay the full invalid
475 distribution within 90 days after receipt of final notification,
476 the person may be deemed retired from the investment plan by the
477 state board and is subject to s. 121.122. If such person is



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478 deemed retired, any joint and several liability set out in s.
479 121.091(9)(d)2. is void, and the state board, the department, or
480 the employing agency is not liable for gains on payroll
481 contributions that have not been deposited to the person's
482 account in the investment plan, pending resolution of the
483 invalid distribution. The member or former member who has been
484 deemed retired or who has been determined by the state board to
485 have taken an invalid distribution may appeal the agency
486 decision through the complaint process as provided under s.
487 121.4501(9)(g)3. As used in this subparagraph, the term "invalid
488 distribution" means any distribution from an account in the
489 investment plan which is taken in violation of this section, s.
490 121.091(9), or s. 121.4501.

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

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

497 (b) Deferred Retirement Option Program shall be increased
498 by 0.01 percentage points.

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

505 (3) The adjustments provided in subsections (1) and (2)
506 shall be in addition to all other changes to such contribution



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507 rates which may be enacted into law to take effect on July 1,
508 2012, and July 1, 2013. The Division of Statutory Revision is
509 requested to adjust accordingly the contribution rates provided
510 in s. 121.71, Florida Statutes.

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

522 Section 8. Section 1 and sections 3 through 7 of this act
523 shall take effect only if:

524 (1) The Legislature appropriates during the 2012
525 Legislative Session the sum of at least \$1.6 million from the
526 General Revenue Fund on a recurring basis to the judicial branch
527 in order to fund the increased employer contributions associated
528 with the costs of the retirement benefits granted in this act;
529 and

530 (2) The State Courts Administrator certifies to the
531 President of the Senate and the Speaker of the House of
532 Representatives that the appropriation was made and that the
533 appropriation was not vetoed by the Governor.

534 Section 9. Except as otherwise expressly provided in this
535 act and except for this section, which shall take effect upon



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536 this act becoming a law, this act shall take effect July 1,
537 2012.

538
539 ===== T I T L E A M E N D M E N T =====

540 And the title is amended as follows:

541 Delete everything before the enacting clause
542 and insert:

543 A bill to be entitled
544 An act relating to justices and judges; amending s.
545 25.073, F.S.; providing that, for a retired justice or
546 retired judge who has consented to temporary duty in
547 any court, the definition of the term "termination" in
548 ch. 121, F.S., does not apply, and termination occurs
549 when the retired justice or judge ceases all
550 nontemporary, active duty as a judge and retires from
551 the Florida Retirement System; amending s. 43.291,
552 F.S.; revising requirements for the appointment of
553 members of judicial nominating commissions; providing
554 that, with the exception of members selected from a
555 list of nominees provided by the Board of Governors of
556 The Florida Bar, a current member of a judicial
557 nominating commission appointed by the Governor serves
558 at the pleasure of the Governor; providing staggered
559 terms for members of a judicial nominating commission;
560 deleting obsolete provisions; deleting a requirement
561 that the Executive Office of the Governor establish
562 uniform rules of procedure consistent with the State
563 Constitution when suspending for cause a member of a
564 judicial nominating commission; amending s. 121.021,



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565 F.S.; revising the definition of the term
566 "termination," to conform to changes made by the act;
567 amending s. 121.091, F.S.; providing that a retired
568 justice or retired judge who has reached his or her
569 normal retirement age or date and consents to
570 temporary employment as a senior judge in any court,
571 as assigned by the Chief Justice of the Supreme Court,
572 is not subject to certain specified limitations on
573 employment after retirement; amending s. 121.591,
574 F.S.; providing that a retired justice or retired
575 judge who has consented to temporary employment as a
576 senior judge in any court may receive a regular
577 distribution of his or her retirement benefits account
578 after providing proof of termination from his or her
579 regularly established position; providing that, in
580 order to fund the benefit changes set forth in the
581 act, the required employer contribution rates of the
582 Florida Retirement System, and the required employer
583 contribution rates for the unfunded actuarial
584 liability of the Florida Retirement System, are
585 increased by specified amounts; providing a statement
586 of important state interest; providing that specified
587 provisions of the act relating to retired justices and
588 judges take effect only if the Legislature
589 appropriates sufficient funds and the State Courts
590 Administrator certifies that the appropriation was
591 made and that the appropriation was not vetoed by the
592 Governor; providing effective dates.