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LEGISLATIVE ACTION

Senate

House

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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 the judiciary; amending s. 25.073,  
545 F.S.; providing that, for a retired justice or retired  
546 judge who has consented to temporary duty in any  
547 court, the definition of the term "termination" in ch.  
548 121, F.S., does not apply, and termination occurs when  
549 the retired justice or judge ceases all nontemporary,  
550 active duty as a judge and retires from the Florida  
551 Retirement System; amending s. 43.291, F.S.; revising  
552 requirements for the appointment of members of  
553 judicial nominating commissions; providing that, with  
554 the exception of members selected from a list of  
555 nominees provided by the Board of Governors of The  
556 Florida Bar, a current member of a judicial nominating  
557 commission appointed by the Governor serves at the  
558 pleasure of the Governor; providing staggered terms  
559 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.