

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01426-19

20197028pb

1 A bill to be entitled
2 An act relating to judicial retirement; amending s.
3 121.052, F.S.; modifying provisions authorizing
4 justices or judges to purchase additional service
5 credit in the Florida Retirement System under certain
6 circumstances to conform to the revisions made to the
7 mandatory judicial retirement age established in s. 8,
8 Art. V of the State Constitution; providing an
9 effective date.

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

12
13 Section 1. Subsection (4) of section 121.052, Florida
14 Statutes, is amended to read:

15 121.052 Membership class of elected officers.—

16 (4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED
17 TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

18 (a) A duly elected officer whose term of office was
19 shortened by legislative or judicial apportionment pursuant to
20 s. 16, Art. III of the State Constitution may, after the term of
21 office to which he or she was elected is completed, pay into the
22 Florida Retirement System Trust Fund the amount of contributions
23 that would have been made by the officer or the officer's
24 employer on his or her behalf, plus 4 percent interest
25 compounded annually from the date he or she left office until
26 July 1, 1975, and 6.5 percent interest compounded annually
27 thereafter, and may receive service credit for the length of
28 time the officer would have served if such term had not been
29 shortened by apportionment.

585-01426-19

20197028pb

30 (b) Any duly elected officer whose term of office was
31 shortened because the election at which he or she was elected
32 was delayed as a result of federal intervention under the
33 federal Voting Rights Act may, after the term of office to which
34 he or she was elected is completed, pay into the System Trust
35 Fund the amount of contributions that would have been made by
36 the employee or by the employer on his or her behalf for the
37 period of time the assumption of office was delayed, plus 4
38 percent interest compounded annually from the date he or she
39 assumed office until July 1, 1975, and 6.5 percent interest
40 compounded annually thereafter, and may receive service credit
41 for the length of time he or she would have served if such term
42 had not been shortened by delay of the election.

43 (c) For the purpose of this chapter, "creditable service"
44 includes the period from November 1972 to January 1973 which
45 would have been served by an elected county officer but for the
46 enactment of chapter 67-510, Laws of Florida, if the inclusion
47 of such period would provide any person affected with sufficient
48 creditable service to qualify for retirement benefits pursuant
49 to this chapter.

50 (d)1. Any justice or judge, or any retired justice or judge
51 who retired before July 1, 1993, who ~~has~~ attained the age of 70
52 years before July 1, 2019, and who was ~~is~~ prevented under s. 8,
53 Art. V of the State Constitution from completing his or her term
54 of office because of age may elect to purchase credit for all or
55 a portion of the months he or she would have served during the
56 remainder of the term of office; however, he or she may claim
57 those months only after the date the service would have
58 occurred. The justice or judge must pay into the Florida

585-01426-19

20197028pb

59 Retirement System Trust Fund the amount of contributions that
60 would have been made by the employer on his or her behalf for
61 the period of time being claimed, plus 6.5 percent interest
62 thereon compounded each June 30 from the date he or she left
63 office, in order to receive service credit in this class for the
64 period of time being claimed. After the date the service would
65 have occurred, and upon payment of the required contributions,
66 the retirement benefit of a retired justice or judge shall be
67 adjusted prospectively to include the additional creditable
68 service; however, such adjustment may be made only once.

69 2. Any justice or judge who did ~~does~~ not seek retention or
70 election to a subsequent term of office because he or she was
71 ~~would be~~ prevented under s. 8, Art. V of the State Constitution
72 from completing such term of office upon attaining the age of 70
73 years may elect to purchase service credit for service as a
74 temporary judge as assigned by the court if the temporary
75 assignment immediately follows the last full term of office
76 served and the purchase is limited to the number of months of
77 service needed to vest retirement benefits. To receive
78 retirement credit for such temporary service beyond termination,
79 the justice or judge must pay into the Florida Retirement System
80 Trust Fund the amount of contributions that would have been made
81 by the justice or judge and the employer on his or her behalf
82 had he or she continued in office for the period of time being
83 claimed, plus 6.5 percent interest thereon compounded each June
84 30 from the date he or she left office.

85 Section 2. This act shall take effect July 1, 2019.