

By Senator Avila

39-00712-25

2025684__

1 A bill to be entitled
2 An act relating to credit for military service;
3 amending s. 121.111, F.S.; revising the initial date
4 of employment for members who have military service
5 and may receive creditable military service; requiring
6 the Department of Management Services to adopt
7 specified rules; amending s. 1.01, F.S.; revising the
8 definition of the term "veteran" to include more
9 recent periods of wartime service; reenacting s.
10 121.021(20), F.S., relating to the definition of
11 "military service," specifically the definition of
12 "wartime service," to incorporate the changes made to
13 s. 1.01, F.S., in a reference thereto; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 121.111, Florida Statutes, is amended to
19 read:

20 121.111 Credit for military service.—

21 (1) Creditable service of any member shall also include
22 military service as defined in s. 121.021(20) (a) if:

23 (a) The member is in the active employ of an employer
24 immediately prior to such service and leaves a position, other
25 than a temporary position, for the purpose of induction into the
26 Armed Forces of the United States or entry upon duty in the
27 Armed Forces of the United States. When applied to the Florida
28 Retirement System:

29 1. The term "position other than a temporary position"

39-00712-25

2025684__

30 means a regularly established position with a Florida Retirement
31 System employer; and

32 2. A member shall be construed to have left his or her
33 employment for military purposes if he or she reported for
34 active duty within 60 days after leaving such employment;

35 (b) The member is entitled to reemployment under the
36 provisions of the Veterans' Reemployment Rights Act (38 U.S.C.
37 ss. 2021 et seq.);

38 (c) The member applies for reemployment with the same
39 employer within the time set forth in s. 2021 or s. 2024 of the
40 Veterans' Reemployment Rights Act, whichever is applicable, and
41 is reemployed by such employer;

42 (d) The member makes the required employee contributions,
43 if any, and the employer makes the required employer
44 contributions for the employee's membership class for each month
45 of service credit during such period of military service, based
46 upon the employee's rate of monthly compensation as of the date
47 that the employee left his or her position, plus 4 percent
48 interest on such contributions compounded annually from the due
49 date of the contribution until July 1, 1975, and 6.5 percent
50 interest compounded annually thereafter, until the payment is
51 made to the proper retirement trust fund; and

52 (e) The period of service claimed pursuant to this
53 subsection does not exceed the periods specified by the
54 provisions of ss. 2021 and 2024 of the Veterans' Reemployment
55 Rights Act which are applicable in the member's case.

56 (2) Any member whose initial date of employment is before
57 March 1, 2024 ~~January 1, 1987~~, who has military service as
58 defined in s. 121.021(20)(b), and who does not claim such

39-00712-25

2025684__

59 service under subsection (1) may receive creditable service for
60 such military service if:

61 (a) The member is vested;

62 (b) Creditable service, not to exceed a total of 4 years,
63 is claimed only as service earned in the Regular Class of
64 membership; and

65 (c) The member pays into the proper retirement trust fund 4
66 percent of gross salary, based upon his or her first year of
67 salary subsequent to July 1, 1945, that he or she has credit for
68 under this system, plus 4 percent interest thereon compounded
69 annually from the date of first creditable service under this
70 chapter until July 1, 1975, and 6.5 percent interest compounded
71 annually thereafter, until payment is made to the proper
72 retirement trust fund.

73 (d) The member may not receive credit for any wartime
74 military service if the member also receives credit for such
75 service under any federal, state, or local retirement or pension
76 system where "length of service" is a factor in determining the
77 amount of compensation received. However, credit for wartime
78 military service may be received where the member also receives
79 credit under a pension system providing retired pay for
80 nonregular service in the Armed Forces of the United States in
81 accordance with 10 U.S.C. ss. 1331 et seq., as follows:

82 1. Any person whose retirement date under the Florida
83 Retirement System is prior to July 1, 1985, may claim such
84 service at any time, as provided in this subsection, upon
85 payment of contributions and interest as provided in paragraph
86 (c), with interest computed to the retired member's retirement
87 date. The benefit shall be recalculated and increased to include

39-00712-25

2025684__

88 the additional service credit granted for such wartime military
89 service, and a lump-sum payment shall be made to the retiree for
90 the amount owed due to the additional service credit,
91 retroactive to the date of retirement.

92 2. Any person whose retirement date is on or after July 1,
93 1985, must claim such service and pay the required
94 contributions, as provided in paragraph (c), prior to the
95 commencement of his or her retirement benefits, as provided in
96 this subsection.

97 (e) Any member claiming credit under this subsection must
98 certify on the form prescribed by the department that credit for
99 such service has not and will not be claimed for retirement
100 purposes under any other federal, state, or local retirement or
101 pension system where "length of service" is a factor in
102 determining the amount of compensation received, except where
103 credit for such service has been granted in a pension system
104 providing retired pay for nonregular service as provided in
105 paragraph (d). If the member dies prior to retirement, the
106 member's beneficiary must make the required certification before
107 credit may be claimed. If such certification is not made by the
108 member or the member's beneficiary, credit for wartime military
109 service shall not be allowed.

110 (f) Service credit awarded for wartime military service
111 shall be the total number of years, months, and days from and
112 including the date of entry into active duty through the date of
113 discharge from active duty, up to a maximum of 4 years. If the
114 military service includes a partial year, it shall be stated as
115 a fraction of a year. Creditable military service shall be
116 calculated in accordance with rule 60S-2.005(2)(j), Florida

39-00712-25

2025684__

117 Administrative Code.

118 (3) Except as provided by law or rule, the employer is not
119 required to make contributions for military service credit for
120 any member.

121 (4) By December 31, 2025, the department shall adopt rules
122 to implement this section.

123 Section 2. Paragraphs (j) through (m) are added to
124 subsection (14) of section 1.01, Florida Statutes, to read:

125 1.01 Definitions.—In construing these statutes and each and
126 every word, phrase, or part hereof, where the context will
127 permit:

128 (14) The term "veteran" means a person who served in the
129 active military, naval, or air service and who was discharged or
130 released under honorable conditions only or who later received
131 an upgraded discharge under honorable conditions,
132 notwithstanding any action by the United States Department of
133 Veterans Affairs on individuals discharged or released with
134 other than honorable discharges. To receive benefits as a
135 wartime veteran, a veteran must have served in a campaign or
136 expedition for which a campaign badge has been authorized or
137 during one of the following periods of wartime service:

138 (j) Operation New Dawn: September 1, 2010, to December 15,
139 2011.

140 (k) Operation Inherent Resolve: October 15, 2014, and
141 ending on the date thereafter prescribed by presidential
142 proclamation or by law.

143 (l) Operation Freedom's Sentinel: January 1, 2015, to
144 October 1, 2021.

145 (m) Operation Enduring Sentinel: October 1, 2021, and

39-00712-25

2025684__

146 ending on the date thereafter prescribed by presidential
147 proclamation or by law.

148 Section 3. For the purpose of incorporating the amendment
149 made by this act to section 1.01, Florida Statutes, in a
150 reference thereto, subsection (20) of section 121.021, Florida
151 Statutes, is reenacted to read:

152 121.021 Definitions.—The following words and phrases as
153 used in this chapter have the respective meanings set forth
154 unless a different meaning is plainly required by the context:

155 (20) "Military service" of any member means:

156 (a) Service in the Armed Forces of the United States under
157 the conditions set forth in s. 121.111(1); or

158 (b) Actual "wartime service" in the Armed Forces of the
159 United States, as defined by s. 1.01(14), or "wartime service"
160 in the Allied Forces, not to exceed 4 years, if credit for such
161 service has not been granted under any other federal or state
162 system, and provided such service is not used in any other
163 retirement system; however, this paragraph does not prohibit the
164 use of such service as creditable service if granted and used in
165 a pension system under chapter 67 of Title 10 of the United
166 States Code.

167 Section 4. This act shall take effect July 1, 2025.