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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.



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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.