

By Senators Aronberg, Campbell, Cowin and Bennett

27-348-04

1                                   A bill to be entitled  
 2           An act relating to the Florida Retirement  
 3           System; amending s. 121.111, F.S.; authorizing  
 4           additional persons to purchase credit for prior  
 5           military wartime service; providing an  
 6           effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Subsection (2) of section 121.111, Florida  
11 Statutes, is amended to read:

12           121.111 Credit for military service.--

13           (2) Any member ~~whose initial date of employment is~~  
 14 ~~before January 1, 1987,~~who has military service as defined in  
 15 s. 121.021(20)(b),and who does not claim such service under  
 16 subsection (1) may receive creditable service for such  
 17 military service if:

18           (a) The member is vested;

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

22           (c) The member pays into the proper retirement trust  
 23 fund 4 percent of gross salary, based upon his or her first  
 24 year of salary subsequent to July 1, 1945, that he or she has  
 25 credit for under this system, plus 4 percent interest thereon  
 26 compounded annually from the date of first creditable service  
 27 under this chapter until July 1, 1975, and 6.5 percent  
 28 interest compounded annually thereafter, until payment is made  
 29 to the proper retirement trust fund.

30           (d) The member may not receive credit for any wartime  
 31 military service if the member also receives credit for such

1 service under any federal, state, or local retirement or  
2 pension system where "length of service" is a factor in  
3 determining the amount of compensation received. However,  
4 credit for wartime military service may be received where the  
5 member also receives credit under a pension system providing  
6 retired pay for nonregular service in the Armed Forces of the  
7 United States in accordance with 10 U.S.C. ss. 1331 et seq.,  
8 as follows:

9           1. Any person whose retirement date under the Florida  
10 Retirement System is prior to July 1, 1985, may claim such  
11 service at any time, as provided in this subsection, upon  
12 payment of contributions and interest as provided in paragraph  
13 (c), with interest computed to the retired member's retirement  
14 date. The benefit shall be recalculated and increased to  
15 include the additional service credit granted for such wartime  
16 military service, and a lump-sum payment shall be made to the  
17 retiree for the amount owed due to the additional service  
18 credit, retroactive to the date of retirement.

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

24           (e) Any member claiming credit under this subsection  
25 must certify on the form prescribed by the department that  
26 credit for such service has not and will not be claimed for  
27 retirement purposes under any other federal, state, or local  
28 retirement or pension system where "length of service" is a  
29 factor in determining the amount of compensation received,  
30 except where credit for such service has been granted in a  
31 pension system providing retired pay for nonregular service as

1 provided in paragraph (d). If the member dies prior to  
2 retirement, the member's beneficiary must make the required  
3 certification before credit may be claimed. If such  
4 certification is not made by the member or the member's  
5 beneficiary, credit for wartime military service shall not be  
6 allowed.

7 (f) Service credit awarded for wartime military  
8 service shall be the total number of years, months, and days  
9 from and including the date of entry into active duty through  
10 the date of discharge from active duty, up to a maximum of 4  
11 years. If the military service includes a partial year, it  
12 shall be stated as a fraction of a year. Creditable military  
13 service shall be calculated in accordance with rule  
14 60S-2.005(2)(j), Florida Administrative Code.

15 Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

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Authorizes a member of the Florida Retirement System to  
purchase credit for prior military wartime service  
regardless of when the member initially began his or her  
employment.

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