

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Gaetz offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) is added to section 25.073,  
7 Florida Statutes, to read:

8 25.073 Retired justices or judges assigned to temporary  
9 duty; additional compensation; appropriation.—

10 (4) For a retired judge who has reached normal retirement  
11 age or date under ch. 121 and who has consented to temporary  
12 duty in any court, as assigned by the Chief Justice of the  
13 Supreme Court in accordance with s. 2, Art. V of the State  
14 Constitution:

15 (a) The definition of the term "termination" in s. 121.021  
16 does not apply, and termination occurs when the judge ceases all  
17 non-temporary, active duty as a judge and retires from the  
18 Florida Retirement System.

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19        (b) Section 121.091(9)(c) does not apply, and such  
20 temporary duty is not considered reemployment or employment  
21 after retirement for purposes of chapter 121 and renewed  
22 membership in the Florida Retirement System is not permitted.

23        Section 2. Subsections (1), (3), and (5) of section  
24 43.291, Florida Statutes, are amended to read:

25        43.291 Judicial nominating commissions.—

26        (1) Each judicial nominating commission shall be composed  
27 of the following members:

28        (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        (b) Five members appointed by the Governor who shall serve  
41 at the pleasure of the Governor, each of whom is a resident of  
42 the territorial jurisdiction served by the commission to which  
43 the member is appointed, of which at least two are members of  
44 The Florida Bar engaged in the practice of law. Notwithstanding  
45 any other law, each current member of a judicial nominating  
46 commission appointed by the Governor, other than those selected

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47 from a list of nominees provided by the Board of Governors of  
48 The Florida Bar, shall serve at the pleasure of the Governor.

49 (c) 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) Notwithstanding any other provision of this section,  
53 each current member of a judicial nominating commission selected  
54 from a list of nominees provided ~~appointed directly~~ by the Board  
55 of Governors of The Florida Bar shall serve the remainder of his  
56 or her term, unless removed for cause. ~~The terms of all other~~  
57 ~~members of a judicial nominating commission are hereby~~  
58 ~~terminated, and the Governor shall appoint new Members~~ selected  
59 from a list of nominees provided by the Board of Governors of  
60 The Florida Bar shall serve terms ~~to each judicial nominating~~  
61 ~~commission~~ in the following manner:

62 (a) One appointment ~~Two appointments~~ for a term ~~terms~~  
63 ending July 1, 2012 ~~2002~~, ~~one of which shall be an appointment~~  
64 ~~selected from nominations submitted by the Board of Governors of~~  
65 ~~The Florida Bar pursuant to paragraph (1)(a);~~

66 (b) Two appointments for terms ending July 1, 2014 ~~2003~~;  
67 and

68 (c) One appointment ~~Two appointments~~ for a term ~~terms~~  
69 ending July 1, 2015 ~~2004~~.

70  
71 Every subsequent appointment of a member selected from a list of  
72 nominees provided by the Board of Governors of The Florida Bar,  
73 except an appointment to fill a vacant, unexpired term, shall be  
74 for 4 years. ~~Each expired term or vacancy shall be filled by~~

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75 ~~appointment in the same manner as the member whose position is~~  
76 ~~being filled.~~

77 (5) A member of a judicial nominating commission may be  
78 suspended for cause by the Governor ~~pursuant to uniform rules of~~  
79 ~~procedure established by the Executive Office of the Governor~~  
80 consistent with s. 7, ~~of~~ Art. IV of the State Constitution.

81 Section 3. Subsection (39) of section 121.021, Florida  
82 Statutes, is amended to read:

83 121.021 Definitions.—The following words and phrases as  
84 used in this chapter have the respective meanings set forth  
85 unless a different meaning is plainly required by the context:

86 (39) (a) "Termination" occurs, except as provided in  
87 ~~paragraphs~~ ~~paragraph~~ (b) or (d), when a member ceases all  
88 employment relationships with participating employers, however:

89 1. For retirements effective before July 1, 2010, if a  
90 member is employed by any such employer within the next calendar  
91 month, termination shall be deemed not to have occurred. A leave  
92 of absence constitutes a continuation of the employment  
93 relationship, except that a leave of absence without pay due to  
94 disability may constitute termination if such member makes  
95 application for and is approved for disability retirement in  
96 accordance with s. 121.091(4). The department or state board may  
97 require other evidence of termination as it deems necessary.

98 2. For retirements effective on or after July 1, 2010, if  
99 a member is employed by any such employer within the next 6  
100 calendar months, termination shall be deemed not to have  
101 occurred. A leave of absence constitutes a continuation of the  
102 employment relationship, except that a leave of absence without

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103 pay due to disability may constitute termination if such member  
104 makes application for and is approved for disability retirement  
105 in accordance with s. 121.091(4). The department or state board  
106 may require other evidence of termination as it deems necessary.

107 (b) "Termination" for a member electing to participate in  
108 the Deferred Retirement Option Program occurs when the program  
109 participant ceases all employment relationships with  
110 participating employers in accordance with s. 121.091(13),  
111 however:

112 1. For termination dates occurring before July 1, 2010, if  
113 the member is employed by any such employer within the next  
114 calendar month, termination will be deemed not to have occurred,  
115 except as provided in s. 121.091(13)(b)4.c. A leave of absence  
116 shall constitute a continuation of the employment relationship.

117 2. For termination dates occurring on or after July 1,  
118 2010, if the member becomes employed by any such employer within  
119 the next 6 calendar months, termination will be deemed not to  
120 have occurred, except as provided in s. 121.091(13)(b)4.c. A  
121 leave of absence constitutes a continuation of the employment  
122 relationship.

123 (c) Effective July 1, 2011, "termination" for a member  
124 receiving a refund of employee contributions occurs when a  
125 member ceases all employment relationships with participating  
126 employers for 3 calendar months. A leave of absence constitutes  
127 a continuation of the employment relationship.

128 (d) Effective July 1, 2012, a retired judge who has reached  
129 normal retirement date and consents to temporary employment as a  
130 senior judge in any court, as assigned by the Chief Justice of

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131 the Supreme Court in accordance with s. 2, Art. V of the State  
132 constitution, meets "termination" when all non-temporary  
133 employment as a judge ceases and the judge retires under this  
134 chapter.

135 Section 4. Subsection (9) of section 121.091, Florida  
136 Statutes, is amended to read:

137 121.091 Benefits payable under the system.—Benefits may  
138 not be paid under this section unless the member has terminated  
139 employment as provided in s. 121.021(39) (a) or begun  
140 participation in the Deferred Retirement Option Program as  
141 provided in subsection (13), and a proper application has been  
142 filed in the manner prescribed by the department. The department  
143 may cancel an application for retirement benefits when the  
144 member or beneficiary fails to timely provide the information  
145 and documents required by this chapter and the department's  
146 rules. The department shall adopt rules establishing procedures  
147 for application for retirement benefits and for the cancellation  
148 of such application when the required information or documents  
149 are not received.

150 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

151 (a) Any person who is retired under this chapter, except  
152 under the disability retirement provisions of subsection (4),  
153 may be employed by an employer that does not participate in a  
154 state-administered retirement system and receive compensation  
155 from that employment without limiting or restricting in any way  
156 the retirement benefits payable to that person.

157 (b) Any person whose retirement is effective before July  
158 1, 2010, or whose participation in the Deferred Retirement

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159 Option Program terminates before July 1, 2010, except under the  
160 disability retirement provisions of subsection (4) or as  
161 provided in s. 121.053, may be reemployed by an employer that  
162 participates in a state-administered retirement system and  
163 receive retirement benefits and compensation from that employer,  
164 except that the person may not be reemployed by an employer  
165 participating in the Florida Retirement System before meeting  
166 the definition of termination in s. 121.021 and may not receive  
167 both a salary from the employer and retirement benefits for 12  
168 calendar months immediately subsequent to the date of  
169 retirement. However, a DROP participant shall continue  
170 employment and receive a salary during the period of  
171 participation in the Deferred Retirement Option Program, as  
172 provided in subsection (13).

173 1. A retiree who violates such reemployment limitation  
174 before completion of the 12-month limitation period must give  
175 timely notice of this fact in writing to the employer and to the  
176 Division of Retirement or the state board and shall have his or  
177 her retirement benefits suspended for the months employed or the  
178 balance of the 12-month limitation period as required in sub-  
179 subparagraphs b. and c. A retiree employed in violation of this  
180 paragraph and an employer who employs or appoints such person  
181 are jointly and severally liable for reimbursement to the  
182 retirement trust fund, including the Florida Retirement System  
183 Trust Fund and the Public Employee Optional Retirement Program  
184 Trust Fund, from which the benefits were paid. The employer must  
185 have a written statement from the retiree that he or she is not  
186 retired from a state-administered retirement system. Retirement

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187 benefits shall remain suspended until repayment has been made.  
188 Benefits suspended beyond the reemployment limitation shall  
189 apply toward repayment of benefits received in violation of the  
190 reemployment limitation.

191 a. A district school board may reemploy a retiree as a  
192 substitute or hourly teacher, education paraprofessional,  
193 transportation assistant, bus driver, or food service worker on  
194 a noncontractual basis after he or she has been retired for 1  
195 calendar month. A district school board may reemploy a retiree  
196 as instructional personnel, as defined in s. 1012.01(2)(a), on  
197 an annual contractual basis after he or she has been retired for  
198 1 calendar month. Any member who is reemployed within 1 calendar  
199 month after retirement shall void his or her application for  
200 retirement benefits. District school boards reemploying such  
201 teachers, education paraprofessionals, transportation  
202 assistants, bus drivers, or food service workers are subject to  
203 the retirement contribution required by subparagraph 2.

204 b. A community college board of trustees may reemploy a  
205 retiree as an adjunct instructor or as a participant in a phased  
206 retirement program within the Florida Community College System,  
207 after he or she has been retired for 1 calendar month. A member  
208 who is reemployed within 1 calendar month after retirement shall  
209 void his or her application for retirement benefits. Boards of  
210 trustees reemploying such instructors are subject to the  
211 retirement contribution required in subparagraph 2. A retiree  
212 may be reemployed as an adjunct instructor for no more than 780  
213 hours during the first 12 months of retirement. A retiree  
214 reemployed for more than 780 hours during the first 12 months of

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215 retirement must give timely notice in writing to the employer  
216 and to the Division of Retirement or the state board of the date  
217 he or she will exceed the limitation. The division shall suspend  
218 his or her retirement benefits for the remainder of the 12  
219 months of retirement. Any retiree employed in violation of this  
220 sub-subparagraph and any employer who employs or appoints such  
221 person without notifying the division to suspend retirement  
222 benefits are jointly and severally liable for any benefits paid  
223 during the reemployment limitation period. The employer must  
224 have a written statement from the retiree that he or she is not  
225 retired from a state-administered retirement system. Any  
226 retirement benefits received by the retiree while reemployed in  
227 excess of 780 hours during the first 12 months of retirement  
228 must be repaid to the Florida Retirement System Trust Fund, and  
229 retirement benefits shall remain suspended until repayment is  
230 made. Benefits suspended beyond the end of the retiree's first  
231 12 months of retirement shall apply toward repayment of benefits  
232 received in violation of the 780-hour reemployment limitation.

233 c. The State University System may reemploy a retiree as  
234 an adjunct faculty member or as a participant in a phased  
235 retirement program within the State University System after the  
236 retiree has been retired for 1 calendar month. A member who is  
237 reemployed within 1 calendar month after retirement shall void  
238 his or her application for retirement benefits. The State  
239 University System is subject to the retired contribution  
240 required in subparagraph 2., as appropriate. A retiree may be  
241 reemployed as an adjunct faculty member or a participant in a  
242 phased retirement program for no more than 780 hours during the

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243 first 12 months of his or her retirement. A retiree reemployed  
244 for more than 780 hours during the first 12 months of retirement  
245 must give timely notice in writing to the employer and to the  
246 Division of Retirement or the state board of the date he or she  
247 will exceed the limitation. The division shall suspend his or  
248 her retirement benefits for the remainder of the 12 months. Any  
249 retiree employed in violation of this sub-subparagraph and any  
250 employer who employs or appoints such person without notifying  
251 the division to suspend retirement benefits are jointly and  
252 severally liable for any benefits paid during the reemployment  
253 limitation period. The employer must have a written statement  
254 from the retiree that he or she is not retired from a state-  
255 administered retirement system. Any retirement benefits received  
256 by the retiree while reemployed in excess of 780 hours during  
257 the first 12 months of retirement must be repaid to the Florida  
258 Retirement System Trust Fund, and retirement benefits shall  
259 remain suspended until repayment is made. Benefits suspended  
260 beyond the end of the retiree's first 12 months of retirement  
261 shall apply toward repayment of benefits received in violation  
262 of the 780-hour reemployment limitation.

263 d. The Board of Trustees of the Florida School for the  
264 Deaf and the Blind may reemploy a retiree as a substitute  
265 teacher, substitute residential instructor, or substitute nurse  
266 on a noncontractual basis after he or she has been retired for 1  
267 calendar month. Any member who is reemployed within 1 calendar  
268 month after retirement shall void his or her application for  
269 retirement benefits. The Board of Trustees of the Florida School  
270 for the Deaf and the Blind reemploying such teachers,

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271 residential instructors, or nurses is subject to the retirement  
272 contribution required by subparagraph 2.

273 e. A developmental research school may reemploy a retiree  
274 as a substitute or hourly teacher or an education  
275 paraprofessional as defined in s. 1012.01(2) on a noncontractual  
276 basis after he or she has been retired for 1 calendar month. A  
277 developmental research school may reemploy a retiree as  
278 instructional personnel, as defined in s. 1012.01(2)(a), on an  
279 annual contractual basis after he or she has been retired for 1  
280 calendar month after retirement. Any member who is reemployed  
281 within 1 calendar month voids his or her application for  
282 retirement benefits. A developmental research school that  
283 reemploys retired teachers and education paraprofessionals is  
284 subject to the retirement contribution required by subparagraph  
285 2.

286 f. A charter school may reemploy a retiree as a substitute  
287 or hourly teacher on a noncontractual basis after he or she has  
288 been retired for 1 calendar month. A charter school may reemploy  
289 a retired member as instructional personnel, as defined in s.  
290 1012.01(2)(a), on an annual contractual basis after he or she  
291 has been retired for 1 calendar month after retirement. Any  
292 member who is reemployed within 1 calendar month voids his or  
293 her application for retirement benefits. A charter school that  
294 reemploys such teachers is subject to the retirement  
295 contribution required by subparagraph 2.

296 2. The employment of a retiree or DROP participant of a  
297 state-administered retirement system does not affect the average  
298 final compensation or years of creditable service of the retiree

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299 or DROP participant. Before July 1, 1991, upon employment of any  
300 person, other than an elected officer as provided in s. 121.053,  
301 who is retired under a state-administered retirement program,  
302 the employer shall pay retirement contributions in an amount  
303 equal to the unfunded actuarial liability portion of the  
304 employer contribution which would be required for regular  
305 members of the Florida Retirement System. Effective July 1,  
306 1991, contributions shall be made as provided in s. 121.122 for  
307 retirees who have renewed membership or, as provided in  
308 subsection (13), for DROP participants.

309 3. Any person who is holding an elective public office  
310 which is covered by the Florida Retirement System and who is  
311 concurrently employed in nonelected covered employment may elect  
312 to retire while continuing employment in the elective public  
313 office if he or she terminates his or her nonelected covered  
314 employment. Such person shall receive his or her retirement  
315 benefits in addition to the compensation of the elective office  
316 without regard to the time limitations otherwise provided in  
317 this subsection. A person who seeks to exercise the provisions  
318 of this subparagraph as they existed before May 3, 1984, may not  
319 be deemed to be retired under those provisions, unless such  
320 person is eligible to retire under this subparagraph, as amended  
321 by chapter 84-11, Laws of Florida.

322 (c) Any person whose retirement is effective on or after  
323 July 1, 2010, or whose participation in the Deferred Retirement  
324 Option Program terminates on or after July 1, 2010, who is  
325 retired under this chapter, except under the disability  
326 retirement provisions of subsection (4) or as provided in s.

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327 121.053, may be reemployed by an employer that participates in a  
328 state-administered retirement system and receive retirement  
329 benefits and compensation from that employer. However, a person  
330 may not be reemployed by an employer participating in the  
331 Florida Retirement System before meeting the definition of  
332 termination in s. 121.021 and may not receive both a salary from  
333 the employer and retirement benefits for 6 calendar months after  
334 meeting the definition of termination, except as provided in  
335 paragraph (f). However, a DROP participant shall continue  
336 employment and receive a salary during the period of  
337 participation in the Deferred Retirement Option Program, as  
338 provided in subsection (13).

339 1. The reemployed retiree may not renew membership in the  
340 Florida Retirement System.

341 2. The employer shall pay retirement contributions in an  
342 amount equal to the unfunded actuarial liability portion of the  
343 employer contribution that would be required for active members  
344 of the Florida Retirement System in addition to the  
345 contributions required by s. 121.76.

346 3. A retiree initially reemployed in violation of this  
347 paragraph and an employer that employs or appoints such person  
348 are jointly and severally liable for reimbursement of any  
349 retirement benefits paid to the retirement trust fund from which  
350 the benefits were paid, including the Florida Retirement System  
351 Trust Fund and the Public Employee Optional Retirement Program  
352 Trust Fund, as appropriate. The employer must have a written  
353 statement from the employee that he or she is not retired from a  
354 state-administered retirement system. Retirement benefits shall

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355 remain suspended until repayment is made. Benefits suspended  
356 beyond the end of the retiree's 6-month reemployment limitation  
357 period shall apply toward the repayment of benefits received in  
358 violation of this paragraph.

359 (d) This subsection applies to retirees, as defined in s.  
360 121.4501(2), except as provided in paragraph (f), of the Florida  
361 Retirement System Investment Plan, subject to the following  
362 conditions:

363 1. A retiree may not be reemployed with an employer  
364 participating in the Florida Retirement System until such person  
365 has been retired for 6 calendar months.

366 2. A retiree employed in violation of this subsection and  
367 an employer that employs or appoints such person are jointly and  
368 severally liable for reimbursement of any benefits paid to the  
369 retirement trust fund from which the benefits were paid. The  
370 employer must have a written statement from the retiree that he  
371 or she is not retired from a state-administered retirement  
372 system.

373 (e) The limitations of this subsection apply to  
374 reemployment in any capacity irrespective of the category of  
375 funds from which the person is compensated, except as provided  
376 in paragraph (f).

377 (f) Effective July 1, 2012, a retired judge who has reached  
378 normal retirement date and consents to temporary employment as a  
379 senior judge in any court, as assigned by the Chief Justice of  
380 the Supreme Court in accordance with s. 2, Art. V of the State  
381 constitution, is not subject to paragraphs (c), (d), or (e).

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382 Section 5. Paragraph (m) is added to subsection (2) of  
383 section 121.4501, Florida Statutes, to read:

384 121.4501 Florida Retirement System Investment Plan.—

385 (2) DEFINITIONS.—As used in this part, the term:

386 (m) "Normal retirement date" means the date a member  
387 attains normal retirement age and is vested. "Normal retirement  
388 age" is attained on the "normal retirement date." The normal  
389 retirement date is determined as follows:

390 1. If a Regular Class member, a Senior Management Service  
391 Class member, or an Elected Officers' Class member initially  
392 enrolled before July 1, 2011:

393 a. The first day of the month the member attains age 62;  
394 or

395 b. The first day of the month following the date the  
396 member completes 30 years of creditable service, regardless of  
397 age.

398 2. If a Regular Class member, a Senior Management Service  
399 Class member, or an Elected Officers' Class member initially  
400 enrolled on or after July 1, 2011:

401 a. The first day of the month the member attains age 65;  
402 or

403 b. The first day of the month following the date the  
404 member completes 33 years of creditable service, regardless of  
405 age.

406 3. If a Special Risk Class member initially enrolled  
407 before July 1, 2011:

408 a. The first day of the month the member attains age 55  
409 and completes the years of creditable service in the Special

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410 Risk Class equal to or greater than the years of service  
411 required for vesting;

412 b. The first day of the month following the date the  
413 member completes 25 years of creditable service in the Special  
414 Risk Class, regardless of age; or

415 c. The first day of the month following the date the  
416 member completes 25 years of creditable service and attains age  
417 52, which service may include a maximum of 4 years of military  
418 service credit if such credit is not claimed under any other  
419 system and the remaining years are in the Special Risk Class.

420 4. If a Special Risk Class member initially enrolled on or  
421 after July 1, 2011:

422 a. The first day of the month the member attains age 60  
423 and completes the years of creditable service in the Special  
424 Risk Class equal to or greater than the years of service  
425 required for vesting;

426 b. The first day of the month following the date the  
427 member completes 30 years of creditable service in the Special  
428 Risk Class, regardless of age; or

429 c. The first day of the month following the date the  
430 member completes 30 years of creditable service and attains age  
431 57, which service may include a maximum of 4 years of military  
432 service credit if such credit is not claimed under any other  
433 system and the remaining years are in the Special Risk Class.

434 Section 6. Paragraph (a) of subsection (1) of section  
435 121.591, Florida Statutes, is amended to read:

436 121.591 Payment of benefits.—Benefits may not be paid  
437 under the Florida Retirement System Investment Plan unless the

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438 member has terminated employment as provided in s.  
439 121.021(39) (a) or is deceased and a proper application has been  
440 filed as prescribed by the state board or the department. Before  
441 termination of employment, benefits, including employee  
442 contributions, are not payable under the investment plan for  
443 employee hardships, unforeseeable emergencies, loans, medical  
444 expenses, educational expenses, purchase of a principal  
445 residence, payments necessary to prevent eviction or foreclosure  
446 on an employee's principal residence, or any other reason prior  
447 to termination from all employment relationships with  
448 participating employers. The state board or department, as  
449 appropriate, may cancel an application for retirement benefits  
450 if the member or beneficiary fails to timely provide the  
451 information and documents required by this chapter and the rules  
452 of the state board and department. In accordance with their  
453 respective responsibilities, the state board and the department  
454 shall adopt rules establishing procedures for application for  
455 retirement benefits and for the cancellation of such application  
456 if the required information or documents are not received. The  
457 state board and the department, as appropriate, are authorized  
458 to cash out a de minimis account of a member who has been  
459 terminated from Florida Retirement System covered employment for  
460 a minimum of 6 calendar months. A de minimis account is an  
461 account containing employer and employee contributions and  
462 accumulated earnings of not more than \$5,000 made under the  
463 provisions of this chapter. Such cash-out must be a complete  
464 lump-sum liquidation of the account balance, subject to the  
465 provisions of the Internal Revenue Code, or a lump-sum direct

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466 rollover distribution paid directly to the custodian of an  
467 eligible retirement plan, as defined by the Internal Revenue  
468 Code, on behalf of the member. Any nonvested accumulations and  
469 associated service credit, including amounts transferred to the  
470 suspense account of the Florida Retirement System Investment  
471 Plan Trust Fund authorized under s. 121.4501(6), shall be  
472 forfeited upon payment of any vested benefit to a member or  
473 beneficiary, except for de minimis distributions or minimum  
474 required distributions as provided under this section. If any  
475 financial instrument issued for the payment of retirement  
476 benefits under this section is not presented for payment within  
477 180 days after the last day of the month in which it was  
478 originally issued, the third-party administrator or other duly  
479 authorized agent of the state board shall cancel the instrument  
480 and credit the amount of the instrument to the suspense account  
481 of the Florida Retirement System Investment Plan Trust Fund  
482 authorized under s. 121.4501(6). Any amounts transferred to the  
483 suspense account are payable upon a proper application, not to  
484 include earnings thereon, as provided in this section, within 10  
485 years after the last day of the month in which the instrument  
486 was originally issued, after which time such amounts and any  
487 earnings attributable to employer contributions shall be  
488 forfeited. Any forfeited amounts are assets of the trust fund  
489 and are not subject to chapter 717.

490 (1) NORMAL BENEFITS.—Under the investment plan:

491 (a) Benefits in the form of vested accumulations as  
492 described in s. 121.4501(6) are payable under this subsection in  
493 accordance with the following terms and conditions:

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494 1. Benefits are payable only to a member, an alternate  
495 payee of a qualified domestic relations order, or a beneficiary.

496 2. Benefits shall be paid by the third-party administrator  
497 or designated approved providers in accordance with the law, the  
498 contracts, and any applicable board rule or policy.

499 3. The member must be terminated from all employment with  
500 all Florida Retirement System employers, as provided in s.  
501 121.021(39).

502 4. Benefit payments may not be made until the member has  
503 been terminated for 3 calendar months, except that the state  
504 board may authorize by rule for the distribution of up to 10  
505 percent of the member's account after being terminated for 1  
506 calendar month if the member has reached the normal retirement  
507 date as defined in s. 121.021. Effective July 1, 2012, judges  
508 who have consented to temporary employment as a senior judge in  
509 any court pursuant to the provisions of section 25.073, F.S.,  
510 may receive a regular distribution of their account as provided  
511 in this paragraph after providing proof of termination from  
512 their regularly established position.

513 5. If a member or former member of the Florida Retirement  
514 System receives an invalid distribution, such person must either  
515 repay the full amount within 90 days after receipt of final  
516 notification by the state board or the third-party administrator  
517 that the distribution was invalid, or, in lieu of repayment, the  
518 member must terminate employment from all participating  
519 employers. If such person fails to repay the full invalid  
520 distribution within 90 days after receipt of final notification,  
521 the person may be deemed retired from the investment plan by the

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522 state board and is subject to s. 121.122. If such person is  
523 deemed retired, any joint and several liability set out in s.  
524 121.091(9)(d)2. is void, and the state board, the department, or  
525 the employing agency is not liable for gains on payroll  
526 contributions that have not been deposited to the person's  
527 account in the investment plan, pending resolution of the  
528 invalid distribution. The member or former member who has been  
529 deemed retired or who has been determined by the state board to  
530 have taken an invalid distribution may appeal the agency  
531 decision through the complaint process as provided under s.  
532 121.4501(9)(g)3. As used in this subparagraph, the term "invalid  
533 distribution" means any distribution from an account in the  
534 investment plan which is taken in violation of this section, s.  
535 121.091(9), or s. 121.4501.

536 Section 7. This act shall take effect July 1, 2012.

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540 **T I T L E A M E N D M E N T**

541 Remove the entire title and insert:

542 An act relating to the judiciary; amending s. 25.073, F.S.;  
543 providing that if a retired justice or judge is assigned to  
544 temporary duty, such assignment does not affect his or her  
545 eligibility for benefits under the Florida Retirement System;  
546 amending s. 43.291, F.S.; revising requirements for the  
547 appointment of members of judicial nominating commissions;  
548 providing that, with the exception of members selected from a  
549 list of nominees provided by the Board of Governors of The

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Published On: 1/10/2012 6:19:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

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550 Florida Bar, a current member of a judicial nominating  
551 commission appointed by the Governor serves at the pleasure of  
552 the Governor; providing for each expired term or vacancy to be  
553 filled by appointment in the same manner as the member whose  
554 position is being filled; deleting obsolete provisions; deleting  
555 a requirement that the Executive Office of the Governor  
556 establish uniform rules of procedure consistent with the State  
557 Constitution when suspending for cause a member of a judicial  
558 nominating commission; amending ss. 121.021, 121.091, 121.4501,  
559 and 121.591, F.S., to conform to retirement system changes;  
560 providing an effective date.