

By Senator Diaz de la Portilla

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1 A bill to be entitled
 2 An act relating to the Florida Retirement System;
 3 amending s. 121.111, F.S.; updating obsolete cross-
 4 references; revising eligibility for the purchase of
 5 credit for military service; making editorial changes;
 6 amending s. 121.052, F.S.; conforming a cross-
 7 reference; declaring that the act fulfills an
 8 important state interest; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 121.111, Florida Statutes, is amended to
 13 read:

14 121.111 Credit for military service.—

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

17 (a) The member is in the active employ of an employer
 18 immediately before ~~prior to~~ such service and leaves a position,
 19 other than a temporary position, for the purpose of induction
 20 into ~~the Armed Forces of the United States~~ or entry upon duty in
 21 the Armed Forces of the United States. When applied to the
 22 Florida Retirement System:

23 1. The term "position other than a temporary position"
 24 means a regularly established position with a Florida Retirement
 25 System employer; and

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

29 (b) The member is entitled to reemployment under the

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30 provisions of the Uniformed Services Employment and Reemployment
31 Rights Act ~~Veterans' Reemployment Rights Act (38 U.S.C. ss. 2021~~
32 ~~et seq.)~~;

33 (c) The member applies for reemployment with the same
34 employer within the time set forth in the Uniformed Services
35 Employment and Reemployment Rights Act s. 2021 or s. 2024 of the
36 ~~Veterans' Reemployment Rights Act, whichever is applicable,~~ and
37 is reemployed by such employer;

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

48 (e) The period of service claimed pursuant to this
49 subsection does not exceed the periods specified by the
50 provisions of the Uniformed Services Employment and Reemployment
51 Rights Act ss. 2021 and 2024 of the Veterans' Reemployment
52 ~~Rights Act~~ which are applicable in the member's case.

53 (2) A ~~Any~~ member ~~whose initial date of employment is before~~
54 ~~January 1, 1987,~~ who has military service as defined in s.
55 121.021(20) (b) which he or she, ~~and who~~ does not claim ~~such~~
56 ~~service~~ under subsection (1) may receive creditable service for
57 such military service if:

58 (a) The member is vested;

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

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

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

80 (a) ~~1.~~ A Any person whose retirement date under the Florida
81 Retirement System is before ~~prior to~~ July 1, 1985, may claim
82 such service at any time, ~~as provided in this subsection,~~ upon
83 payment of contributions and interest as provided in paragraph
84 (2) (c) ~~(e)~~, with interest computed to the retired member's
85 retirement date. The benefit shall be recalculated and increased
86 to include the additional service credit granted for such
87 wartime military service, and a lump-sum payment shall be made

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88 to the retiree for the amount owed due to the additional service
89 credit, retroactive to the date of retirement.

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

95 (4) (e) A Any member claiming credit under ~~this~~ subsection
96 (2) must certify on the form prescribed by the department that
97 credit for such service has not and will not be claimed for
98 retirement purposes under any other federal, state, or local
99 retirement or pension system where "length of service" is a
100 factor in determining the amount of compensation received,
101 unless ~~except where~~ credit for such service has been granted in
102 a pension system providing retired pay for nonregular service as
103 provided in subsection (3) ~~paragraph (d)~~. If the member dies
104 before ~~prior to~~ retirement, the member's beneficiary must make
105 the required certification before credit may be claimed. If such
106 certification is not made by the member or the member's
107 beneficiary, credit for wartime military service is prohibited
108 ~~shall not be allowed~~.

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

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117 ~~(6)~~~~(3)~~ Except as provided by law or rule, the employer is
118 not required to make contributions for military service credit
119 for any member.

120 Section 2. Paragraph (d) of subsection (12) of section
121 121.052, Florida Statutes, is amended to read:

122 121.052 Membership class of elected officers.—

123 (12) BENEFITS.—

124 (d) The provisions of ss. 121.101 and 121.111, relating to
125 the cost-of-living adjustment of retirement benefits and
126 retirement credit for wartime military service, respectively,
127 ~~shall~~ apply to members of the Elected Officers' Class.
128 Creditable service for actual wartime service, ~~as authorized by~~
129 ~~s. 121.111(2)~~, not exceeding 4 years, shall be acquired and paid
130 for as provided in s. 121.111 ~~said subsection~~. Upon payment by
131 the member of 4 percent of gross salary plus accrued interest,
132 retirement credit shall be granted at the rate of 1.6 percent
133 for each year of creditable service acquired under that section
134 ~~said subsection~~.

135 Section 3. The Legislature finds that a proper and
136 legitimate state purpose is served when employees and retirees
137 of the state and its political subdivisions who have military
138 service as defined in s. 121.021(20)(b), Florida Statutes, and
139 the dependents, survivors, and beneficiaries of such employees
140 and retirees, are extended additional protections afforded by
141 governmental retirement systems. These persons must be provided
142 benefits that are fair and adequate and that are managed,
143 administered, and funded in a sound actuarial manner, as
144 required by s. 14, Article X of the State Constitution and part
145 VII of chapter 112, Florida Statutes. Therefore, the Legislature

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146 determines and declares that this act fulfills an important
147 state interest.

148 Section 4. This act shall take effect July 1, 2015.