

Florida State University College of Law

Scholarship Repository

Staff Analysis

Florida Legislative Documents

1989

Session Law 89-010

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the [Legislation Commons](#)

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-010" (1989). *Staff Analysis*. 861.
<https://ir.law.fsu.edu/staff-analysis/861>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

B
I
L
L

H
I
S
T
O
R
Y

S 405 GENERAL BILL by Grant and others (Identical H 557)
~~County Commissioner/Retirement~~; authorizes county commissioner whose term was shortened because election at which he was elected was delayed by federal intervention under Voting Rights Act to purchase service credit under system for period by which his term was shortened. Creates 121.1124. Effective Date: 05/15/89.

03/09/89 SENATE Prefiled

03/24/89 SENATE Referred to Personnel, Retirement and Collective Bargaining; Appropriations

04/04/89 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining; Appropriations -SJ 41; On Committee agenda—Personnel, Retirement and Collective Bargaining, 04/06/89, 8:30 am, Room-H-(428)

04/06/89 SENATE Comm. Report: Favorable by Personnel, Retirement and Collective Bargaining -SJ 97; Now in Appropriations -SJ 97

04/11/89 SENATE Withdrawn from Appropriations -SJ 119; Placed on Calendar

04/18/89 SENATE Placed on Special Order Calendar -SJ 173

04/25/89 SENATE Placed on Special Order Calendar -SJ 198

04/27/89 SENATE Placed on Special Order Calendar -SJ 210; Passed; YEAS 38 NAYS 0 -SJ 231; Immediately certified -SJ 231

04/27/89 HOUSE In Messages

04/28/89 HOUSE Received, placed on Calendar -HJ 298; Substituted for HB 557 -HJ 298; Read second time; Read third time; Passed; YEAS 110 NAYS 0 -HJ 299

05/02/89 Ordered enrolled -SJ 247

05/08/89 Signed by Officers and presented to Governor -SJ 287

05/15/89 Approved by Governor; Chapter No. 89-10 -SJ 360

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. SB 405DATE: April 4, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Jones</u>	<u>Jones</u>	1. <u>PRCB</u>	<u>Favorable</u>
2. _____	_____	2. <u>AP</u>	<u>Withdrawn</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

FRS; County Commissioners

BILL NO. AND SPONSOR:

SB 405 by
Senator Grant and othersI. SUMMARY:

A. Present Situation:

Generally speaking, officers and employees who participate in the Florida Retirement System (FRS) receive retirement credit only for service actually rendered. There is, however, an exception in the FRS law (s. 121.112, F.S., and s. 121.1121, F.S.) which permits elected state officers to purchase, at their own expense, retirement credit for the period of time the official would have served had such term not been shortened by reapportionment.

B. Effect of Proposed Changes:

This bill provides that any elected County Commissioner whose term of office is shortened due to the election being delayed by federal intervention pursuant to the federal Voting Rights Act may, after his term of office is completed, purchase retirement credit, at his own expense, for the period of time by which his term was shortened.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None. All required contributions (plus interest) would be paid by the County Commissioner whose term of office was shortened by federal intervention into the election at which he was elected. Further, it is anticipated that the number of individuals affected by the bill would be very small.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

AS PASSED BY THE 1989 LEGISLATURE

STORAGE NAME: h0557-f.emr

DATE: June 8, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON EMPLOYEE & MANAGEMENT RELATIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 557 (passed as SB 405)

RELATING TO: County Commissioners Purchase of Service

SPONSOR(S): Representative Martinez

EFFECTIVE DATE: Upon Becoming a Law

DATE BECAME LAW: May 15, 1989

CHAPTER #: 89-10, Laws of Florida

COMPANION BILL(S): SB 405 (Identical)

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

HB 557 permits a county commissioner whose term was shortened because the election at which he was elected was delayed pursuant to federal intervention under the Voting Rights Act to purchase that portion of his term which was shortened.

A. PRESENT SITUATION:

Generally, officers and employees who participate in the Florida Retirement System (FRS) receive retirement credit only for service actually rendered. There is, however, an exception in the FRS law (s. 121.112 and 121.1121, F.S.) which permits an elected state officer to purchase, at his own expense, retirement credit for the period of time the official would have served had his term not been shortened due to reapportionment.

B. EFFECT OF PROPOSED CHANGES:

This bill provides that any elected county commissioner whose term of office is shortened due to the election being delayed by federal intervention under the federal Voting Rights Act may, after his term of office is completed, at his own expense, purchase retirement credit for the period of time by which his term was shortened.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 121.1124, F.S., to allow certain elected county commissioners to purchase retirement credit.

Section 2. Provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

[see fiscal comments]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

STORAGE NAME: h0557-f.emr

DATE: June 8, 1989

PAGE: 3

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

Impact on the FRS Trust Fund will be minimal because, to purchase the needed retirement credit in order to vest after two terms, any county commissioner whose term of office was shortened by federal intervention will have to pay into the FRS Trust Fund the total amount of contributions which would have been paid by his employer on his behalf, plus 6.5 percent interest, for whatever period of time his term was shortened. Further, it is anticipated that the number of individuals affected by this bill will be very small.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

Under the Federal Voting Rights Act, five counties in Florida, including Hillsborough County, must submit any changes in law (state or local) which would potentially affect the election process in that county to the U.S. Department of Justice for preclearance.

In September 1983, the voters of Hillsborough County approved a home rule charter which changed the representation of the county governing body from a five-member board with all five members elected at-large, to a seven-member board with three members elected at-large and four members elected from single-member districts. The charter was submitted to the U.S. Attorney General for preclearance as required by federal law. However, the Attorney General officially lodged objections to the charter shortly before the scheduled election of commissioners was to take place, and so the election was delayed.

Elections were finally held and the commissioners took office on May 28, 1985. However, because of the unforeseeable delay, commissioners elected that year will not be eligible for normal state retirement benefits for elected officials because, at the end of two terms, they will have served only 7.5 years, rather than the 8 years required for vesting under s. 121.052, F.S.

STORAGE NAME: h0557-f.emr

DATE: June 8, 1989

PAGE: 4

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Sharon K Lowe

Staff Director:

Ron Appell

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director: