

HB 1031

2012

1                   A bill to be entitled  
2           An act relating to retirement; amending s. 25.073,  
3           F.S.; providing for a former justice or judge to be  
4           qualified to serve as a retired justice or judge under  
5           certain conditions; providing circumstances under  
6           which such justice or judge may not serve as a retired  
7           justice or judge; amending s. 121.053, F.S.; exempting  
8           retired judges consenting to temporary duty from  
9           certain termination and reemployment limitations;  
10          providing an effective date.

11  
12          WHEREAS, the Supreme Court of Florida has certified the  
13          need for additional judgeships to meet the workload of the  
14          court, but due to economic conditions, none have been funded by  
15          the Legislature since 2007, and

16          WHEREAS, the trial courts in this state have experienced a  
17          tremendous increase in foreclosure cases, and

18          WHEREAS, senior judges provide temporary replacement  
19          coverage of scheduled dockets of judges who become ill, injured,  
20          or unexpectedly obligated to attend to other duties, and, thus,  
21          prevent litigants from suffering unwanted delay of their cases,  
22          and

23          WHEREAS, unlike other employees who return to state service  
24          after retirement, senior judges are paid a daily fixed stipend,  
25          and

26          WHEREAS, a 1-year delay in a retired judge's performance of  
27          senior judge duties will detrimentally affect the currency of  
28          experience and critical skills required of a judge to properly

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29 and appropriately rule on legal issues, NOW, THEREFORE,

30

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

32

33 Section 1. Present subsections (2) and (3) of section  
 34 25.073, Florida Statutes, are renumbered as subsections (3) and  
 35 (4), respectively, and a new subsection (2) is added to that  
 36 section, to read:

37 25.073 Retired justices or judges assigned to temporary  
 38 duty; additional compensation; appropriation.—

39 (2) Notwithstanding subsection (1), a former justice or  
 40 judge who has failed to win reelection or be retained after more  
 41 than 12 years of service as a justice or judge may be qualified  
 42 to serve as a retired justice or judge unless:

43 (a) The former justice or judge has been reprimanded,  
 44 finned, suspended, or disciplined by the Florida Supreme Court  
 45 for violations of the Florida Code of Judicial Conduct or the  
 46 rules regulating The Florida Bar;

47 (b) The Judicial Qualifications Commission has brought  
 48 charges against the former justice or judge which were not  
 49 dismissed, or the former justice or judge was not exonerated of  
 50 all such charges; or

51 (c) Any party objects to the assignment of the former  
 52 justice or judge when the former justice or judge is to preside  
 53 over a civil case, including any appeal of a civil case.

54 Section 2. Subsection (6) of section 121.053, Florida  
 55 Statutes, is amended to read:

56 121.053 Participation in the Elected Officers' Class for

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57 | retired members.-

58 |       (6) A retired judge consenting to temporary duty in any  
59 | court, as assigned by the Chief Justice of the Supreme Court in  
60 | accordance with s. 2, Art. V of the State Constitution, is not  
61 | subject to the renewed membership provisions of this section, to  
62 | termination as defined in s. 121.021(39), or to the 12-month  
63 | reemployment limitation in s. 121.091(9).

64 |       Section 3. This act shall take effect July 1, 2012.