

## FLORIDA PENSION CONTRIBUTION LAW STRUCK DOWN BY COURT



Circuit Judge Jackie Fulford ruled on Tuesday that Governor Rick Scott and the Legislature had violated the state constitution by passing a law requiring teachers, police officers, state workers and other public employees to contribute 3 percent of their pay toward their pensions. According to estimates the decision may cost the state exchequer close to \$2 billion. The judge held that a budget crisis cannot be accepted as an excuse for the government for violating the rights of collective bargaining, property, and contracts guaranteed under Florida Constitution. The judge wrote, "To find otherwise would mean that a contract with our state government has no meaning and that the citizens of our state can place no trust in the work of our Legislature." The decision would bring relief to 560,000 public employees in Florida who had been brought under the ambit of mandatory contribution of part of their salaries towards pension funds. However, Gov. Rick Scott said, "The ruling of a trial court judge is the first and not the final step ... This is an example of a judge wanting to write the law ... We all know this is constitutional; there's no question about it. I don't understand the ruling. It doesn't make any sense to me. We'll appeal it and I'm sure it'll be held constitutional." In an earlier statement, the Governor had criticized the judgment saying, "The Court's decision nullifies the will of the people and leaves Florida as one of the only states in the country in which public employees contribute nothing towards their retirement, leaving working Floridians with 100 percent of the tab." The Governor asserted that as the chief executive of the state he does not get to write laws, but laws were written by the legislature. The Governor also stated that it is wrong for the judiciary to be writing laws. The law in question was challenged by several unions and individual public employees. The aggrieved say that the law tantamount to an additional "income tax" after they have gone for years without any growth in pay scales. Lawyers representing the State of Florida argued that the Legislature has the required authority to compel employee contributions under its constitutional budgeting powers, but the court disagrees. The judge noted that employees have a constitutional right to collectively bargain over the terms and conditions of their employment, but no such negotiations had been made in the case.