



Bureau of Enrollment and Contributions

Enrollment Section

Tallahassee, FL 32315-9000

Tel: 850-907-6500 | Fax: 850-410-2010 | Toll-Free: 844-377-1888

Ron DeSantis, Governor

Pedro Allende, Secretary

CERTIFIED MAIL RETURN RECEIPT REQUESTED
ARTICLE NUMBER: 9214 8901 9403 8322 8203 19

July 9, 2025

Escambia County Board of County Commission
Attn. Wesley Moreno
221 Palafox PL STE 200
Pensacola, FL 32501

Escambia County Clerk of Courts
Attn. Pam Childers
190 W Government St
Pensacola, FL 32502

Steven Barry
10975 Country Ostrich Dr
Pensacola, FL 32534

Dear Member and Employer:

The Department of Management Services (DMS), Division of Retirement (division), has received Steven Barry's request for prior service credit, the Escambia County Board of County Commission's (employer) request for the same, and reviewed Escambia County Clerk of Court's January 14, 2025, letter requesting adjustment or refund of invoice 324528 for the purchase of prior service for Commissioner Steven Barry.

As of the date of this letter, the remaining balance of invoice 324528 is \$26,333.38. Commissioner Barry will not receive the credit for prior service until the invoice (\$195,188.89) plus any applicable annual interest is paid in full. There are no provisions in the law that provide for a waiver of the interest assessment.

The applicable portions of Florida Statute (F.S.) that apply:

The Elected Officer's Withdrawal from the Florida Retirement System

"Any elected officer may elect to withdraw from participating in the Florida Retirement System in any manner whatsoever. Upon assuming office, the member shall have a period of 6 months to notify the administrator of his or her decision to withdraw from the Florida Retirement System altogether. Such election shall be made in writing and a copy shall be filed with the employer." § 121.052(3)(d)1. F.S.

The Elected Officer Permitted to Rejoin

"Any elected officer who has withdrawn from the Florida Retirement System pursuant to this paragraph shall be permitted to rejoin the Elected Officers' Class upon written request to the administrator."

§ 121.052(3)(d)3, F.S.

Prior Service Credit may be Purchased

"Credit for prior service based on the period during which the elected officer had withdrawn from the system, and for which no contributions were made, shall be received by the elected officer upon payment to the System Trust Fund of an amount equal to the contributions required, under the contribution rate in effect during the period of withdrawal for which credit is being purchased, plus 6.5 percent interest, compounded annually until the date of payment..." § 121.052.052(3)(d)3, F.S.

If the remaining balance of \$26,333.38 is not received by the division within 21 days of receipt of this letter, Commissioner Barry will not receive the requested credit for prior service, and any money previously received by the division in regards to invoice 324528 will be refunded. An amount due of \$195,188.89 plus annual interest at 6.5% will remain on Mr. Barry's FRS Pension Plan account until payment is received by the Division of Retirement.

This letter constitutes the division's final decision. If you do not agree with our decision and wish to appeal this matter, you may take one of the following actions within 21 days of receiving this letter:

- File a request (petition) for a formal hearing. Your request must state the facts you dispute and must comply with the requirements of Rule 28-106.201, F.A.C. (enclosed), or
- File a request for an informal hearing. Your request must state why you disagree with the decision and must comply with the requirements of Rule 28-106.301, F.A.C. (enclosed). If you do not state the disputed facts in your letter, we will automatically treat it as an informal hearing request.

Your request for a formal or informal hearing must be in writing and received by the Department of Management Services, Division of Retirement, within 21 days of your receipt of this letter. The enclosed information page explains the process for the hearings. If you choose to request a hearing, send your written request to:

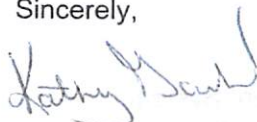
Agency Clerk and Hearings Coordinator
Office of the General Counsel
Department of Management Services
4050 Esplanade Way, Suite 160
Tallahassee, FL 32399-0950

Petitions Accepted by Email at: AgencyClerk@dms.myflorida.com

If you fail to petition for a hearing within the time allotted, you will have waived your right to a hearing and the decision set forth in this letter will become final on the 22nd day after your receipt of this letter.

You may contact Hobart Lawrance at 850-907-6446 if you need additional information.

Sincerely,



Kathy Gould
State Retirement Director

KG/hl

Enclosures: Appeal Hearings Information Page
Rule 28-106.201, F.A.C.
Rule 28-106.301, F.A.C.

Appeal Hearings Informational Page

Your request for a formal or informal hearing must be in writing and received by the Agency Clerk of the Department of Management Services (DMS) within 21 days of your receipt of the decision letter. You lose your right to a hearing if the Agency Clerk does not receive your request on time.

Send your written request to:

Agency Clerk and Hearings Coordinator
Office of the General Counsel
Department of Management Services
4050 Esplanade Way, Suite 160
Tallahassee, FL 32399-0950
Accepted by email: AgencyClerk@dms.myflorida.com

Formal Hearing

If you dispute the facts we used in our decision, state them in your written request for a hearing. Your formal hearing request must meet the requirements of Rule 28-106.201, Florida Administrative Code.

Informal Hearing

If you do not dispute the facts we used in our decision, but want to contest the decision, your written request for a hearing must comply with the requirements of Rule 28-106.301, Florida Administrative Code.

Procedures for requesting a hearing when there are disputed issues of material fact (formal hearings). Rule 28-106.201, Florida Administrative Code.

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 2-5-13.

Procedures for requesting a hearing when there are no disputed issues of material fact (informal hearing), Rule 28-106.301, Florida Administrative Code.

28-106.301 Initiation of Proceedings.

(1) Unless otherwise provided by statute and except for agency enforcement and disciplinary actions initiated under subsection 28-106.2015(1), F.A.C., initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

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(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action; and

(h) A statement that no material facts are in dispute.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 12-24-07, 2-5-13.



CERTIFIED MAIL RETURN RECEIPT REQUESTED
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June 9, 2025

Escambia County Board of County Commission
Attn. Wesley Moreno
221 Palafox PL STE 200
Pensacola, FL 32501

Escambia County Clerk of Courts
Attn. Pam Childers
190 W Government St
Pensacola, FL 32502

Robert Bender
2303 Malysa Place
Pensacola, FL 32504

Dear Member and Employer:

The Department of Management Services (DMS), Division of Retirement (division), has received Robert Bender's request for prior service credit, the Escambia County Board of County Commission's (employer) request for the same, and reviewed Escambia County Clerk of Court's April 4, 2025, letter regarding invoice 330701 for the purchase of prior service for Commissioner Robert Bender.

As of the date of this letter, the remaining balance of invoice 330701 is \$292,143.75. Robert Bender will not receive the credit for prior service until the invoice (\$292,143.75) plus any applicable annual interest is paid in full. There are no provisions in the law that provide for a waiver of the interest assessment.

The applicable portions of Florida Statute (F.S.) that apply:

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"Any elected officer may elect to withdraw from participating in the Florida Retirement System in any manner whatsoever. Upon assuming office, the member shall have a period of 6 months to notify the administrator of his or her decision to withdraw from the Florida Retirement System altogether. Such election shall be made in writing and a copy shall be filed with the employer." § 121.052(3)(d)1. F.S.

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Prior Service Credit may be Purchased

"Credit for prior service based on the period during which the elected officer had withdrawn from the system, and for which no contributions were made, shall be received by the elected officer upon payment to the System Trust Fund of an amount equal to the contributions required, under the contribution rate in effect during the period of withdrawal for which credit is being purchased, plus 6.5 percent interest, compounded annually until the date of payment..." § 121.052.052(3)(d)3, F.S.

If the remaining balance of \$292,143.75 for invoice #330701 is not received by the division within 21 days of receipt of this letter, Robert Bender will not receive the requested credit for prior service.

This letter constitutes the division's final decision. If you do not agree with our decision and wish to appeal this matter, you may take one of the following actions within 21 days of receiving this letter:

- File a request (petition) for a formal hearing. Your request must state the facts you dispute and must comply with the requirements of Rule 28-106.201, F.A.C. (enclosed), or
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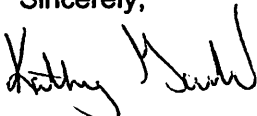
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