

By Senator Wasserman Schultz

32-1144-01

See HB

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A bill to be entitled
An act relating to the Florida Retirement
System; amending s. 121.091, F.S.; eliminating
the limitation on employment after retirement
for retired members who are reemployed by a
district school board; providing requirements
for reemployment; providing an effective date.

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

Section 1. Paragraph (b) of subsection (9) of section
121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.--Benefits
may not be paid under this section unless the member has
terminated employment as provided in s. 121.021(39)(a) or
begun participation in the Deferred Retirement Option Program
as provided in subsection (13), and a proper application has
been filed in the manner prescribed by the department. The
department may cancel an application for retirement benefits
when the member or beneficiary fails to timely provide the
information and documents required by this chapter and the
department's rules. The department shall adopt rules
establishing procedures for application for retirement
benefits and for the cancellation of such application when the
required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

(b)1. Any person who is retired under this chapter,
except under the disability retirement provisions of
subsection (4), may be reemployed by any private or public
employer after retirement and receive retirement benefits and
compensation from his or her employer without any limitations,

1 except that a person may not receive both a salary from
2 reemployment with any agency participating in the Florida
3 Retirement System and retirement benefits under this chapter
4 for a period of 12 months immediately subsequent to the date
5 of retirement. However, a DROP participant shall continue
6 employment and receive a salary during the period of
7 participation in the Deferred Retirement Option Program, as
8 provided in subsection (13).

9 2. Any person to whom the limitation in subparagraph
10 1. applies who violates such reemployment limitation and who
11 is reemployed with any agency participating in the Florida
12 Retirement System before completion of the 12-month limitation
13 period shall give timely notice of this fact in writing to the
14 employer and to the division and shall have his or her
15 retirement benefits suspended for the balance of the 12-month
16 limitation period. Any person employed in violation of this
17 paragraph and any employing agency which knowingly employs or
18 appoints such person without notifying the Division of
19 Retirement to suspend retirement benefits shall be jointly and
20 severally liable for reimbursement to the retirement trust
21 fund of any benefits paid during the reemployment limitation
22 period. To avoid liability, such employing agency shall have
23 a written statement from the retiree that he or she is not
24 retired from a state-administered retirement system. Any
25 retirement benefits received while reemployed during this
26 reemployment limitation period shall be repaid to the
27 retirement trust fund, and retirement benefits shall remain
28 suspended until such repayment has been made. Benefits
29 suspended beyond the reemployment limitation shall apply
30 toward repayment of benefits received in violation of the
31 reemployment limitation.

1 3. A district school board may reemploy a retired
2 member as a substitute or hourly teacher, education
3 paraprofessional, transportation assistant, bus driver, or
4 food service worker on a noncontractual basis after he or she
5 has been retired for 1 calendar month, in accordance with s.
6 121.021(39). Any retired member who is reemployed within 1
7 calendar month after retirement shall continue to receive void
8 his or her ~~application for~~ retirement benefits. District
9 school boards reemploying such teachers, education
10 paraprofessionals, transportation assistants, bus drivers, or
11 food service workers are subject to the retirement
12 contribution required by subparagraph 7. Reemployment of a
13 retired member as a substitute or hourly teacher, education
14 paraprofessional, transportation assistant, bus driver, or
15 food service worker shall not be ~~is~~ limited to ~~780~~ hours
16 during the first 12 months of his or her retirement. Any
17 retired member reemployed for more than 780 hours during his
18 or her first 12 months of retirement shall give timely notice
19 in writing to the employer and to the division of the date he
20 or she will exceed the limitation. The division shall suspend
21 his or her retirement benefits for the remainder of the first
22 12 months of retirement. Any person employed in violation of
23 this subparagraph and any employing agency which knowingly
24 employs or appoints such person without notifying the Division
25 of Retirement to suspend retirement benefits shall be jointly
26 and severally liable for reimbursement to the retirement trust
27 fund of any benefits paid during the reemployment limitation
28 period. To avoid liability, such employing agency shall have
29 a written statement from the retiree that he or she is not
30 retired from a state-administered retirement system. Any
31 retirement benefits received by a retired member while

1 ~~reemployed in excess of 780 hours during the first 12 months~~
2 ~~of retirement shall be repaid to the Retirement System Trust~~
3 ~~Fund, and his or her retirement benefits shall remain~~
4 ~~suspended until repayment is made. Benefits suspended beyond~~
5 ~~the end of the retired member's first 12 months of retirement~~
6 ~~shall apply toward repayment of benefits received in violation~~
7 ~~of the 780-hour reemployment limitation. In order to be~~
8 ~~reemployed under this subparagraph, the retired member must~~
9 ~~have had 5 years of satisfactory performance evaluations with~~
10 ~~the district school board or immediate supervisor for the~~
11 ~~5-year period preceding reemployment. The retired member shall~~
12 ~~not lose any benefits or be required to reimburse the state or~~
13 ~~district for any benefits received prior to reemployment.~~

14 4. A community college board of trustees may reemploy
15 a retired member as an adjunct instructor, that is, an
16 instructor who is noncontractual and part-time, or as a
17 participant in a phased retirement program within the Florida
18 Community College System, after he or she has been retired for
19 1 calendar month, in accordance with s. 121.021(39). Any
20 retired member who is reemployed within 1 calendar month after
21 retirement shall void his or her application for retirement
22 benefits. Boards of trustees reemploying such instructors are
23 subject to the retirement contribution required in
24 subparagraph 7. A retired member may be reemployed as an
25 adjunct instructor for no more than 780 hours during the first
26 12 months of retirement. Any retired member reemployed for
27 more than 780 hours during the first 12 months of retirement
28 shall give timely notice in writing to the employer and to the
29 division of the date he or she will exceed the limitation.
30 The division shall suspend his or her retirement benefits for
31 the remainder of the first 12 months of retirement. Any

1 person employed in violation of this subparagraph and any
2 employing agency which knowingly employs or appoints such
3 person without notifying the Division of Retirement to suspend
4 retirement benefits shall be jointly and severally liable for
5 reimbursement to the retirement trust fund of any benefits
6 paid during the reemployment limitation period. To avoid
7 liability, such employing agency shall have a written
8 statement from the retiree that he or she is not retired from
9 a state-administered retirement system. Any retirement
10 benefits received by a retired member while reemployed in
11 excess of 780 hours during the first 12 months of retirement
12 shall be repaid to the Retirement System Trust Fund, and
13 retirement benefits shall remain suspended until repayment is
14 made. Benefits suspended beyond the end of the retired
15 member's first 12 months of retirement shall apply toward
16 repayment of benefits received in violation of the 780-hour
17 reemployment limitation.

18 5. The State University System may reemploy a retired
19 member as an adjunct faculty member or as a participant in a
20 phased retirement program within the State University System
21 after the retired member has been retired for 1 calendar
22 month, in accordance with s. 121.021(39). Any retired member
23 who is reemployed within 1 calendar month after retirement
24 shall void his or her application for retirement benefits.
25 The State University System is subject to the retired
26 contribution required in subparagraph 7., as appropriate. A
27 retired member may be reemployed as an adjunct faculty member
28 or a participant in a phased retirement program for no more
29 than 780 hours during the first 12 months of his or her
30 retirement. Any retired member reemployed for more than 780
31 hours during the first 12 months of retirement shall give

1 timely notice in writing to the employer and to the division
2 of the date he or she will exceed the limitation. The
3 division shall suspend his or her retirement benefits for the
4 remainder of the first 12 months of retirement. Any person
5 employed in violation of this subparagraph and any employing
6 agency which knowingly employs or appoints such person without
7 notifying the Division of Retirement to suspend retirement
8 benefits shall be jointly and severally liable for
9 reimbursement to the retirement trust fund of any benefits
10 paid during the reemployment limitation period. To avoid
11 liability, such employing agency shall have a written
12 statement from the retiree that he or she is not retired from
13 a state-administered retirement system. Any retirement
14 benefits received by a retired member while reemployed in
15 excess of 780 hours during the first 12 months of retirement
16 shall be repaid to the Retirement System Trust Fund, and
17 retirement benefits shall remain suspended until repayment is
18 made. Benefits suspended beyond the end of the retired
19 member's first 12 months of retirement shall apply toward
20 repayment of benefits received in violation of the 780-hour
21 reemployment limitation.

22 6. The Board of Trustees of the Florida School for the
23 Deaf and the Blind may reemploy a retired member as a
24 substitute teacher, substitute residential instructor, or
25 substitute nurse on a noncontractual basis after he or she has
26 been retired for 1 calendar month, in accordance with s.
27 121.021(39). Any retired member who is reemployed within 1
28 calendar month after retirement shall void his or her
29 application for retirement benefits. The Board of Trustees of
30 the Florida School for the Deaf and the Blind reemploying such
31 teachers, residential instructors, or nurses is subject to the

1 retirement contribution required by subparagraph 7.
2 Reemployment of a retired member as a substitute teacher,
3 substitute residential instructor, or substitute nurse is
4 limited to 780 hours during the first 12 months of his or her
5 retirement. Any retired member reemployed for more than 780
6 hours during the first 12 months of retirement shall give
7 timely notice in writing to the employer and to the division
8 of the date he or she will exceed the limitation. The division
9 shall suspend his or her retirement benefits for the remainder
10 of the first 12 months of retirement. Any person employed in
11 violation of this subparagraph and any employing agency which
12 knowingly employs or appoints such person without notifying
13 the Division of Retirement to suspend retirement benefits
14 shall be jointly and severally liable for reimbursement to the
15 retirement trust fund of any benefits paid during the
16 reemployment limitation period. To avoid liability, such
17 employing agency shall have a written statement from the
18 retiree that he or she is not retired from a
19 state-administered retirement system. Any retirement benefits
20 received by a retired member while reemployed in excess of 780
21 hours during the first 12 months of retirement shall be repaid
22 to the Retirement System Trust Fund, and his or her retirement
23 benefits shall remain suspended until payment is made.
24 Benefits suspended beyond the end of the retired member's
25 first 12 months of retirement shall apply toward repayment of
26 benefits received in violation of the 780-hour reemployment
27 limitation.

28 7. The employment by an employer of any retiree or
29 DROP participant of any state-administered retirement system
30 shall have no effect on the average final compensation or
31 years of creditable service of the retiree or DROP

1 participant. Prior to July 1, 1991, upon employment of any
2 person, other than an elected officer as provided in s.
3 121.053, who has been retired under any state-administered
4 retirement program, the employer shall pay retirement
5 contributions in an amount equal to the unfunded actuarial
6 liability portion of the employer contribution which would be
7 required for regular members of the Florida Retirement System.
8 Effective July 1, 1991, contributions shall be made as
9 provided in s. 121.122 for retirees with renewed membership or
10 subsection (13) with respect to DROP participants.

11 8. Any person who has previously retired and who is
12 holding an elective public office or an appointment to an
13 elective public office eligible for the Elected Officers'
14 Class on or after July 1, 1990, shall be enrolled in the
15 Florida Retirement System as provided in s. 121.053(1)(b) or,
16 if holding an elective public office that does not qualify for
17 the Elected Officers' Class on or after July 1, 1991, shall be
18 enrolled in the Florida Retirement System as provided in s.
19 121.122, and shall continue to receive retirement benefits as
20 well as compensation for the elected officer's service for as
21 long as he or she remains in elective office. However, any
22 retired member who served in an elective office prior to July
23 1, 1990, suspended his or her retirement benefit, and had his
24 or her Florida Retirement System membership reinstated shall,
25 upon retirement from such office, have his or her retirement
26 benefit recalculated to include the additional service and
27 compensation earned.

28 9. Any person who is holding an elective public office
29 which is covered by the Florida Retirement System and who is
30 concurrently employed in nonelected covered employment may
31 elect to retire while continuing employment in the elective

1 public office, provided that he or she shall be required to
2 terminate his or her nonelected covered employment. Any
3 person who exercises this election shall receive his or her
4 retirement benefits in addition to the compensation of the
5 elective office without regard to the time limitations
6 otherwise provided in this subsection. No person who seeks to
7 exercise the provisions of this subparagraph, as the same
8 existed prior to May 3, 1984, shall be deemed to be retired
9 under those provisions, unless such person is eligible to
10 retire under the provisions of this subparagraph, as amended
11 by chapter 84-11, Laws of Florida.

12 10. The limitations of this paragraph apply to
13 reemployment in any capacity with an "employer" as defined in
14 s. 121.021(10), irrespective of the category of funds from
15 which the person is compensated.

16 11. From July 1, 1997, through December 31, 1998,
17 notwithstanding the limitations of this subsection, except
18 that any retiree who is reemployed within 1 calendar month
19 after retirement shall void his or her application for
20 retirement benefits, any retiree of the Florida Retirement
21 System may be reemployed by a covered employer during the 2nd
22 through 12th months of the reemployment limitation period
23 without suspending his or her retirement benefits, provided
24 that the reemployment is for the sole purpose of working on
25 the technical aspects of correcting or replacing the computer
26 systems and programs necessary to resolve the year 2000 date
27 problem for computing which confronts all public employers
28 covered by the Florida Retirement System.

29 Section 2. This act shall take effect July 1, 2001.
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HOUSE SUMMARY

Eliminates the restrictions on reemployment after retirement under the Florida Retirement System for persons who are reemployed by district school boards. See bill for details.