

By Senator Sullivan

22-1414-02

1 A bill to be entitled
2 An act relating to the Florida Retirement
3 System; authorizing a district school board to
4 reemploy a teacher, principal, or assistant
5 principal after participation in the Deferred
6 Retirement Option Program, subject to certain
7 conditions; providing an effective date.

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

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11 Section 1. Paragraph (b) of subsection (9) of section
12 121.091, Florida Statutes, is amended to read:

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

26 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

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

1 excess of 780 hours during the first 12 months of retirement
2 shall be repaid to the Retirement System Trust Fund, and his
3 or her retirement benefits shall remain suspended until
4 repayment is made. Benefits suspended beyond the end of the
5 retired member's first 12 months of retirement shall apply
6 toward repayment of benefits received in violation of the
7 780-hour reemployment limitation.

8 b. Notwithstanding the provisions of subparagraph a.
9 and s. 122.16, a district school board may reemploy a teacher,
10 principal, or assistant principal after he or she has
11 participated for the maximum period in the Deferred Retirement
12 Option Program pursuant to subsection (13) if the employee has
13 received satisfactory employment evaluations for the previous
14 3 consecutive years. Such reemployment shall not void the
15 retirement benefits for which the employee is eligible;
16 however, the employee may not be reenrolled in the
17 defined-benefit component of the Florida Retirement System.
18 The district school board may enroll the employee in the
19 Public Employee Optional Retirement Program pursuant to s.
20 121.4501, may purchase an annuity for the employee pursuant to
21 s. 231.495, or may provide an alternative retirement benefit
22 in compliance with the qualification requirements imposed on
23 government plans under s. 401(a) of the Internal Revenue Code.

24 4. A community college board of trustees may reemploy
25 a retired member as an adjunct instructor, that is, an
26 instructor who is noncontractual and part-time, or as a
27 participant in a phased retirement program within the Florida
28 Community College System, after he or she has been retired for
29 1 calendar month, in accordance with s. 121.021(39). Any
30 retired member who is reemployed within 1 calendar month after
31 retirement shall void his or her application for retirement

1 benefits. Boards of trustees reemploying such instructors are
2 subject to the retirement contribution required in
3 subparagraph 7. A retired member may be reemployed as an
4 adjunct instructor for no more than 780 hours during the first
5 12 months of retirement. Any retired member reemployed for
6 more than 780 hours during the first 12 months of retirement
7 shall give timely notice in writing to the employer and to the
8 division of the date he or she will exceed the limitation.
9 The division shall suspend his or her retirement benefits for
10 the remainder of the first 12 months of retirement. Any
11 person employed in violation of this subparagraph and any
12 employing agency which knowingly employs or appoints such
13 person without notifying the Division of Retirement to suspend
14 retirement benefits shall be jointly and severally liable for
15 reimbursement to the retirement trust fund of any benefits
16 paid during the reemployment limitation period. To avoid
17 liability, such employing agency shall have a written
18 statement from the retiree that he or she is not retired from
19 a state-administered retirement system. Any retirement
20 benefits received by a retired member while reemployed in
21 excess of 780 hours during the first 12 months of retirement
22 shall be repaid to the Retirement System Trust Fund, and
23 retirement benefits shall remain suspended until repayment is
24 made. Benefits suspended beyond the end of the retired
25 member's first 12 months of retirement shall apply toward
26 repayment of benefits received in violation of the 780-hour
27 reemployment limitation.

28 5. The State University System may reemploy a retired
29 member as an adjunct faculty member or as a participant in a
30 phased retirement program within the State University System
31 after the retired member has been retired for 1 calendar

1 month, in accordance with s. 121.021(39). Any retired member
2 who is reemployed within 1 calendar month after retirement
3 shall void his or her application for retirement benefits.
4 The State University System is subject to the retired
5 contribution required in subparagraph 7., as appropriate. A
6 retired member may be reemployed as an adjunct faculty member
7 or a participant in a phased retirement program for no more
8 than 780 hours during the first 12 months of his or her
9 retirement. Any retired member reemployed for more than 780
10 hours during the first 12 months of retirement shall give
11 timely notice in writing to the employer and to the division
12 of the date he or she will exceed the limitation. The
13 division shall suspend his or her retirement benefits for the
14 remainder of the first 12 months of retirement. Any person
15 employed in violation of this subparagraph and any employing
16 agency which knowingly employs or appoints such person without
17 notifying the Division of Retirement to suspend retirement
18 benefits shall be jointly and severally liable for
19 reimbursement to the retirement trust fund of any benefits
20 paid during the reemployment limitation period. To avoid
21 liability, such employing agency shall have a written
22 statement from the retiree that he or she is not retired from
23 a state-administered retirement system. Any retirement
24 benefits received by a retired member while reemployed in
25 excess of 780 hours during the first 12 months of retirement
26 shall be repaid to the Retirement System Trust Fund, and
27 retirement benefits shall remain suspended until repayment is
28 made. Benefits suspended beyond the end of the retired
29 member's first 12 months of retirement shall apply toward
30 repayment of benefits received in violation of the 780-hour
31 reemployment limitation.

1 6. The Board of Trustees of the Florida School for the
2 Deaf and the Blind may reemploy a retired member as a
3 substitute teacher, substitute residential instructor, or
4 substitute nurse on a noncontractual basis after he or she has
5 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 void his or her
8 application for retirement benefits. The Board of Trustees of
9 the Florida School for the Deaf and the Blind reemploying such
10 teachers, residential instructors, or nurses is subject to the
11 retirement contribution required by subparagraph 7.
12 Reemployment of a retired member as a substitute teacher,
13 substitute residential instructor, or substitute nurse is
14 limited to 780 hours during the first 12 months of his or her
15 retirement. Any retired member reemployed for more than 780
16 hours during the first 12 months of retirement shall give
17 timely notice in writing to the employer and to the division
18 of the date he or she will exceed the limitation. The division
19 shall suspend his or her retirement benefits for the remainder
20 of the first 12 months of retirement. Any person employed in
21 violation of this subparagraph and any employing agency which
22 knowingly employs or appoints such person without notifying
23 the Division of Retirement to suspend retirement benefits
24 shall be jointly and severally liable for reimbursement to the
25 retirement trust fund of any benefits paid during the
26 reemployment limitation period. To avoid liability, such
27 employing agency shall have a written statement from the
28 retiree that he or she is not retired from a
29 state-administered retirement system. Any retirement benefits
30 received by a retired member while reemployed in excess of 780
31 hours during the first 12 months of retirement shall be repaid

1 to the Retirement System Trust Fund, and his or her retirement
2 benefits shall remain suspended until payment is made.
3 Benefits suspended beyond the end of the retired member's
4 first 12 months of retirement shall apply toward repayment of
5 benefits received in violation of the 780-hour reemployment
6 limitation.

7 7. The employment by an employer of any retiree or
8 DROP participant of any state-administered retirement system
9 shall have no effect on the average final compensation or
10 years of creditable service of the retiree or DROP
11 participant. Prior to July 1, 1991, upon employment of any
12 person, other than an elected officer as provided in s.
13 121.053, who has been retired under any state-administered
14 retirement program, the employer shall pay retirement
15 contributions in an amount equal to the unfunded actuarial
16 liability portion of the employer contribution which would be
17 required for regular members of the Florida Retirement System.
18 Effective July 1, 1991, contributions shall be made as
19 provided in s. 121.122 for retirees with renewed membership or
20 subsection (13) with respect to DROP participants.

21 8. Any person who has previously retired and who is
22 holding an elective public office or an appointment to an
23 elective public office eligible for the Elected Officers'
24 Class on or after July 1, 1990, shall be enrolled in the
25 Florida Retirement System as provided in s. 121.053(1)(b) or,
26 if holding an elective public office that does not qualify for
27 the Elected Officers' Class on or after July 1, 1991, shall be
28 enrolled in the Florida Retirement System as provided in s.
29 121.122, and shall continue to receive retirement benefits as
30 well as compensation for the elected officer's service for as
31 long as he or she remains in elective office. However, any

1 retired member who served in an elective office prior to July
2 1, 1990, suspended his or her retirement benefit, and had his
3 or her Florida Retirement System membership reinstated shall,
4 upon retirement from such office, have his or her retirement
5 benefit recalculated to include the additional service and
6 compensation earned.

7 9. Any person who is holding an elective public office
8 which is covered by the Florida Retirement System and who is
9 concurrently employed in nonelected covered employment may
10 elect to retire while continuing employment in the elective
11 public office, provided that he or she shall be required to
12 terminate his or her nonelected covered employment. Any
13 person who exercises this election shall receive his or her
14 retirement benefits in addition to the compensation of the
15 elective office without regard to the time limitations
16 otherwise provided in this subsection. No person who seeks to
17 exercise the provisions of this subparagraph, as the same
18 existed prior to May 3, 1984, shall be deemed to be retired
19 under those provisions, unless such person is eligible to
20 retire under the provisions of this subparagraph, as amended
21 by chapter 84-11, Laws of Florida.

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

26 Section 2. This act shall take effect upon becoming a
27 law.

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SENATE SUMMARY

Authorizes a district school board to reemploy a teacher, principal, or assistant principal after that person has participated for the maximum period in the Deferred Retirement Option Program. Specifies that such person may not be reenrolled in the defined-benefit component of the Florida Retirement System.