

565-228AX-06

Bill No. CS/HB 807

Amendment No. 3 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Fasano offered the following:

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Amendment (with title amendment)

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On page 2, line 31,

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16 insert:

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Section 1. Paragraph (b) of subsection (9) of section 181.091, Florida Statutes, is amended to read:

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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.

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

2 (b)1. Any person who is retired under this chapter,
3 except under the disability retirement provisions of
4 subsection (4), may be reemployed by any private or public
5 employer after retirement and receive retirement benefits and
6 compensation from his or her employer without any limitations,
7 except that a person may not receive both a salary from
8 reemployment with any agency participating in the Florida
9 Retirement System and retirement benefits under this chapter
10 for a period of 12 months immediately subsequent to the date
11 of retirement. However, a DROP participant shall continue
12 employment and receive a salary during the period of
13 participation in the Deferred Retirement Option Program, as
14 provided in subsection (13).

15 2. Any person to whom the limitation in subparagraph
16 1. applies who violates such reemployment limitation and who
17 is reemployed with any agency participating in the Florida
18 Retirement System before completion of the 12-month limitation
19 period shall give timely notice of this fact in writing to the
20 employer and to the division and shall have his or her
21 retirement benefits suspended for the balance of the 12-month
22 limitation period. Any person employed in violation of this
23 paragraph and any employing agency which knowingly employs or
24 appoints such person without notifying the Division of
25 Retirement to suspend retirement benefits shall be jointly and
26 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 while reemployed during this

1 reemployment limitation period shall be repaid to the
2 retirement trust fund, and retirement benefits shall remain
3 suspended until such repayment has been made. Benefits
4 suspended beyond the reemployment limitation shall apply
5 toward repayment of benefits received in violation of the
6 reemployment limitation.

7 3. A district school board may reemploy a retired
8 member as a substitute or hourly teacher, education
9 paraprofessional, transportation assistant, bus driver, or
10 food service worker on a noncontractual basis after he or she
11 has been retired for 1 calendar month, in accordance with s.
12 121.021(39). Any retired member who is reemployed within 1
13 calendar month after retirement shall void his or her
14 application for retirement benefits. District school boards
15 reemploying such teachers, education paraprofessionals,
16 transportation assistants, bus drivers, or food service
17 workers are subject to the retirement contribution required by
18 subparagraph 7. Reemployment of a retired member as a
19 substitute or hourly teacher, education paraprofessional,
20 transportation assistant, bus driver, or food service worker
21 is limited to 780 hours during the first 12 months of his or
22 her retirement. Any retired member reemployed for more than
23 780 hours during his or her first 12 months of retirement
24 shall give timely notice in writing to the employer and to the
25 division of the date he or she will exceed the limitation.
26 The division shall suspend his or her retirement benefits for
27 the remainder of the first 12 months of retirement. Any
28 person employed in violation of this subparagraph and any
29 employing agency which knowingly employs or appoints such
30 person without notifying the Division of Retirement to suspend
31 retirement benefits shall be jointly and severally liable for

1 reimbursement to the retirement trust fund of any benefits
2 paid during the reemployment limitation period. To avoid
3 liability, such employing agency shall have a written
4 statement from the retiree that he or she is not retired from
5 a state-administered retirement system. Any retirement
6 benefits received by a retired member while reemployed in
7 excess of 780 hours during the first 12 months of retirement
8 shall be repaid to the Retirement System Trust Fund, and his
9 or her retirement benefits shall remain suspended until
10 repayment is made. Benefits suspended beyond the end of the
11 retired member's first 12 months of retirement shall apply
12 toward repayment of benefits received in violation of the
13 780-hour reemployment limitation.

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. An employing agency may reemploy a retired member
17 as a firefighter or paramedic on a contractual basis after the
18 retired member has been retired for 1 calendar month, in
19 accordance with s. 121.021(39). Any retired member who is
20 reemployed within 1 calendar month after retirement shall void
21 his or her application for retirement benefits. The employing
22 agency reemploying such firefighter or paramedic is subject to
23 the retired contribution required in subparagraph 8.
24 Reemployment of a retired firefighter or paramedic is limited
25 to no more than 780 hours during the first 12 months of his or
26 her retirement. Any retired member reemployed for more than
27 780 hours during the first 12 months of retirement shall give
28 timely notice in writing to the employer and to the division
29 of the date he or she will exceed the limitation. The division
30 shall suspend his or her retirement benefits for the remainder
31 of the first 12 months of retirement. Any person employed in

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

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 3, after "System;"

insert:

amending s. 121.091, F.S.; revising language
 with respect to reemployment of certain retired
 members of the Florida Retirement System;