

By Representative Detert

1                                   A bill to be entitled  
2           An act relating to school district  
3           reemployment; amending s. 121.091, F.S.;  
4           providing for school district reemployment of  
5           certain personnel upon retirement; providing  
6           for the payment of accrued and future  
7           retirement benefits; providing an effective  
8           date.

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

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12           Section 1. Paragraph (b) of subsection (9) of section  
13   121.091, Florida Statutes, is amended to read:

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

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

28           (b)1. Any person who is retired under this chapter,  
29   except under the disability retirement provisions of  
30   subsection (4), may be reemployed by any private or public  
31   employer after retirement and receive retirement benefits and

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

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

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

1 a state-administered retirement system. Any retirement  
2 benefits received by a retired member while reemployed in  
3 excess of 780 hours during the first 12 months of retirement  
4 shall be repaid to the Retirement System Trust Fund, and his  
5 or her retirement benefits shall remain suspended until  
6 repayment is made. Benefits suspended beyond the end of the  
7 retired member's first 12 months of retirement shall apply  
8 toward repayment of benefits received in violation of the  
9 780-hour reemployment limitation.

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

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

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

30           5. The State University System may reemploy a retired  
31 member as an adjunct faculty member or as a participant in a

1 phased retirement program within the State University System  
2 after the retired member has been retired for 1 calendar  
3 month, in accordance with s. 121.021(39). Any retired member  
4 who is reemployed within 1 calendar month after retirement  
5 shall void his or her application for retirement benefits. The  
6 State University System is subject to the retired contribution  
7 required in subparagraph 7., as appropriate. A retired member  
8 may be reemployed as an adjunct faculty member or a  
9 participant in a phased retirement program for no more than  
10 780 hours during the first 12 months of his or her retirement.  
11 Any retired member reemployed for more than 780 hours during  
12 the first 12 months of retirement shall give timely notice in  
13 writing to the employer and to the division of the date he or  
14 she will exceed the limitation. The division shall suspend his  
15 or her retirement benefits for the remainder of the first 12  
16 months of retirement. Any person employed in violation of this  
17 subparagraph and any employing agency which knowingly employs  
18 or 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 a  
23 written statement from the retiree that he or she is not  
24 retired from a state-administered retirement system. Any  
25 retirement benefits received by a retired member while  
26 reemployed in excess of 780 hours during the first 12 months  
27 of retirement shall be repaid to the Retirement System Trust  
28 Fund, and retirement benefits shall remain suspended until  
29 repayment is made. Benefits suspended beyond the end of the  
30 retired member's first 12 months of retirement shall apply  
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1 toward repayment of benefits received in violation of the  
2 780-hour reemployment limitation.

3           6. The Board of Trustees of the Florida School for the  
4 Deaf and the Blind may reemploy a retired member as a  
5 substitute teacher, substitute residential instructor, or  
6 substitute nurse on a noncontractual basis after he or she has  
7 been retired for 1 calendar month, in accordance with s.  
8 121.021(39). Any retired member who is reemployed within 1  
9 calendar month after retirement shall void his or her  
10 application for retirement benefits. The Board of Trustees of  
11 the Florida School for the Deaf and the Blind reemploying such  
12 teachers, residential instructors, or nurses is subject to the  
13 retirement contribution required by subparagraph 7.  
14 Reemployment of a retired member as a substitute teacher,  
15 substitute residential instructor, or substitute nurse is  
16 limited to 780 hours during the first 12 months of his or her  
17 retirement. Any retired member reemployed for more than 780  
18 hours during the first 12 months of retirement shall give  
19 timely notice in writing to the employer and to the division  
20 of the date he or she will exceed the limitation. The division  
21 shall suspend his or her retirement benefits for the remainder  
22 of the first 12 months of retirement. Any person employed in  
23 violation of this subparagraph and any employing agency which  
24 knowingly employs or appoints such person without notifying  
25 the Division of Retirement to suspend retirement benefits  
26 shall be jointly and severally liable for reimbursement to the  
27 retirement trust fund of any benefits paid during the  
28 reemployment limitation period. To avoid liability, such  
29 employing agency shall have a written statement from the  
30 retiree that he or she is not retired from a  
31 state-administered retirement system. Any retirement benefits

1 received by a retired member while reemployed in excess of 780  
2 hours during the first 12 months of retirement shall be repaid  
3 to the Retirement System Trust Fund, and his or her retirement  
4 benefits shall remain suspended until payment is made.

5 Benefits suspended beyond the end of the retired member's  
6 first 12 months of retirement shall apply toward repayment of  
7 benefits received in violation of the 780-hour reemployment  
8 limitation.

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

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



1 well as compensation for the elected officer's service for as  
2 long as he or she remains in elective office. However, any  
3 retired member who served in an elective office prior to July  
4 1, 1990, suspended his or her retirement benefit, and had his  
5 or her Florida Retirement System membership reinstated shall,  
6 upon retirement from such office, have his or her retirement  
7 benefit recalculated to include the additional service and  
8 compensation earned.

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

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

28           Section 2. This act shall take effect upon becoming a  
29 law.

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HOUSE SUMMARY

Revises the provisions of the Florida Retirement System to permit district school boards to reemploy a teacher, principal, or assistant principal after he or she has participated for the maximum period in the Deferred Retirement Option Program under described circumstances. Provides for the payment of accrued and future retirement benefits. See bill for details.