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1 A bill to be entitled

2 An act relating to public school reemployment; amending s.
3 121.091, F.S.; revising provisions to allow retired
4 teachers from this state to be reemployed by district
5 school boards; providing guidelines and terms of
6 employment; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (9) of section 121.091, Florida
11 Statutes, is amended to read:

12 121.091 Benefits payable under the system.--Benefits may
13 not be paid under this section unless the member has terminated
14 employment as provided in s. 121.021(39)(a) or begun
15 participation in the Deferred Retirement Option Program as
16 provided in subsection (13), and a proper application has been
17 filed in the manner prescribed by the department. The department
18 may cancel an application for retirement benefits when the
19 member or beneficiary fails to timely provide the information
20 and documents required by this chapter and the department's
21 rules. The department shall adopt rules establishing procedures
22 for application for retirement benefits and for the cancellation
23 of such application when the required information or documents
24 are not received.

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

26 (a) Any person who is retired under this chapter, except
27 under the disability retirement provisions of subsection (4),
28 may be employed by an employer that does not participate in a
29 state-administered retirement system and may receive
30 compensation from that employment without limiting or



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31 restricting in any way the retirement benefits payable to that
32 person.

33 (b)1. Any person who is retired under this chapter, except
34 under the disability retirement provisions of subsection (4),
35 may be reemployed by any private or public employer after
36 retirement and receive retirement benefits and compensation from
37 his or her employer without any limitations, except that a
38 person may not receive both a salary from reemployment with any
39 agency participating in the Florida Retirement System and
40 retirement benefits under this chapter for a period of 12 months
41 immediately subsequent to the date of retirement. However, a
42 DROP participant shall continue employment and receive a salary
43 during the period of participation in the Deferred Retirement
44 Option Program, as provided in subsection (13).

45 2. Any person to whom the limitation in subparagraph 1.
46 applies who violates such reemployment limitation and who is
47 reemployed with any agency participating in the Florida
48 Retirement System before completion of the 12-month limitation
49 period shall give timely notice of this fact in writing to the
50 employer and to the division and shall have his or her
51 retirement benefits suspended for the balance of the 12-month
52 limitation period. Any person employed in violation of this
53 paragraph and any employing agency which knowingly employs or
54 appoints such person without notifying the Division of
55 Retirement to suspend retirement benefits shall be jointly and
56 severally liable for reimbursement to the retirement trust fund
57 of any benefits paid during the reemployment limitation period.
58 To avoid liability, such employing agency shall have a written
59 statement from the retiree that he or she is not retired from a
60 state-administered retirement system. Any retirement benefits



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61 received while reemployed during this reemployment limitation
62 period shall be repaid to the retirement trust fund, and
63 retirement benefits shall remain suspended until such repayment
64 has been made. Benefits suspended beyond the reemployment
65 limitation shall apply toward repayment of benefits received in
66 violation of the reemployment limitation.

67 3.a. A district school board may reemploy a retired member
68 as a substitute or hourly teacher, education paraprofessional,
69 transportation assistant, bus driver, or food service worker on
70 a noncontractual basis after he or she has been retired for 1
71 calendar month, in accordance with s. 121.021(39). Any retired
72 member who is reemployed within 1 calendar month after
73 retirement shall void his or her application for retirement
74 benefits. District school boards reemploying such teachers,
75 education paraprofessionals, transportation assistants, bus
76 drivers, or food service workers are subject to the retirement
77 contribution required by subparagraph 7. Reemployment of a
78 retired member as a substitute or hourly teacher, education
79 paraprofessional, transportation assistant, bus driver, or food
80 service worker is limited to 780 hours during the first 12
81 months of his or her retirement. Any retired member reemployed
82 for more than 780 hours during his or her first 12 months of
83 retirement shall give timely notice in writing to the employer
84 and to the division of the date he or she will exceed the
85 limitation. The division shall suspend his or her retirement
86 benefits for the remainder of the first 12 months of retirement.
87 Any person employed in violation of this subparagraph and any
88 employing agency which knowingly employs or appoints such person
89 without notifying the Division of Retirement to suspend
90 retirement benefits shall be jointly and severally liable for



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91 reimbursement to the retirement trust fund of any benefits paid
92 during the reemployment limitation period. To avoid liability,
93 such employing agency shall have a written statement from the
94 retiree that he or she is not retired from a state-administered
95 retirement system. Any retirement benefits received by a retired
96 member while reemployed in excess of 780 hours during the first
97 12 months of retirement shall be repaid to the Retirement System
98 Trust Fund, and his or her retirement benefits shall remain
99 suspended until repayment is made. Benefits suspended beyond
100 the end of the retired member's first 12 months of retirement
101 shall apply toward repayment of benefits received in violation
102 of the 780-hour reemployment limitation.

103 b. Notwithstanding the provisions of sub-subparagraph a.
104 and s. 122.16, a district school board may reemploy a teacher on
105 a full-time basis after that teacher has participated for the
106 maximum period in the Deferred Retirement Option Program
107 pursuant to subsection (13) and has been retired for 30 days.
108 Reemployment does not void any state retirement benefit for
109 which the employee is eligible. However, the employee may not be
110 reenrolled in the defined benefit program of the Florida
111 Retirement System but must be enrolled in the Public Employee
112 Optional Retirement Program pursuant to s. 121.4501.

113 4. A community college board of trustees may reemploy a
114 retired member as an adjunct instructor, that is, an instructor
115 who is noncontractual and part-time, or as a participant in a
116 phased retirement program within the Florida Community College
117 System, after he or she has been retired for 1 calendar month,
118 in accordance with s. 121.021(39). Any retired member who is
119 reemployed within 1 calendar month after retirement shall void
120 his or her application for retirement benefits. Boards of



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121 trustees reemploying such instructors are subject to the
122 retirement contribution required in subparagraph 7. A retired
123 member may be reemployed as an adjunct instructor for no more
124 than 780 hours during the first 12 months of retirement. Any
125 retired member reemployed for more than 780 hours during the
126 first 12 months of retirement shall give timely notice in
127 writing to the employer and to the division of the date he or
128 she will exceed the limitation. The division shall suspend his
129 or her retirement benefits for the remainder of the first 12
130 months of retirement. Any person employed in violation of this
131 subparagraph and any employing agency which knowingly employs or
132 appoints such person without notifying the Division of
133 Retirement to suspend retirement benefits shall be jointly and
134 severally liable for reimbursement to the retirement trust fund
135 of any benefits paid during the reemployment limitation period.
136 To avoid liability, such employing agency shall have a written
137 statement from the retiree that he or she is not retired from a
138 state-administered retirement system. Any retirement benefits
139 received by a retired member while reemployed in excess of 780
140 hours during the first 12 months of retirement shall be repaid
141 to the Retirement System Trust Fund, and retirement benefits
142 shall remain suspended until repayment is made. Benefits
143 suspended beyond the end of the retired member's first 12 months
144 of retirement shall apply toward repayment of benefits received
145 in violation of the 780-hour reemployment limitation.

146 5. The State University System may reemploy a retired
147 member as an adjunct faculty member or as a participant in a
148 phased retirement program within the State University System
149 after the retired member has been retired for 1 calendar month,
150 in accordance with s. 121.021(39). Any retired member who is



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151 reemployed within 1 calendar month after retirement shall void
152 his or her application for retirement benefits. The State
153 University System is subject to the retired contribution
154 required in subparagraph 7., as appropriate. A retired member
155 may be reemployed as an adjunct faculty member or a participant
156 in a phased retirement program for no more than 780 hours during
157 the first 12 months of his or her retirement. Any retired member
158 reemployed for more than 780 hours during the first 12 months of
159 retirement shall give timely notice in writing to the employer
160 and to the division of the date he or she will exceed the
161 limitation. The division shall suspend his or her retirement
162 benefits for the remainder of the first 12 months of retirement.
163 Any person employed in violation of this subparagraph and any
164 employing agency which knowingly employs or appoints such person
165 without notifying the Division of Retirement to suspend
166 retirement benefits shall be jointly and severally liable for
167 reimbursement to the retirement trust fund of any benefits paid
168 during the reemployment limitation period. To avoid liability,
169 such employing agency shall have a written statement from the
170 retiree that he or she is not retired from a state-administered
171 retirement system. Any retirement benefits received by a retired
172 member while reemployed in excess of 780 hours during the first
173 12 months of retirement shall be repaid to the Retirement System
174 Trust Fund, and retirement benefits shall remain suspended until
175 repayment is made. Benefits suspended beyond the end of the
176 retired member's first 12 months of retirement shall apply
177 toward repayment of benefits received in violation of the 780-
178 hour reemployment limitation.

179 6. The Board of Trustees of the Florida School for the
180 Deaf and the Blind may reemploy a retired member as a substitute



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181 teacher, substitute residential instructor, or substitute nurse
182 on a noncontractual basis after he or she has been retired for 1
183 calendar month, in accordance with s. 121.021(39). Any retired
184 member who is reemployed within 1 calendar month after
185 retirement shall void his or her application for retirement
186 benefits. The Board of Trustees of the Florida School for the
187 Deaf and the Blind reemploying such teachers, residential
188 instructors, or nurses is subject to the retirement contribution
189 required by subparagraph 7. Reemployment of a retired member as
190 a substitute teacher, substitute residential instructor, or
191 substitute nurse is limited to 780 hours during the first 12
192 months of his or her retirement. Any retired member reemployed
193 for more than 780 hours during the first 12 months of retirement
194 shall give timely notice in writing to the employer and to the
195 division of the date he or she will exceed the limitation. The
196 division shall suspend his or her retirement benefits for the
197 remainder of the first 12 months of retirement. Any person
198 employed in violation of this subparagraph and any employing
199 agency which knowingly employs or appoints such person without
200 notifying the Division of Retirement to suspend retirement
201 benefits shall be jointly and severally liable for reimbursement
202 to the retirement trust fund of any benefits paid during the
203 reemployment limitation period. To avoid liability, such
204 employing agency shall have a written statement from the retiree
205 that he or she is not retired from a state-administered
206 retirement system. Any retirement benefits received by a retired
207 member while reemployed in excess of 780 hours during the first
208 12 months of retirement shall be repaid to the Retirement System
209 Trust Fund, and his or her retirement benefits shall remain
210 suspended until payment is made. Benefits suspended beyond the



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211 end of the retired member's first 12 months of retirement shall
212 apply toward repayment of benefits received in violation of the
213 780-hour reemployment limitation.

214 7. The employment by an employer of any retiree or DROP
215 participant of any state-administered retirement system shall
216 have no effect on the average final compensation or years of
217 creditable service of the retiree or DROP participant. Prior to
218 July 1, 1991, upon employment of any person, other than an
219 elected officer as provided in s. 121.053, who has been retired
220 under any state-administered retirement program, the employer
221 shall pay retirement contributions in an amount equal to the
222 unfunded actuarial liability portion of the employer
223 contribution which would be required for regular members of the
224 Florida Retirement System. Effective July 1, 1991, contributions
225 shall be made as provided in s. 121.122 for retirees with
226 renewed membership or subsection (13) with respect to DROP
227 participants.

228 8. Any person who has previously retired and who is
229 holding an elective public office or an appointment to an
230 elective public office eligible for the Elected Officers' Class
231 on or after July 1, 1990, shall be enrolled in the Florida
232 Retirement System as provided in s. 121.053(1)(b) or, if holding
233 an elective public office that does not qualify for the Elected
234 Officers' Class on or after July 1, 1991, shall be enrolled in
235 the Florida Retirement System as provided in s. 121.122, and
236 shall continue to receive retirement benefits as well as
237 compensation for the elected officer's service for as long as he
238 or she remains in elective office. However, any retired member
239 who served in an elective office prior to July 1, 1990,
240 suspended his or her retirement benefit, and had his or her



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241 Florida Retirement System membership reinstated shall, upon
242 retirement from such office, have his or her retirement benefit
243 recalculated to include the additional service and compensation
244 earned.

245 9. Any person who is holding an elective public office
246 which is covered by the Florida Retirement System and who is
247 concurrently employed in nonelected covered employment may elect
248 to retire while continuing employment in the elective public
249 office, provided that he or she shall be required to terminate
250 his or her nonelected covered employment. Any person who
251 exercises this election shall receive his or her retirement
252 benefits in addition to the compensation of the elective office
253 without regard to the time limitations otherwise provided in
254 this subsection. No person who seeks to exercise the provisions
255 of this subparagraph, as the same existed prior to May 3, 1984,
256 shall be deemed to be retired under those provisions, unless
257 such person is eligible to retire under the provisions of this
258 subparagraph, as amended by chapter 84-11, Laws of Florida.

259 10. The limitations of this paragraph apply to
260 reemployment in any capacity with an "employer" as defined in s.
261 121.021(10), irrespective of the category of funds from which
262 the person is compensated.

263 11. An employing agency may reemploy a retired member as a
264 firefighter or paramedic after the retired member has been
265 retired for 1 calendar month, in accordance with s. 121.021(39).
266 Any retired member who is reemployed within 1 calendar month
267 after retirement shall void his or her application for
268 retirement benefits. The employing agency reemploying such
269 firefighter or paramedic is subject to the retired contribution
270 required in subparagraph 8. Reemployment of a retired



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271 firefighter or paramedic is limited to no more than 780 hours
 272 during the first 12 months of his or her retirement. Any retired
 273 member reemployed for more than 780 hours during the first 12
 274 months of retirement shall give timely notice in writing to the
 275 employer and to the division of the date he or she will exceed
 276 the limitation. The division shall suspend his or her retirement
 277 benefits for the remainder of the first 12 months of retirement.
 278 Any person employed in violation of this subparagraph and any
 279 employing agency which knowingly employs or appoints such person
 280 without notifying the Division of Retirement to suspend
 281 retirement benefits shall be jointly and severally liable for
 282 reimbursement to the Retirement System Trust Fund of any
 283 benefits paid during the reemployment limitation period. To
 284 avoid liability, such employing agency shall have a written
 285 statement from the retiree that he or she is not retired from a
 286 state-administered retirement system. Any retirement benefits
 287 received by a retired member while reemployed in excess of 780
 288 hours during the first 12 months of retirement shall be repaid
 289 to the Retirement System Trust Fund, and retirement benefits
 290 shall remain suspended until repayment is made. Benefits
 291 suspended beyond the end of the retired member's first 12 months
 292 of retirement shall apply toward repayment of benefits received
 293 in violation of the 780-hour reemployment limitation.

294 Section 2. This act shall take effect July 1, 2003.