

By Senator Bennett

21-732A-03

1 A bill to be entitled
 2 An act relating to public school reemployment;
 3 amending s. 121.091, F.S.; revising provisions
 4 to allow retired teachers and educational
 5 administrators from this state to be reemployed
 6 by district school boards; providing guidelines
 7 and terms of employment; 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. Subsection (9) of section 121.091, Florida
 13 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 (a) Any person who is retired under this chapter,
 29 except under the disability retirement provisions of
 30 subsection (4), may be employed by an employer that does not
 31 participate in a state-administered retirement system and may

1 receive compensation from that employment without limiting or
2 restricting in any way the retirement benefits payable to that
3 person.

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

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

1 retired from a state-administered retirement system. Any
2 retirement benefits received while reemployed during this
3 reemployment limitation period shall be repaid to the
4 retirement trust fund, and retirement benefits shall remain
5 suspended until such repayment has been made. Benefits
6 suspended beyond the reemployment limitation shall apply
7 toward repayment of benefits received in violation of the
8 reemployment limitation.

9 3.a. A district school board may reemploy a retired
10 member as a substitute or hourly teacher, education
11 paraprofessional, transportation assistant, bus driver, or
12 food service worker on a noncontractual basis after he or she
13 has been retired for 1 calendar month, in accordance with s.
14 121.021(39). Any retired member who is reemployed within 1
15 calendar month after retirement shall void his or her
16 application for retirement benefits. District school boards
17 reemploying such teachers, education paraprofessionals,
18 transportation assistants, bus drivers, or food service
19 workers are subject to the retirement contribution required by
20 subparagraph 7. Reemployment of a retired member as a
21 substitute or hourly teacher, education paraprofessional,
22 transportation assistant, bus driver, or food service worker
23 is limited to 780 hours during the first 12 months of his or
24 her retirement. Any retired member reemployed for more than
25 780 hours during his or her first 12 months of retirement
26 shall give timely notice in writing to the employer and to the
27 division of the date he or she will exceed the limitation.
28 The division shall suspend his or her retirement benefits for
29 the remainder of the first 12 months of retirement. Any
30 person employed in violation of this subparagraph and any
31 employing agency which knowingly employs or appoints such

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

16 b. Notwithstanding the provisions of sub-subparagraph
17 a. and s. 122.16, a district school board may reemploy a
18 teacher or educational administrator on a full-time basis
19 after that teacher or educational administrator has
20 participated for the maximum period in the Deferred Retirement
21 Option Program pursuant to subsection (13) and has been
22 retired for 30 days. Reemployment does not void any state
23 retirement benefit for which the employee is eligible.
24 However, the employee may not be reenrolled in the defined
25 benefit program of the Florida Retirement System but must be
26 enrolled in the Public Employee Optional Retirement Program
27 pursuant to s. 121.4501.

28 4. A community college board of trustees may reemploy
29 a retired member as an adjunct instructor, that is, an
30 instructor who is noncontractual and part-time, or as a
31 participant in a phased retirement program within the Florida

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

1 made. Benefits suspended beyond the end of the retired
2 member's first 12 months of retirement shall apply toward
3 repayment of benefits received in violation of the 780-hour
4 reemployment limitation.

5 6. The Board of Trustees of the Florida School for the
6 Deaf and the Blind may reemploy a retired member as a
7 substitute teacher, substitute residential instructor, or
8 substitute nurse on a noncontractual basis after he or she has
9 been retired for 1 calendar month, in accordance with s.
10 121.021(39). Any retired member who is reemployed within 1
11 calendar month after retirement shall void his or her
12 application for retirement benefits. The Board of Trustees of
13 the Florida School for the Deaf and the Blind reemploying such
14 teachers, residential instructors, or nurses is subject to the
15 retirement contribution required by subparagraph 7.
16 Reemployment of a retired member as a substitute teacher,
17 substitute residential instructor, or substitute nurse is
18 limited to 780 hours during the first 12 months of his or her
19 retirement. Any retired member reemployed for more than 780
20 hours during the first 12 months of retirement shall give
21 timely notice in writing to the employer and to the division
22 of the date he or she will exceed the limitation. The division
23 shall suspend his or her retirement benefits for the remainder
24 of the first 12 months of retirement. Any person employed in
25 violation of this subparagraph and any employing agency which
26 knowingly employs or appoints such person without notifying
27 the Division of Retirement to suspend retirement benefits
28 shall be jointly and severally liable for reimbursement to the
29 retirement trust fund of any benefits paid during the
30 reemployment limitation period. To avoid liability, such
31 employing agency shall have a written statement from the

1 retiree that he or she is not retired from a
2 state-administered retirement system. Any retirement benefits
3 received by a retired member while reemployed in excess of 780
4 hours during the first 12 months of retirement shall be repaid
5 to the Retirement System Trust Fund, and his or her retirement
6 benefits shall remain suspended until payment is made.
7 Benefits suspended beyond the end of the retired member's
8 first 12 months of retirement shall apply toward repayment of
9 benefits received in violation of the 780-hour reemployment
10 limitation.

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

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

1 enrolled in the Florida Retirement System as provided in s.
2 121.122, and shall continue to receive retirement benefits as
3 well as compensation for the elected officer's service for as
4 long as he or she remains in elective office. However, any
5 retired member who served in an elective office prior to July
6 1, 1990, suspended his or her retirement benefit, and had his
7 or her Florida Retirement System membership reinstated shall,
8 upon retirement from such office, have his or her retirement
9 benefit recalculated to include the additional service and
10 compensation earned.

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

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

30 11. An employing agency may reemploy a retired member
31 as a firefighter or paramedic after the retired member has

1 | been retired for 1 calendar month, in accordance with s.
2 | 121.021(39). Any retired member who is reemployed within 1
3 | calendar month after retirement shall void his or her
4 | application for retirement benefits. The employing agency
5 | reemploying such firefighter or paramedic is subject to the
6 | retired contribution required in subparagraph 8. Reemployment
7 | of a retired firefighter or paramedic is limited to 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 division
13 | shall suspend his or her retirement benefits for the remainder
14 | of the first 12 months of retirement. Any person employed in
15 | violation of this subparagraph and any employing agency which
16 | knowingly employs or appoints such person without notifying
17 | the Division of Retirement to suspend retirement benefits
18 | shall be jointly and severally liable for reimbursement to the
19 | Retirement System Trust Fund of any benefits paid during the
20 | reemployment limitation period. To avoid liability, such
21 | employing agency shall have a written statement from the
22 | retiree that he or she is not retired from a
23 | state-administered retirement system. Any retirement benefits
24 | received by a retired member while reemployed in excess of 780
25 | hours during the first 12 months of retirement shall be repaid
26 | to the Retirement System Trust Fund, and retirement benefits
27 | shall remain suspended until repayment is made. Benefits
28 | suspended beyond the end of the retired member's first 12
29 | months of retirement shall apply toward repayment of benefits
30 | received in violation of the 780-hour reemployment limitation.

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

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SENATE SUMMARY

Revises provisions related to the reemployment of retired teachers and administrators from this state. Establishes guidelines and terms of reemployment. (See bill for details.)