

By Senator Bullard

39-1756-03

1                                   A bill to be entitled  
2           An act relating to reemployment of educational  
3           personnel; amending s. 121.091, F.S.; providing  
4           that certain restrictions with respect to  
5           reemployment immediately following retirement  
6           do not apply to educational personnel;  
7           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, other than a person defined as  
2 "educational personnel" under s. 1012.99 who has completed the  
3 maximum term of service under subparagraph (13)(b)1., may not  
4 receive both a salary from reemployment with any agency  
5 participating in the Florida Retirement System and retirement  
6 benefits under this chapter for a period of 12 months  
7 immediately subsequent to the date of retirement. However, a  
8 DROP participant shall continue employment and receive a  
9 salary during the period of participation in the Deferred  
10 Retirement Option Program, as provided in subsection (13).

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

1 toward repayment of benefits received in violation of the  
2 reemployment limitation.

3           3. 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.  
22 The division shall suspend his or her retirement benefits for  
23 the remainder of the first 12 months of retirement. Any  
24 person employed in violation of this subparagraph and any  
25 employing agency which knowingly employs or appoints such  
26 person without notifying the Division of Retirement to suspend  
27 retirement 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 4. A community college board of trustees may reemploy  
11 a retired member as an adjunct instructor, that is, an  
12 instructor who is noncontractual and part-time, or as a  
13 participant in a phased retirement program within the Florida  
14 Community College System, after he or she has been retired for  
15 1 calendar month, in accordance with s. 121.021(39). Any  
16 retired member who is reemployed within 1 calendar month after  
17 retirement shall void his or her application for retirement  
18 benefits. Boards of trustees reemploying such instructors are  
19 subject to the retirement contribution required in  
20 subparagraph 7. A retired member may be reemployed as an  
21 adjunct instructor for no more than 780 hours during the first  
22 12 months of retirement. Any retired member reemployed for  
23 more than 780 hours during the 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  
9 retirement benefits shall remain suspended until repayment is  
10 made. Benefits suspended beyond the end of the retired  
11 member's first 12 months of retirement shall apply toward  
12 repayment of benefits received in violation of the 780-hour  
13 reemployment limitation.

14           5. The State University System may reemploy a retired  
15 member as an adjunct faculty member or as a participant in a  
16 phased retirement program within the State University System  
17 after the retired member has been retired for 1 calendar  
18 month, in accordance with s. 121.021(39). Any retired member  
19 who is reemployed within 1 calendar month after retirement  
20 shall void his or her application for retirement benefits.  
21 The State University System is subject to the retired  
22 contribution required in subparagraph 7., as appropriate. A  
23 retired member may be reemployed as an adjunct faculty member  
24 or a participant in a phased retirement program for no more  
25 than 780 hours during the first 12 months of his or her  
26 retirement. Any retired member reemployed for more than 780  
27 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  
30 division shall suspend his or her retirement benefits for the  
31 remainder of the first 12 months of retirement. Any person

1 employed in violation of this subparagraph and any employing  
2 agency which knowingly employs or appoints such person without  
3 notifying the Division of Retirement to suspend retirement  
4 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           6. The Board of Trustees of the Florida School for the  
19 Deaf and the Blind may reemploy a retired member as a  
20 substitute teacher, substitute residential instructor, or  
21 substitute nurse on a noncontractual basis after he or she has  
22 been retired for 1 calendar month, in accordance with s.  
23 121.021(39). Any retired member who is reemployed within 1  
24 calendar month after retirement shall void his or her  
25 application for retirement benefits. The Board of Trustees of  
26 the Florida School for the Deaf and the Blind reemploying such  
27 teachers, residential instructors, or nurses is subject to the  
28 retirement contribution required by subparagraph 7.  
29 Reemployment of a retired member as a substitute teacher,  
30 substitute residential instructor, or substitute nurse is  
31 limited to 780 hours during the first 12 months of his or her

1 retirement. Any retired member reemployed for more than 780  
2 hours during the first 12 months of retirement shall give  
3 timely notice in writing to the employer and to the division  
4 of the date he or she will exceed the limitation. The division  
5 shall suspend his or her retirement benefits for the remainder  
6 of the first 12 months of retirement. Any person employed in  
7 violation of this subparagraph and any employing agency which  
8 knowingly employs or appoints such person without notifying  
9 the Division of Retirement to suspend retirement benefits  
10 shall be jointly and severally liable for reimbursement to the  
11 retirement trust fund of any benefits paid during the  
12 reemployment limitation period. To avoid liability, such  
13 employing agency shall have a written statement from the  
14 retiree that he or she is not retired from a  
15 state-administered retirement system. Any retirement benefits  
16 received by a retired member while reemployed in excess of 780  
17 hours during the first 12 months of retirement shall be repaid  
18 to the Retirement System Trust Fund, and his or her retirement  
19 benefits shall remain suspended until payment is made.  
20 Benefits suspended beyond the end of the retired member's  
21 first 12 months of retirement shall apply toward repayment of  
22 benefits received in violation of the 780-hour reemployment  
23 limitation.

24         7. The employment by an employer of any retiree or  
25 DROP participant of any state-administered retirement system  
26 shall have no effect on the average final compensation or  
27 years of creditable service of the retiree or DROP  
28 participant. Prior to July 1, 1991, upon employment of any  
29 person, other than an elected officer as provided in s.  
30 121.053, who has been retired under any state-administered  
31 retirement program, the employer shall pay retirement

1 contributions in an amount equal to the unfunded actuarial  
2 liability portion of the employer contribution which would be  
3 required for regular members of the Florida Retirement System.  
4 Effective July 1, 1991, contributions shall be made as  
5 provided in s. 121.122 for retirees with renewed membership or  
6 subsection (13) with respect to DROP participants.

7           8. Any person who has previously retired and who is  
8 holding an elective public office or an appointment to an  
9 elective public office eligible for the Elected Officers'  
10 Class on or after July 1, 1990, shall be enrolled in the  
11 Florida Retirement System as provided in s. 121.053(1)(b) or,  
12 if holding an elective public office that does not qualify for  
13 the Elected Officers' Class on or after July 1, 1991, shall be  
14 enrolled in the Florida Retirement System as provided in s.  
15 121.122, and shall continue to receive retirement benefits as  
16 well as compensation for the elected officer's service for as  
17 long as he or she remains in elective office. However, any  
18 retired member who served in an elective office prior to July  
19 1, 1990, suspended his or her retirement benefit, and had his  
20 or her Florida Retirement System membership reinstated shall,  
21 upon retirement from such office, have his or her retirement  
22 benefit recalculated to include the additional service and  
23 compensation earned.

24           9. Any person who is holding an elective public office  
25 which is covered by the Florida Retirement System and who is  
26 concurrently employed in nonelected covered employment may  
27 elect to retire while continuing employment in the elective  
28 public office, provided that he or she shall be required to  
29 terminate his or her nonelected covered employment. Any  
30 person who exercises this election shall receive his or her  
31 retirement benefits in addition to the compensation of the



1 elective office without regard to the time limitations  
2 otherwise provided in this subsection. No person who seeks to  
3 exercise the provisions of this subparagraph, as the same  
4 existed prior to May 3, 1984, shall be deemed to be retired  
5 under those provisions, unless such person is eligible to  
6 retire under the provisions of this subparagraph, as amended  
7 by chapter 84-11, Laws of Florida.

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

12           11. An employing agency may reemploy a retired member  
13 as a firefighter or paramedic after the retired member has  
14 been retired for 1 calendar month, in accordance with s.  
15 121.021(39). Any retired member who is reemployed within 1  
16 calendar month after retirement shall void his or her  
17 application for retirement benefits. The employing agency  
18 reemploying such firefighter or paramedic is subject to the  
19 retired contribution required in subparagraph 8. Reemployment  
20 of a retired firefighter or paramedic is limited to no more  
21 than 780 hours during the first 12 months of his or her  
22 retirement. Any retired member reemployed for more than 780  
23 hours during the first 12 months of retirement shall give  
24 timely notice in writing to the employer and to the division  
25 of the date he or she will exceed the limitation. The division  
26 shall suspend his or her retirement benefits for the remainder  
27 of the first 12 months of retirement. Any person employed in  
28 violation of this subparagraph and any employing agency which  
29 knowingly employs or appoints such person without notifying  
30 the Division of Retirement to suspend retirement benefits  
31 shall be jointly and severally liable for reimbursement to the

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

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

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15 SENATE SUMMARY

16 Provides that a provision prohibiting reemployment during  
17 the 12 months immediately subsequent to the date of  
18 retirement does not apply to educational personnel.

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