

By the Committee on Governmental Oversight and Productivity;  
and Senator Wise

302-2410-03

1                                   A bill to be entitled  
2           An act relating to retirement; amending s.  
3           121.0515, F.S.; including court baliffs,  
4           deputies, and first-responding ocean lifeguards  
5           in the special risk retirement class of the  
6           Florida Retirement System; permitting an  
7           upgrading of special risk membership for past  
8           service; amending s. 121.055, F.S.; providing  
9           for the repurchase of service credit by members  
10          whose current employer was a former member of  
11          the Florida Retirement System; amending s.  
12          121.091, F.S.; providing for the reemployment  
13          of retired district school board employees and  
14          community college and state university  
15          employees on a full-time or part-time basis  
16          prior to the completion of 12 months of retired  
17          service; amending s. 121.1115, F.S.; providing  
18          for purchase of retirement credit by employees  
19          with service in a territory of the United  
20          States; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsections (2) and (5) of section  
25   121.0515, Florida Statutes, are amended to read:  
26           121.0515 Special risk membership.--  
27           (2) CRITERIA.--A member, to be designated as a special  
28   risk member, must meet the following criteria:  
29           (a) The member must be employed as a law enforcement  
30   officer, court baliff, or deputy and be certified, or required  
31   to be certified, in compliance with s. 943.1395; however,

1 sheriffs and elected police chiefs shall be excluded from  
2 meeting the certification requirements of this paragraph. In  
3 addition, the member's duties and responsibilities must  
4 include the pursuit, apprehension, and arrest of law violators  
5 or suspected law violators; providing security services in  
6 courthouse facilities; or the member must be an active member  
7 of a bomb disposal unit whose primary responsibility is the  
8 location, handling, and disposal of explosive devices; or the  
9 member must be the supervisor or command officer of a member  
10 or members who have such responsibilities; ~~provided, however,~~  
11 administrative support personnel, including, but not limited  
12 to, those whose primary duties and responsibilities are in  
13 accounting, purchasing, legal, and personnel, shall not be  
14 included;

15 (b) The member must be employed as a firefighter and  
16 be certified, or required to be certified, in compliance with  
17 s. 633.35 and be employed solely within the fire department of  
18 a local government employer or an agency of state government  
19 with firefighting responsibilities. In addition, the member's  
20 duties and responsibilities must include on-the-scene fighting  
21 of fires, fire prevention, or firefighter training; direct  
22 supervision of firefighting units, fire prevention, or  
23 firefighter training; or aerial firefighting surveillance  
24 performed by fixed-wing aircraft pilots employed by the  
25 Division of Forestry of the Department of Agriculture and  
26 Consumer Services; or the member must be the supervisor or  
27 command officer of a member or members who have such  
28 responsibilities; provided, however, administrative support  
29 personnel, including, but not limited to, those whose primary  
30 duties and responsibilities are in accounting, purchasing,  
31 legal, and personnel, shall not be included and further

1 provided that all periods of creditable service in fire  
2 prevention or firefighter training, or as the supervisor or  
3 command officer of a member or members who have such  
4 responsibilities, and for which the employer paid the special  
5 risk contribution rate, shall be included;

6 (c) The member must be employed as a correctional  
7 officer and be certified, or required to be certified, in  
8 compliance with s. 943.1395. In addition, the member's  
9 primary duties and responsibilities must be the custody, and  
10 physical restraint when necessary, of prisoners or inmates  
11 within a prison, jail, or other criminal detention facility,  
12 or while on work detail outside the facility, or while being  
13 transported; or the member must be the supervisor or command  
14 officer of a member or members who have such responsibilities;  
15 provided, however, administrative support personnel,  
16 including, but not limited to, those whose primary duties and  
17 responsibilities are in accounting, purchasing, legal, and  
18 personnel, shall not be included; however, wardens and  
19 assistant wardens, as defined by rule, shall participate in  
20 the Special Risk Class;

21 (d) The member must be employed by a licensed Advance  
22 Life Support (ALS) or Basic Life Support (BLS) employer as an  
23 emergency medical technician, ~~or a paramedic, or ocean~~  
24 lifeguard and be certified in compliance with s. 401.27. In  
25 addition, the member's primary duties and responsibilities  
26 must include on-the-scene emergency medical care,  
27 first-response emergency assistance to drowning victims, or  
28 direct supervision of emergency medical technicians or  
29 paramedics, or the member must be the supervisor or command  
30 officer of one or more members who have such responsibility.  
31 However, administrative support personnel, including, but not

1 limited to, those whose primary responsibilities are in  
2 accounting, purchasing, legal, and personnel, shall not be  
3 included;

4 (e) The member must be employed as a community-based  
5 correctional probation officer and be certified, or required  
6 to be certified, in compliance with s. 943.1395. In addition,  
7 the member's primary duties and responsibilities must be the  
8 supervised custody, surveillance, control, investigation, and  
9 counseling of assigned inmates, probationers, parolees, or  
10 community controllees within the community; or the member must  
11 be the supervisor of a member or members who have such  
12 responsibilities. Administrative support personnel, including,  
13 but not limited to, those whose primary duties and  
14 responsibilities are in accounting, purchasing, legal  
15 services, and personnel management, shall not be included;  
16 however, probation and parole circuit and deputy circuit  
17 administrators shall participate in the Special Risk Class; or

18 (f) The member must be employed in one of the  
19 following classes and must spend at least 75 percent of his or  
20 her time performing duties which involve contact with patients  
21 or inmates in a correctional or forensic facility or  
22 institution:

- 23 1. Dietitian (class codes 5203 and 5204).
- 24 2. Public health nutrition consultant (class code  
25 5224).
- 26 3. Psychological specialist (class codes 5230 and  
27 5231).
- 28 4. Psychologist (class code 5234).
- 29 5. Senior psychologist (class codes 5237 and 5238).
- 30 6. Regional mental health consultant (class code  
31 5240).

- 1           7. Psychological Services Director--DCF (class code
- 2 5242).
- 3           8. Pharmacist (class codes 5245 and 5246).
- 4           9. Senior pharmacist (class codes 5248 and 5249).
- 5           10. Dentist (class code 5266).
- 6           11. Senior dentist (class code 5269).
- 7           12. Registered nurse (class codes 5290 and 5291).
- 8           13. Senior registered nurse (class codes 5292 and
- 9 5293).
- 10          14. Registered nurse specialist (class codes 5294 and
- 11 5295).
- 12          15. Clinical associate (class codes 5298 and 5299).
- 13          16. Advanced registered nurse practitioner (class
- 14 codes 5297 and 5300).
- 15          17. Advanced registered nurse practitioner specialist
- 16 (class codes 5304 and 5305).
- 17          18. Registered nurse supervisor (class codes 5306 and
- 18 5307).
- 19          19. Senior registered nurse supervisor (class codes
- 20 5308 and 5309).
- 21          20. Registered nursing consultant (class codes 5312
- 22 and 5313).
- 23          21. Quality management program supervisor (class code
- 24 5314).
- 25          22. Executive nursing director (class codes 5320 and
- 26 5321).
- 27          23. Speech and hearing therapist (class code 5406); or
- 28          24. Pharmacy manager (class code 5251).
- 29          (g) The member must be employed as a youth custody
- 30 officer and be certified, or required to be certified, in
- 31 compliance with s. 943.1395. In addition, the member's primary

1 duties and responsibilities must be the supervised custody,  
2 surveillance, control, investigation, apprehension, arrest,  
3 and counseling of assigned juveniles within the community.

4 (5) CREDIT FOR PAST SERVICE.--A special risk member  
5 may purchase retirement credit in the Special Risk Class based  
6 upon past service, and may upgrade retirement credit for such  
7 past service, to the extent of 3 ~~2~~ percent of the member's  
8 average monthly compensation as specified in s. 121.091(1)(a)  
9 for such service as follows:

10 (a) The member may purchase special risk credit for  
11 past service with a city or special district which has elected  
12 to join the Florida Retirement System, or with a participating  
13 agency to which a member's governmental unit was transferred,  
14 merged, or consolidated as provided in s. 121.081(1)(f), if  
15 the member was employed with the city or special district at  
16 the time it commenced participating in the Florida Retirement  
17 System or with the governmental unit at the time of its  
18 transfer, merger, or consolidation with the participating  
19 agency. The service must satisfy the criteria set forth in  
20 subsection (2) for special risk membership as a law  
21 enforcement officer, firefighter, or correctional officer;  
22 however, no certificate or waiver of certificate of compliance  
23 with s. 943.1395 or s. 633.35 shall be required for such  
24 service.

25 (b) Contributions for upgrading the additional special  
26 risk credit pursuant to this subsection shall be equal to the  
27 difference in the contributions paid and the special risk  
28 percentage rate of gross salary in effect at the time of  
29 purchase for the period being claimed, plus interest thereon  
30 at the rate of 4 percent a year compounded annually from the  
31 date of such service until July 1, 1975, and 6.5 percent a

1 year thereafter until the date of payment. This past service  
2 may be purchased by the member or by the employer on behalf of  
3 the member.

4 Section 2. Paragraph (c) of subsection (6) of section  
5 121.055, Florida Statutes, is amended to read:

6 121.055 Senior Management Service Class.--There is  
7 hereby established a separate class of membership within the  
8 Florida Retirement System to be known as the "Senior  
9 Management Service Class," which shall become effective  
10 February 1, 1987.

11 (6)

12 (c) Participation.--

13 1. Any eligible employee who is employed on or before  
14 February 1, 1987, may elect to participate in the optional  
15 annuity program in lieu of participation in the Senior  
16 Management Service Class. Such election shall be made in  
17 writing and filed with the department and the personnel  
18 officer of the employer on or before May 1, 1987. Any  
19 eligible employee who is employed on or before February 1,  
20 1987, and who fails to make an election to participate in the  
21 optional annuity program by May 1, 1987, shall be deemed to  
22 have elected membership in the Senior Management Service  
23 Class.

24 2. Any employee who becomes eligible to participate in  
25 the optional annuity program by reason of initial employment  
26 commencing after February 1, 1987, may, within 90 days after  
27 the date of commencement of employment, elect to participate  
28 in the optional annuity program. Such election shall be made  
29 in writing and filed with the personnel officer of the  
30 employer. Any eligible employee who does not within 90 days  
31 after commencement of such employment elect to participate in

1 the optional annuity program shall be deemed to have elected  
2 membership in the Senior Management Service Class.

3 3. A person who is appointed to a position in the  
4 Senior Management Service Class and who is a member of an  
5 existing retirement system or the Special Risk or Special Risk  
6 Administrative Support Classes of the Florida Retirement  
7 System may elect to remain in such system or class in lieu of  
8 participation in the Senior Management Service Class or  
9 optional annuity program. Such election shall be made in  
10 writing and filed with the department and the personnel  
11 officer of the employer within 90 days of such appointment.  
12 Any eligible employee who fails to make an election to  
13 participate in the existing system, the Special Risk Class of  
14 the Florida Retirement System, the Special Risk Administrative  
15 Support Class of the Florida Retirement System, or the  
16 optional annuity program shall be deemed to have elected  
17 membership in the Senior Management Service Class.

18 4. Except as provided in subparagraph 5., an  
19 employee's election to participate in the optional annuity  
20 program is irrevocable as long as such employee continues to  
21 be employed in an eligible position and continues to meet the  
22 eligibility requirements set forth in this paragraph.

23 5. Effective from July 1, 2002, through September 30,  
24 2002, any active employee in a regularly established position  
25 who has elected to participate in the Senior Management  
26 Service Optional Annuity Program has one opportunity to choose  
27 to move from the Senior Management Service Optional Annuity  
28 Program to the Florida Retirement System defined benefit  
29 program.

30 a. The election must be made in writing and must be  
31 filed with the department and the personnel officer of the



1 employer before October 1, 2002, or, in the case of an active  
2 employee who is on a leave of absence on July 1, 2002, within  
3 90 days after the conclusion of the leave of absence. This  
4 election is irrevocable.

5 b. The employee will receive service credit under the  
6 defined benefit program of the Florida Retirement System equal  
7 to his or her years of service under the Senior Management  
8 Service Optional Annuity Program. The cost for such credit  
9 shall be an amount representing the present value of that  
10 employee's accumulated benefit obligation for the affected  
11 period of service.

12 c. The employee must transfer the total accumulated  
13 employer contributions and earnings on deposit in his or her  
14 Senior Management Service Optional Annuity Program account. If  
15 the transferred amount is not sufficient to pay the amount  
16 due, the employee must pay a sum representing the remainder of  
17 the amount due. In no case may the employee retain any  
18 employer contributions or earnings thereon from the Senior  
19 Management Service Optional Annuity Program account.

20 6. Effective from July 1, 2003, through September 30,  
21 2003, an active employee with an employer that terminated  
22 membership effective December 31, 1995, has one opportunity to  
23 choose to reestablish participation in either the defined  
24 benefit or public employees' optional retirement program.

25 a. The election must be made in writing and must be  
26 filed with the department and the personnel officer of the  
27 employer before October 1, 2003, or, in the case of an active  
28 employee who is on leave of absence on July 1, 2003, within 90  
29 days after the conclusion of the leave of absence. This  
30 election is irrevocable.

31

1           b. The employee shall receive service credit in the  
2 Florida Retirement System equal to his or her years of service  
3 under the current employer's pension plan. The cost for such  
4 credit shall be an amount representing the present value of  
5 that employee's accumulated benefit obligation for the  
6 affected period of service.

7           c. The employee must transfer the total accumulated  
8 employer and employee contributions and earnings on deposit to  
9 the Florida Retirement System. If the transferred amount is  
10 not sufficient to pay the amount due, the employee must pay a  
11 sum representing the remainder of the amount due. In no case  
12 may the employee retain any employer contributions or earnings  
13 thereon in the account from which the transfer is made.

14           Section 3. Paragraph (b) of subsection (9) of section  
15 121.091, Florida Statutes, is amended to read:

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

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

30           (b)1. Any person who is retired under this chapter,  
31 except under the disability retirement provisions of

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

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

1 suspended beyond the reemployment limitation shall apply  
2 toward repayment of benefits received in violation of the  
3 reemployment limitation.  
4         3. A district school board may reemploy a retired  
5 member as an ~~a substitute or hourly teacher,~~ education  
6 paraprofessional, transportation assistant, bus driver, or  
7 food service worker on a noncontractual basis after he or she  
8 has been retired for 1 calendar month, in accordance with s.  
9 121.021(39). A district school board may reemploy a retired  
10 member as instructional personnel as defined in s. 1012.01(2)  
11 or as a school-based administrator as defined in s.  
12 1012.01(3)(c), on an annual contractual 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         4. A community college board of trustees may reemploy  
17 a retired member as an adjunct instructor, or in other  
18 positions of critical need as defined by the district board of  
19 trustees on an annual, contractual, or part-time basis that  
20 ~~is, an instructor who is noncontractual and part-time, or as a~~  
21 participant in a phased retirement program within the Florida  
22 Community College System, after he or she has been retired for  
23 1 calendar month, in accordance with s. 121.021(39). Any  
24 other retired member who is reemployed within 1 calendar month  
25 after retirement shall void his or her application for  
26 retirement benefits. Boards of trustees reemploying such  
27 retired members ~~instructors~~ are subject to the retirement  
28 contribution required in subparagraph 7. ~~A retired member may~~  
29 ~~be reemployed as an adjunct instructor for no more than 780~~  
30 ~~hours during the first 12 months of retirement. Any retired~~  
31 ~~member reemployed for more than 780 hours during the first 12~~

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

22         5. A state university board of trustees ~~The State~~  
23 ~~University System~~ may reemploy a retired member as a ~~an~~  
24 adjunct faculty member, or in other positions of critical need  
25 as defined by the state university board of trustees, on an  
26 annual, contractual, or part-time basis, or as a participant  
27 in a phased retirement program within the State University  
28 System after the retired member has been retired for 1  
29 calendar month, in accordance with s. 121.021(39). Any other  
30 retired member who is reemployed within 1 calendar month after  
31 retirement shall void his or her application for retirement

1 benefits. State university boards of trustees reemploying such  
2 retired members are ~~The State University System is~~ subject to  
3 the retirement ~~retired~~ contribution required in subparagraph  
4 7., as appropriate. ~~A retired member may be reemployed as an~~  
5 ~~adjunct faculty member or a participant in a phased retirement~~  
6 ~~program for no more than 780 hours during the first 12 months~~  
7 ~~of his or her 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.~~  
11 ~~The division shall suspend his or her retirement benefits for~~  
12 ~~the remainder of the first 12 months of retirement. Any~~  
13 ~~person employed in violation of this subparagraph and any~~  
14 ~~employing agency which knowingly employs or appoints such~~  
15 ~~person without notifying the Division of Retirement to suspend~~  
16 ~~retirement 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           6. The Board of Trustees of the Florida School for the  
31 Deaf and the Blind may reemploy a retired member as a

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



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

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

19           8. Any person who has previously retired and who is  
20 holding an elective public office or an appointment to an  
21 elective public office eligible for the Elected Officers'  
22 Class on or after July 1, 1990, shall be enrolled in the  
23 Florida Retirement System as provided in s. 121.053(1)(b) or,  
24 if holding an elective public office that does not qualify for  
25 the Elected Officers' Class on or after July 1, 1991, shall be  
26 enrolled in the Florida Retirement System as provided in s.  
27 121.122, and shall continue to receive retirement benefits as  
28 well as compensation for the elected officer's service for as  
29 long as he or she remains in elective office. However, any  
30 retired member who served in an elective office prior to July  
31 1, 1990, suspended his or her retirement benefit, and had his

1 or her Florida Retirement System membership reinstated shall,  
2 upon retirement from such office, have his or her retirement  
3 benefit recalculated to include the additional service and  
4 compensation earned.

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

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

24           11. An employing agency may reemploy a retired member  
25 as a firefighter or paramedic after the retired member 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 employing agency  
30 reemploying such firefighter or paramedic is subject to the  
31 retired contribution required in subparagraph 8. Reemployment

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

25 Section 4. Section 121.1115, Florida Statutes, is  
26 amended to read:

27 121.1115 Purchase of retirement credit for  
28 out-of-state and federal service.--Effective January 1, 1995,  
29 a member of the Florida Retirement System may purchase  
30 creditable service for periods of public employment in another  
31 state or territory and receive creditable service for such

1 periods of employment. Service with the Federal Government,  
2 including any military service, may be claimed. Upon  
3 completion of each year of service earned under the Florida  
4 Retirement System, a member may purchase up to 1 year of  
5 retirement credit for his or her out-of-state service, subject  
6 to the following provisions:

7 (1) LIMITATIONS AND CONDITIONS.--To receive credit for  
8 the out-of-state service:

9 (a) The out-of-state service being claimed must have  
10 been:

11 1. Performed in a position of employment with the  
12 state, territory, or a political subdivision thereof or with  
13 the Federal Government;

14 2. Covered by a retirement or pension plan provided by  
15 the state, territory, or political subdivision, or by the  
16 Federal Government, as appropriate; and

17 3. Performed prior to a period of membership in the  
18 Florida Retirement System.

19 (b) The member must have completed a minimum of 6  
20 years of creditable service under the Florida Retirement  
21 System, excluding out-of-state service and in-state service  
22 claimed and purchased under s. 121.1122.

23 (c) Not more than 5 years of creditable service may be  
24 claimed for creditable service aggregated under the provisions  
25 of this section and s. 121.1122.

26 (d) The out-of-state service credit claimed under this  
27 section shall be credited only as service in the Regular Class  
28 of membership, and any benefit or pension based thereon shall  
29 be subject to the limitations and restrictions of s. 112.65.

30 (e) A member shall be eligible to receive service  
31 credit for out-of-state service performed after leaving the

1 Florida Retirement System only upon return to membership and  
2 completion of at least 1 year of creditable service in the  
3 Florida Retirement System following the out-of-state service.

4 (2) COST.--For each year claimed, the member must pay  
5 into the System Trust Fund an amount equal to 20 percent of  
6 the member's annual compensation for the first full work year  
7 of creditable service earned under the Florida Retirement  
8 System, but not less than \$12,000, plus interest at 6.5  
9 percent compounded annually from the date of first annual  
10 salary earned until full payment is made. The employer may pay  
11 all or a portion of the cost of this service credit.

12 Section 5. This act shall take effect July 1, 2003.

13  
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 Senate Bill 444

17 The Committee Substitute permits upgraded special risk service  
18 credit for first responding lifeguards, court bailiffs and  
19 deputies, and permits a similar service upgrade for new FRS  
20 employees formerly in a local government plan. Designated  
21 employees of district school boards, community colleges, and  
22 state universities are permitted to be reemployed after  
23 retirement sooner than current law permits without invocation  
24 of a twelve-month benefit suspension period. Senior manager  
25 members employed by units of government that ceased FRS  
26 membership in 1996 are permitted to rejoin following payment  
27 of the difference in service credit. Employees with prior  
28 service in U.S. territories can purchase that service under  
29 the same terms as service in another state.  
30  
31