

1                   A bill to be entitled  
 2           An act relating to reemployment after retirement; amending  
 3           s. 121.091, F.S.; authorizing an employing agency to  
 4           reemploy a retired member as a law enforcement officer,  
 5           correctional officer, or correctional probation officer  
 6           after a specified period; providing requirements for and  
 7           limitations on such reemployment; providing an effective  
 8           date.

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

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

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

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

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

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

56 received while reemployed during this reemployment limitation  
57 period shall be repaid to the retirement trust fund, and  
58 retirement benefits shall remain suspended until such repayment  
59 has been made. Benefits suspended beyond the reemployment  
60 limitation shall apply toward repayment of benefits received in  
61 violation of the reemployment limitation.

62 3. A district school board may reemploy a retired member  
63 as a substitute or hourly teacher, education paraprofessional,  
64 transportation assistant, bus driver, or food service worker on  
65 a noncontractual basis after he or she has been retired for 1  
66 calendar month, in accordance with s. 121.021(39). A district  
67 school board may reemploy a retired member as instructional  
68 personnel, as defined in s. 1012.01(2)(a), on an annual  
69 contractual basis after he or she has been retired for 1  
70 calendar month, in accordance with s. 121.021(39). Any other  
71 retired member who is reemployed within 1 calendar month after  
72 retirement shall void his or her application for retirement  
73 benefits. District school boards reemploying such teachers,  
74 education paraprofessionals, transportation assistants, bus  
75 drivers, or food service workers are subject to the retirement  
76 contribution required by subparagraph 7.

77 4. A community college board of trustees may reemploy a  
78 retired member as an adjunct instructor, that is, an instructor  
79 who is noncontractual and part-time, or as a participant in a  
80 phased retirement program within the Florida Community College  
81 System, after he or she has been retired for 1 calendar month,  
82 in accordance with s. 121.021(39). Any retired member who is  
83 reemployed within 1 calendar month after retirement shall void

84 his or her application for retirement benefits. Boards of  
85 trustees reemploying such instructors are subject to the  
86 retirement contribution required in subparagraph 7. A retired  
87 member may be reemployed as an adjunct instructor for no more  
88 than 780 hours during the first 12 months of retirement. Any  
89 retired member reemployed for more than 780 hours during the  
90 first 12 months of retirement shall give timely notice in  
91 writing to the employer and to the division of the date he or  
92 she will exceed the limitation. The division shall suspend his  
93 or her retirement benefits for the remainder of the first 12  
94 months of retirement. Any person employed in violation of this  
95 subparagraph and any employing agency which knowingly employs or  
96 appoints such person without notifying the Division of  
97 Retirement to suspend retirement benefits shall be jointly and  
98 severally liable for reimbursement to the retirement trust fund  
99 of any benefits paid during the reemployment limitation period.  
100 To avoid liability, such employing agency shall have a written  
101 statement from the retiree that he or she is not retired from a  
102 state-administered retirement system. Any retirement benefits  
103 received by a retired member while reemployed in excess of 780  
104 hours during the first 12 months of retirement shall be repaid  
105 to the Retirement System Trust Fund, and retirement benefits  
106 shall remain suspended until repayment is made. Benefits  
107 suspended beyond the end of the retired member's first 12 months  
108 of retirement shall apply toward repayment of benefits received  
109 in violation of the 780-hour reemployment limitation.

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

112 | phased retirement program within the State University System  
113 | after the retired member has been retired for 1 calendar month,  
114 | in accordance with s. 121.021(39). Any retired member who is  
115 | reemployed within 1 calendar month after retirement shall void  
116 | his or her application for retirement benefits. The State  
117 | University System is subject to the retired contribution  
118 | required in subparagraph 7., as appropriate. A retired member  
119 | may be reemployed as an adjunct faculty member or a participant  
120 | in a phased retirement program for no more than 780 hours during  
121 | the first 12 months of his or her retirement. Any retired member  
122 | reemployed for more than 780 hours during the first 12 months of  
123 | retirement shall give timely notice in writing to the employer  
124 | and to the division of the date he or she will exceed the  
125 | limitation. The division shall suspend his or her retirement  
126 | benefits for the remainder of the first 12 months of retirement.  
127 | Any person employed in violation of this subparagraph and any  
128 | employing agency which knowingly employs or appoints such person  
129 | without notifying the Division of Retirement to suspend  
130 | retirement benefits shall be jointly and severally liable for  
131 | reimbursement to the retirement trust fund of any benefits paid  
132 | during the reemployment limitation period. To avoid liability,  
133 | such employing agency shall have a written statement from the  
134 | retiree that he or she is not retired from a state-administered  
135 | retirement system. Any retirement benefits received by a retired  
136 | member while reemployed in excess of 780 hours during the first  
137 | 12 months of retirement shall be repaid to the Retirement System  
138 | Trust Fund, and retirement benefits shall remain suspended until  
139 | repayment is made. Benefits suspended beyond the end of the

140 retired member's first 12 months of retirement shall apply  
141 toward repayment of benefits received in violation of the 780-  
142 hour reemployment limitation.

143         6. The Board of Trustees of the Florida School for the  
144 Deaf and the Blind may reemploy a retired member as a substitute  
145 teacher, substitute residential instructor, or substitute nurse  
146 on a noncontractual basis after he or she has been retired for 1  
147 calendar month, in accordance with s. 121.021(39). Any retired  
148 member who is reemployed within 1 calendar month after  
149 retirement shall void his or her application for retirement  
150 benefits. The Board of Trustees of the Florida School for the  
151 Deaf and the Blind reemploying such teachers, residential  
152 instructors, or nurses is subject to the retirement contribution  
153 required by subparagraph 7. Reemployment of a retired member as  
154 a substitute teacher, substitute residential instructor, or  
155 substitute nurse is limited to 780 hours during the first 12  
156 months of his or her retirement. Any retired member reemployed  
157 for more than 780 hours during the first 12 months of retirement  
158 shall give timely notice in writing to the employer and to the  
159 division of the date he or she will exceed the limitation. The  
160 division shall suspend his or her retirement benefits for the  
161 remainder of the first 12 months of retirement. Any person  
162 employed in violation of this subparagraph and any employing  
163 agency which knowingly employs or appoints such person without  
164 notifying the Division of Retirement to suspend retirement  
165 benefits shall be jointly and severally liable for reimbursement  
166 to the retirement trust fund of any benefits paid during the  
167 reemployment limitation period. To avoid liability, such

168 employing agency shall have a written statement from the retiree  
169 that he or she is not retired from a state-administered  
170 retirement system. Any retirement benefits received by a retired  
171 member while reemployed in excess of 780 hours during the first  
172 12 months of retirement shall be repaid to the Retirement System  
173 Trust Fund, and his or her retirement benefits shall remain  
174 suspended until payment is made. Benefits suspended beyond the  
175 end of the retired member's first 12 months of retirement shall  
176 apply toward repayment of benefits received in violation of the  
177 780-hour reemployment limitation.

178         7. The employment by an employer of any retiree or DROP  
179 participant of any state-administered retirement system shall  
180 have no effect on the average final compensation or years of  
181 creditable service of the retiree or DROP participant. Prior to  
182 July 1, 1991, upon employment of any person, other than an  
183 elected officer as provided in s. 121.053, who has been retired  
184 under any state-administered retirement program, the employer  
185 shall pay retirement contributions in an amount equal to the  
186 unfunded actuarial liability portion of the employer  
187 contribution which would be required for regular members of the  
188 Florida Retirement System. Effective July 1, 1991, contributions  
189 shall be made as provided in s. 121.122 for retirees with  
190 renewed membership or subsection (13) with respect to DROP  
191 participants.

192         8. Any person who has previously retired and who is  
193 holding an elective public office or an appointment to an  
194 elective public office eligible for the Elected Officers' Class  
195 on or after July 1, 1990, shall be enrolled in the Florida

196 Retirement System as provided in s. 121.053(1)(b) or, if holding  
197 an elective public office that does not qualify for the Elected  
198 Officers' Class on or after July 1, 1991, shall be enrolled in  
199 the Florida Retirement System as provided in s. 121.122, and  
200 shall continue to receive retirement benefits as well as  
201 compensation for the elected officer's service for as long as he  
202 or she remains in elective office. However, any retired member  
203 who served in an elective office prior to July 1, 1990,  
204 suspended his or her retirement benefit, and had his or her  
205 Florida Retirement System membership reinstated shall, upon  
206 retirement from such office, have his or her retirement benefit  
207 recalculated to include the additional service and compensation  
208 earned.

209 9. Any person who is holding an elective public office  
210 which is covered by the Florida Retirement System and who is  
211 concurrently employed in nonelected covered employment may elect  
212 to retire while continuing employment in the elective public  
213 office, provided that he or she shall be required to terminate  
214 his or her nonelected covered employment. Any person who  
215 exercises this election shall receive his or her retirement  
216 benefits in addition to the compensation of the elective office  
217 without regard to the time limitations otherwise provided in  
218 this subsection. No person who seeks to exercise the provisions  
219 of this subparagraph, as the same existed prior to May 3, 1984,  
220 shall be deemed to be retired under those provisions, unless  
221 such person is eligible to retire under the provisions of this  
222 subparagraph, as amended by chapter 84-11, Laws of Florida.



223           10. The limitations of this paragraph apply to  
 224 reemployment in any capacity with an "employer" as defined in s.  
 225 121.021(10), irrespective of the category of funds from which  
 226 the person is compensated.

227           11. An employing agency may reemploy a retired member as a  
 228 firefighter or paramedic after the retired member has been  
 229 retired for 1 calendar month, in accordance with s. 121.021(39).  
 230 Any retired member who is reemployed within 1 calendar month  
 231 after retirement shall void his or her application for  
 232 retirement benefits. The employing agency reemploying such  
 233 firefighter or paramedic is subject to the retired contribution  
 234 required in subparagraph 7. ~~8.~~ Reemployment of a retired  
 235 firefighter or paramedic is limited to no more than 780 hours  
 236 during the first 12 months of his or her retirement. Any retired  
 237 member reemployed for more than 780 hours during the first 12  
 238 months of retirement shall give timely notice in writing to the  
 239 employer and to the division of the date he or she will exceed  
 240 the limitation. The division shall suspend his or her retirement  
 241 benefits for the remainder of the first 12 months of retirement.  
 242 Any person employed in violation of this subparagraph and any  
 243 employing agency which knowingly employs or appoints such person  
 244 without notifying the Division of Retirement to suspend  
 245 retirement benefits shall be jointly and severally liable for  
 246 reimbursement to the Retirement System Trust Fund of any  
 247 benefits paid during the reemployment limitation period. To  
 248 avoid liability, such employing agency shall have a written  
 249 statement from the retiree that he or she is not retired from a  
 250 state-administered retirement system. Any retirement benefits

251 received by a retired member while reemployed in excess of 780  
252 hours during the first 12 months of retirement shall be repaid  
253 to the Retirement System Trust Fund, and retirement benefits  
254 shall remain suspended until repayment is made. Benefits  
255 suspended beyond the end of the retired member's first 12 months  
256 of retirement shall apply toward repayment of benefits received  
257 in violation of the 780-hour reemployment limitation.

258 12. An employing agency may reemploy a retired member as a  
259 law enforcement officer, correctional officer, or correctional  
260 probation officer only in a part-time capacity after the member  
261 has been retired 1 calendar month in accordance with s.  
262 121.021(39). Any retired member who is reemployed within 1  
263 calendar month after retirement shall void his or her  
264 application for retirement benefits. The employing agency  
265 reemploying such law enforcement officer, correctional officer,  
266 or correctional probation officer is subject to the retirement  
267 contributions required in subparagraph 7. Reemployment of a law  
268 enforcement officer, correctional officer, or correctional  
269 probation officer is limited to no more than 780 hours during  
270 the first 12 months of his or her retirement. Any retired member  
271 reemployed for more than 780 hours during the first 12 months of  
272 retirement shall give timely notice in writing to the employer  
273 and to the division of the date he or she will exceed the  
274 limitation. The division shall suspend his or her retirement  
275 benefits for the remainder of the first 12 months of retirement.  
276 Any person employed in violation of this subparagraph and any  
277 employing agency which knowingly employs or appoints such person  
278 without notifying the Division of Retirement to suspend

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279 retirement benefits shall be jointly and severally liable for  
280 reimbursement to the Retirement System Trust Fund of any  
281 benefits paid during the reemployment limitation period. To  
282 avoid liability, such employing agency shall have a written  
283 statement from the retiree that he or she is not retired from a  
284 state-administered retirement system. Any retirement benefits  
285 received by a retired member while reemployed in excess of 780  
286 hours during the first 12 months of retirement shall be repaid  
287 to the Retirement System Trust Fund, and retirement benefits  
288 shall remain suspended until repayment is made. Benefits  
289 suspended beyond the end of the retired member's first 12 months  
290 of retirement shall apply toward repayment of benefits received  
291 in violation of the 780-hour reemployment limitation. Nothing in  
292 this subparagraph shall preclude an employing agency from  
293 reemploying a retired member in a full-time capacity after the  
294 member's first 12 months of retirement.

295 Section 2. This act shall take effect July 1, 2005.