

By Senator Wise

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A bill to be entitled

An act relating to public school employment;
amending s. 121.091, F.S.; authorizing district
school boards to reemploy retired members of
the Florida Retirement System as administrative
personnel; providing an effective date.

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

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

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

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

(b)1. Any person who is retired under this chapter,
except under the disability retirement provisions of
subsection (4), may be reemployed by any private or public
employer after retirement and receive retirement benefits and
compensation from his or her employer without any limitations,
except that a person may not receive both a salary from

1 reemployment with any agency participating in the Florida
2 Retirement System and retirement benefits under this chapter
3 for a period of 12 months immediately subsequent to the date
4 of retirement. However, a DROP participant shall continue
5 employment and receive a salary during the period of
6 participation in the Deferred Retirement Option Program, as
7 provided in subsection (13).

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

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1 3. A district school board may reemploy a retired
2 member as a substitute or hourly teacher, education
3 paraprofessional, transportation assistant, bus driver, or
4 food service worker on a noncontractual basis after he or she
5 has been retired for 1 calendar month, in accordance with s.
6 121.021(39). A district school board may reemploy a retired
7 member as instructional personnel, as defined in s.
8 1012.01(2)(a), or as administrative personnel, as defined in
9 s. 1012.01(3), on an annual contractual basis after he or she
10 has been retired for 1 calendar month, in accordance with s.
11 121.021(39). Any other retired member who is reemployed within
12 1 calendar month after retirement shall void his or her
13 application for retirement benefits. District school boards
14 reemploying such teachers, education paraprofessionals,
15 transportation assistants, bus drivers, or food service
16 workers are subject to the retirement contribution required by
17 subparagraph 7.

18 4. A community college board of trustees may reemploy
19 a retired member as an adjunct instructor, that is, an
20 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 retired member who is reemployed within 1 calendar month after
25 retirement shall void his or her application for retirement
26 benefits. Boards of trustees reemploying such instructors are
27 subject to the retirement contribution required in
28 subparagraph 7. A retired member may be reemployed as an
29 adjunct instructor for no more than 780 hours during the first
30 12 months of retirement. Any retired member reemployed for
31 more than 780 hours during the first 12 months of retirement

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

22 5. The State University System may reemploy a retired
23 member as an adjunct faculty member or as a participant in a
24 phased retirement program within the State University System
25 after the retired member has been retired for 1 calendar
26 month, in accordance with s. 121.021(39). Any retired member
27 who is reemployed within 1 calendar month after retirement
28 shall void his or her application for retirement benefits.
29 The State University System is subject to the retired
30 contribution required in subparagraph 7., as appropriate. A
31 retired member may be reemployed as an adjunct faculty member

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

26 6. The Board of Trustees of the Florida School for the
27 Deaf and the Blind may reemploy a retired member as a
28 substitute teacher, substitute residential instructor, or
29 substitute nurse on a noncontractual basis after he or she has
30 been retired for 1 calendar month, in accordance with s.
31 121.021(39). Any retired member who is reemployed within 1

1 | calendar month after retirement shall void his or her
2 | application for retirement benefits. The Board of Trustees of
3 | the Florida School for the Deaf and the Blind reemploying such
4 | teachers, residential instructors, or nurses is subject to the
5 | retirement contribution required by subparagraph 7.
6 | Reemployment of a retired member as a substitute teacher,
7 | substitute residential instructor, or substitute nurse is
8 | limited to 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 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 his or her retirement
27 | benefits shall remain suspended until payment is made.
28 | Benefits suspended beyond the end of the retired member's
29 | first 12 months of retirement shall apply toward repayment of
30 | benefits received in violation of the 780-hour reemployment
31 | limitation.

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

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

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

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

20 11. An employing agency may reemploy a retired member
21 as a firefighter or paramedic after the retired member 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 employing agency
26 reemploying such firefighter or paramedic is subject to the
27 retired contribution required in subparagraph 8. Reemployment
28 of a retired firefighter or paramedic is limited to no more
29 than 780 hours during the first 12 months of his or her
30 retirement. Any retired member reemployed for more than 780
31 hours during the first 12 months of retirement shall give

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

21 | Section 2. This act shall take effect upon becoming a
22 | law.

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25 | SENATE SUMMARY

26 | Provides for district school boards to reemploy retired
27 | members of the Florida Retirement System as
28 | administrative personnel.
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