

By Senator Argenziano

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A bill to be entitled

An act relating to employment after retirement;
amending s. 121.091, F.S.; authorizing retirees
under the Florida Retirement System who have
been retired for 1 calendar month to receive
payment from supervisors of elections for
specified services; amending s. 121.051, F.S.;
conforming cross-references; 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

1 | employer after retirement and receive retirement benefits and
2 | compensation from his or her employer without any limitations,
3 | except that a person may not receive both a salary from
4 | reemployment with any agency participating in the Florida
5 | Retirement System and retirement benefits under this chapter
6 | for a period of 12 months immediately subsequent to the date
7 | of retirement. However, a DROP participant shall continue
8 | employment and receive a salary during the period of
9 | participation in the Deferred Retirement Option Program, as
10 | 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). A district school board may reemploy a retired
9 member as instructional personnel, as defined in s.
10 1012.01(2)(a), on an annual contractual basis after he or she
11 has been retired for 1 calendar month, in accordance with s.
12 121.021(39). Any other retired member who is reemployed within
13 1 calendar month after retirement shall void his or her
14 application for retirement benefits. District school boards
15 reemploying such teachers, education paraprofessionals,
16 transportation assistants, bus drivers, or food service
17 workers are subject to the retirement contribution required by
18 subparagraph 8. 7-

19 4. A community college board of trustees may reemploy
20 a retired member as an adjunct instructor, that is, an
21 instructor who is noncontractual and part-time, or as a
22 participant in a phased retirement program within the Florida
23 Community College System, after he or she has been retired for
24 1 calendar month, in accordance with s. 121.021(39). Any
25 retired member who is reemployed within 1 calendar month after
26 retirement shall void his or her application for retirement
27 benefits. Boards of trustees reemploying such instructors are
28 subject to the retirement contribution required in
29 subparagraph 8. 7-. A retired member may be reemployed as an
30 adjunct instructor for no more than 780 hours during the first
31 12 months of retirement. Any retired member reemployed for

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

23 | 5. The State University System may reemploy a retired
24 | member as an adjunct faculty member or as a participant in a
25 | phased retirement program within the State University System
26 | after the retired member has been retired for 1 calendar
27 | month, in accordance with s. 121.021(39). Any retired member
28 | who is reemployed within 1 calendar month after retirement
29 | shall void his or her application for retirement benefits.
30 | The State University System is subject to the retired
31 | contribution required in subparagraph 8. 7-, as appropriate. A

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

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

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

3 7. A retired member may receive payment from a
4 supervisor of elections for services as a volunteer poll
5 worker on a noncontractual basis in a part-time, seasonal, or
6 temporary status after she or he has been retired for 1
7 calendar month, in accordance with s. 121.021(39).

8 ~~8.7.~~ The employment by an employer of any retiree or
9 DROP participant of any state-administered retirement system
10 shall have no effect on the average final compensation or
11 years of creditable service of the retiree or DROP
12 participant. Prior to July 1, 1991, upon employment of any
13 person, other than an elected officer as provided in s.
14 121.053, who has been retired under any state-administered
15 retirement program, the employer shall pay retirement
16 contributions in an amount equal to the unfunded actuarial
17 liability portion of the employer contribution which would be
18 required for regular members of the Florida Retirement System.
19 Effective July 1, 1991, contributions shall be made as
20 provided in s. 121.122 for retirees with renewed membership or
21 subsection (13) with respect to DROP participants.

22 ~~9.8.~~ Any person who has previously retired and who is
23 holding an elective public office or an appointment to an
24 elective public office eligible for the Elected Officers'
25 Class on or after July 1, 1990, shall be enrolled in the
26 Florida Retirement System as provided in s. 121.053(1)(b) or,
27 if holding an elective public office that does not qualify for
28 the Elected Officers' Class on or after July 1, 1991, shall be
29 enrolled in the Florida Retirement System as provided in s.
30 121.122, and shall continue to receive retirement benefits as
31 well as compensation for the elected officer's service for as

1 long as he or she remains in elective office. However, any
2 retired member who served in an elective office prior to July
3 1, 1990, suspended his or her retirement benefit, and had his
4 or her Florida Retirement System membership reinstated shall,
5 upon retirement from such office, have his or her retirement
6 benefit recalculated to include the additional service and
7 compensation earned.

8 ~~10.9.~~ Any person who is holding an elective public
9 office which is covered by the Florida Retirement System and
10 who is concurrently employed in nonelected covered employment
11 may elect to retire while continuing employment in the
12 elective public office, provided that he or she shall be
13 required to terminate his or her nonelected covered
14 employment. Any person who exercises this election shall
15 receive his or her retirement benefits in addition to the
16 compensation of the elective office without regard to the time
17 limitations otherwise provided in this subsection. No person
18 who seeks to exercise the provisions of this subparagraph, as
19 the same existed prior to May 3, 1984, shall be deemed to be
20 retired under those provisions, unless such person is eligible
21 to retire under the provisions of this subparagraph, as
22 amended by chapter 84-11, Laws of Florida.

23 ~~11.10.~~ The limitations of this paragraph apply to
24 reemployment in any capacity with an "employer" as defined in
25 s. 121.021(10), irrespective of the category of funds from
26 which the person is compensated.

27 ~~12.11.~~ An employing agency may reemploy a retired
28 member as a firefighter or paramedic after the retired member
29 has been retired for 1 calendar month, in accordance with s.
30 121.021(39). Any retired member who is reemployed within 1
31 calendar month after retirement shall void his or her

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

28 Section 2. Paragraph (a) of subsection (1) of section
29 121.051, Florida Statutes, is amended to read:

30 121.051 Participation in the system.--

31 (1) COMPULSORY PARTICIPATION.--

1 (a) The provisions of this law shall be compulsory as
2 to all officers and employees, except elected officers who
3 meet the requirements of s. 121.052(3), who are employed on or
4 after December 1, 1970, of an employer other than those
5 referred to in paragraph (2)(b), and each officer or employee,
6 as a condition of employment, shall become a member of the
7 system as of his or her date of employment, except that a
8 person who is retired from any state retirement system and is
9 reemployed on or after December 1, 1970, shall not be
10 permitted to renew his or her membership in any state
11 retirement system except as provided in s. 121.091(4)(h) for a
12 person who recovers from disability, and as provided in s.
13 121.091(9)(b)9. ~~s. 121.091(9)(b)8.~~ for a person who is elected
14 to public office, and, effective July 1, 1991, as provided in
15 s. 121.122 for all other retirees. Officers and employees of
16 the University Athletic Association, Inc., a nonprofit
17 association connected with the University of Florida, employed
18 on and after July 1, 1979, shall not participate in any
19 state-supported retirement system. Any person appointed on or
20 after July 1, 1989, to a faculty position in a college at the
21 J. Hillis Miller Health Center at the University of Florida or
22 the Medical Center at the University of South Florida which
23 has a faculty practice plan provided by rule adopted by the
24 Board of Regents shall not participate in the Florida
25 Retirement System. A faculty member so appointed shall
26 participate in the optional retirement program on the basis of
27 his or her state-funded compensation, notwithstanding the
28 provisions of s. 121.35(2)(a).

29 Section 3. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Authorizes a retired member of the Florida Retirement System who has been retired for 1 calendar month to receive payments from a supervisor of elections for services rendered on a noncontractual basis as a volunteer poll worker.