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A bill to be entitled
 An act relating to retirement; providing a short title;
 providing legislative intent; providing a statement of
 important state interest; amending s. 121.091, F.S.;
 revising provisions relating to benefits payable for total
 and permanent disability for certain Special Risk Class
 members of the Florida Retirement System who are injured
 in the line of duty; authorizing reemployment of a person
 who retired with in-line-of-duty disability benefits by
 employers not participating in a state-administered
 retirement system; authorizing reemployment of a person
 who retired with in-line-of-duty disability benefits by an
 employer participating in a state-administered retirement
 system after 1 calendar month; providing for contribution
 rate increases to fund benefits provided in s. 121.091,
 F.S., as amended; directing the Division of Statutory
 Revision to adjust contribution rates set forth in s.
 121.71, F.S.; providing an effective date.

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

Section 1. This act may be cited as the "Officer Malcolm
 Thompson Act."

Section 2. It is declared by the Legislature that
 firefighters, emergency medical technicians, paramedics, law
 enforcement officers, correctional officers, and correctional
 probation officers, as defined in this act, perform state and
 municipal functions; that it is their duty to protect life and

29 property at their own risk and peril; that it is their duty to
 30 continuously instruct school personnel, public officials, and
 31 private citizens about safety; and that their activities are
 32 vital to the public safety. Therefore, the Legislature declares
 33 that it is a proper and legitimate state purpose to provide a
 34 uniform retirement system for the benefit of firefighters,
 35 emergency medical technicians, paramedics, law enforcement
 36 officers, correctional officers, and correctional probation
 37 officers, as defined in this act, and intends, in implementing
 38 the provisions of s. 14, Art. X of the State Constitution as
 39 they relate to municipal and special district pension trust fund
 40 systems and plans, that such retirement systems or plans be
 41 managed, administered, operated, and funded in such manner as to
 42 maximize the protection of pension trust funds. Pursuant to s.
 43 18, Art. VII of the State Constitution, the Legislature hereby
 44 determines and declares that the provisions of this act fulfill
 45 an important state interest.

46 Section 3. Paragraph (b) of subsection (4) and subsection
 47 (9) of section 121.091, Florida Statutes, are amended to read:

48 121.091 Benefits payable under the system.--Benefits may
 49 not be paid under this section unless the member has terminated
 50 employment as provided in s. 121.021(39)(a) or begun
 51 participation in the Deferred Retirement Option Program as
 52 provided in subsection (13), and a proper application has been
 53 filed in the manner prescribed by the department. The department
 54 may cancel an application for retirement benefits when the
 55 member or beneficiary fails to timely provide the information
 56 and documents required by this chapter and the department's

57 rules. The department shall adopt rules establishing procedures
58 for application for retirement benefits and for the cancellation
59 of such application when the required information or documents
60 are not received.

61 (4) DISABILITY RETIREMENT BENEFIT.--

62 (b) Total and permanent disability.--

63 1. Except as provided in subparagraph 2., a member shall
64 be considered totally and permanently disabled if, in the
65 opinion of the administrator, he or she is prevented, by reason
66 of a medically determinable physical or mental impairment, from
67 rendering useful and efficient service as an officer or
68 employee.

69 2. A member of the Special Risk Class who is a law
70 enforcement officer, firefighter, correctional officer,
71 emergency medical technician, paramedic as described in s.
72 121.021(15)(c), or community-based correctional probation
73 officer as described in s. 121.021(15)(d)1., shall be considered
74 totally and permanently disabled in the line of duty if he or
75 she is prevented, by reason of a medically determinable physical
76 or mental impairment caused by a job-related injury, from
77 performing useful and efficient service in the position held,
78 unless the administrator can provide competent medical evidence
79 to the contrary.

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

81 (a)1. Except as provided in subparagraph 2., any person
82 who is retired under this chapter, except under the disability
83 retirement provisions of subsection (4), may be employed by an
84 employer that does not participate in a state-administered

85 retirement system and may receive compensation from that
 86 employment without limiting or restricting in any way the
 87 retirement benefits payable to that person.

88 2. Any member of the Special Risk Class who retired under
 89 the disability retirement provisions of subparagraph (4)(b)2.
 90 may be reemployed by any employer not participating in a state-
 91 administered retirement system in any position other than the
 92 position in which he or she was employed at the time of the
 93 disabling illness or injury and may receive compensation from
 94 that employment without limiting or restricting in any way the
 95 disability benefits payable to that person under the Florida
 96 Retirement System.

97 (b)1.a. Except as provided in sub-subparagraph b., any
 98 person who is retired under this chapter, except under the
 99 disability retirement provisions of subsection (4), may be
 100 reemployed by any private or public employer after retirement
 101 and receive retirement benefits and compensation from his or her
 102 employer without any limitations, except that a person may not
 103 receive both a salary from reemployment with any agency
 104 participating in the Florida Retirement System and retirement
 105 benefits under this chapter for a period of 12 months
 106 immediately subsequent to the date of retirement. However, a
 107 DROP participant shall continue employment and receive a salary
 108 during the period of participation in the Deferred Retirement
 109 Option Program, as provided in subsection (13).

110 b. Any member of the Special Risk Class who retired under
 111 the disability retirement provisions of subparagraph (4)(b)2.
 112 may be reemployed by any employer participating in a state-

113 administered retirement system after having been retired for 1
114 calendar month, in accordance with s. 121.021(39). After 1
115 calendar month of retirement, any such retired member may be
116 reemployed in any position other than the one in which he or she
117 was employed at the time of disability retirement and may
118 receive compensation from that employment without limiting or
119 restricting in any way the retirement benefits payable to that
120 person under this chapter. Any retired member who is reemployed
121 within 1 calendar month after retirement shall void his or her
122 application for retirement benefits.

123 2. Any person to whom the limitation in subparagraph 1.
124 applies who violates such reemployment limitation and who is
125 reemployed with any agency participating in the Florida
126 Retirement System before completion of the 12-month limitation
127 period shall give timely notice of this fact in writing to the
128 employer and to the division and shall have his or her
129 retirement benefits suspended for the balance of the 12-month
130 limitation period. Any person employed in violation of this
131 paragraph and any employing agency which knowingly employs or
132 appoints such person without notifying the Division of
133 Retirement to suspend retirement benefits shall be jointly and
134 severally liable for reimbursement to the retirement trust fund
135 of any benefits paid during the reemployment limitation period.
136 To avoid liability, such employing agency shall have a written
137 statement from the retiree that he or she is not retired from a
138 state-administered retirement system. Any retirement benefits
139 received while reemployed during this reemployment limitation
140 period shall be repaid to the retirement trust fund, and

141 retirement benefits shall remain suspended until such repayment
142 has been made. Benefits suspended beyond the reemployment
143 limitation shall apply toward repayment of benefits received in
144 violation of the reemployment limitation.

145 3. A district school board may reemploy a retired member
146 as a substitute or hourly teacher, education paraprofessional,
147 transportation assistant, bus driver, or food service worker on
148 a noncontractual basis after he or she has been retired for 1
149 calendar month, in accordance with s. 121.021(39). A district
150 school board may reemploy a retired member as instructional
151 personnel, as defined in s. 1012.01(2)(a), on an annual
152 contractual basis after he or she has been retired for 1
153 calendar month, in accordance with s. 121.021(39). Any other
154 retired member who is reemployed within 1 calendar month after
155 retirement shall void his or her application for retirement
156 benefits. District school boards reemploying such teachers,
157 education paraprofessionals, transportation assistants, bus
158 drivers, or food service workers are subject to the retirement
159 contribution required by subparagraph 7.

160 4. A community college board of trustees may reemploy a
161 retired member as an adjunct instructor, that is, an instructor
162 who is noncontractual and part-time, or as a participant in a
163 phased retirement program within the Florida Community College
164 System, after he or she has been retired for 1 calendar month,
165 in accordance with s. 121.021(39). Any retired member who is
166 reemployed within 1 calendar month after retirement shall void
167 his or her application for retirement benefits. Boards of
168 trustees reemploying such instructors are subject to the

169 retirement contribution required in subparagraph 7. A retired
 170 member may be reemployed as an adjunct instructor for no more
 171 than 780 hours during the first 12 months of retirement. Any
 172 retired member reemployed for more than 780 hours during the
 173 first 12 months of retirement shall give timely notice in
 174 writing to the employer and to the division of the date he or
 175 she will exceed the limitation. The division shall suspend his
 176 or her retirement benefits for the remainder of the first 12
 177 months of retirement. Any person employed in violation of this
 178 subparagraph and any employing agency which knowingly employs or
 179 appoints such person without notifying the Division of
 180 Retirement to suspend retirement benefits shall be jointly and
 181 severally liable for reimbursement to the retirement trust fund
 182 of any benefits paid during the reemployment limitation period.
 183 To avoid liability, such employing agency shall have a written
 184 statement from the retiree that he or she is not retired from a
 185 state-administered retirement system. Any retirement benefits
 186 received by a retired member while reemployed in excess of 780
 187 hours during the first 12 months of retirement shall be repaid
 188 to the Retirement System Trust Fund, and retirement benefits
 189 shall remain suspended until repayment is made. Benefits
 190 suspended beyond the end of the retired member's first 12 months
 191 of retirement shall apply toward repayment of benefits received
 192 in violation of the 780-hour reemployment limitation.

193 5. The State University System may reemploy a retired
 194 member as an adjunct faculty member or as a participant in a
 195 phased retirement program within the State University System
 196 after the retired member has been retired for 1 calendar month,

197 | in accordance with s. 121.021(39). Any retired member who is
 198 | reemployed within 1 calendar month after retirement shall void
 199 | his or her application for retirement benefits. The State
 200 | University System is subject to the retirement ~~retired~~
 201 | contribution required in subparagraph 7., as appropriate. A
 202 | retired member may be reemployed as an adjunct faculty member or
 203 | a participant in a phased retirement program for no more than
 204 | 780 hours during the first 12 months of his or her retirement.
 205 | Any retired member reemployed for more than 780 hours during the
 206 | first 12 months of retirement shall give timely notice in
 207 | writing to the employer and to the division of the date he or
 208 | she will exceed the limitation. The division shall suspend his
 209 | or her retirement benefits for the remainder of the first 12
 210 | months of retirement. Any person employed in violation of this
 211 | subparagraph and any employing agency which knowingly employs or
 212 | appoints such person without notifying the Division of
 213 | Retirement to suspend retirement benefits shall be jointly and
 214 | severally liable for reimbursement to the retirement trust fund
 215 | of any benefits paid during the reemployment limitation period.
 216 | To avoid liability, such employing agency shall have a written
 217 | statement from the retiree that he or she is not retired from a
 218 | state-administered retirement system. Any retirement benefits
 219 | received by a retired member while reemployed in excess of 780
 220 | hours during the first 12 months of retirement shall be repaid
 221 | to the Retirement System Trust Fund, and retirement benefits
 222 | shall remain suspended until repayment is made. Benefits
 223 | suspended beyond the end of the retired member's first 12 months
 224 | of retirement shall apply toward repayment of benefits received

225 | in violation of the 780-hour reemployment limitation.

226 | 6. The Board of Trustees of the Florida School for the

227 | Deaf and the Blind may reemploy a retired member as a substitute

228 | teacher, substitute residential instructor, or substitute nurse

229 | on a noncontractual basis after he or she has been retired for 1

230 | calendar month, in accordance with s. 121.021(39). Any retired

231 | member who is reemployed within 1 calendar month after

232 | retirement shall void his or her application for retirement

233 | benefits. The Board of Trustees of the Florida School for the

234 | Deaf and the Blind reemploying such teachers, residential

235 | instructors, or nurses is subject to the retirement contribution

236 | required by subparagraph 7. Reemployment of a retired member as

237 | a substitute teacher, substitute residential instructor, or

238 | substitute nurse is limited to 780 hours during the first 12

239 | months of his or her retirement. Any retired member reemployed

240 | for more than 780 hours during the first 12 months of retirement

241 | shall give timely notice in writing to the employer and to the

242 | division of the date he or she will exceed the limitation. The

243 | division shall suspend his or her retirement benefits for the

244 | remainder of the first 12 months of retirement. Any person

245 | employed in violation of this subparagraph and any employing

246 | agency which knowingly employs or appoints such person without

247 | notifying the Division of Retirement to suspend retirement

248 | benefits shall be jointly and severally liable for reimbursement

249 | to the retirement trust fund of any benefits paid during the

250 | reemployment limitation period. To avoid liability, such

251 | employing agency shall have a written statement from the retiree

252 | that he or she is not retired from a state-administered

253 retirement system. Any retirement benefits received by a retired
254 member while reemployed in excess of 780 hours during the first
255 12 months of retirement shall be repaid to the Retirement System
256 Trust Fund, and his or her retirement benefits shall remain
257 suspended until payment is made. Benefits suspended beyond the
258 end of the retired member's first 12 months of retirement shall
259 apply toward repayment of benefits received in violation of the
260 780-hour reemployment limitation.

261 7. The employment by an employer of any retiree or DROP
262 participant of any state-administered retirement system shall
263 have no effect on the average final compensation or years of
264 creditable service of the retiree or DROP participant. Prior to
265 July 1, 1991, upon employment of any person, other than an
266 elected officer as provided in s. 121.053, who has been retired
267 under any state-administered retirement program, the employer
268 shall pay retirement contributions in an amount equal to the
269 unfunded actuarial liability portion of the employer
270 contribution which would be required for regular members of the
271 Florida Retirement System. Effective July 1, 1991, contributions
272 shall be made as provided in s. 121.122 for retirees with
273 renewed membership or subsection (13) with respect to DROP
274 participants.

275 8. Any person who has previously retired and who is
276 holding an elective public office or an appointment to an
277 elective public office eligible for the Elected Officers' Class
278 on or after July 1, 1990, shall be enrolled in the Florida
279 Retirement System as provided in s. 121.053(1)(b) or, if holding
280 an elective public office that does not qualify for the Elected

281 Officers' Class on or after July 1, 1991, shall be enrolled in
 282 the Florida Retirement System as provided in s. 121.122, and
 283 shall continue to receive retirement benefits as well as
 284 compensation for the elected officer's service for as long as he
 285 or she remains in elective office. However, any retired member
 286 who served in an elective office prior to July 1, 1990,
 287 suspended his or her retirement benefit, and had his or her
 288 Florida Retirement System membership reinstated shall, upon
 289 retirement from such office, have his or her retirement benefit
 290 recalculated to include the additional service and compensation
 291 earned.

292 9. Any person who is holding an elective public office
 293 which is covered by the Florida Retirement System and who is
 294 concurrently employed in nonelected covered employment may elect
 295 to retire while continuing employment in the elective public
 296 office, provided that he or she shall be required to terminate
 297 his or her nonelected covered employment. Any person who
 298 exercises this election shall receive his or her retirement
 299 benefits in addition to the compensation of the elective office
 300 without regard to the time limitations otherwise provided in
 301 this subsection. No person who seeks to exercise the provisions
 302 of this subparagraph, as the same existed prior to May 3, 1984,
 303 shall be deemed to be retired under those provisions, unless
 304 such person is eligible to retire under the provisions of this
 305 subparagraph, as amended by chapter 84-11, Laws of Florida.

306 10. The limitations of this paragraph apply to
 307 reemployment in any capacity with an "employer" as defined in s.
 308 121.021(10), irrespective of the category of funds from which

309 | the person is compensated.

310 | 11. Except as provided in subparagraph 12., an employing

311 | agency may reemploy a retired member as a firefighter or

312 | paramedic after the retired member has been retired for 1

313 | calendar month, in accordance with s. 121.021(39). Any retired

314 | member who is reemployed within 1 calendar month after

315 | retirement shall void his or her application for retirement

316 | benefits. The employing agency reemploying such firefighter or

317 | paramedic is subject to the retirement ~~retired~~ contribution

318 | required in subparagraph 7. ~~8.~~ Reemployment of a retired

319 | firefighter or paramedic is limited to no more than 780 hours

320 | during the first 12 months of his or her retirement. Any retired

321 | member reemployed for more than 780 hours during the first 12

322 | months of retirement shall give timely notice in writing to the

323 | employer and to the division of the date he or she will exceed

324 | the limitation. The division shall suspend his or her retirement

325 | benefits for the remainder of the first 12 months of retirement.

326 | Any person employed in violation of this subparagraph and any

327 | employing agency which knowingly employs or appoints such person

328 | without notifying the Division of Retirement to suspend

329 | retirement benefits shall be jointly and severally liable for

330 | reimbursement to the Retirement System Trust Fund of any

331 | benefits paid during the reemployment limitation period. To

332 | avoid liability, such employing agency shall have a written

333 | statement from the retiree that he or she is not retired from a

334 | state-administered retirement system. Any retirement benefits

335 | received by a retired member while reemployed in excess of 780

336 | hours during the first 12 months of retirement shall be repaid

337 to the Retirement System Trust Fund, and retirement benefits
338 shall remain suspended until repayment is made. Benefits
339 suspended beyond the end of the retired member's first 12 months
340 of retirement shall apply toward repayment of benefits received
341 in violation of the 780-hour reemployment limitation.

342 12. An employing agency may reemploy a retired member who
343 retired under the disability provisions of subparagraph (4)(b)2.
344 as a law enforcement officer, firefighter, correctional officer,
345 emergency medical technician, paramedic, or a community-based
346 correctional probation officer after the retired member has been
347 retired for 1 calendar month, in accordance with s. 121.021(39).
348 Such retired member may not be reemployed with any employer in
349 the position he or she held at the time of the disabling illness
350 or injury. Any retired member who is reemployed within 1
351 calendar month after retirement shall void his or her
352 application for retirement benefits. The employing agency
353 reemploying such a member is subject to the retirement
354 contribution required in subparagraph 7.

355 Section 4. Effective July 1, 2006, in order to fund the
356 benefit improvements provided in s. 121.091, Florida Statutes,
357 as amended by this act, the contribution rate that applies to
358 the Special Risk Class of the defined benefit program of the
359 Florida Retirement System shall be increased by 0.31 percentage
360 points. This increase shall be in addition to all other changes
361 to such contribution rates which may be enacted into law to take
362 effect on that date. The Division of Statutory Revision is
363 directed to adjust accordingly the contribution rates set forth
364 in s. 121.71, Florida Statutes.

HB 143

2006

365

Section 5. This act shall take effect July 1, 2006.