

By Senator Posey

24-1154-06

See HB 323

1 A bill to be entitled
2 An act relating to reemployment after
3 retirement; amending s. 121.091, F.S.;
4 providing that certain law enforcement and
5 correctional officers may only be reemployed at
6 entry-level positions for the duration of such
7 reemployment; providing an effective date.

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

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

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

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

27 (b)1. Any person who is retired under this chapter,
28 except under the disability retirement provisions of
29 subsection (4), may be reemployed by any private or public
30 employer after retirement and receive retirement benefits and
31 compensation from his or her employer without any limitations,

1 | except that a person may not receive both a salary from
2 | reemployment with any agency participating in the Florida
3 | Retirement System and retirement benefits under this chapter
4 | for a period of 12 months immediately subsequent to the date
5 | of retirement. However, a DROP participant shall continue
6 | employment and receive a salary during the period of
7 | participation in the Deferred Retirement Option Program, as
8 | provided in subsection (13). Notwithstanding the provisions of
9 | this subparagraph, an employing agency may only reemploy a law
10 | enforcement officer as defined in s. 943.10(1), a correctional
11 | officer as defined in s. 943.10(2), or a correctional
12 | probation officer as defined in s. 943.10(3) at an entry-level
13 | position for the duration of such reemployment.

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

1 retirement trust fund, and retirement benefits shall remain
2 suspended until such repayment has been made. Benefits
3 suspended beyond the reemployment limitation shall apply
4 toward repayment of benefits received in violation of the
5 reemployment limitation.

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

22 4. A community college board of trustees may reemploy
23 a retired member as an adjunct instructor, that is, an
24 instructor who is noncontractual and part-time, or as a
25 participant in a phased retirement program within the Florida
26 Community College System, after he or she has been retired for
27 1 calendar month, in accordance with s. 121.021(39). Any
28 retired member who is reemployed within 1 calendar month after
29 retirement shall void his or her application for retirement
30 benefits. Boards of trustees reemploying such instructors are
31 subject to the retirement contribution required in

1 | subparagraph 7. A retired member may be reemployed as an
2 | adjunct instructor for no more than 780 hours during the first
3 | 12 months of retirement. Any retired member reemployed for
4 | more than 780 hours during the first 12 months of retirement
5 | shall give timely notice in writing to the employer and to the
6 | division 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 | 5. The State University System may reemploy a retired
27 | member as an adjunct faculty member or as a participant in a
28 | phased retirement program within the State University System
29 | after the retired member has been retired for 1 calendar
30 | month, in accordance with s. 121.021(39). Any retired member
31 | who is reemployed within 1 calendar month after retirement

1 shall void his or her application for retirement benefits. The
2 State University System is subject to the retired contribution
3 required in subparagraph 7., as appropriate. A retired member
4 may be reemployed as an adjunct faculty member or a
5 participant in a phased retirement program for no more than
6 780 hours during the first 12 months of his or her retirement.
7 Any retired member reemployed for more than 780 hours during
8 the first 12 months of retirement shall give timely notice in
9 writing to the employer and to the division of the date he or
10 she will exceed the limitation. The division shall suspend his
11 or her retirement benefits for the remainder of the first 12
12 months of retirement. Any person employed in violation of this
13 subparagraph and any employing agency which knowingly employs
14 or appoints such person without notifying the Division of
15 Retirement to suspend retirement benefits shall be jointly and
16 severally liable for reimbursement to the retirement trust
17 fund of any benefits paid during the reemployment limitation
18 period. To avoid liability, such employing agency shall have a
19 written statement from the retiree that he or she is not
20 retired from a state-administered retirement system. Any
21 retirement benefits received by a retired member while
22 reemployed in excess of 780 hours during the first 12 months
23 of retirement shall be repaid to the Retirement System Trust
24 Fund, and retirement benefits shall remain suspended until
25 repayment is made. Benefits suspended beyond the end of the
26 retired member's first 12 months of retirement shall apply
27 toward repayment of benefits received in violation of the
28 780-hour reemployment limitation.

29 6. The Board of Trustees of the Florida School for the
30 Deaf and the Blind may reemploy a retired member as a
31 substitute teacher, substitute residential instructor, or

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

1 first 12 months of retirement shall apply toward repayment of
2 benefits received in violation of the 780-hour reemployment
3 limitation.

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

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

1 upon retirement from such office, have his or her retirement
2 benefit recalculated to include the additional service and
3 compensation earned.

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

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

23 11. An employing agency may reemploy a retired member
24 as a firefighter or paramedic after the retired member has
25 been retired for 1 calendar month, in accordance with s.
26 121.021(39). Any retired member who is reemployed within 1
27 calendar month after retirement shall void his or her
28 application for retirement benefits. The employing agency
29 reemploying such firefighter or paramedic is subject to the
30 retired contribution required in subparagraph 8. Reemployment
31 of a retired firefighter or paramedic is limited to no more

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

24 | Section 2. This act shall take effect July 1, 2006.
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