

Bill No. SB 2556

Barcode 604608

CHAMBER ACTION

Senate

House

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The Committee on Education (King) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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1 required information or documents are not received.

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

3 (b)1. Any person who is retired under this chapter,
 4 except under the disability retirement provisions of
 5 subsection (4), may be reemployed by any private or public
 6 employer after retirement and receive retirement benefits and
 7 compensation from his or her employer without any limitations,
 8 except that a person may not receive both a salary from
 9 reemployment with any agency participating in the Florida
 10 Retirement System and retirement benefits under this chapter
 11 for a period of 12 months immediately subsequent to the date
 12 of retirement. However, a DROP participant shall continue
 13 employment and receive a salary during the period of
 14 participation in the Deferred Retirement Option Program, as
 15 provided in subsection (13).

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

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1 retirement benefits received while reemployed during this
 2 reemployment limitation period shall be repaid to the
 3 retirement trust fund, and retirement benefits shall remain
 4 suspended until such repayment has been made. Benefits
 5 suspended beyond the reemployment limitation shall apply
 6 toward repayment of benefits received in violation of the
 7 reemployment limitation.

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

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

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

28 5. The State University System may reemploy a retired
29 member as an adjunct faculty member or as a participant in a
30 phased retirement program within the State University System
31 after the retired member has been retired for 1 calendar

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1 month, in accordance with s. 121.021(39). Any retired member
2 who is reemployed within 1 calendar month after retirement
3 shall void his or her application for retirement benefits.
4 The State University System is subject to the retired
5 contribution required in subparagraph 7., as appropriate. A
6 retired member may be reemployed as an adjunct faculty member
7 or a participant in a phased retirement program for no more
8 than 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
13 division shall suspend his or her retirement benefits for the
14 remainder of the first 12 months of retirement. Any person
15 employed in violation of this subparagraph and any employing
16 agency which knowingly employs or appoints such person without
17 notifying the Division of Retirement to suspend retirement
18 benefits shall be jointly and severally liable for
19 reimbursement to the retirement trust fund of any benefits
20 paid during the reemployment limitation period. To avoid
21 liability, such employing agency shall have a written
22 statement from the retiree that he or she is not retired from
23 a state-administered retirement system. Any retirement
24 benefits received by a retired member while reemployed in
25 excess of 780 hours during the first 12 months of retirement
26 shall be repaid to the Retirement System Trust Fund, and
27 retirement benefits shall remain suspended until repayment is
28 made. Benefits suspended beyond the end of the retired
29 member's first 12 months of retirement shall apply toward
30 repayment of benefits received in violation of the 780-hour
31 reemployment limitation.

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1 6. The Board of Trustees of the Florida School for the
2 Deaf and the Blind may reemploy a retired member as a
3 substitute teacher, substitute residential instructor, or
4 substitute nurse on a noncontractual basis after he or she has
5 been retired for 1 calendar month, in accordance with s.
6 121.021(39). The Board of Trustees of the Florida School for
7 the Deaf and the Blind may reemploy a retired member as
8 instructional personnel, as defined in s. 1012.01(2)(a)-(d),
9 on an annual contractual basis after he or she has been
10 retired for 1 calendar month, in accordance with s.
11 121.021(39). Any retired member who is reemployed within 1
12 calendar month after retirement shall void his or her
13 application for retirement benefits. The Board of Trustees of
14 the Florida School for the Deaf and the Blind reemploying such
15 teachers, residential instructors, or nurses is subject to the
16 retirement contribution required by subparagraph 7.
17 Reemployment of a retired member as a substitute teacher,
18 substitute residential instructor, or substitute nurse is
19 limited to 780 hours during the first 12 months of his or her
20 retirement. Any retired member reemployed for more than 780
21 hours during the first 12 months of retirement shall give
22 timely notice in writing to the employer and to the division
23 of the date he or she will exceed the limitation. The division
24 shall suspend his or her retirement benefits for the remainder
25 of the first 12 months of retirement. Any person employed in
26 violation of this subparagraph and any employing agency which
27 knowingly employs or appoints such person without notifying
28 the Division of Retirement to suspend retirement benefits
29 shall be jointly and severally liable for reimbursement to the
30 retirement trust fund of any benefits paid during the
31 reemployment limitation period. To avoid liability, such

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1 employing agency shall have a written statement from the
 2 retiree that he or she is not retired from a
 3 state-administered retirement system. Any retirement benefits
 4 received by a retired member while reemployed in excess of 780
 5 hours during the first 12 months of retirement shall be repaid
 6 to the Retirement System Trust Fund, and his or her retirement
 7 benefits shall remain suspended until payment is made.
 8 Benefits suspended beyond the end of the retired member's
 9 first 12 months of retirement shall apply toward repayment of
 10 benefits received in violation of the 780-hour reemployment
 11 limitation.

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

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

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1 the Elected Officers' Class on or after July 1, 1991, shall be
 2 enrolled in the Florida Retirement System as provided in s.
 3 121.122, and shall continue to receive retirement benefits as
 4 well as compensation for the elected officer's service for as
 5 long as he or she remains in elective office. However, any
 6 retired member who served in an elective office prior to July
 7 1, 1990, suspended his or her retirement benefit, and had his
 8 or her Florida Retirement System membership reinstated shall,
 9 upon retirement from such office, have his or her retirement
 10 benefit recalculated to include the additional service and
 11 compensation earned.

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

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

31 11. An employing agency may reemploy a retired member

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1 as a firefighter or paramedic after the retired member 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 employing agency
6 reemploying such firefighter or paramedic is subject to the
7 retired contribution required in subparagraph 8. Reemployment
8 of a retired firefighter or paramedic is limited to no more
9 than 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 System 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 retirement benefits
28 shall remain suspended until repayment is made. Benefits
29 suspended beyond the end of the retired member's first 12
30 months of retirement shall apply toward repayment of benefits
31 received in violation of the 780-hour reemployment limitation.

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

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9 A bill to be entitled

10 An act relating to the Florida Retirement
 11 System; amending s. 121.091, F.S.; authorizing
 12 district school boards to reemploy retired
 13 members of the system as instructional
 14 personnel after 1 month's retirement in the
 15 capacity of student personnel service staff,
 16 librarian/media specialist, or other
 17 instructional staff; authorizing the Board of
 18 Trustees of the Florida School for the Deaf and
 19 the Blind to reemploy retired members of the
 20 system as instructional personnel after 1
 21 month's retirement as instructional personnel
 22 in the capacity of classroom teacher, student
 23 personnel service staff, librarian/media
 24 specialist, or other instructional staff;
 25 providing an effective date.

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