

1 department's rules. The department shall adopt rules
2 establishing procedures for application for retirement
3 benefits and for the cancellation of such application when the
4 required information or documents are not received.

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

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

19 2. Any person to whom the limitation in subparagraph
20 1. applies who violates such reemployment limitation and who
21 is reemployed with any agency participating in the Florida
22 Retirement System before completion of the 12-month limitation
23 period shall give timely notice of this fact in writing to the
24 employer and to the division and shall have his or her
25 retirement benefits suspended for the balance of the 12-month
26 limitation period. Any person employed in violation of this
27 paragraph and any employing agency which knowingly employs or
28 appoints such person without notifying the Division of
29 Retirement to suspend retirement benefits shall be jointly and
30 severally liable for reimbursement to the retirement trust
31 fund of any benefits paid during the reemployment limitation

1 | period. To avoid liability, such employing agency shall have
2 | a written statement from the retiree that he or she is not
3 | retired from a state-administered retirement system. Any
4 | retirement benefits received while reemployed during this
5 | reemployment limitation period shall be repaid to the
6 | retirement trust fund, and retirement benefits shall remain
7 | suspended until such repayment has been made. Benefits
8 | suspended beyond the reemployment limitation shall apply
9 | toward repayment of benefits received in violation of the
10 | reemployment limitation.

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

27 | 4. A community college board of trustees may reemploy
28 | a retired member as an adjunct instructor, that is, an
29 | instructor who is noncontractual and part-time, or as a
30 | participant in a phased retirement program within the Florida
31 | Community College System, after he or she has been retired for

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

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

1 | made. Benefits suspended beyond the end of the retired
2 | member's first 12 months of retirement shall apply toward
3 | repayment of benefits received in violation of the 780-hour
4 | reemployment limitation.

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

1 | the Division of Retirement to suspend retirement benefits
2 | shall be jointly and severally liable for reimbursement to the
3 | retirement trust fund of any benefits paid during the
4 | reemployment limitation period. To avoid liability, such
5 | employing agency shall have a written statement from the
6 | retiree that he or she is not retired from a
7 | state-administered retirement system. Any retirement benefits
8 | received by a retired member while reemployed in excess of 780
9 | hours during the first 12 months of retirement shall be repaid
10 | to the Retirement System Trust Fund, and his or her retirement
11 | benefits shall remain suspended until payment is made.
12 | Benefits suspended beyond the end of the retired member's
13 | first 12 months of retirement shall apply toward repayment of
14 | benefits received in violation of the 780-hour reemployment
15 | limitation.

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

30 | 8. Any person who has previously retired and who is
31 | holding an elective public office or an appointment to an

1 elective public office eligible for the Elected Officers'
2 Class on or after July 1, 1990, shall be enrolled in the
3 Florida Retirement System as provided in s. 121.053(1)(b) or,
4 if holding an elective public office that does not qualify for
5 the Elected Officers' Class on or after July 1, 1991, shall be
6 enrolled in the Florida Retirement System as provided in s.
7 121.122, and shall continue to receive retirement benefits as
8 well as compensation for the elected officer's service for as
9 long as he or she remains in elective office. However, any
10 retired member who served in an elective office prior to July
11 1, 1990, suspended his or her retirement benefit, and had his
12 or her Florida Retirement System membership reinstated shall,
13 upon retirement from such office, have his or her retirement
14 benefit recalculated to include the additional service and
15 compensation earned.

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

31

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

5 11. An employing agency may reemploy a retired member
6 as a firefighter or paramedic after the retired member has
7 been retired for 1 calendar month, in accordance with s.
8 121.021(39). Any retired member who is reemployed within 1
9 calendar month after retirement shall void his or her
10 application for retirement benefits. The employing agency
11 reemploying such firefighter or paramedic is subject to the
12 retired contribution required in subparagraph 8. Reemployment
13 of a retired firefighter or paramedic is limited to no more
14 than 780 hours during the first 12 months of his or her
15 retirement. Any retired member reemployed for more than 780
16 hours during the first 12 months of retirement shall give
17 timely notice in writing to the employer and to the division
18 of the date he or she will exceed the limitation. The division
19 shall suspend his or her retirement benefits for the remainder
20 of the first 12 months of retirement. Any person employed in
21 violation of this subparagraph and any employing agency which
22 knowingly employs or appoints such person without notifying
23 the Division of Retirement to suspend retirement benefits
24 shall be jointly and severally liable for reimbursement to the
25 Retirement System Trust Fund of any benefits paid during the
26 reemployment limitation period. To avoid liability, such
27 employing agency shall have a written statement from the
28 retiree that he or she is not retired from a
29 state-administered retirement system. Any retirement benefits
30 received by a retired member while reemployed in excess of 780
31 hours during the first 12 months of retirement shall be repaid

1 | to the Retirement System Trust Fund, and retirement benefits
2 | shall remain suspended until repayment is made. Benefits
3 | suspended beyond the end of the retired member's first 12
4 | months of retirement shall apply toward repayment of benefits
5 | received in violation of the 780-hour reemployment limitation.

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

7 |
8 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 | COMMITTEE SUBSTITUTE FOR
10 | Senate Bill 2556

11 | This committee substitute narrows the bill's application to
12 | authorize only district school board and the Florida School
13 | for the Deaf and the Blind instructional personnel, as defined
14 | in s. 1012.01(2)(a)-(d), F.S., to be reemployed on an annual
15 | contractual basis after the personnel have been retired for
16 | one calendar month.
17 |
18 |
19 |
20 |
21 |
22 |
23 |
24 |
25 |
26 |
27 |
28 |
29 |
30 |
31 |