

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

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

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

12           121.091 Benefits payable under the system.--Benefits may  
 13   not be paid under this section unless the member has terminated  
 14   employment as provided in s. 121.021(39)(a) or begun  
 15   participation in the Deferred Retirement Option Program as  
 16   provided in subsection (13), and a proper application has been  
 17   filed in the manner prescribed by the department. The department  
 18   may cancel an application for retirement benefits when the  
 19   member or beneficiary fails to timely provide the information  
 20   and documents required by this chapter and the department's  
 21   rules. The department shall adopt rules establishing procedures  
 22   for application for retirement benefits and for the cancellation  
 23   of such application when the required information or documents  
 24   are not received.

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

26           (b)1. Any person who is retired under this chapter, except  
 27   under the disability retirement provisions of subsection (4),  
 28   may be reemployed by any private or public employer after

29 retirement and receive retirement benefits and compensation from  
30 his or her employer without any limitations, except that a  
31 person may not receive both a salary from reemployment with any  
32 agency participating in the Florida Retirement System and  
33 retirement benefits under this chapter for a period of 12 months  
34 immediately subsequent to the date of retirement. However, a  
35 DROP participant shall continue employment and receive a salary  
36 during the period of participation in the Deferred Retirement  
37 Option Program, as provided in subsection (13). Notwithstanding  
38 the provisions of this subparagraph, an employing agency may  
39 only reemploy a law enforcement officer as defined in s.  
40 943.10(1), a correctional officer as defined in s. 943.10(2), or  
41 a correctional probation officer as defined in s. 943.10(3) at  
42 an entry-level position for the duration of such reemployment.

43 2. Any person to whom the limitation in subparagraph 1.  
44 applies who violates such reemployment limitation and who is  
45 reemployed with any agency participating in the Florida  
46 Retirement System before completion of the 12-month limitation  
47 period shall give timely notice of this fact in writing to the  
48 employer and to the division and shall have his or her  
49 retirement benefits suspended for the balance of the 12-month  
50 limitation period. Any person employed in violation of this  
51 paragraph and any employing agency which knowingly employs or  
52 appoints such person without notifying the Division of  
53 Retirement to suspend retirement benefits shall be jointly and  
54 severally liable for reimbursement to the retirement trust fund  
55 of any benefits paid during the reemployment limitation period.  
56 To avoid liability, such employing agency shall have a written

57 | statement from the retiree that he or she is not retired from a  
58 | state-administered retirement system. Any retirement benefits  
59 | received while reemployed during this reemployment limitation  
60 | period shall be repaid to the retirement trust fund, and  
61 | retirement benefits shall remain suspended until such repayment  
62 | has been made. Benefits suspended beyond the reemployment  
63 | limitation shall apply toward repayment of benefits received in  
64 | violation of the reemployment limitation.

65 |       3. A district school board may reemploy a retired member  
66 | as a substitute or hourly teacher, education paraprofessional,  
67 | transportation assistant, bus driver, or food service worker on  
68 | a noncontractual basis after he or she has been retired for 1  
69 | calendar month, in accordance with s. 121.021(39). A district  
70 | school board may reemploy a retired member as instructional  
71 | personnel, as defined in s. 1012.01(2)(a), on an annual  
72 | contractual basis after he or she has been retired for 1  
73 | calendar month, in accordance with s. 121.021(39). Any other  
74 | retired member who is reemployed within 1 calendar month after  
75 | retirement shall void his or her application for retirement  
76 | benefits. District school boards reemploying such teachers,  
77 | education paraprofessionals, transportation assistants, bus  
78 | drivers, or food service workers are subject to the retirement  
79 | contribution required by subparagraph 7.

80 |       4. A community college board of trustees may reemploy a  
81 | retired member as an adjunct instructor, that is, an instructor  
82 | who is noncontractual and part-time, or as a participant in a  
83 | phased retirement program within the Florida Community College  
84 | System, after he or she has been retired for 1 calendar month,

85 | in accordance with s. 121.021(39). Any retired member who is  
86 | reemployed within 1 calendar month after retirement shall void  
87 | his or her application for retirement benefits. Boards of  
88 | trustees reemploying such instructors are subject to the  
89 | retirement contribution required in subparagraph 7. A retired  
90 | member may be reemployed as an adjunct instructor for no more  
91 | than 780 hours during the first 12 months of retirement. Any  
92 | retired member reemployed for more than 780 hours during the  
93 | first 12 months of retirement shall give timely notice in  
94 | writing to the employer and to the division of the date he or  
95 | she will exceed the limitation. The division shall suspend his  
96 | or her retirement benefits for the remainder of the first 12  
97 | months of retirement. Any person employed in violation of this  
98 | subparagraph and any employing agency which knowingly employs or  
99 | appoints such person without notifying the Division of  
100 | Retirement to suspend retirement benefits shall be jointly and  
101 | severally liable for reimbursement to the retirement trust fund  
102 | of any benefits paid during the reemployment limitation period.  
103 | To avoid liability, such employing agency shall have a written  
104 | statement from the retiree that he or she is not retired from a  
105 | state-administered retirement system. Any retirement benefits  
106 | received by a retired member while reemployed in excess of 780  
107 | hours during the first 12 months of retirement shall be repaid  
108 | to the Retirement System Trust Fund, and retirement benefits  
109 | shall remain suspended until repayment is made. Benefits  
110 | suspended beyond the end of the retired member's first 12 months  
111 | of retirement shall apply toward repayment of benefits received  
112 | in violation of the 780-hour reemployment limitation.

113           5. The State University System may reemploy a retired  
114 member as an adjunct faculty member or as a participant in a  
115 phased retirement program within the State University System  
116 after the retired member has been retired for 1 calendar month,  
117 in accordance with s. 121.021(39). Any retired member who is  
118 reemployed within 1 calendar month after retirement shall void  
119 his or her application for retirement benefits. The State  
120 University System is subject to the retired contribution  
121 required in subparagraph 7., as appropriate. A retired member  
122 may be reemployed as an adjunct faculty member or a participant  
123 in a phased retirement program for no more than 780 hours during  
124 the first 12 months of his or her retirement. Any retired member  
125 reemployed for more than 780 hours during the first 12 months of  
126 retirement shall give timely notice in writing to the employer  
127 and to the division of the date he or she will exceed the  
128 limitation. The division shall suspend his or her retirement  
129 benefits for the remainder of the first 12 months of retirement.  
130 Any person employed in violation of this subparagraph and any  
131 employing agency which knowingly employs or appoints such person  
132 without notifying the Division of Retirement to suspend  
133 retirement benefits shall be jointly and severally liable for  
134 reimbursement to the retirement trust fund of any benefits paid  
135 during the reemployment limitation period. To avoid liability,  
136 such employing agency shall have a written statement from the  
137 retiree that he or she is not retired from a state-administered  
138 retirement system. Any retirement benefits received by a retired  
139 member while reemployed in excess of 780 hours during the first  
140 12 months of retirement shall be repaid to the Retirement System

141 Trust Fund, and retirement benefits shall remain suspended until  
 142 repayment is made. Benefits suspended beyond the end of the  
 143 retired member's first 12 months of retirement shall apply  
 144 toward repayment of benefits received in violation of the 780-  
 145 hour reemployment limitation.

146 6. The Board of Trustees of the Florida School for the  
 147 Deaf and the Blind may reemploy a retired member as a substitute  
 148 teacher, substitute residential instructor, or substitute nurse  
 149 on a noncontractual basis after he or she has been retired for 1  
 150 calendar month, in accordance with s. 121.021(39). Any retired  
 151 member who is reemployed within 1 calendar month after  
 152 retirement shall void his or her application for retirement  
 153 benefits. The Board of Trustees of the Florida School for the  
 154 Deaf and the Blind reemploying such teachers, residential  
 155 instructors, or nurses is subject to the retirement contribution  
 156 required by subparagraph 7. Reemployment of a retired member as  
 157 a substitute teacher, substitute residential instructor, or  
 158 substitute nurse is limited to 780 hours during the first 12  
 159 months of his or her retirement. Any retired member reemployed  
 160 for more than 780 hours during the first 12 months of retirement  
 161 shall give timely notice in writing to the employer and to the  
 162 division of the date he or she will exceed the limitation. The  
 163 division shall suspend his or her retirement benefits for the  
 164 remainder of the first 12 months of retirement. Any person  
 165 employed in violation of this subparagraph and any employing  
 166 agency which knowingly employs or appoints such person without  
 167 notifying the Division of Retirement to suspend retirement  
 168 benefits shall be jointly and severally liable for reimbursement

169 to the retirement trust fund of any benefits paid during the  
 170 reemployment limitation period. To avoid liability, such  
 171 employing agency shall have a written statement from the retiree  
 172 that he or she is not retired from a state-administered  
 173 retirement system. Any retirement benefits received by a retired  
 174 member while reemployed in excess of 780 hours during the first  
 175 12 months of retirement shall be repaid to the Retirement System  
 176 Trust Fund, and his or her retirement benefits shall remain  
 177 suspended until payment is made. Benefits suspended beyond the  
 178 end of the retired member's first 12 months of retirement shall  
 179 apply toward repayment of benefits received in violation of the  
 180 780-hour reemployment limitation.

181 7. The employment by an employer of any retiree or DROP  
 182 participant of any state-administered retirement system shall  
 183 have no effect on the average final compensation or years of  
 184 creditable service of the retiree or DROP participant. Prior to  
 185 July 1, 1991, upon employment of any person, other than an  
 186 elected officer as provided in s. 121.053, who has been retired  
 187 under any state-administered retirement program, the employer  
 188 shall pay retirement contributions in an amount equal to the  
 189 unfunded actuarial liability portion of the employer  
 190 contribution which would be required for regular members of the  
 191 Florida Retirement System. Effective July 1, 1991, contributions  
 192 shall be made as provided in s. 121.122 for retirees with  
 193 renewed membership or subsection (13) with respect to DROP  
 194 participants.

195 8. Any person who has previously retired and who is  
 196 holding an elective public office or an appointment to an

197 elective public office eligible for the Elected Officers' Class  
198 on or after July 1, 1990, shall be enrolled in the Florida  
199 Retirement System as provided in s. 121.053(1)(b) or, if holding  
200 an elective public office that does not qualify for the Elected  
201 Officers' Class on or after July 1, 1991, shall be enrolled in  
202 the Florida Retirement System as provided in s. 121.122, and  
203 shall continue to receive retirement benefits as well as  
204 compensation for the elected officer's service for as long as he  
205 or she remains in elective office. However, any retired member  
206 who served in an elective office prior to July 1, 1990,  
207 suspended his or her retirement benefit, and had his or her  
208 Florida Retirement System membership reinstated shall, upon  
209 retirement from such office, have his or her retirement benefit  
210 recalculated to include the additional service and compensation  
211 earned.

212 9. Any person who is holding an elective public office  
213 which is covered by the Florida Retirement System and who is  
214 concurrently employed in nonelected covered employment may elect  
215 to retire while continuing employment in the elective public  
216 office, provided that he or she shall be required to terminate  
217 his or her nonelected covered employment. Any person who  
218 exercises this election shall receive his or her retirement  
219 benefits in addition to the compensation of the elective office  
220 without regard to the time limitations otherwise provided in  
221 this subsection. No person who seeks to exercise the provisions  
222 of this subparagraph, as the same existed prior to May 3, 1984,  
223 shall be deemed to be retired under those provisions, unless



224 such person is eligible to retire under the provisions of this  
225 subparagraph, as amended by chapter 84-11, Laws of Florida.

226 10. The limitations of this paragraph apply to  
227 reemployment in any capacity with an "employer" as defined in s.  
228 121.021(10), irrespective of the category of funds from which  
229 the person is compensated.

230 11. An employing agency may reemploy a retired member as a  
231 firefighter or paramedic after the retired member has been  
232 retired for 1 calendar month, in accordance with s. 121.021(39).  
233 Any retired member who is reemployed within 1 calendar month  
234 after retirement shall void his or her application for  
235 retirement benefits. The employing agency reemploying such  
236 firefighter or paramedic is subject to the retired contribution  
237 required in subparagraph 8. Reemployment of a retired  
238 firefighter or paramedic is limited to no more than 780 hours  
239 during the first 12 months of his or her retirement. Any retired  
240 member reemployed for more than 780 hours during the first 12  
241 months of retirement shall give timely notice in writing to the  
242 employer and to the division of the date he or she will exceed  
243 the limitation. The division shall suspend his or her retirement  
244 benefits for the remainder of the first 12 months of retirement.  
245 Any person employed in violation of this subparagraph and any  
246 employing agency which knowingly employs or appoints such person  
247 without notifying the Division of Retirement to suspend  
248 retirement benefits shall be jointly and severally liable for  
249 reimbursement to the Retirement System Trust Fund of any  
250 benefits paid during the reemployment limitation period. To  
251 avoid liability, such employing agency shall have a written

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252 | statement from the retiree that he or she is not retired from a  
253 | state-administered retirement system. Any retirement benefits  
254 | received by a retired member while reemployed in excess of 780  
255 | hours during the first 12 months of retirement shall be repaid  
256 | to the Retirement System Trust Fund, and retirement benefits  
257 | shall remain suspended until repayment is made. Benefits  
258 | suspended beyond the end of the retired member's first 12 months  
259 | of retirement shall apply toward repayment of benefits received  
260 | in violation of the 780-hour reemployment limitation.

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