

1                                   A bill to be entitled  
 2       An act relating to public school employment; amending s.  
 3       121.091, F.S.; authorizing district school boards and the  
 4       Board of Trustees of the Florida School for the Deaf and  
 5       the Blind to reemploy retired members of the Florida  
 6       Retirement System as administrative personnel; providing  
 7       an effective date.

8

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

10

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

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

27           (b)1. Any person who is retired under this chapter, except  
 28       under the disability retirement provisions of subsection (4),

29 | may be reemployed by any private or public employer after  
30 | retirement and receive retirement benefits and compensation from  
31 | his or her employer without any limitations, except that a  
32 | person may not receive both a salary from reemployment with any  
33 | agency participating in the Florida Retirement System and  
34 | retirement benefits under this chapter for a period of 12 months  
35 | immediately subsequent to the date of retirement. However, a  
36 | DROP participant shall continue employment and receive a salary  
37 | during the period of participation in the Deferred Retirement  
38 | Option Program, as provided in subsection (13).

39 |       2. Any person to whom the limitation in subparagraph 1.  
40 | applies who violates such reemployment limitation and who is  
41 | reemployed with any agency participating in the Florida  
42 | Retirement System before completion of the 12-month limitation  
43 | period shall give timely notice of this fact in writing to the  
44 | employer and to the division and shall have his or her  
45 | retirement benefits suspended for the balance of the 12-month  
46 | limitation period. Any person employed in violation of this  
47 | paragraph and any employing agency which knowingly employs or  
48 | appoints such person without notifying the Division of  
49 | Retirement to suspend retirement benefits shall be jointly and  
50 | severally liable for reimbursement to the retirement trust fund  
51 | of any benefits paid during the reemployment limitation period.  
52 | To avoid liability, such employing agency shall have a written  
53 | statement from the retiree that he or she is not retired from a  
54 | state-administered retirement system. Any retirement benefits  
55 | received while reemployed during this reemployment limitation  
56 | period shall be repaid to the retirement trust fund, and

57 retirement benefits shall remain suspended until such repayment  
58 has been made. Benefits suspended beyond the reemployment  
59 limitation shall apply toward repayment of benefits received in  
60 violation of the reemployment limitation.

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

77 4. A community college board of trustees may reemploy a  
78 retired member as an adjunct instructor, that is, an instructor  
79 who is noncontractual and part-time, or as a participant in a  
80 phased retirement program within the Florida Community College  
81 System, after he or she has been retired for 1 calendar month,  
82 in accordance with s. 121.021(39). Any retired member who is  
83 reemployed within 1 calendar month after retirement shall void  
84 his or her application for retirement benefits. Boards of

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

110 5. The State University System may reemploy a retired  
111 member as an adjunct faculty member or as a participant in a  
112 phased retirement program within the State University System

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

141 toward repayment of benefits received in violation of the 780-  
142 hour reemployment limitation.

143 6. The Board of Trustees of the Florida School for the  
144 Deaf and the Blind may reemploy a retired member as a substitute  
145 teacher, substitute residential instructor, or substitute nurse  
146 on a noncontractual basis after he or she has been retired for 1  
147 calendar month, in accordance with s. 121.021(39). The Board of  
148 Trustees of the Florida School for the Deaf and the Blind may  
149 reemploy a retired member as administrative personnel, as  
150 defined in s. 1012.01(3), on an annual contractual basis after  
151 he or she has been retired for 1 calendar month, in accordance  
152 with s. 121.021(39). Any retired member who is reemployed within  
153 1 calendar month after retirement shall void his or her  
154 application for retirement benefits. The Board of Trustees of  
155 the Florida School for the Deaf and the Blind reemploying such  
156 teachers, residential instructors, or nurses is subject to the  
157 retirement contribution required by subparagraph 7. Reemployment  
158 of a retired member as a substitute teacher, substitute  
159 residential instructor, or substitute nurse is limited to 780  
160 hours during the first 12 months of his or her retirement. Any  
161 retired member reemployed for more than 780 hours during the  
162 first 12 months of retirement shall give timely notice in  
163 writing to the employer and to the division of the date he or  
164 she will exceed the limitation. The division shall suspend his  
165 or her retirement benefits for the remainder of the first 12  
166 months of retirement. Any person employed in violation of this  
167 subparagraph and any employing agency which knowingly employs or  
168 appoints such person without notifying the Division of

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

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

196 8. Any person who has previously retired and who is

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

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



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

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

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

HB 389

2006

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

262 |       Section 2. This act shall take effect upon becoming a law.