

CHAMBER ACTION

1 The PreK-12 Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public school employment; amending s.
7 121.091, F.S.; authorizing district school boards and the
8 Board of Trustees of the Florida School for the Deaf and
9 the Blind to reemploy retired members of the Florida
10 Retirement System as administrative personnel; providing a
11 contingent effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (b) of subsection (9) of section
16 121.091, Florida Statutes, is amended to read:

17 121.091 Benefits payable under the system.--Benefits may
18 not be paid under this section unless the member has terminated
19 employment as provided in s. 121.021(39)(a) or begun
20 participation in the Deferred Retirement Option Program as
21 provided in subsection (13), and a proper application has been
22 filed in the manner prescribed by the department. The department
23 may cancel an application for retirement benefits when the

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24 member or beneficiary fails to timely provide the information
25 and documents required by this chapter and the department's
26 rules. The department shall adopt rules establishing procedures
27 for application for retirement benefits and for the cancellation
28 of such application when the required information or documents
29 are not received.

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

31 (b)1. Any person who is retired under this chapter, except
32 under the disability retirement provisions of subsection (4),
33 may be reemployed by any private or public employer after
34 retirement and receive retirement benefits and compensation from
35 his or her employer without any limitations, except that a
36 person may not receive both a salary from reemployment with any
37 agency participating in the Florida Retirement System and
38 retirement benefits under this chapter for a period of 12 months
39 immediately subsequent to the date of retirement. However, a
40 DROP participant shall continue employment and receive a salary
41 during the period of participation in the Deferred Retirement
42 Option Program, as provided in subsection (13).

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

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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), or as administrative
72 | personnel, as defined in s. 1012.01(3), on an annual contractual
73 | basis after he or she has been retired for 1 calendar month, in
74 | accordance with s. 121.021(39). Any other retired member who is
75 | reemployed within 1 calendar month after retirement shall void
76 | his or her application for retirement benefits. District school
77 | boards reemploying retirees in positions specified in this
78 | subparagraph ~~such teachers, education paraprofessionals,~~
79 | ~~transportation assistants, bus drivers, or food service workers~~

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80 | are subject to the retirement contribution required by
81 | subparagraph 7.

82 | 4. A community college board of trustees may reemploy a
83 | retired member as an adjunct instructor, that is, an instructor
84 | who is noncontractual and part-time, or as a participant in a
85 | phased retirement program within the Florida Community College
86 | System, after he or she has been retired for 1 calendar month,
87 | in accordance with s. 121.021(39). Any retired member who is
88 | reemployed within 1 calendar month after retirement shall void
89 | his or her application for retirement benefits. Boards of
90 | trustees reemploying such instructors are subject to the
91 | retirement contribution required in subparagraph 7. A retired
92 | member may be reemployed as an adjunct instructor for no more
93 | than 780 hours during the first 12 months of retirement. Any
94 | retired member reemployed for more than 780 hours during the
95 | first 12 months of retirement shall give timely notice in
96 | writing to the employer and to the division of the date he or
97 | she will exceed the limitation. The division shall suspend his
98 | or her retirement benefits for the remainder of the first 12
99 | months of retirement. Any person employed in violation of this
100 | subparagraph and any employing agency which knowingly employs or
101 | appoints such person without notifying the Division of
102 | Retirement to suspend retirement benefits shall be jointly and
103 | severally liable for reimbursement to the retirement trust fund
104 | of any benefits paid during the reemployment limitation period.
105 | To avoid liability, such employing agency shall have a written
106 | statement from the retiree that he or she is not retired from a
107 | state-administered retirement system. Any retirement benefits

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108 received by a retired member while reemployed in excess of 780
109 hours during the first 12 months of retirement shall be repaid
110 to the Retirement System Trust Fund, and retirement benefits
111 shall remain suspended until repayment is made. Benefits
112 suspended beyond the end of the retired member's first 12 months
113 of retirement shall apply toward repayment of benefits received
114 in violation of the 780-hour reemployment limitation.

115 5. The State University System may reemploy a retired
116 member as an adjunct faculty member or as a participant in a
117 phased retirement program within the State University System
118 after the retired member has been retired for 1 calendar month,
119 in accordance with s. 121.021(39). Any retired member who is
120 reemployed within 1 calendar month after retirement shall void
121 his or her application for retirement benefits. The State
122 University System is subject to the retired contribution
123 required in subparagraph 7., as appropriate. A retired member
124 may be reemployed as an adjunct faculty member or a participant
125 in a phased retirement program for no more than 780 hours during
126 the first 12 months of his or her retirement. Any retired member
127 reemployed for more than 780 hours during the first 12 months of
128 retirement shall give timely notice in writing to the employer
129 and to the division of the date he or she will exceed the
130 limitation. The division shall suspend his or her retirement
131 benefits for the remainder of the first 12 months of retirement.
132 Any person employed in violation of this subparagraph and any
133 employing agency which knowingly employs or appoints such person
134 without notifying the Division of Retirement to suspend
135 retirement benefits shall be jointly and severally liable for

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136 reimbursement to the retirement trust fund of any benefits paid
137 during the reemployment limitation period. To avoid liability,
138 such employing agency shall have a written statement from the
139 retiree that he or she is not retired from a state-administered
140 retirement system. Any retirement benefits received by a retired
141 member while reemployed in excess of 780 hours during the first
142 12 months of retirement shall be repaid to the Retirement System
143 Trust Fund, and retirement benefits shall remain suspended until
144 repayment is made. Benefits suspended beyond the end of the
145 retired member's first 12 months of retirement shall apply
146 toward repayment of benefits received in violation of the 780-
147 hour reemployment limitation.

148 6. The Board of Trustees of the Florida School for the
149 Deaf and the Blind may reemploy a retired member as a substitute
150 teacher, substitute residential instructor, or substitute nurse
151 on a noncontractual basis after he or she has been retired for 1
152 calendar month, in accordance with s. 121.021(39). The Board of
153 Trustees of the Florida School for the Deaf and the Blind may
154 reemploy a retired member as administrative personnel, as
155 defined in s. 1012.01(3), on an annual contractual basis after
156 he or she has been retired for 1 calendar month, in accordance
157 with s. 121.021(39). Any retired member who is reemployed within
158 1 calendar month after retirement shall void his or her
159 application for retirement benefits. The Board of Trustees of
160 the Florida School for the Deaf and the Blind reemploying
161 retirees in positions specified in this subparagraph ~~such~~
162 ~~teachers, residential instructors, or nurses~~ is subject to the
163 retirement contribution required by subparagraph 7. Reemployment

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164 of a retired member as a substitute teacher, substitute
165 residential instructor, or substitute nurse is limited to 780
166 hours during the first 12 months of his or her retirement. Any
167 retired member reemployed for more than 780 hours during the
168 first 12 months of retirement shall give timely notice in
169 writing to the employer and to the division of the date he or
170 she will exceed the limitation. The division shall suspend his
171 or her retirement benefits for the remainder of the first 12
172 months of retirement. Any person employed in violation of this
173 subparagraph and any employing agency which knowingly employs or
174 appoints such person without notifying the Division of
175 Retirement to suspend retirement benefits shall be jointly and
176 severally liable for reimbursement to the retirement trust fund
177 of any benefits paid during the reemployment limitation period.
178 To avoid liability, such employing agency shall have a written
179 statement from the retiree that he or she is not retired from a
180 state-administered retirement system. Any retirement benefits
181 received by a retired member while reemployed in excess of 780
182 hours during the first 12 months of retirement shall be repaid
183 to the Retirement System Trust Fund, and his or her retirement
184 benefits shall remain suspended until payment is made. Benefits
185 suspended beyond the end of the retired member's first 12 months
186 of retirement shall apply toward repayment of benefits received
187 in violation of the 780-hour reemployment limitation.

188 7. The employment by an employer of any retiree or DROP
189 participant of any state-administered retirement system shall
190 have no effect on the average final compensation or years of
191 creditable service of the retiree or DROP participant. Prior to

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192 July 1, 1991, upon employment of any person, other than an
193 elected officer as provided in s. 121.053, who has been retired
194 under any state-administered retirement program, the employer
195 shall pay retirement contributions in an amount equal to the
196 unfunded actuarial liability portion of the employer
197 contribution which would be required for regular members of the
198 Florida Retirement System. Effective July 1, 1991, contributions
199 shall be made as provided in s. 121.122 for retirees with
200 renewed membership or subsection (13) with respect to DROP
201 participants.

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

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219 9. Any person who is holding an elective public office
220 which is covered by the Florida Retirement System and who is
221 concurrently employed in nonelected covered employment may elect
222 to retire while continuing employment in the elective public
223 office, provided that he or she shall be required to terminate
224 his or her nonelected covered employment. Any person who
225 exercises this election shall receive his or her retirement
226 benefits in addition to the compensation of the elective office
227 without regard to the time limitations otherwise provided in
228 this subsection. No person who seeks to exercise the provisions
229 of this subparagraph, as the same existed prior to May 3, 1984,
230 shall be deemed to be retired under those provisions, unless
231 such person is eligible to retire under the provisions of this
232 subparagraph, as amended by chapter 84-11, Laws of Florida.

233 10. The limitations of this paragraph apply to
234 reemployment in any capacity with an "employer" as defined in s.
235 121.021(10), irrespective of the category of funds from which
236 the person is compensated.

237 11. An employing agency may reemploy a retired member as a
238 firefighter or paramedic after the retired member has been
239 retired for 1 calendar month, in accordance with s. 121.021(39).
240 Any retired member who is reemployed within 1 calendar month
241 after retirement shall void his or her application for
242 retirement benefits. The employing agency reemploying such
243 firefighter or paramedic is subject to the retired contribution
244 required in subparagraph 8. Reemployment of a retired
245 firefighter or paramedic is limited to no more than 780 hours
246 during the first 12 months of his or her retirement. Any retired

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247 member reemployed for more than 780 hours during the first 12
248 months of retirement shall give timely notice in writing to the
249 employer and to the division of the date he or she will exceed
250 the limitation. The division shall suspend his or her retirement
251 benefits for the remainder of the first 12 months of retirement.
252 Any person employed in violation of this subparagraph and any
253 employing agency which knowingly employs or appoints such person
254 without notifying the Division of Retirement to suspend
255 retirement benefits shall be jointly and severally liable for
256 reimbursement to the Retirement System Trust Fund of any
257 benefits paid during the reemployment limitation period. To
258 avoid liability, such employing agency shall have a written
259 statement from the retiree that he or she is not retired from a
260 state-administered retirement system. Any retirement benefits
261 received by a retired member while reemployed in excess of 780
262 hours during the first 12 months of retirement shall be repaid
263 to the Retirement System Trust Fund, and retirement benefits
264 shall remain suspended until repayment is made. Benefits
265 suspended beyond the end of the retired member's first 12 months
266 of retirement shall apply toward repayment of benefits received
267 in violation of the 780-hour reemployment limitation.

268 Section 2. This act shall take effect July 1, 2006, if
269 House Joint Resolution 447 or similar legislation is adopted in
270 the same legislative session or an extension thereof.