

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Randolph offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Between lines 26 and 27, insert:

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

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

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16 during the period of participation in the Deferred Retirement
17 Option Program, as provided in subsection (13).

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

40 3. A district school board may reemploy a retired member
41 as a substitute or hourly teacher, education paraprofessional,
42 transportation assistant, bus driver, or food service worker on
43 a noncontractual basis after he or she has been retired for 1
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44 calendar month, in accordance with s. 121.021(39). A district
45 school board may reemploy a retired member as instructional
46 personnel, as defined in s. 1012.01(2)~~(a)~~, on an annual
47 contractual basis after he or she has been retired for 1
48 calendar month, in accordance with s. 121.021(39). Any other
49 retired member who is reemployed within 1 calendar month after
50 retirement shall void his or her application for retirement
51 benefits. District school boards reemploying such teachers,
52 education paraprofessionals, transportation assistants, bus
53 drivers, or food service workers are subject to the retirement
54 contribution required by subparagraph 7.

55 4. A community college board of trustees may reemploy a
56 retired member as an adjunct instructor, that is, an instructor
57 who is noncontractual and part-time, or as a participant in a
58 phased retirement program within the Florida Community College
59 System, after he or she has been retired for 1 calendar month,
60 in accordance with s. 121.021(39). Any retired member who is
61 reemployed within 1 calendar month after retirement shall void
62 his or her application for retirement benefits. Boards of
63 trustees reemploying such instructors are subject to the
64 retirement contribution required in subparagraph 7. A retired
65 member may be reemployed as an adjunct instructor for no more
66 than 780 hours during the first 12 months of retirement. Any
67 retired member reemployed for more than 780 hours during the
68 first 12 months of retirement shall give timely notice in
69 writing to the employer and to the division of the date he or
70 she will exceed the limitation. The division shall suspend his
71 or her retirement benefits for the remainder of the first 12

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72 months of retirement. Any person employed in violation of this
73 subparagraph and any employing agency which knowingly employs or
74 appoints such person without notifying the Division of
75 Retirement to suspend retirement benefits shall be jointly and
76 severally liable for reimbursement to the retirement trust fund
77 of any benefits paid during the reemployment limitation period.
78 To avoid liability, such employing agency shall have a written
79 statement from the retiree that he or she is not retired from a
80 state-administered retirement system. Any retirement benefits
81 received by a retired member while reemployed in excess of 780
82 hours during the first 12 months of retirement shall be repaid
83 to the Retirement System Trust Fund, and retirement benefits
84 shall remain suspended until repayment is made. Benefits
85 suspended beyond the end of the retired member's first 12 months
86 of retirement shall apply toward repayment of benefits received
87 in violation of the 780-hour reemployment limitation.

88 5. The State University System may reemploy a retired
89 member as an adjunct faculty member or as a participant in a
90 phased retirement program within the State University System
91 after the retired member has been retired for 1 calendar month,
92 in accordance with s. 121.021(39). Any retired member who is
93 reemployed within 1 calendar month after retirement shall void
94 his or her application for retirement benefits. The State
95 University System is subject to the retired contribution
96 required in subparagraph 7., as appropriate. A retired member
97 may be reemployed as an adjunct faculty member or a participant
98 in a phased retirement program for no more than 780 hours during
99 the first 12 months of his or her retirement. Any retired member

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100 reemployed for more than 780 hours during the first 12 months of
101 retirement shall give timely notice in writing to the employer
102 and to the division of the date he or she will exceed the
103 limitation. The division shall suspend his or her retirement
104 benefits for the remainder of the first 12 months of retirement.
105 Any person employed in violation of this subparagraph and any
106 employing agency which knowingly employs or appoints such person
107 without notifying the Division of Retirement to suspend
108 retirement benefits shall be jointly and severally liable for
109 reimbursement to the retirement trust fund of any benefits paid
110 during the reemployment limitation period. To avoid liability,
111 such employing agency shall have a written statement from the
112 retiree that he or she is not retired from a state-administered
113 retirement system. Any retirement benefits received by a retired
114 member while reemployed in excess of 780 hours during the first
115 12 months of retirement shall be repaid to the Retirement System
116 Trust Fund, and retirement benefits shall remain suspended until
117 repayment is made. Benefits suspended beyond the end of the
118 retired member's first 12 months of retirement shall apply
119 toward repayment of benefits received in violation of the 780-
120 hour reemployment limitation.

121 6. The Board of Trustees of the Florida School for the
122 Deaf and the Blind may reemploy a retired member as a substitute
123 teacher, substitute residential instructor, or substitute nurse
124 on a noncontractual basis after he or she has been retired for 1
125 calendar month, in accordance with s. 121.021(39). Any retired
126 member who is reemployed within 1 calendar month after
127 retirement shall void his or her application for retirement

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128 benefits. The Board of Trustees of the Florida School for the
129 Deaf and the Blind reemploying such teachers, residential
130 instructors, or nurses is subject to the retirement contribution
131 required by subparagraph 7. Reemployment of a retired member as
132 a substitute teacher, substitute residential instructor, or
133 substitute nurse is limited to 780 hours during the first 12
134 months of his or her retirement. Any retired member reemployed
135 for more than 780 hours during the first 12 months of retirement
136 shall give timely notice in writing to the employer and to the
137 division of the date he or she will exceed the limitation. The
138 division shall suspend his or her retirement benefits for the
139 remainder of the first 12 months of retirement. Any person
140 employed in violation of this subparagraph and any employing
141 agency which knowingly employs or appoints such person without
142 notifying the Division of Retirement to suspend retirement
143 benefits shall be jointly and severally liable for reimbursement
144 to the retirement trust fund of any benefits paid during the
145 reemployment limitation period. To avoid liability, such
146 employing agency shall have a written statement from the retiree
147 that he or she is not retired from a state-administered
148 retirement system. Any retirement benefits received by a retired
149 member while reemployed in excess of 780 hours during the first
150 12 months of retirement shall be repaid to the Retirement System
151 Trust Fund, and his or her retirement benefits shall remain
152 suspended until payment is made. Benefits suspended beyond the
153 end of the retired member's first 12 months of retirement shall
154 apply toward repayment of benefits received in violation of the
155 780-hour reemployment limitation.

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156 7. The employment by an employer of any retiree or DROP
157 participant of any state-administered retirement system shall
158 have no effect on the average final compensation or years of
159 creditable service of the retiree or DROP participant. Prior to
160 July 1, 1991, upon employment of any person, other than an
161 elected officer as provided in s. 121.053, who has been retired
162 under any state-administered retirement program, the employer
163 shall pay retirement contributions in an amount equal to the
164 unfunded actuarial liability portion of the employer
165 contribution which would be required for regular members of the
166 Florida Retirement System. Effective July 1, 1991, contributions
167 shall be made as provided in s. 121.122 for retirees with
168 renewed membership or subsection (13) with respect to DROP
169 participants.

170 8. Any person who has previously retired and who is
171 holding an elective public office or an appointment to an
172 elective public office eligible for the Elected Officers' Class
173 on or after July 1, 1990, shall be enrolled in the Florida
174 Retirement System as provided in s. 121.053(1)(b) or, if holding
175 an elective public office that does not qualify for the Elected
176 Officers' Class on or after July 1, 1991, shall be enrolled in
177 the Florida Retirement System as provided in s. 121.122, and
178 shall continue to receive retirement benefits as well as
179 compensation for the elected officer's service for as long as he
180 or she remains in elective office. However, any retired member
181 who served in an elective office prior to July 1, 1990,
182 suspended his or her retirement benefit, and had his or her
183 Florida Retirement System membership reinstated shall, upon

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184 retirement from such office, have his or her retirement benefit
185 recalculated to include the additional service and compensation
186 earned.

187 9. Any person who is holding an elective public office
188 which is covered by the Florida Retirement System and who is
189 concurrently employed in nonelected covered employment may elect
190 to retire while continuing employment in the elective public
191 office, provided that he or she shall be required to terminate
192 his or her nonelected covered employment. Any person who
193 exercises this election shall receive his or her retirement
194 benefits in addition to the compensation of the elective office
195 without regard to the time limitations otherwise provided in
196 this subsection. No person who seeks to exercise the provisions
197 of this subparagraph, as the same existed prior to May 3, 1984,
198 shall be deemed to be retired under those provisions, unless
199 such person is eligible to retire under the provisions of this
200 subparagraph, as amended by chapter 84-11, Laws of Florida.

201 10. The limitations of this paragraph apply to
202 reemployment in any capacity with an "employer" as defined in s.
203 121.021(10), irrespective of the category of funds from which
204 the person is compensated.

205 11. An employing agency may reemploy a retired member as a
206 firefighter or paramedic after the retired member has been
207 retired for 1 calendar month, in accordance with s. 121.021(39).
208 Any retired member who is reemployed within 1 calendar month
209 after retirement shall void his or her application for
210 retirement benefits. The employing agency reemploying such
211 firefighter or paramedic is subject to the retired contribution

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212 required in subparagraph 8. Reemployment of a retired
213 firefighter or paramedic is limited to no more than 780 hours
214 during the first 12 months of his or her retirement. Any retired
215 member reemployed for more than 780 hours during the first 12
216 months of retirement shall give timely notice in writing to the
217 employer and to the division of the date he or she will exceed
218 the limitation. The division shall suspend his or her retirement
219 benefits for the remainder of the first 12 months of retirement.
220 Any person employed in violation of this subparagraph and any
221 employing agency which knowingly employs or appoints such person
222 without notifying the Division of Retirement to suspend
223 retirement benefits shall be jointly and severally liable for
224 reimbursement to the Retirement System Trust Fund of any
225 benefits paid during the reemployment limitation period. To
226 avoid liability, such employing agency shall have a written
227 statement from the retiree that he or she is not retired from a
228 state-administered retirement system. Any retirement benefits
229 received by a retired member while reemployed in excess of 780
230 hours during the first 12 months of retirement shall be repaid
231 to the Retirement System Trust Fund, and retirement benefits
232 shall remain suspended until repayment is made. Benefits
233 suspended beyond the end of the retired member's first 12 months
234 of retirement shall apply toward repayment of benefits received
235 in violation of the 780-hour reemployment limitation.

236

237 ===== D I R E C T O R Y A M E N D M E N T =====

238 Remove line 12 and insert:

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239 Section 1. Paragraph (b) of subsection (9) and paragraphs
240 (a) and (b) of subsection (13) of

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

243 Remove line 3 and insert:

244 s. 121.091, F.S.; authorizing district school boards to reemploy
245 retired members of the Florida Retirement System as
246 instructional personnel on an annual contractual basis after 1
247 month's retirement; increasing the period of time in which