

1 A bill to be entitled
 2 An act relating to retirement; amending s. 121.091, F.S.;
 3 prohibiting previously retired persons elected to public
 4 office or appointed to an elective public office from
 5 receiving retirement benefits until after termination of
 6 such service; 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

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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).

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

57 | has been made. Benefits suspended beyond the reemployment
58 | limitation shall apply toward repayment of benefits received in
59 | violation of the reemployment limitation.

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

75 | 4. A community college board of trustees may reemploy a
76 | retired member as an adjunct instructor, that is, an instructor
77 | who is noncontractual and part-time, or as a participant in a
78 | phased retirement program within the Florida Community College
79 | System, after he or she has been retired for 1 calendar month,
80 | in accordance with s. 121.021(39). Any retired member who is
81 | reemployed within 1 calendar month after retirement shall void
82 | his or her application for retirement benefits. Boards of
83 | trustees reemploying such instructors are subject to the
84 | retirement contribution required in subparagraph 7. A retired

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

108 5. The State University System may reemploy a retired
109 member as an adjunct faculty member or as a participant in a
110 phased retirement program within the State University System
111 after the retired member has been retired for 1 calendar month,
112 in accordance with s. 121.021(39). Any retired member who is

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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141 6. The Board of Trustees of the Florida School for the
142 Deaf and the Blind may reemploy a retired member as a substitute
143 teacher, substitute residential instructor, or substitute nurse
144 on a noncontractual basis after he or she has been retired for 1
145 calendar month, in accordance with s. 121.021(39). Any retired
146 member who is reemployed within 1 calendar month after
147 retirement shall void his or her application for retirement
148 benefits. The Board of Trustees of the Florida School for the
149 Deaf and the Blind reemploying such teachers, residential
150 instructors, or nurses is subject to the retirement contribution
151 required by subparagraph 7. Reemployment of a retired member as
152 a substitute teacher, substitute residential instructor, or
153 substitute nurse is limited to 780 hours during the first 12
154 months of his or her retirement. Any retired member reemployed
155 for more than 780 hours during the first 12 months of retirement
156 shall give timely notice in writing to the employer and to the
157 division of the date he or she will exceed the limitation. The
158 division shall suspend his or her retirement benefits for the
159 remainder of the first 12 months of retirement. Any person
160 employed in violation of this subparagraph and any employing
161 agency which knowingly employs or appoints such person without
162 notifying the Division of Retirement to suspend retirement
163 benefits shall be jointly and severally liable for reimbursement
164 to the retirement trust fund of any benefits paid during the
165 reemployment limitation period. To avoid liability, such
166 employing agency shall have a written statement from the retiree
167 that he or she is not retired from a state-administered
168 retirement system. Any retirement benefits received by a retired

169 member while reemployed in excess of 780 hours during the first
170 12 months of retirement shall be repaid to the Retirement System
171 Trust Fund, and his or her retirement benefits shall remain
172 suspended until payment is made. Benefits suspended beyond the
173 end of the retired member's first 12 months of retirement shall
174 apply toward repayment of benefits received in violation of the
175 780-hour reemployment limitation.

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

190 8. Any person who has previously retired and who is
191 holding an elective public office or an appointment to an
192 elective public office eligible for the Elected Officers' Class
193 on or after July 1, 1990, shall be enrolled in the Florida
194 Retirement System as provided in s. 121.053(1)(b) or, if holding
195 an elective public office that does not qualify for the Elected
196 Officers' Class on or after July 1, 1991, shall be enrolled in

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197 the Florida Retirement System as provided in s. 121.122, and
198 shall ~~continue to receive retirement benefits as well as~~
199 compensation for the elected officer's service for as long as he
200 or she remains in elective office. Notwithstanding subparagraph
201 1., any previously retired person holding an elective public
202 office or appointed to an elective public office is not eligible
203 to receive retirement benefits until after he or she terminates
204 such service, at which point such suspension of retirement
205 benefits shall end and he or she shall have his or her
206 retirement benefit recalculated to include the additional
207 service and compensation earned. However, any retired member who
208 served in an elective office prior to July 1, 1990, suspended
209 his or her retirement benefit, and had his or her Florida
210 Retirement System membership reinstated shall, upon retirement
211 from such office, have his or her retirement benefit
212 recalculated to include the additional service and compensation
213 earned.

214 9. Any person who is holding an elective public office
215 which is covered by the Florida Retirement System and who is
216 concurrently employed in nonelected covered employment may elect
217 to retire while continuing employment in the elective public
218 office, provided that he or she shall be required to terminate
219 his or her nonelected covered employment. Any person who
220 exercises this election shall receive his or her ~~retirement~~
221 ~~benefits in addition to the~~ compensation of the elective office
222 without regard to the time limitations otherwise provided in
223 this subsection and shall receive his or her retirement benefits
224 as provided in subparagraph 8. No person who seeks to exercise

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225 the provisions of this subparagraph, as the same existed prior
226 to May 3, 1984, shall be deemed to be retired under those
227 provisions, unless such person is eligible to retire under the
228 provisions of this subparagraph, as amended by chapter 84-11,
229 Laws of Florida.

230 10. The limitations of this paragraph apply to
231 reemployment in any capacity with an "employer" as defined in s.
232 121.021(10), irrespective of the category of funds from which
233 the person is compensated.

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

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

265 Section 2. This act shall take effect July 1, 2008.