

1 A bill to be entitled
2 An act relating to retirement; amending s. 121.021, F.S.;
3 redefining the term "compensation" to include certain
4 supplementary payments made to firefighters, paramedics,
5 and emergency medical technicians and certain employer-
6 reported retirement contributions; redefining the term
7 "average final compensation" with respect to members of
8 the Special Risk Class of the Florida Retirement System;
9 providing for contribution rate increases to fund the
10 modification in average final compensation; amending s.
11 121.0515, F.S.; authorizing certain employees to purchase
12 additional retirement credit for past service at a 3-
13 percent Special Risk Class accrual value; providing for
14 contribution rate increases to fund the benefits provided
15 in s. 121.0515, F.S., as amended; amending s. 121.091,
16 F.S.; revising provisions relating to benefits payable for
17 total and permanent disability for certain Special Risk
18 Class members who are injured in the line of duty;
19 authorizing reemployment of a person who retired with in-
20 line-of-duty disability benefits by employers not
21 participating in a state-administered retirement system;
22 authorizing reemployment of a person who retired with in-
23 line-of-duty disability benefits by an employer
24 participating in a state-administered retirement system
25 after 1 calendar month; providing for contribution rate
26 increases to fund the benefits provided in s. 121.091,
27 F.S., as amended; directing the Division of Statutory
28 Revision to adjust the uniform contribution rates set

HB 677

2008

29 | forth in s. 121.71, F.S., to conform to the changes made
 30 | by the act; requiring the Division of Retirement to
 31 | request a letter ruling from the Internal Revenue Service;
 32 | providing for certain contingent effect; providing
 33 | legislative findings and a declaration of important state
 34 | interest; providing effective dates.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:

37 |
 38 | Section 1. Paragraph (a) of subsection (22) and subsection
 39 | (24) of section 121.021, Florida Statutes, are amended to read:

40 | 121.021 Definitions.--The following words and phrases as
 41 | used in this chapter have the respective meanings set forth
 42 | unless a different meaning is plainly required by the context:

43 | (22) "Compensation" means the monthly salary paid a member
 44 | by his or her employer for work performed arising from that
 45 | employment.

46 | (a) Compensation shall include:

- 47 | 1. Overtime payments paid from a salary fund.
 48 | 2. Accumulated annual leave payments.
 49 | 3. Payments in addition to the employee's base rate of pay
 50 | if all the following apply:

51 | a. The payments are paid according to a formal written
 52 | policy that applies to all eligible employees equally;

53 | b. The policy provides that payments shall commence no
 54 | later than the 11th year of employment;

55 | c. The payments are paid for as long as the employee
 56 | continues his or her employment; and

57 | d. The payments are paid at least annually.

58 | 4. Amounts withheld for tax sheltered annuities or

59 | deferred compensation programs, or any other type of salary

60 | reduction plan authorized under the Internal Revenue Code.

61 | 5. Payments made in lieu of a permanent increase in the

62 | base rate of pay, whether made annually or in 12 or 26 equal

63 | payments within a 12-month period, when the member's base pay is

64 | at the maximum of his or her pay range. When a portion of a

65 | member's annual increase raises his or her pay range and the

66 | excess is paid as a lump sum payment, such lump sum payment

67 | shall be compensation for retirement purposes.

68 | 6. Effective July 1, 2002, salary supplements made

69 | pursuant to s. 1012.72 requiring a valid National Board for

70 | Professional Standards certificate, notwithstanding the

71 | provisions of subparagraph 3.

72 | 7. Effective July 1, 2008, salary supplements made to

73 | firefighters, paramedics, or emergency medical technicians for

74 | the successful completion of employer-approved educational

75 | training or for additional job-related duties and

76 | responsibilities, notwithstanding the provisions of subparagraph

77 | 3.

78 | (24) "Average final compensation" means the average of the

79 | 5 highest fiscal years of compensation for creditable service

80 | prior to retirement, termination, or death; however, "average

81 | final compensation" applicable to a member of the Special Risk

82 | Class means the average of the 3 highest fiscal years of

83 | compensation for creditable service prior to retirement,

84 | termination, or death. For in-line-of-duty disability benefits,

85 | if less than the number of years of creditable service specified
 86 | for calculating average final compensation has ~~5 years of~~
 87 | ~~creditable service~~ have been completed, the term "average final
 88 | compensation" means the average annual compensation of the total
 89 | number of years of creditable service. Each year used in the
 90 | calculation of average final compensation shall commence on July
 91 | 1.

92 | (a) The average final compensation shall include:

- 93 | 1. Accumulated annual leave payments, not to exceed 500
- 94 | hours; and
- 95 | 2. All payments defined as compensation in subsection
- 96 | (22).

97 | (b) The average final compensation shall not include:

- 98 | 1. Compensation paid to professional persons for special
- 99 | or particular services;
- 100 | 2. Payments for accumulated sick leave made due to
- 101 | retirement or termination;
- 102 | 3. Payments for accumulated annual leave in excess of 500
- 103 | hours;
- 104 | 4. Bonuses as defined in subsection (47);
- 105 | 5. Third party payments made on and after July 1, 1990; or
- 106 | 6. Fringe benefits (for example, automobile allowances or
- 107 | housing allowances).

108 | Section 2. Effective July 1, 2008, for the purpose of
 109 | funding the 3-year average final compensation benefit change
 110 | made by section 1 of this act:

111 | (1) The contribution rate that applies to the Special Risk
 112 | Class of the Florida Retirement System shall be increased by

113 2.36 percentage points.

114 (2) The contribution rate that applies to the Special Risk
 115 Administrative Support Class of the Florida Retirement System
 116 shall be increased by 2.54 percentage points.

117 (3) The contribution rate that applies to the legislative-
 118 attorney-Cabinet subclass of the Elected Officers' Class of the
 119 Florida Retirement System shall be increased by 0.01 percentage
 120 points.

121 (4) The contribution rate that applies to the Senior
 122 Management Service Class of the Florida Retirement System shall
 123 be increased by 0.01 percentage points.

124
 125 These increases shall be in addition to all other changes to
 126 contribution rates which may be enacted into law to take effect
 127 on that date. The Division of Statutory Revision is directed to
 128 adjust accordingly the contribution rates set forth in s.
 129 121.71, Florida Statutes.

130 Section 3. Subsection (5) of section 121.0515, Florida
 131 Statutes, is amended to read:

132 121.0515 Special risk membership.--

133 (5) CREDIT FOR PAST SERVICE.--A special risk member may
 134 purchase retirement credit in the Special Risk Class based upon
 135 past service, and may upgrade retirement credit for such past
 136 service, to the extent of 3 ~~2~~ percent of the member's average
 137 monthly compensation as specified in s. 121.091(1)(a) for such
 138 service as follows:

139 (a) The member may purchase special risk credit for past
 140 service with a city or special district which has elected to

141 | join the Florida Retirement System, or with a participating
 142 | agency to which a member's governmental unit was transferred,
 143 | merged, or consolidated as provided in s. 121.081(1)(f), if the
 144 | member was employed with the city or special district at the
 145 | time it commenced participating in the Florida Retirement System
 146 | or with the governmental unit at the time of its transfer,
 147 | merger, or consolidation with the participating agency. The
 148 | service must satisfy the criteria set forth in subsection (2)
 149 | for special risk membership as a law enforcement officer, a
 150 | firefighter, a ~~ex~~ correctional officer, an emergency medical
 151 | technician, or a paramedic whose employer was a licensed Advance
 152 | Life Support (ALS) or Basic Life Support (BLS) provider;
 153 | however, no certificate or waiver of certificate of compliance
 154 | with s. 943.1395 or s. 633.35 shall be required for such
 155 | service.

156 | (b) Contributions for upgrading the additional special
 157 | risk credit pursuant to this subsection shall be equal to the
 158 | difference in the contributions paid and the special risk
 159 | percentage rate of gross salary in effect at the time of
 160 | purchase for the period being claimed, plus interest thereon at
 161 | the rate of 4 percent a year compounded annually from the date
 162 | of such service until July 1, 1975, and 6.5 percent a year
 163 | thereafter until the date of payment. This past service may be
 164 | purchased by the member or by the employer on behalf of the
 165 | member.

166 | Section 4. Effective July 1, 2008, in order to fund the
 167 | benefit improvements provided in s. 121.0515, Florida Statutes,
 168 | as amended by section 3 of this act, the contribution rate that

169 applies to the Special Risk Class of the defined benefit program
 170 of the Florida Retirement System shall be increased by 0.07
 171 percentage points. This increase shall be in addition to all
 172 other changes to such contribution rates that may be enacted
 173 into law to take effect on that date. The Division of Statutory
 174 Revision is directed to adjust accordingly the contribution
 175 rates set forth in s. 121.71, Florida Statutes.

176 Section 5. Paragraph (b) of subsection (4) and subsection
 177 (9) of section 121.091, Florida Statutes, are amended to read:

178 121.091 Benefits payable under the system.--Benefits may
 179 not be paid under this section unless the member has terminated
 180 employment as provided in s. 121.021(39) (a) or begun
 181 participation in the Deferred Retirement Option Program as
 182 provided in subsection (13), and a proper application has been
 183 filed in the manner prescribed by the department. The department
 184 may cancel an application for retirement benefits when the
 185 member or beneficiary fails to timely provide the information
 186 and documents required by this chapter and the department's
 187 rules. The department shall adopt rules establishing procedures
 188 for application for retirement benefits and for the cancellation
 189 of such application when the required information or documents
 190 are not received.

191 (4) DISABILITY RETIREMENT BENEFIT.--

192 (b) Total and permanent disability.--

193 1. Except as provided in subparagraph 2., a member shall
 194 be considered totally and permanently disabled if, in the
 195 opinion of the administrator, he or she is prevented, by reason
 196 of a medically determinable physical or mental impairment, from

HB 677

2008

197 rendering useful and efficient service as an officer or
198 employee.

199 2. A member of the Special Risk Class who is a law
200 enforcement officer, firefighter, correctional officer,
201 emergency medical technician, or paramedic as described in s.
202 121.021(15)(c) or a community-based correctional probation
203 officer as described in s. 121.021(15)(d)1. shall be considered
204 totally and permanently disabled in the line of duty if he or
205 she is prevented, by reason of a medically determinable physical
206 or mental impairment caused by a job-related injury, from
207 performing useful and efficient service in the position held,
208 unless the administrator can provide competent medical evidence
209 to the contrary.

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

211 (a) 1. Except as provided in subparagraph 2., any person
212 who is retired under this chapter, except under the disability
213 retirement provisions of subsection (4), may be employed by an
214 employer that does not participate in a state-administered
215 retirement system and may receive compensation from that
216 employment without limiting or restricting in any way the
217 retirement benefits payable to that person.

218 2. Any member of the Special Risk Class who retired under
219 the disability retirement provisions of subparagraph (4)(b)2.
220 may be reemployed by any employer not participating in a state-
221 administered retirement system in any position other than the
222 position in which he or she was employed at the time of the
223 disabling illness or injury and may receive compensation from
224 that employment without limiting or restricting in any way the

HB 677

2008

225 disability benefits payable to that person under the Florida
226 Retirement System.

227 (b)1.a. Except as provided in sub-subparagraph b., any
228 person who is retired under this chapter, except under the
229 disability retirement provisions of subsection (4), may be
230 reemployed by any private or public employer after retirement
231 and receive retirement benefits and compensation from his or her
232 employer without any limitations, except that a person may not
233 receive both a salary from reemployment with any agency
234 participating in the Florida Retirement System and retirement
235 benefits under this chapter for a period of 12 months
236 immediately subsequent to the date of retirement. However, a
237 DROP participant shall continue employment and receive a salary
238 during the period of participation in the Deferred Retirement
239 Option Program, as provided in subsection (13).

240 b. Any member of the Special Risk Class who retired under
241 the disability retirement provisions of subparagraph (4)(b)2.
242 may be reemployed by any employer participating in a state-
243 administered retirement system after having been retired for 1
244 calendar month, in accordance with s. 121.021(39). After 1
245 calendar month of retirement, any such retired member may be
246 reemployed in any position other than the one in which he or she
247 was employed at the time of disability retirement, may be
248 reemployed in any position other than a position that is
249 included in the Special Risk Class, and may receive compensation
250 from that employment without limiting or restricting in any way
251 the retirement benefits payable to that person under this
252 chapter. Any retired member who is reemployed within 1 calendar

HB 677

2008

253 month after retirement shall void his or her application for
254 retirement benefits. Any retired member who is reemployed in a
255 Special Risk Class position must terminate his or her disability
256 retirement benefit effective the first day of the first month of
257 reemployment in that position.

258 2. Any person to whom the limitation in subparagraph 1.
259 applies who violates such reemployment limitation and who is
260 reemployed with any agency participating in the Florida
261 Retirement System before completion of the 12-month limitation
262 period shall give timely notice of this fact in writing to the
263 employer and to the division and shall have his or her
264 retirement benefits suspended for the balance of the 12-month
265 limitation period. Any person employed in violation of this
266 paragraph and any employing agency which knowingly employs or
267 appoints such person without notifying the Division of
268 Retirement to suspend retirement benefits shall be jointly and
269 severally liable for reimbursement to the retirement trust fund
270 of any benefits paid during the reemployment limitation period.
271 To avoid liability, such employing agency shall have a written
272 statement from the retiree that he or she is not retired from a
273 state-administered retirement system. Any retirement benefits
274 received while reemployed during this reemployment limitation
275 period shall be repaid to the retirement trust fund, and
276 retirement benefits shall remain suspended until such repayment
277 has been made. Benefits suspended beyond the reemployment
278 limitation shall apply toward repayment of benefits received in
279 violation of the reemployment limitation.

280 3. A district school board may reemploy a retired member

281 as a substitute or hourly teacher, education paraprofessional,
282 transportation assistant, bus driver, or food service worker on
283 a noncontractual basis after he or she has been retired for 1
284 calendar month, in accordance with s. 121.021(39). A district
285 school board may reemploy a retired member as instructional
286 personnel, as defined in s. 1012.01(2)(a), on an annual
287 contractual basis after he or she has been retired for 1
288 calendar month, in accordance with s. 121.021(39). Any other
289 retired member who is reemployed within 1 calendar month after
290 retirement shall void his or her application for retirement
291 benefits. District school boards reemploying such teachers,
292 education paraprofessionals, transportation assistants, bus
293 drivers, or food service workers are subject to the retirement
294 contribution required by subparagraph 7.

295 4. A community college board of trustees may reemploy a
296 retired member as an adjunct instructor, that is, an instructor
297 who is noncontractual and part-time, or as a participant in a
298 phased retirement program within the Florida Community College
299 System, after he or she has been retired for 1 calendar month,
300 in accordance with s. 121.021(39). Any retired member who is
301 reemployed within 1 calendar month after retirement shall void
302 his or her application for retirement benefits. Boards of
303 trustees reemploying such instructors are subject to the
304 retirement contribution required in subparagraph 7. A retired
305 member may be reemployed as an adjunct instructor for no more
306 than 780 hours during the first 12 months of retirement. Any
307 retired member reemployed for more than 780 hours during the
308 first 12 months of retirement shall give timely notice in

HB 677

2008

309 writing to the employer and to the division of the date he or
310 she will exceed the limitation. The division shall suspend his
311 or her retirement benefits for the remainder of the first 12
312 months of retirement. Any person employed in violation of this
313 subparagraph and any employing agency which knowingly employs or
314 appoints such person without notifying the Division of
315 Retirement to suspend retirement benefits shall be jointly and
316 severally liable for reimbursement to the retirement trust fund
317 of any benefits paid during the reemployment limitation period.
318 To avoid liability, such employing agency shall have a written
319 statement from the retiree that he or she is not retired from a
320 state-administered retirement system. Any retirement benefits
321 received by a retired member while reemployed in excess of 780
322 hours during the first 12 months of retirement shall be repaid
323 to the Retirement System Trust Fund, and retirement benefits
324 shall remain suspended until repayment is made. Benefits
325 suspended beyond the end of the retired member's first 12 months
326 of retirement shall apply toward repayment of benefits received
327 in violation of the 780-hour reemployment limitation.

328 5. The State University System may reemploy a retired
329 member as an adjunct faculty member or as a participant in a
330 phased retirement program within the State University System
331 after the retired member has been retired for 1 calendar month,
332 in accordance with s. 121.021(39). Any retired member who is
333 reemployed within 1 calendar month after retirement shall void
334 his or her application for retirement benefits. The State
335 University System is subject to the retirement ~~retired~~
336 contribution required in subparagraph 7., as appropriate. A

HB 677

2008

337 | retired member may be reemployed as an adjunct faculty member or
338 | a participant in a phased retirement program for no more than
339 | 780 hours during the first 12 months of his or her retirement.
340 | Any retired member reemployed for more than 780 hours during the
341 | first 12 months of retirement shall give timely notice in
342 | writing to the employer and to the division of the date he or
343 | she will exceed the limitation. The division shall suspend his
344 | or her retirement benefits for the remainder of the first 12
345 | months of retirement. Any person employed in violation of this
346 | subparagraph and any employing agency which knowingly employs or
347 | appoints such person without notifying the Division of
348 | Retirement to suspend retirement benefits shall be jointly and
349 | severally liable for reimbursement to the retirement trust fund
350 | of any benefits paid during the reemployment limitation period.
351 | To avoid liability, such employing agency shall have a written
352 | statement from the retiree that he or she is not retired from a
353 | state-administered retirement system. Any retirement benefits
354 | received by a retired member while reemployed in excess of 780
355 | hours during the first 12 months of retirement shall be repaid
356 | to the Retirement System Trust Fund, and retirement benefits
357 | shall remain suspended until repayment is made. Benefits
358 | suspended beyond the end of the retired member's first 12 months
359 | of retirement shall apply toward repayment of benefits received
360 | in violation of the 780-hour reemployment limitation.

361 | 6. The Board of Trustees of the Florida School for the
362 | Deaf and the Blind may reemploy a retired member as a substitute
363 | teacher, substitute residential instructor, or substitute nurse
364 | on a noncontractual basis after he or she has been retired for 1

365 calendar month, in accordance with s. 121.021(39). Any retired
366 member who is reemployed within 1 calendar month after
367 retirement shall void his or her application for retirement
368 benefits. The Board of Trustees of the Florida School for the
369 Deaf and the Blind reemploying such teachers, residential
370 instructors, or nurses is subject to the retirement contribution
371 required by subparagraph 7. Reemployment of a retired member as
372 a substitute teacher, substitute residential instructor, or
373 substitute nurse is limited to 780 hours during the first 12
374 months of his or her retirement. Any retired member reemployed
375 for more than 780 hours during the first 12 months of retirement
376 shall give timely notice in writing to the employer and to the
377 division of the date he or she will exceed the limitation. The
378 division shall suspend his or her retirement benefits for the
379 remainder of the first 12 months of retirement. Any person
380 employed in violation of this subparagraph and any employing
381 agency which knowingly employs or appoints such person without
382 notifying the Division of Retirement to suspend retirement
383 benefits shall be jointly and severally liable for reimbursement
384 to the retirement trust fund of any benefits paid during the
385 reemployment limitation period. To avoid liability, such
386 employing agency shall have a written statement from the retiree
387 that he or she is not retired from a state-administered
388 retirement system. Any retirement benefits received by a retired
389 member while reemployed in excess of 780 hours during the first
390 12 months of retirement shall be repaid to the Retirement System
391 Trust Fund, and his or her retirement benefits shall remain
392 suspended until payment is made. Benefits suspended beyond the

HB 677

2008

393 end of the retired member's first 12 months of retirement shall
394 apply toward repayment of benefits received in violation of the
395 780-hour reemployment limitation.

396 7. The employment by an employer of any retiree or DROP
397 participant of any state-administered retirement system shall
398 have no effect on the average final compensation or years of
399 creditable service of the retiree or DROP participant. Prior to
400 July 1, 1991, upon employment of any person, other than an
401 elected officer as provided in s. 121.053, who has been retired
402 under any state-administered retirement program, the employer
403 shall pay retirement contributions in an amount equal to the
404 unfunded actuarial liability portion of the employer
405 contribution which would be required for regular members of the
406 Florida Retirement System. Effective July 1, 1991, contributions
407 shall be made as provided in s. 121.122 for retirees with
408 renewed membership or subsection (13) with respect to DROP
409 participants.

410 8. Any person who has previously retired and who is
411 holding an elective public office or an appointment to an
412 elective public office eligible for the Elected Officers' Class
413 on or after July 1, 1990, shall be enrolled in the Florida
414 Retirement System as provided in s. 121.053(1)(b) or, if holding
415 an elective public office that does not qualify for the Elected
416 Officers' Class on or after July 1, 1991, shall be enrolled in
417 the Florida Retirement System as provided in s. 121.122, and
418 shall continue to receive retirement benefits as well as
419 compensation for the elected officer's service for as long as he
420 or she remains in elective office. However, any retired member

421 who served in an elective office prior to July 1, 1990,
422 suspended his or her retirement benefit, and had his or her
423 Florida Retirement System membership reinstated shall, upon
424 retirement from such office, have his or her retirement benefit
425 recalculated to include the additional service and compensation
426 earned.

427 9. Any person who is holding an elective public office
428 which is covered by the Florida Retirement System and who is
429 concurrently employed in nonelected covered employment may elect
430 to retire while continuing employment in the elective public
431 office, provided that he or she shall be required to terminate
432 his or her nonelected covered employment. Any person who
433 exercises this election shall receive his or her retirement
434 benefits in addition to the compensation of the elective office
435 without regard to the time limitations otherwise provided in
436 this subsection. No person who seeks to exercise the provisions
437 of this subparagraph, as the same existed prior to May 3, 1984,
438 shall be deemed to be retired under those provisions, unless
439 such person is eligible to retire under the provisions of this
440 subparagraph, as amended by chapter 84-11, Laws of Florida.

441 10. The limitations of this paragraph apply to
442 reemployment in any capacity with an "employer" as defined in s.
443 121.021(10), irrespective of the category of funds from which
444 the person is compensated.

445 11. Except as provided in subparagraph 12., an employing
446 agency may reemploy a retired member as a firefighter or
447 paramedic after the retired member has been retired for 1
448 calendar month, in accordance with s. 121.021(39). Any retired

449 member who is reemployed within 1 calendar month after
450 retirement shall void his or her application for retirement
451 benefits. The employing agency reemploying such firefighter or
452 paramedic is subject to the retirement ~~retired~~ contribution
453 required in subparagraph 7. ~~8.~~ Reemployment of a retired
454 firefighter or paramedic is limited to no more than 780 hours
455 during the first 12 months of his or her retirement. Any retired
456 member reemployed for more than 780 hours during the first 12
457 months of retirement shall give timely notice in writing to the
458 employer and to the division of the date he or she will exceed
459 the limitation. The division shall suspend his or her retirement
460 benefits for the remainder of the first 12 months of retirement.
461 Any person employed in violation of this subparagraph and any
462 employing agency which knowingly employs or appoints such person
463 without notifying the Division of Retirement to suspend
464 retirement benefits shall be jointly and severally liable for
465 reimbursement to the Retirement System Trust Fund of any
466 benefits paid during the reemployment limitation period. To
467 avoid liability, such employing agency shall have a written
468 statement from the retiree that he or she is not retired from a
469 state-administered retirement system. Any retirement benefits
470 received by a retired member while reemployed in excess of 780
471 hours during the first 12 months of retirement shall be repaid
472 to the Retirement System Trust Fund, and retirement benefits
473 shall remain suspended until repayment is made. Benefits
474 suspended beyond the end of the retired member's first 12 months
475 of retirement shall apply toward repayment of benefits received
476 in violation of the 780-hour reemployment limitation.

477 12.a. An employing agency may reemploy a retired member
478 who retired under the disability provisions of subparagraph
479 (4)(b)2. as a law enforcement officer, firefighter, correctional
480 officer, emergency medical technician, paramedic, or community-
481 based correctional probation officer after the retired member
482 has been retired for 1 calendar month, in accordance with s.
483 121.021(39).

484 b. Such retired member may not be reemployed with any
485 employer in the position he or she held at the time of the
486 disabling illness or injury and may not be reemployed in a
487 position that is included in the Special Risk Class.

488 c. Any retired member who is reemployed within 1 calendar
489 month after retirement shall void his or her application for
490 retirement benefits. Any retired member who is reemployed in a
491 Special Risk Class position must terminate his or her disability
492 retirement benefit effective the first day of the first month of
493 reemployment in that position.

494 d. The employing agency reemploying such a member is
495 subject to the retirement contribution required in subparagraph
496 7.

497 (c) The provisions of this subsection apply to retirees,
498 as defined in s. 121.4501(2)(j), of the Public Employee Optional
499 Retirement Program created in part II, subject to the following
500 conditions:

501 1. Such retirees may not be reemployed with an employer
502 participating in the Florida Retirement System as provided in
503 paragraph (b) until such person has been retired for 3 calendar
504 months, unless the participant has reached the normal retirement

HB 677

2008

505 requirements of the defined benefit plan as provided in s.
506 121.021(29).

507 2. Such retiree employed in violation of this subsection
508 and any employing agency that knowingly employs or appoints such
509 person shall be jointly and severally liable for reimbursement
510 of any benefits paid to the retirement trust fund from which the
511 benefits were paid, including the Retirement System Trust Fund
512 and the Public Employee Optional Retirement Program Trust Fund,
513 as appropriate. To avoid liability, such employing agency must
514 have a written statement from the retiree that he or she is not
515 retired from a state-administered retirement system.

516 Section 6. Effective July 1, 2008, in order to fund the
517 benefit improvements provided in s. 121.091, Florida Statutes,
518 as amended by section 5 of this act, the contribution rate that
519 applies to the Special Risk Class of the defined benefit program
520 of the Florida Retirement System shall be increased by 0.31
521 percentage points. This increase shall be in addition to all
522 other changes to such contribution rates that may be enacted
523 into law to take effect on that date. The Division of Statutory
524 Revision is directed to adjust accordingly the contribution
525 rates set forth in s. 121.71, Florida Statutes.

526 Section 7. The Division of Retirement within the
527 Department of Management Services shall request from the
528 Internal Revenue Service, by October 1, 2008, a letter ruling
529 regarding the provisions of s. 121.091, Florida Statutes, as
530 amended by section 5 of this act.

531 Section 8. The Legislature finds that a proper and
532 legitimate state purpose is served when employees and retirees

533 of the state and its political subdivisions, and the dependents,
534 survivors, and beneficiaries of such employees and retirees, are
535 extended the basic protections afforded by governmental
536 retirement systems. These persons must be provided benefits that
537 are fair and adequate and that are managed, administered, and
538 funded in an actuarially sound manner, as required by s. 14,
539 Art. X of the State Constitution and part VII of chapter 112,
540 Florida Statutes. The Legislature further finds that
541 firefighters, emergency medical technicians, paramedics, law
542 enforcement officers, correctional officers, and correctional
543 probation officers, as described in this act, perform state and
544 municipal functions; that it is their duty to protect life and
545 property at their own risk and peril; that it is their duty to
546 continuously instruct school personnel, public officials, and
547 private citizens about safety; and that their activities are
548 vital to the public safety. Therefore, the Legislature declares
549 that it is a proper and legitimate state purpose to provide a
550 uniform retirement system for the benefit of firefighters,
551 emergency medical technicians, paramedics, law enforcement
552 officers, correctional officers, and correctional probation
553 officers, as defined in this act, and intends, in implementing
554 the provisions of s. 14, Art. X of the State Constitution as
555 they relate to municipal and special district pension trust fund
556 systems and plans, that such retirement systems or plans be
557 managed, administered, operated, and funded in such manner as to
558 maximize the protection of pension trust funds. Therefore,
559 pursuant to s. 18, Art. VII of the State Constitution, the

HB 677

2008

560 Legislature determines and declares that this act fulfills an
561 important state interest.

562 Section 9. This act shall take effect July 1, 2008, except
563 that the amendment of s. 121.091, Florida Statutes, in section 5
564 of this act shall take effect upon the receipt of a favorable
565 letter ruling from the Internal Revenue Service.