



526914

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/16/2009	.	
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The Committee on Governmental Oversight and Accountability
(Dean) recommended the following:

1 **Senate Substitute for Amendment (841212) (with title**
2 **amendment)**

3
4 Delete lines 675 - 698
5 and insert:

6 (b) The limitations on receiving a retirement benefit while
7 reemployed by an employer participating in a state-administered
8 retirement system are:

9 1. For persons who retire under this chapter on or after
10 January 1, 2010, or for DROP participation ending on or after
11 January 1, 2010:



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12 a. Except as provided in sub-subparagraphs b. and d., a
13 retiree may not receive a retirement benefit if the retiree is
14 receiving a salary or wages from reemployment with an employer
15 participating in the Florida Retirement System after the date of
16 retirement. However, a DROP participant may continue employment
17 and receive a salary during the period of participation in DROP,
18 as provided in subsection (13). Any retiree employed in
19 violation of this subparagraph, and any agency that employs or
20 appoints such person without notifying the Division of
21 Retirement to suspend retirement benefits are jointly and
22 severally liable for any retirement benefits paid during
23 reemployment. Any benefits received by a retiree while
24 reemployed must be repaid to the Florida Retirement System Trust
25 Fund, and his or her benefits remain suspended until repayment
26 is made.

27 b. A district school board may reemploy a retiree, after he
28 or she has met the definition of termination in s. 121.021(39),
29 as a substitute or hourly teacher, an education paraprofessional
30 transportation assistant, bus driver, or food service worker for
31 up to 780 hours per year. A retiree reemployed for more than 780
32 hours per year must give notice in writing on forms prescribed
33 by the Division of Retirement to the employer or employers and
34 to the division within 30 days before the date he or she will
35 exceed the 780-hour limitation, and his or her retirement
36 benefits will be suspended in the month the reemployed retiree
37 works 780 or more hours and for the balance of a 12-month
38 limitation period. Any retiree employed in violation of this
39 sub-subparagraph and any agency that employs or appoints such
40 person without notifying the division to suspend retirement



41 benefits is jointly and severally liable for any benefits paid
42 during the reemployment limitation period. Any retirement
43 benefits received by a retiree while reemployed during the
44 reemployment limitation period must be repaid to the Florida
45 Retirement System Trust Fund. The retirement benefits of a
46 retiree who violates this limitation remain suspended until
47 repayment is made. Benefits suspended apply toward repayment of
48 benefits received in violation of the reemployment limitation.

49 c. Except as provided in sub-subparagraph b., there are no
50 exceptions to the reemployment limitations in sub-subparagraph
51 a. and the exceptions in subparagraphs (b)3. and 4. do not
52 apply.

53 d. A retiree may be reemployed with an employer
54 participating in the Florida Retirement System if his or her
55 spouse was also an retiree of an employer that participated in
56 the Florida Retirement System and upon the spouse's death there
57 is no continuing benefit paid to the survivor.

58 e. The employment of a retiree or DROP participant of a
59 state-administered retirement system does not affect the average
60 final compensation or years of creditable service of the retiree
61 or DROP participant. The employer must pay retirement
62 contributions in an amount equal to the unfunded actuarial
63 liability portion of the employer contribution which would be
64 required for members of the Florida Retirement System.

65 f. This subparagraph regarding reemployment after
66 retirement applies to DROP participants effective upon
67 termination from employment and the end of DROP participation.

68
69 ===== T I T L E A M E N D M E N T =====



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70 And the title is amended as follows:
71 Delete lines 13 - 23
72 and insert:
73 121.091, F.S.; revising and clarifying provisions
74 relating to retirement benefits; providing that
75 persons employed by an employer participating in the
76 state-retirement system after a certain date may not
77 receive retirement benefits and a salary or wages;
78 providing an exception; deleting a restriction on the
79 reemployment of certain personnel by the Florida
80 School for the Deaf and the Blind; authorizing
81 developmental research school and charter schools to
82 reemploy certain retirees under specified conditions;
83 extending the period of time that instructional
84 personnel employed by a developmental research school
85 may participate in the Deferred Retirement Option
86 Program (DROP); providing applicability; clarifying
87 that DROP participation