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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 675 - 698  
and insert:

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

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



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

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



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

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

52 d. The employment of a retiree or DROP participant of a  
53 state-administered retirement system does not affect the average  
54 final compensation or years of creditable service of the retiree  
55 or DROP participant. The employer must pay retirement  
56 contributions in an amount equal to the unfunded actuarial  
57 liability portion of the employer contribution which would be  
58 required for members of the Florida Retirement System.

59 e. This subparagraph regarding reemployment after  
60 retirement applies to DROP participants effective upon  
61 termination from employment and the end of DROP participation.

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63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 13 - 23

67 and insert:

68 121.091, F.S.; revising and clarifying provisions  
69 relating to retirement benefits; providing that



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70 persons employed by an employer participating in the  
71 state-retirement system after a certain date may not  
72 receive retirement benefits and a salary or wages;  
73 providing an exception; deleting a restriction on the  
74 reemployment of certain personnel by the Florida  
75 School for the Deaf and the Blind; authorizing  
76 developmental research school and charter schools to  
77 reemploy certain retirees under specified conditions;  
78 extending the period of time that instructional  
79 personnel employed by a developmental research school  
80 may participate in the Deferred Retirement Option  
81 Program (DROP); providing applicability; clarifying  
82 that DROP participation