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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2013	.	
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The Committee on Community Affairs (Stargel) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 485 and 486
insert:

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b) Any person whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer,



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13 except that the person may not be reemployed by an employer
14 participating in the Florida Retirement System before meeting
15 the definition of termination in s. 121.021 and may not receive
16 both a salary from the employer and retirement benefits for 12
17 calendar months immediately subsequent to the date of
18 retirement. However, a DROP participant shall continue
19 employment and receive a salary during the period of
20 participation in the Deferred Retirement Option Program, as
21 provided in subsection (13).

22 1. A retiree who violates such reemployment limitation
23 before completion of the 12-month limitation period must give
24 timely notice of this fact in writing to the employer and to the
25 Division of Retirement or the state board and shall have his or
26 her retirement benefits suspended for the months employed or the
27 balance of the 12-month limitation period as required in sub-
28 subparagraphs b. and c. A retiree employed in violation of this
29 paragraph and an employer who employs or appoints such person
30 are jointly and severally liable for reimbursement to the
31 retirement trust fund, including the Florida Retirement System
32 Trust Fund and the Public Employee Optional Retirement Program
33 Trust Fund, from which the benefits were paid. The employer must
34 have a written statement from the retiree that he or she is not
35 retired from a state-administered retirement system. Retirement
36 benefits shall remain suspended until repayment has been made.
37 Benefits suspended beyond the reemployment limitation shall
38 apply toward repayment of benefits received in violation of the
39 reemployment limitation.

40 a. A district school board may reemploy a retiree as a
41 substitute or hourly teacher, education paraprofessional,



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42 transportation assistant, bus driver, or food service worker on
43 a noncontractual basis after he or she has been retired for 1
44 calendar month. A district school board may reemploy a retiree
45 as instructional personnel, as defined in s. 1012.01(2)(a), on
46 an annual contractual basis after he or she has been retired for
47 1 calendar month. Any member who is reemployed within 1 calendar
48 month after retirement shall void his or her application for
49 retirement benefits. District school boards reemploying such
50 teachers, education paraprofessionals, transportation
51 assistants, bus drivers, or food service workers are subject to
52 the retirement contribution required by subparagraph 2. This
53 sub-subparagraph does not allow a retiree to be awarded a
54 professional service contract under s. 1012.33.

55 b. A community college board of trustees may reemploy a
56 retiree as an adjunct instructor or as a participant in a phased
57 retirement program within the Florida Community College System,
58 after he or she has been retired for 1 calendar month. A member
59 who is reemployed within 1 calendar month after retirement shall
60 void his or her application for retirement benefits. Boards of
61 trustees reemploying such instructors are subject to the
62 retirement contribution required in subparagraph 2. A retiree
63 may be reemployed as an adjunct instructor for no more than 780
64 hours during the first 12 months of retirement. A retiree
65 reemployed for more than 780 hours during the first 12 months of
66 retirement must give timely notice in writing to the employer
67 and to the Division of Retirement or the state board of the date
68 he or she will exceed the limitation. The division shall suspend
69 his or her retirement benefits for the remainder of the 12
70 months of retirement. Any retiree employed in violation of this



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71 sub-subparagraph and any employer who employs or appoints such
72 person without notifying the division to suspend retirement
73 benefits are jointly and severally liable for any benefits paid
74 during the reemployment limitation period. The employer must
75 have a written statement from the retiree that he or she is not
76 retired from a state-administered retirement system. Any
77 retirement benefits received by the retiree while reemployed in
78 excess of 780 hours during the first 12 months of retirement
79 must be repaid to the Florida Retirement System Trust Fund, and
80 retirement benefits shall remain suspended until repayment is
81 made. Benefits suspended beyond the end of the retiree's first
82 12 months of retirement shall apply toward repayment of benefits
83 received in violation of the 780-hour reemployment limitation.

84 c. The State University System may reemploy a retiree as an
85 adjunct faculty member or as a participant in a phased
86 retirement program within the State University System after the
87 retiree has been retired for 1 calendar month. A member who is
88 reemployed within 1 calendar month after retirement shall void
89 his or her application for retirement benefits. The State
90 University System is subject to the retired contribution
91 required in subparagraph 2., as appropriate. A retiree may be
92 reemployed as an adjunct faculty member or a participant in a
93 phased retirement program for no more than 780 hours during the
94 first 12 months of his or her retirement. A retiree reemployed
95 for more than 780 hours during the first 12 months of retirement
96 must give timely notice in writing to the employer and to the
97 Division of Retirement or the state board of the date he or she
98 will exceed the limitation. The division shall suspend his or
99 her retirement benefits for the remainder of the 12 months. Any



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100 retiree employed in violation of this sub-subparagraph and any
101 employer who employs or appoints such person without notifying
102 the division to suspend retirement benefits are jointly and
103 severally liable for any benefits paid during the reemployment
104 limitation period. The employer must have a written statement
105 from the retiree that he or she is not retired from a state-
106 administered retirement system. Any retirement benefits received
107 by the retiree while reemployed in excess of 780 hours during
108 the first 12 months of retirement must be repaid to the Florida
109 Retirement System Trust Fund, and retirement benefits shall
110 remain suspended until repayment is made. Benefits suspended
111 beyond the end of the retiree's first 12 months of retirement
112 shall apply toward repayment of benefits received in violation
113 of the 780-hour reemployment limitation.

114 d. The Board of Trustees of the Florida School for the Deaf
115 and the Blind may reemploy a retiree as a substitute teacher,
116 substitute residential instructor, or substitute nurse on a
117 noncontractual basis after he or she has been retired for 1
118 calendar month. Any member who is reemployed within 1 calendar
119 month after retirement shall void his or her application for
120 retirement benefits. The Board of Trustees of the Florida School
121 for the Deaf and the Blind reemploying such teachers,
122 residential instructors, or nurses is subject to the retirement
123 contribution required by subparagraph 2.

124 e. A developmental research school may reemploy a retiree
125 as a substitute or hourly teacher or an education
126 paraprofessional as defined in s. 1012.01(2) on a noncontractual
127 basis after he or she has been retired for 1 calendar month. A
128 developmental research school may reemploy a retiree as



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129 instructional personnel, as defined in s. 1012.01(2)(a), on an
130 annual contractual basis after he or she has been retired for 1
131 calendar month after retirement. Any member who is reemployed
132 within 1 calendar month voids his or her application for
133 retirement benefits. A developmental research school that
134 reemploys retired teachers and education paraprofessionals is
135 subject to the retirement contribution required by subparagraph
136 2.

137 f. A charter school may reemploy a retiree as a substitute
138 or hourly teacher on a noncontractual basis after he or she has
139 been retired for 1 calendar month. A charter school may reemploy
140 a retired member as instructional personnel, as defined in s.
141 1012.01(2)(a), on an annual contractual basis after he or she
142 has been retired for 1 calendar month after retirement. Any
143 member who is reemployed within 1 calendar month voids his or
144 her application for retirement benefits. A charter school that
145 reemploys such teachers is subject to the retirement
146 contribution required by subparagraph 2.

147 2. The employment of a retiree or DROP participant of a
148 state-administered retirement system does not affect the average
149 final compensation or years of creditable service of the retiree
150 or DROP participant. Before July 1, 1991, upon employment of any
151 person, other than an elected officer as provided in s. 121.053,
152 who is retired under a state-administered retirement program,
153 the employer shall pay retirement contributions in an amount
154 equal to the unfunded actuarial liability portion of the
155 employer contribution which would be required for regular
156 members of the Florida Retirement System. Effective July 1,
157 1991, contributions shall be made as provided in s. 121.122 for



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158 retirees who have renewed membership or, as provided in
159 subsection (13), for DROP participants.

160 3. Any person who is holding an elective public office
161 which is covered by the Florida Retirement System and who is
162 concurrently employed in nonelected covered employment may elect
163 to retire while continuing employment in the elective public
164 office if he or she terminates his or her nonelected covered
165 employment. Such person shall receive his or her retirement
166 benefits in addition to the compensation of the elective office
167 without regard to the time limitations otherwise provided in
168 this subsection. A person who seeks to exercise the provisions
169 of this subparagraph as they existed before May 3, 1984, may not
170 be deemed to be retired under those provisions, unless such
171 person is eligible to retire under this subparagraph, as amended
172 by chapter 84-11, Laws of Florida.

173
174 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

175 And the directory clause is amended as follows:

176 Delete lines 428 - 429

177 and insert:

178 Section 5. Paragraph (a) of subsection (4) and paragraph
179 (b) of subsection (9) of section 121.091, Florida Statutes, are
180 amended to read:

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete line 24

185 and insert:

186 monthly disability benefit; specifying that a retiree



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187 reemployed by a district school board is not eligible
188 to be awarded a professional service contract;
189 revising provisions to