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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/10/2015	.	
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The Committee on Governmental Oversight and Accountability  
(Ring) recommended the following:

**Senate Amendment (with title amendment)**

Before line 59

insert:

Section 1. Paragraphs (i) and (j) are added to subsection  
(2) of section 121.0515, Florida Statutes, to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

(i) A retiree of a state-administered retirement system who  
is employed in a regularly established position with a covered



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11 employer and initially enrolled in the Special Risk Class as a  
12 renewed member as provided in s. 121.122 on or after July 1,  
13 2016, is subject to the following conditions:

14 1.a. If a retiree of a state-administered retirement system  
15 is initially reemployed on July 1, 2010, through June 30, 2016,  
16 and is reemployed in a regularly established position eligible  
17 for the Special Risk Class as provided in this subsection and  
18 subsection (3), may be enrolled in the Special Risk Class as a  
19 renewed member of the investment plan for creditable service  
20 earned on or after July 1, 2016.

21 b. A reemployed retiree, or the employer on behalf of the  
22 retiree, may not purchase any past service for employment from  
23 July 1, 2010, to June 30, 2016, when renewed membership is not  
24 available.

25 2. A retiree of a state-administered retirement system who  
26 is initially reemployed on or after July 1, 2016, in a regularly  
27 established position eligible for the Special Risk Class as  
28 provided in this subsection and subsection (3) shall be enrolled  
29 as a renewed member of the investment plan.

30 (j) Effective July 1, 2016, a renewed member initially  
31 enrolled before July 1, 2010, who is employed in a regularly  
32 established position eligible for the Special Risk Class as  
33 provided in this subsection and subsection (3) may be enrolled  
34 in the Special Risk Class as a renewed member of the Florida  
35 Retirement System for creditable service earned on or after July  
36 1, 2016. Service as a renewed member in a regularly established  
37 position otherwise covered by the Special Risk Class as required  
38 by this subsection and subsection (3), eligible for the Special  
39 Risk Class for service before July 1, 2016, cannot be upgraded



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40 from the Regular Class accrual value.

41 Section 2. Paragraph (c) of subsection (9) of section  
42 121.091, Florida Statutes, is amended to read:

43 121.091 Benefits payable under the system.—Benefits may not  
44 be paid under this section unless the member has terminated  
45 employment as provided in s. 121.021(39) (a) or begun  
46 participation in the Deferred Retirement Option Program as  
47 provided in subsection (13), and a proper application has been  
48 filed in the manner prescribed by the department. The department  
49 may cancel an application for retirement benefits when the  
50 member or beneficiary fails to timely provide the information  
51 and documents required by this chapter and the department's  
52 rules. The department shall adopt rules establishing procedures  
53 for application for retirement benefits and for the cancellation  
54 of such application when the required information or documents  
55 are not received.

56 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

57 (c) Any person whose retirement is effective on or after  
58 July 1, 2010, or whose participation in the Deferred Retirement  
59 Option Program terminates on or after July 1, 2010, who is  
60 retired under this chapter, except under the disability  
61 retirement provisions of subsection (4) or as provided in s.  
62 121.053, may be reemployed by an employer that participates in a  
63 state-administered retirement system and receive retirement  
64 benefits and compensation from that employer. However, a person  
65 may not be reemployed by an employer participating in the  
66 Florida Retirement System before meeting the definition of  
67 termination in s. 121.021 and may not receive both a salary from  
68 the employer and retirement benefits for 6 calendar months after



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69 meeting the definition of termination. However, a DROP  
70 participant shall continue employment and receive a salary  
71 during the period of participation in the Deferred Retirement  
72 Option Program, as provided in subsection (13).

73 1. The reemployed retiree may not renew membership in the  
74 Florida Retirement System, except as provided in s. 121.122.

75 2. The employer shall pay retirement contributions in an  
76 amount equal to the unfunded actuarial liability portion of the  
77 employer contribution that would be required for active members  
78 of the Florida Retirement System in addition to the  
79 contributions required by s. 121.76.

80 3. A retiree initially reemployed in violation of this  
81 paragraph and an employer that employs or appoints such person  
82 are jointly and severally liable for reimbursement of any  
83 retirement benefits paid to the retirement trust fund from which  
84 the benefits were paid, including the Florida Retirement System  
85 Trust Fund and the Public Employee Optional Retirement Program  
86 Trust Fund, as appropriate. The employer must have a written  
87 statement from the employee that he or she is not retired from a  
88 state-administered retirement system. Retirement benefits shall  
89 remain suspended until repayment is made. Benefits suspended  
90 beyond the end of the retiree's 6-month reemployment limitation  
91 period shall apply toward the repayment of benefits received in  
92 violation of this paragraph.

93  
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Between lines 2 and 3

97 insert:



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98           amending s. 121.0515, F.S.; authorizing renewed  
99           membership in the retirement system for retirees who  
100          are reemployed in a position eligible for the Special  
101          Risk Class under certain circumstances; amending s.  
102          121.091, F.S.; conforming a provision to changes made  
103          by the act;