

By Senator Steube

23-00512-18

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1 A bill to be entitled
2 An act relating to retirement; amending s. 121.091,
3 F.S.; providing an exception to the reemployment after
4 retirement limitations to authorize a retiree of the
5 Florida Retirement System to be reemployed by an
6 employer under certain circumstances; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (b) of subsection (9) of section
12 121.091, Florida Statutes, is amended to read:

13 121.091 Benefits payable under the system.—Benefits may not
14 be paid under this section unless the member has terminated
15 employment as provided in s. 121.021(39) (a) or begun
16 participation in the Deferred Retirement Option Program as
17 provided in subsection (13), and a proper application has been
18 filed in the manner prescribed by the department. The department
19 may cancel an application for retirement benefits when the
20 member or beneficiary fails to timely provide the information
21 and documents required by this chapter and the department's
22 rules. The department shall adopt rules establishing procedures
23 for application for retirement benefits and for the cancellation
24 of such application when the required information or documents
25 are not received.

26 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

27 (b) Any person whose retirement is effective before July 1,
28 2010, or whose participation in the Deferred Retirement Option
29 Program terminates before July 1, 2010, except under the

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30 disability retirement provisions of subsection (4) or as
31 provided in s. 121.053, may be reemployed by an employer that
32 participates in a state-administered retirement system and
33 receive retirement benefits and compensation from that employer,
34 except that the person may not be reemployed by an employer
35 participating in the Florida Retirement System before meeting
36 the definition of termination in s. 121.021 and may not receive
37 both a salary from the employer and retirement benefits for 12
38 calendar months immediately subsequent to the date of
39 retirement. However, a DROP participant shall continue
40 employment and receive a salary during the period of
41 participation in the Deferred Retirement Option Program, as
42 provided in subsection (13). Notwithstanding this paragraph, a
43 retiree may be reemployed by an employer participating in the
44 Florida Retirement System before completion of the 12-month
45 limitation period if the member is employed on a part-time basis
46 and is not qualified to receive retirement benefits for the 12
47 calendar months immediately subsequent to the date of
48 reemployment.

49 1. A retiree who violates such reemployment limitation
50 before completion of the 12-month limitation period must give
51 timely notice of this fact in writing to the employer and to the
52 Division of Retirement or the state board and shall have his or
53 her retirement benefits suspended for the months employed or the
54 balance of the 12-month limitation period as required in sub-
55 subparagraphs b. and c. A retiree employed in violation of this
56 paragraph and an employer who employs or appoints such person
57 are jointly and severally liable for reimbursement to the
58 retirement trust fund, including the Florida Retirement System

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59 Trust Fund and the Public Employee Optional Retirement Program
60 Trust Fund, from which the benefits were paid. The employer must
61 have a written statement from the retiree that he or she is not
62 retired from a state-administered retirement system. Retirement
63 benefits shall remain suspended until repayment has been made.
64 Benefits suspended beyond the reemployment limitation shall
65 apply toward repayment of benefits received in violation of the
66 reemployment limitation.

67 a. A district school board may reemploy a retiree as a
68 substitute or hourly teacher, education paraprofessional,
69 transportation assistant, bus driver, or food service worker on
70 a noncontractual basis after he or she has been retired for 1
71 calendar month. A district school board may reemploy a retiree
72 as instructional personnel, as defined in s. 1012.01(2)(a), on
73 an annual contractual basis after he or she has been retired for
74 1 calendar month. Any member who is reemployed within 1 calendar
75 month after retirement shall void his or her application for
76 retirement benefits. District school boards reemploying such
77 teachers, education paraprofessionals, transportation
78 assistants, bus drivers, or food service workers are subject to
79 the retirement contribution required by subparagraph 2.

80 b. A Florida College System institution board of trustees
81 may reemploy a retiree as an adjunct instructor or as a
82 participant in a phased retirement program within the Florida
83 College System, after he or she has been retired for 1 calendar
84 month. A member who is reemployed within 1 calendar month after
85 retirement shall void his or her application for retirement
86 benefits. Boards of trustees reemploying such instructors are
87 subject to the retirement contribution required in subparagraph

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88 2. A retiree may be reemployed as an adjunct instructor for no
89 more than 780 hours during the first 12 months of retirement. A
90 retiree reemployed for more than 780 hours during the first 12
91 months of retirement must give timely notice in writing to the
92 employer and to the Division of Retirement or the state board of
93 the date he or she will exceed the limitation. The division
94 shall suspend his or her retirement benefits for the remainder
95 of the 12 months of retirement. Any retiree employed in
96 violation of this sub-subparagraph and any employer who employs
97 or appoints such person without notifying the division to
98 suspend retirement benefits are jointly and severally liable for
99 any benefits paid during the reemployment limitation period. The
100 employer must have a written statement from the retiree that he
101 or she is not retired from a state-administered retirement
102 system. Any retirement benefits received by the retiree while
103 reemployed in excess of 780 hours during the first 12 months of
104 retirement must be repaid to the Florida Retirement System Trust
105 Fund, and retirement benefits shall remain suspended until
106 repayment is made. Benefits suspended beyond the end of the
107 retiree's first 12 months of retirement shall apply toward
108 repayment of benefits received in violation of the 780-hour
109 reemployment limitation.

110 c. The State University System may reemploy a retiree as an
111 adjunct faculty member or as a participant in a phased
112 retirement program within the State University System after the
113 retiree has been retired for 1 calendar month. A member who is
114 reemployed within 1 calendar month after retirement shall void
115 his or her application for retirement benefits. The State
116 University System is subject to the retired contribution

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117 required in subparagraph 2., as appropriate. A retiree may be
118 reemployed as an adjunct faculty member or a participant in a
119 phased retirement program for no more than 780 hours during the
120 first 12 months of his or her retirement. A retiree reemployed
121 for more than 780 hours during the first 12 months of retirement
122 must give timely notice in writing to the employer and to the
123 Division of Retirement or the state board of the date he or she
124 will exceed the limitation. The division shall suspend his or
125 her retirement benefits for the remainder of the 12 months. Any
126 retiree employed in violation of this sub-subparagraph and any
127 employer who employs or appoints such person without notifying
128 the division to suspend retirement benefits are jointly and
129 severally liable for any benefits paid during the reemployment
130 limitation period. The employer must have a written statement
131 from the retiree that he or she is not retired from a state-
132 administered retirement system. Any retirement benefits received
133 by the retiree while reemployed in excess of 780 hours during
134 the first 12 months of retirement must be repaid to the Florida
135 Retirement System Trust Fund, and retirement benefits shall
136 remain suspended until repayment is made. Benefits suspended
137 beyond the end of the retiree's first 12 months of retirement
138 shall apply toward repayment of benefits received in violation
139 of the 780-hour reemployment limitation.

140 d. The Board of Trustees of the Florida School for the Deaf
141 and the Blind may reemploy a retiree as a substitute teacher,
142 substitute residential instructor, or substitute nurse on a
143 noncontractual basis after he or she has been retired for 1
144 calendar month. Any member who is reemployed within 1 calendar
145 month after retirement shall void his or her application for

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146 retirement benefits. The Board of Trustees of the Florida School
147 for the Deaf and the Blind reemploying such teachers,
148 residential instructors, or nurses is subject to the retirement
149 contribution required by subparagraph 2.

150 e. A developmental research school may reemploy a retiree
151 as a substitute or hourly teacher or an education
152 paraprofessional as defined in s. 1012.01(2) on a noncontractual
153 basis after he or she has been retired for 1 calendar month. A
154 developmental research school may reemploy a retiree as
155 instructional personnel, as defined in s. 1012.01(2)(a), on an
156 annual contractual basis after he or she has been retired for 1
157 calendar month after retirement. Any member who is reemployed
158 within 1 calendar month voids his or her application for
159 retirement benefits. A developmental research school that
160 reemploys retired teachers and education paraprofessionals is
161 subject to the retirement contribution required by subparagraph
162 2.

163 f. A charter school may reemploy a retiree as a substitute
164 or hourly teacher on a noncontractual basis after he or she has
165 been retired for 1 calendar month. A charter school may reemploy
166 a retired member as instructional personnel, as defined in s.
167 1012.01(2)(a), on an annual contractual basis after he or she
168 has been retired for 1 calendar month after retirement. Any
169 member who is reemployed within 1 calendar month voids his or
170 her application for retirement benefits. A charter school that
171 reemploys such teachers is subject to the retirement
172 contribution required by subparagraph 2.

173 2. The employment of a retiree or DROP participant of a
174 state-administered retirement system does not affect the average

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175 final compensation or years of creditable service of the retiree
176 or DROP participant. Before July 1, 1991, upon employment of any
177 person, other than an elected officer as provided in s. 121.053,
178 who is retired under a state-administered retirement program,
179 the employer shall pay retirement contributions in an amount
180 equal to the unfunded actuarial liability portion of the
181 employer contribution which would be required for regular
182 members of the Florida Retirement System. Effective July 1,
183 1991, contributions shall be made as provided in s. 121.122 for
184 retirees who have renewed membership or, as provided in
185 subsection (13), for DROP participants.

186 3. Any person who is holding an elective public office
187 which is covered by the Florida Retirement System and who is
188 concurrently employed in nonelected covered employment may elect
189 to retire while continuing employment in the elective public
190 office if he or she terminates his or her nonelected covered
191 employment. Such person shall receive his or her retirement
192 benefits in addition to the compensation of the elective office
193 without regard to the time limitations otherwise provided in
194 this subsection. A person who seeks to exercise the provisions
195 of this subparagraph as they existed before May 3, 1984, may not
196 be deemed to be retired under those provisions, unless such
197 person is eligible to retire under this subparagraph, as amended
198 by chapter 84-11, Laws of Florida.

199 Section 2. This act shall take effect July 1, 2018.