

By Senator Perry

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

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Paragraph (b) of subsection (9) of section
10 121.091, Florida Statutes, is amended to read:

11 121.091 Benefits payable under the system.—Benefits may not
12 be paid under this section unless the member has terminated
13 employment as provided in s. 121.021(39) (a) or begun
14 participation in the Deferred Retirement Option Program as
15 provided in subsection (13), and a proper application has been
16 filed in the manner prescribed by the department. The department
17 may cancel an application for retirement benefits when the
18 member or beneficiary fails to timely provide the information
19 and documents required by this chapter and the department's
20 rules. The department shall adopt rules establishing procedures
21 for application for retirement benefits and for the cancellation
22 of such application when the required information or documents
23 are not received.

24 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

25 (b) Any person whose retirement is effective before July 1,
26 2010, or whose participation in the Deferred Retirement Option
27 Program terminates before July 1, 2010, except under the
28 disability retirement provisions of subsection (4) or as
29 provided in s. 121.053, may be reemployed by an employer that

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

46 1. A retiree who violates such reemployment limitation
47 before completion of the 12-month limitation period must give
48 timely notice of this fact in writing to the employer and to the
49 Division of Retirement or the state board and shall have his or
50 her retirement benefits suspended for the months employed or the
51 balance of the 12-month limitation period as required in sub-
52 subparagraphs b. and c. A retiree employed in violation of this
53 paragraph and an employer who employs or appoints such person
54 are jointly and severally liable for reimbursement to the
55 retirement trust fund, including the Florida Retirement System
56 Trust Fund and the Florida Retirement System Investment Plan
57 Trust Fund, from which the benefits were paid. The employer must
58 have a written statement from the retiree that he or she is not

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59 retired from a state-administered retirement system. Retirement
60 benefits shall remain suspended until repayment has been made.
61 Benefits suspended beyond the reemployment limitation shall
62 apply toward repayment of benefits received in violation of the
63 reemployment limitation.

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

77 b. A Florida College System institution board of trustees
78 may reemploy a retiree as an adjunct instructor or as a
79 participant in a phased retirement program within the Florida
80 College System, after he or she has been retired for 1 calendar
81 month. A member who is reemployed within 1 calendar month after
82 retirement shall void his or her application for retirement
83 benefits. Boards of trustees reemploying such instructors are
84 subject to the retirement contribution required in subparagraph
85 2. A retiree may be reemployed as an adjunct instructor for no
86 more than 780 hours during the first 12 months of retirement. A
87 retiree reemployed for more than 780 hours during the first 12

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88 months of retirement must give timely notice in writing to the
89 employer and to the Division of Retirement or the state board of
90 the date he or she will exceed the limitation. The division
91 shall suspend his or her retirement benefits for the remainder
92 of the 12 months of retirement. Any retiree employed in
93 violation of this sub-subparagraph and any employer who employs
94 or appoints such person without notifying the division to
95 suspend retirement benefits are jointly and severally liable for
96 any benefits paid during the reemployment limitation period. The
97 employer must have a written statement from the retiree that he
98 or she is not retired from a state-administered retirement
99 system. Any retirement benefits received by the retiree while
100 reemployed in excess of 780 hours during the first 12 months of
101 retirement must be repaid to the Florida Retirement System Trust
102 Fund, and retirement benefits shall remain suspended until
103 repayment is made. Benefits suspended beyond the end of the
104 retiree's first 12 months of retirement shall apply toward
105 repayment of benefits received in violation of the 780-hour
106 reemployment limitation.

107 c. The State University System may reemploy a retiree as an
108 adjunct faculty member or as a participant in a phased
109 retirement program within the State University System after the
110 retiree has been retired for 1 calendar month. A member who is
111 reemployed within 1 calendar month after retirement shall void
112 his or her application for retirement benefits. The State
113 University System is subject to the retired contribution
114 required in subparagraph 2., as appropriate. A retiree may be
115 reemployed as an adjunct faculty member or a participant in a
116 phased retirement program for no more than 780 hours during the

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117 first 12 months of his or her retirement. A retiree reemployed
118 for more than 780 hours during the first 12 months of retirement
119 must give timely notice in writing to the employer and to the
120 Division of Retirement or the state board of the date he or she
121 will exceed the limitation. The division shall suspend his or
122 her retirement benefits for the remainder of the 12 months. Any
123 retiree employed in violation of this sub-subparagraph and any
124 employer who employs or appoints such person without notifying
125 the division to suspend retirement benefits are jointly and
126 severally liable for any benefits paid during the reemployment
127 limitation period. The employer must have a written statement
128 from the retiree that he or she is not retired from a state-
129 administered retirement system. Any retirement benefits received
130 by the retiree while reemployed in excess of 780 hours during
131 the first 12 months of retirement must be repaid to the Florida
132 Retirement System Trust Fund, and retirement benefits shall
133 remain suspended until repayment is made. Benefits suspended
134 beyond the end of the retiree's first 12 months of retirement
135 shall apply toward repayment of benefits received in violation
136 of the 780-hour reemployment limitation.

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

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146 contribution required by subparagraph 2.

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

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

170 2. The employment of a retiree or DROP participant of a
171 state-administered retirement system does not affect the average
172 final compensation or years of creditable service of the retiree
173 or DROP participant. Before July 1, 1991, upon employment of any
174 person, other than an elected officer as provided in s. 121.053,

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175 who is retired under a state-administered retirement program,
176 the employer shall pay retirement contributions in an amount
177 equal to the unfunded actuarial liability portion of the
178 employer contribution which would be required for regular
179 members of the Florida Retirement System. Effective July 1,
180 1991, contributions shall be made as provided in s. 121.122 for
181 retirees who have renewed membership or, as provided in
182 subsection (13), for DROP participants.

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

196 Section 2. This act shall take effect July 1, 2019.