

By Senator Ausley

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1                   A bill to be entitled  
2           An act relating to the Florida Retirement System;  
3           amending s. 121.021, F.S.; revising the definition of  
4           the term "continuous service" for purposes of the  
5           Florida Retirement System; amending s. 121.091, F.S.;  
6           revising an exception to the employment after  
7           retirement limitations for retired law enforcement  
8           officers who are reemployed with a covered employer;  
9           providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Subsection (38) of section 121.021, Florida  
14           Statutes, is amended to read:

15           121.021 Definitions.—The following words and phrases as  
16           used in this chapter have the respective meanings set forth  
17           unless a different meaning is plainly required by the context:

18           (38) "Continuous service" means creditable service as a  
19           member, beginning with the first day of employment with an  
20           employer covered under a state-administered retirement system  
21           consolidated herein and continuing for as long as the member  
22           remains in an employer-employee relationship with an employer  
23           covered under this chapter. An absence of 1 calendar month or  
24           more from an employer's payroll is ~~shall be~~ considered a break  
25           in continuous service, except for periods of absence during  
26           which an employer-employee relationship continues to exist and  
27           such period of absence is creditable under this chapter or under  
28           one of the existing systems consolidated herein. However, a law  
29           enforcement officer as defined in s. 121.0515(3) (a) who was a

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30 member of a state-administered retirement system under chapter  
31 122 or chapter 321 and who resigned and was subsequently  
32 reemployed in a law enforcement position within 30 calendar days  
33 after ~~12 calendar months of~~ such resignation by an employer  
34 under such state-administered retirement system is ~~shall be~~  
35 deemed to have not experienced a break in service. Further, with  
36 respect to a state-employed law enforcement officer who meets  
37 the criteria specified in s. 121.0515(3) (a), if the absence from  
38 the employer's payroll is the result of a "layoff" as defined in  
39 s. 110.107 or a resignation to run for an elected office that  
40 meets the criteria specified in s. 121.0515(3) (a), a ~~no~~ break in  
41 continuous service is not ~~shall be~~ deemed to have occurred if  
42 the member is reemployed as a state law enforcement officer or  
43 is elected to an office which meets the criteria specified in s.  
44 121.0515(3) (a) within 12 calendar months after the date of the  
45 layoff or resignation, notwithstanding the fact that such period  
46 of layoff or resignation is not creditable service under this  
47 chapter. A withdrawal of contributions constitutes ~~will~~  
48 ~~constitute~~ a break in service. Continuous service also includes  
49 past service purchased under this chapter, provided such service  
50 is continuous within this definition and the rules established  
51 by the administrator. The administrator may establish  
52 administrative rules and procedures for applying this definition  
53 to creditable service authorized under this chapter. Any  
54 correctional officer, as defined in s. 943.10, whose  
55 participation in the state-administered retirement system is  
56 terminated due to the transfer of a county detention facility  
57 through a contractual agreement with a private entity pursuant  
58 to s. 951.062, is ~~shall be~~ deemed an employee with continuous

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59 service in the Special Risk Class, provided return to employment  
60 with the former employer takes place within 3 years due to  
61 contract termination or the officer is employed by a covered  
62 employer in a special risk position within 1 year after his or  
63 her initial termination of employment by such transfer of its  
64 detention facilities to the private entity.

65 Section 2. Paragraph (f) of subsection (9) of section  
66 121.091, Florida Statutes, is amended to read:

67 121.091 Benefits payable under the system.—Benefits may not  
68 be paid under this section unless the member has terminated  
69 employment as provided in s. 121.021(39) (a) or begun  
70 participation in the Deferred Retirement Option Program as  
71 provided in subsection (13), and a proper application has been  
72 filed in the manner prescribed by the department. The department  
73 may cancel an application for retirement benefits when the  
74 member or beneficiary fails to timely provide the information  
75 and documents required by this chapter and the department's  
76 rules. The department shall adopt rules establishing procedures  
77 for application for retirement benefits and for the cancellation  
78 of such application when the required information or documents  
79 are not received.

80 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

81 (f) A retired law enforcement officer may be reemployed as  
82 ~~a school resource officer~~ by an employer that participates in  
83 the Florida Retirement System and receive compensation from that  
84 employer and retirement benefits after meeting the definition of  
85 termination in s. 121.021, but may not receive both a salary  
86 from the employer and retirement benefits for 30 calendar days ~~&~~  
87 ~~calendar months~~ immediately subsequent to the date of

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88 retirement. The reemployed retired law enforcement officer may  
89 not renew membership in the Florida Retirement System, except as  
90 provided in s. 121.122.

91 Section 3. This act shall take effect July 1, 2021.