

By Senator Wright

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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 (c) 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 (c) Any person whose retirement is effective on or after
26 July 1, 2010, or whose participation in the Deferred Retirement
27 Option Program terminates on or after July 1, 2010, who is
28 retired under this chapter, except under the disability
29 retirement provisions of subsection (4) or as provided in s.

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30 121.053, may be reemployed by an employer that participates in a
31 state-administered retirement system and receive retirement
32 benefits and compensation from that employer. However, a person
33 may not be reemployed by an employer participating in the
34 Florida Retirement System before meeting the definition of
35 termination in s. 121.021 and may not receive both a salary from
36 the employer and retirement benefits for 6 calendar months after
37 meeting the definition of termination, except as provided in
38 paragraph (f). Notwithstanding this paragraph, a retiree may be
39 reemployed by an employer participating in the Florida
40 Retirement System within 6 months immediately subsequent to the
41 retiree's retirement date if the retiree is employed on a part-
42 time basis and does not receive a salary from the employer and
43 retirement benefits during the 6-month period after the date of
44 retirement. However, a DROP participant shall continue
45 employment and receive a salary during the period of
46 participation in the Deferred Retirement Option Program, as
47 provided in subsection (13).

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

50 2. The employer shall pay retirement contributions in an
51 amount equal to the unfunded actuarial liability portion of the
52 employer contribution that would be required for active members
53 of the Florida Retirement System in addition to the
54 contributions required by s. 121.76.

55 3. A retiree initially reemployed in violation of this
56 paragraph and an employer that employs or appoints such person
57 are jointly and severally liable for reimbursement of any
58 retirement benefits paid to the retirement trust fund from which

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59 the benefits were paid, including the Florida Retirement System
60 Trust Fund and the Florida Retirement System Investment Plan
61 Trust Fund, as appropriate. The employer must have a written
62 statement from the employee that he or she is not retired from a
63 state-administered retirement system. Retirement benefits shall
64 remain suspended until repayment is made. Benefits suspended
65 beyond the end of the retiree's 6-month reemployment limitation
66 period shall apply toward the repayment of benefits received in
67 violation of this paragraph.

68 Section 2. This act shall take effect July 1, 2022.