

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.

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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, 2022.