

1 | except that a person may not receive both a salary from
2 | reemployment with any agency participating in the Florida
3 | Retirement System and retirement benefits under this chapter
4 | for a period of 12 months immediately subsequent to the date
5 | of retirement. However, a DROP participant shall continue
6 | employment and receive a salary during the period of
7 | participation in the Deferred Retirement Option Program, as
8 | provided in subsection (13).

9 | 2. Any person to whom the limitation in subparagraph
10 | 1. applies who violates such reemployment limitation and who
11 | is reemployed with any agency participating in the Florida
12 | Retirement System before completion of the 12-month limitation
13 | period shall give timely notice of this fact in writing to the
14 | employer and to the division and shall have his or her
15 | retirement benefits suspended for the balance of the 12-month
16 | limitation period. Any person employed in violation of this
17 | paragraph and any employing agency which knowingly employs or
18 | appoints such person without notifying the Division of
19 | Retirement to suspend retirement benefits shall be jointly and
20 | severally liable for reimbursement to the retirement trust
21 | fund of any benefits paid during the reemployment limitation
22 | period. To avoid liability, such employing agency shall have
23 | a written statement from the retiree that he or she is not
24 | retired from a state-administered retirement system. Any
25 | retirement benefits received while reemployed during this
26 | reemployment limitation period shall be repaid to the
27 | retirement trust fund, and retirement benefits shall remain
28 | suspended until such repayment has been made. Benefits
29 | suspended beyond the reemployment limitation shall apply
30 | toward repayment of benefits received in violation of the
31 | reemployment limitation.

1 3. A district school board may reemploy a retired
2 member as a substitute or hourly teacher, education
3 paraprofessional, transportation assistant, bus driver, or
4 food service worker on a noncontractual basis after he or she
5 has been retired for 1 calendar month, in accordance with s.
6 121.021(39). A district school board may reemploy a retired
7 member as instructional personnel, as defined in s.
8 1012.01(2)(a), on an annual contractual basis after he or she
9 has been retired for 1 calendar month, in accordance with s.
10 121.021(39). Any other retired member who is reemployed within
11 1 calendar month after retirement shall void his or her
12 application for retirement benefits. District school boards
13 reemploying such teachers, education paraprofessionals,
14 transportation assistants, bus drivers, or food service
15 workers are subject to the retirement contribution required by
16 subparagraph 7.

17 4. A community college board of trustees may reemploy
18 a retired member as an adjunct instructor, that is, an
19 instructor who is noncontractual and part-time, or as a
20 participant in a phased retirement program within the Florida
21 Community College System, after he or she has been retired for
22 1 calendar month, in accordance with s. 121.021(39). Any
23 retired member who is reemployed within 1 calendar month after
24 retirement shall void his or her application for retirement
25 benefits. Boards of trustees reemploying such instructors are
26 subject to the retirement contribution required in
27 subparagraph 7. A retired member may be reemployed as an
28 adjunct instructor for no more than 780 hours during the first
29 12 months of retirement. Any retired member reemployed for
30 more than 780 hours during the first 12 months of retirement
31 shall give timely notice in writing to the employer and to the

1 | division of the date he or she will exceed the limitation.
2 | The division shall suspend his or her retirement benefits for
3 | the remainder of the first 12 months of retirement. Any
4 | person employed in violation of this subparagraph and any
5 | employing agency which knowingly employs or appoints such
6 | person without notifying the Division of Retirement to suspend
7 | retirement benefits shall be jointly and severally liable for
8 | reimbursement to the retirement trust fund of any benefits
9 | paid during the reemployment limitation period. To avoid
10 | liability, such employing agency shall have a written
11 | statement from the retiree that he or she is not retired from
12 | a state-administered retirement system. Any retirement
13 | benefits received by a retired member while reemployed in
14 | excess of 780 hours during the first 12 months of retirement
15 | shall be repaid to the Retirement System Trust Fund, and
16 | retirement benefits shall remain suspended until repayment is
17 | made. Benefits suspended beyond the end of the retired
18 | member's first 12 months of retirement shall apply toward
19 | repayment of benefits received in violation of the 780-hour
20 | reemployment limitation.

21 | 5. The State University System may reemploy a retired
22 | member as an adjunct faculty member or as a participant in a
23 | phased retirement program within the State University System
24 | after the retired member has been retired for 1 calendar
25 | month, in accordance with s. 121.021(39). Any retired member
26 | who is reemployed within 1 calendar month after retirement
27 | shall void his or her application for retirement benefits.
28 | The State University System is subject to the retired
29 | contribution required in subparagraph 7., as appropriate. A
30 | retired member may be reemployed as an adjunct faculty member
31 | or a participant in a phased retirement program for no more

1 | than 780 hours during the first 12 months of his or her
2 | retirement. Any retired member reemployed for more than 780
3 | hours during the first 12 months of retirement shall give
4 | timely notice in writing to the employer and to the division
5 | of the date he or she will exceed the limitation. The
6 | division shall suspend his or her retirement benefits for the
7 | remainder of the first 12 months of retirement. Any person
8 | employed in violation of this subparagraph and any employing
9 | agency which knowingly employs or appoints such person without
10 | notifying the Division of Retirement to suspend retirement
11 | benefits shall be jointly and severally liable for
12 | reimbursement to the retirement trust fund of any benefits
13 | paid during the reemployment limitation period. To avoid
14 | liability, such employing agency shall have a written
15 | statement from the retiree that he or she is not retired from
16 | a state-administered retirement system. Any retirement
17 | benefits received by a retired member while reemployed in
18 | excess of 780 hours during the first 12 months of retirement
19 | shall be repaid to the Retirement System Trust Fund, and
20 | retirement benefits shall remain suspended until repayment is
21 | made. Benefits suspended beyond the end of the retired
22 | member's first 12 months of retirement shall apply toward
23 | repayment of benefits received in violation of the 780-hour
24 | reemployment limitation.

25 | 6. The Board of Trustees of the Florida School for the
26 | Deaf and the Blind may reemploy a retired member as a
27 | substitute teacher, substitute residential instructor, or
28 | substitute nurse on a noncontractual basis after he or she has
29 | been retired for 1 calendar month, in accordance with s.
30 | 121.021(39). Any retired member who is reemployed within 1
31 | calendar month after retirement shall void his or her

1 application for retirement benefits. The Board of Trustees of
2 the Florida School for the Deaf and the Blind reemploying such
3 teachers, residential instructors, or nurses is subject to the
4 retirement contribution required by subparagraph 7.
5 Reemployment of a retired member as a substitute teacher,
6 substitute residential instructor, or substitute nurse is
7 limited to 780 hours during the first 12 months of his or her
8 retirement. Any retired member reemployed for more than 780
9 hours during the first 12 months of retirement shall give
10 timely notice in writing to the employer and to the division
11 of the date he or she will exceed the limitation. The division
12 shall suspend his or her retirement benefits for the remainder
13 of the first 12 months of retirement. Any person employed in
14 violation of this subparagraph and any employing agency which
15 knowingly employs or appoints such person without notifying
16 the Division of Retirement to suspend retirement benefits
17 shall be jointly and severally liable for reimbursement to the
18 retirement trust fund of any benefits paid during the
19 reemployment limitation period. To avoid liability, such
20 employing agency shall have a written statement from the
21 retiree that he or she is not retired from a
22 state-administered retirement system. Any retirement benefits
23 received by a retired member while reemployed in excess of 780
24 hours during the first 12 months of retirement shall be repaid
25 to the Retirement System Trust Fund, and his or her retirement
26 benefits shall remain suspended until payment is made.
27 Benefits suspended beyond the end of the retired member's
28 first 12 months of retirement shall apply toward repayment of
29 benefits received in violation of the 780-hour reemployment
30 limitation.
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1 7. The employment by an employer of any retiree or
2 DROP participant of any state-administered retirement system
3 shall have no effect on the average final compensation or
4 years of creditable service of the retiree or DROP
5 participant. Prior to July 1, 1991, upon employment of any
6 person, other than an elected officer as provided in s.
7 121.053, who has been retired under any state-administered
8 retirement program, the employer shall pay retirement
9 contributions in an amount equal to the unfunded actuarial
10 liability portion of the employer contribution which would be
11 required for regular members of the Florida Retirement System.
12 Effective July 1, 1991, contributions shall be made as
13 provided in s. 121.122 for retirees with renewed membership or
14 subsection (13) with respect to DROP participants.

15 8. Any person who has previously retired and who is
16 holding an elective public office or an appointment to an
17 elective public office eligible for the Elected Officers'
18 Class on or after July 1, 1990, shall be enrolled in the
19 Florida Retirement System as provided in s. 121.053(1)(b) or,
20 if holding an elective public office that does not qualify for
21 the Elected Officers' Class on or after July 1, 1991, shall be
22 enrolled in the Florida Retirement System as provided in s.
23 121.122, and shall continue to receive retirement benefits as
24 well as compensation for the elected officer's service for as
25 long as he or she remains in elective office. However, any
26 retired member who served in an elective office prior to July
27 1, 1990, suspended his or her retirement benefit, and had his
28 or her Florida Retirement System membership reinstated shall,
29 upon retirement from such office, have his or her retirement
30 benefit recalculated to include the additional service and
31 compensation earned.

1 9. Any person who is holding an elective public office
2 which is covered by the Florida Retirement System and who is
3 concurrently employed in nonelected covered employment may
4 elect to retire while continuing employment in the elective
5 public office, provided that he or she shall be required to
6 terminate his or her nonelected covered employment. Any
7 person who exercises this election shall receive his or her
8 retirement benefits in addition to the compensation of the
9 elective office without regard to the time limitations
10 otherwise provided in this subsection. No person who seeks to
11 exercise the provisions of this subparagraph, as the same
12 existed prior to May 3, 1984, shall be deemed to be retired
13 under those provisions, unless such person is eligible to
14 retire under the provisions of this subparagraph, as amended
15 by chapter 84-11, Laws of Florida.

16 10. The limitations of this paragraph apply to
17 reemployment in any capacity with an "employer" as defined in
18 s. 121.021(10), irrespective of the category of funds from
19 which the person is compensated.

20 11. An employing agency may reemploy a retired member
21 as a firefighter or paramedic after the retired member has
22 been retired for 1 calendar month, in accordance with s.
23 121.021(39). Any retired member who is reemployed within 1
24 calendar month after retirement shall void his or her
25 application for retirement benefits. The employing agency
26 reemploying such firefighter or paramedic is subject to the
27 retired contribution required in subparagraph 8. Reemployment
28 of a retired firefighter or paramedic is limited to no more
29 than 780 hours during the first 12 months of his or her
30 retirement. Any retired member reemployed for more than 780
31 hours during the first 12 months of retirement shall give

1 | timely notice in writing to the employer and to the division
2 | of the date he or she will exceed the limitation. The division
3 | shall suspend his or her retirement benefits for the remainder
4 | of the first 12 months of retirement. Any person employed in
5 | violation of this subparagraph and any employing agency which
6 | knowingly employs or appoints such person without notifying
7 | the Division of Retirement to suspend retirement benefits
8 | shall be jointly and severally liable for reimbursement to the
9 | Retirement System Trust Fund of any benefits paid during the
10 | reemployment limitation period. To avoid liability, such
11 | employing agency shall have a written statement from the
12 | retiree that he or she is not retired from a
13 | state-administered retirement system. Any retirement benefits
14 | received by a retired member while reemployed in excess of 780
15 | hours during the first 12 months of retirement shall be repaid
16 | to the Retirement System Trust Fund, and retirement benefits
17 | shall remain suspended until repayment is made. Benefits
18 | suspended beyond the end of the retired member's first 12
19 | months of retirement shall apply toward repayment of benefits
20 | received in violation of the 780-hour reemployment limitation.

21 | 12. An employing agency may reemploy a retired member
22 | as a law enforcement officer, correctional officer, or
23 | correctional probation officer only in a part-time capacity
24 | after the member has been retired 1 calendar month, in
25 | accordance with s. 121.021(39). Any retired member who is
26 | reemployed within 1 calendar month after retirement shall void
27 | his or her application for retirement benefits. The employing
28 | agency reemploying such law enforcement officer, correctional
29 | officer, or correctional probation officer is subject to the
30 | retired contributions required in subparagraph 7. Reemployment
31 | of a law enforcement officer, correctional officer, or

1 correctional probation officer is limited to no more than 780
2 hours during the first 12 months of his or her retirement. Any
3 retired member reemployed for more than 780 hours during the
4 first 12 months of retirement shall give timely notice in
5 writing to the employer and to the division of the date he or
6 she will exceed the limitation. The division shall suspend his
7 or her retirement benefits for the remainder of the first 12
8 months of retirement. A person employed in violation of this
9 subparagraph and an employing agency that knowingly employs or
10 appoints such person without notifying the Division of
11 Retirement to suspend retirement benefits are jointly and
12 severally liable for reimbursement to the Retirement System
13 Trust Fund of any benefits paid during the reemployment
14 limitation period. To avoid liability, such employing agency
15 shall have a written statement from the retiree that he or she
16 is not retired from a state-administered retirement system.
17 Any retirement benefits received by a retired member while
18 reemployed in excess of 780 hours during the first 12 months
19 of retirement shall be repaid to the Retirement System Trust
20 Fund, and retirement benefits shall remain suspended until
21 repayment is made. Benefits suspended beyond the end of the
22 retired member's first 12 months of retirement shall apply
23 toward repayment of benefits received in violation of the
24 780-hour reemployment limitation. This subparagraph does not
25 preclude an employing agency from reemploying a retired member
26 full time after the member's first 12 months of retirement.

27 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Provides that a retired member of the Florida Retirement System may be reemployed as a law enforcement officer, correctional officer, or correctional probation officer after the first calendar month of retirement part time only. Prescribes a limit of 780 hours on the amount of such employment during the first year of retirement and provides for suspension of benefits if the limit is exceeded.