



798610

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Governmental Oversight and Accountability
(Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (f) of subsection (9) of
section 121.091, Florida Statutes, are amended, and paragraph
(d) of that subsection is republished, to read:

121.091 Benefits payable under the system.—Benefits may not
be paid under this section unless the member has terminated
employment as provided in s. 121.021(39) (a) or begun



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11 participation in the Deferred Retirement Option Program as
12 provided in subsection (13), and a proper application has been
13 filed in the manner prescribed by the department. The department
14 may cancel an application for retirement benefits when the
15 member or beneficiary fails to timely provide the information
16 and documents required by this chapter and the department's
17 rules. The department shall adopt rules establishing procedures
18 for application for retirement benefits and for the cancellation
19 of such application when the required information or documents
20 are not received.

21 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

22 (c) Any person whose retirement is effective on or after
23 July 1, 2010, or whose participation in the Deferred Retirement
24 Option Program terminates on or after July 1, 2010, who is
25 retired under this chapter, except under the disability
26 retirement provisions of subsection (4) or as provided in s.
27 121.053, may be reemployed by an employer that participates in a
28 state-administered retirement system and receive retirement
29 benefits and compensation from that employer. However, a person
30 may not be reemployed by an employer participating in the
31 Florida Retirement System before meeting the definition of
32 termination in s. 121.021 ~~and may not receive both a salary from~~
33 ~~the employer and retirement benefits for 6 calendar months after~~
34 ~~meeting the definition of termination, except as provided in~~
35 paragraph (f). Effective July 1, 2024, a retiree may be
36 reemployed by an employer participating in the Florida
37 Retirement System and receive compensation from that employer
38 and retirement benefits after meeting the definition of
39 termination in s. 121.021. However, a DROP participant shall



40 continue employment and receive a salary during the period of
41 participation in the Deferred Retirement Option Program, as
42 provided in subsection (13).

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

45 2. The employer shall pay retirement contributions in an
46 amount equal to the unfunded actuarial liability portion of the
47 employer contribution that would be required for active members
48 of the Florida Retirement System in addition to the
49 contributions required by s. 121.76.

50 3. A retiree initially reemployed in violation of this
51 paragraph and an employer that employs or appoints such person
52 are jointly and severally liable for reimbursement of any
53 retirement benefits paid to the retirement trust fund from which
54 the benefits were paid, including the Florida Retirement System
55 Trust Fund and the Florida Retirement System Investment Plan
56 Trust Fund, as appropriate. The employer must have a written
57 statement from the employee that he or she is not retired from a
58 state-administered retirement system. Retirement benefits shall
59 remain suspended until repayment is made. Benefits suspended
60 beyond the end of the retiree's 6-month reemployment limitation
61 period shall apply toward the repayment of benefits received in
62 violation of this paragraph.

63 (d) This subsection applies to retirees, as defined in s.
64 121.4501(2), of the Florida Retirement System Investment Plan,
65 subject to the following conditions:

66 1. A retiree may not be reemployed with an employer
67 participating in the Florida Retirement System until such person
68 has been retired for 6 calendar months.



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69 2. A retiree employed in violation of this subsection and
70 an employer that employs or appoints such person are jointly and
71 severally liable for reimbursement of any benefits paid to the
72 retirement trust fund from which the benefits were paid. The
73 employer must have a written statement from the retiree that he
74 or she is not retired from a state-administered retirement
75 system.

76 ~~(f) A retired law enforcement officer may be reemployed as~~
77 ~~a school resource officer by an employer that participates in~~
78 ~~the Florida Retirement System and receive compensation from that~~
79 ~~employer and retirement benefits after meeting the definition of~~
80 ~~termination in s. 121.021, but may not receive both a salary~~
81 ~~from the employer and retirement benefits for 6 calendar months~~
82 ~~immediately subsequent to the date of retirement. The reemployed~~
83 ~~retired law enforcement officer may not renew membership in the~~
84 ~~Florida Retirement System, except as provided in s. 121.122.~~

85 Section 2. (1) In order to fund the benefit changes
86 provided by this act, the required employer contribution rates
87 for the members of the Florida Retirement System established in
88 s. 121.71(4), Florida Statutes, are increased as follows:

89 (a) By 0.02 percentage point for the Regular Class.

90 (b) By 0.05 percentage point for the Special Risk Class.

91 (c) By 0.02 percentage point for the Special Risk

92 Administrative Support Class.

93 (d) By 0.02 percentage point for the Elected Officers'
94 Class—Legislators, Governor, Lt. Governor, Cabinet Officers,
95 State Attorneys, Public Defenders.

96 (e) By 0.06 percentage point for the Elected Officers'
97 Class—Justices, Judges.



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98 (f) By 0.03 percentage point for the Elected Officers'
99 Class-County Elected Officers.

100 (g) By 0.02 percentage point for the Senior Management
101 Service Class.

102 (h) By 0.03 percentage point for the DROP.

103 (2) In order to fund the benefit changes provided by this
104 act, the required employer contribution rates for the unfunded
105 actuarial liability of the Florida Retirement System established
106 in s. 121.71(5), Florida Statutes, are increased as follows:

107 (a) By 0.03 percentage point for the Regular Class.

108 (b) By 0.07 percentage point for the Special Risk Class.

109 (c) By 0.07 percentage point for the Special Risk
110 Administrative Support Class.

111 (d) By 0.06 percentage point for the Elected Officers'
112 Class-Legislators, Governor, Lt. Governor, Cabinet Officers,
113 State Attorneys, Public Defenders.

114 (e) By 0.10 percentage point for the Elected Officers'
115 Class-Justices, Judges.

116 (f) By 0.07 percentage point for the Elected Officers'
117 Class-County Elected Officers.

118 (g) By 0.05 percentage point for the Senior Management
119 Service Class.

120 (h) By 0.00 percentage point for DROP.

121 (3) The adjustments provided in subsections (1) and (2) are
122 in addition to any other changes to such contribution rates
123 which may be enacted into law to take effect on July 1, 2024.

124 The Division of Law Revision is directed to adjust accordingly
125 the contribution rates provided in s. 121.71, Florida Statutes.

126 Section 3. The Legislature finds that a proper and



127 legitimate state purpose is served when employees, officers, and
128 retirees of the state and its political subdivisions, and the
129 dependents, survivors, and beneficiaries of such employees,
130 officers, and retirees, are extended the basic protections
131 afforded by governmental retirement systems. These persons must
132 be provided benefits that are fair and adequate and that are
133 managed, administered, and funded in an actuarially sound manner
134 as required by s. 14, Article X of the State Constitution and
135 part VII of chapter 112, Florida Statutes. Therefore, the
136 Legislature determines and declares that this act fulfills an
137 important state interest.

138 Section 4. This act shall take effect July 1, 2024.

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141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause
144 and insert:

145 A bill to be entitled
146 An act relating to reemployment of retirees in the
147 Florida Retirement System; amending s. 121.091, F.S.;;
148 allowing a retiree to be reemployed by an employer
149 participating in the Florida Retirement System and
150 receive compensation from that employer and retirement
151 benefits after meeting the definition of termination;
152 establishing contributions rates necessary to fund a
153 new retirement benefit; directing the Division of Law
154 Revision to adjust accordingly the contribution rates
155 otherwise in effect; making a legislative declaration



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that this act fulfills and important state interest;
providing an effective date.