

By Senator Burgess

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1 A bill to be entitled
2 An act relating to reemployment of retired law
3 enforcement officers; amending s. 121.091, F.S.;
4 authorizing retired law enforcement officers to be
5 reemployed in specified positions after meeting
6 specified termination requirements; authorizing such
7 retired law enforcement officers to receive both
8 compensation and retirement benefits after a specified
9 period; providing that such retired law enforcement
10 officers may not renew membership in the Florida
11 Retirement System, except as otherwise provided;
12 amending s. 122.16, F.S.; revising the timeframe
13 during which a former employee is prohibited from
14 receiving both a reemployment salary and retirement
15 benefits; conforming provisions to changes made by the
16 act; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (f) of subsection (9) of section
21 121.091, Florida Statutes, is amended to read:

22 121.091 Benefits payable under the system.—Benefits may not
23 be paid under this section unless the member has terminated
24 employment as provided in s. 121.021(39) (a) or begun
25 participation in the Deferred Retirement Option Program as
26 provided in subsection (13), and a proper application has been
27 filed in the manner prescribed by the department. The department
28 may cancel an application for retirement benefits when the
29 member or beneficiary fails to timely provide the information

23-00372A-24

2024400__

30 and documents required by this chapter and the department's
31 rules. The department shall adopt rules establishing procedures
32 for application for retirement benefits and for the cancellation
33 of such application when the required information or documents
34 are not received.

35 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

36 (f) A retired law enforcement officer may be reemployed in
37 a position that qualifies for the Special Risk Class ~~as a school~~
38 ~~resource officer~~ by an employer that participates in the Florida
39 Retirement System and receive compensation from that employer
40 and retirement benefits after meeting the definition of
41 termination in s. 121.021, but may not receive both a salary
42 from the employer and retirement benefits for 6 calendar months
43 immediately subsequent to the date of retirement. The reemployed
44 retired law enforcement officer may not renew membership in the
45 Florida Retirement System, except as provided in s. 121.122.

46 Section 2. Paragraphs (a) and (b) of subsection (2) of
47 section 122.16, Florida Statutes, are amended to read:

48 122.16 Employment after retirement.—

49 (2) (a) Any person retired under this chapter, except under
50 the disability retirement provisions of ss. 122.09 and 122.34,
51 may be reemployed by any private or public employer in a
52 position that qualifies for the Special Risk Class after
53 retirement and receive retirement benefits and compensation from
54 his or her employer without limitation, except that a ~~no~~ person
55 may not receive both a salary from reemployment with any agency
56 participating in the Florida Retirement System and retirement
57 benefits under this chapter for a period of 6 ~~12~~ months
58 immediately subsequent to the date of retirement.

23-00372A-24

2024400__

59 (b) Any person to whom the limitation in paragraph (a)
60 applies who violates such reemployment limitation and is
61 reemployed with any agency participating in the Florida
62 Retirement System before ~~prior to~~ completion of the 6-month ~~12-~~
63 ~~month~~ limitation period shall give timely notice of this fact in
64 writing to his or her employer and to the department; and his or
65 her retirement benefits must ~~shall~~ be suspended for the balance
66 of the 6-month ~~12-month~~ limitation period. Any person employed
67 in violation of this subsection and any employing agency which
68 knowingly employs or appoints such person without notifying the
69 department to suspend retirement benefits shall be jointly and
70 severally liable for reimbursement to the retirement trust fund
71 of any benefits paid during the reemployment limitation period.
72 To avoid liability, such employing agency shall have a written
73 statement from the retiree that he or she is not retired from a
74 state-administered retirement system. Any retirement benefits
75 received by such person while he or she is reemployed during
76 this reemployment limitation period must ~~shall~~ be repaid to the
77 retirement trust fund, and his or her retirement benefits must
78 ~~shall~~ remain suspended until such repayment has been made. Any
79 benefits suspended beyond the reemployment limitation period
80 shall apply toward the repayment of benefits received in
81 violation of the reemployment limitation.

82 Section 3. This act shall take effect July 1, 2024.