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

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

1920

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

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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 participation in the Deferred Retirement Option Program as

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provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.-

- (f) A retired law enforcement officer may be reemployed <u>in</u> a position that qualifies for the Special Risk Class as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.
- Section 2. Paragraphs (a) and (b) of subsection (2) of section 122.16, Florida Statutes, are amended to read:
 - 122.16 Employment after retirement.
- (2) (a) Any person retired under this chapter, except under the disability retirement provisions of ss. 122.09 and 122.34,

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may be reemployed by any private or public employer <u>in a position that qualifies for the Special Risk Class</u> after retirement and receive retirement benefits and compensation from his or her employer without limitation, except that <u>a no person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of <u>6 12 months immediately subsequent to the date of retirement.</u></u>

Any person to whom the limitation in paragraph (a) applies who violates such reemployment limitation and is reemployed with any agency participating in the Florida Retirement System before prior to completion of the 6-month 12month limitation period shall give timely notice of this fact in writing to his or her employer and to the department; and his or her retirement benefits must shall be suspended for the balance of the 6-month 12-month limitation period. Any person employed in violation of this subsection and any employing agency which knowingly employs or appoints such person without notifying the department to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by such person while he or she is reemployed during

this reemployment limitation period <u>must shall</u> be repaid to the retirement trust fund, and his or her retirement benefits <u>must shall</u> remain suspended until such repayment has been made. Any benefits suspended beyond the reemployment limitation period shall apply toward the repayment of benefits received in violation of the reemployment limitation.

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

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