

HB 1327

2021

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  
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  
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  
68 | not 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  
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, 2021.