

# MEMORANDUM

GO  
Agenda Item No 2(B)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 13, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to require retirees  
of the Florida Retirement  
System who return to work  
with an FRS employer to go  
through the regular hiring  
process

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** March 3, 2009  
and Members, Board of County Commissioners

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
3-3-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE RETIREES OF THE FLORIDA RETIREMENT SYSTEM WHO RETURN TO WORK WITH AN FRS EMPLOYER TO GO THROUGH THE REGULAR HIRING PROCESS, AND TO PROHIBIT SUCH RETIREES FROM EARNING MORE THAN AN APPLICABLE ENTRY-LEVEL SALARY, BUT ALLOWING SALARY INCREASES IN THE NORMAL COURSE

**WHEREAS**, the Florida Retirement System (FRS) is the primary retirement plan for employees of the state, counties, school boards, community colleges, and universities, and also serves as the retirement plan for participating employees of 164 cities and 209 independent special districts that have elected to join the system; and

**WHEREAS**, some cities within Miami-Dade County have their own retirement systems and do not participate in FRS; and

**WHEREAS**, current law allows FRS retirees to be employed by non-FRS employers while continuing to receive retirement benefits; and

**WHEREAS**, retirees seeking reemployment with an FRS employer, however, may not return to work for one calendar month after retirement, and after that, retirees will not receive retirement benefits for the second through 12<sup>th</sup> months after retirement; and

**WHEREAS**, after the first 12 months, FRS retirees may receive both their retirement benefit and salary from reemployment with the FRS employer; and

**WHEREAS**, FRS retirees employed as firefighters or paramedics are exempt from the 12-month limitation period and may receive both retirement benefits and compensation during this period with certain conditions; and

**WHEREAS**, retirees that are elected or appointed to an elective public office covered by the Elected Officers' Class are exempt from the 12-month limitation period and may receive both retirement benefits and compensation during the first 12 months after retirement; and

**WHEREAS**, there are currently no limits on the salary an FRS retiree can earn while working for an FRS employer and also receiving FRS retirement benefits; and

**WHEREAS**, some states have made it illegal to collect retirement benefits and return to work at the same job and salary; and

**WHEREAS**, other states have made it illegal to take any public sector job in the same retirement system without forfeiting retirement benefits; and

**WHEREAS**, during the last few legislative sessions, bills have been filed in the Florida Legislature that would limit benefits for Florida Retirement System retirees that return to work for FRS employers; and

**WHEREAS**, bills were filed during the 2008 session, SB 2830 by Senator Mike Fasano and HB 1405 by Representative Robert Schenck, that would have extended from one month to 12 months the exclusionary period immediately after retirement in which a retiree may not be reemployed with any FRS employer and also extended from months 13 through 24 the period in which a retiree may not collect both retirement benefits and a salary from an FRS employer; and

**WHEREAS**, other bills were considered during the 2008 session that would have prohibited FRS retirees from going back to work in any job with an FRS employer that paid them more than \$30,000 per year while they collected retirement benefits; and

**WHEREAS**, still other bills were considered during the 2008 session that would have prohibited elected officials from returning to work in any job with an FRS employer while they collected retirement benefits; and

**WHEREAS**, none of these bills passed out of concerns that they would place FRS employers at a competitive disadvantage with private sector and cities and other non-FRS public entities in attracting and retaining talented retirees; and

**WHEREAS**, an appropriate balance can be struck by allowing FRS retirees to return to work for an FRS employer, but only if retirees go through the regular hiring process including job applications and interviews where applicable, and are limited to earning an entry-level salary in their respective field, while allowing such retirees to receive salary increases in the normal course commensurate with other entry-level employees,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

Section 1. Urges the Florida Legislature to require retirees of the Florida Retirement System who return to work with an FRS employer to go through the regular hiring process, including job applications and interviews where applicable, and to prohibit such retirees from earning more than an applicable entry-level salary, but allowing such retirees to receive salary increases in the normal course commensurate with other entry-level employees.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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|----------------------|---------------------------------|
|                      | Dennis C. Moss, Chairman        |
|                      | Jose "Pepe" Diaz, Vice-Chairman |
| Bruno A. Barreiro    | Audrey M. Edmonson              |
| Carlos A. Gimenez    | Sally A. Heyman                 |
| Barbara J. Jordan    | Joe A. Martinez                 |
| Dorrin D. Rolle      | Natacha Seijas                  |
| Katy Sorenson        | Rebeca Sosa                     |
| Sen. Javier D. Souto |                                 |

The Chairman thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. 

Jess M. McCarty