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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 11(A)(9)

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

**DATE:** March 16, 2010

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

**SUBJECT:** Resolution urging the Florida Legislature to pass legislation further limiting "double dipping" related to the Florida Retirement System

Resolution No. R-308-10

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

# MEMORANDUM

**(Revised)**

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

**DATE:** March 16, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(9)

**Please note any items checked.**

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____ ) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
3-16-10

RESOLUTION NO. R-308-10

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION FURTHER LIMITING "DOUBLE DIPPING" RELATED TO THE FLORIDA RETIREMENT SYSTEM

**WHEREAS**, current Florida law allows retirees from the Florida Retirement System ("FRS") to be employed by FRS employers, including the same employer from which the person retired with certain limitations; and

**WHEREAS**, such re-employment with an FRS employer is sometimes referred to as "double dipping" because the employee collects pension benefits from FRS, and also collects a salary from the FRS employer; and

**WHEREAS**, during the 2009 regular session, the Florida Legislature sought to address FRS "double dipping" by passing HB 479, Chapter 2009-209, Laws of Florida ("HB 479"), which provided that employees who retire with FRS benefits on or after July 1, 2010, are not eligible for re-employment with an FRS employer for six months after retirement, and such retirees will not receive retirement benefits for the seventh through 12th months after retirement; and

**WHEREAS**, up to July 1, 2010, Florida law provides that retirees can return to work after only one calendar month, and such retirees will not receive retirement benefits for the second through 12th months after retirement; and

**WHEREAS**, HB 479 did not impose any 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**, an appropriate balance can be struck by:

1. 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 for salary increases, longevity bonuses, merit pay increases and the like in the normal course commensurate with other entry-level employees of similar classifications; and

2. Providing FRS employers the ability to grant exceptions for highly technical positions, as a result of an emergency or on a temporary basis,

**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 pass legislation further limiting "double dipping" related to the Florida Retirement System, by:

1. Requiring retirees who return to work with an FRS employer to go through the regular hiring process, including job applications testing and interviews where applicable, and to prohibit such retirees from initially earning more than an applicable entry-level salary, and limiting such retirees to receiving salary increases, longevity bonuses, merit pay increases and the like, in the normal course commensurate with other entry-level employees of similar classification; and

2. Providing FRS employers the ability to grant exceptions for highly technical positions, as a result of an emergency or on a temporary basis.

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 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

| | | | |
|---|---|---|---|
| Bruno A. Barreiro | aye | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | aye | Joe A. Martinez | absent |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2010 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty