STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-88

(Emergency Management – COVID-19 – Re-employment of Essential Personnel)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, Florida's growing population of COVID-19 cases necessitates increased state-wide resources dedicated to law enforcement, emergency response, and medical attention to combat the spread of COVID-19; and

WHEREAS, governmental entities across Florida are working tirelessly to support the COVID-19 response effort by providing mission critical support to protect all Floridians; and

WHEREAS, a key resource during this state of emergency is having enough trained essential personnel to cope with the sudden increased workload demands for the duration of the COVID-19 state of emergency; and

WHEREAS, employees of Florida Retirement System ("FRS") participating employers may be temporarily unable to report to work due to possible COVID-19 exposure or quarantines related to COVID-19, which might impact essential governmental functions; and

WHEREAS, training new employees to serve in such positions requires significant time and resources that may be better utilized in support of the response effort; and

WHEREAS, many recently retired FRS employees possess the necessary skills and training to immediately assist with Florida's COVID-19 response; and

WHEREAS, the essential governmental functions of FRS participating employers should not be hindered by the termination and re-employment limitations pertaining to recently retired essential personnel during the COVID-19 state of emergency; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby declare that certain FRS employees who have retired since October 1, 2019, or who may retire prior to or on August 1, 2020 under a state administered retirement system (i.e., FRS Pension Plan service retirement or Deferred Retirement Option Program ("DROP"), FRS Investment Plan, State University System Optional Retirement Program, Community College System Optional Retirement Program, and Senior Management Service

Optional Retirement Program), may have the requirements of Section 121.091(9), F.S., tolled for completion of the 6-month termination period and the 7th-12th month re-employment limitation period if the re-employment or continued employment assists the COVID-19 emergency response. Any other statutory provision or implementing regulation limiting such re-employment shall also be suspended. FRS participating employers may utilize recent retirees for emergency work without incurring liability or voiding the recent retirees' retirement. All FRS participating employers must comply with the notification provisions of Section 4 of this order.

Section 2. This order shall apply to employees in the following mission-critical categories:

A. law enforcement officers,

B. first responders, emergency management and public safety personnel,

C. health and medical professionals and

D. other critical COVID-19 response personnel as identified and determined by a state agency head.

Section 3. The following restrictions shall apply:

A. Retired employees re-entering the workforce under this order shall not accrue retirement benefits related to the time of re-employment up to a period that shall not extend beyond August 1, 2022. Any person re-employed under the order will not have retirement voided or benefits suspended due to such re-employment.

B. Re-employment shall be permitted until thirty (30) days after the expiration of Executive Order 20-52, or any extension thereof, not to extend beyond August 1, 2022.

C. Once the re-employment ceases, the time toward completion of the 6-month re-employment period and the 7th-12th month re-employment limitation period will cease to be tolled.

Section 4. Any FRS participating employer who intends to utilize recent retirees for emergency work shall provide to the Department of Management Services ("DMS"), Division of Retirement, the list of recent retirees who will provide emergency work to them under the duration of the COVID-19 state of emergency. The FRS participating employer must certify that the listed recent retirees will be providing work or services directly related to essential governmental functions in response to the COVID-19 emergency.

Section 5. I hereby direct DMS to issue guidance and subsequent action, as necessary, to implement this directive.

Section 6. This Executive Order shall expire upon the expiration of Executive Order 20-52, including any extensions.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 30th day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA