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2 An act relating to the Florida Statutes;  
3 amending ss. 121.021, 121.051, 121.052,  
4 121.053, 121.055, 121.091, and 121.122, Florida  
5 Statutes, pursuant to the directive in s. 17,  
6 ch. 98-413, Laws of Florida, to change "Elected  
7 State and County Officers' Class" to "Elected  
8 Officers' Class" wherever the same appears in  
9 chapter 121.

10

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

12

13 Section 1. Subsection (12) and paragraph (d) of  
14 subsection (29) of section 121.021, Florida Statutes, 1998  
15 Supplement, are amended to read:

16 121.021 Definitions.--The following words and phrases  
17 as used in this chapter have the respective meanings set forth  
18 unless a different meaning is plainly required by the context:

19 (12) "Member" means any officer or employee who is  
20 covered or who becomes covered under this system in accordance  
21 with this chapter. On and after December 1, 1970, all new  
22 members and those members transferring from existing systems  
23 shall be divided into the following classes: "Special Risk  
24 Class," as provided in s. 121.0515(2); "Special Risk  
25 Administrative Support Class," as provided in s. 121.0515(7);  
26 "~~Elected State and County~~ Officers' Class," as provided in s.  
27 121.052; "Senior Management Service Class," as provided in s.  
28 121.055; and "Regular Class," which consists of all members  
29 who are not in the Special Risk Class, Special Risk  
30 Administrative Support Class, ~~Elected State and County~~  
31 Officers' Class, or Senior Management Service Class.

1           (29) "Normal retirement date" means the first day of  
2 any month following the date a member attains one of the  
3 following statuses:

4           (d) If an Elected ~~State County~~ Officers' Class member,  
5 the member:

6           1. Completes 8 years of creditable service in the  
7 Elected ~~State and County~~ Officers' Class and attains age 62;  
8 or

9           2. Completes 30 years of any creditable service,  
10 regardless of age, which may include a maximum of 4 years of  
11 military service credit as long as such credit is not claimed  
12 under any other system.

13

14 "Normal retirement age" is attained on the "normal retirement  
15 date."

16           Section 2. Paragraph (a) of subsection (9) of section  
17 121.051, Florida Statutes, 1998 Supplement, is amended to  
18 read:

19           121.051 Participation in the system.--

20           (9) DUAL EMPLOYMENT.--A member may not participate in  
21 more than one state-administered retirement system, plan, or  
22 class of membership simultaneously. Pursuant thereto:

23           (a) With respect to any member who is not eligible to  
24 participate in the Elected ~~State and County~~ Officers' Class,  
25 but who is simultaneously employed in two or more positions  
26 covered by different Florida Retirement System classes:

27           1. The member must participate in the membership class  
28 for the position in which he or she is employed the majority  
29 of the time: the Regular Class, Senior Management Service  
30 Class, Special Risk Class, or Special Risk Administrative  
31 Support Class; or

1           2. If the employment is split equally between or among  
2 positions, the member may choose any single class of  
3 membership for which he or she is eligible, whether or not the  
4 positions are full-time positions. The member's choice must be  
5 made in writing and remains in effect as long as the member is  
6 employed equally in two or more positions.

7           Section 3. Subsections (1), (2), (3), (5), and (6),  
8 paragraph (b) of subsection (7), subsections (8), (9), and  
9 (10), paragraphs (a) and (c) of subsection (11), and  
10 subsections (12), (13), and (14) of section 121.052, Florida  
11 Statutes, 1998 Supplement, are amended to read:

12           121.052 Membership class of elected officers.--

13           (1) ESTABLISHMENT OF CLASS.--There is hereby  
14 established a separate class of members within the Florida  
15 Retirement System, which hereafter may be cited as the  
16 "~~Elected State and County~~ Officers' Class." Unless the context  
17 otherwise requires, any reference to said class shall also be  
18 construed as a reference to the Elected State Officers' Class,  
19 as the same existed prior to July 3, 1990.

20           (2) MEMBERSHIP.--The following holders of elective  
21 office, hereinafter referred to as "elected officers," whether  
22 assuming elective office by election, reelection, or  
23 appointment, are members of the Elected ~~State and County~~  
24 Officers' Class, except as provided in subsection (3):

25           (a) Any Governor, Lieutenant Governor, Cabinet  
26 officer, legislator, Supreme Court justice, district court of  
27 appeal judge, circuit judge, or state attorney assuming office  
28 on or after July 1, 1972.

29           (b) Any county court judge assuming office on or after  
30 October 1, 1974.

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1 (c) Any public defender assuming office on or after  
2 July 1, 1977.

3 (d) Any constitutional county elected officer assuming  
4 office on or after July 1, 1981, including any sheriff, tax  
5 collector, property appraiser, supervisor of elections, clerk  
6 of the circuit court, county commissioner, school board  
7 member, or elected school board superintendent, or any elected  
8 officer of any entity with countywide jurisdiction assuming  
9 office on or after July 1, 1981, who, pursuant to general or  
10 special law, exercises powers and duties that, but for such  
11 general or special law, would be exercised by any of the  
12 constitutional county elected officers set forth in this  
13 paragraph.

14 (e) Any public service commissioner assuming office on  
15 or after July 1, 1972, but prior to July 1, 1979.

16 (f) Any elected officer of a municipality or special  
17 district on or after July 1, 1997, as provided in paragraph  
18 (3)(e).

19 (3) PARTICIPATION AND WITHDRAWAL,  
20 GENERALLY.--Effective July 1, 1990, participation in the  
21 ~~Elected State and County~~ Officers' Class shall be compulsory  
22 for elected officers listed in paragraphs (2)(a)-(d) and (f)  
23 assuming office on or after said date, unless the elected  
24 officer elects membership in another class or withdraws from  
25 the Florida Retirement System as provided in paragraphs  
26 (3)(a)-(d):

27 (a) Any elected officer who is or becomes dually  
28 employed and a member of the Florida Retirement System or one  
29 of the existing systems may elect membership in any system or  
30 class for which he or she is eligible. Upon becoming dually  
31 employed, the elected officer shall have a period of 6 months

1 to notify the administrator of his or her decision, as  
2 provided in subsection (6).

3 (b) Upon assuming office, any sheriff shall have a  
4 period of 6 months to notify the administrator of his or her  
5 decision to remain or elect membership in the Special Risk  
6 Class in lieu of membership in the Elected ~~State and County~~  
7 Officers' Class.

8 (c) Any elected officer may, within 6 months after  
9 assuming office, or within 6 months after this act becomes a  
10 law for serving elected officers, elect membership in the  
11 Senior Management Service Class as provided in s. 121.055 in  
12 lieu of membership in the Elected ~~State and County~~ Officers'  
13 Class. Any such election made by a county elected officer  
14 shall have no effect upon the statutory limit on the number of  
15 nonelective full-time positions that may be designated by a  
16 local agency employer for inclusion in the Senior Management  
17 Service Class under s. 121.055(1)(b)1.

18 (d)1. Any elected officer may elect to withdraw from  
19 participating in the Florida Retirement System in any manner  
20 whatsoever. Upon assuming office, the member shall have a  
21 period of 6 months to notify the administrator of his or her  
22 decision to withdraw from the Florida Retirement System  
23 altogether. Such election shall be made in writing and a copy  
24 shall be filed with the employer.

25 2. Upon receipt of a request from an elected officer  
26 to withdraw from the Florida Retirement System pursuant to  
27 subparagraph 1., the administrator shall refund all moneys  
28 contributed by the elected officer to the system during the  
29 period of participation in the system, unless the elected  
30 officer has a vested right under the Florida Retirement  
31

1 System, in which case he or she shall not receive a refund of  
2 contributions.

3           3. Any elected officer who has withdrawn from the  
4 Florida Retirement System pursuant to this paragraph shall be  
5 permitted to rejoin the Elected ~~State and County~~ Officers'  
6 Class upon written request to the administrator.

7           a. Credit for prior service based on the period for  
8 which refunds were received pursuant to subparagraph 2. shall  
9 be received by an elected officer who rejoins the system upon  
10 payment to the System Trust Fund of an amount equal to the  
11 contributions refunded to the elected officer pursuant to  
12 subparagraph 2., plus 4 percent interest compounded annually  
13 from the date of refund until July 1, 1975, and 6.5 percent  
14 interest, compounded annually thereafter until the date of  
15 payment.

16           b. Credit for prior service based on the period during  
17 which the elected officer had withdrawn from the system, and  
18 for which no contributions were made, shall be received by the  
19 elected officer upon payment to the System Trust Fund of an  
20 amount equal to the contributions required, under the  
21 contribution rate in effect during the period of withdrawal  
22 for which credit is being purchased, plus 6.5 percent  
23 interest, compounded annually until the date of payment. The  
24 payment of the total of such amount shall be made by the  
25 employer and the elected officer in the relative proportions  
26 provided by law for contributions during the period of  
27 withdrawal.

28  
29 Failure to timely withdraw from the Elected ~~State and County~~  
30 Officers' Class shall constitute an election to maintain  
31 membership in the Elected ~~State and County~~ Officers' Class.

1           (e) Effective July 1, 1997, the governing body of a  
2 municipality or special district may, by majority vote, elect  
3 to designate all its elected positions for inclusion in the  
4 Elected ~~State and County~~ Officers' Class. Such election shall  
5 be made between July 1, 1997, and December 31, 1997, and shall  
6 be irrevocable. The designation of such positions shall be  
7 effective the first day of the month following receipt by the  
8 division of the ordinance or resolution passed by the  
9 governing body.

10           (5) UPGRADED SERVICE; PURCHASE OF ADDITIONAL CREDIT.--

11           (a) As provided in paragraph (b), and subject to the  
12 provisions of subsection (6), if applicable, a current or  
13 former member of the Elected ~~State and County~~ Officers' Class,  
14 or former elected officer who held office after his subclass  
15 of the Elected ~~State and County~~ Officers' Class was  
16 established, and who opted for membership in a membership  
17 class of the Florida Retirement System other than the Elected  
18 ~~State and County~~ Officers' Class, may purchase at his or her  
19 own expense additional retirement credit in the Elected ~~State~~  
20 ~~and County~~ Officers' Class for all creditable service as an  
21 officer within the purview of this class, and such other  
22 creditable service as authorized hereunder for which he or she  
23 has accumulated credit in the retirement system or class  
24 within the Florida Retirement System from which he or she  
25 transfers. Any member of the Elected ~~State and County~~  
26 Officers' Class may purchase additional retirement credit for  
27 service prior to January 1, 1973, as a county solicitor,  
28 elected county prosecuting attorney, county judge, judge of a  
29 court of record, judge of a criminal or civil court of record,  
30 judge of any metropolitan court established pursuant to s. 6,  
31 Art. VIII of the State Constitution, judge of a small claims

1 court, or justice of the peace, or for service as a county  
2 court judge from January 1, 1973, to October 1, 1974.

3 (b) To receive additional retirement credit for  
4 service within the purview of the Elected ~~State and County~~  
5 Officers' Class as provided in paragraph (a), such member  
6 shall pay a sum equal to the difference between the amounts  
7 derived under subparagraphs 1. and 2.:

8 1. The total employee and employer contributions  
9 actually paid, based on the actual gross salary received and  
10 the contribution rates in effect for the period of his or her  
11 tenure in office; and

12 2. The total contributions which would have been  
13 required at the time the service was rendered for the subclass  
14 of elected state officers' service being purchased, based on  
15 the actual gross salary received or on a gross salary of  
16 \$1,000 per month, whichever is greater, multiplied by the  
17 contribution rates required, as follows:

18 a. The contribution rates in effect at the time the  
19 service was rendered for the subclass of elected state  
20 officers' service being purchased; or

21 b. The contribution rates in effect on July 1, 1972,  
22 for such service rendered before July 1, 1972, by an elected  
23 officer who held an elective office included within the  
24 Elected State Officers' Class upon its creation; or

25 c. The contribution rates in effect for the  
26 appropriate subclass on the date of inclusion of the elective  
27 office within the Elected ~~State and County~~ Officers' Class, as  
28 set forth in subsection (2); or

29 d. For service as an elected county officer before  
30 July 1, 1981, the contribution rate applicable for the  
31 legislative subclass of the Elected State Officers' Class,



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2 plus interest thereon at the rate of 4 percent per year  
3 compounded annually each June 30 from the date of such service  
4 until July 1, 1975, and at the rate of 6.5 percent per year  
5 thereafter until the date of payment.

6 (c) Notwithstanding any provision of this subsection  
7 to the contrary, a current or former member of the Elected  
8 ~~State and County~~ Officers' Class, or a former elected officer  
9 as described in paragraph (a), may elect to claim additional  
10 retirement credit in the Elected ~~State and County~~ Officers'  
11 Class pursuant to paragraph (a) upon payment of the required  
12 contributions and interest due the Florida Retirement System  
13 Trust Fund. The current or former employer of such officer may  
14 elect to pay any portion of the total required employee and  
15 employer contributions and interest due on behalf of such  
16 member, provided such payment is made before January 1, 1998.

17 (6) DUAL EMPLOYMENT.--A member may not participate in  
18 more than one state-administered retirement system, plan, or  
19 class of membership simultaneously. If an elected officer  
20 becomes dually employed, or if a member becomes dually  
21 employed as an elected officer, such officer shall have 6  
22 months to elect membership from among the plans or classes for  
23 which he or she is eligible, as set forth in this subsection.  
24 Failure to make election during the prescribed period shall  
25 result in compulsory membership in the Elected ~~State and~~  
26 ~~County~~ Officers' Class.

27 (a) If an elected officer is or becomes dually  
28 employed, he or she may elect membership in the Elected ~~State~~  
29 ~~and County~~ Officers' Class and retirement contributions shall  
30 be made only on the salary earned as a state or county elected  
31 officer. At retirement, the officer's average final

1 compensation shall be based only on the salary received as an  
2 officer of that class for any period including dual  
3 employment.

4 (b) If an elected officer is or becomes dually  
5 employed in a position in the Regular Class, such officer may  
6 elect membership in the Regular Class and contributions shall  
7 be paid on the total salary received for all employment, at  
8 the contribution rate required for the Regular Class. At  
9 retirement, the officer's average final compensation shall be  
10 based on all salary reported for both classes for any period  
11 including dual employment.

12 (c) If an elected officer is or becomes dually  
13 employed in a position in a class other than the Regular  
14 Class, he or she may elect to be a member of the other class  
15 for which he or she is eligible and retirement contributions  
16 shall be based only on the salary earned in the position other  
17 than the elected position. At retirement, the officer's  
18 average final compensation shall be based only on the salary  
19 received as an employee in that position for any period  
20 including dual employment.

21 (d) A member of the State University System Optional  
22 Retirement Program, the State Community College System  
23 Optional Retirement Program, or the Senior Management Service  
24 Optional Annuity Program who becomes dually employed in an  
25 elected office eligible for the Elected ~~State and County~~  
26 Officers' Class shall, within 6 months after assuming office,  
27 select membership in one of the following classes or plans.  
28 Failure to timely notify the administrator of such selection  
29 shall result in compulsory membership in the Elected ~~State and~~  
30 ~~County~~ Officers' Class for the entire period of dual  
31 employment as an elected officer.

1           1. The Elected ~~State and County~~ Officers' Class.--If  
2 the participant elects membership in the Elected ~~State and~~  
3 ~~County~~ Officers' Class, participation in the optional  
4 retirement program or the optional annuity program shall cease  
5 for the period of dual employment, and retirement  
6 contributions shall be paid as required only on the salary  
7 earned as a state or county elected officer. At retirement,  
8 the member's average final compensation under the Florida  
9 Retirement System shall be based only on the salary received  
10 as an employee in that position for such period including dual  
11 employment. When the member ceases to be a dually employed  
12 elected officer, he or she may, within 90 days, elect  
13 membership in the Florida Retirement System class for which he  
14 or she is eligible, except as provided in s. 121.051(1)(a) for  
15 members of a faculty practice plan, or may again become a  
16 participant in the optional retirement program or the optional  
17 annuity program for which he or she is eligible.

18           2. The State University System Optional Retirement  
19 Program, the State Community College System Optional  
20 Retirement Program, or the Senior Management System Optional  
21 Annuity Program.--If the participant elects to remain a member  
22 of the optional program, retirement contributions shall be  
23 paid as required only on the salary earned in the position  
24 eligible for the optional program selected. At retirement,  
25 his or her annuity shall include the contributions required  
26 only on the salary received for employment in the position  
27 eligible for the selected optional program for such period  
28 including dual employment.

29           3. The Regular Class.--If the participant elects  
30 membership in the Regular Class, participation in the optional  
31 retirement program or the optional annuity program shall cease

1 for the period of dual employment and retirement contributions  
2 shall be paid as required on the total salary received for all  
3 employment. At retirement, his or her average final  
4 compensation under the Florida Retirement System shall be  
5 based on all salary reported for both positions during such  
6 period of dual employment. Membership in the optional program  
7 shall cease for as long as the officer remains an elected  
8 officer. When such member ceases to be a dually employed  
9 elected officer, he or she may, within 90 days, elect  
10 membership in the Florida Retirement System class for which he  
11 or she is eligible, except as provided in s. 121.051(1)(a) for  
12 members of a faculty practice plan, or again become a  
13 participant in the optional retirement program or the optional  
14 annuity program for which he or she is eligible.

15 (e) Where a former elected officer purchasing  
16 additional retirement credit under subparagraph (5)(b)2. was  
17 dually employed, employee and employer contributions paid for  
18 service in the position not covered by the Elected ~~State and~~  
19 ~~County~~ Officers' Class shall be refunded to the employee and  
20 employer, as applicable, and no salaries earned in a class  
21 other than the Elected ~~State and County~~ Officers' Class shall  
22 apply toward the officer's average final compensation.

23 (7) CONTRIBUTIONS.--

24 (b) The employer paying the salary of a member of the  
25 Elected ~~State and County~~ Officers' Class shall contribute an  
26 amount as specified in this subsection which shall constitute  
27 the entire employer retirement contribution with respect to  
28 such member. The employer shall also withhold one-half of the  
29 entire contribution of the member required for social security  
30 coverage.

31

1           (8) NORMAL RETIREMENT DATE; VESTING REQUIREMENT.--A  
2 member of the Elected ~~State and County~~ Officers' Class shall  
3 have the same normal retirement date as defined in s.  
4 121.021(29) for a member of the regular class of the Florida  
5 Retirement System, except that only 8 years of creditable  
6 service in this class are needed to attain the normal  
7 retirement date specified in s. 121.021(29)(a). Any public  
8 service commissioner who was removed from the Elected State  
9 Officers' Class on July 1, 1979, after attaining at least 8  
10 years of creditable service in that class shall be considered  
11 to have reached the normal retirement date upon attaining age  
12 62 as required in s. 121.021(29)(a).

13           (9) AVERAGE FINAL COMPENSATION.--The average final  
14 compensation of a member of the Elected ~~State and County~~  
15 Officers' Class shall be as defined in s. 121.021(24). If a  
16 member has received credit for upgraded previous Elected ~~State~~  
17 ~~and County~~ Officers' Class service as provided in subsection  
18 (5), and the upgraded service salary is greater than his or  
19 her actual salary, the upgraded service salary shall be used  
20 to calculate the member's average final compensation.

21           (10) ACCRUED SERVICE VALUE.--A member of the Elected  
22 ~~State and County~~ Officers' Class who is a Supreme Court  
23 justice, district court of appeal judge, circuit judge, or  
24 county court judge shall receive judicial retirement credit of  
25 3 1/3 percent of average final compensation, and all other  
26 members shall receive elected officer retirement credit of 3  
27 percent of average final compensation, for each year of  
28 creditable service in such class.

29           (11) RETENTION OF CREDIT.--

30           (a) Any member of the Elected ~~State and County~~  
31 Officers' Class who ceases to fill an office covered by this

1 class and who is employed in a position covered by another  
2 class of the Florida Retirement System shall retain judicial  
3 or elected officer retirement credit in the Florida Retirement  
4 System, as applicable, for each year of creditable service in  
5 such class.

6 (c) Any member of the Elected ~~State and County~~  
7 Officers' Class who leaves office or otherwise terminates  
8 membership in the retirement system for any reason other than  
9 death or retirement and who does not come under the provisions  
10 of paragraph (a) or paragraph (b) shall be subject to the  
11 termination benefit provisions of s. 121.091(5).

12 (12) BENEFITS.--

13 (a) Upon attaining his or her normal retirement date,  
14 a member of the Elected ~~State and County~~ Officers' Class  
15 shall, upon application to the administrator, receive a  
16 monthly benefit which shall commence on the last day of the  
17 month of retirement and be payable on the last day of each  
18 month thereafter during his or her lifetime. The amount of  
19 such monthly benefit shall be the total percentage of accrued  
20 value received by the member multiplied by his or her average  
21 monthly compensation. The total percentage of accrued value  
22 received by a member shall be the sum of the retirement credit  
23 earned or purchased as a member of the Elected ~~State and~~  
24 ~~County~~ Officers' Class, and any other retirement credit earned  
25 or purchased as a member of an existing system or another  
26 class of the Florida Retirement System, together with any  
27 additional retirement credit he or she has acquired for  
28 upgraded service within the purview of the class, wartime  
29 military service, or past or prior service. However, in no  
30 event shall the annual benefit exceed the member's average  
31 final compensation.

1           (b) The benefit provisions of s. 121.091(2)-(6), (8),  
2 (9), and (11), relating to benefits payable for dual normal  
3 retirement ages, early retirement, disability retirement,  
4 termination benefits, optional forms of retirement,  
5 designation of beneficiaries, employment after retirement, and  
6 method of computing actuarial equivalent, respectively, shall  
7 also apply to members of the Elected ~~State and County~~  
8 Officers' Class, except that only 8 years of creditable  
9 service in this class are needed to attain the benefits  
10 specified in s. 121.091(3) and (5). These provisions shall be  
11 construed in such manner as to make them compatible with the  
12 provisions of this section.

13           (c) The benefit provisions of s. 121.091(7), relating  
14 to death benefits, shall apply to members of the Elected ~~State~~  
15 ~~and County~~ Officers' Class and shall be construed in such  
16 manner as to make them compatible with the provisions of this  
17 section; however, only 8 years of creditable service in this  
18 class are needed to obtain such benefits, except that:

19           1. If any elected official dies in office who would  
20 have been vested under the Elected ~~State and County~~ Officers'  
21 Class, any other class of the Florida Retirement System, or  
22 any other state-administered retirement system, if the  
23 official had lived to complete his or her term of office, the  
24 official's spouse may elect to leave the official's retirement  
25 contributions in the retirement trust fund and pay into said  
26 fund any required contributions which would have been paid by  
27 the officer or the employer had the officer lived to complete  
28 the term of office.

29           2. If a deceased member's surviving spouse as  
30 described in subparagraph 1. previously received a refund of  
31 the member's contributions made to the retirement trust fund,

1 the surviving spouse may pay into the retirement trust fund an  
2 amount equal to the deceased member's contributions previously  
3 refunded, together with interest at 4 percent compounded  
4 annually on the amount of such refunded contributions from the  
5 date of refund until July 1, 1975, and at 6.5 percent  
6 compounded annually thereafter to the date of payment, plus  
7 such additional contributions as may be required under  
8 subparagraph 1., in order to become vested, as applicable.

9  
10 Upon conclusion of the term of office to which the deceased  
11 officer was elected, a spouse who pays into the retirement  
12 trust fund such additional or refunded contributions, plus  
13 interest, shall be eligible to receive a monthly benefit in  
14 the same manner as the surviving spouse of a member who dies  
15 after accumulating the required number of years of creditable  
16 service as described herein.

17 (d) The provisions of ss. 121.101 and 121.111,  
18 relating to the cost-of-living adjustment of retirement  
19 benefits and retirement credit for wartime military service,  
20 respectively, shall apply to members of the Elected ~~State and~~  
21 ~~County~~ Officers' Class. Creditable service for actual wartime  
22 service, as authorized by s. 121.111(2), not exceeding 4  
23 years, shall be acquired and paid for as provided in said  
24 subsection. Upon payment by the member of 4 percent of gross  
25 salary plus accrued interest, retirement credit shall be  
26 granted at the rate of 1.6 percent for each year of creditable  
27 service acquired under said subsection.

28 (13) SOCIAL SECURITY COVERAGE.--Members of the Elected  
29 ~~State and County~~ Officers' Class shall be subject to social  
30 security coverage as provided by the federal Social Security  
31 Act. The administrator shall make such modification to the



1 agreement between the state and the Federal Social Security  
2 Administrator, made pursuant to the provisions of chapter 650,  
3 hold any referendum, or take any other action as may be  
4 required to provide social security coverage for such members.

5 (14) RULES.--The administrator shall make such rules  
6 as are necessary for the effective and efficient  
7 administration of the Elected ~~State and County~~ Officers'  
8 Class.

9 Section 4. Subsection (1) of section 121.053, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11 121.053 Participation in the Elected ~~State and County~~  
12 Officers' Class for retired members.--

13 (1)(a) Any member who retired under any existing  
14 system as defined in s. 121.021(2), and receives a benefit  
15 thereof, and who serves in an office covered by the Elected  
16 ~~State and County~~ Officers' Class for a period of at least 8  
17 years, shall be entitled to receive an additional retirement  
18 benefit for such elected officer service prior to July 1,  
19 1990, under the Elected ~~State and County~~ Officers' Class of  
20 the Florida Retirement System, as follows:

21 1. Upon completion of 8 or more years of creditable  
22 service in an office covered by the Elected ~~State and County~~  
23 Officers' Class, s. 121.052, such member shall notify the  
24 administrator of his or her intent to purchase elected officer  
25 service prior to July 1, 1990, and shall pay the member  
26 contribution applicable for the period being claimed, plus 4  
27 percent interest compounded annually from the first year of  
28 service claimed until July 1, 1975, and 6.5 percent interest  
29 compounded annually thereafter, until full payment is made to  
30 the Florida Retirement Trust Fund; however, such member may  
31

1 purchase retirement credit under the Elected ~~State and County~~  
2 Officers' Class only for such service as an elected officer.  
3         2. Upon payment of the amount specified in  
4 subparagraph 1., the employer shall pay into the Florida  
5 Retirement Trust Fund the applicable employer contribution for  
6 the period of elected officer service prior to July 1, 1990,  
7 being claimed by the member, plus 4 percent interest  
8 compounded annually from the first year of service claimed  
9 until July 1, 1975, and 6.5 percent interest compounded  
10 annually thereafter, until full payment is made to the Florida  
11 Retirement Trust Fund.

12         (b) Any retired member of the Florida Retirement  
13 System, or any existing system as defined in s. 121.021(2),  
14 who, on or after July 1, 1990, is serving in, or is elected or  
15 appointed to, an elective office covered by the Elected ~~State~~  
16 ~~and County~~ Officers' Class shall be enrolled in the  
17 appropriate subclass of the Elected ~~State and County~~ Officers'  
18 Class of the Florida Retirement System, and applicable  
19 contributions shall be paid into the Florida Retirement System  
20 Trust Fund as provided in s. 121.052(7). Pursuant thereto:

21         1. Any such retired member shall be eligible to  
22 continue to receive retirement benefits as well as  
23 compensation for the elected officer service for as long as he  
24 or she remains in an elective office covered by the Elected  
25 ~~State and County~~ Officers' Class.

26         2. If any such member serves in an elective office  
27 covered by the Elected ~~State and County~~ Officers' Class and  
28 becomes vested under that class, he or she shall be entitled  
29 to receive an additional retirement benefit for such elected  
30 officer service.

31

1           3. Such member shall be entitled to purchase  
2 additional retirement credit in the Elected ~~State and County~~  
3 Officers' Class for any postretirement service performed in an  
4 elected position eligible for the Elected ~~State and County~~  
5 Officers' Class prior to July 1, 1990, or in the Regular Class  
6 for any postretirement service performed in any other  
7 regularly established position prior to July 1, 1991, by  
8 paying the applicable Elected ~~State and County~~ Officers' Class  
9 or Regular Class employee and employer contributions for the  
10 period being claimed, plus 4 percent interest compounded  
11 annually from the first year of service claimed until July 1,  
12 1975, and 6.5 percent interest compounded thereafter, until  
13 full payment is made to the Florida Retirement System Trust  
14 Fund. The contribution for postretirement Regular Class  
15 service between July 1, 1985, and July 1, 1991, for which the  
16 reemployed retiree contribution was paid, shall be the  
17 difference between such contribution and the total applicable  
18 contribution for the period being claimed, plus interest. The  
19 employer of such member may pay the applicable employer  
20 contribution in lieu of the member. If a member does not wish  
21 to claim credit for all of the postretirement service for  
22 which he or she is eligible, the service the member claims  
23 must be the most recent service.

24           4. Creditable service for which credit was received,  
25 or which remained unclaimed, at retirement may not be claimed  
26 or applied toward service credit earned following renewed  
27 membership. However, service earned in accordance with the  
28 renewed membership provisions in s. 121.122 may be used in  
29 conjunction with creditable service earned under this  
30 paragraph, provided applicable vesting requirements and other  
31

1 existing statutory conditions required by this chapter are  
2 met.

3 Section 5. Paragraph (f) of subsection (1) and  
4 paragraph (g) of subsection (6) of section 121.055, Florida  
5 Statutes, 1998 Supplement, are amended to read:

6 121.055 Senior Management Service Class.--There is  
7 hereby established a separate class of membership within the  
8 Florida Retirement System to be known as the "Senior  
9 Management Service Class," which shall become effective  
10 February 1, 1987.

11 (1)

12 (f) Effective July 1, 1997:

13 1. Any elected state officer eligible for membership  
14 in the Elected ~~State and County~~ Officers' Class under s.  
15 121.052(2)(a), (b), or (c) who elects membership in the Senior  
16 Management Service Class under s. 121.052(3)(c) may, within 6  
17 months after assuming office or within 6 months after this act  
18 becomes a law for serving elected state officers, elect to  
19 participate in the Senior Management Service Optional Annuity  
20 Program, as provided in subsection (6), in lieu of membership  
21 in the Senior Management Service Class.

22 2. Any elected county officer eligible for membership  
23 in the Elected ~~State and County~~ Officers' Class under s.  
24 121.052(2)(d) who elects membership in the Senior Management  
25 Service Class under s. 121.052(3)(c) may, within 6 months  
26 after assuming office, or within 6 months after this act  
27 becomes a law for serving elected county officers, elect to  
28 participate in a lifetime monthly annuity program, as provided  
29 in subparagraph (b)2., in lieu of membership in the Senior  
30 Management Service Class.

31 (6)

1 (g) Dual employment.--A participant in the optional  
2 annuity program may not participate in more than one  
3 state-administered retirement system, plan, or class  
4 simultaneously. The following shall apply to a participant who  
5 is or becomes dually employed:

6 1. A participant who is or becomes dually employed in  
7 two or more positions covered by the Florida Retirement  
8 System, one of which is eligible for the optional annuity  
9 program and one of which is not, shall make one of the  
10 following choices:

11 a. Remain a member of the optional annuity program, in  
12 which case contributions shall be paid as required only on the  
13 salary earned in the position eligible for the optional  
14 annuity program during the period of dual employment;

15 b. Elect, within 90 days after becoming dually  
16 employed, membership in the Regular Class of the Florida  
17 Retirement System in lieu of the optional annuity program, in  
18 which case contributions shall be paid as required on the  
19 total salary received for all employment, and, at retirement,  
20 the member's average final compensation used to calculate any  
21 benefits for which he or she becomes eligible under the  
22 Florida Retirement System shall be based on all salary  
23 reported for all covered positions during the period of dual  
24 employment; or

25 c. If dually employed in an elected office eligible  
26 for the Elected ~~State and County~~ Officers' Class, select,  
27 within 6 months after assuming office, membership in the  
28 Elected ~~State and County~~ Officers' Class, in which case,  
29 participation in the optional annuity program shall cease for  
30 the period of dual employment, retirement contributions shall  
31 be paid as required only on the salary earned as an elected

1 officer, and, at retirement, the member's benefit under the  
2 Florida Retirement System shall be based only on the salary  
3 received as an elected officer for the period of dual  
4 employment.

5           2. When such member ceases to be dually employed, he  
6 or she shall make one of the following choices:

7           a. If the position in which he or she remains is a  
8 position that is eligible for the optional annuity program, he  
9 or she may, within 90 days after ceasing dual employment,  
10 elect to remain in the Florida Retirement System class for  
11 which he or she is eligible or to again become a participant  
12 in the optional annuity program. Failure to elect membership  
13 in the optional annuity program within 90 days shall result in  
14 compulsory membership in the Florida Retirement System; or

15           b. If the position in which he or she remains is not a  
16 position that is eligible for the optional annuity program, he  
17 or she shall participate in the Florida Retirement System  
18 class for which he or she is eligible.

19           Section 6. Paragraph (a) of subsection (1), subsection  
20 (2), paragraph (a) of subsection (3), paragraph (b) of  
21 subsection (9), and paragraph (b) of subsection (13) of  
22 section 121.091, Florida Statutes, 1998 Supplement, are  
23 amended to read:

24           121.091 Benefits payable under the system.--Benefits  
25 may not be paid under this section unless the member has  
26 terminated employment as provided in s. 121.021(39)(a) or  
27 begun participation in the Deferred Retirement Option Program  
28 as provided in subsection (13), and a proper application has  
29 been filed in the manner prescribed by the division. The  
30 division may cancel an application for retirement benefits  
31 when the member or beneficiary fails to timely provide the

1 information and documents required by this chapter and the  
2 division's rules. The division shall adopt rules establishing  
3 procedures for application for retirement benefits and for the  
4 cancellation of such application when the required information  
5 or documents are not received.

6 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or  
7 her normal retirement date, the member, upon application to  
8 the administrator, shall receive a monthly benefit which shall  
9 begin to accrue on the first day of the month of retirement  
10 and be payable on the last day of that month and each month  
11 thereafter during his or her lifetime. The normal retirement  
12 benefit, including any past or additional retirement credit,  
13 may not exceed 100 percent of the average final compensation.  
14 The amount of monthly benefit shall be calculated as the  
15 product of A and B, subject to the adjustment of C, if  
16 applicable, as set forth below:

17 (a)1. For creditable years of Regular Class service, A  
18 is 1.60 percent of the member's average final compensation, up  
19 to the member's normal retirement date. Upon completion of the  
20 first year after the normal retirement date, A is 1.63 percent  
21 of the member's average final compensation. Following the  
22 second year after the normal retirement date, A is 1.65  
23 percent of the member's average final compensation. Following  
24 the third year after the normal retirement date, and for  
25 subsequent years, A is 1.68 percent of the member's average  
26 final compensation.

27 2. For creditable years of special risk service, A is:

28 a. Two percent of the member's average final  
29 compensation for all creditable years prior to October 1,  
30 1974;

31

1           b. Three percent of the member's average final  
2 compensation for all creditable years after September 30,  
3 1974, and before October 1, 1978;

4           c. Two percent of the member's average final  
5 compensation for all creditable years after September 30,  
6 1978, and before January 1, 1989;

7           d. Two and two-tenths percent of the member's final  
8 monthly compensation for all creditable years after December  
9 31, 1988, and before January 1, 1990;

10          e. Two and four-tenths percent of the member's average  
11 final compensation for all creditable years after December 31,  
12 1989, and before January 1, 1991;

13          f. Two and six-tenths percent of the member's average  
14 final compensation for all creditable years after December 31,  
15 1990, and before January 1, 1992;

16          g. Two and eight-tenths percent of the member's  
17 average final compensation for all creditable years after  
18 December 31, 1991, and before January 1, 1993; and

19          h. Three percent of the member's average final  
20 compensation for all creditable years after December 31, 1992;

21           3. For creditable years of Senior Management Service  
22 Class service after January 31, 1987, A is 2 percent;

23           4. For creditable years of Elected ~~State and County~~  
24 Officers' Class service as a Supreme Court Justice, district  
25 court of appeal judge, circuit judge, or county court judge, A  
26 is 3 1/3 percent of the member's average final compensation,  
27 and for all other creditable service in such class, A is 3  
28 percent of average final compensation;

29           (2) BENEFITS PAYABLE FOR DUAL NORMAL RETIREMENT  
30 AGES.--If a member accumulates retirement benefits to commence  
31 at different normal retirement ages by virtue of having



1 performed duties for an employer which would entitle him or  
2 her to benefits as both a member of the Special Risk Class and  
3 a member of either the Regular Class, Senior Management  
4 Service Class, or Elected ~~State and County~~ Officers' Class,  
5 the amount of benefits payable shall be computed separately  
6 with respect to each such age and the sum of such computed  
7 amounts shall be paid as provided in this section.

8 (3) EARLY RETIREMENT BENEFIT.--Upon retirement on his  
9 or her early retirement date, the member shall receive an  
10 immediate monthly benefit that shall begin to accrue on the  
11 first day of the month of the retirement date and be payable  
12 on the last day of that month and each month thereafter during  
13 his or her lifetime. Such benefit shall be calculated as  
14 follows:

15 (a) The amount of each monthly payment shall be  
16 computed in the same manner as for a normal retirement  
17 benefit, in accordance with subsection (1), but shall be based  
18 on the member's average monthly compensation and creditable  
19 service as of the member's early retirement date. The benefit  
20 so computed shall be reduced by five-twelfths of 1 percent for  
21 each complete month by which the early retirement date  
22 precedes the normal retirement date of age 62 for a member of  
23 the Regular Class, Senior Management Service Class, or the  
24 Elected ~~State and County~~ Officers' Class, and age 55 for a  
25 member of the Special Risk Class, or age 52 if a Special Risk  
26 member has completed 25 years of creditable service in  
27 accordance with s. 121.021(29)(b)3.

28 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

29 (b)1. Any person who is retired under this chapter,  
30 except under the disability retirement provisions of  
31 subsection (4), may be reemployed by any private or public

1 employer after retirement and receive retirement benefits and  
2 compensation from his or her employer without any limitations,  
3 except that a person may not receive both a salary from  
4 reemployment with any agency participating in the Florida  
5 Retirement System and retirement benefits under this chapter  
6 for a period of 12 months immediately subsequent to the date  
7 of retirement. However, a DROP participant shall continue  
8 employment and receive a salary during the period of  
9 participation in the Deferred Retirement Option Program, as  
10 provided in subsection (13).

11           2. Any person to whom the limitation in subparagraph  
12 1. applies who violates such reemployment limitation and who  
13 is reemployed with any agency participating in the Florida  
14 Retirement System before completion of the 12-month limitation  
15 period shall give timely notice of this fact in writing to the  
16 employer and to the division and shall have his or her  
17 retirement benefits suspended for the balance of the 12-month  
18 limitation period. Any person employed in violation of this  
19 paragraph and any employing agency which knowingly employs or  
20 appoints such person without notifying the Division of  
21 Retirement to suspend retirement benefits shall be jointly and  
22 severally liable for reimbursement to the retirement trust  
23 fund of any benefits paid during the reemployment limitation  
24 period. To avoid liability, such employing agency shall have  
25 a written statement from the retiree that he or she is not  
26 retired from a state-administered retirement system. Any  
27 retirement benefits received while reemployed during this  
28 reemployment limitation period shall be repaid to the  
29 retirement trust fund, and retirement benefits shall remain  
30 suspended until such repayment has been made. Benefits  
31 suspended beyond the reemployment limitation shall apply

1 toward repayment of benefits received in violation of the  
2 reemployment limitation.

3 3. A district school board may reemploy a retired  
4 member as a substitute or hourly teacher, education  
5 paraprofessional, transportation assistant, bus driver, or  
6 food service worker on a noncontractual basis after he or she  
7 has been retired for 1 calendar month, in accordance with s.  
8 121.021(39). Any retired member who is reemployed within 1  
9 calendar month after retirement shall void his or her  
10 application for retirement benefits. District school boards  
11 reemploying such teachers, education paraprofessionals,  
12 transportation assistants, bus drivers, or food service  
13 workers are subject to the retirement contribution required by  
14 subparagraph 7. Reemployment of a retired member as a  
15 substitute or hourly teacher, education paraprofessional,  
16 transportation assistant, bus driver, or food service worker  
17 is limited to 780 hours during the first 12 months of his or  
18 her retirement. Any retired member reemployed for more than  
19 780 hours during his or her first 12 months of retirement  
20 shall give timely notice in writing to the employer and to the  
21 division of the date he or she will exceed the limitation.  
22 The division shall suspend his or her retirement benefits for  
23 the remainder of the first 12 months of retirement. Any  
24 person employed in violation of this subparagraph and any  
25 employing agency which knowingly employs or appoints such  
26 person without notifying the Division of Retirement to suspend  
27 retirement benefits shall be jointly and severally liable for  
28 reimbursement to the retirement trust fund of any benefits  
29 paid during the reemployment limitation period. To avoid  
30 liability, such employing agency shall have a written  
31 statement from the retiree that he or she is not retired from

1 a state-administered retirement system. Any retirement  
2 benefits received by a retired member while reemployed in  
3 excess of 780 hours during the first 12 months of retirement  
4 shall be repaid to the Retirement System Trust Fund, and his  
5 or her retirement benefits shall remain suspended until  
6 repayment is made. Benefits suspended beyond the end of the  
7 retired member's first 12 months of retirement shall apply  
8 toward repayment of benefits received in violation of the  
9 780-hour reemployment limitation.

10 4. A community college board of trustees may reemploy  
11 a retired member as an adjunct instructor, that is, an  
12 instructor who is noncontractual and part-time, or as a  
13 participant in a phased retirement program within the State  
14 Community College System, after he or she has been retired for  
15 1 calendar month, in accordance with s. 121.021(39). Any  
16 retired member who is reemployed within 1 calendar month after  
17 retirement shall void his or her application for retirement  
18 benefits. Boards of trustees reemploying such instructors are  
19 subject to the retirement contribution required in  
20 subparagraph 7. A retired member may be reemployed as an  
21 adjunct instructor for no more than 780 hours during the first  
22 12 months of retirement. Any retired member reemployed for  
23 more than 780 hours during the first 12 months of retirement  
24 shall give timely notice in writing to the employer and to the  
25 division of the date he or she will exceed the limitation.  
26 The division shall suspend his or her retirement benefits for  
27 the remainder of the first 12 months of retirement. Any  
28 person employed in violation of this subparagraph and any  
29 employing agency which knowingly employs or appoints such  
30 person without notifying the Division of Retirement to suspend  
31 retirement benefits shall be jointly and severally liable for

1 reimbursement to the retirement trust fund of any benefits  
2 paid during the reemployment limitation period. To avoid  
3 liability, such employing agency shall have a written  
4 statement from the retiree that he or she is not retired from  
5 a state-administered retirement system. Any retirement  
6 benefits received by a retired member while reemployed in  
7 excess of 780 hours during the first 12 months of retirement  
8 shall be repaid to the Retirement System Trust Fund, and  
9 retirement benefits shall remain suspended until repayment is  
10 made. Benefits suspended beyond the end of the retired  
11 member's first 12 months of retirement shall apply toward  
12 repayment of benefits received in violation of the 780-hour  
13 reemployment limitation.

14           5. The State University System may reemploy a retired  
15 member as an adjunct faculty member or as a participant in a  
16 phased retirement program within the State University System  
17 after the retired member has been retired for 1 calendar  
18 month, in accordance with s. 121.021(39). Any retired member  
19 who is reemployed within 1 calendar month after retirement  
20 shall void his or her application for retirement benefits.  
21 The State University System is subject to the retired  
22 contribution required in subparagraph 7., as appropriate. A  
23 retired member may be reemployed as an adjunct faculty member  
24 or a participant in a phased retirement program for no more  
25 than 780 hours during the first 12 months of his or her  
26 retirement. Any retired member reemployed for more than 780  
27 hours during the first 12 months of retirement shall give  
28 timely notice in writing to the employer and to the division  
29 of the date he or she will exceed the limitation. The  
30 division shall suspend his or her retirement benefits for the  
31 remainder of the first 12 months of retirement. Any person

1 employed in violation of this subparagraph and any employing  
2 agency which knowingly employs or appoints such person without  
3 notifying the Division of Retirement to suspend retirement  
4 benefits shall be jointly and severally liable for  
5 reimbursement to the retirement trust fund of any benefits  
6 paid during the reemployment limitation period. To avoid  
7 liability, such employing agency shall have a written  
8 statement from the retiree that he or she is not retired from  
9 a state-administered retirement system. Any retirement  
10 benefits received by a retired member while reemployed in  
11 excess of 780 hours during the first 12 months of retirement  
12 shall be repaid to the Retirement System Trust Fund, and  
13 retirement benefits shall remain suspended until repayment is  
14 made. Benefits suspended beyond the end of the retired  
15 member's first 12 months of retirement shall apply toward  
16 repayment of benefits received in violation of the 780-hour  
17 reemployment limitation.

18           6. The Board of Trustees of the Florida School for the  
19 Deaf and the Blind may reemploy a retired member as a  
20 substitute teacher, substitute residential instructor, or  
21 substitute nurse on a noncontractual basis after he or she has  
22 been retired for 1 calendar month, in accordance with s.  
23 121.021(39). Any retired member who is reemployed within 1  
24 calendar month after retirement shall void his or her  
25 application for retirement benefits. The Board of Trustees of  
26 the Florida School for the Deaf and the Blind reemploying such  
27 teachers, residential instructors, or nurses is subject to the  
28 retirement contribution required by subparagraph 7.  
29 Reemployment of a retired member as a substitute teacher,  
30 substitute residential instructor, or substitute nurse is  
31 limited to 780 hours during the first 12 months of his or her

1 retirement. Any retired member reemployed for more than 780  
2 hours during the first 12 months of retirement shall give  
3 timely notice in writing to the employer and to the division  
4 of the date he or she will exceed the limitation. The division  
5 shall suspend his or her retirement benefits for the remainder  
6 of the first 12 months of retirement. Any person employed in  
7 violation of this subparagraph and any employing agency which  
8 knowingly employs or appoints such person without notifying  
9 the Division of Retirement to suspend retirement benefits  
10 shall be jointly and severally liable for reimbursement to the  
11 retirement trust fund of any benefits paid during the  
12 reemployment limitation period. To avoid liability, such  
13 employing agency shall have a written statement from the  
14 retiree that he or she is not retired from a  
15 state-administered retirement system. Any retirement benefits  
16 received by a retired member while reemployed in excess of 780  
17 hours during the first 12 months of retirement shall be repaid  
18 to the Retirement System Trust Fund, and his or her retirement  
19 benefits shall remain suspended until payment is made.  
20 Benefits suspended beyond the end of the retired member's  
21 first 12 months of retirement shall apply toward repayment of  
22 benefits received in violation of the 780-hour reemployment  
23 limitation.

24 7. The employment by an employer of any retiree or  
25 DROP participant of any state-administered retirement system  
26 shall have no effect on the average final compensation or  
27 years of creditable service of the retiree or DROP  
28 participant. Prior to July 1, 1991, upon employment of any  
29 person, other than an elected officer as provided in s.  
30 121.053, who has been retired under any state-administered  
31 retirement program, the employer shall pay retirement

1 contributions in an amount equal to the unfunded actuarial  
2 liability portion of the employer contribution which would be  
3 required for regular members of the Florida Retirement System.  
4 Effective July 1, 1991, contributions shall be made as  
5 provided in s. 121.122 for retirees with renewed membership or  
6 subsection (13) with respect to DROP participants.

7           8. Any person who has previously retired and who is  
8 holding an elective public office or an appointment to an  
9 elective public office eligible for the Elected ~~State and~~  
10 ~~County~~ Officers' Class on or after July 1, 1990, shall be  
11 enrolled in the Florida Retirement System as provided in s.  
12 121.053(1)(b) or, if holding an elective public office that  
13 does not qualify for the Elected ~~State and County~~ Officers'  
14 Class on or after July 1, 1991, shall be enrolled in the  
15 Florida Retirement System as provided in s. 121.122, and shall  
16 continue to receive retirement benefits as well as  
17 compensation for the elected officer's service for as long as  
18 he or she remains in elective office. However, any retired  
19 member who served in an elective office prior to July 1, 1990,  
20 suspended his or her retirement benefit, and had his or her  
21 Florida Retirement System membership reinstated shall, upon  
22 retirement from such office, have his or her retirement  
23 benefit recalculated to include the additional service and  
24 compensation earned.

25           9. Any person who is holding an elective public office  
26 which is covered by the Florida Retirement System and who is  
27 concurrently employed in nonelected covered employment may  
28 elect to retire while continuing employment in the elective  
29 public office, provided that he or she shall be required to  
30 terminate his or her nonelected covered employment. Any  
31 person who exercises this election shall receive his or her



1 retirement benefits in addition to the compensation of the  
2 elective office without regard to the time limitations  
3 otherwise provided in this subsection. No person who seeks to  
4 exercise the provisions of this subparagraph, as the same  
5 existed prior to May 3, 1984, shall be deemed to be retired  
6 under those provisions, unless such person is eligible to  
7 retire under the provisions of this subparagraph, as amended  
8 by chapter 84-11, Laws of Florida.

9         10. The limitations of this paragraph apply to  
10 reemployment in any capacity with an "employer" as defined in  
11 s. 121.021(10), irrespective of the category of funds from  
12 which the person is compensated.

13         11. From July 1, 1997, through December 31, 1998,  
14 notwithstanding the limitations of this subsection, except  
15 that any retiree who is reemployed within 1 calendar month  
16 after retirement shall void his or her application for  
17 retirement benefits, any retiree of the Florida Retirement  
18 System may be reemployed by a covered employer during the 2nd  
19 through 12th months of the reemployment limitation period  
20 without suspending his or her retirement benefits, provided  
21 that the reemployment is for the sole purpose of working on  
22 the technical aspects of correcting or replacing the computer  
23 systems and programs necessary to resolve the year 2000 date  
24 problem for computing which confronts all public employers  
25 covered by the Florida Retirement System.

26         (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
27 and subject to the provisions of this section, the Deferred  
28 Retirement Option Program, hereinafter referred to as the  
29 DROP, is a program under which an eligible member of the  
30 Florida Retirement System may elect to participate, deferring  
31 receipt of retirement benefits while continuing employment

1 with his or her Florida Retirement System employer. The  
2 deferred monthly benefits shall accrue in the System Trust  
3 Fund on behalf of the participant, plus interest compounded  
4 monthly, for the specified period of the DROP participation,  
5 as provided in paragraph (c). Upon termination of employment,  
6 the participant shall receive the total DROP benefits and  
7 begin to receive the previously determined normal retirement  
8 benefits. Participation in the DROP does not guarantee  
9 employment for the specified period of DROP.

10 (b) Participation in the DROP.--

11 1. An eligible member may elect to participate in the  
12 DROP for a period not to exceed a maximum of 60 calendar  
13 months immediately following the date on which the member  
14 first reaches his or her normal retirement date or the date to  
15 which he or she is eligible to defer his or her election to  
16 participate as provided in subparagraph (a)2. However, a  
17 member who has reached normal retirement date prior to the  
18 effective date of the DROP shall be eligible to participate in  
19 the DROP for a period of time not to exceed 60 calendar months  
20 immediately following the effective date of the DROP, except a  
21 member of the Special Risk Class who has reached normal  
22 retirement date prior to the effective date of the DROP and  
23 whose total accrued value exceeds 75 percent of average final  
24 compensation as of his or her effective date of retirement  
25 shall be eligible to participate in the DROP for no more than  
26 36 calendar months immediately following the effective date of  
27 the DROP.

28 2. Upon deciding to participate in the DROP, the  
29 member shall submit, on forms required by the division:

30 a. A written election to participate in the DROP;

31

1           b. Selection of the DROP participation and termination  
2 dates, which satisfy the limitations stated in paragraph (a)  
3 and subparagraph 1. Such termination date shall be in a  
4 binding letter of resignation with the employer, establishing  
5 a deferred termination date. The member may change the  
6 termination date within the limitations of subparagraph 1.,  
7 but only with the written approval of his employer;

8           c. A properly completed DROP application for service  
9 retirement as provided in this section; and

10          d. Any other information required by the division.

11          3. The DROP participant shall be a retiree under the  
12 Florida Retirement System for all purposes, except for  
13 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,  
14 121.053, and 121.122. However, participation in the DROP does  
15 not alter the participant's employment status and such  
16 employee shall not be deemed retired from employment until his  
17 or her deferred resignation is effective and termination  
18 occurs as provided in s. 121.021(39).

19          4. Elected officers shall be eligible to participate  
20 in the DROP subject to the following:

21           a. An elected officer who reaches normal retirement  
22 date during a term of office may defer the election to  
23 participate in the DROP until the next succeeding term in that  
24 office. Such elected officer who exercises this option may  
25 participate in the DROP for up to 60 calendar months or a  
26 period of no longer than such succeeding term of office,  
27 whichever is less.

28           b. An elected or a nonelected participant may run for  
29 a term of office while participating in DROP and, if elected,  
30 extend the DROP termination date accordingly, except, however,  
31 if such additional term of office exceeds the 60-month

1 limitation established in subparagraph 1., and the officer  
2 does not resign from office within such 60-month limitation,  
3 the retirement and the participant's DROP shall be null and  
4 void as provided in sub-subparagraph (c)4.d.

5           c. An elected officer who is dually employed and  
6 elects to participate in DROP shall be required to satisfy the  
7 definition of termination within the 60-month limitation  
8 period as provided in subparagraph 1. for the nonelected  
9 position and may continue employment as an elected officer as  
10 provided in s. 121.053. The elected officer will be enrolled  
11 as a renewed member in the Elected ~~State and County~~ Officers'  
12 Class or the Regular Class, as provided in ss. 121.053 and  
13 121.22, on the first day of the month after termination of  
14 employment in the nonelected position and termination of DROP.  
15 Distribution of the DROP benefits shall be made as provided in  
16 paragraph (c).

17           Section 7. Subsection (4) of section 121.122, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19           121.122 Renewed membership in system.--Except as  
20 provided in s. 121.053, effective July 1, 1991, any retiree of  
21 a state-administered retirement system who is employed in a  
22 regularly established position with a covered employer shall  
23 be enrolled as a compulsory member of the Regular Class of the  
24 Florida Retirement System or, effective July 1, 1997, any  
25 retiree of a state-administered retirement system who is  
26 employed in a position included in the Senior Management  
27 Service Class shall be enrolled as a compulsory member of the  
28 Senior Management Service Class of the Florida Retirement  
29 System as provided in s. 121.055, and shall be entitled to  
30 receive an additional retirement benefit, subject to the  
31 following conditions:

1           (4) No creditable service for which credit was  
2 received, or which remained unclaimed, at retirement may be  
3 claimed or applied toward service credit earned following  
4 renewed membership. However, service earned as an elected  
5 officer with renewed membership in the Elected ~~State and~~  
6 ~~County~~ Officers' Class may be used in conjunction with  
7 creditable service earned under this section, provided the  
8 applicable vesting requirements and other existing statutory  
9 conditions required by this chapter are met.

10  
11           Reviser's note.--Amended pursuant to the  
12 directive in s. 17, ch. 98-413, Laws of  
13 Florida, to change "Elected State and County  
14 Officers' Class" to "Elected Officers' Class"  
15 wherever the same appears in chapter 121.