

By Senator McKay

rb99-11

1 A reviser's bill to be entitled
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.

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

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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.

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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
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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.

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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.

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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.

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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
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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.

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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.