

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9

10

11 Representative(s) Kilmer offered the following:

12

13 **Amendment (with title amendment)**

14 On page 2, line 13,

15

16 insert:

17 Section 1. Paragraph (b) of subsection (13) of section  
18 121.091, Florida Statutes, is amended to read:

19 121.091 Benefits payable under the system.--Benefits  
20 may not be paid under this section unless the member has  
21 terminated employment as provided in s. 121.021(39)(a) or  
22 begun participation in the Deferred Retirement Option Program  
23 as provided in subsection (13), and a proper application has  
24 been filed in the manner prescribed by the department. The  
25 department may cancel an application for retirement benefits  
26 when the member or beneficiary fails to timely provide the  
27 information and documents required by this chapter and the  
28 department's rules. The department shall adopt rules  
29 establishing procedures for application for retirement  
30 benefits and for the cancellation of such application when the  
31 required information or documents are not received.

Amendment No. \_\_\_\_ (for drafter's use only)

1           (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
2 and subject to the provisions of this section, the Deferred  
3 Retirement Option Program, hereinafter referred to as the  
4 DROP, is a program under which an eligible member of the  
5 Florida Retirement System may elect to participate, deferring  
6 receipt of retirement benefits while continuing employment  
7 with his or her Florida Retirement System employer. The  
8 deferred monthly benefits shall accrue in the System Trust  
9 Fund on behalf of the participant, plus interest compounded  
10 monthly, for the specified period of the DROP participation,  
11 as provided in paragraph (c). Upon termination of employment,  
12 the participant shall receive the total DROP benefits and  
13 begin to receive the previously determined normal retirement  
14 benefits. Participation in the DROP does not guarantee  
15 employment for the specified period of DROP.

16           (b) Participation in the DROP.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 36 calendar months immediately following the effective date of  
2 the DROP.

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

5 a. A written election to participate in the DROP;  
6 b. Selection of the DROP participation and termination  
7 dates, which satisfy the limitations stated in paragraph (a)  
8 and subparagraph 1. Such termination date shall be in a  
9 binding letter of resignation with the employer, establishing  
10 a deferred termination date. The member may change the  
11 termination date within the limitations of subparagraph 1.,  
12 but only with the written approval of his or her employer;

13 c. A properly completed DROP application for service  
14 retirement as provided in this section; and  
15 d. Any other information required by the division.

16 3. The DROP participant shall be a retiree under the  
17 Florida Retirement System for all purposes, except for  
18 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,  
19 121.053, and 121.122. However, participation in the DROP does  
20 not alter the participant's employment status and such  
21 employee shall not be deemed retired from employment until his  
22 or her deferred resignation is effective and termination  
23 occurs as provided in s. 121.021(39).

24 4. Elected officers shall be eligible to participate  
25 in the DROP subject to the following:

26 a. An elected officer who reaches normal retirement  
27 date during a term of office may defer the election to  
28 participate in the DROP until the next succeeding term in that  
29 office. Such elected officer who exercises this option may  
30 participate in the DROP for up to 60 calendar months or a  
31 period of no longer than such succeeding term of office,

Amendment No. \_\_\_\_ (for drafter's use only)

1 whichever is less.

2           b. An elected or a nonelected participant may run for  
3 a term of office while participating in DROP and, if elected,  
4 extend the DROP termination date accordingly, except, however,  
5 if such additional term of office exceeds the 60-month  
6 limitation established in subparagraph 1., and the officer  
7 does not resign from office within such 60-month limitation,  
8 the retirement and the participant's DROP shall be null and  
9 void as provided in sub-subparagraph (c)5.d.

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

21           d. An elected officer who is elected or appointed to  
22 an elective office is not subject to termination limitations  
23 as provided in chapter 121.

24           Section 2. Section 112.18, Florida Statutes, is  
25 amended to read:

26           112.18 Firefighters, correctional officers, and state,  
27 county, or municipal law enforcement officers; special  
28 provisions relative to disability.--

29           (1) Any condition or impairment of health of any  
30 Florida state, municipal, county, port authority, special tax  
31 district, or fire control district firefighter, correctional

Amendment No. \_\_\_\_ (for drafter's use only)

1 officer as defined in s. 943.10(2) and (3), or state, county,  
2 or municipal law enforcement officer caused by tuberculosis,  
3 heart disease, or hypertension resulting in total or partial  
4 disability or death shall be presumed to have been accidental  
5 and to have been suffered in the line of duty unless the  
6 contrary be shown by competent evidence. However, any such  
7 firefighter, correctional officer, or state, county, or  
8 municipal law enforcement officer shall have successfully  
9 passed a physical examination upon entering into any such  
10 service as a firefighter, correctional officer, or state,  
11 county, or municipal law enforcement officer, which  
12 examination failed to reveal any evidence of any such  
13 condition. Such presumption shall not apply to benefits  
14 payable under or granted in a policy of life insurance or  
15 disability insurance, unless the insurer and insured have  
16 negotiated for such additional benefits to be included in the  
17 policy contract.

18 (2) This section shall be construed to authorize the  
19 above governmental entities to negotiate policy contracts for  
20 life and disability insurance to include accidental death  
21 benefits or double indemnity coverage which shall include the  
22 presumption that any condition or impairment of health of any  
23 firefighter caused by tuberculosis, heart disease, or  
24 hypertension resulting in total or partial disability or death  
25 was accidental and suffered in the line of duty, unless the  
26 contrary be shown by competent evidence.

27 Section 3. The Legislature finds that a proper and  
28 legitimate state purpose is served when county and municipal  
29 law enforcement officers, correctional officers, and  
30 correctional probation officers are included in the class that  
31 benefits from the presumption that tuberculosis, heart

Amendment No. \_\_\_\_ (for drafter's use only)

1 disease, or hypertension resulting in total or partial  
 2 disability or death is accidental and suffered in the line of  
 3 duty unless the contrary is shown by competent evidence.  
 4 Therefore, the Legislature determines and declares that this  
 5 act fulfills an important state interest.

6  
7

8 ===== T I T L E    A M E N D M E N T =====

9 And the title is amended as follows:

10            On page 1, line 3, after System;

11

12 insert:

13            amending s. 121.091, F.S.; increasing the time  
 14            for participation in the Deferred Retirement  
 15            Option Program for members of the elected  
 16            officers class of the Florida Retirement  
 17            System; providing that elected officers are not  
 18            subject to termination limitations; amending s.  
 19            112.18, F.S.; including county and municipal  
 20            law enforcement officers, correctional  
 21            officers, and correctional probation officers  
 22            within special provisions creating a  
 23            presumption relating to causes of certain  
 24            disabilities; providing a declaration of  
 25            important state interest;

26  
27  
28  
29  
30  
31