

1 A bill to be entitled
2 An act relating to law enforcement officers'
3 disabilities; amending s. 121.053, F.S.;
4 authorizing elected officers participating in
5 DROP to terminate participation in DROP and
6 enroll in a subclass of the Elected Officers'
7 Class; amending s. 121.091, F.S.; increasing
8 the time for participation in the Deferred
9 Retirement Option Program for members of the
10 elected officers class of the Florida
11 Retirement System; providing that elected
12 officers are not subject to termination
13 limitations; amending s. 112.18, F.S.;
14 including county and municipal law enforcement
15 officers, correctional officers, and
16 correctional probation officers within special
17 provisions creating a presumption relating to
18 causes of certain disabilities; providing a
19 declaration of important state interest;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (1) of section
25 121.053, Florida Statutes, is amended to read:

26 121.053 Participation in the Elected Officers' Class
27 for retired members.--

28 (1)

29 (b) Any retired member of the Florida Retirement
30 System, or any existing system as defined in s. 121.021(2),
31 who, on or after July 1, 1990, is serving in, or is elected or

1 appointed to, an elective office covered by the Elected
2 Officers' Class shall be enrolled in the appropriate subclass
3 of the Elected Officers' Class of the Florida Retirement
4 System, and applicable contributions shall be paid into the
5 Florida Retirement System Trust Fund as provided in s.
6 121.052(7). Pursuant thereto:

7 1. Any such retired member shall be eligible to
8 continue to receive retirement benefits as well as
9 compensation for the elected officer service for as long as he
10 or she remains in an elective office covered by the Elected
11 Officers' Class.

12 2. If any such member serves in an elective office
13 covered by the Elected Officers' Class and becomes vested
14 under that class, he or she shall be entitled to receive an
15 additional retirement benefit for such elected officer
16 service.

17 3. Such member shall be entitled to purchase
18 additional retirement credit in the Elected Officers' Class
19 for any postretirement service performed in an elected
20 position eligible for the Elected Officers' Class prior to
21 July 1, 1990, or in the Regular Class for any postretirement
22 service performed in any other regularly established position
23 prior to July 1, 1991, by paying the applicable Elected
24 Officers' Class or Regular Class employee and employer
25 contributions for the period being claimed, plus 4 percent
26 interest compounded annually from the first year of service
27 claimed until July 1, 1975, and 6.5 percent interest
28 compounded thereafter, until full payment is made to the
29 Florida Retirement System Trust Fund. The contribution for
30 postretirement Regular Class service between July 1, 1985, and
31 July 1, 1991, for which the reemployed retiree contribution

1 was paid, shall be the difference between such contribution
 2 and the total applicable contribution for the period being
 3 claimed, plus interest. The employer of such member may pay
 4 the applicable employer contribution in lieu of the member. If
 5 a member does not wish to claim credit for all of the
 6 postretirement service for which he or she is eligible, the
 7 service the member claims must be the most recent service.

8 4. Creditable service for which credit was received,
 9 or which remained unclaimed, at retirement may not be claimed
 10 or applied toward service credit earned following renewed
 11 membership. However, service earned in accordance with the
 12 renewed membership provisions in s. 121.122 may be used in
 13 conjunction with creditable service earned under this
 14 paragraph, provided applicable vesting requirements and other
 15 existing statutory conditions required by this chapter are
 16 met.

17 5. Any elected officer who is a participating member
 18 of DROP may terminate participation at any time during the
 19 60-month DROP participation period and elect to enroll in the
 20 appropriate subclass of the Elected Officers' Class, including
 21 participating in the Senior Management Service Class,
 22 effective the first day of the following month.

23 Section 2. Paragraph (b) of subsection (13) of section
 24 121.091, Florida Statutes, is amended to read:

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

1 when the member or beneficiary fails to timely provide the
2 information and documents required by this chapter and the
3 department's rules. The department shall adopt rules
4 establishing procedures for application for retirement
5 benefits and for the cancellation of such application when the
6 required information or documents are not received.

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

22 (b) Participation in the DROP.--

23 1. An eligible member may elect to participate in the
24 DROP for a period not to exceed a maximum of 60 calendar
25 months immediately following the date on which the member
26 first reaches his or her normal retirement date or the date to
27 which he or she is eligible to defer his or her election to
28 participate as provided in subparagraph (a)2. However, a
29 member who has reached normal retirement date prior to the
30 effective date of the DROP shall be eligible to participate in
31 the DROP for a period of time not to exceed 60 calendar months

1 immediately following the effective date of the DROP, except a
2 member of the Special Risk Class who has reached normal
3 retirement date prior to the effective date of the DROP and
4 whose total accrued value exceeds 75 percent of average final
5 compensation as of his or her effective date of retirement
6 shall be eligible to participate in the DROP for no more than
7 36 calendar months immediately following the effective date of
8 the DROP.

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

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

12 b. Selection of the DROP participation and termination
13 dates, which satisfy the limitations stated in paragraph (a)
14 and subparagraph 1. Such termination date shall be in a
15 binding letter of resignation with the employer, establishing
16 a deferred termination date. The member may change the
17 termination date within the limitations of subparagraph 1.,
18 but only with the written approval of his or her employer;

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

21 d. Any other information required by the division.

22 3. The DROP participant shall be a retiree under the
23 Florida Retirement System for all purposes, except for
24 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
25 121.053, and 121.122. However, participation in the DROP does
26 not alter the participant's employment status and such
27 employee shall not be deemed retired from employment until his
28 or her deferred resignation is effective and termination
29 occurs as provided in s. 121.021(39).

30 4. Elected officers shall be eligible to participate
31 in the DROP subject to the following:

1 a. An elected officer who reaches normal retirement
2 date during a term of office may defer the election to
3 participate in the DROP until the next succeeding term in that
4 office. Such elected officer who exercises this option may
5 participate in the DROP for up to 60 calendar months or a
6 period of no longer than such succeeding term of office,
7 whichever is less.

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

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

27 d. An elected officer who is elected or appointed to
28 an elective office is not subject to termination limitations
29 as provided in chapter 121.

30 Section 3. Section 112.18, Florida Statutes, is
31 amended to read:

1 112.18 Firefighters, correctional officers, and state,
2 county, or municipal law enforcement officers; special
3 provisions relative to disability.--

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

24 (2) This section shall be construed to authorize the
25 above governmental entities to negotiate policy contracts for
26 life and disability insurance to include accidental death
27 benefits or double indemnity coverage which shall include the
28 presumption that any condition or impairment of health of any
29 firefighter caused by tuberculosis, heart disease, or
30 hypertension resulting in total or partial disability or death
31

1 was accidental and suffered in the line of duty, unless the
2 contrary be shown by competent evidence.

3 Section 4. The Legislature finds that a proper and
4 legitimate state purpose is served when county and municipal
5 law enforcement officers, correctional officers, and
6 correctional probation officers are included in the class that
7 benefits from the presumption that tuberculosis, heart
8 disease, or hypertension resulting in total or partial
9 disability or death is accidental and suffered in the line of
10 duty unless the contrary is shown by competent evidence.
11 Therefore, the Legislature determines and declares that this
12 act fulfills an important state interest.

13 Section 5. This act shall take effect upon becoming a
14 law.