

By Senator Wasserman Schultz

34-889-04

1                                   A bill to be entitled  
2           An act relating to the Florida Retirement  
3           System; amending s. 121.091, F.S.; revising  
4           certain limitations on positions for which  
5           school boards, community colleges,  
6           universities, and the Florida School for the  
7           Deaf and the Blind may employ a member after a  
8           specified period of retirement; revising the  
9           election period in the Deferred Retirement  
10          Option Program for employees in grades K-20 and  
11          extending participation in the Deferred  
12          Retirement Option Program to personnel in  
13          grades K-20 who receive administrative  
14          authorization; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (b) of subsection (9) and  
19          paragraphs (a) and (b) of subsection (13) of section 121.091,  
20          Florida Statutes, are amended to read:

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

1 benefits and for the cancellation of such application when the  
2 required information or documents are not received.

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

4 (b)1. Any person who is retired under this chapter,  
5 except under the disability retirement provisions of  
6 subsection (4), may be reemployed by any private or public  
7 employer after retirement and receive retirement benefits and  
8 compensation from his or her employer without any limitations,  
9 except that a person may not receive both a salary from  
10 reemployment with any agency participating in the Florida  
11 Retirement System and retirement benefits under this chapter  
12 for a period of 12 months immediately subsequent to the date  
13 of retirement. However, a DROP participant shall continue  
14 employment and receive a salary during the period of  
15 participation in the Deferred Retirement Option Program, as  
16 provided in subsection (13).

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

1 retired from a state-administered retirement system. Any  
2 retirement benefits received while reemployed during this  
3 reemployment limitation period shall be repaid to the  
4 retirement trust fund, and retirement benefits shall remain  
5 suspended until such repayment has been made. Benefits  
6 suspended beyond the reemployment limitation shall apply  
7 toward repayment of benefits received in violation of the  
8 reemployment limitation.

9           3. A district school board may reemploy a retired  
10 member ~~as a substitute or hourly teacher, education~~  
11 ~~paraprofessional, transportation assistant, bus driver, or~~  
12 ~~food service worker~~ on a noncontractual basis or an annual  
13 contractual basis after he or she has been retired for 1  
14 calendar month, in accordance with s. 121.021(39). ~~A district~~  
15 ~~school board may reemploy a retired member as instructional~~  
16 ~~personnel, as defined in s. 1012.01(2)(a), on an annual~~  
17 ~~contractual basis after he or she has been retired for 1~~  
18 ~~calendar month, in accordance with s. 121.021(39). Any other~~  
19 ~~retired member who is reemployed within 1 calendar month after~~  
20 ~~retirement shall void his or her application for retirement~~  
21 ~~benefits.~~ District school boards reemploying such retired  
22 members ~~teachers, education paraprofessionals, transportation~~  
23 ~~assistants, bus drivers, or food service workers~~ are subject  
24 to the retirement contribution required by subparagraph 7.

25           4. A community college board of trustees may reemploy  
26 a retired member as an adjunct instructor, on an annual  
27 contractual basis ~~or a that is, an instructor who is~~  
28 ~~noncontractual basis and part-time~~, or as a participant in a  
29 phased retirement program within the Florida Community College  
30 System, after he or she has been retired for 1 calendar month,  
31 in accordance with s. 121.021(39). Any retired member who is

1 reemployed within 1 calendar month after retirement shall void  
2 his or her application for retirement benefits. Boards of  
3 trustees reemploying such instructors are subject to the  
4 retirement contribution required in subparagraph 7. ~~A retired~~  
5 ~~member may be reemployed as an adjunct instructor for no more~~  
6 ~~than 780 hours during the first 12 months of retirement. Any~~  
7 ~~retired member reemployed for more than 780 hours during the~~  
8 ~~first 12 months of retirement shall give timely notice in~~  
9 ~~writing to the employer and to the division of the date he or~~  
10 ~~she will exceed the limitation. The division shall suspend~~  
11 ~~his or her retirement benefits for the remainder of the first~~  
12 ~~12 months of retirement. Any person employed in violation of~~  
13 ~~this subparagraph and any employing agency which knowingly~~  
14 ~~employs or appoints such person without notifying the Division~~  
15 ~~of Retirement to suspend retirement benefits shall be jointly~~  
16 ~~and severally liable for reimbursement to the retirement trust~~  
17 ~~fund of any benefits paid during the reemployment limitation~~  
18 ~~period. To avoid liability, such employing agency shall have~~  
19 ~~a written statement from the retiree that he or she is not~~  
20 ~~retired from a state-administered retirement system. Any~~  
21 ~~retirement benefits received by a retired member while~~  
22 ~~reemployed in excess of 780 hours during the first 12 months~~  
23 ~~of retirement shall be repaid to the Retirement System Trust~~  
24 ~~Fund, and retirement benefits shall remain suspended until~~  
25 ~~repayment is made. Benefits suspended beyond the end of the~~  
26 ~~retired member's first 12 months of retirement shall apply~~  
27 ~~toward repayment of benefits received in violation of the~~  
28 ~~780-hour reemployment limitation.~~

29           5. The State University System may reemploy a retired  
30 member as a an adjunct faculty member, on an annual  
31 contractual basis or a noncontractual basis, or as a

1 participant in a phased retirement program within the State  
2 University System after the retired member has been retired  
3 for 1 calendar month, in accordance with s. 121.021(39). Any  
4 retired member who is reemployed within 1 calendar month after  
5 retirement shall void his or her application for retirement  
6 benefits. The State University System is subject to the  
7 retired contribution required in subparagraph 7., as  
8 appropriate. ~~A retired member may be reemployed as an adjunct  
9 faculty member or a participant in a phased retirement program  
10 for no more than 780 hours during the first 12 months of his  
11 or her retirement. Any retired member reemployed for more  
12 than 780 hours during the first 12 months of retirement shall  
13 give timely notice in writing to the employer and to the  
14 division of the date he or she will exceed the limitation.  
15 The division shall suspend his or her retirement benefits for  
16 the remainder of the first 12 months of retirement. Any person  
17 employed in violation of this subparagraph and any employing  
18 agency which knowingly employs or appoints such person without  
19 notifying the Division of Retirement to suspend retirement  
20 benefits shall be jointly and severally liable for  
21 reimbursement to the retirement trust fund of any benefits  
22 paid during the reemployment limitation period. To avoid  
23 liability, such employing agency shall have a written  
24 statement from the retiree that he or she is not retired from  
25 a state-administered retirement system. Any retirement  
26 benefits received by a retired member while reemployed in  
27 excess of 780 hours during the first 12 months of retirement  
28 shall be repaid to the Retirement System Trust Fund, and  
29 retirement benefits shall remain suspended until repayment is  
30 made. Benefits suspended beyond the end of the retired  
31 member's first 12 months of retirement shall apply toward~~

1 ~~repayment of benefits received in violation of the 780-hour~~  
2 ~~reemployment limitation.~~

3           6. The Board of Trustees of the Florida School for the  
4 Deaf and the Blind may reemploy a retired member as a  
5 substitute teacher, substitute residential instructor, or  
6 substitute nurse on a noncontractual basis after he or she has  
7 been retired for 1 calendar month, in accordance with s.  
8 121.021(39). The Board of Trustees of the Florida School for  
9 the Deaf and the Blind may reemploy a retired member as  
10 instructional personnel, as defined in s. 1012.01(2)(a)-(e),  
11 on an annual contractual basis after he or she has been  
12 retired for 1 calendar month, in accordance with s.

13 121.021(39).Any retired member who is reemployed within 1  
14 calendar month after retirement shall void his or her  
15 application for retirement benefits. The Board of Trustees of  
16 the Florida School for the Deaf and the Blind reemploying such  
17 teachers, residential instructors, or nurses is subject to the  
18 retirement contribution required by subparagraph 7.

19 ~~Reemployment of a retired member as a substitute teacher,~~  
20 ~~substitute residential instructor, or substitute nurse is~~  
21 ~~limited to 780 hours during the first 12 months of his or her~~  
22 ~~retirement. Any retired member reemployed for more than 780~~  
23 ~~hours during the first 12 months of retirement shall give~~  
24 ~~timely notice in writing to the employer and to the division~~  
25 ~~of the date he or she will exceed the limitation. The division~~  
26 ~~shall suspend his or her retirement benefits for the remainder~~  
27 ~~of the first 12 months of retirement. Any person employed in~~  
28 ~~violation of this subparagraph and any employing agency which~~  
29 ~~knowingly employs or appoints such person without notifying~~  
30 ~~the Division of Retirement to suspend retirement benefits~~  
31 ~~shall be jointly and severally liable for reimbursement to the~~

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

14           7. The employment by an employer of any retiree or  
15 DROP participant of any state-administered retirement system  
16 shall have no effect on the average final compensation or  
17 years of creditable service of the retiree or DROP  
18 participant. Prior to July 1, 1991, upon employment of any  
19 person, other than an elected officer as provided in s.  
20 121.053, who has been retired under any state-administered  
21 retirement program, the employer shall pay retirement  
22 contributions in an amount equal to the unfunded actuarial  
23 liability portion of the employer contribution which would be  
24 required for regular members of the Florida Retirement System.  
25 Effective July 1, 1991, contributions shall be made as  
26 provided in s. 121.122 for retirees with renewed membership or  
27 subsection (13) with respect to DROP participants.

28           8. Any person who has previously retired and who is  
29 holding an elective public office or an appointment to an  
30 elective public office eligible for the Elected Officers'  
31 Class on or after July 1, 1990, shall be enrolled in the

1 Florida Retirement System as provided in s. 121.053(1)(b) or,  
2 if holding an elective public office that does not qualify for  
3 the Elected Officers' Class on or after July 1, 1991, shall be  
4 enrolled in the Florida Retirement System as provided in s.  
5 121.122, and shall continue to receive retirement benefits as  
6 well as compensation for the elected officer's service for as  
7 long as he or she remains in elective office. However, any  
8 retired member who served in an elective office prior to July  
9 1, 1990, suspended his or her retirement benefit, and had his  
10 or her Florida Retirement System membership reinstated shall,  
11 upon retirement from such office, have his or her retirement  
12 benefit recalculated to include the additional service and  
13 compensation earned.

14           9. Any person who is holding an elective public office  
15 which is covered by the Florida Retirement System and who is  
16 concurrently employed in nonelected covered employment may  
17 elect to retire while continuing employment in the elective  
18 public office, provided that he or she shall be required to  
19 terminate his or her nonelected covered employment. Any  
20 person who exercises this election shall receive his or her  
21 retirement benefits in addition to the compensation of the  
22 elective office without regard to the time limitations  
23 otherwise provided in this subsection. No person who seeks to  
24 exercise the provisions of this subparagraph, as the same  
25 existed prior to May 3, 1984, shall be deemed to be retired  
26 under those provisions, unless such person is eligible to  
27 retire under the provisions of this subparagraph, as amended  
28 by chapter 84-11, Laws of Florida.

29           10. The limitations of this paragraph apply to  
30 reemployment in any capacity with an "employer" as defined in  
31



1 s. 121.021(10), irrespective of the category of funds from  
2 which the person is compensated.

3 11. An employing agency may reemploy a retired member  
4 as a firefighter or paramedic after the retired member has  
5 been retired for 1 calendar month, in accordance with s.  
6 121.021(39). Any retired member who is reemployed within 1  
7 calendar month after retirement shall void his or her  
8 application for retirement benefits. The employing agency  
9 reemploying such firefighter or paramedic is subject to the  
10 retired contribution required in subparagraph 8. Reemployment  
11 of a retired firefighter or paramedic is limited to no more  
12 than 780 hours during the first 12 months of his or her  
13 retirement. Any retired member reemployed for more than 780  
14 hours during the first 12 months of retirement shall give  
15 timely notice in writing to the employer and to the division  
16 of the date he or she will exceed the limitation. The division  
17 shall suspend his or her retirement benefits for the remainder  
18 of the first 12 months of retirement. Any person employed in  
19 violation of this subparagraph and any employing agency which  
20 knowingly employs or appoints such person without notifying  
21 the Division of Retirement to suspend retirement benefits  
22 shall be jointly and severally liable for reimbursement to the  
23 Retirement System Trust Fund of any benefits paid during the  
24 reemployment limitation period. To avoid liability, such  
25 employing agency shall have a written statement from the  
26 retiree that he or she is not retired from a  
27 state-administered retirement system. Any retirement benefits  
28 received by a retired member while reemployed in excess of 780  
29 hours during the first 12 months of retirement shall be repaid  
30 to the Retirement System Trust Fund, and retirement benefits  
31 shall remain suspended until repayment is made. Benefits

1 suspended beyond the end of the retired member's first 12  
2 months of retirement shall apply toward repayment of benefits  
3 received in violation of the 780-hour reemployment limitation.

4 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
5 and subject to the provisions of this section, the Deferred  
6 Retirement Option Program, hereinafter referred to as the  
7 DROP, is a program under which an eligible member of the  
8 Florida Retirement System may elect to participate, deferring  
9 receipt of retirement benefits while continuing employment  
10 with his or her Florida Retirement System employer. The  
11 deferred monthly benefits shall accrue in the System Trust  
12 Fund on behalf of the participant, plus interest compounded  
13 monthly, for the specified period of the DROP participation,  
14 as provided in paragraph (c). Upon termination of employment,  
15 the participant shall receive the total DROP benefits and  
16 begin to receive the previously determined normal retirement  
17 benefits. Participation in the DROP does not guarantee  
18 employment for the specified period of DROP. Participation in  
19 the DROP by an eligible member beyond the initial 60-month  
20 period as authorized in this subsection shall be on an annual  
21 contractual basis for all participants.

22 (a) Eligibility of member to participate in the  
23 DROP.--All active Florida Retirement System members in a  
24 regularly established position, and all active members of  
25 either the Teachers' Retirement System established in chapter  
26 238 or the State and County Officers' and Employees'  
27 Retirement System established in chapter 122 which systems are  
28 consolidated within the Florida Retirement System under s.  
29 121.011, are eligible to elect participation in the DROP  
30 provided that:

31

1           1. The member is not a renewed member of the Florida  
2 Retirement System under s. 121.122, or a member of the State  
3 Community College System Optional Retirement Program under s.  
4 121.051, the Senior Management Service Optional Annuity  
5 Program under s. 121.055, or the optional retirement program  
6 for the State University System under s. 121.35.

7           2. Except as provided in subparagraph 6., election to  
8 participate is made within 12 months immediately following the  
9 date on which the member first reaches normal retirement date,  
10 or, for a member who reaches normal retirement date based on  
11 service before he or she reaches age 62, or age 55 for Special  
12 Risk Class members, election to participate may be deferred to  
13 the 12 months immediately following the date the member  
14 attains 57, or age 52 for Special Risk Class members. For a  
15 member who first reached normal retirement date or the  
16 deferred eligibility date described above prior to the  
17 effective date of this section, election to participate shall  
18 be made within 12 months after the effective date of this  
19 section. A member who fails to make an election within such  
20 12-month limitation period shall forfeit all rights to  
21 participate in the DROP. The member shall advise his or her  
22 employer and the division in writing of the date on which the  
23 DROP shall begin. Such beginning date may be subsequent to the  
24 12-month election period, but must be within the 60-month or,  
25 with respect to members who are employees in grades K-20 of a  
26 public school district, a charter school, the Florida School  
27 for the Deaf and the Blind, a community college, or a state  
28 university, and who have received authorization from the  
29 appropriate administrative body instructional personnel  
30 ~~employed by the Florida School for the Deaf and the Blind and~~  
31 ~~who have received authorization by the Board of Trustees of~~

1 ~~the Florida School for the Deaf and the Blind to participate~~  
2 ~~in the DROP beyond 60 months, or who are instructional~~  
3 ~~personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12~~  
4 ~~and who have received authorization by the district school~~  
5 ~~superintendent to participate in the DROP beyond 60 months,~~  
6 ~~the 96-month limitation period as provided in subparagraph~~  
7 ~~(b)1. When establishing eligibility of the member to~~  
8 ~~participate in the DROP for the 60-month or, with respect to~~  
9 ~~employees in grades K-20 of a public school district, a~~  
10 charter school, the Florida School for the Deaf and the Blind,  
11 a community college, or a state university, and who have  
12 received authorization from the appropriate administrative  
13 body members who are instructional personnel employed by the  
14 ~~Florida School for the Deaf and the Blind and who have~~  
15 ~~received authorization by the Board of Trustees of the Florida~~  
16 ~~School for the Deaf and the Blind to participate in the DROP~~  
17 ~~beyond 60 months, or who are instructional personnel as~~  
18 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~  
19 ~~received authorization by the district school superintendent~~  
20 ~~to participate in the DROP beyond 60 months, the 96-month~~  
21 ~~maximum participation period, the member may elect to include~~  
22 ~~or exclude any optional service credit purchased by the member~~  
23 ~~from the total service used to establish the normal retirement~~  
24 ~~date. A member with dual normal retirement dates shall be~~  
25 ~~eligible to elect to participate in DROP within 12 months~~  
26 ~~after attaining normal retirement date in either class.~~

27         3. The employer of a member electing to participate in  
28 the DROP, or employers if dually employed, shall acknowledge  
29 in writing to the division the date the member's participation  
30 in the DROP begins and the date the member's employment and  
31 DROP participation will terminate.

1           4. Simultaneous employment of a participant by  
2 additional Florida Retirement System employers subsequent to  
3 the commencement of participation in the DROP shall be  
4 permissible provided such employers acknowledge in writing a  
5 DROP termination date no later than the participant's existing  
6 termination date or the 60-month limitation period as provided  
7 in subparagraph (b)1.

8           5. A DROP participant may change employers while  
9 participating in the DROP, subject to the following:

10           a. A change of employment must take place without a  
11 break in service so that the member receives salary for each  
12 month of continuous DROP participation. If a member receives  
13 no salary during a month, DROP participation shall cease  
14 unless the employer verifies a continuation of the employment  
15 relationship for such participant pursuant to s.  
16 121.021(39)(b).

17           b. Such participant and new employer shall notify the  
18 division on forms required by the division as to the identity  
19 of the new employer.

20           c. The new employer shall acknowledge, in writing, the  
21 participant's DROP termination date, which may be extended but  
22 not beyond the original 60-month or, with respect to employees  
23 in grades K-20 of a public school district, a charter school,  
24 the Florida School for the Deaf and the Blind, a community  
25 college, or a state university, and who have received  
26 authorization from the appropriate administrative body ~~members~~  
27 ~~who are instructional personnel employed by the Florida School~~  
28 ~~for the Deaf and the Blind and who have received authorization~~  
29 ~~by the Board of Trustees of the Florida School for the Deaf~~  
30 ~~and the Blind to participate in the DROP beyond 60 months, or~~  
31 ~~who are instructional personnel as defined in s.~~

1 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~  
2 ~~authorization by the district school superintendent to~~  
3 participate in the DROP beyond 60 months, the 96-month period  
4 provided in subparagraph (b)1., shall acknowledge liability  
5 for any additional retirement contributions and interest  
6 required if the participant fails to timely terminate  
7 employment, and shall be subject to the adjustment required in  
8 sub-subparagraph (c)5.d.

9           6. Effective July 1, 2001, for instructional personnel  
10 as defined in s. 1012.01(2), election to participate in the  
11 DROP shall be made at any time following the date on which the  
12 member first reaches normal retirement date. Effective July 1,  
13 2004, any eligible employee in grades K-20 of a public school  
14 district, a charter school, the Florida School for the Deaf  
15 and the Blind, a community college, or a state university may  
16 elect to participate in the DROP at any time following the  
17 date on which the member first reaches normal retirement date.  
18 The member shall advise his or her employer and the division  
19 in writing of the date on which the Deferred Retirement Option  
20 Program shall begin. When establishing eligibility of the  
21 member to participate in the DROP for the 60-month or, with  
22 respect to employees in grades K-20 of a public school  
23 district, a charter school, the Florida School for the Deaf  
24 and the Blind, a community college, or a state university, and  
25 who have received authorization from the appropriate  
26 administrative body ~~members who are instructional personnel~~  
27 ~~employed by the Florida School for the Deaf and the Blind and~~  
28 ~~who have received authorization by the Board of Trustees of~~  
29 ~~the Florida School for the Deaf and the Blind to participate~~  
30 ~~in the DROP beyond 60 months, or who are instructional~~  
31 ~~personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12~~

1 ~~and who have received authorization by the district school~~  
2 ~~superintendent~~ to participate in the DROP beyond 60 months,  
3 the 96-month maximum participation period, as provided in  
4 subparagraph (b)1., the member may elect to include or exclude  
5 any optional service credit purchased by the member from the  
6 total service used to establish the normal retirement date. A  
7 member with dual normal retirement dates shall be eligible to  
8 elect to participate in either class.

9 (b) Participation in the DROP.--

10 1. An eligible member may elect to participate in the  
11 DROP for a period not to exceed a maximum of 60 calendar  
12 months or, with respect to employees in grades K-20 of a  
13 public school district, a charter school, the Florida School  
14 for the Deaf and the Blind, a community college, or a state  
15 university, and who have received authorization from the  
16 appropriate administrative body ~~members who are instructional~~  
17 ~~personnel employed by the Florida School for the Deaf and the~~  
18 ~~Blind and who have received authorization by the Board of~~  
19 ~~Trustees of the Florida School for the Deaf and the Blind to~~  
20 ~~participate in the DROP beyond 60 months, or who are~~  
21 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
22 ~~grades K-12 and who have received authorization by the~~  
23 ~~district school superintendent~~ to participate in the DROP  
24 beyond 60 calendar months, 96 calendar months immediately  
25 following the date on which the member first reaches his or  
26 her normal retirement date or the date to which he or she is  
27 eligible to defer his or her election to participate as  
28 provided in subparagraph (a)2. However, a member who has  
29 reached normal retirement date prior to the effective date of  
30 the DROP shall be eligible to participate in the DROP for a  
31 period of time not to exceed 60 calendar months or, with

1 respect to employees in grades K-20 of a public school  
2 district, a charter school, the Florida School for the Deaf  
3 and the Blind, a community college, or a state university, and  
4 who have received authorization from the appropriate  
5 administrative body ~~members who are instructional personnel~~  
6 ~~employed by the Florida School for the Deaf and the Blind and~~  
7 ~~who have received authorization by the Board of Trustees of~~  
8 ~~the Florida School for the Deaf and the Blind to participate~~  
9 ~~in the DROP beyond 60 months, or who are instructional~~  
10 ~~personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12~~  
11 ~~and who have received authorization by the district school~~  
12 ~~superintendent to participate in the DROP beyond 60 calendar~~  
13 ~~months, 96 calendar months immediately following the effective~~  
14 ~~date of the DROP, except a member of the Special Risk Class~~  
15 ~~who has reached normal retirement date prior to the effective~~  
16 ~~date of the DROP and whose total accrued value exceeds 75~~  
17 ~~percent of average final compensation as of his or her~~  
18 ~~effective date of retirement shall be eligible to participate~~  
19 ~~in the DROP for no more than 36 calendar months immediately~~  
20 ~~following the effective date of the DROP.~~

21         2. Upon deciding to participate in the DROP, the  
22 member shall submit, on forms required by the division:  
23         a. A written election to participate in the DROP;  
24         b. Selection of the DROP participation and termination  
25 dates, which satisfy the limitations stated in paragraph (a)  
26 and subparagraph 1. Such termination date shall be in a  
27 binding letter of resignation with the employer, establishing  
28 a deferred termination date. The member may change the  
29 termination date within the limitations of subparagraph 1.,  
30 but only with the written approval of his or her employer;  
31



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

3           d. Any other information required by the division.

4           3. The DROP participant shall be a retiree under the  
5 Florida Retirement System for all purposes, except for  
6 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,  
7 121.053, and 121.122. However, participation in the DROP does  
8 not alter the participant's employment status and such  
9 employee shall not be deemed retired from employment until his  
10 or her deferred resignation is effective and termination  
11 occurs as provided in s. 121.021(39).

12           4. Elected officers shall be eligible to participate  
13 in the DROP subject to the following:

14           a. An elected officer who reaches normal retirement  
15 date during a term of office may defer the election to  
16 participate in the DROP until the next succeeding term in that  
17 office. Such elected officer who exercises this option may  
18 participate in the DROP for up to 60 calendar months or a  
19 period of no longer than such succeeding term of office,  
20 whichever is less.

21           b. An elected or a nonelected participant may run for  
22 a term of office while participating in DROP and, if elected,  
23 extend the DROP termination date accordingly, except, however,  
24 if such additional term of office exceeds the 60-month  
25 limitation established in subparagraph 1., and the officer  
26 does not resign from office within such 60-month limitation,  
27 the retirement and the participant's DROP shall be null and  
28 void as provided in sub-subparagraph (c)5.d.

29           c. An elected officer who is dually employed and  
30 elects to participate in DROP shall be required to satisfy the  
31 definition of termination within the 60-month or, with respect

1 to employees in grades K-20 of a public school district, a  
2 charter school, the Florida School for the Deaf and the Blind,  
3 a community college, or a state university, and who have  
4 received authorization from the appropriate administrative  
5 body members who are instructional personnel employed by the  
6 Florida School for the Deaf and the Blind and who have  
7 received authorization by the Board of Trustees of the Florida  
8 School for the Deaf and the Blind to participate in the DROP  
9 beyond 60 months, or who are instructional personnel as  
10 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have  
11 received authorization by the district school superintendent  
12 to participate in the DROP beyond 60 months, the 96-month  
13 limitation period as provided in subparagraph 1. for the  
14 nonelected position and may continue employment as an elected  
15 officer as provided in s. 121.053. The elected officer will be  
16 enrolled as a renewed member in the Elected Officers' Class or  
17 the Regular Class, as provided in ss. 121.053 and 121.22, on  
18 the first day of the month after termination of employment in  
19 the nonelected position and termination of DROP. Distribution  
20 of the DROP benefits shall be made as provided in paragraph  
21 (c).

22 Section 2. This act shall take effect upon becoming a  
23 law.

24  
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26 SENATE SUMMARY

27 Revises certain limitations on positions for which school  
28 boards, community colleges, universities, and the Florida  
29 School for the Deaf and the Blind may employ a member of  
30 the Florida Retirement System after a specified period of  
31 retirement. Revises the election period in the Deferred  
Retirement Option Program for certain employees and  
extends participation in the Deferred Retirement Option  
Program to personnel in grades K-20 who receive  
administrative authorization.