

By Senator Wise

5-1050A-04

1 A bill to be entitled
2 An act relating to retirement; amending s.
3 121.051, F.S.; providing that participating
4 members in the Community College Optional
5 Retirement Program may transfer into the
6 Florida Retirement System defined benefit
7 program; amending s. 121.091, F.S.; removing
8 the 780-hour annual limitation on reemployment
9 of community college instructional personnel;
10 providing that instructional and other
11 personnel in community colleges may participate
12 in the Deferred Retirement Option Program for
13 up to 96 months; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (c) of subsection (2) of section
18 121.051, Florida Statutes, is amended to read:

19 121.051 Participation in the system.--

20 (2) OPTIONAL PARTICIPATION.--

21 (c) Employees of public community colleges or charter
22 technical career centers sponsored by public community
23 colleges, as designated in s. 1000.21(3), who are members of
24 the Regular Class of the Florida Retirement System and who
25 comply with the criteria set forth in this paragraph and in s.
26 1012.875 may elect, in lieu of participating in the Florida
27 Retirement System, to withdraw from the Florida Retirement
28 System altogether and participate in an optional retirement
29 program provided by the employing agency under s. 1012.875, to
30 be known as the State Community College System Optional
31 Retirement Program. Pursuant thereto:

1 1. Through June 30, 2001, the cost to the employer for
2 such annuity shall equal the normal cost portion of the
3 employer retirement contribution which would be required if
4 the employee were a member of the Regular Class defined
5 benefit program, plus the portion of the contribution rate
6 required by s. 112.363(8) that would otherwise be assigned to
7 the Retiree Health Insurance Subsidy Trust Fund. Effective
8 July 1, 2001, each employer shall contribute on behalf of each
9 participant in the optional program an amount equal to 10.43
10 percent of the participant's gross monthly compensation. The
11 employer shall deduct an amount to provide for the
12 administration of the optional retirement program. The
13 employer providing the optional program shall contribute an
14 additional amount to the Florida Retirement System Trust Fund
15 equal to the unfunded actuarial accrued liability portion of
16 the Regular Class contribution rate.

17 2. The decision to participate in such an optional
18 retirement program shall be irrevocable for as long as the
19 employee holds a position eligible for participation, except
20 as provided in subparagraph 3. Any service creditable under
21 the Florida Retirement System shall be retained after the
22 member withdraws from the Florida Retirement System; however,
23 additional service credit in the Florida Retirement System
24 shall not be earned while a member of the optional retirement
25 program.

26 3. An employee who has elected to participate in the
27 optional retirement program shall have one opportunity, at the
28 employee's discretion, to choose to transfer from the optional
29 retirement program to the defined benefit program of the
30 Florida Retirement System or to the Public Employee Optional
31

1 Retirement Program, subject to the terms of the applicable
2 optional retirement program contracts.

3 a. If the employee chooses to move to the Public
4 Employee Optional Retirement Program, any contributions,
5 interest, and earnings creditable to the employee under the
6 State Community College System Optional Retirement Program
7 shall be retained by the employee in the State Community
8 College System Optional Retirement Program, and the applicable
9 provisions of s. 121.4501(4) shall govern the election.

10 b. If the employee chooses to move to the defined
11 benefit program of the Florida Retirement System, the employee
12 shall receive service credit equal to his or her years of
13 service under the State Community College Optional Retirement
14 Program.

15 (I) The cost for such credit shall be an amount
16 representing the present value of that employee's accumulated
17 benefit obligation for the affected period of service. The
18 cost shall be calculated as if the benefit commencement occurs
19 on the first date the employee would become eligible for
20 unreduced benefits, using the discount rate and other relevant
21 actuarial assumptions that were used to value the Florida
22 Retirement System defined benefit plan liabilities in the most
23 recent actuarial valuation. The calculation shall include any
24 service already maintained under the defined benefit plan in
25 addition to the years under the State Community College
26 Optional Retirement Program. The present value of any service
27 already maintained under the defined benefit plan shall be
28 applied as a credit to total cost resulting from the
29 calculation. The division shall ensure that the transfer sum
30 is prepared using a formula and methodology certified by an
31 enrolled actuary.

1 (II) The employee must transfer from his or her State
2 Community College System Optional Retirement Program account
3 and from other employee moneys as necessary, a sum
4 representing the present value of that employee's accumulated
5 benefit obligation immediately following the time of such
6 movement, determined assuming that attained service equals the
7 sum of service in the defined benefit program and service in
8 the State Community College System Optional Retirement
9 Program.

10 4. Participation in the optional retirement program
11 shall be limited to those employees who satisfy the following
12 eligibility criteria:

13 a. The employee must be otherwise eligible for
14 membership in the Regular Class of the Florida Retirement
15 System, as provided in s. 121.021(11) and (12).

16 b. The employee must be employed in a full-time
17 position classified in the Accounting Manual for Florida's
18 Public Community Colleges as:

19 (I) Instructional; or

20 (II) Executive Management, Instructional Management,
21 or Institutional Management, if a community college determines
22 that recruiting to fill a vacancy in the position is to be
23 conducted in the national or regional market, and:

24 (A) The duties and responsibilities of the position
25 include either the formulation, interpretation, or
26 implementation of policies; or

27 (B) The duties and responsibilities of the position
28 include the performance of functions that are unique or
29 specialized within higher education and that frequently
30 involve the support of the mission of the community college.

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1 c. The employee must be employed in a position not
2 included in the Senior Management Service Class of the Florida
3 Retirement System, as described in s. 121.055.

4 5. Participants in the program are subject to the same
5 reemployment limitations, renewed membership provisions, and
6 forfeiture provisions as are applicable to regular members of
7 the Florida Retirement System under ss. 121.091(9), 121.122,
8 and 121.091(5), respectively.

9 6. Eligible community college employees shall be
10 compulsory members of the Florida Retirement System until,
11 pursuant to the procedures set forth in s. 1012.875, a written
12 election to withdraw from the Florida Retirement System and to
13 participate in the State Community College Optional Retirement
14 Program is filed with the program administrator and received
15 by the division.

16 a. Any community college employee whose program
17 eligibility results from initial employment shall be enrolled
18 in the State Community College Optional Retirement Program
19 retroactive to the first day of eligible employment. The
20 employer retirement contributions paid through the month of
21 the employee plan change shall be transferred to the community
22 college for the employee's optional program account, and,
23 effective the first day of the next month, the employer shall
24 pay the applicable contributions based upon subparagraph 1.

25 b. Any community college employee whose program
26 eligibility results from a change in status due to the
27 subsequent designation of the employee's position as one of
28 those specified in subparagraph 4. or due to the employee's
29 appointment, promotion, transfer, or reclassification to a
30 position specified in subparagraph 4. shall be enrolled in the
31 program upon the first day of the first full calendar month

1 that such change in status becomes effective. The employer
2 retirement contributions paid from the effective date through
3 the month of the employee plan change shall be transferred to
4 the community college for the employee's optional program
5 account, and, effective the first day of the next month, the
6 employer shall pay the applicable contributions based upon
7 subparagraph 1.

8 7. Effective July 1, 2003, any participant of the
9 State Community College Optional Retirement Program who has
10 service credit in the defined benefit plan of the Florida
11 Retirement System for the period between his or her first
12 eligibility to transfer from the defined benefit plan to the
13 optional retirement program and the actual date of transfer
14 may, during his or her employment, elect to transfer to the
15 optional retirement program a sum representing the present
16 value of the accumulated benefit obligation under the defined
17 benefit retirement program for such period of service credit.
18 Upon such transfer, all such service credit previously earned
19 under the defined benefit program of the Florida Retirement
20 System during this period shall be nullified for purposes of
21 entitlement to a future benefit under the defined benefit
22 program of the Florida Retirement System.

23 8. Effective from July 1, 2004, through September 30,
24 2004, any active employee in a regularly established position
25 who has elected to participate in the Community College
26 Optional Retirement Program under s. 1012.875 has one
27 opportunity to choose to move from the Community College
28 Optional Retirement Program to the Florida Retirement System
29 defined benefit program.

30 a. The election must be made in writing and must be
31 filed with the department and the personnel officer of the

1 employer before October 1, 2004, or, in the case of an active
2 employee who is on a leave of absence on July 1, 2004, within
3 90 days after the conclusion of the leave of absence. This
4 election is irrevocable.

5 b. The employee will receive service credit in the
6 Florida Retirement System defined benefit program equal to his
7 or her years of service under the Community College Optional
8 Retirement Program.

9 c. The employee must transfer the total accumulated
10 employer contributions and earnings on deposit in his or her
11 Community College Optional Retirement Program account. If the
12 transferred amount is not sufficient to pay the amount due,
13 the employee must pay a sum representing the remainder of the
14 amount due. In no case may the employee retain any employer
15 contributions or earnings thereon from the Community College
16 Optional Retirement Program account.

17 Section 2. Paragraph (b) of subsection (9) and
18 paragraphs (a) and (b) of subsection (13) of section 121.091,
19 Florida Statutes, are amended to read:

20 121.091 Benefits payable under the system.--Benefits
21 may not be paid under this section unless the member has
22 terminated employment as provided in s. 121.021(39)(a) or
23 begun participation in the Deferred Retirement Option Program
24 as provided in subsection (13), and a proper application has
25 been filed in the manner prescribed by the department. The
26 department may cancel an application for retirement benefits
27 when the member or beneficiary fails to timely provide the
28 information and documents required by this chapter and the
29 department's rules. The department shall adopt rules
30 establishing procedures for application for retirement
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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 after he or she
13 has been retired for 1 calendar month, in accordance with s.
14 121.021(39). A district school board may reemploy a retired
15 member as instructional personnel, as defined in s.
16 1012.01(2)(a), on an annual contractual basis after he or she
17 has been retired for 1 calendar month, in accordance with s.
18 121.021(39). Any other retired member who is reemployed within
19 1 calendar month after retirement shall void his or her
20 application for retirement benefits. District school boards
21 reemploying such teachers, education paraprofessionals,
22 transportation assistants, bus drivers, or food service
23 workers are subject to the retirement contribution required by
24 subparagraph 7.

25 4. A community college board of trustees may reemploy
26 a retired member as an ~~adjunct~~ instructor or in another
27 position of critical need, as defined by the board, on an
28 annual contractual basis or part-time basis, that is, an
29 ~~instructor who is noncontractual and part-time,~~ or as a
30 participant in a phased retirement program within the Florida
31 Community College System, after he or she has been retired for

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

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

5 6. The Board of Trustees of the Florida School for the
6 Deaf and the Blind may reemploy a retired member as a
7 substitute teacher, substitute residential instructor, or
8 substitute nurse on a noncontractual basis after he or she has
9 been retired for 1 calendar month, in accordance with s.
10 121.021(39). Any retired member who is reemployed within 1
11 calendar month after retirement shall void his or her
12 application for retirement benefits. The Board of Trustees of
13 the Florida School for the Deaf and the Blind reemploying such
14 teachers, residential instructors, or nurses is subject to the
15 retirement contribution required by subparagraph 7.
16 Reemployment of a retired member as a substitute teacher,
17 substitute residential instructor, or substitute nurse is
18 limited to 780 hours during the first 12 months of his or her
19 retirement. Any retired member reemployed for more than 780
20 hours during the first 12 months of retirement shall give
21 timely notice in writing to the employer and to the division
22 of the date he or she will exceed the limitation. The division
23 shall suspend his or her retirement benefits for the remainder
24 of the first 12 months of retirement. Any person employed in
25 violation of this subparagraph and any employing agency which
26 knowingly employs or appoints such person without notifying
27 the Division of Retirement to suspend retirement benefits
28 shall be jointly and severally liable for reimbursement to the
29 retirement trust fund of any benefits paid during the
30 reemployment limitation period. To avoid liability, such
31 employing agency shall have a written statement from the

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

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

25 8. Any person who has previously retired and who is
26 holding an elective public office or an appointment to an
27 elective public office eligible for the Elected Officers'
28 Class on or after July 1, 1990, shall be enrolled in the
29 Florida Retirement System as provided in s. 121.053(1)(b) or,
30 if holding an elective public office that does not qualify for
31 the Elected Officers' Class on or after July 1, 1991, shall be

1 enrolled in the Florida Retirement System as provided in s.
2 121.122, and shall continue to receive retirement benefits as
3 well as compensation for the elected officer's service for as
4 long as he or she remains in elective office. However, any
5 retired member who served in an elective office prior to July
6 1, 1990, suspended his or her retirement benefit, and had his
7 or her Florida Retirement System membership reinstated shall,
8 upon retirement from such office, have his or her retirement
9 benefit recalculated to include the additional service and
10 compensation earned.

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

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

30 11. An employing agency may reemploy a retired member
31 as a firefighter or paramedic after the retired member has

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

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. Participation in
16 the DROP by an eligible member beyond the initial 60-month
17 period as authorized in this subsection shall be on an annual
18 contractual basis for all participants.

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

28 1. The member is not a renewed member of the Florida
29 Retirement System under s. 121.122, or a member of the State
30 Community College System Optional Retirement Program under s.
31 121.051, the Senior Management Service Optional Annuity

1 Program under s. 121.055, or the optional retirement program
2 for the State University System under s. 121.35.
3 2. Except as provided in subparagraph 6., election to
4 participate is made within 12 months immediately following the
5 date on which the member first reaches normal retirement date,
6 or, for a member who reaches normal retirement date based on
7 service before he or she reaches age 62, or age 55 for Special
8 Risk Class members, election to participate may be deferred to
9 the 12 months immediately following the date the member
10 attains 57, or age 52 for Special Risk Class members. For a
11 member who first reached normal retirement date or the
12 deferred eligibility date described above prior to the
13 effective date of this section, election to participate shall
14 be made within 12 months after the effective date of this
15 section. A member who fails to make an election within such
16 12-month limitation period shall forfeit all rights to
17 participate in the DROP. The member shall advise his or her
18 employer and the division in writing of the date on which the
19 DROP shall begin. Such beginning date may be subsequent to the
20 12-month election period, but must be within the 60-month or,
21 with respect to community college personnel employed in areas
22 of critical need which have been identified by the district
23 board of trustees and who have received authorization by the
24 board to participate in the DROP beyond 60 months or to
25 members who are instructional personnel employed by the
26 Florida School for the Deaf and the Blind and who have
27 received authorization by the Board of Trustees of the Florida
28 School for the Deaf and the Blind to participate in the DROP
29 beyond 60 months, ~~or~~ who are instructional personnel as
30 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
31 received authorization by the district school superintendent

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

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

30 4. Simultaneous employment of a participant by
31 additional Florida Retirement System employers subsequent to

1 the commencement of participation in the DROP shall be
2 permissible provided such employers acknowledge in writing a
3 DROP termination date no later than the participant's existing
4 termination date or the 60-month limitation period as provided
5 in subparagraph (b)1.

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

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

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

18 c. The new employer shall acknowledge, in writing, the
19 participant's DROP termination date, which may be extended but
20 not beyond the original 60-month or, with respect to community
21 college personnel employed in areas of critical need which
22 have been identified by the district board of trustees and who
23 have received authorization by the board to participate in the
24 DROP beyond 60 months or to members who are instructional
25 personnel employed by the Florida School for the Deaf and the
26 Blind and who have received authorization by the Board of
27 Trustees of the Florida School for the Deaf and the Blind to
28 participate in the DROP beyond 60 months, ~~or~~ who are
29 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
30 grades K-12 and who have received authorization by the
31 district school superintendent to participate in the DROP

1 beyond 60 months, or who are instructional personnel employed
2 in community colleges who have received authorization from the
3 boards of trustees,the 96-month period provided in
4 subparagraph (b)1., shall acknowledge liability for any
5 additional retirement contributions and interest required if
6 the participant fails to timely terminate employment, and
7 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. The member shall
13 advise his or her employer and the division in writing of the
14 date on which the Deferred Retirement Option Program shall
15 begin. When establishing eligibility of the member to
16 participate in the DROP for the 60-month or, with respect to
17 community college personnel employed in areas of critical need
18 which have been identified by the district board of trustees
19 and who have received authorization by the board to
20 participate in the DROP beyond 60 months or to members who are
21 instructional personnel employed by the Florida School for the
22 Deaf and the Blind and who have received authorization by the
23 Board of Trustees of the Florida School for the Deaf and the
24 Blind to participate in the DROP beyond 60 months, ~~or~~ who are
25 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
26 grades K-12 and who have received authorization by the
27 district school superintendent to participate in the DROP
28 beyond 60 months, or who are instructional personnel employed
29 in community colleges who have received authorization from the
30 boards of trustees,the 96-month maximum participation period,
31 as provided in subparagraph (b)1., the member may elect to

1 include or exclude any optional service credit purchased by
2 the member from the total service used to establish the normal
3 retirement date. A member with dual normal retirement dates
4 shall be eligible to elect to participate in either class.

5 (b) Participation in the DROP.--

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

1 have received authorization by the board to participate in the
2 DROP beyond 60 months or to members who are instructional
3 personnel employed by the Florida School for the Deaf and the
4 Blind and who have received authorization by the Board of
5 Trustees of the Florida School for the Deaf and the Blind to
6 participate in the DROP beyond 60 months, ~~or~~ who are
7 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
8 grades K-12 and who have received authorization by the
9 district school superintendent to participate in the DROP
10 beyond 60 calendar months, or who are instructional personnel
11 employed in community colleges who have received authorization
12 from the boards of trustees,96 calendar months immediately
13 following the effective date of the DROP, except a member of
14 the Special Risk Class who has reached normal retirement date
15 prior to the effective date of the DROP and whose total
16 accrued value exceeds 75 percent of average final compensation
17 as of his or her effective date of retirement shall be
18 eligible to participate in the DROP for no more than 36
19 calendar months immediately following the effective date of
20 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 members who are instructional personnel employed by the
2 Florida School for the Deaf and the Blind and who have
3 received authorization by the Board of Trustees of the Florida
4 School for the Deaf and the Blind to participate in the DROP
5 beyond 60 months, ~~or~~ who are instructional personnel as
6 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
7 received authorization by the district school superintendent
8 to participate in the DROP beyond 60 months, or who are
9 instructional personnel employed in community colleges who
10 have received authorization from the boards of trustees,the
11 96-month limitation period as provided in subparagraph 1. for
12 the nonelected position and may continue employment as an
13 elected officer as provided in s. 121.053. The elected officer
14 will be enrolled as a renewed member in the Elected Officers'
15 Class or the Regular Class, as provided in ss. 121.053 and
16 121.22, on the first day of the month after termination of
17 employment in the nonelected position and termination of DROP.
18 Distribution of the DROP benefits shall be made as provided in
19 paragraph (c).

20 Section 3. This act shall take effect July 1, 2004.

21
22 *****

23 SENATE SUMMARY

24 Authorizes members of the Community College Optional
25 Retirement Program to transfer into the Florida
26 Retirement System defined benefit program. Deletes the
27 limit on the number of hours that reemployed community
28 college personnel may work. Authorizes community college
29 instructional personnel and other personnel in positions
30 of critical need to participate in the Deferred
31 Retirement Option Program for an additional 3 years.