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A bill to be entitled

An act relating to the Florida Retirement System; amending s. 121.021, F.S.; revising definition of the term "phased retirement program"; amending s. 121.091, F.S.; revising certain limitations on positions for which district school boards, community colleges, state universities, and the Florida School for the Deaf and the Blind may reemploy a member of the Florida Retirement System after a specified period of retirement; extending participation in the Deferred Retirement Option Program to K-20 employees receiving administrative authorization; revising the election period in the Deferred Retirement Option Program for K-20 employees; providing effective dates.

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

Section 1. Subsection (43) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(43) "Phased retirement program" means a program contracted by the governing board of a university or community college participating under this chapter in which a retiree may be reemployed in a faculty position provided:

(a) The member retired and met the definition of termination under this section; and

~~(b) The retired member is reemployed for not more than 780 hours during the first 12 months of his or her retirement; and~~

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30 (b)~~(e)~~ The retired member is reemployed with the
 31 university or community college from which he or she retired.

32
 33 Renewed membership for a retiree participating in a phased
 34 retirement program shall be determined in accordance with s.
 35 121.053 or s. 121.122.

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

39 121.091 Benefits payable under the system.--Benefits may
 40 not be paid under this section unless the member has terminated
 41 employment as provided in s. 121.021(39)(a) or begun
 42 participation in the Deferred Retirement Option Program as
 43 provided in subsection (13), and a proper application has been
 44 filed in the manner prescribed by the department. The department
 45 may cancel an application for retirement benefits when the
 46 member or beneficiary fails to timely provide the information
 47 and documents required by this chapter and the department's
 48 rules. The department shall adopt rules establishing procedures
 49 for application for retirement benefits and for the cancellation
 50 of such application when the required information or documents
 51 are not received.

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

53 (b)1. Any person who is retired under this chapter, except
 54 under the disability retirement provisions of subsection (4),
 55 may be reemployed by any private or public employer after
 56 retirement and receive retirement benefits and compensation from
 57 his or her employer without any limitations, except that a
 58 person may not receive both a salary from reemployment with any

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59 agency participating in the Florida Retirement System and
60 retirement benefits under this chapter for a period of 12 months
61 immediately subsequent to the date of retirement. However, a
62 DROP participant shall continue employment and receive a salary
63 during the period of participation in the Deferred Retirement
64 Option Program, as provided in subsection (13).

65 2. Any person to whom the limitation in subparagraph 1.
66 applies who violates such reemployment limitation and who is
67 reemployed with any agency participating in the Florida
68 Retirement System before completion of the 12-month limitation
69 period shall give timely notice of this fact in writing to the
70 employer and to the division and shall have his or her
71 retirement benefits suspended for the balance of the 12-month
72 limitation period. Any person employed in violation of this
73 paragraph and any employing agency which knowingly employs or
74 appoints such person without notifying the Division of
75 Retirement to suspend retirement benefits shall be jointly and
76 severally liable for reimbursement to the retirement trust fund
77 of any benefits paid during the reemployment limitation period.
78 To avoid liability, such employing agency shall have a written
79 statement from the retiree that he or she is not retired from a
80 state-administered retirement system. Any retirement benefits
81 received while reemployed during this reemployment limitation
82 period shall be repaid to the retirement trust fund, and
83 retirement benefits shall remain suspended until such repayment
84 has been made. Benefits suspended beyond the reemployment
85 limitation shall apply toward repayment of benefits received in
86 violation of the reemployment limitation.

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87 3. A district school board may reemploy a retired member
 88 ~~as a substitute or hourly teacher, education paraprofessional,~~
 89 ~~transportation assistant, bus driver, or food service worker on~~
 90 an annual contractual basis or on a noncontractual basis after
 91 he or she has been retired for 1 calendar month, in accordance
 92 with s. 121.021(39). ~~A district school board may reemploy a~~
 93 ~~retired member as instructional personnel, as defined in s.~~
 94 ~~1012.01(2)(a), on an annual contractual basis after he or she~~
 95 ~~has been retired for 1 calendar month, in accordance with s.~~
 96 ~~121.021(39). Any other retired member who is reemployed within 1~~
 97 ~~calendar month after retirement shall void his or her~~
 98 ~~application for retirement benefits. District school boards~~
 99 reemploying such retired members ~~teachers, education~~
 100 ~~paraprofessionals, transportation assistants, bus drivers, or~~
 101 ~~food service workers~~ are subject to the retirement contribution
 102 required by subparagraph 7.

103 4. A community college board of trustees may reemploy a
 104 retired member as an ~~adjunct~~ instructor on an annual contractual
 105 basis, on a that is, an instructor who is noncontractual basis
 106 ~~and part-time~~, or as a participant in a phased retirement
 107 program within the Florida Community College System, after he or
 108 she has been retired for 1 calendar month, in accordance with s.
 109 121.021(39). Any retired member who is reemployed within 1
 110 calendar month after retirement shall void his or her
 111 application for retirement benefits. Boards of trustees
 112 reemploying such instructors are subject to the retirement
 113 contribution required in subparagraph 7. ~~A retired member may be~~
 114 ~~reemployed as an adjunct instructor for no more than 780 hours~~
 115 ~~during the first 12 months of retirement. Any retired member~~

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116 ~~reemployed for more than 780 hours during the first 12 months of~~
 117 ~~retirement shall give timely notice in writing to the employer~~
 118 ~~and to the division of the date he or she will exceed the~~
 119 ~~limitation. The division shall suspend his or her retirement~~
 120 ~~benefits for the remainder of the first 12 months of retirement.~~
 121 ~~Any person employed in violation of this subparagraph and any~~
 122 ~~employing agency which knowingly employs or appoints such person~~
 123 ~~without notifying the Division of Retirement to suspend~~
 124 ~~retirement benefits shall be jointly and severally liable for~~
 125 ~~reimbursement to the retirement trust fund of any benefits paid~~
 126 ~~during the reemployment limitation period. To avoid liability,~~
 127 ~~such employing agency shall have a written statement from the~~
 128 ~~retiree that he or she is not retired from a state-administered~~
 129 ~~retirement system. Any retirement benefits received by a retired~~
 130 ~~member while reemployed in excess of 780 hours during the first~~
 131 ~~12 months of retirement shall be repaid to the Retirement System~~
 132 ~~Trust Fund, and retirement benefits shall remain suspended until~~
 133 ~~repayment is made. Benefits suspended beyond the end of the~~
 134 ~~retired member's first 12 months of retirement shall apply~~
 135 ~~toward repayment of benefits received in violation of the 780-~~
 136 ~~hour reemployment limitation.~~

137 5. The State University System may reemploy a retired
 138 member as a ~~an adjunct~~ faculty member on an annual contractual
 139 basis, on a noncontractual basis, or as a participant in a
 140 phased retirement program within the State University System
 141 after the retired member has been retired for 1 calendar month,
 142 in accordance with s. 121.021(39). Any retired member who is
 143 reemployed within 1 calendar month after retirement shall void
 144 his or her application for retirement benefits. The State

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145 University System is subject to the retired contribution
146 required in subparagraph 7., as appropriate. ~~A retired member~~
147 ~~may be reemployed as an adjunct faculty member or a participant~~
148 ~~in a phased retirement program for no more than 780 hours during~~
149 ~~the first 12 months of his or her retirement. Any retired member~~
150 ~~reemployed for more than 780 hours during the first 12 months of~~
151 ~~retirement shall give timely notice in writing to the employer~~
152 ~~and to the division of the date he or she will exceed the~~
153 ~~limitation. The division shall suspend his or her retirement~~
154 ~~benefits for the remainder of the first 12 months of retirement.~~
155 ~~Any person employed in violation of this subparagraph and any~~
156 ~~employing agency which knowingly employs or appoints such person~~
157 ~~without notifying the Division of Retirement to suspend~~
158 ~~retirement benefits shall be jointly and severally liable for~~
159 ~~reimbursement to the retirement trust fund of any benefits paid~~
160 ~~during the reemployment limitation period. To avoid liability,~~
161 ~~such employing agency shall have a written statement from the~~
162 ~~retiree that he or she is not retired from a state-administered~~
163 ~~retirement system. Any retirement benefits received by a retired~~
164 ~~member while reemployed in excess of 780 hours during the first~~
165 ~~12 months of retirement shall be repaid to the Retirement System~~
166 ~~Trust Fund, and retirement benefits shall remain suspended until~~
167 ~~repayment is made. Benefits suspended beyond the end of the~~
168 ~~retired member's first 12 months of retirement shall apply~~
169 ~~toward repayment of benefits received in violation of the 780-~~
170 ~~hour reemployment limitation.~~

171 6. The Board of Trustees of the Florida School for the
172 Deaf and the Blind may reemploy a retired member as a substitute
173 teacher, substitute residential instructor, or substitute nurse

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174 on a noncontractual basis after he or she has been retired for 1
 175 calendar month, in accordance with s. 121.021(39). The Board of
 176 Trustees of the Florida School for the Deaf and the Blind may
 177 reemploy a retired member as instructional personnel, as defined
 178 in s. 1012.01(2), on an annual contractual basis after he or she
 179 has been retired for 1 calendar month, in accordance with s.
 180 121.021(39). Any retired member who is reemployed within 1
 181 calendar month after retirement shall void his or her
 182 application for retirement benefits. The Board of Trustees of
 183 the Florida School for the Deaf and the Blind reemploying such
 184 teachers, residential instructors, ~~or nurses,~~ or instructional
 185 personnel is subject to the retirement contribution required by
 186 subparagraph 7. ~~Reemployment of a retired member as a substitute~~
 187 ~~teacher, substitute residential instructor, or substitute nurse~~
 188 ~~is limited to 780 hours during the first 12 months of his or her~~
 189 ~~retirement. Any retired member reemployed for more than 780~~
 190 ~~hours during the first 12 months of retirement shall give timely~~
 191 ~~notice in writing to the employer and to the division of the~~
 192 ~~date he or she will exceed the limitation. The division shall~~
 193 ~~suspend his or her retirement benefits for the remainder of the~~
 194 ~~first 12 months of retirement. Any person employed in violation~~
 195 ~~of this subparagraph and any employing agency which knowingly~~
 196 ~~employs or appoints such person without notifying the Division~~
 197 ~~of Retirement to suspend retirement benefits shall be jointly~~
 198 ~~and severally liable for reimbursement to the retirement trust~~
 199 ~~fund of any benefits paid during the reemployment limitation~~
 200 ~~period. To avoid liability, such employing agency shall have a~~
 201 ~~written statement from the retiree that he or she is not retired~~
 202 ~~from a state-administered retirement system. Any retirement~~

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203 ~~benefits received by a retired member while reemployed in excess~~
 204 ~~of 780 hours during the first 12 months of retirement shall be~~
 205 ~~repaid to the Retirement System Trust Fund, and his or her~~
 206 ~~retirement benefits shall remain suspended until payment is~~
 207 ~~made. Benefits suspended beyond the end of the retired member's~~
 208 ~~first 12 months of retirement shall apply toward repayment of~~
 209 ~~benefits received in violation of the 780-hour reemployment~~
 210 ~~limitation.~~

211 7. The employment by an employer of any retiree or DROP
 212 participant of any state-administered retirement system shall
 213 have no effect on the average final compensation or years of
 214 creditable service of the retiree or DROP participant. Prior to
 215 July 1, 1991, upon employment of any person, other than an
 216 elected officer as provided in s. 121.053, who has been retired
 217 under any state-administered retirement program, the employer
 218 shall pay retirement contributions in an amount equal to the
 219 unfunded actuarial liability portion of the employer
 220 contribution which would be required for regular members of the
 221 Florida Retirement System. Effective July 1, 1991, contributions
 222 shall be made as provided in s. 121.122 for retirees with
 223 renewed membership or subsection (13) with respect to DROP
 224 participants.

225 8. Any person who has previously retired and who is
 226 holding an elective public office or an appointment to an
 227 elective public office eligible for the Elected Officers' Class
 228 on or after July 1, 1990, shall be enrolled in the Florida
 229 Retirement System as provided in s. 121.053(1)(b) or, if holding
 230 an elective public office that does not qualify for the Elected
 231 Officers' Class on or after July 1, 1991, shall be enrolled in

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232 the Florida Retirement System as provided in s. 121.122, and
 233 shall continue to receive retirement benefits as well as
 234 compensation for the elected officer's service for as long as he
 235 or she remains in elective office. However, any retired member
 236 who served in an elective office prior to July 1, 1990,
 237 suspended his or her retirement benefit, and had his or her
 238 Florida Retirement System membership reinstated shall, upon
 239 retirement from such office, have his or her retirement benefit
 240 recalculated to include the additional service and compensation
 241 earned.

242 9. Any person who is holding an elective public office
 243 which is covered by the Florida Retirement System and who is
 244 concurrently employed in nonelected covered employment may elect
 245 to retire while continuing employment in the elective public
 246 office, provided that he or she shall be required to terminate
 247 his or her nonelected covered employment. Any person who
 248 exercises this election shall receive his or her retirement
 249 benefits in addition to the compensation of the elective office
 250 without regard to the time limitations otherwise provided in
 251 this subsection. No person who seeks to exercise the provisions
 252 of this subparagraph, as the same existed prior to May 3, 1984,
 253 shall be deemed to be retired under those provisions, unless
 254 such person is eligible to retire under the provisions of this
 255 subparagraph, as amended by chapter 84-11, Laws of Florida.

256 10. The limitations of this paragraph apply to
 257 reemployment in any capacity with an "employer" as defined in s.
 258 121.021(10), irrespective of the category of funds from which
 259 the person is compensated.

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260 11. An employing agency may reemploy a retired member as a
 261 firefighter or paramedic after the retired member has been
 262 retired for 1 calendar month, in accordance with s. 121.021(39).
 263 Any retired member who is reemployed within 1 calendar month
 264 after retirement shall void his or her application for
 265 retirement benefits. The employing agency reemploying such
 266 firefighter or paramedic is subject to the retired contribution
 267 required in subparagraph 8. Reemployment of a retired
 268 firefighter or paramedic is limited to no more than 780 hours
 269 during the first 12 months of his or her retirement. Any retired
 270 member reemployed for more than 780 hours during the first 12
 271 months of retirement shall give timely notice in writing to the
 272 employer and to the division of the date he or she will exceed
 273 the limitation. The division shall suspend his or her retirement
 274 benefits for the remainder of the first 12 months of retirement.
 275 Any person employed in violation of this subparagraph and any
 276 employing agency which knowingly employs or appoints such person
 277 without notifying the Division of Retirement to suspend
 278 retirement benefits shall be jointly and severally liable for
 279 reimbursement to the Retirement System Trust Fund of any
 280 benefits paid during the reemployment limitation period. To
 281 avoid liability, such employing agency shall have a written
 282 statement from the retiree that he or she is not retired from a
 283 state-administered retirement system. Any retirement benefits
 284 received by a retired member while reemployed in excess of 780
 285 hours during the first 12 months of retirement shall be repaid
 286 to the Retirement System Trust Fund, and retirement benefits
 287 shall remain suspended until repayment is made. Benefits
 288 suspended beyond the end of the retired member's first 12 months

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289 of retirement shall apply toward repayment of benefits received
 290 in violation of the 780-hour reemployment limitation.

291 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
 292 subject to the provisions of this section, the Deferred
 293 Retirement Option Program, hereinafter referred to as the DROP,
 294 is a program under which an eligible member of the Florida
 295 Retirement System may elect to participate, deferring receipt of
 296 retirement benefits while continuing employment with his or her
 297 Florida Retirement System employer. The deferred monthly
 298 benefits shall accrue in the System Trust Fund on behalf of the
 299 participant, plus interest compounded monthly, for the specified
 300 period of the DROP participation, as provided in paragraph (c).
 301 Upon termination of employment, the participant shall receive
 302 the total DROP benefits and begin to receive the previously
 303 determined normal retirement benefits. Participation in the DROP
 304 does not guarantee employment for the specified period of DROP.
 305 Participation in the DROP by an eligible member beyond the
 306 initial 60-month period as authorized in this subsection shall
 307 be on an annual contractual basis for all participants.

308 (a) *Eligibility of member to participate in the DROP.*--All
 309 active Florida Retirement System members in a regularly
 310 established position, and all active members of either the
 311 Teachers' Retirement System established in chapter 238 or the
 312 State and County Officers' and Employees' Retirement System
 313 established in chapter 122 which systems are consolidated within
 314 the Florida Retirement System under s. 121.011, are eligible to
 315 elect participation in the DROP provided that:

316 1. The member is not a renewed member of the Florida
 317 Retirement System under s. 121.122, or a member of the State

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318 Community College System Optional Retirement Program under s.
 319 121.051, the Senior Management Service Optional Annuity Program
 320 under s. 121.055, or the optional retirement program for the
 321 State University System under s. 121.35.

322 2. Except as provided in subparagraph 6., election to
 323 participate is made within 12 months immediately following the
 324 date on which the member first reaches normal retirement date,
 325 or, for a member who reaches normal retirement date based on
 326 service before he or she reaches age 62, or age 55 for Special
 327 Risk Class members, election to participate may be deferred to
 328 the 12 months immediately following the date the member attains
 329 57, or age 52 for Special Risk Class members. For a member who
 330 first reached normal retirement date or the deferred eligibility
 331 date described above prior to the effective date of this
 332 section, election to participate shall be made within 12 months
 333 after the effective date of this section. A member who fails to
 334 make an election within such 12-month limitation period shall
 335 forfeit all rights to participate in the DROP. The member shall
 336 advise his or her employer and the division in writing of the
 337 date on which the DROP shall begin. Such beginning date may be
 338 subsequent to the 12-month election period, but must be within
 339 the 60-month or, with respect to members who are K-20 employees
 340 of a public school district, a charter school, ~~instructional~~
 341 ~~personnel employed by the Florida School for the Deaf and the~~
 342 Blind, a community college, or a state university and who have
 343 received authorization from the appropriate administrative body
 344 ~~by the Board of Trustees of the Florida School for the Deaf and~~
 345 ~~the Blind to participate in the DROP beyond 60 months, or who~~
 346 ~~are instructional personnel as defined in s. 1012.01(2)(a)-(d)~~

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347 ~~in grades K-12 and who have received authorization by the~~
 348 ~~district school superintendent~~ to participate in the DROP beyond
 349 60 months, the 96-month limitation period as provided in
 350 subparagraph (b)1. When establishing eligibility of the member
 351 to participate in the DROP for the 60-month or, with respect to
 352 members who are K-20 employees of a public school district, a
 353 charter school, ~~instructional personnel employed by the Florida~~
 354 School for the Deaf and the Blind, a community college, or a
 355 state university and who have received authorization from the
 356 appropriate administrative body ~~by the Board of Trustees of the~~
 357 ~~Florida School for the Deaf and the Blind to participate in the~~
 358 ~~DROP beyond 60 months, or who are instructional personnel as~~
 359 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~
 360 ~~received authorization by the district school superintendent to~~
 361 participate in the DROP beyond 60 months, the 96-month maximum
 362 participation period, the member may elect to include or exclude
 363 any optional service credit purchased by the member from the
 364 total service used to establish the normal retirement date. A
 365 member with dual normal retirement dates shall be eligible to
 366 elect to participate in DROP within 12 months after attaining
 367 normal retirement date in either class.

368 3. The employer of a member electing to participate in the
 369 DROP, or employers if dually employed, shall acknowledge in
 370 writing to the division the date the member's participation in
 371 the DROP begins and the date the member's employment and DROP
 372 participation will terminate.

373 4. Simultaneous employment of a participant by additional
 374 Florida Retirement System employers subsequent to the
 375 commencement of participation in the DROP shall be permissible

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376 provided such employers acknowledge in writing a DROP
 377 termination date no later than the participant's existing
 378 termination date or the 60-month limitation period as provided
 379 in subparagraph (b)1.

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

382 a. A change of employment must take place without a break
 383 in service so that the member receives salary for each month of
 384 continuous DROP participation. If a member receives no salary
 385 during a month, DROP participation shall cease unless the
 386 employer verifies a continuation of the employment relationship
 387 for such participant pursuant to s. 121.021(39)(b).

388 b. Such participant and new employer shall notify the
 389 division on forms required by the division as to the identity of
 390 the new employer.

391 c. The new employer shall acknowledge, in writing, the
 392 participant's DROP termination date, which may be extended but
 393 not beyond the original 60-month or, with respect to members who
 394 are K-20 employees of a public school district, a charter
 395 school, instructional personnel employed by the Florida School
 396 for the Deaf and the Blind, a community college, or a state
 397 university and who have received authorization from the
 398 appropriate administrative body ~~by the Board of Trustees of the~~
 399 ~~Florida School for the Deaf and the Blind to participate in the~~
 400 ~~DROP beyond 60 months, or who are instructional personnel as~~
 401 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~
 402 ~~received authorization by the district school superintendent to~~
 403 participate in the DROP beyond 60 months, the 96-month period
 404 provided in subparagraph (b)1., shall acknowledge liability for

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405 any additional retirement contributions and interest required if
 406 the participant fails to timely terminate employment, and shall
 407 be subject to the adjustment required in sub-subparagraph
 408 (c)5.d.

409 6. Effective July 1, 2001, for instructional personnel as
 410 defined in s. 1012.01(2), election to participate in the DROP
 411 shall be made at any time following the date on which the member
 412 first reaches normal retirement date. Effective July 1, 2004,
 413 any eligible K-20 employee of a public school district, a
 414 charter school, the Florida School for the Deaf and the Blind, a
 415 community college, or a state university may elect to
 416 participate in the DROP at any time following the date on which
 417 the member first reaches normal retirement date. The member
 418 shall advise his or her employer and the division in writing of
 419 the date on which the Deferred Retirement Option Program shall
 420 begin. When establishing eligibility of the member to
 421 participate in the DROP for the 60-month or, with respect to
 422 members who are K-20 employees of a public school district, a
 423 charter school, instructional personnel employed by the Florida
 424 School for the Deaf and the Blind, a community college, or a
 425 state university and who have received authorization from the
 426 appropriate administrative body ~~by the Board of Trustees of the~~
 427 ~~Florida School for the Deaf and the Blind to participate in the~~
 428 ~~DROP beyond 60 months, or who are instructional personnel as~~
 429 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~
 430 ~~received authorization by the district school superintendent to~~
 431 participate in the DROP beyond 60 months, the 96-month maximum
 432 participation period, as provided in subparagraph (b)1., the
 433 member may elect to include or exclude any optional service

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434 credit purchased by the member from the total service used to
 435 establish the normal retirement date. A member with dual normal
 436 retirement dates shall be eligible to elect to participate in
 437 either class.

438 (b) *Participation in the DROP.--*

439 1. An eligible member may elect to participate in the DROP
 440 for a period not to exceed a maximum of 60 calendar months or,
 441 with respect to members who are K-20 employees of a public
 442 school district, a charter school, instructional personnel
 443 ~~employed by the Florida School for the Deaf and the Blind, a~~
 444 community college, or a state university and who have received
 445 authorization from the appropriate administrative body ~~by the~~
 446 ~~Board of Trustees of the Florida School for the Deaf and the~~
 447 ~~Blind to participate in the DROP beyond 60 months, or who are~~
 448 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
 449 ~~grades K-12 and who have received authorization by the district~~
 450 ~~school superintendent~~ to participate in the DROP beyond 60
 451 calendar months, 96 calendar months immediately following the
 452 date on which the member first reaches his or her normal
 453 retirement date or the date to which he or she is eligible to
 454 defer his or her election to participate as provided in
 455 subparagraph (a)2. However, a member who has reached normal
 456 retirement date prior to the effective date of the DROP shall be
 457 eligible to participate in the DROP for a period of time not to
 458 exceed 60 calendar months or, with respect to members who are K-
 459 20 employees of a public school district, a charter school,
 460 ~~instructional personnel employed by the Florida School for the~~
 461 Deaf and the Blind, a community college, or a state university
 462 and who have received authorization from the appropriate

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463 administrative body ~~by the Board of Trustees of the Florida~~
464 ~~School for the Deaf and the Blind to participate in the DROP~~
465 ~~beyond 60 months, or who are instructional personnel as defined~~
466 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~
467 ~~authorization by the district school superintendent to~~
468 participate in the DROP beyond 60 calendar months, 96 calendar
469 months immediately following the effective date of the DROP,
470 except a member of the Special Risk Class who has reached normal
471 retirement date prior to the effective date of the DROP and
472 whose total accrued value exceeds 75 percent of average final
473 compensation as of his or her effective date of retirement shall
474 be eligible to participate in the DROP for no more than 36
475 calendar months immediately following the effective date of the
476 DROP.

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

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

480 b. Selection of the DROP participation and termination
481 dates, which satisfy the limitations stated in paragraph (a) and
482 subparagraph 1. Such termination date shall be in a binding
483 letter of resignation with the employer, establishing a deferred
484 termination date. The member may change the termination date
485 within the limitations of subparagraph 1., but only with the
486 written approval of his or her employer;

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

489 d. Any other information required by the division.

490 3. The DROP participant shall be a retiree under the
491 Florida Retirement System for all purposes, except for paragraph

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492 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
 493 and 121.122. However, participation in the DROP does not alter
 494 the participant's employment status and such employee shall not
 495 be deemed retired from employment until his or her deferred
 496 resignation is effective and termination occurs as provided in
 497 s. 121.021(39).

498 4. Elected officers shall be eligible to participate in
 499 the DROP subject to the following:

500 a. An elected officer who reaches normal retirement date
 501 during a term of office may defer the election to participate in
 502 the DROP until the next succeeding term in that office. Such
 503 elected officer who exercises this option may participate in the
 504 DROP for up to 60 calendar months or a period of no longer than
 505 such succeeding term of office, whichever is less.

506 b. An elected or a nonelected participant may run for a
 507 term of office while participating in DROP and, if elected,
 508 extend the DROP termination date accordingly, except, however,
 509 if such additional term of office exceeds the 60-month
 510 limitation established in subparagraph 1., and the officer does
 511 not resign from office within such 60-month limitation, the
 512 retirement and the participant's DROP shall be null and void as
 513 provided in sub-subparagraph (c)5.d.

514 c. An elected officer who is dually employed and elects to
 515 participate in DROP shall be required to satisfy the definition
 516 of termination within the 60-month or, with respect to members
 517 who are K-20 employees of a public school district, a charter
 518 school, ~~instructional personnel employed by the Florida School~~
 519 for the Deaf and the Blind, a community college, or a state
 520 university and who have received authorization from the

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521 appropriate administrative body ~~by the Board of Trustees of the~~
522 ~~Florida School for the Deaf and the Blind to participate in the~~
523 ~~DROP beyond 60 months, or who are instructional personnel as~~
524 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~
525 ~~received authorization by the district school superintendent to~~
526 participate in the DROP beyond 60 months, the 96-month
527 limitation period as provided in subparagraph 1. for the
528 nonelected position and may continue employment as an elected
529 officer as provided in s. 121.053. The elected officer will be
530 enrolled as a renewed member in the Elected Officers' Class or
531 the Regular Class, as provided in ss. 121.053 and 121.22, on the
532 first day of the month after termination of employment in the
533 nonelected position and termination of DROP. Distribution of the
534 DROP benefits shall be made as provided in paragraph (c).

535 Section 3. This act shall take effect July 1, 2004, except
536 that changes effected by this act to the Deferred Retirement
537 Option Program shall take effect June 1, 2004.