

Bill No. SB 106

Barcode 620136

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

2/AD/2R
03/10/2005 09:50 AM

.
. .
. .
. .
. .
. .

Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 15, through
page 3, line 2, delete those lines

and insert:

Section 1. Paragraph (c) of subsection (4) and
paragraph (b) of subsection (13) of section 121.091, Florida
Statutes, are amended to read:

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

Barcode 620136

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

3 (4) DISABILITY RETIREMENT BENEFIT.--

4 (c) Proof of disability.--The administrator, before
5 approving payment of any disability retirement benefit, shall
6 require proof that the member is totally and permanently
7 disabled as provided herein:

8 1. Such proof shall include the certification of the
9 member's total and permanent disability by two licensed
10 physicians of the state and such other evidence of disability
11 as the administrator may require, including reports from
12 vocational rehabilitation, evaluation, or testing specialists
13 who have evaluated the applicant for employment. A member
14 whose position with an employer requires that the member work
15 full time outside this state in the United States may include
16 certification by two licensed physicians of the state where
17 the member works.

18 2. It must be documented that:

19 a. The member's medical condition occurred or became
20 symptomatic during the time the member was employed in an
21 employee/employer relationship with his or her employer;

22 b. The member was totally and permanently disabled at
23 the time he or she terminated covered employment; and

24 c. The member has not been employed with any other
25 employer after such termination.

26 3. If the application is for in-line-of-duty
27 disability, in addition to the requirements of subparagraph
28 2., it must be documented by competent medical evidence that
29 the disability was caused by a job-related illness or accident
30 which occurred while the member was in an employee/employer
31 relationship with his or her employer.

Bill No. SB 106

Barcode 620136

1 4. The unavailability of an employment position that
 2 the member is physically and mentally capable of performing
 3 will not be considered as proof of total and permanent
 4 disability.

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

23 (b) Participation in the DROP.--

24 1. An eligible member may elect to participate in the
 25 DROP for a period not to exceed a maximum of 60 calendar
 26 months or, with respect to members who are instructional
 27 personnel employed by the Florida School for the Deaf and the
 28 Blind and who have received authorization by the Board of
 29 Trustees of the Florida School for the Deaf and the Blind to
 30 participate in the DROP beyond 60 months, or who are
 31 instructional personnel as defined in s. 1012.01(2)(a)-(d) in

Bill No. SB 106

Barcode 620136

1 grades K-12 and who have received authorization by the
2 district school superintendent to participate in the DROP
3 beyond 60 calendar months, 96 calendar months immediately
4 following the date on which the member first reaches his or
5 her normal retirement date or the date to which he or she is
6 eligible to defer his or her election to participate as
7 provided in subparagraph (a)2. However, a member who has
8 reached normal retirement date prior to the effective date of
9 the DROP shall be eligible to participate in the DROP for a
10 period of time not to exceed 60 calendar months or, with
11 respect to members who are instructional personnel employed by
12 the Florida School for the Deaf and the Blind and who have
13 received authorization by the Board of Trustees of the Florida
14 School for the Deaf and the Blind to participate in the DROP
15 beyond 60 months, or who are instructional personnel as
16 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
17 received authorization by the district school superintendent
18 to participate in the DROP beyond 60 calendar months, 96
19 calendar months immediately following the effective date of
20 the DROP, except a member of the Special Risk Class who has
21 reached normal retirement date prior to the effective date of
22 the DROP and whose total accrued value exceeds 75 percent of
23 average final compensation as of his or her effective date of
24 retirement shall be eligible to participate in the DROP for no
25 more than 36 calendar months immediately following the
26 effective date of the DROP.

- 27 2. Upon deciding to participate in the DROP, the
28 member shall submit, on forms required by the division:
- 29 a. A written election to participate in the DROP;
 - 30 b. Selection of the DROP participation and termination
31 dates, which satisfy the limitations stated in paragraph (a)

Bill No. SB 106

Barcode 620136

1 and subparagraph 1. Such termination date shall be in a
 2 binding letter of resignation with the employer, establishing
 3 a deferred termination date. The member may change the
 4 termination date within the limitations of subparagraph 1.,
 5 but only with the written approval of his or her employer;

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

8 d. Any other information required by the division.

9 3. The DROP participant shall be a retiree under the
 10 Florida Retirement System for all purposes, except for
 11 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
 12 121.053, and 121.122. However, participation in the DROP does
 13 not alter the participant's employment status and such
 14 employee shall not be deemed retired from employment until his
 15 or her deferred resignation is effective and termination
 16 occurs as provided in s. 121.021(39).

17 4. Elected officers shall be eligible to participate
 18 in the DROP subject to the following:

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

26 b. An elected or a nonelected participant may run for
 27 a term of office while participating in DROP and, if elected,
 28 extend the DROP termination date accordingly, except, however,
 29 if such additional term of office exceeds the 60-month
 30 limitation established in subparagraph 1., and the officer
 31 does not resign from office within such 60-month limitation,

Bill No. SB 106

Barcode 620136

1 the retirement and the participant's DROP shall be null and
2 void as provided in sub-subparagraph (c)5.d.

3 c. An elected officer who is dually employed and
4 elects to participate in DROP shall be required to satisfy the
5 definition of termination within the 60-month or, with respect
6 to members who are instructional personnel employed by the
7 Florida School for the Deaf and the Blind and who have
8 received authorization by the Board of Trustees of the Florida
9 School for the Deaf and the Blind to participate in the DROP
10 beyond 60 months, or who are instructional personnel as
11 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
12 received authorization by the district school superintendent
13 to participate in the DROP beyond 60 months, the 96-month
14 limitation period as provided in subparagraph 1. for the
15 nonelected position and may continue employment as an elected
16 officer as provided in s. 121.053. The elected officer will be
17 enrolled as a renewed member in the Elected Officers' Class or
18 the Regular Class, as provided in ss. 121.053 and 121.122
19 ~~121.22~~, on the first day of the month after termination of
20 employment in the nonelected position and termination of DROP.
21 Distribution of the DROP benefits shall be made as provided in
22 paragraph (c).

23
24

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

26 And the title is amended as follows:

27 On page 1, line 6, after the semicolon,

28
29 insert:

30 correcting a cross-reference;

31