

1 A bill to be entitled
 2 An act relating to public school employment; amending s.
 3 121.091, F.S.; authorizing reemployment of, and extended
 4 DROP participation by, persons formerly serving as
 5 administrative personnel in the same manner as retired
 6 instructional personnel; providing an effective date.

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

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 10 Section 1. Paragraph (b) of subsection (9) and paragraphs
 11 (a) and (b) of subsection (13) of section 121.091, Florida
 12 Statutes, are amended to read:

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

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

27 (b)1. Any person who is retired under this chapter, except
 28 under the disability retirement provisions of subsection (4),

29 | may be reemployed by any private or public employer after
30 | retirement and receive retirement benefits and compensation from
31 | his or her employer without any limitations, except that a
32 | person may not receive both a salary from reemployment with any
33 | agency participating in the Florida Retirement System and
34 | retirement benefits under this chapter for a period of 12 months
35 | immediately subsequent to the date of retirement. However, a
36 | DROP participant shall continue employment and receive a salary
37 | during the period of participation in the Deferred Retirement
38 | Option Program, as provided in subsection (13).

39 | 2. Any person to whom the limitation in subparagraph 1.
40 | applies who violates such reemployment limitation and who is
41 | reemployed with any agency participating in the Florida
42 | Retirement System before completion of the 12-month limitation
43 | period shall give timely notice of this fact in writing to the
44 | employer and to the division and shall have his or her
45 | retirement benefits suspended for the balance of the 12-month
46 | limitation period. Any person employed in violation of this
47 | paragraph and any employing agency which knowingly employs or
48 | appoints such person without notifying the Division of
49 | Retirement to suspend retirement benefits shall be jointly and
50 | severally liable for reimbursement to the retirement trust fund
51 | of any benefits paid during the reemployment limitation period.
52 | To avoid liability, such employing agency shall have a written
53 | statement from the retiree that he or she is not retired from a
54 | state-administered retirement system. Any retirement benefits
55 | received while reemployed during this reemployment limitation
56 | period shall be repaid to the retirement trust fund, and

57 retirement benefits shall remain suspended until such repayment
58 has been made. Benefits suspended beyond the reemployment
59 limitation shall apply toward repayment of benefits received in
60 violation of the reemployment limitation.

61 3. A district school board may reemploy a retired member
62 as a substitute or hourly teacher, education paraprofessional,
63 transportation assistant, bus driver, or food service worker on
64 a noncontractual basis after he or she has been retired for 1
65 calendar month, in accordance with s. 121.021(39). A district
66 school board may reemploy a retired member as instructional
67 personnel, as defined in s. 1012.01(2)(a), or as administrative
68 personnel, as defined in s. 1012.01(3), on an annual contractual
69 basis after he or she has been retired for 1 calendar month, in
70 accordance with s. 121.021(39). Any other retired member who is
71 reemployed within 1 calendar month after retirement shall void
72 his or her application for retirement benefits. District school
73 boards reemploying such teachers, education paraprofessionals,
74 transportation assistants, bus drivers, or food service workers
75 are subject to the retirement contribution required by
76 subparagraph 7.

77 4. A community college board of trustees may reemploy a
78 retired member as an adjunct instructor, that is, an instructor
79 who is noncontractual and part-time, or as a participant in a
80 phased retirement program within the Florida Community College
81 System, after he or she has been retired for 1 calendar month,
82 in accordance with s. 121.021(39). Any retired member who is
83 reemployed within 1 calendar month after retirement shall void
84 his or her application for retirement benefits. Boards of

85 trustees reemploying such instructors are subject to the
86 retirement contribution required in subparagraph 7. A retired
87 member may be reemployed as an adjunct instructor for no more
88 than 780 hours during the first 12 months of retirement. Any
89 retired member reemployed for more than 780 hours during the
90 first 12 months of retirement shall give timely notice in
91 writing to the employer and to the division of the date he or
92 she will exceed the limitation. The division shall suspend his
93 or her retirement benefits for the remainder of the first 12
94 months of retirement. Any person employed in violation of this
95 subparagraph and any employing agency which knowingly employs or
96 appoints such person without notifying the Division of
97 Retirement to suspend retirement benefits shall be jointly and
98 severally liable for reimbursement to the retirement trust fund
99 of any benefits paid during the reemployment limitation period.
100 To avoid liability, such employing agency shall have a written
101 statement from the retiree that he or she is not retired from a
102 state-administered retirement system. Any retirement benefits
103 received by a retired member while reemployed in excess of 780
104 hours during the first 12 months of retirement shall be repaid
105 to the Retirement System Trust Fund, and retirement benefits
106 shall remain suspended until repayment is made. Benefits
107 suspended beyond the end of the retired member's first 12 months
108 of retirement shall apply toward repayment of benefits received
109 in violation of the 780-hour reemployment limitation.

110 5. The State University System may reemploy a retired
111 member as an adjunct faculty member or as a participant in a
112 phased retirement program within the State University System

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113 after the retired member has been retired for 1 calendar month,
114 in accordance with s. 121.021(39). Any retired member who is
115 reemployed within 1 calendar month after retirement shall void
116 his or her application for retirement benefits. The State
117 University System is subject to the retired contribution
118 required in subparagraph 7., as appropriate. A retired member
119 may be reemployed as an adjunct faculty member or a participant
120 in a phased retirement program for no more than 780 hours during
121 the first 12 months of his or her retirement. Any retired member
122 reemployed for more than 780 hours during the first 12 months of
123 retirement shall give timely notice in writing to the employer
124 and to the division of the date he or she will exceed the
125 limitation. The division shall suspend his or her retirement
126 benefits for the remainder of the first 12 months of retirement.
127 Any person employed in violation of this subparagraph and any
128 employing agency which knowingly employs or appoints such person
129 without notifying the Division of Retirement to suspend
130 retirement benefits shall be jointly and severally liable for
131 reimbursement to the retirement trust fund of any benefits paid
132 during the reemployment limitation period. To avoid liability,
133 such employing agency shall have a written statement from the
134 retiree that he or she is not retired from a state-administered
135 retirement system. Any retirement benefits received by a retired
136 member while reemployed in excess of 780 hours during the first
137 12 months of retirement shall be repaid to the Retirement System
138 Trust Fund, and retirement benefits shall remain suspended until
139 repayment is made. Benefits suspended beyond the end of the
140 retired member's first 12 months of retirement shall apply

141 toward repayment of benefits received in violation of the 780-
142 hour reemployment limitation.

143 6. The Board of Trustees of the Florida School for the
144 Deaf and the Blind may reemploy a retired member as a substitute
145 teacher, substitute residential instructor, or substitute nurse
146 on a noncontractual basis after he or she has been retired for 1
147 calendar month, in accordance with s. 121.021(39). Any retired
148 member who is reemployed within 1 calendar month after
149 retirement shall void his or her application for retirement
150 benefits. The Board of Trustees of the Florida School for the
151 Deaf and the Blind reemploying such teachers, residential
152 instructors, or nurses is subject to the retirement contribution
153 required by subparagraph 7. Reemployment of a retired member as
154 a substitute teacher, substitute residential instructor, or
155 substitute nurse is limited to 780 hours during the first 12
156 months of his or her retirement. Any retired member reemployed
157 for more than 780 hours during the first 12 months of retirement
158 shall give timely notice in writing to the employer and to the
159 division of the date he or she will exceed the limitation. The
160 division shall suspend his or her retirement benefits for the
161 remainder of the first 12 months of retirement. Any person
162 employed in violation of this subparagraph and any employing
163 agency which knowingly employs or appoints such person without
164 notifying the Division of Retirement to suspend retirement
165 benefits shall be jointly and severally liable for reimbursement
166 to the retirement trust fund of any benefits paid during the
167 reemployment limitation period. To avoid liability, such
168 employing agency shall have a written statement from the retiree

169 that he or she is not retired from a state-administered
170 retirement system. Any retirement benefits received by a retired
171 member while reemployed in excess of 780 hours during the first
172 12 months of retirement shall be repaid to the Retirement System
173 Trust Fund, and his or her retirement benefits shall remain
174 suspended until payment is made. Benefits suspended beyond the
175 end of the retired member's first 12 months of retirement shall
176 apply toward repayment of benefits received in violation of the
177 780-hour reemployment limitation.

178 7. The employment by an employer of any retiree or DROP
179 participant of any state-administered retirement system shall
180 have no effect on the average final compensation or years of
181 creditable service of the retiree or DROP participant. Prior to
182 July 1, 1991, upon employment of any person, other than an
183 elected officer as provided in s. 121.053, who has been retired
184 under any state-administered retirement program, the employer
185 shall pay retirement contributions in an amount equal to the
186 unfunded actuarial liability portion of the employer
187 contribution which would be required for regular members of the
188 Florida Retirement System. Effective July 1, 1991, contributions
189 shall be made as provided in s. 121.122 for retirees with
190 renewed membership or subsection (13) with respect to DROP
191 participants.

192 8. Any person who has previously retired and who is
193 holding an elective public office or an appointment to an
194 elective public office eligible for the Elected Officers' Class
195 on or after July 1, 1990, shall be enrolled in the Florida
196 Retirement System as provided in s. 121.053(1)(b) or, if holding

197 an elective public office that does not qualify for the Elected
198 Officers' Class on or after July 1, 1991, shall be enrolled in
199 the Florida Retirement System as provided in s. 121.122, and
200 shall continue to receive retirement benefits as well as
201 compensation for the elected officer's service for as long as he
202 or she remains in elective office. However, any retired member
203 who served in an elective office prior to July 1, 1990,
204 suspended his or her retirement benefit, and had his or her
205 Florida Retirement System membership reinstated shall, upon
206 retirement from such office, have his or her retirement benefit
207 recalculated to include the additional service and compensation
208 earned.

209 9. Any person who is holding an elective public office
210 which is covered by the Florida Retirement System and who is
211 concurrently employed in nonelected covered employment may elect
212 to retire while continuing employment in the elective public
213 office, provided that he or she shall be required to terminate
214 his or her nonelected covered employment. Any person who
215 exercises this election shall receive his or her retirement
216 benefits in addition to the compensation of the elective office
217 without regard to the time limitations otherwise provided in
218 this subsection. No person who seeks to exercise the provisions
219 of this subparagraph, as the same existed prior to May 3, 1984,
220 shall be deemed to be retired under those provisions, unless
221 such person is eligible to retire under the provisions of this
222 subparagraph, as amended by chapter 84-11, Laws of Florida.

223 10. The limitations of this paragraph apply to
224 reemployment in any capacity with an "employer" as defined in s.

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225 121.021(10), irrespective of the category of funds from which
226 the person is compensated.

227 11. An employing agency may reemploy a retired member as a
228 firefighter or paramedic after the retired member has been
229 retired for 1 calendar month, in accordance with s. 121.021(39).
230 Any retired member who is reemployed within 1 calendar month
231 after retirement shall void his or her application for
232 retirement benefits. The employing agency reemploying such
233 firefighter or paramedic is subject to the retired contribution
234 required in subparagraph 8. Reemployment of a retired
235 firefighter or paramedic is limited to no more than 780 hours
236 during the first 12 months of his or her retirement. Any retired
237 member reemployed for more than 780 hours during the first 12
238 months of retirement shall give timely notice in writing to the
239 employer and to the division of the date he or she will exceed
240 the limitation. The division shall suspend his or her retirement
241 benefits for the remainder of the first 12 months of retirement.
242 Any person employed in violation of this subparagraph and any
243 employing agency which knowingly employs or appoints such person
244 without notifying the Division of Retirement to suspend
245 retirement benefits shall be jointly and severally liable for
246 reimbursement to the Retirement System Trust Fund of any
247 benefits paid during the reemployment limitation period. To
248 avoid liability, such employing agency shall have a written
249 statement from the retiree that he or she is not retired from a
250 state-administered retirement system. Any retirement benefits
251 received by a retired member while reemployed in excess of 780
252 hours during the first 12 months of retirement shall be repaid

253 to the Retirement System Trust Fund, and retirement benefits
254 shall remain suspended until repayment is made. Benefits
255 suspended beyond the end of the retired member's first 12 months
256 of retirement shall apply toward repayment of benefits received
257 in violation of the 780-hour reemployment limitation.

258 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
259 subject to the provisions of this section, the Deferred
260 Retirement Option Program, hereinafter referred to as the DROP,
261 is a program under which an eligible member of the Florida
262 Retirement System may elect to participate, deferring receipt of
263 retirement benefits while continuing employment with his or her
264 Florida Retirement System employer. The deferred monthly
265 benefits shall accrue in the System Trust Fund on behalf of the
266 participant, plus interest compounded monthly, for the specified
267 period of the DROP participation, as provided in paragraph (c).
268 Upon termination of employment, the participant shall receive
269 the total DROP benefits and begin to receive the previously
270 determined normal retirement benefits. Participation in the DROP
271 does not guarantee employment for the specified period of DROP.
272 Participation in the DROP by an eligible member beyond the
273 initial 60-month period as authorized in this subsection shall
274 be on an annual contractual basis for all participants.

275 (a) Eligibility of member to participate in the DROP.--All
276 active Florida Retirement System members in a regularly
277 established position, and all active members of either the
278 Teachers' Retirement System established in chapter 238 or the
279 State and County Officers' and Employees' Retirement System
280 established in chapter 122 which systems are consolidated within

281 the Florida Retirement System under s. 121.011, are eligible to
282 elect participation in the DROP provided that:

283 1. The member is not a renewed member of the Florida
284 Retirement System under s. 121.122, or a member of the State
285 Community College System Optional Retirement Program under s.
286 121.051, the Senior Management Service Optional Annuity Program
287 under s. 121.055, or the optional retirement program for the
288 State University System under s. 121.35.

289 2. Except as provided in subparagraph 6., election to
290 participate is made within 12 months immediately following the
291 date on which the member first reaches normal retirement date,
292 or, for a member who reaches normal retirement date based on
293 service before he or she reaches age 62, or age 55 for Special
294 Risk Class members, election to participate may be deferred to
295 the 12 months immediately following the date the member attains
296 57, or age 52 for Special Risk Class members. For a member who
297 first reached normal retirement date or the deferred eligibility
298 date described above prior to the effective date of this
299 section, election to participate shall be made within 12 months
300 after the effective date of this section. A member who fails to
301 make an election within such 12-month limitation period shall
302 forfeit all rights to participate in the DROP. The member shall
303 advise his or her employer and the division in writing of the
304 date on which the DROP shall begin. Such beginning date may be
305 subsequent to the 12-month election period, but must be within
306 the 60-month or, with respect to members who are instructional
307 personnel employed by the Florida School for the Deaf and the
308 Blind and who have received authorization by the Board of

309 Trustees of the Florida School for the Deaf and the Blind to
 310 participate in the DROP beyond 60 months, or who are
 311 instructional personnel as defined in s. 1012.01(2)(a)-(d) or
 312 administrative personnel as defined in s. 1012.01(3) in grades
 313 K-12 and who have received authorization by the district school
 314 superintendent to participate in the DROP beyond 60 months, the
 315 96-month limitation period as provided in subparagraph (b)1.
 316 When establishing eligibility of the member to participate in
 317 the DROP for the 60-month or, with respect to members who are
 318 instructional personnel employed by the Florida School for the
 319 Deaf and the Blind and who have received authorization by the
 320 Board of Trustees of the Florida School for the Deaf and the
 321 Blind to participate in the DROP beyond 60 months, or who are
 322 instructional personnel as defined in s. 1012.01(2)(a)-(d) or
 323 administrative personnel as defined in s. 1012.01(3) in grades
 324 K-12 and who have received authorization by the district school
 325 superintendent to participate in the DROP beyond 60 months, the
 326 96-month maximum participation period, the member may elect to
 327 include or exclude any optional service credit purchased by the
 328 member from the total service used to establish the normal
 329 retirement date. A member with dual normal retirement dates
 330 shall be eligible to elect to participate in DROP within 12
 331 months after attaining normal retirement date in either class.
 332 3. The employer of a member electing to participate in the
 333 DROP, or employers if dually employed, shall acknowledge in
 334 writing to the division the date the member's participation in
 335 the DROP begins and the date the member's employment and DROP
 336 participation will terminate.

337 4. Simultaneous employment of a participant by additional
338 Florida Retirement System employers subsequent to the
339 commencement of participation in the DROP shall be permissible
340 provided such employers acknowledge in writing a DROP
341 termination date no later than the participant's existing
342 termination date or the 60-month limitation period as provided
343 in subparagraph (b)1.

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

346 a. A change of employment must take place without a break
347 in service so that the member receives salary for each month of
348 continuous DROP participation. If a member receives no salary
349 during a month, DROP participation shall cease unless the
350 employer verifies a continuation of the employment relationship
351 for such participant pursuant to s. 121.021(39)(b).

352 b. Such participant and new employer shall notify the
353 division on forms required by the division as to the identity of
354 the new employer.

355 c. The new employer shall acknowledge, in writing, the
356 participant's DROP termination date, which may be extended but
357 not beyond the original 60-month or, with respect to members who
358 are instructional personnel employed by the Florida School for
359 the Deaf and the Blind and who have received authorization by
360 the Board of Trustees of the Florida School for the Deaf and the
361 Blind to participate in the DROP beyond 60 months, or who are
362 instructional personnel as defined in s. 1012.01(2)(a)-(d) or
363 administrative personnel as defined in s. 1012.01(3) in grades
364 K-12 and who have received authorization by the district school

365 superintendent to participate in the DROP beyond 60 months, the
366 96-month period provided in subparagraph (b)1., shall
367 acknowledge liability for any additional retirement
368 contributions and interest required if the participant fails to
369 timely terminate employment, and shall be subject to the
370 adjustment required in sub-subparagraph (c)5.d.

371 6. Effective July 1, 2001, for instructional personnel as
372 defined in s. 1012.01(2), election to participate in the DROP
373 shall be made at any time following the date on which the member
374 first reaches normal retirement date. The member shall advise
375 his or her employer and the division in writing of the date on
376 which the Deferred Retirement Option Program shall begin. When
377 establishing eligibility of the member to participate in the
378 DROP for the 60-month or, with respect to members who are
379 instructional personnel employed by the Florida School for the
380 Deaf and the Blind and who have received authorization by the
381 Board of Trustees of the Florida School for the Deaf and the
382 Blind to participate in the DROP beyond 60 months, or who are
383 instructional personnel as defined in s. 1012.01(2)(a)-(d) or
384 administrative personnel as defined in s. 1012.01(3) in grades
385 K-12 and who have received authorization by the district school
386 superintendent to participate in the DROP beyond 60 months, the
387 96-month maximum participation period, as provided in
388 subparagraph (b)1., the member may elect to include or exclude
389 any optional service credit purchased by the member from the
390 total service used to establish the normal retirement date. A
391 member with dual normal retirement dates shall be eligible to
392 elect to participate in either class.

393 (b) Participation in the DROP.--
 394 1. An eligible member may elect to participate in the DROP
 395 for a period not to exceed a maximum of 60 calendar months or,
 396 with respect to members who are instructional personnel employed
 397 by the Florida School for the Deaf and the Blind and who have
 398 received authorization by the Board of Trustees of the Florida
 399 School for the Deaf and the Blind to participate in the DROP
 400 beyond 60 months, or who are instructional personnel as defined
 401 in s. 1012.01(2)(a)-(d) or administrative personnel as defined
 402 in s. 1012.01(3) in grades K-12 and who have received
 403 authorization by the district school superintendent to
 404 participate in the DROP beyond 60 calendar months, 96 calendar
 405 months immediately following the date on which the member first
 406 reaches his or her normal retirement date or the date to which
 407 he or she is eligible to defer his or her election to
 408 participate as provided in subparagraph (a)2. However, a member
 409 who has reached normal retirement date prior to the effective
 410 date of the DROP shall be eligible to participate in the DROP
 411 for a period of time not to exceed 60 calendar months or, with
 412 respect to members who are instructional personnel employed by
 413 the Florida School for the Deaf and the Blind and who have
 414 received authorization by the Board of Trustees of the Florida
 415 School for the Deaf and the Blind to participate in the DROP
 416 beyond 60 months, or who are instructional personnel as defined
 417 in s. 1012.01(2)(a)-(d) or administrative personnel as defined
 418 in s. 1012.01(3) in grades K-12 and who have received
 419 authorization by the district school superintendent to
 420 participate in the DROP beyond 60 calendar months, 96 calendar

421 months immediately following the effective date of the DROP,
 422 except a member of the Special Risk Class who has reached normal
 423 retirement date prior to the effective date of the DROP and
 424 whose total accrued value exceeds 75 percent of average final
 425 compensation as of his or her effective date of retirement shall
 426 be eligible to participate in the DROP for no more than 36
 427 calendar months immediately following the effective date of the
 428 DROP.

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

- 431 a. A written election to participate in the DROP;
- 432 b. Selection of the DROP participation and termination
 433 dates, which satisfy the limitations stated in paragraph (a) and
 434 subparagraph 1. Such termination date shall be in a binding
 435 letter of resignation with the employer, establishing a deferred
 436 termination date. The member may change the termination date
 437 within the limitations of subparagraph 1., but only with the
 438 written approval of his or her employer;
- 439 c. A properly completed DROP application for service
 440 retirement as provided in this section; and
- 441 d. Any other information required by the division.

442 3. The DROP participant shall be a retiree under the
 443 Florida Retirement System for all purposes, except for paragraph
 444 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
 445 and 121.122. However, participation in the DROP does not alter
 446 the participant's employment status and such employee shall not
 447 be deemed retired from employment until his or her deferred
 448 resignation is effective and termination occurs as provided in

449 s. 121.021(39).

450 4. Elected officers shall be eligible to participate in
451 the DROP subject to the following:

452 a. An elected officer who reaches normal retirement date
453 during a term of office may defer the election to participate in
454 the DROP until the next succeeding term in that office. Such
455 elected officer who exercises this option may participate in the
456 DROP for up to 60 calendar months or a period of no longer than
457 such succeeding term of office, whichever is less.

458 b. An elected or a nonelected participant may run for a
459 term of office while participating in DROP and, if elected,
460 extend the DROP termination date accordingly, except, however,
461 if such additional term of office exceeds the 60-month
462 limitation established in subparagraph 1., and the officer does
463 not resign from office within such 60-month limitation, the
464 retirement and the participant's DROP shall be null and void as
465 provided in sub-subparagraph (c)5.d.

466 c. An elected officer who is dually employed and elects to
467 participate in DROP shall be required to satisfy the definition
468 of termination within the 60-month or, with respect to members
469 who are instructional personnel employed by the Florida School
470 for the Deaf and the Blind and who have received authorization
471 by the Board of Trustees of the Florida School for the Deaf and
472 the Blind to participate in the DROP beyond 60 months, or who
473 are instructional personnel as defined in s. 1012.01(2)(a)-(d)
474 or administrative personnel as defined in s. 1012.01(3) in
475 grades K-12 and who have received authorization by the district
476 school superintendent to participate in the DROP beyond 60

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477 months, the 96-month limitation period as provided in
478 subparagraph 1. for the nonelected position and may continue
479 employment as an elected officer as provided in s. 121.053. The
480 elected officer will be enrolled as a renewed member in the
481 Elected Officers' Class or the Regular Class, as provided in ss.
482 121.053 and 121.22, on the first day of the month after
483 termination of employment in the nonelected position and
484 termination of DROP. Distribution of the DROP benefits shall be
485 made as provided in paragraph (c).

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