

By Senator Saunders

37-1246A-06

1 A bill to be entitled

2 An act relating to the Florida Retirement

3 System; amending s. 121.021, F.S.; revising the

4 definition of the term "phased retirement

5 program"; amending s. 121.091, F.S.; revising

6 certain limitations on positions for which

7 district school boards, community colleges,

8 state universities, and the Florida School for

9 the Deaf and the Blind may reemploy a member of

10 the Florida Retirement System after a specified

11 period of retirement; prohibiting the

12 reemployment of administrative personnel in

13 grades K through 20; extending participation in

14 the Deferred Retirement Option Program to

15 prekindergarten and K-20 employees receiving

16 administrative authorization; revising the

17 election period in the Deferred Retirement

18 Option Program for prekindergarten and K-20

19 employees; providing an effective date.

20

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

22

23 Section 1. Subsection (43) of section 121.021, Florida

24 Statutes, is amended to read:

25 121.021 Definitions.--The following words and phrases

26 as used in this chapter have the respective meanings set forth

27 unless a different meaning is plainly required by the context:

28 (43) "Phased retirement program" means a program

29 contracted by the governing board of a university or community

30 college participating under this chapter in which a retiree

31 may be reemployed in a faculty position provided:

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

3 ~~(b) The retired member is reemployed for not more than~~
4 ~~780 hours during the first 12 months of his or her retirement;~~
5 ~~and~~

6 (b)(c) The retired member is reemployed with the
7 university or community college from which he or she retired.

8
9 Renewed membership for a retiree participating in a phased
10 retirement program shall be determined in accordance with s.
11 121.053 or s. 121.122.

12 Section 2. Paragraph (b) of subsection (9) and
13 paragraphs (a) and (b) of subsection (13) and of section
14 121.091, Florida Statutes, are amended to read:

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

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

29 (b)1. Any person who is retired under this chapter,
30 except under the disability retirement provisions of
31 subsection (4), may be reemployed by any private or public

1 | employer after retirement and receive retirement benefits and
2 | compensation from his or her employer without any limitations,
3 | except that a person may not receive both a salary from
4 | reemployment with any agency participating in the Florida
5 | Retirement System and retirement benefits under this chapter
6 | for a period of 12 months immediately subsequent to the date
7 | of retirement. However, a DROP participant shall continue
8 | employment and receive a salary during the period of
9 | participation in the Deferred Retirement Option Program, as
10 | provided in subsection (13).

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

1 toward repayment of benefits received in violation of the
2 reemployment limitation.

3 3. A district school board may reemploy a retired
4 member as instructional personnel as defined in s. 1012.01(2)
5 or as a substitute or hourly teacher, education
6 paraprofessional, transportation assistant, bus driver, or
7 food service worker on an annual contractual basis or on a
8 noncontractual basis after he or she has been retired for 1
9 calendar month, in accordance with s. 121.021(39). ~~A district~~
10 ~~school board may reemploy a retired member as instructional~~
11 ~~personnel, as defined in s. 1012.01(2)(a), on an annual~~
12 ~~contractual basis after he or she has been retired for 1~~
13 ~~calendar month, in accordance with s. 121.021(39). Any other~~
14 ~~retired member who is reemployed within 1 calendar month after~~
15 ~~retirement shall void his or her application for retirement~~
16 ~~benefits.~~ District school boards reemploying such retired
17 members teachers, education paraprofessionals, transportation
18 ~~assistants, bus drivers, or food service workers~~ are subject
19 to the retirement contribution required by subparagraph 7.
20 This subparagraph does not apply to administrative personnel
21 as defined in s. 1012.01(3). Any such member who is reemployed
22 within 1 calendar month after retirement shall void his or her
23 application for retirement benefits.

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

1 ~~his or her application for retirement benefits.~~ Boards of
2 trustees reemploying such instructors are subject to the
3 retirement contribution required in subparagraph 7. This
4 subparagraph does not apply to administrative personnel as
5 defined in s. 1012.01(3). Any such member who is reemployed
6 within 1 calendar month after retirement shall void his or her
7 application for retirement benefits. A retired member may be
8 reemployed as an adjunct instructor for no more than 780 hours
9 during the first 12 months of retirement. Any retired member
10 reemployed for more than 780 hours during the first 12 months
11 of retirement shall give timely notice in writing to the
12 employer and to the division of the date he or she will exceed
13 the limitation. The division shall suspend his or her
14 retirement benefits for the remainder of the first 12 months
15 of retirement. Any person employed in violation of this
16 subparagraph and any employing agency which knowingly employs
17 or appoints such person without notifying the Division of
18 Retirement to suspend retirement benefits shall be jointly and
19 severally liable for reimbursement to the retirement trust
20 fund of any benefits paid during the reemployment limitation
21 period. To avoid liability, such employing agency shall have a
22 written statement from the retiree that he or she is not
23 retired from a state administered retirement system. Any
24 retirement benefits received by a retired member while
25 reemployed in excess of 780 hours during the first 12 months
26 of retirement shall be repaid to the Retirement System Trust
27 Fund, and retirement benefits shall remain suspended until
28 repayment is made. Benefits suspended beyond the end of the
29 retired member's first 12 months of retirement shall apply
30 toward repayment of benefits received in violation of the
31 780 hour reemployment limitation.

1 5. The State University System may reemploy a retired
2 member as a ~~an adjunct~~ faculty member on an annual contractual
3 basis, on a noncontractual basis, or as a participant in a
4 phased retirement program within the State University System
5 after the retired member has been retired for 1 calendar
6 month, in accordance with s. 121.021(39). ~~Any retired member~~
7 ~~who is reemployed within 1 calendar month after retirement~~
8 ~~shall void his or her application for retirement benefits.~~ The
9 State University System is subject to the retired contribution
10 required in subparagraph 7., as appropriate. This subparagraph
11 does not apply to administrative personnel as defined in s.
12 1012.01(3). Any such member who is reemployed within 1
13 calendar month after retirement shall void his or her
14 application for retirement benefits. ~~A retired member may be~~
15 ~~reemployed as an adjunct faculty member or a participant in a~~
16 ~~phased retirement program for no more than 780 hours during~~
17 ~~the first 12 months of his or her retirement. Any retired~~
18 ~~member reemployed for more than 780 hours during the first 12~~
19 ~~months of retirement shall give timely notice in writing to~~
20 ~~the employer and to the division of the date he or she will~~
21 ~~exceed the limitation. The division shall suspend his or her~~
22 ~~retirement benefits for the remainder of the first 12 months~~
23 ~~of retirement. Any person employed in violation of this~~
24 ~~subparagraph and any employing agency which knowingly employs~~
25 ~~or appoints such person without notifying the Division of~~
26 ~~Retirement to suspend retirement benefits shall be jointly and~~
27 ~~severally liable for reimbursement to the retirement trust~~
28 ~~fund of any benefits paid during the reemployment limitation~~
29 ~~period. To avoid liability, such employing agency shall have a~~
30 ~~written statement from the retiree that he or she is not~~
31 ~~retired from a state administered retirement system. Any~~

1 ~~retirement benefits received by a retired member while~~
2 ~~reemployed in excess of 780 hours during the first 12 months~~
3 ~~of retirement shall be repaid to the Retirement System Trust~~
4 ~~Fund, and retirement benefits shall remain suspended until~~
5 ~~repayment is made. Benefits suspended beyond the end of the~~
6 ~~retired member's first 12 months of retirement shall apply~~
7 ~~toward repayment of benefits received in violation of the~~
8 ~~780 hour reemployment limitation.~~

9 6. The Board of Trustees of the Florida School for the
10 Deaf and the Blind may reemploy a retired member as a
11 substitute teacher, substitute residential instructor, or
12 substitute nurse on a noncontractual basis after he or she has
13 been retired for 1 calendar month, in accordance with s.
14 121.021(39). The Board of Trustees of the Florida School for
15 the Deaf and the Blind may reemploy a retired member as
16 instructional personnel, as defined in s. 1012.01(2), on an
17 annual contractual basis after he or she has been retired for
18 1 calendar month, in accordance with s. 121.021(39). ~~Any~~
19 ~~retired member who is reemployed within 1 calendar month after~~
20 ~~retirement shall void his or her application for retirement~~
21 ~~benefits.~~ The Board of Trustees of the Florida School for the
22 Deaf and the Blind reemploying such teachers, residential
23 instructors, ~~or~~ nurses, or instructional personnel is subject
24 to the retirement contribution required by subparagraph 7.
25 This subparagraph does not apply to administrative personnel
26 as defined in s. 1012.01(3). Any such member who is reemployed
27 within 1 calendar month after retirement shall void his or her
28 application for retirement benefits. ~~Reemployment of a retired~~
29 ~~member as a substitute teacher, substitute residential~~
30 ~~instructor, or substitute nurse is limited to 780 hours during~~
31 ~~the first 12 months of his or her retirement. Any retired~~

1 ~~member reemployed for more than 780 hours during the first 12~~
2 ~~months of retirement shall give timely notice in writing to~~
3 ~~the employer and to the division of the date he or she will~~
4 ~~exceed the limitation. The division shall suspend his or her~~
5 ~~retirement benefits for the remainder of the first 12 months~~
6 ~~of retirement. Any person employed in violation of this~~
7 ~~subparagraph and any employing agency which knowingly employs~~
8 ~~or appoints such person without notifying the Division of~~
9 ~~Retirement to suspend retirement benefits shall be jointly and~~
10 ~~severally liable for reimbursement to the retirement trust~~
11 ~~fund of any benefits paid during the reemployment limitation~~
12 ~~period. To avoid liability, such employing agency shall have a~~
13 ~~written statement from the retiree that he or she is not~~
14 ~~retired from a state administered retirement system. Any~~
15 ~~retirement benefits received by a retired member while~~
16 ~~reemployed in excess of 780 hours during the first 12 months~~
17 ~~of retirement shall be repaid to the Retirement System Trust~~
18 ~~Fund, and his or her retirement benefits shall remain~~
19 ~~suspended until payment is made. Benefits suspended beyond the~~
20 ~~end of the retired member's first 12 months of retirement~~
21 ~~shall apply toward repayment of benefits received in violation~~
22 ~~of the 780 hour reemployment limitation.~~

23 7. The employment by an employer of any retiree or
24 DROP participant of any state-administered retirement system
25 shall have no effect on the average final compensation or
26 years of creditable service of the retiree or DROP
27 participant. Prior to July 1, 1991, upon employment of any
28 person, other than an elected officer as provided in s.
29 121.053, who has been retired under any state-administered
30 retirement program, the employer shall pay retirement
31 contributions in an amount equal to the unfunded actuarial

1 liability portion of the employer contribution which would be
2 required for regular members of the Florida Retirement System.
3 Effective July 1, 1991, contributions shall be made as
4 provided in s. 121.122 for retirees with renewed membership or
5 subsection (13) with respect to DROP participants.

6 8. Any person who has previously retired and who is
7 holding an elective public office or an appointment to an
8 elective public office eligible for the Elected Officers'
9 Class on or after July 1, 1990, shall be enrolled in the
10 Florida Retirement System as provided in s. 121.053(1)(b) or,
11 if holding an elective public office that does not qualify for
12 the Elected Officers' Class on or after July 1, 1991, shall be
13 enrolled in the Florida Retirement System as provided in s.
14 121.122, and shall continue to receive retirement benefits as
15 well as compensation for the elected officer's service for as
16 long as he or she remains in elective office. However, any
17 retired member who served in an elective office prior to July
18 1, 1990, suspended his or her retirement benefit, and had his
19 or her Florida Retirement System membership reinstated shall,
20 upon retirement from such office, have his or her retirement
21 benefit recalculated to include the additional service and
22 compensation earned.

23 9. Any person who is holding an elective public office
24 which is covered by the Florida Retirement System and who is
25 concurrently employed in nonelected covered employment may
26 elect to retire while continuing employment in the elective
27 public office, provided that he or she shall be required to
28 terminate his or her nonelected covered employment. Any person
29 who exercises this election shall receive his or her
30 retirement benefits in addition to the compensation of the
31 elective office without regard to the time limitations

1 otherwise provided in this subsection. No person who seeks to
2 exercise the provisions of this subparagraph, as the same
3 existed prior to May 3, 1984, shall be deemed to be retired
4 under those provisions, unless such person is eligible to
5 retire under the provisions of this subparagraph, as amended
6 by chapter 84-11, Laws of Florida.

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

11 11. An employing agency may reemploy a retired member
12 as a firefighter or paramedic after the retired member has
13 been retired for 1 calendar month, in accordance with s.
14 121.021(39). Any retired member who is reemployed within 1
15 calendar month after retirement shall void his or her
16 application for retirement benefits. The employing agency
17 reemploying such firefighter or paramedic is subject to the
18 retired contribution required in subparagraph 8. Reemployment
19 of a retired firefighter or paramedic is limited to no more
20 than 780 hours during the first 12 months of his or her
21 retirement. Any retired member reemployed for more than 780
22 hours during the first 12 months of retirement shall give
23 timely notice in writing to the employer and to the division
24 of the date he or she will exceed the limitation. The division
25 shall suspend his or her retirement benefits for the remainder
26 of the first 12 months of retirement. Any person employed in
27 violation of this subparagraph and any employing agency which
28 knowingly employs or appoints such person without notifying
29 the Division of Retirement to suspend retirement benefits
30 shall be jointly and severally liable for reimbursement to the
31 Retirement System Trust Fund of any benefits paid during the

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

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

30 | (a) Eligibility of member to participate in the
31 | DROP.--All active Florida Retirement System members in a

1 regularly established position, and all active members of
2 either the Teachers' Retirement System established in chapter
3 238 or the State and County Officers' and Employees'
4 Retirement System established in chapter 122 which systems are
5 consolidated within the Florida Retirement System under s.
6 121.011, are eligible to elect participation in the DROP
7 provided that:

8 1. The member is not a renewed member of the Florida
9 Retirement System under s. 121.122, or a member of the State
10 Community College System Optional Retirement Program under s.
11 121.051, the Senior Management Service Optional Annuity
12 Program under s. 121.055, or the optional retirement program
13 for the State University System under s. 121.35.

14 2. Except as provided in subparagraph 6., election to
15 participate is made within 12 months immediately following the
16 date on which the member first reaches normal retirement date,
17 or, for a member who reaches normal retirement date based on
18 service before he or she reaches age 62, or age 55 for Special
19 Risk Class members, election to participate may be deferred to
20 the 12 months immediately following the date the member
21 attains 57, or age 52 for Special Risk Class members. For a
22 member who first reached normal retirement date or the
23 deferred eligibility date described above prior to the
24 effective date of this section, election to participate shall
25 be made within 12 months after the effective date of this
26 section. A member who fails to make an election within such
27 12-month limitation period shall forfeit all rights to
28 participate in the DROP. The member shall advise his or her
29 employer and the division in writing of the date on which the
30 DROP shall begin. Such beginning date may be subsequent to the
31 12-month election period, but must be within the 60-month or,

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

1 3. The employer of a member electing to participate in
2 the DROP, or employers if dually employed, shall acknowledge
3 in writing to the division the date the member's participation
4 in the DROP begins and the date the member's employment and
5 DROP participation will terminate.

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

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

15 a. A change of employment must take place without a
16 break in service so that the member receives salary for each
17 month of continuous DROP participation. If a member receives
18 no salary during a month, DROP participation shall cease
19 unless the employer verifies a continuation of the employment
20 relationship for such participant pursuant to s.
21 121.021(39)(b).

22 b. Such participant and new employer shall notify the
23 division on forms required by the division as to the identity
24 of the new employer.

25 c. The new employer shall acknowledge, in writing, the
26 participant's DROP termination date, which may be extended but
27 not beyond the original 60-month or, with respect to members
28 who are prekindergarten or K-20 employees of a public school
29 district, a charter school, instructional personnel employed
30 by the Florida School for the Deaf and the Blind, a community
31 college, or a state university and who have received

1 authorization ~~from the appropriate administrative body by the~~
2 ~~Board of Trustees of the Florida School for the Deaf and the~~
3 ~~Blind to participate in the DROP beyond 60 months, or who are~~
4 ~~instructional personnel as defined in s. 1012.01(2)(a) (d) in~~
5 ~~grades K-12 and who have received authorization by the~~
6 ~~district school superintendent~~ to participate in the DROP
7 beyond 60 months, the 96-month period provided in subparagraph
8 (b)1., shall acknowledge liability for any additional
9 retirement contributions and interest required if the
10 participant fails to timely terminate employment, and shall be
11 subject to the adjustment required in sub-subparagraph (c)5.d.

12 6. Effective July 1, 2001, for instructional personnel
13 as defined in s. 1012.01(2), election to participate in the
14 DROP shall be made at any time following the date on which the
15 member first reaches normal retirement date. Effective July 1,
16 2006, any eligible prekindergarten or K-20 employee of a
17 public school district, a charter school, the Florida School
18 for the Deaf and the Blind, a community college, or a state
19 university may elect to participate in the DROP at any time
20 following the date on which the member first reaches normal
21 retirement date. The member shall advise his or her employer
22 and the division in writing of the date on which the Deferred
23 Retirement Option Program shall begin. When establishing
24 eligibility of the member to participate in the DROP for the
25 60-month or, with respect to members who are prekindergarten
26 or K-20 employees of a public school district, a charter
27 school, instructional personnel employed by the Florida School
28 for the Deaf and the Blind, a community college, or a state
29 university and who have received authorization from the
30 appropriate administrative body ~~by the Board of Trustees of~~
31 ~~the Florida School for the Deaf and the Blind to participate~~

1 ~~in the DROP beyond 60 months, or who are instructional~~
2 ~~personnel as defined in s. 1012.01(2)(a) (d) in grades K-12~~
3 ~~and who have received authorization by the district school~~
4 ~~superintendent to participate in the DROP beyond 60 months,~~
5 the 96-month maximum participation period, as provided in
6 subparagraph (b)1., the member may elect to include or exclude
7 any optional service credit purchased by the member from the
8 total service used to establish the normal retirement date. A
9 member with dual normal retirement dates shall be eligible to
10 elect to participate in either class.

11 (b) Participation in the DROP.--

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

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

21 | Section 3. This act shall take effect July 1, 2006,
22 | except that this section and the changes effected by this act
23 | to the Deferred Retirement Option Program shall take effect
24 | June 1, 2006.

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SENATE SUMMARY

Revises provisions of the Florida Retirement System to authorize a district school board to reemploy a retired member in an instructional position or as an education paraprofessional, transportation assistant, bus driver, or food service worker on a contractual or noncontractual basis after the employee has been retired for 1 calendar month. Authorizes community colleges, state universities, and the Florida School for the Deaf and the Blind to reemploy instructional personnel after 1 calendar month of retirement. Excludes administrative personnel in grades K through 20 from such provisions. Revises the election period in the DROP program for prekindergarten and K-20 employees.