

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 prekindergarten and K-20 employees receiving administrative authorization; revising the election period in the Deferred Retirement Option Program for prekindergarten and K-20 employees; providing an effective date.

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

HB 779

2006

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

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

33  
 34 Renewed membership for a retiree participating in a phased  
 35 retirement program shall be determined in accordance with s.  
 36 121.053 or s. 121.122.

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

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

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

54 (b)1. Any person who is retired under this chapter, except  
 55 under the disability retirement provisions of subsection (4),  
 56 may be reemployed by any private or public employer after

HB 779

2006

57 retirement and receive retirement benefits and compensation from  
58 his or her employer without any limitations, except that a  
59 person may not receive both a salary from reemployment with any  
60 agency participating in the Florida Retirement System and  
61 retirement benefits under this chapter for a period of 12 months  
62 immediately subsequent to the date of retirement. However, a  
63 DROP participant shall continue employment and receive a salary  
64 during the period of participation in the Deferred Retirement  
65 Option Program, as provided in subsection (13).

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

HB 779

2006

85 has been made. Benefits suspended beyond the reemployment  
86 limitation shall apply toward repayment of benefits received in  
87 violation of the reemployment limitation.

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

104 4. A community college board of trustees may reemploy a  
105 retired member as an ~~adjunct~~ instructor on an annual contractual  
106 basis, on a that is, an instructor who is noncontractual basis  
107 ~~and part-time~~, or as a participant in a phased retirement  
108 program within the Florida Community College System, after he or  
109 she has been retired for 1 calendar month, in accordance with s.  
110 121.021(39). Any retired member who is reemployed within 1  
111 calendar month after retirement shall void his or her  
112 application for retirement benefits. Boards of trustees

HB 779

2006

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

138       5. The State University System may reemploy a retired  
139 member as a an adjunct faculty member on an annual contractual  
140 basis, on a noncontractual basis, or as a participant in a

HB 779

2006

141 phased retirement program within the State University System  
142 after the retired member has been retired for 1 calendar month,  
143 in accordance with s. 121.021(39). Any retired member who is  
144 reemployed within 1 calendar month after retirement shall void  
145 his or her application for retirement benefits. The State  
146 University System is subject to the retired contribution  
147 required in subparagraph 7., as appropriate. ~~A retired member~~  
148 ~~may be reemployed as an adjunct faculty member or a participant~~  
149 ~~in a phased retirement program for no more than 780 hours during~~  
150 ~~the first 12 months of his or her retirement. Any retired member~~  
151 ~~reemployed for more than 780 hours during the first 12 months of~~  
152 ~~retirement shall give timely notice in writing to the employer~~  
153 ~~and to the division of the date he or she will exceed the~~  
154 ~~limitation. The division shall suspend his or her retirement~~  
155 ~~benefits for the remainder of the first 12 months of retirement.~~  
156 ~~Any person employed in violation of this subparagraph and any~~  
157 ~~employing agency which knowingly employs or appoints such person~~  
158 ~~without notifying the Division of Retirement to suspend~~  
159 ~~retirement benefits shall be jointly and severally liable for~~  
160 ~~reimbursement to the retirement trust fund of any benefits paid~~  
161 ~~during the reemployment limitation period. To avoid liability,~~  
162 ~~such employing agency shall have a written statement from the~~  
163 ~~retiree that he or she is not retired from a state administered~~  
164 ~~retirement system. Any retirement benefits received by a retired~~  
165 ~~member while reemployed in excess of 780 hours during the first~~  
166 ~~12 months of retirement shall be repaid to the Retirement System~~  
167 ~~Trust Fund, and retirement benefits shall remain suspended until~~  
168 ~~repayment is made. Benefits suspended beyond the end of the~~

HB 779

2006

169 ~~retired member's first 12 months of retirement shall apply~~  
170 ~~toward repayment of benefits received in violation of the 780-~~  
171 ~~hour reemployment limitation.~~

172 6. The Board of Trustees of the Florida School for the  
173 Deaf and the Blind may reemploy a retired member as a substitute  
174 teacher, substitute residential instructor, or substitute nurse  
175 on a noncontractual basis after he or she has been retired for 1  
176 calendar month, in accordance with s. 121.021(39). The Board of  
177 Trustees of the Florida School for the Deaf and the Blind may  
178 reemploy a retired member as instructional personnel, as defined  
179 in s. 1012.01(2), on an annual contractual basis after he or she  
180 has been retired for 1 calendar month, in accordance with s.  
181 121.021(39). Any retired member who is reemployed within 1  
182 calendar month after retirement shall void his or her  
183 application for retirement benefits. The Board of Trustees of  
184 the Florida School for the Deaf and the Blind reemploying such  
185 teachers, residential instructors, ~~or nurses,~~ or instructional  
186 personnel is subject to the retirement contribution required by  
187 subparagraph 7. ~~Reemployment of a retired member as a substitute~~  
188 ~~teacher, substitute residential instructor, or substitute nurse~~  
189 ~~is limited to 780 hours during the first 12 months of his or her~~  
190 ~~retirement. Any retired member reemployed for more than 780~~  
191 ~~hours during the first 12 months of retirement shall give timely~~  
192 ~~notice in writing to the employer and to the division of the~~  
193 ~~date he or she will exceed the limitation. The division shall~~  
194 ~~suspend his or her retirement benefits for the remainder of the~~  
195 ~~first 12 months of retirement. Any person employed in violation~~  
196 ~~of this subparagraph and any employing agency which knowingly~~

HB 779

2006

197 ~~employs or appoints such person without notifying the Division~~  
198 ~~of Retirement to suspend retirement benefits shall be jointly~~  
199 ~~and severally liable for reimbursement to the retirement trust~~  
200 ~~fund of any benefits paid during the reemployment limitation~~  
201 ~~period. To avoid liability, such employing agency shall have a~~  
202 ~~written statement from the retiree that he or she is not retired~~  
203 ~~from a state-administered retirement system. Any retirement~~  
204 ~~benefits received by a retired member while reemployed in excess~~  
205 ~~of 780 hours during the first 12 months of retirement shall be~~  
206 ~~repaid to the Retirement System Trust Fund, and his or her~~  
207 ~~retirement benefits shall remain suspended until payment is~~  
208 ~~made. Benefits suspended beyond the end of the retired member's~~  
209 ~~first 12 months of retirement shall apply toward repayment of~~  
210 ~~benefits received in violation of the 780 hour reemployment~~  
211 ~~limitation.~~

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



HB 779

2006

224 renewed membership or subsection (13) with respect to DROP  
225 participants.

226 8. Any person who has previously retired and who is  
227 holding an elective public office or an appointment to an  
228 elective public office eligible for the Elected Officers' Class  
229 on or after July 1, 1990, shall be enrolled in the Florida  
230 Retirement System as provided in s. 121.053(1)(b) or, if holding  
231 an elective public office that does not qualify for the Elected  
232 Officers' Class on or after July 1, 1991, shall be enrolled in  
233 the Florida Retirement System as provided in s. 121.122, and  
234 shall continue to receive retirement benefits as well as  
235 compensation for the elected officer's service for as long as he  
236 or she remains in elective office. However, any retired member  
237 who served in an elective office prior to July 1, 1990,  
238 suspended his or her retirement benefit, and had his or her  
239 Florida Retirement System membership reinstated shall, upon  
240 retirement from such office, have his or her retirement benefit  
241 recalculated to include the additional service and compensation  
242 earned.

243 9. Any person who is holding an elective public office  
244 which is covered by the Florida Retirement System and who is  
245 concurrently employed in nonelected covered employment may elect  
246 to retire while continuing employment in the elective public  
247 office, provided that he or she shall be required to terminate  
248 his or her nonelected covered employment. Any person who  
249 exercises this election shall receive his or her retirement  
250 benefits in addition to the compensation of the elective office  
251 without regard to the time limitations otherwise provided in

HB 779

2006

252 this subsection. No person who seeks to exercise the provisions  
253 of this subparagraph, as the same existed prior to May 3, 1984,  
254 shall be deemed to be retired under those provisions, unless  
255 such person is eligible to retire under the provisions of this  
256 subparagraph, as amended by chapter 84-11, Laws of Florida.

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

261 11. An employing agency may reemploy a retired member as a  
262 firefighter or paramedic after the retired member has been  
263 retired for 1 calendar month, in accordance with s. 121.021(39).  
264 Any retired member who is reemployed within 1 calendar month  
265 after retirement shall void his or her application for  
266 retirement benefits. The employing agency reemploying such  
267 firefighter or paramedic is subject to the retired contribution  
268 required in subparagraph 8. Reemployment of a retired  
269 firefighter or paramedic is limited to no more than 780 hours  
270 during the first 12 months of his or her retirement. Any retired  
271 member reemployed for more than 780 hours during the first 12  
272 months of retirement shall give timely notice in writing to the  
273 employer and to the division of the date he or she will exceed  
274 the limitation. The division shall suspend his or her retirement  
275 benefits for the remainder of the first 12 months of retirement.  
276 Any person employed in violation of this subparagraph and any  
277 employing agency which knowingly employs or appoints such person  
278 without notifying the Division of Retirement to suspend  
279 retirement benefits shall be jointly and severally liable for

HB 779

2006

280 reimbursement to the Retirement System Trust Fund of any  
281 benefits paid during the reemployment limitation period. To  
282 avoid liability, such employing agency shall have a written  
283 statement from the retiree that he or she is not retired from a  
284 state-administered retirement system. Any retirement benefits  
285 received by a retired member while reemployed in excess of 780  
286 hours during the first 12 months of retirement shall be repaid  
287 to the Retirement System Trust Fund, and retirement benefits  
288 shall remain suspended until repayment is made. Benefits  
289 suspended beyond the end of the retired member's first 12 months  
290 of retirement shall apply toward repayment of benefits received  
291 in violation of the 780-hour reemployment limitation.

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

HB 779

2006

307 initial 60-month period as authorized in this subsection shall  
308 be on an annual contractual basis for all participants.

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

317 1. The member is not a renewed member of the Florida  
318 Retirement System under s. 121.122, or a member of the State  
319 Community College System Optional Retirement Program under s.  
320 121.051, the Senior Management Service Optional Annuity Program  
321 under s. 121.055, or the optional retirement program for the  
322 State University System under s. 121.35.

323 2. Except as provided in subparagraph 6., election to  
324 participate is made within 12 months immediately following the  
325 date on which the member first reaches normal retirement date,  
326 or, for a member who reaches normal retirement date based on  
327 service before he or she reaches age 62, or age 55 for Special  
328 Risk Class members, election to participate may be deferred to  
329 the 12 months immediately following the date the member attains  
330 57, or age 52 for Special Risk Class members. For a member who  
331 first reached normal retirement date or the deferred eligibility  
332 date described above prior to the effective date of this  
333 section, election to participate shall be made within 12 months  
334 after the effective date of this section. A member who fails to

HB 779

2006

335 make an election within such 12-month limitation period shall  
336 forfeit all rights to participate in the DROP. The member shall  
337 advise his or her employer and the division in writing of the  
338 date on which the DROP shall begin. Such beginning date may be  
339 subsequent to the 12-month election period, but must be within  
340 the 60-month or, with respect to members who are prekindergarten  
341 or K-20 employees of a public school district, a charter school,  
342 ~~instructional personnel employed by the Florida School for the~~  
343 ~~Deaf and the Blind, a community college, or a state university~~  
344 ~~and who have received authorization from the appropriate~~  
345 ~~administrative body by the Board of Trustees of the Florida~~  
346 ~~School for the Deaf and the Blind to participate in the DROP~~  
347 ~~beyond 60 months, or who are instructional personnel as defined~~  
348 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~  
349 ~~authorization by the district school superintendent to~~  
350 participate in the DROP beyond 60 months, the 96-month  
351 limitation period as provided in subparagraph (b)1. When  
352 establishing eligibility of the member to participate in the  
353 DROP for the 60-month or, with respect to members who are  
354 prekindergarten or K-20 employees of a public school district, a  
355 charter school, instructional personnel employed by the Florida  
356 School for the Deaf and the Blind, a community college, or a  
357 state university and who have received authorization from the  
358 appropriate administrative body ~~by the Board of Trustees of the~~  
359 ~~Florida School for the Deaf and the Blind to participate in the~~  
360 ~~DROP beyond 60 months, or who are instructional personnel as~~  
361 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~  
362 ~~received authorization by the district school superintendent to~~

HB 779

2006

363 participate in the DROP beyond 60 months, the 96-month maximum  
364 participation period, the member may elect to include or exclude  
365 any optional service credit purchased by the member from the  
366 total service used to establish the normal retirement date. A  
367 member with dual normal retirement dates shall be eligible to  
368 elect to participate in DROP within 12 months after attaining  
369 normal retirement date in either class.

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

375 4. Simultaneous employment of a participant by additional  
376 Florida Retirement System employers subsequent to the  
377 commencement of participation in the DROP shall be permissible  
378 provided such employers acknowledge in writing a DROP  
379 termination date no later than the participant's existing  
380 termination date or the 60-month limitation period as provided  
381 in subparagraph (b)1.

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

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

HB 779

2006

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

393           c. The new employer shall acknowledge, in writing, the  
394 participant's DROP termination date, which may be extended but  
395 not beyond the original 60-month or, with respect to members who  
396 are prekindergarten or K-20 employees of a public school  
397 district, a charter school, instructional personnel employed by  
398 the Florida School for the Deaf and the Blind, a community  
399 college, or a state university and who have received  
400 authorization from the appropriate administrative body ~~by the~~  
401 ~~Board of Trustees of the Florida School for the Deaf and the~~  
402 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
403 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
404 ~~grades K-12 and who have received authorization by the district~~  
405 ~~school superintendent~~ to participate in the DROP beyond 60  
406 months, the 96-month period provided in subparagraph (b)1.,  
407 shall acknowledge liability for any additional retirement  
408 contributions and interest required if the participant fails to  
409 timely terminate employment, and shall be subject to the  
410 adjustment required in sub-subparagraph (c)5.d.

411           6. Effective July 1, 2001, for instructional personnel as  
412 defined in s. 1012.01(2), election to participate in the DROP  
413 shall be made at any time following the date on which the member  
414 first reaches normal retirement date. Effective July 1, 2006,  
415 any eligible prekindergarten or K-20 employee of a public school  
416 district, a charter school, the Florida School for the Deaf and  
417 the Blind, a community college, or a state university may elect

HB 779

2006

418 to participate in the DROP at any time following the date on  
419 which the member first reaches normal retirement date. The  
420 member shall advise his or her employer and the division in  
421 writing of the date on which the Deferred Retirement Option  
422 Program shall begin. When establishing eligibility of the member  
423 to participate in the DROP for the 60-month or, with respect to  
424 members who are prekindergarten or K-20 employees of a public  
425 school district, a charter school, instructional personnel  
426 employed by the Florida School for the Deaf and the Blind, a  
427 community college, or a state university and who have received  
428 authorization from the appropriate administrative body ~~by the~~  
429 ~~Board of Trustees of the Florida School for the Deaf and the~~  
430 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
431 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
432 ~~grades K-12 and who have received authorization by the district~~  
433 ~~school superintendent~~ to participate in the DROP beyond 60  
434 months, the 96-month maximum participation period, as provided  
435 in subparagraph (b)1., the member may elect to include or  
436 exclude any optional service credit purchased by the member from  
437 the total service used to establish the normal retirement date.  
438 A member with dual normal retirement dates shall be eligible to  
439 elect to participate in either class.

440 (b) Participation in the DROP.--

441 1. An eligible member may elect to participate in the DROP  
442 for a period not to exceed a maximum of 60 calendar months or,  
443 with respect to members who are prekindergarten or K-20  
444 employees of a public school district, a charter school,  
445 ~~instructional personnel employed by the Florida School for the~~



HB 779

2006

446 Deaf and the Blind, a community college, or a state university  
447 and who have received authorization from the appropriate  
448 administrative body ~~by the Board of Trustees of the Florida~~  
449 ~~School for the Deaf and the Blind to participate in the DROP~~  
450 ~~beyond 60 months, or who are instructional personnel as defined~~  
451 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~  
452 ~~authorization by the district school superintendent to~~  
453 participate in the DROP beyond 60 calendar months, 96 calendar  
454 months immediately following the date on which the member first  
455 reaches his or her normal retirement date or the date to which  
456 he or she is eligible to defer his or her election to  
457 participate as provided in subparagraph (a)2. However, a member  
458 who has reached normal retirement date prior to the effective  
459 date of the DROP shall be eligible to participate in the DROP  
460 for a period of time not to exceed 60 calendar months or, with  
461 respect to members who are prekindergarten or K-20 employees of  
462 a public school district, a charter school, ~~instructional~~  
463 ~~personnel employed by the Florida School for the Deaf and the~~  
464 Blind, a community college, or a state university and who have  
465 received authorization from the appropriate administrative body  
466 ~~by the Board of Trustees of the Florida School for the Deaf and~~  
467 ~~the Blind to participate in the DROP beyond 60 months, or who~~  
468 ~~are instructional personnel as defined in s. 1012.01(2)(a)-(d)~~  
469 ~~in grades K-12 and who have received authorization by the~~  
470 ~~district school superintendent to participate in the DROP beyond~~  
471 60 calendar months, 96 calendar months immediately following the  
472 effective date of the DROP, except a member of the Special Risk  
473 Class who has reached normal retirement date prior to the

HB 779

2006

474 effective date of the DROP and whose total accrued value exceeds  
475 75 percent of average final compensation as of his or her  
476 effective date of retirement shall be eligible to participate in  
477 the DROP for no more than 36 calendar months immediately  
478 following the effective date of the DROP.

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

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

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

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

491 d. Any other information required by the division.

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

500 4. Elected officers shall be eligible to participate in  
501 the DROP subject to the following:

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

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

516 c. An elected officer who is dually employed and elects to  
517 participate in DROP shall be required to satisfy the definition  
518 of termination within the 60-month or, with respect to members  
519 who are prekindergarten or K-20 employees of a public school  
520 district, a charter school, instructional personnel employed by  
521 the Florida School for the Deaf and the Blind, a community  
522 college, or a state university and who have received  
523 authorization from the appropriate administrative body ~~by the~~  
524 ~~Board of Trustees of the Florida School for the Deaf and the~~  
525 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
526 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
527 ~~grades K-12 and who have received authorization by the district~~  
528 ~~school superintendent~~ to participate in the DROP beyond 60  
529 months, the 96-month limitation period as provided in

HB 779

2006

530 subparagraph 1. for the nonelected position and may continue  
531 employment as an elected officer as provided in s. 121.053. The  
532 elected officer will be enrolled as a renewed member in the  
533 Elected Officers' Class or the Regular Class, as provided in ss.  
534 121.053 and 121.122, on the first day of the month after  
535 termination of employment in the nonelected position and  
536 termination of DROP. Distribution of the DROP benefits shall be  
537 made as provided in paragraph (c).

538 Section 3. This act shall take effect July 1, 2006, except  
539 that changes effected by this act to the Deferred Retirement  
540 Option Program shall take effect June 1, 2006.