

By Senator Alexander

17-1597A-07

1                                   A bill to be entitled  
2           An act relating to instructional personnel;  
3           amending s. 121.091, F.S.; revising eligibility  
4           criteria for persons employed as instructional  
5           personnel in district schools to participate in  
6           the Deferred Retirement Option Program beyond  
7           60 months; authorizing instructional personnel  
8           in grades prekindergarten through 12 who are  
9           employed by charter schools to participate in  
10          the Deferred Retirement Option Program for up  
11          to 96 months if authorized by those schools'  
12          governing boards; amending s. 1012.01, F.S.;  
13          redefining the term "instructional personnel"  
14          for the purposes of the Florida Education Code;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Paragraphs (a) and (b) of subsection (13)  
20 of section 121.091, Florida Statutes, are amended to read:  
21           121.091 Benefits payable under the system.--Benefits  
22 may not be paid under this section unless the member has  
23 terminated employment as provided in s. 121.021(39)(a) or  
24 begun participation in the Deferred Retirement Option Program  
25 as provided in subsection (13), and a proper application has  
26 been filed in the manner prescribed by the department. The  
27 department may cancel an application for retirement benefits  
28 when the member or beneficiary fails to timely provide the  
29 information and documents required by this chapter and the  
30 department's rules. The department shall adopt rules  
31 establishing procedures for application for retirement

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

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

21 (a) Eligibility of member to participate in the  
22 DROP.--All active Florida Retirement System members in a  
23 regularly established position, and all active members of  
24 either the Teachers' Retirement System established in chapter  
25 238 or the State and County Officers' and Employees'  
26 Retirement System established in chapter 122 which systems are  
27 consolidated within the Florida Retirement System under s.  
28 121.011, are eligible to elect participation in the DROP  
29 provided that:

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

1 Community College System Optional Retirement Program under s.  
2 121.051, the Senior Management Service Optional Annuity  
3 Program under s. 121.055, or the optional retirement program  
4 for the State University System under s. 121.35.

5         2. Except as provided in subparagraph 6., election to  
6 participate is made within 12 months immediately following the  
7 date on which the member first reaches normal retirement date,  
8 or, for a member who reaches normal retirement date based on  
9 service before he or she reaches age 62, or age 55 for Special  
10 Risk Class members, election to participate may be deferred to  
11 the 12 months immediately following the date the member  
12 attains 57, or age 52 for Special Risk Class members. For a  
13 member who first reached normal retirement date or the  
14 deferred eligibility date described above prior to the  
15 effective date of this section, election to participate shall  
16 be made within 12 months after the effective date of this  
17 section. A member who fails to make an election within such  
18 12-month limitation period shall forfeit all rights to  
19 participate in the DROP. The member shall advise his or her  
20 employer and the division in writing of the date on which the  
21 DROP shall begin. Such beginning date may be subsequent to the  
22 12-month election period, but must be within the 60-month or,  
23 with respect to members who are instructional personnel as  
24 defined in s. 1012.01(2)(a)-(d) in grades prekindergarten  
25 through 12 employed by a charter school and have received  
26 authorization from the governing board of the charter school  
27 to participate in the DROP beyond 60 months, who are  
28 instructional personnel employed by the Florida School for the  
29 Deaf and the Blind and who have received authorization by the  
30 Board of Trustees of the Florida School for the Deaf and the  
31 Blind to participate in the DROP beyond 60 months, or who are

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

29           3. The employer of a member electing to participate in  
30 the DROP, or employers if dually employed, shall acknowledge  
31 in writing to the division the date the member's participation

1 in the DROP begins and the date the member's employment and  
2 DROP participation will terminate.

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

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

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

19 b. Such participant and new employer shall notify the  
20 division on forms required by the division as to the identity  
21 of the new employer.

22 c. The new employer shall acknowledge, in writing, the  
23 participant's DROP termination date, which may be extended but  
24 not beyond the original 60-month or, with respect to members  
25 who are instructional personnel as defined in s.  
26 1012.01(2)(a)-(d) in grades prekindergarten through 12  
27 employed by a charter school and have received authorization  
28 from the governing board of the charter school to participate  
29 in the DROP beyond 60 months, who are instructional personnel  
30 employed by the Florida School for the Deaf and the Blind and  
31 who have received authorization by the Board of Trustees of

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

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

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

10 (b) Participation in the DROP.--

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

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

- 26         2. Upon deciding to participate in the DROP, the  
27 member shall submit, on forms required by the division:
- 28             a. A written election to participate in the DROP;
  - 29             b. Selection of the DROP participation and termination  
30 dates, which satisfy the limitations stated in paragraph (a)  
31 and subparagraph 1. Such termination date shall be in a

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

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

7 d. Any other information required by the division.

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

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

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

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

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

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

29 Section 2. Subsection (2) of section 1012.01, Florida  
30 Statutes, is amended to read:

1           1012.01 Definitions.--Specific definitions shall be as  
2 follows, and wherever such defined words or terms are used in  
3 the Florida K-20 Education Code, they shall be used as  
4 follows:

5           (2) INSTRUCTIONAL PERSONNEL.--"Instructional  
6 personnel" means any prekindergarten through grade 12 ~~K-12~~  
7 staff member whose function includes the provision of direct  
8 instructional services to students. Instructional personnel  
9 also includes prekindergarten through grade 12 ~~K-12~~ personnel  
10 whose functions provide direct support in the learning process  
11 of students. Included in the classification of instructional  
12 personnel are the following prekindergarten through grade 12  
13 ~~K-12~~ personnel:

14           (a) Classroom teachers.--Classroom teachers are staff  
15 members assigned the professional activity of instructing  
16 students in courses in classroom situations, including basic  
17 instruction, exceptional student education, career education,  
18 and adult education, including substitute teachers.

19           (b) Student personnel services.--Student personnel  
20 services include staff members responsible for: advising  
21 students with regard to their abilities and aptitudes,  
22 educational and occupational opportunities, and personal and  
23 social adjustments; providing placement services; performing  
24 educational evaluations; and similar functions. Included in  
25 this classification are guidance counselors, social workers,  
26 career specialists, and school psychologists.

27           (c) Librarians/media specialists.--Librarians/media  
28 specialists are staff members responsible for providing school  
29 library media services. These employees are responsible for  
30 evaluating, selecting, organizing, and managing media and  
31 technology resources, equipment, and related systems;

1 facilitating access to information resources beyond the  
2 school; working with teachers to make resources available in  
3 the instructional programs; assisting teachers and students in  
4 media productions; and instructing students in the location  
5 and use of information resources.

6 (d) Other instructional staff.--Other instructional  
7 staff are staff members who are part of the instructional  
8 staff but are not classified in one of the categories  
9 specified in paragraphs (a)-(c). Included in this  
10 classification are primary specialists, learning resource  
11 specialists, instructional trainers, adjunct educators  
12 certified pursuant to s. 1012.57, and similar positions.

13 (e) Education paraprofessionals.--Education  
14 paraprofessionals are individuals who are under the direct  
15 supervision of an instructional staff member, aiding the  
16 instructional process. Included in this classification are  
17 classroom paraprofessionals in regular instruction,  
18 exceptional education paraprofessionals, career education  
19 paraprofessionals, adult education paraprofessionals, library  
20 paraprofessionals, physical education and playground  
21 paraprofessionals, and other school-level paraprofessionals.

22 Section 3. This act shall take effect July 1, 2007.

23  
24 \*\*\*\*\*

25 SENATE SUMMARY

26 Authorizes persons who are instructional personnel, as  
27 defined, employed in charter schools in grades  
28 prekindergarten through 12 and who are authorized to do  
29 so by the governing boards of the respective schools to  
30 participate in the Deferred Retirement Option Program for  
31 an additional 36 months and revises the criteria for such  
eligibility on the part of persons employed as  
instructional personnel in the district schools.