

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Schenck offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (10), (11), (18), paragraph (b) of
6 subsection (22), and subsections (29), (39), (52), and (53) of
7 section 121.021, Florida Statutes, are amended, and subsections
8 (63) and (64) are added to that section, to read:

9 121.021 Definitions.--The following words and phrases as
10 used in this chapter have the respective meanings set forth
11 unless a different meaning is plainly required by the context:

12 (10) "Employer" means any agency, branch, department,
13 institution, university, institution of higher education, or
14 board of the state, or any county agency, branch, department,
15 board, district school board, or special district of the state,
16 or any city of the state which participates in the system for
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17 the benefit of certain of its employees, or a charter school or
18 charter technical career center that participates as provided in
19 s. 121.051(2)(d). Employers are not agents of the department,
20 the state board, or the Division of Retirement, and the
21 department, the state board, and the division are not
22 responsible for erroneous information provided by
23 representatives of employers.

24 (11) "Officer or employee" means any person receiving
25 salary payments for work performed in a regularly established
26 position and, if employed by a city, a metropolitan planning
27 organization, or a special district, employed in a covered
28 group. The term does not apply to:

29 (a) State employees covered by a leasing agreement under
30 s. 110.191, other public employees covered by a leasing
31 agreement, or to a co-employer relationship.

32 (b) A person who is an inmate or prisoner at the time the
33 work is performed.

34 (18) "Past service" of any member, as provided in s.
35 121.081(1), means the number of years and complete months and
36 any fractional part of a month, recognized and credited by an
37 employer and approved by the administrator, during which the
38 member was in the active employ of a governmental an employer
39 and for which the employee is not entitled to a benefit prior to
40 his or her date of participation.

41 (22) "Compensation" means the monthly salary paid a member
42 by his or her employer for work performed arising from that
43 employment.

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44 (b) Under no circumstances shall compensation for a member
45 participating in the defined benefit retirement program or the
46 Public Employee Optional Retirement Program of the Florida
47 Retirement System include:

48 1. Fees paid professional persons for special or
49 particular services or include salary payments made from a
50 faculty practice plan authorized by the Board of Governors of
51 the State University System for eligible clinical faculty at a
52 college in a state university that has ~~with~~ a faculty practice
53 plan; ~~or~~

54 2. ~~Any~~ Bonuses or other payments prohibited from inclusion
55 in the member's average final compensation and defined in
56 subsection (47); or

57 3. Payment for work given to a person who is an inmate or
58 prisoner at the time the work is performed.

59 (29) "Normal retirement date" means the ~~first day of any~~
60 ~~month following the~~ date a member attains normal retirement age
61 and is vested, which is determined as follows ~~one of the~~
62 ~~following~~ statuses:

63 (a) If a Regular Class member, ~~the member~~:

64 1. The first day of the month the member completes 6 or
65 more years of creditable service and attains age 62; or

66 2. The first day of the month following the date the
67 member completes 30 years of creditable service, regardless of
68 age, which may include a maximum of 4 years of military service
69 credit as long as such credit is not claimed under any other
70 system.

71 (b) If a Special Risk Class member, ~~the member~~:

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72 1. The first day of the month the member completes 6 or
73 more years of creditable service in the Special Risk Class and
74 attains age 55;

75 2. The first day of the month following the date the
76 member completes 25 years of creditable service in the Special
77 Risk Class, regardless of age; or

78 3. The first day of the month following the date the
79 member completes 25 years of creditable service and attains age
80 52, which service may include a maximum of 4 years of military
81 service credit as long as such credit is not claimed under any
82 other system and the remaining years are in the Special Risk
83 Class.

84 (c) If a Senior Management Service Class member, ~~the~~
85 ~~member~~:

86 1. The first day of the month the member completes 6 years
87 of creditable service in the Senior Management Service Class and
88 attains age 62; or

89 2. The first day of the month following the date the
90 member completes 30 years of any creditable service, regardless
91 of age, which may include a maximum of 4 years of military
92 service credit as long as such credit is not claimed under any
93 other system.

94 (d) If an Elected Officers' Class member, ~~the member~~:

95 1. The first day of the month the member completes 6 years
96 of creditable service in the Elected Officers' Class and attains
97 age 62; or

98 2. The first day of the month following the date the
99 member completes 30 years of any creditable service, regardless

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100 of age, which may include a maximum of 4 years of military
101 service credit as long as such credit is not claimed under any
102 other system.

103
104 "Normal retirement age" is attained on the "normal retirement
105 date."

106 (39) (a) "Termination" occurs, except as provided in
107 paragraph (b), when:

108 1. For retirements effective before July 1, 2009, a member
109 ceases all employment relationships with employers under this
110 system, as defined in subsection (10), but in the event a member
111 should be employed by any such employer within the next calendar
112 month, termination shall be deemed not to have occurred. A leave
113 of absence shall constitute a continuation of the employment
114 relationship, except that a leave of absence without pay due to
115 disability may constitute termination for a member, if such
116 member makes application for and is approved for disability
117 retirement in accordance with s. 121.091(4). The department or
118 board may require other evidence of termination as it deems
119 necessary.

120 2. For retirements effective on or after July 1, 2009, a
121 member ceases all employment relationships with employers under
122 this system, as defined in subsection (10), but in the event a
123 member should be employed by any such employer within the next
124 12 calendar months, termination shall be deemed not to have
125 occurred. A leave of absence shall constitute a continuation of
126 the employment relationship, except that a leave of absence
127 without pay due to disability may constitute termination for a

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128 member, if such member makes application for and is approved for
129 disability retirement in accordance with s. 121.091(4). The
130 department or board may require other evidence of termination as
131 it deems necessary.

132 (b) "Termination" for a member electing to participate
133 under the Deferred Retirement Option Program occurs when the
134 Deferred Retirement Option Program participant ceases all
135 employment relationships with employers under this system in
136 accordance with s. 121.091(13), but:

137 1. For DROP termination dates before July 1, 2009, in the
138 event the Deferred Retirement Option Program participant should
139 be employed by any such employer within the next calendar month,
140 termination will be deemed not to have occurred, except as
141 provided in s. 121.091(13)(b)4.c. A leave of absence shall
142 constitute a continuation of the employment relationship.

143 2. For DROP termination dates on or after July 1, 2009, in
144 the event the DROP participant should be employed by any such
145 employer within the next 12 calendar months, termination will be
146 deemed not to have occurred, except as provided in s.
147 121.091(13)(b)4.c. A leave of absence shall constitute a
148 continuation of the employment relationship.

149 (52) "Regularly established position" is defined as
150 follows:

151 (a) With respect to employment for ~~in~~ a state employer
152 agency, the term means a position that ~~which~~ is authorized and
153 established pursuant to law and is compensated from a salaries
154 appropriation pursuant to s. 216.011(1)(dd), or an established
155 position which is authorized pursuant to s. 216.262(1)(a) and

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156 (b) and is compensated from a salaries account as provided by
157 rule.

158 (b) With respect to employment for ~~In~~ a local employer
159 agency (district school board, county agency, community college,
160 city, metropolitan planning organization, or special district),
161 the term means a regularly established position that ~~which~~ will
162 be in existence for a period beyond 6 consecutive months, except
163 as provided by rule.

164 (53) "Temporary position" is defined as follows:

165 (a) With respect to employment for ~~In~~ a state employer
166 agency, the term means an employment position that ~~which~~ is
167 compensated from an other personal services (OPS) account, as
168 provided for in s. 216.011(1)(dd).

169 (b) With respect to employment for ~~In~~ a local employer
170 agency, the term means an employment position that ~~which~~ will
171 exist for less than 6 consecutive months, or other employment
172 position as determined by rule of the division, regardless of
173 whether it will exist for 6 consecutive months or longer.

174 (63) "State board" or "board" means the State Board of
175 Administration.

176 (64) "Trustees" means the Board of Trustees of the State
177 Board of Administration.

178 Section 2. Subsection (6) is added to section 121.031,
179 Florida Statutes, to read:

180 121.031 Administration of system; appropriation; oaths;
181 actuarial studies; public records.--

182 (6) Unless prior written approval is obtained from the
183 department or state board, any promotional materials or

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184 advertisements that, directly or indirectly, refer to the
185 Florida Retirement System or the FRS, must contain a disclaimer
186 that the information is not approved or endorsed by the Florida
187 Retirement System.

188 Section 3. Paragraph (a) of subsection (1) and paragraph
189 (f) of subsection (2) of section 121.051, Florida Statutes, are
190 amended, and subsection (10) is added to that section, to read:

191 121.051 Participation in the system.--

192 (1) COMPULSORY PARTICIPATION.--

193 (a) The provisions of this law are ~~shall be~~ compulsory as
194 to all officers and employees, except elected officers who meet
195 the requirements of s. 121.052(3), who are employed on or after
196 December 1, 1970, by ~~of~~ an employer other than those referred to
197 in paragraph (2)(b), and each officer or employee, as a
198 condition of employment, shall become a member of the system as
199 of his or her date of employment, except that a person who is
200 retired from any state retirement system and is reemployed on or
201 after December 1, 1970, may ~~shall not be permitted to~~ renew his
202 or her membership in any state retirement system except as
203 provided in s. 121.091(4)(h) for a person who recovers from
204 disability, and as provided in s. 121.091(9)(b)10. ~~s.~~
205 ~~121.091(9)(b)8.~~ for a person who is elected to public office,
206 and, effective July 1, 1991, as provided in s. 121.122 for all
207 other retirees. Officers and employees of the University
208 Athletic Association, Inc., a nonprofit association connected
209 with the University of Florida, employed on and after July 1,
210 1979, may ~~shall not~~ participate in any state-supported
211 retirement system.

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212 1.a. Any person appointed on or after July 1, 1989, to a
213 faculty position in a college at the J. Hillis Miller Health
214 Center at the University of Florida or the Medical Center at the
215 University of South Florida which has a faculty practice plan
216 adopted provided by rule may adopted by the Board of Regents
217 ~~shall~~ not participate in the Florida Retirement System.
218 Effective January 1, 2009, any person appointed thereafter to a
219 faculty position, including clinical faculty, in a college at a
220 state university that has a faculty practice plan authorized by
221 the Board of Governors may not participate in the Florida
222 Retirement System. A faculty member so appointed shall
223 participate in the optional retirement program for the State
224 University System on the basis of his or her state-funded
225 compensation, notwithstanding the provisions of s. 121.35(2)(a).

226 b. For purposes of this subparagraph, the term "faculty
227 position" is defined as a position assigned the principal
228 responsibility of teaching, research, or public service
229 activities or administrative responsibility directly related to
230 the academic mission of the college. The term "clinical faculty"
231 is defined as a faculty position appointment in conjunction with
232 a professional position in a hospital or other clinical
233 environment at a college. The term "faculty practice plan"
234 includes professional services to patients, institutions, or
235 other parties which are rendered by the clinical faculty employed
236 by a college that has a faculty practice plan at a state
237 university authorized by the Board of Governors.

238 (2) OPTIONAL PARTICIPATION.--

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239 (f)1. If ~~Whenever~~ an employer that participates in the
240 Florida Retirement System undertakes the transfer, merger, or
241 consolidation of governmental services or assumes the functions
242 or activities of an employing governmental entity that was not
243 an employer under the system, the employer must notify the
244 department at least 60 days prior to such action and ~~shall~~
245 provide documentation as required by the department. The
246 transfer, merger, or consolidation of governmental services or
247 assumption of governmental functions and activities must occur
248 between public employers. The current or former employer may pay
249 the employees' past service cost unless prohibited under this
250 chapter. This paragraph does not apply to the transfer, merger,
251 or consolidation of governmental services or assumption of
252 functions and activities of a public entity under a leasing
253 agreement having a co-employer relationship. Employers and
254 employees of a public governmental employer whose service is
255 covered by a leasing agreement under s. 110.191, other leasing
256 agreement, or a co-employer relationship are not eligible to
257 participate in the Florida Retirement System.

258 2. If ~~When~~ the agency to which a member's employing unit
259 is transferred, merged, or consolidated does not participate in
260 the Florida Retirement System, a member may ~~shall~~ elect in
261 writing to remain in the Florida Retirement System or to
262 transfer to the local retirement system operated by the ~~such~~
263 agency. If such agency does not participate in a local
264 retirement system, the member shall continue membership in the
265 Florida Retirement System. In either case, ~~the~~ membership
266 continues ~~shall continue~~ for as long as the member is employed

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267 by the agency to which his or her unit was transferred, merged,
268 or consolidated.

269 (10) PROHIBITED PARTICIPATION.--A person who is an inmate
270 or prisoner at the time the work is performed is prohibited from
271 participating in, or receiving benefits from, any part of the
272 Florida Retirement System based on such work.

273 Section 4. Paragraph (e) of subsection (3) of section
274 121.052, Florida Statutes, is amended to read:

275 121.052 Membership class of elected officers.--

276 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.--Effective
277 July 1, 1990, participation in the Elected Officers' Class shall
278 be compulsory for elected officers listed in paragraphs (2)(a)-
279 (d) and (f) assuming office on or after said date, unless the
280 elected officer elects membership in another class or withdraws
281 from the Florida Retirement System as provided in paragraphs
282 (3)(a)-(d):

283 (e) Effective January 1, 2009 ~~July 1, 2001~~, the governing
284 body of a municipality or special district may, by majority
285 vote, elect to designate all its elected positions for inclusion
286 in the Elected Officers' Class. Such election shall be made
287 between January 1, 2009, and June 30, 2009 ~~July 1, 2001, and~~
288 ~~December 31, 2001~~, and shall be irrevocable. The designation of
289 such positions shall be effective the first day of the month
290 following receipt by the department of the ordinance or
291 resolution passed by the governing body.

292 Section 5. Subsections (1) and (2) of section 121.053,
293 Florida Statutes, are amended to read:

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294 121.053 Participation in the Elected Officers' Class for
295 retired members.--

296 (1) (a) 1. Any retiree of a state-administered retirement
297 system who initially serves in an elective office in a regularly
298 established position with a covered employer on or after January
299 1, 2009, shall not be enrolled in the Florida Retirement System.

300 2. An elected officer who is elected or appointed to an
301 elective office and is participating in the Deferred Retirement
302 Option Program is subject to termination as provided in s.
303 121.021(39)(b), and reemployment limitations as provided in s.
304 121.091(9), upon completion of his or her DROP participation
305 period.

306 (b) Before July 1, 2009, any member who retired under any
307 existing system as defined in s. 121.021(2), and receives a
308 benefit thereof, and who serves in an office covered by the
309 Elected Officers' Class for a period of at least 6 years, shall
310 be entitled to receive an additional retirement benefit for such
311 elected officer service prior to July 1, 1990, under the Elected
312 Officers' Class of the Florida Retirement System, as follows:

313 1. Upon completion of 6 or more years of creditable
314 service in an office covered by the Elected Officers' Class, s.
315 121.052, such member shall notify the administrator of his or
316 her intent to purchase elected officer service prior to July 1,
317 1990, and shall pay the member contribution applicable for the
318 period being claimed, plus 4 percent interest compounded
319 annually from the first year of service claimed until July 1,
320 1975, and 6.5 percent interest compounded annually thereafter,
321 until full payment is made to the Florida Retirement System

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322 Trust Fund; however, such member may purchase retirement credit
323 under the Elected Officers' Class only for such service as an
324 elected officer.

325 2. Upon payment of the amount specified in subparagraph
326 1., the employer shall pay into the Florida Retirement System
327 Trust Fund the applicable employer contribution for the period
328 of elected officer service prior to July 1, 1990, being claimed
329 by the member, plus 4 percent interest compounded annually from
330 the first year of service claimed until July 1, 1975, and 6.5
331 percent interest compounded annually thereafter, until full
332 payment is made to the Florida Retirement System Trust Fund.

333 (c)~~(b)~~ Any retired member of the Florida Retirement
334 System, or any existing system as defined in s. 121.021(2), who,
335 on or after July 1, 1990, through June 30, 2009, is serving in,
336 or is elected or appointed to, an elective office covered by the
337 Elected Officers' Class shall be enrolled in the appropriate
338 subclass of the Elected Officers' Class of the Florida
339 Retirement System, and applicable contributions shall be paid
340 into the Florida Retirement System Trust Fund as provided in s.
341 121.052(7). Pursuant thereto:

342 1. Any such retired member shall be eligible to continue
343 to receive retirement benefits as well as compensation for the
344 elected officer service for as long as he or she remains in an
345 elective office covered by the Elected Officers' Class.

346 2. If any such member serves in an elective office covered
347 by the Elected Officers' Class and becomes vested under that
348 class, he or she shall be entitled to receive an additional
349 retirement benefit for such elected officer service.

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350 3. Such member shall be entitled to purchase additional
351 retirement credit in the Elected Officers' Class for any
352 postretirement service performed in an elected position eligible
353 for the Elected Officers' Class prior to July 1, 1990, or in the
354 Regular Class for any postretirement service performed in any
355 other regularly established position prior to July 1, 1991, by
356 paying the applicable Elected Officers' Class or Regular Class
357 employee and employer contributions for the period being
358 claimed, plus 4 percent interest compounded annually from the
359 first year of service claimed until July 1, 1975, and 6.5
360 percent interest compounded thereafter, until full payment is
361 made to the Florida Retirement System Trust Fund. The
362 contribution for postretirement Regular Class service between
363 July 1, 1985, and July 1, 1991, for which the reemployed retiree
364 contribution was paid, shall be the difference between such
365 contribution and the total applicable contribution for the
366 period being claimed, plus interest. The employer of such member
367 may pay the applicable employer contribution in lieu of the
368 member. If a member does not wish to claim credit for all of the
369 postretirement service for which he or she is eligible, the
370 service the member claims must be the most recent service.

371 4. Creditable service for which credit was received, or
372 which remained unclaimed, at retirement may not be claimed or
373 applied toward service credit earned following renewed
374 membership. However, service earned in accordance with the
375 renewed membership provisions in s. 121.122 may be used in
376 conjunction with creditable service earned under this paragraph,

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377 provided applicable vesting requirements and other existing
378 statutory conditions required by this chapter are met.

379 5. An elected officer who is elected or appointed to an
380 elective office and is participating in the Deferred Retirement
381 Option Program before July 1, 2009, is not subject to
382 termination as provided in s. 121.021(39)(b), or reemployment
383 limitations as provided in s. 121.091(9), until the end of his
384 or her current term of office or, if the officer is
385 consecutively elected or reelected to an elective office
386 eligible for coverage under the Florida Retirement System, until
387 he or she no longer holds such an elective office, as follows:

388 a. At the end of the 60-month DROP period:

389 (I) The officer's DROP account shall accrue no additional
390 monthly benefits, but shall continue to earn interest as
391 provided in s. 121.091(13).

392 (II) No retirement contributions shall be required of the
393 employer of the elected officer and no additional retirement
394 credit shall be earned under the Florida Retirement System.

395 b. Nothing herein shall prevent an elected officer from
396 voluntarily terminating his or her elective office at any time
397 and electing to receive his or her DROP proceeds. However, until
398 termination requirements are fulfilled as provided in s.
399 121.021(39), any elected officer whose termination limitations
400 are extended by this section shall be ineligible for renewed
401 membership in the system and shall receive no pension payments,
402 DROP lump sum payments, or any other state payment other than
403 the statutorily determined salary, travel, and per diem for the
404 elective office.

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405 c. Upon termination, the officer shall receive his or her
406 accumulated DROP account, plus interest, and shall accrue and
407 commence receiving monthly retirement benefits, which shall be
408 paid on a prospective basis only.

409
410 However, an officer electing to participate in the Deferred
411 Retirement Option Program on or before June 30, 2002, shall not
412 be required to terminate and shall remain subject to the
413 provisions of this subparagraph as adopted in section 1 of
414 chapter 2001-235, Laws of Florida.

415 (2) Upon attaining his or her normal retirement date and
416 payment of the amount specified in paragraphs (1)(b) and (c)
417 ~~(1)(a) and (b)~~, and upon application to the administrator of the
418 intent to retire, the member shall receive a monthly benefit
419 under this section, in addition to any benefits already being
420 received, which shall commence on the last day of the month of
421 retirement and be payable on the last day of the month
422 thereafter during his or her lifetime. The amount of such
423 monthly benefit shall be the total percentage of retirement
424 credit purchased under this section multiplied by the member's
425 average monthly compensation as an elected officer, adjusted
426 according to the option selected at retirement under s.
427 121.091(6).

428 Section 6. Paragraph (f) of subsection (1) and paragraph
429 (c) of subsection (6) of section 121.055, Florida Statutes, are
430 amended to read:

431 121.055 Senior Management Service Class.--There is hereby
432 established a separate class of membership within the Florida
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433 Retirement System to be known as the "Senior Management Service
434 Class," which shall become effective February 1, 1987.

435 (1)

436 (f) Effective July 1, 1997:

437 1. Except as provided in subparagraph 3., any elected
438 state officer eligible for membership in the Elected Officers'
439 Class under s. 121.052(2)(a), (b), or (c) who elects membership
440 in the Senior Management Service Class under s. 121.052(3)(c)
441 may, within 6 months after assuming office or within 6 months
442 after this act becomes a law for serving elected state officers,
443 elect to participate in the Senior Management Service Optional
444 Annuity Program, as provided in subsection (6), in lieu of
445 membership in the Senior Management Service Class.

446 2. Except as provided in subparagraph 3., any elected
447 county officer eligible for membership in the Elected Officers'
448 Class under s. 121.052(2)(d) who elects membership in the Senior
449 Management Service Class under s. 121.052(3)(c) may, within 6
450 months after assuming office, or within 6 months after this act
451 becomes a law for serving elected county officers, elect to
452 withdraw from the Florida Retirement System ~~participate in a~~
453 ~~lifetime monthly annuity program,~~ as provided in subparagraph
454 (b)2., in lieu of membership in the Senior Management Service
455 Class.

456 3. Any retiree of a state-administered retirement system
457 who is initially reemployed on or after July 1, 2009, as an
458 elected official eligible for Elected Officers' Class membership
459 shall not be eligible for renewed membership in the Senior
460 Management Service Optional Annuity Program as provided in

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461 subsection (6) or to withdraw from the Florida Retirement System
462 as a renewed member as provided in subparagraph (b)2., as
463 applicable, in lieu of Senior Management Service Class
464 membership.

465 (6)

466 (c) Participation.--

467 1. Any eligible employee who is employed on or before
468 February 1, 1987, may elect to participate in the optional
469 annuity program in lieu of participation in the Senior
470 Management Service Class. Such election shall be made in writing
471 and filed with the department and the personnel officer of the
472 employer on or before May 1, 1987. Any eligible employee who is
473 employed on or before February 1, 1987, and who fails to make an
474 election to participate in the optional annuity program by May
475 1, 1987, shall be deemed to have elected membership in the
476 Senior Management Service Class.

477 2. Except as provided in subparagraph 6., any employee who
478 becomes eligible to participate in the optional annuity program
479 by reason of initial employment commencing after February 1,
480 1987, may, within 90 days after the date of commencement of
481 employment, elect to participate in the optional annuity
482 program. Such election shall be made in writing and filed with
483 the personnel officer of the employer. Any eligible employee who
484 does not within 90 days after commencement of such employment
485 elect to participate in the optional annuity program shall be
486 deemed to have elected membership in the Senior Management
487 Service Class.

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488 3. A person who is appointed to a position in the Senior
489 Management Service Class and who is a member of an existing
490 retirement system or the Special Risk or Special Risk
491 Administrative Support Classes of the Florida Retirement System
492 may elect to remain in such system or class in lieu of
493 participation in the Senior Management Service Class or optional
494 annuity program. Such election shall be made in writing and
495 filed with the department and the personnel officer of the
496 employer within 90 days of such appointment. Any eligible
497 employee who fails to make an election to participate in the
498 existing system, the Special Risk Class of the Florida
499 Retirement System, the Special Risk Administrative Support Class
500 of the Florida Retirement System, or the optional annuity
501 program shall be deemed to have elected membership in the Senior
502 Management Service Class.

503 4. Except as provided in subparagraph 5., an employee's
504 election to participate in the optional annuity program is
505 irrevocable as long as such employee continues to be employed in
506 an eligible position and continues to meet the eligibility
507 requirements set forth in this paragraph.

508 5. Effective from July 1, 2002, through September 30,
509 2002, any active employee in a regularly established position
510 who has elected to participate in the Senior Management Service
511 Optional Annuity Program has one opportunity to choose to move
512 from the Senior Management Service Optional Annuity Program to
513 the Florida Retirement System defined benefit program.

514 a. The election must be made in writing and must be filed
515 with the department and the personnel officer of the employer

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516 before October 1, 2002, or, in the case of an active employee
517 who is on a leave of absence on July 1, 2002, within 90 days
518 after the conclusion of the leave of absence. This election is
519 irrevocable.

520 b. The employee will receive service credit under the
521 defined benefit program of the Florida Retirement System equal
522 to his or her years of service under the Senior Management
523 Service Optional Annuity Program. The cost for such credit shall
524 be an amount representing the present value of that employee's
525 accumulated benefit obligation for the affected period of
526 service.

527 c. The employee must transfer the total accumulated
528 employer contributions and earnings on deposit in his or her
529 Senior Management Service Optional Annuity Program account. If
530 the transferred amount is not sufficient to pay the amount due,
531 the employee must pay a sum representing the remainder of the
532 amount due. In no case may the employee retain any employer
533 contributions or earnings thereon from the Senior Management
534 Service Optional Annuity Program account.

535 6. Any retiree of a state-administered retirement system
536 who is initially reemployed on or after July 1, 2009, shall not
537 be eligible for renewed membership in the Senior Management
538 Service Optional Annuity Program.

539 Section 7. Paragraph (a) of subsection (6) of section
540 121.071, Florida Statutes, is amended to read:

541 121.071 Contributions.--Contributions to the system shall
542 be made as follows:

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543 (6) (a) Required employee contributions for all service
544 other than current service, including, but not limited to, prior
545 service, past service, military service, leave-of-absence
546 service, out-of-state service, and certain non-Florida
547 Retirement System in-state service, shall be paid by cash,
548 personal check, cashier's check, ~~or~~ money order, or a direct
549 rollover or transfer from a qualified plan as provided under the
550 Internal Revenue Code. The payment must ~~only, shall~~ be
551 accompanied by a statement identifying the service for which
552 payment is made, + and shall be made in a lump sum for the total
553 amount due or in annual payments of not less than \$100, except
554 for the final payment if less than \$100, unless another method
555 of payment is authorized by law or rule.

556 Section 8. Paragraphs (f) and (h) of subsection (1) of
557 section 121.081, Florida Statutes, are amended to read:

558 121.081 Past service; prior service;
559 contributions.--Conditions under which past service or prior
560 service may be claimed and credited are:

561 (1)

562 (f) If ~~When~~ any person, ~~either prior to this act or~~
563 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~
564 in one of the retirement systems under ~~consolidated within or~~
565 ~~created by~~ this chapter through the consolidation or merger of
566 governments or the transfer of functions between units of
567 government, ~~either~~ at the state or local level or between state
568 and local units, or through the assumption of functions or
569 activities by a state or local unit from an employing
570 governmental entity that ~~which~~ was not an employer under the

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571 system, and such person becomes a member of the Florida
572 Retirement System, such person is ~~shall be~~ entitled to receive
573 past-service credit ~~as defined in s. 121.021(18)~~ for the time
574 the ~~such~~ person performed services for, and was an employee of,
575 such state or local unit or other governmental employing entity
576 prior to the transfer, merger, consolidation, or assumption of
577 functions and activities. Past-service credit allowed by this
578 paragraph is ~~shall~~ also be available to any person who becomes a
579 member of an existing system, ~~as defined in s. 121.021(2)~~, prior
580 to December 1, 1970, through the transfer, merger,
581 consolidation, or assumption of functions and activities set
582 forth in this paragraph and who subsequently becomes a member of
583 the Florida Retirement System. However, credit for the past
584 service may not be granted until contributions are made in the
585 manner provided in this subsection. If a person rejected Florida
586 Retirement System membership at the time of the transfer,
587 merger, ~~or~~ consolidation, or assumption the required
588 contributions shall be at total actuarial cost as specified in
589 paragraph (e). Such contributions or accrued interest may not be
590 paid from any public ~~state~~ funds.

591 (h) The following provisions apply to the purchase of past
592 service:

593 1. Notwithstanding any of the provisions of this
594 subsection, past-service credit may not be purchased under this
595 chapter for any service that is used to obtain a pension or
596 benefit from a ~~any~~ local retirement system. Eligibility to
597 receive or the receipt of contributions to a retirement plan

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598 made by the employer on behalf of the employee is considered a
599 benefit.

600 2. A member may not receive past service credit under
601 paragraphs (a), (b), (e), or (f) for any leaves of absence
602 without pay, except that credit for active military service
603 leaves of absence may be claimed under paragraphs (a), (b), and
604 (f), in accordance with s. 121.111(1).

605 3. A member may not receive past service credit for co-
606 employer service. Co-employer service or a co-employer
607 relationship is employment in a single position simultaneously
608 covered and reported by both a public employer and a private
609 employer.

610 ~~4.3.~~ If a member does not want ~~desire~~ to receive credit
611 for all of his or her past service, the period the member claims
612 must be the most recent past service prior to his or her
613 participation in the Florida Retirement System.

614 ~~5.4.~~ The cost of past service purchased by an employing
615 agency for its employees may be amortized over the ~~such~~ period
616 of time ~~as is~~ provided in the agreement, but not to exceed 15
617 years, calculated in accordance with rule 60S-1.007(5)(f),
618 Florida Administrative Code.

619 ~~6.5.~~ The retirement account of each member for whom past
620 service is being provided by his or her employer shall be
621 credited with all past service the employer agrees to purchase
622 as soon as the agreement between the employer and the department
623 is executed. ~~Pursuant thereto:~~

624 a. Each ~~such~~ member's account shall also be posted with
625 the total contribution his or her employer agrees to make on ~~in~~

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626 the member's behalf for past service earned prior to October 1,
627 1975, excluding those contributions representing the employer's
628 matching share and the compound interest calculation on the
629 total contribution. However, a portion of any contributions paid
630 by an employer for past service credit earned on and after
631 October 1, 1975, may not be posted to the a member's account.

632 b. A refund of contributions payable after an employer has
633 made a written agreement to purchase past service for employees
634 of the covered group includes ~~shall include~~ contributions for
635 past service which are posted to a member's account. However,
636 contributions for past service earned on and after October 1,
637 1975, are not refundable.

638 Section 9. Section 121.091, Florida Statutes, is amended
639 to read:

640 121.091 Benefits payable under the system.--Benefits may
641 not be paid under this section until the month after the member
642 has separated from employment as verified by the employer unless
643 ~~the member has terminated employment as provided in s.~~
644 ~~121.021(39)(a)~~ or begun participation in the Deferred Retirement
645 Option Program as provided in subsection (13), and a proper
646 application has been filed in the manner prescribed by the
647 department. The department may cancel an application for
648 retirement benefits when the member or beneficiary fails to
649 timely provide the information and documents required by this
650 chapter and the department's rules. The department shall adopt
651 rules establishing procedures for application for retirement
652 benefits and for the cancellation of such application when the
653 required information or documents are not received. Benefits may

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654 be paid after separation from employment and during the months
655 required to meet the definition of termination. The application
656 will be voided and all benefits received must be repaid to the
657 Florida Retirement System Trust Fund if the member fails to meet
658 the termination requirement of s. 121.021(39).

659 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or her
660 normal retirement date, the member, upon application to the
661 administrator, shall receive a monthly benefit which shall begin
662 to accrue on the first day of the month of retirement and be
663 payable on the last day of that month and each month thereafter
664 during his or her lifetime. The normal retirement benefit,
665 including any past or additional retirement credit, may not
666 exceed 100 percent of the average final compensation. The amount
667 of monthly benefit shall be calculated as the product of A and
668 B, subject to the adjustment of C, if applicable, as set forth
669 below:

670 (a)1. For creditable years of Regular Class service, A is
671 1.60 percent of the member's average final compensation, up to
672 the member's normal retirement date. Upon completion of the
673 first year after the normal retirement date, A is 1.63 percent
674 of the member's average final compensation. Following the second
675 year after the normal retirement date, A is 1.65 percent of the
676 member's average final compensation. Following the third year
677 after the normal retirement date, and for subsequent years, A is
678 1.68 percent of the member's average final compensation.

679 2. For creditable years of special risk service, A is:

680 a. Two percent of the member's average final compensation
681 for all creditable years prior to October 1, 1974;

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- 682 b. Three percent of the member's average final
683 compensation for all creditable years after September 30, 1974,
684 and before October 1, 1978;
- 685 c. Two percent of the member's average final compensation
686 for all creditable years after September 30, 1978, and before
687 January 1, 1989;
- 688 d. Two and two-tenths percent of the member's final
689 monthly compensation for all creditable years after December 31,
690 1988, and before January 1, 1990;
- 691 e. Two and four-tenths percent of the member's average
692 final compensation for all creditable years after December 31,
693 1989, and before January 1, 1991;
- 694 f. Two and six-tenths percent of the member's average
695 final compensation for all creditable years after December 31,
696 1990, and before January 1, 1992;
- 697 g. Two and eight-tenths percent of the member's average
698 final compensation for all creditable years after December 31,
699 1991, and before January 1, 1993;
- 700 h. Three percent of the member's average final
701 compensation for all creditable years after December 31, 1992;
702 and
- 703 i. Three percent of the member's average final
704 compensation for all creditable years of service after September
705 30, 1978, and before January 1, 1993, for any special risk
706 member who retires after July 1, 2000, or any member of the
707 Special Risk Administrative Support Class entitled to retain the
708 special risk normal retirement date who was a member of the

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709 Special Risk Class during the time period and who retires after
710 July 1, 2000.

711 3. For creditable years of Senior Management Service Class
712 service after January 31, 1987, A is 2 percent;

713 4. For creditable years of Elected Officers' Class service
714 as a Supreme Court Justice, district court of appeal judge,
715 circuit judge, or county court judge, A is $31/3$ percent of the
716 member's average final compensation, and for all other
717 creditable service in such class, A is 3 percent of average
718 final compensation;

719 (b) B is the number of the member's years and any
720 fractional part of a year of creditable service earned
721 subsequent to November 30, 1970; and

722 (c) C is the normal retirement benefit credit brought
723 forward as of November 30, 1970, by a former member of an
724 existing system. Such normal retirement benefit credit shall be
725 determined as the product of X and Y when X is the percentage of
726 average final compensation which the member would have been
727 eligible to receive if the member had attained his or her normal
728 retirement date as of November 30, 1970, all in accordance with
729 the existing system under which the member is covered on
730 November 30, 1970, and Y is average final compensation as
731 defined in s. 121.021(25). However, any member of an existing
732 retirement system who is eligible to retire and who does retire,
733 become disabled, or die prior to April 15, 1971, may have his or
734 her retirement benefits calculated on the basis of the best 5 of
735 the last 10 years of service.

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736 (d) A member's average final compensation shall be
737 determined by formula to obtain the coverage for the 5 highest
738 fiscal years' salaries, calculated as provided by rule.

739 (2) BENEFITS PAYABLE FOR DUAL NORMAL RETIREMENT AGES.--If
740 a member accumulates retirement benefits to commence at
741 different normal retirement ages by virtue of having performed
742 duties for an employer which would entitle him or her to
743 benefits as both a member of the Special Risk Class and a member
744 of either the Regular Class, Senior Management Service Class, or
745 Elected Officers' Class, the amount of benefits payable shall be
746 computed separately with respect to each such age and the sum of
747 such computed amounts shall be paid as provided in this section.

748 (3) EARLY RETIREMENT BENEFIT.--Upon retirement on his or
749 her early retirement date, the member shall receive an immediate
750 monthly benefit that shall begin to accrue on the first day of
751 the month of the retirement date and be payable on the last day
752 of that month and each month thereafter during his or her
753 lifetime. Such benefit shall be calculated as follows:

754 (a) The amount of each monthly payment shall be computed
755 in the same manner as for a normal retirement benefit, in
756 accordance with subsection (1), but shall be based on the
757 member's average monthly compensation and creditable service as
758 of the member's early retirement date. The benefit so computed
759 shall be reduced by five-twelfths of 1 percent for each complete
760 month by which the early retirement date precedes the normal
761 retirement date of age 62 for a member of the Regular Class,
762 Senior Management Service Class, or the Elected Officers' Class,
763 and age 55 for a member of the Special Risk Class, or age 52 if

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764 a Special Risk member has completed 25 years of creditable
765 service in accordance with s. 121.021(29)(b)3.

766 (b) If the employment of a member is terminated by reason
767 of death subsequent to the completion of 20 years of creditable
768 service, the monthly benefit payable to the member's beneficiary
769 shall be calculated in accordance with subsection (1), but shall
770 be based on average monthly compensation and creditable service
771 as of the date of death. The benefit so computed shall be
772 reduced by five-twelfths of 1 percent for each complete month by
773 which death precedes the normal retirement date specified above
774 or the date on which the member would have attained 30 years of
775 creditable service had he or she survived and continued his or
776 her employment, whichever provides a higher benefit.

777 (4) DISABILITY RETIREMENT BENEFIT.--

778 (a) Disability retirement; entitlement and effective
779 date.--

780 1.a. A member who becomes totally and permanently
781 disabled, as defined in paragraph (b), after completing 5 years
782 of creditable service, or a member who becomes totally and
783 permanently disabled in the line of duty regardless of service,
784 shall be entitled to a monthly disability benefit; except that
785 any member with less than 5 years of creditable service on July
786 1, 1980, or any person who becomes a member of the Florida
787 Retirement System on or after such date must have completed 10
788 years of creditable service prior to becoming totally and
789 permanently disabled in order to receive disability retirement
790 benefits for any disability which occurs other than in the line
791 of duty. However, if a member employed on July 1, 1980, with

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792 less than 5 years of creditable service as of that date, becomes
793 totally and permanently disabled after completing 5 years of
794 creditable service and is found not to have attained fully
795 insured status for benefits under the federal Social Security
796 Act, such member shall be entitled to a monthly disability
797 benefit.

798 b. Effective July 1, 2001, a member of the defined benefit
799 retirement program who becomes totally and permanently disabled,
800 as defined in paragraph (b), after completing 8 years of
801 creditable service, or a member who becomes totally and
802 permanently disabled in the line of duty regardless of service,
803 shall be entitled to a monthly disability benefit.

804 2. If the division has received from the employer the
805 required documentation of the member's termination of
806 employment, the effective retirement date for a member who
807 applies and is approved for disability retirement shall be
808 established by rule of the division.

809 3. For a member who is receiving Workers' Compensation
810 payments, the effective disability retirement date may not
811 precede the date the member reaches Maximum Medical Improvement
812 (MMI), unless the member terminates employment prior to reaching
813 MMI.

814 (b) Total and permanent disability.--A member shall be
815 considered totally and permanently disabled if, in the opinion
816 of the administrator, he or she is prevented, by reason of a
817 medically determinable physical or mental impairment, from
818 rendering useful and efficient service as an officer or
819 employee.

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

824 1. Such proof shall include the certification of the
825 member's total and permanent disability by two licensed
826 physicians of the state and such other evidence of disability as
827 the administrator may require, including reports from vocational
828 rehabilitation, evaluation, or testing specialists who have
829 evaluated the applicant for employment. A member whose position
830 with an employer requires that the member work full time outside
831 this state in the United States may include certification by two
832 licensed physicians of the state where the member works.

833 2. It must be documented that:

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

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

839 c. The member has not been employed with any other
840 employer after such termination.

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

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

850 (d) Election on appeal.--A member whose application for
851 regular disability retirement has been denied and who has filed
852 an appeal to the State Retirement Commission may, if eligible,
853 elect to receive normal or early service retirement benefits
854 while he or she is awaiting the decision on the appeal. However:

855 1. If the member elects to receive service retirement
856 benefits and disability benefits are later approved as a result
857 of the appeal, the payment option chosen by the member may not
858 be changed.

859 2. If the member elects to receive early service
860 retirement and the appeal is later denied, the member may not
861 change his or her election of early retirement.

862
863 Before such regular or early retirement benefits may be paid by
864 the division, the member must provide to the division a written
865 statement indicating that the member understands that such
866 changes are not permitted after he or she begins receiving the
867 benefits.

868 (e) Disability retirement benefit.--Upon the retirement of
869 a member on his or her disability retirement date, the member
870 shall receive a monthly benefit that shall begin to accrue on
871 the first day of the month of disability retirement and shall be
872 payable on the last day of that month and each month thereafter
873 during his or her lifetime and continued disability.

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874 (f) Computation of disability retirement benefit.--The
875 amount of each monthly payment shall be computed in the same
876 manner as for a normal retirement benefit, in accordance with
877 subsection (1), but shall be based on disability option
878 actuarial equivalency tables and the average monthly
879 compensation and creditable service of the member as of the
880 disability retirement date, subject to the following conditions:

881 1. If the member's disability occurred in the line of
882 duty, the monthly Option 1 benefit shall not be less than:

883 a. Forty-two percent of average monthly compensation as of
884 the disability retirement date; or

885 b. Sixty-five percent of the average monthly compensation
886 as of the disability retirement date for a member of the special
887 risk class who retires on or after July 1, 2000; or

888 2. If the member's disability occurred other than in the
889 line of duty, the monthly Option 1 benefit shall not be less
890 than 25 percent of average monthly compensation as of the
891 disability retirement date.

892 (g) Reapplication.--A member, whose initial application
893 for disability retirement has been denied, may reapply for
894 disability benefits. However, such member's reapplication will
895 be considered only if the member presents new medical evidence
896 of a medical condition that existed prior to the member's
897 termination of employment. The division may prescribe by rule
898 procedures for reapplication and for review and approval or
899 disapproval of reapplication.

900 (h) Recovery from disability.--The administrator may
901 require periodic reexaminations at the expense of the retirement

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902 fund. The division may adopt rules establishing procedures for
903 conducting and review of such reexaminations.

904 1. If the administrator finds that a member who is
905 receiving disability benefits is, at any time prior to his or
906 her normal retirement date, no longer disabled, the
907 administrator shall direct that the benefits be discontinued.
908 The decision of the administrator on this question shall be
909 final and binding. If such member:

910 a. Does not reenter the employ of an employer and was not
911 vested as of the disability retirement date, he or she shall be
912 entitled to the excess, if any, of his or her accumulated
913 contributions over the total disability benefits received up to
914 the date of recovery.

915 b. Does not reenter the employ of an employer, but was
916 vested as of the disability retirement date, he or she may elect
917 to receive:

918 (I) The excess, if any, of his or her accumulated
919 contributions over the total disability benefits received up to
920 the date of recovery; or

921 (II) A deferred benefit commencing on the last day of the
922 month of the normal retirement date which shall be payable on
923 the last day of the month thereafter during his or her lifetime.
924 The amount of such monthly benefit shall be computed in the same
925 manner as for a normal retirement benefit, in accordance with
926 subsection (1), but shall be based on average monthly
927 compensation and creditable service as of the member's
928 disability retirement date.

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929 c. Reenters employment of an employer within 6 months
930 after recovery, the member's service will be deemed to have been
931 continuous, but the period beginning with the first month for
932 which he or she received a disability benefit payment and ending
933 with the date he or she reentered employment will not be
934 considered as creditable service for the purpose of computing
935 benefits except as provided in sub-subparagraph d. As used in
936 this section, the term "accumulated contributions" for such
937 member means the excess of the member's accumulated
938 contributions as of the disability retirement date over the
939 total disability benefits received under paragraph (e).

940 d. Terminates his or her disability benefit, reenters
941 covered employment, and is continuously employed for a minimum
942 of 1 year of creditable service, he or she may claim as
943 creditable service the months during which he or she was
944 receiving a disability benefit, upon payment of the required
945 contributions. Contributions shall equal the total required
946 employee and employer contribution rate applicable during the
947 period the retiree received retirement benefits, multiplied
948 times his or her rate of monthly compensation prior to the
949 commencement of disability retirement for each month of the
950 period claimed, plus 4 percent interest until July 1, 1975, and
951 6.5 percent interest thereafter, compounded annually each June
952 30 to the date of payment. If the member does not claim credit
953 for all of the months he or she received disability benefits,
954 the months claimed must be the most recent months of retirement.
955 Such credit for periods of disability, when purchased under the
956 Florida Retirement System, shall apply toward vesting

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957 requirements for eligibility to purchase additional credit for
958 other service.

959 2. Both the member receiving disability benefits who
960 reenters employment and the employer employing such disability
961 retiree shall notify the division immediately upon reemployment,
962 and the division shall terminate such member's disability
963 benefits, effective the first day of the month following the
964 month in which notification of recovery is received. If the
965 member is reemployed with a Florida Retirement System employer
966 at the time of benefit termination, and he or she has received
967 disability retirement benefit and salary payments concurrently
968 prior to notifying the division, he or she may elect within 30
969 days to:

970 a. Retain the retirement benefits received prior to
971 termination of disability benefits and begin receiving
972 retirement service credit effective upon the date of termination
973 of benefits; or

974 b. Repay, within 12 months after his or her decision to
975 receive service credit, the retirement benefits received for
976 each month of reemployment prior to termination of disability
977 benefits and begin receiving retirement service credit effective
978 upon the date of reemployment. Any such unpaid benefits shall
979 have compound interest of 6.5 percent added June 30.

980

981 A member may not receive both retirement service credit for
982 employment and retirement benefits for the same month.

983 3. If, after recovery of disability and reentry into
984 covered employment, the member again becomes disabled and is

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985 again approved for disability retirement, the Option 1 monthly
986 retirement benefit shall not be less than the Option 1 monthly
987 benefit calculated at the time of the previous disability, plus
988 any cost of living increases up to the time the disability
989 benefit was terminated upon his or her reentry into covered
990 employment.

991 (i) Nonadmissible causes of disability.--A member shall
992 not be entitled to receive any disability retirement benefit if
993 the disability is a result of any of the following:

994 1. Injury or disease sustained by the member while
995 willfully participating in a riot, civil insurrection, or other
996 act of violence or while committing a felony;

997 2. Injury or disease sustained by the member after his or
998 her employment has terminated; or

999 3. Intentional, self-inflicted injury.

1000 (j) Disability retirement of justice or judge by order of
1001 Supreme Court.--

1002 1. If a member is a justice of the Supreme Court, judge of
1003 a district court of appeal, circuit judge, or judge of a county
1004 court who has served for 6 years or more as an elected
1005 constitutional judicial officer, including service as a judicial
1006 officer in any court abolished pursuant to Art. V of the State
1007 Constitution, and who is retired for disability by order of the
1008 Supreme Court upon recommendation of the Judicial Qualifications
1009 Commission pursuant to the provisions of Art. V of the State
1010 Constitution, the member's Option 1 monthly benefit as provided
1011 in subparagraph (6)(a)1. shall not be less than two-thirds of
1012 his or her monthly compensation as of the member's disability

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1013 retirement date. Such a member may alternatively elect to
1014 receive a disability retirement benefit under any other option
1015 as provided in paragraph (6) (a).

1016 2. Should any justice or judge who is a member of the
1017 Florida Retirement System be retired for disability by order of
1018 the Supreme Court upon recommendation of the Judicial
1019 Qualifications Commission pursuant to the provisions of Art. V
1020 of the State Constitution, then all contributions to his or her
1021 account and all contributions made on his or her behalf by the
1022 employer shall be transferred to and deposited in the General
1023 Revenue Fund of the state, and there is hereby appropriated
1024 annually out of the General Revenue Fund, to be paid into the
1025 Florida Retirement System Fund, an amount necessary to pay the
1026 benefits of all justices and judges retired from the Florida
1027 Retirement System pursuant to Art. V of the State Constitution.

1028 (5) TERMINATION BENEFITS.--A member whose employment is
1029 terminated prior to retirement retains membership rights to
1030 previously earned member-noncontributory service credit, and to
1031 member-contributory service credit, if the member leaves the
1032 member contributions on deposit in his or her retirement
1033 account. If a terminated member receives a refund of member
1034 contributions, such member may reinstate membership rights to
1035 the previously earned service credit represented by the refund
1036 by completing 1 year of creditable service and repaying the
1037 refunded member contributions, plus interest.

1038 (a) A member whose employment is terminated for any reason
1039 other than death or retirement prior to becoming vested is

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1040 entitled to the return of his or her accumulated contributions
1041 as of the date of termination.

1042 (b) A member whose employment is terminated for any reason
1043 other than death or retirement after becoming vested may elect
1044 to receive a deferred monthly benefit which shall begin to
1045 accrue on the first day of the month of normal or early
1046 retirement and shall be payable on the last day of that month
1047 and each month thereafter during his or her lifetime. The amount
1048 of monthly benefit shall be computed in the same manner as for a
1049 normal retirement benefit in accordance with subsection (1) or
1050 early retirement benefit in accordance with s. 121.021(30), but
1051 based on average monthly compensation and creditable service as
1052 of the date of termination.

1053 (c) In lieu of the deferred monthly benefit provided in
1054 paragraph (b), the terminated member may elect to receive a
1055 lump-sum amount equal to his or her accumulated contributions as
1056 of the date of termination.

1057 (d) If any retired member dies without having received in
1058 benefit payments an amount equal to his or her accumulated
1059 contributions, there shall be payable to his or her designated
1060 beneficiary an amount equal to the excess, if any, of the
1061 member's accumulated contributions over the total monthly
1062 payments made to the member prior to the date of death.

1063 (e) A member shall be deemed a terminated member when
1064 termination of employment has occurred as provided in s.
1065 121.021(39).

1066 (f) Any member who has been found guilty by a verdict of a
1067 jury, or by the court trying the case without a jury, of

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1068 committing, aiding, or abetting any embezzlement or theft from
1069 his or her employer, bribery in connection with the employment,
1070 or other felony specified in chapter 838, except ss. 838.15 and
1071 838.16, committed prior to retirement, or who has entered a plea
1072 of guilty or of nolo contendere to such crime, or any member
1073 whose employment is terminated by reason of the member's
1074 admitted commitment, aiding, or abetting of an embezzlement or
1075 theft from his or her employer, bribery, or other felony
1076 specified in chapter 838, except ss. 838.15 and 838.16, shall
1077 forfeit all rights and benefits under this chapter, except the
1078 return of his or her accumulated contributions as of the date of
1079 termination.

1080 (g) Any elected official who is convicted by the Senate of
1081 an impeachable offense shall forfeit all rights and benefits
1082 under this chapter, except the return of his or her accumulated
1083 contributions as of the date of the conviction.

1084 (h) Any member who, prior to retirement, is adjudged by a
1085 court of competent jurisdiction to have violated any state law
1086 against strikes by public employees, or who has been found
1087 guilty by such court of violating any state law prohibiting
1088 strikes by public employees, shall forfeit all rights and
1089 benefits under this chapter, except the return of his or her
1090 accumulated contributions as of the date of the conviction.

1091 (i) Any beneficiary who by a verdict of a jury or by the
1092 court trying the case without a jury is found guilty, or who has
1093 entered a plea of guilty or nolo contendere, of unlawfully and
1094 intentionally killing or procuring the death of the member
1095 forfeits all rights to the deceased member's benefits under this

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1096 chapter, and the benefits will be paid as if such beneficiary
1097 had predeceased the decedent.

1098 (j) Benefits shall not be paid by the division pending
1099 final resolution of such charges against a member or beneficiary
1100 if the resolution of such charges could require the forfeiture
1101 of benefits as provided in paragraph (f), paragraph (g),
1102 paragraph (h), or paragraph (i).

1103 (6) OPTIONAL FORMS OF RETIREMENT BENEFITS AND DISABILITY
1104 RETIREMENT BENEFITS.--

1105 (a) Prior to the receipt of the first monthly retirement
1106 payment, a member shall elect to receive the retirement benefits
1107 to which he or she is entitled under subsection (1), subsection
1108 (2), subsection (3), or subsection (4) in accordance with one of
1109 the following options:

1110 1. The maximum retirement benefit payable to the member
1111 during his or her lifetime.

1112 2. A decreased retirement benefit payable to the member
1113 during his or her lifetime and, in the event of his or her death
1114 within a period of 10 years after retirement, the same monthly
1115 amount payable for the balance of such 10-year period to his or
1116 her beneficiary or, in case the beneficiary is deceased, in
1117 accordance with subsection (8) as though no beneficiary had been
1118 named.

1119 3. A decreased retirement benefit payable during the joint
1120 lifetime of both the member and his or her joint annuitant and
1121 which, after the death of either, shall continue during the
1122 lifetime of the survivor in the same amount, subject to the
1123 provisions of subsection (12).

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1124 4. A decreased retirement benefit payable during the joint
1125 lifetime of the member and his or her joint annuitant and which,
1126 after the death of either, shall continue during the lifetime of
1127 the survivor in an amount equal to $66\frac{2}{3}$ percent of the amount
1128 that was payable during the joint lifetime of the member and his
1129 or her joint annuitant, subject to the provisions of subsection
1130 (12).

1131
1132 The spouse of any member who elects to receive the benefit
1133 provided under subparagraph 1. or subparagraph 2. shall be
1134 notified of and shall acknowledge any such election. The
1135 division shall establish by rule a method for selecting the
1136 appropriate actuarial factor for optional forms of benefits
1137 selected under subparagraphs 3. and 4., based on the age of the
1138 member and the joint annuitant.

1139 (b) The benefit payable under any option stated above
1140 shall be the actuarial equivalent, based on tables adopted by
1141 the administrator for this purpose, of the amount to which the
1142 member was otherwise entitled.

1143 (c) A member who elects the option in subparagraph (a)2.
1144 shall, in accordance with subsection (8), designate one or more
1145 persons to receive the benefits payable in the event of his or
1146 her death. Such persons shall be the beneficiaries of the
1147 member. The member may also designate one or more contingent
1148 beneficiaries to receive any benefits remaining upon the death
1149 of the primary beneficiary.

1150 (d) A member who elects the option in subparagraph (a)3.
1151 or subparagraph (a)4. shall, on a form provided for that

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1152 purpose, designate a joint annuitant to receive the benefits
1153 which continue to be payable upon the death of the member. After
1154 benefits have commenced under the option in subparagraph (a)3.
1155 or subparagraph (a)4., the following shall apply:

1156 1. A retired member may change his or her designation of a
1157 joint annuitant only twice. If such a retired member desires to
1158 change his or her designation of a joint annuitant, he or she
1159 shall file with the division a notarized "change of joint
1160 annuitant" form and shall notify the former joint annuitant in
1161 writing of such change. Effective the first day of the next
1162 month following receipt by the division of a completed change of
1163 joint annuitant form, the division shall adjust the member's
1164 monthly benefit by the application of actuarial tables and
1165 calculations developed to ensure that the benefit paid is the
1166 actuarial equivalent of the present value of the member's
1167 current benefit. The consent of a retired member's first
1168 designated joint annuitant to any such change shall not be
1169 required. However, if either the member or the joint annuitant
1170 dies before the effective date of the request for change of
1171 joint annuitant, the requested change shall be void, and
1172 survivor benefits, if any, shall be paid as if no request had
1173 been made.

1174 2. In the event of the dissolution of marriage of a
1175 retired member and a joint annuitant, such member may make an
1176 election to nullify the joint annuitant designation of the
1177 former spouse, unless there is an existing qualified domestic
1178 relations order preventing such action. The member shall file
1179 with the division a written, notarized nullification which shall

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1180 be effective on the first day of the next month following
1181 receipt by the division. Benefits shall be paid as if the former
1182 spouse predeceased the member. A member who makes such an
1183 election may not reverse the nullification but may designate a
1184 new joint annuitant in accordance with subparagraph 1.

1185 (e) The election of an option shall be null and void if
1186 the member dies before the effective date of retirement.

1187 (f) A member who elects to receive benefits under the
1188 option in subparagraph (a)3. may designate one or more qualified
1189 persons, either a spouse or other dependent, as his or her joint
1190 annuitant to receive the benefits after the member's death in
1191 whatever proportion he or she so assigns to each person named as
1192 joint annuitant. The division shall adopt appropriate actuarial
1193 tables and calculations necessary to ensure that the benefit
1194 paid is the actuarial equivalent of the benefit to which the
1195 member is otherwise entitled under the option in subparagraph
1196 (a)1.

1197 (g) Upon the death of a retired member or beneficiary
1198 receiving monthly benefits under this chapter, the monthly
1199 benefits shall be paid through the last day of the month of
1200 death and shall terminate, or be adjusted, if applicable, as of
1201 that date in accordance with the optional form of benefit
1202 selected at the time of retirement.

1203 (h) The option selected or determined for payment of
1204 benefits as provided in this section shall be final and
1205 irrevocable at the time a benefit payment is cashed or deposited
1206 or credited to the Deferred Retirement Option Program as
1207 provided in subsection (13).

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1208 (7) DEATH BENEFITS.--

1209 (a) If the employment of a member is terminated by reason
1210 of his or her death prior to being vested, except as provided in
1211 paragraph (f), there shall be payable to his or her designated
1212 beneficiary the member's accumulated contributions.

1213 (b) If the employment of an active member who may or may
1214 not have applied for retirement is terminated by reason of his
1215 or her death subsequent to becoming vested and prior to his or
1216 her effective date of retirement, if established, it shall be
1217 assumed that the member retired as of the date of death in
1218 accordance with subsection (1) if eligible for normal retirement
1219 benefits, subsection (2) if eligible for benefits payable for
1220 dual normal retirement, or subsection (3) if eligible for early
1221 retirement benefits. Benefits payable to the designated
1222 beneficiary shall be as follows:

1223 1. For a beneficiary who qualifies as a joint annuitant,
1224 the optional form of payment provided in accordance with
1225 subparagraph (6)(a)3. shall be paid for the joint annuitant's
1226 lifetime.

1227 2. For a beneficiary who does not qualify as a joint
1228 annuitant, no continuing monthly benefit shall be paid and the
1229 beneficiary shall be entitled only to the return of the member's
1230 personal contributions. If there is no monetary interest in the
1231 member's retirement account for which such beneficiary is
1232 eligible, the beneficiary shall be the next named beneficiary
1233 or, if no other beneficiary is named, the beneficiary shall be
1234 the next eligible beneficiary according to subsection (8).

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1235 (c) If a retiring member dies on or after the effective
1236 date of retirement, but prior to a benefit payment being cashed
1237 or deposited, or credited to the Deferred Retirement Option
1238 Program, benefits shall be paid as follows:

1239 1. For a designated beneficiary who qualifies as a joint
1240 annuitant, benefits shall be paid in the optional form of
1241 payment provided in subparagraph (6)(a)3. for the joint
1242 annuitant's lifetime or, if the member chose the optional form
1243 of payment provided in subparagraph (6)(a)2., the joint
1244 annuitant may select the form provided in either subparagraph
1245 (6)(a)2. or subparagraph (6)(a)3.

1246 2. For a designated beneficiary who does not qualify as a
1247 joint annuitant, any benefits payable shall be paid as provided
1248 in the option selected by the member; or if the member has not
1249 selected an option, benefits shall be paid in the optional form
1250 of payment provided in subparagraph (6)(a)1.

1251 (d) Notwithstanding any other provision in this chapter to
1252 the contrary, with the exception of the Deferred Retirement
1253 Option Program, as provided in subsection (13):

1254 1. The surviving spouse of any member killed in the line
1255 of duty may receive a monthly pension equal to one-half of the
1256 monthly salary being received by the member at the time of death
1257 for the rest of the surviving spouse's lifetime or, if the
1258 member was vested, such surviving spouse may elect to receive a
1259 benefit as provided in paragraph (b). Benefits provided by this
1260 paragraph shall supersede any other distribution that may have
1261 been provided by the member's designation of beneficiary.

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1262 2. If the surviving spouse of a member killed in the line
1263 of duty dies, the monthly payments which would have been payable
1264 to such surviving spouse had such surviving spouse lived shall
1265 be paid for the use and benefit of such member's child or
1266 children under 18 years of age and unmarried until the 18th
1267 birthday of the member's youngest child.

1268 3. If a member killed in the line of duty leaves no
1269 surviving spouse but is survived by a child or children under 18
1270 years of age, the benefits provided by subparagraph 1., normally
1271 payable to a surviving spouse, shall be paid for the use and
1272 benefit of such member's child or children under 18 years of age
1273 and unmarried until the 18th birthday of the member's youngest
1274 child.

1275 4. The surviving spouse of a member whose benefit
1276 terminated because of remarriage shall have the benefit
1277 reinstated beginning July 1, 1993, at an amount that would have
1278 been payable had the benefit not been terminated.

1279 (e) The surviving spouse or other dependent of any member,
1280 except a member who participated in the Deferred Retirement
1281 Option Program, whose employment is terminated by death shall,
1282 upon application to the administrator, be permitted to pay the
1283 required contributions for any service performed by the member
1284 which could have been claimed by the member at the time of his
1285 or her death. Such service shall be added to the creditable
1286 service of the member and shall be used in the calculation of
1287 any benefits which may be payable to the surviving spouse or
1288 other surviving dependent.

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1289 (f) Notwithstanding any other provisions in this chapter
1290 to the contrary and upon application to the administrator, an
1291 eligible joint annuitant, of a member whose employment is
1292 terminated by death within 1 year of such member satisfying the
1293 service requirements for vesting and retirement eligibility,
1294 shall be permitted to purchase only the additional service
1295 credit necessary to vest and qualify for retirement benefits,
1296 not to exceed a total of 1 year of credit, by one or a
1297 combination of the following methods:

1298 1. Such eligible joint annuitant may use the deceased
1299 member's accumulated hours of annual, sick, and compensatory
1300 leave to purchase additional creditable service, on an hour by
1301 hour basis, provided that such deceased member's accumulated
1302 leave is sufficient to cover the additional months required. For
1303 each month of service credit needed prior to the final month,
1304 credit for the total number of work hours in that month must be
1305 purchased, using an equal number of the deceased member's
1306 accumulated leave hours. Service credit required for the final
1307 month in which the deceased member would have become vested
1308 shall be awarded upon the purchase of 1 hour of credit. Such
1309 eligible joint annuitant shall pay the contribution rate in
1310 effect for the period of time being claimed for the deceased
1311 member's class of membership, multiplied by such member's
1312 monthly salary at the time of death, plus 6.5 percent interest
1313 compounded annually. The accumulated leave payment used in the
1314 average final compensation shall not include that portion of the
1315 payment that represents any leave hours used in the purchase of
1316 such creditable service.

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1317 2. Such eligible joint annuitant may purchase additional
1318 months of creditable service for any periods of out-of-state
1319 service as provided in s. 121.1115, and in-state service as
1320 provided in s. 121.1122, that the deceased member would have
1321 been eligible to purchase prior to his or her death.

1322
1323 Service purchased under this paragraph shall be added to the
1324 creditable service of the member and used to vest for retirement
1325 eligibility, and shall be used in the calculation of any
1326 benefits which may be payable to the eligible joint annuitant.
1327 Any benefits paid in accordance with this paragraph shall only
1328 be made prospectively.

1329 (g) Notwithstanding any other provisions in this chapter
1330 to the contrary, if any member who is vested dies and the
1331 surviving spouse receives a refund of the accumulated
1332 contributions made to the retirement trust fund, such spouse may
1333 pay to the Division of Retirement an amount equal to the sum of
1334 the amount of the deceased member's accumulated contributions
1335 previously refunded plus interest at 4 percent compounded
1336 annually each June 30 from the date of refund until July 1,
1337 1975, and 6.5 percent interest compounded annually thereafter,
1338 until full payment is made, and receive the monthly retirement
1339 benefit as provided in paragraph (b).

1340 (h) The designated beneficiary who is the surviving spouse
1341 or other dependent of a member whose employment is terminated by
1342 death subsequent to becoming vested, but prior to actual
1343 retirement, may elect to receive a deferred monthly benefit as
1344 if the member had lived and had elected a deferred monthly

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1345 benefit, as provided in paragraph (5) (b), calculated on the
1346 basis of the average final compensation and creditable service
1347 of the member at his or her death and the age the member would
1348 have attained on the commencement date of the deferred benefit
1349 elected by the beneficiary, paid in accordance with option 3 of
1350 paragraph (6) (a).

1351 (8) DESIGNATION OF BENEFICIARIES.--

1352 (a) Each member may, on a form provided for that purpose,
1353 signed and filed with the division, designate a choice of one or
1354 more persons, named sequentially or jointly, as his or her
1355 beneficiary who shall receive the benefits, if any, which may be
1356 payable in the event of the member's death pursuant to the
1357 provisions of this chapter. If no beneficiary is named in the
1358 manner provided above, or if no beneficiary designated by the
1359 member survives the member, the beneficiary shall be the spouse
1360 of the deceased, if living. If the member's spouse is not alive
1361 at his or her death, the beneficiary shall be the living
1362 children of the member. If no children survive, the beneficiary
1363 shall be the member's father or mother, if living; otherwise,
1364 the beneficiary shall be the member's estate. The beneficiary
1365 most recently designated by a member on a form or letter filed
1366 with the division shall be the beneficiary entitled to any
1367 benefits payable at the time of the member's death, except that
1368 benefits shall be paid as provided in paragraph (7) (d) when
1369 death occurs in the line of duty. Notwithstanding any other
1370 provisions in this subsection to the contrary, for a member who
1371 dies prior to his or her effective date of retirement on or
1372 after January 1, 1999, the spouse at the time of death shall be

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1373 the member's beneficiary unless such member designates a
1374 different beneficiary as provided herein subsequent to the
1375 member's most recent marriage.

1376 (b) A designated beneficiary of a retirement account for
1377 whom there is a monetary interest may disclaim his or her
1378 monetary interest as provided in chapter 739 and in accordance
1379 with division rules governing such disclaimers. Such disclaimer
1380 must be filed within 24 months after the event that created the
1381 interest, that is, the death of the member or annuitant.

1382 (c) Notwithstanding the member's designation of benefits
1383 to be paid through a trust to a beneficiary that is a natural
1384 person as provided in s. 121.021(46), and notwithstanding the
1385 provisions of the trust, benefits shall be paid directly to the
1386 beneficiary if the person is no longer a minor or an
1387 incapacitated person as defined in s. 744.102.

1388 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

1389 (a) Any person who is retired under this chapter, except
1390 under the disability retirement provisions of subsection (4),
1391 may be employed by an employer that does not participate in a
1392 state-administered retirement system and may receive
1393 compensation from that employment without limiting or
1394 restricting in any way the retirement benefits payable to that
1395 person.

1396 (b)1. Any person who is retired under this chapter, except
1397 under the disability retirement provisions of subsection (4),
1398 may be reemployed by any private or public employer after
1399 retirement and receive retirement benefits and compensation from
1400 the his or her employer without limitation ~~any limitations~~,

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1401 except that the a person may not receive ~~both~~ a salary from
1402 reemployment with any agency participating in the Florida
1403 Retirement System and retirement benefits under this chapter for
1404 ~~a period of~~ 12 calendar months immediately after ~~subsequent to~~
1405 the calendar month that termination is met as defined in s.
1406 121.021(39), except as provided in sub-subparagraph b. date of
1407 ~~retirement.~~ However, a DROP participant may ~~shall~~ continue
1408 employment and receive a salary during the period of
1409 participation in DROP ~~the Deferred Retirement Option Program,~~ as
1410 provided in subsection (13).

1411 2. Any person to whom the limitation in subparagraph 1.
1412 applies who ~~violates such reemployment limitation and who is~~
1413 reemployed with any agency participating in the Florida
1414 Retirement System after he or she has been retired and met the
1415 definition of termination in s. 121.021(39), but before
1416 completion of the 12-month limitation period must ~~shall~~ give
1417 timely notice of this fact in writing to the employer and to the
1418 Division of Retirement and shall have his or her retirement
1419 benefits suspended while employed during ~~for~~ the balance of the
1420 12-month limitation period unless the person exceeds the 780-
1421 hour limitation in subparagraph 4. or subparagraph 5. Any person
1422 employed in violation of this paragraph and any employing agency
1423 that ~~which~~ knowingly employs or appoints such person without
1424 notifying the division ~~of Retirement~~ to suspend retirement
1425 benefits are ~~shall be~~ jointly and severally liable for
1426 ~~reimbursement to the retirement trust fund of~~ any benefits paid
1427 during the reemployment limitation period. To avoid liability,
1428 the ~~such~~ employing agency must ~~shall~~ have a written statement

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1429 from the retiree that he or she is not retired from a state-
1430 administered retirement system. Any retirement benefits received
1431 while reemployed during this reemployment limitation period must
1432 ~~shall~~ be repaid to the Florida Retirement System Trust Fund, and
1433 retirement benefits ~~shall~~ remain suspended until such repayment
1434 has been made. Benefits suspended beyond the reemployment
1435 limitation shall apply toward repayment of benefits received in
1436 violation of the reemployment limitation.

1437 3. A district school board may reemploy a retired member
1438 as a substitute or hourly teacher, education paraprofessional,
1439 transportation assistant, bus driver, or food service worker on
1440 a noncontractual basis after he or she has been retired and met
1441 the definition of termination for 1 calendar month, in
1442 accordance with s. 121.021(39). A district school board may
1443 reemploy a retired member as instructional personnel, as defined
1444 in s. 1012.01(2)(a), on an annual contractual basis after he or
1445 she has been retired for 1 calendar month, in accordance with s.
1446 121.021(39). Any other retired member who is reemployed before
1447 meeting the definition of termination voids within 1 calendar
1448 ~~month after retirement shall void~~ his or her application for
1449 retirement benefits. District school boards reemploying such
1450 teachers, education paraprofessionals, transportation
1451 assistants, bus drivers, or food service workers are subject to
1452 the retirement contribution required by subparagraph 9. 7.

1453 4. A community college board of trustees may reemploy a
1454 retired member as an adjunct instructor, ~~that is, an instructor~~
1455 ~~who is noncontractual and part-time~~, or as a participant in a
1456 phased retirement program within the Florida Community College

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1457 System, after he or she has been retired and met the definition
1458 of termination for 1 calendar month, in accordance with s.
1459 121.021(39). Any retired member who is reemployed before meeting
1460 the definition of termination voids within 1 calendar month
1461 ~~after retirement shall void~~ his or her application for
1462 retirement benefits. Boards of trustees reemploying such
1463 instructors are subject to the retirement contribution required
1464 in subparagraph 7. A retired member may be reemployed as an
1465 adjunct instructor for no more than 780 hours during the first
1466 12 calendar months after meeting the definition of termination
1467 ~~of retirement~~. Any retired member reemployed for more than 780
1468 hours during the 12-month limitation period must first 12 months
1469 ~~of retirement shall~~ give timely notice in writing to the
1470 employer and to the Division of Retirement of the date he or she
1471 will exceed the limitation. The division shall suspend his or
1472 her retirement benefits for the remainder of the 12-month
1473 limitation period first 12 months of retirement. Any person
1474 employed in violation of this subparagraph and any employing
1475 agency that ~~which~~ knowingly employs or appoints such person
1476 without notifying the division ~~of Retirement~~ to suspend
1477 retirement benefits are ~~shall be~~ jointly and severally liable
1478 for ~~reimbursement to the retirement trust fund of~~ any benefits
1479 paid during the reemployment limitation period. To avoid
1480 liability, the ~~such~~ employing agency must ~~shall~~ have a written
1481 statement from the retiree that he or she is not retired from a
1482 state-administered retirement system. Any retirement benefits
1483 received by a retired member while reemployed in excess of 780
1484 hours during the 12-month limitation period must first 12 months

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1485 ~~of retirement shall~~ be repaid to the Florida Retirement System
1486 Trust Fund, and retirement benefits ~~shall~~ remain suspended until
1487 repayment is made. Benefits suspended beyond the end of the 12-
1488 month limitation period ~~retired member's first 12 months of~~
1489 ~~retirement~~ shall apply toward repayment of benefits received in
1490 violation of the 780-hour reemployment limitation.

1491 5. The State University System may reemploy a retired
1492 member as an adjunct faculty member or as a participant in a
1493 phased retirement program within the State University System
1494 after the retired member has met the definition of termination
1495 ~~been retired for 1 calendar month,~~ in accordance with s.
1496 121.021(39). A ~~Any~~ retired member who is reemployed before
1497 meeting the definition of termination voids ~~within 1 calendar~~
1498 ~~month after retirement shall void~~ his or her application for
1499 retirement benefits. The State University System is subject to
1500 the retired contribution required in subparagraph 9. 7-, as
1501 appropriate. A retired member may be reemployed as an adjunct
1502 faculty member or a participant in a phased retirement program
1503 for no more than 780 hours during the first 12 calendar months
1504 after meeting the definition of termination ~~of his or her~~
1505 ~~retirement~~. Any retired member reemployed for more than 780
1506 hours during the 12-month limitation period ~~first 12 months of~~
1507 ~~retirement~~ shall give timely notice in writing to the employer
1508 and to the Division of Retirement of the date he or she will
1509 exceed the limitation. The division shall suspend his or her
1510 retirement benefits for the remainder of the 12-month limitation
1511 period ~~first 12 months of retirement~~. Any person employed in
1512 violation of this subparagraph and any employing agency that

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1513 ~~which~~ knowingly employs or appoints such person without
1514 notifying the division ~~of Retirement~~ to suspend retirement
1515 benefits are shall be jointly and severally liable for
1516 ~~reimbursement to the retirement trust fund~~ of any benefits paid
1517 during the reemployment limitation period. To avoid liability,
1518 such employing agency must shall have a written statement from
1519 the retiree that he or she is not retired from a state-
1520 administered retirement system. Any retirement benefits received
1521 by a retired member while reemployed in excess of 780 hours
1522 during the 12-month limitation period must first 12 months of
1523 ~~retirement shall~~ be repaid to the Florida Retirement System
1524 Trust Fund, and retirement benefits ~~shall~~ remain suspended until
1525 repayment is made. Benefits suspended beyond the end of the
1526 retired member's 12-month limitation period first 12 months of
1527 ~~retirement~~ shall apply toward repayment of benefits received in
1528 violation of the 780-hour reemployment limitation.

1529 6. The Board of Trustees of the Florida School for the
1530 Deaf and the Blind may reemploy a retired member as a substitute
1531 teacher, substitute residential instructor, or substitute nurse
1532 on a noncontractual basis after he or she has met the definition
1533 of termination been retired for 1 calendar month, in accordance
1534 ~~with~~ s. 121.021(39). The Board of Trustees of the Florida School
1535 for the Deaf and the Blind may reemploy a retired member as
1536 instructional personnel, as defined in s. 1012.01(2)(a), on an
1537 annual contractual basis after he or she has been retired and
1538 met the definition of termination in s. 121.021(39). Any retired
1539 member who is reemployed before meeting the definition of
1540 termination voids within 1 calendar month after retirement shall

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1541 ~~void~~ his or her application for retirement benefits. The Board
1542 of Trustees of the Florida School for the Deaf and the Blind
1543 reemploying such teachers, residential instructors, or nurses is
1544 subject to the retirement contribution required by subparagraph
1545 9. 7. ~~Reemployment of a retired member as a substitute teacher,~~
1546 ~~substitute residential instructor, or substitute nurse is~~
1547 ~~limited to 780 hours during the first 12 months of his or her~~
1548 ~~retirement. Any retired member reemployed for more than 780~~
1549 ~~hours during the first 12 months of retirement shall give timely~~
1550 ~~notice in writing to the employer and to the division of the~~
1551 ~~date he or she will exceed the limitation. The division shall~~
1552 ~~suspend his or her retirement benefits for the remainder of the~~
1553 ~~first 12 months of retirement. Any person employed in violation~~
1554 ~~of this subparagraph and any employing agency which knowingly~~
1555 ~~employs or appoints such person without notifying the Division~~
1556 ~~of Retirement to suspend retirement benefits shall be jointly~~
1557 ~~and severally liable for reimbursement to the retirement trust~~
1558 ~~fund of any benefits paid during the reemployment limitation~~
1559 ~~period. To avoid liability, such employing agency shall have a~~
1560 ~~written statement from the retiree that he or she is not retired~~
1561 ~~from a state administered retirement system. Any retirement~~
1562 ~~benefits received by a retired member while reemployed in excess~~
1563 ~~of 780 hours during the first 12 months of retirement shall be~~
1564 ~~repaid to the Retirement System Trust Fund, and his or her~~
1565 ~~retirement benefits shall remain suspended until payment is~~
1566 ~~made. Benefits suspended beyond the end of the retired member's~~
1567 ~~first 12 months of retirement shall apply toward repayment of~~

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1568 ~~benefits received in violation of the 780 hour reemployment~~
1569 ~~limitation.~~

1570 7. A developmental research school may reemploy a retired
1571 member as a substitute or hourly teacher or an education
1572 paraprofessional, as defined in s. 1012.01(2), on a
1573 noncontractual basis after he or she has been retired and met
1574 the definition of termination in s. 121.021(39). A developmental
1575 research school may reemploy a retired member as instructional
1576 personnel, as defined in s. 1012.01(2)(a), on an annual
1577 contractual basis after he or she has been retired and met the
1578 definition of termination in s. 121.021(39). Any other retired
1579 member who is reemployed within 12 calendar months after
1580 retirement voids his or her application for retirement benefits.
1581 A developmental research school that reemploys retired teachers
1582 and education paraprofessionals is subject to the retirement
1583 contribution required by subparagraph 9.

1584 8. A charter school may reemploy a retired member as a
1585 substitute or hourly teacher on a noncontractual basis after he
1586 or she has been retired and met the definition of termination in
1587 s. 121.021(39). A charter school may reemploy a retired member
1588 as instructional personnel, as defined in s. 1012.01(2)(a), on
1589 an annual contractual basis after he or she has been retired and
1590 met the definition of termination in s. 121.021(39). Any other
1591 retired member who is reemployed within 12 calendar months after
1592 retirement voids his or her application for retirement benefits.
1593 A charter school that reemploys such teachers is subject to the
1594 retirement contribution required by subparagraph 9.

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1595 9.a.7- The employment ~~by an employer~~ of a any retiree or
1596 DROP participant of a any state-administered retirement system
1597 does not affect ~~shall have no effect on~~ the average final
1598 compensation or years of creditable service of the retiree or
1599 DROP participant.

1600 b. Prior to July 1, 1991, and for initial enrollment as a
1601 renewed member through June 30, 2009, upon employment of any
1602 person, other than an elected officer as provided in s. 121.053,
1603 who is ~~has been~~ retired under a any state-administered
1604 retirement program, the employer shall pay retirement
1605 contributions in an amount equal to the unfunded actuarial
1606 liability portion of the employer contribution which would be
1607 required for regular members of the Florida Retirement System.
1608 Effective July 1, 1991, contributions shall be made as provided
1609 in s. 121.122 for retirees who have ~~with~~ renewed membership or,
1610 as provided in subsection (13), for ~~with respect to~~ DROP
1611 participants.

1612 c. Any person who is retired under a state-administered
1613 retirement program and who is initially reemployed on or after
1614 July 1, 2009, may not renew membership in the Florida Retirement
1615 System. The employer shall pay retirement contributions in an
1616 amount equal to the unfunded actuarial liability portion of the
1617 employer contribution that would be required for active members
1618 of the Florida Retirement System in addition to the
1619 contributions required by s. 121.76.

1620 10.8- Any person who has ~~previously~~ retired and who is
1621 holding an elective public office or an appointment to an
1622 elective public office initially eligible for the Elected

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1623 Officers' Class on or after July 1, 1990, through June 30, 2009,
1624 shall be enrolled in the Florida Retirement System as provided
1625 in s. 121.053(1) (c) ~~(b)~~ or, if holding an elective public office
1626 that does not qualify for the Elected Officers' Class on or
1627 after July 1, 1991, through June 30, 2009, shall be enrolled in
1628 the Florida Retirement System as provided in s. 121.122, and
1629 shall continue to receive retirement benefits as well as
1630 compensation for the elected officer's service for as long as he
1631 or she remains in elective office. However, any retired member
1632 who served in an elective office prior to July 1, 1990,
1633 suspended his or her retirement benefit, and had his or her
1634 Florida Retirement System membership reinstated shall, upon
1635 retirement from such office, have his or her retirement benefit
1636 recalculated to include the additional service and compensation
1637 earned.

1638 b. Any person who has retired and who is holding an
1639 elective public office or an appointment to an elective public
1640 office initially eligible for the Elected Officers' Class on or
1641 after July 1, 2009, shall not be enrolled in the Florida
1642 Retirement System as provided in s. 121.053(1)(c) or, if holding
1643 an elective public office that does not qualify for the Elected
1644 Officers' Class and is initially eligible on or after July 1,
1645 2009, shall not be enrolled in the Florida Retirement System as
1646 provided in s. 121.122, and shall not continue to receive
1647 retirement benefits during the first 12 calendar months after
1648 meeting the definition of termination in s. 121.021(39).

1649 11.a.9- Any person who is holding an elective public
1650 office which is covered by the Florida Retirement System and who

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1651 is concurrently employed in nonelected covered employment before
1652 July 1, 2009, may elect to retire while continuing employment in
1653 the elective public office, if ~~provided that~~ he or she
1654 terminates ~~shall be required to terminate~~ his or her nonelected
1655 covered employment. Any person who exercises this election shall
1656 receive his or her retirement benefits in addition to the
1657 compensation of the elective office without regard to the time
1658 limitations otherwise provided in this subsection. A ~~No~~ person
1659 who seeks to exercise the provisions of this subparagraph, as
1660 they ~~the same~~ existed prior to May 3, 1984, may not ~~shall~~ be
1661 deemed to be retired under those provisions, unless such person
1662 is eligible to retire under the provisions of this subparagraph,
1663 as amended by chapter 84-11, Laws of Florida.

1664 b. Any person who is holding an elective public office
1665 which is covered by the Florida Retirement System and who is
1666 concurrently employed in nonelected covered employment on or
1667 after July 1, 2009, may not elect to retire while continuing
1668 employment in the elective public office. Such person must meet
1669 the definition of termination in s. 121.021(39) and is subject
1670 to the limitations provided in this section.

1671 12.10. The limitations of this paragraph apply to
1672 reemployment in any capacity with an "employer" as defined in s.
1673 121.021(10), irrespective of the category of funds from which
1674 the person is compensated.

1675 13. The limitations of this paragraph apply to
1676 reemployment in any capacity with an employer, as defined in s.
1677 121.021, irrespective of the category of funds from which the
1678 person is compensated.

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1679 14. The reemployment after retirement provisions of this
1680 paragraph apply to DROP participants effective upon termination
1681 from employment and the end of DROP participation.

1682 ~~11. An employing agency may reemploy a retired member as a~~
1683 ~~firefighter or paramedic after the retired member has been~~
1684 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~
1685 ~~Any retired member who is reemployed within 1 calendar month~~
1686 ~~after retirement shall void his or her application for~~
1687 ~~retirement benefits. The employing agency reemploying such~~
1688 ~~firefighter or paramedic is subject to the retired contribution~~
1689 ~~required in subparagraph 8. Reemployment of a retired~~
1690 ~~firefighter or paramedic is limited to no more than 780 hours~~
1691 ~~during the first 12 months of his or her retirement. Any retired~~
1692 ~~member reemployed for more than 780 hours during the first 12~~
1693 ~~months of retirement shall give timely notice in writing to the~~
1694 ~~employer and to the Division of the date he or she will exceed~~
1695 ~~the limitation. The division shall suspend his or her retirement~~
1696 ~~benefits for the remainder of the first 12 months of retirement.~~
1697 ~~Any person employed in violation of this subparagraph and any~~
1698 ~~employing agency which knowingly employs or appoints such person~~
1699 ~~without notifying the division of Retirement to suspend~~
1700 ~~retirement benefits shall be jointly and severally liable for~~
1701 ~~reimbursement to the Retirement System Trust Fund of any~~
1702 ~~benefits paid during the reemployment limitation period. To~~
1703 ~~avoid liability, such employing agency shall have a written~~
1704 ~~statement from the retiree that he or she is not retired from a~~
1705 ~~state-administered retirement system. Any retirement benefits~~
1706 ~~received by a retired member while reemployed in excess of 780~~

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1707 ~~hours during the first 12 months of retirement shall be repaid~~
1708 ~~to the Retirement System Trust Fund, and retirement benefits~~
1709 ~~shall remain suspended until repayment is made. Benefits~~
1710 ~~suspended beyond the end of the retired member's first 12 months~~
1711 ~~of retirement shall apply toward repayment of benefits received~~
1712 ~~in violation of the 780 hour reemployment~~
1713 ~~limitation.~~

1714 (c) The provisions of this subsection apply to retirees,
1715 as defined in s. 121.4501(2)(j), of the Public Employee Optional
1716 Retirement Program created in part II, subject to the following
1717 conditions:

1718 1. Such retirees may not be reemployed with an employer
1719 participating in the Florida Retirement System as provided in
1720 paragraph (b) until such person has been retired for 12 ~~3~~
1721 calendar months, unless the participant has reached the normal
1722 retirement requirements of the defined benefit plan as provided
1723 in s. 121.021(29).

1724 2. Such retiree employed in violation of this subsection
1725 and any employing agency that knowingly employs or appoints such
1726 person shall be jointly and severally liable for reimbursement
1727 of any benefits paid to the retirement trust fund from which the
1728 benefits were paid, including the Retirement System Trust Fund
1729 and the Public Employee Optional Retirement Program Trust Fund,
1730 as appropriate. To avoid liability, such employing agency must
1731 have a written statement from the retiree that he or she is not
1732 retired from a state-administered retirement system.

1733 (d) Notwithstanding any other provision in this section, a
1734 member of the Special Risk Class who is employed as a law

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1735 enforcement officer, correctional officer, or community-based
1736 correctional probation officer, as described in s. 121.0515(2),
1737 and who has a rank or the equivalent rank of captain or below,
1738 at the conclusion of his or her participation in DROP, may not
1739 be employed, reemployed, or retained in a contractual capacity
1740 by the same employing agency from which the member retired;
1741 however, the member may be retained by the employing agency as a
1742 part-time or auxiliary law enforcement officer, as those terms
1743 are defined in s. 943.10, if the member is serving on a
1744 voluntary basis and receives no more than \$1 per calendar year
1745 in remuneration for services rendered directly for the employing
1746 agency. Any person who is reemployed or retained in a
1747 contractual capacity in violation of this paragraph shall void
1748 his or her application for retirement benefits. Any person who
1749 violates this paragraph and any employing agency that knowingly
1750 employs or contracts with such person in violation of this
1751 paragraph is jointly and severally liable for reimbursement to
1752 the Florida Retirement System Trust Fund for any retirement
1753 benefits improperly paid during the reemployment or contractual
1754 period. This paragraph does not otherwise limit the employment
1755 or contractual opportunities for a retiree at any other
1756 employing agency. This paragraph does not apply to a retiree who
1757 is elected to an office or appointed to an office by the
1758 Governor or by the Governor and Cabinet.

1759 (e)1. For purposes of this paragraph, the term "member"
1760 means a person who:

1761 a. Retired from employment with an employer;

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1762 b. Was a member of the Senior Management Service Class or
1763 was a member of the Special Risk Class and held the rank or
1764 equivalent rank of captain or above, upon retirement or at the
1765 end of DROP participation; and

1766 c. Was reemployed during months 2 through 12 by the same
1767 employer from which the member retired.

1768 2. For the period July 1, 2005, to December 31, 2008, any
1769 employer who reemployed a member in months 2 through 12 of
1770 retirement must certify to the Governor, the President of the
1771 Senate, and the Speaker of the House of Representatives the
1772 following information on each reemployed member no later than
1773 March 1, 2009:

1774 a. The date the member notified the employer that he or
1775 she intended to retire or enter DROP.

1776 b. The date the member provided as his or her date for
1777 retirement or DROP participation dates.

1778 c. How much time the employer had to plan for that
1779 member's upcoming retirement and to recruit and train a person
1780 to take over the member's job responsibilities prior to that
1781 member's retirement date.

1782 d. Why the employer failed to plan for that member's
1783 upcoming retirement and to recruit and train another person to
1784 take over the member's job responsibilities prior to that
1785 member's retirement date.

1786 3. On or after January 1, 2009, any employer who reemploys
1787 a member in months 2 through 12 of retirement must certify to
1788 the Governor, the President of the Senate, and the Speaker of

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1789 the House of Representatives the following information on each
1790 reemployed member within 30 days of reemployment:

1791 a. The date the member notified the employer that he or
1792 she intended to retire or enter DROP.

1793 b. The date the member provided as his or her date for
1794 retirement or DROP participation dates.

1795 c. How much time the employer had to plan for that
1796 member's upcoming retirement and to recruit and train a person
1797 to take over the member's job responsibilities prior to that
1798 member's retirement date.

1799 d. Why the employer failed to plan for that member's
1800 upcoming retirement and to recruit and train another person to
1801 take over the member's job responsibilities prior to that
1802 member's retirement date.

1803 (10) FUTURE BENEFITS BASED ON ACTUARIAL DATA.--It is the
1804 intent of the Legislature that future benefit increases enacted
1805 into law in this chapter shall be financed concurrently by
1806 increased contributions or other adequate funding, and such
1807 funding shall be based on sound actuarial data as developed by
1808 the actuary or state retirement actuary, as provided in ss.
1809 121.021(6) and 121.192.

1810 (11) A member who becomes eligible to retire and has
1811 accumulated the maximum benefit of 100 percent of average final
1812 compensation may continue in active service, and, if upon the
1813 member's retirement the member elects to receive a retirement
1814 compensation pursuant to subsection (2), subsection (6), or
1815 subsection (7), the actuarial equivalent percentage factor
1816 applicable to the age of such member at the time the member

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1817 reached the maximum benefit and to the age, at that time, of the
1818 member's spouse shall determine the amount of benefits to be
1819 paid.

1820 (12) SPECIAL PROVISIONS FOR PAYMENT OF CERTAIN SURVIVOR
1821 BENEFITS.--Notwithstanding any provision of this chapter to the
1822 contrary, for members with an effective date of retirement, or
1823 date of death if prior to retirement, on or after January 1,
1824 1996, the named joint annuitant, as defined in s.
1825 121.021(28)(b), who is eligible to receive benefits under
1826 subparagraph (6)(a)3. or subparagraph (6)(a)4., shall receive
1827 the maximum monthly retirement benefit that would have been
1828 payable to the member under subparagraph (6)(a)1.; however,
1829 payment of such benefit shall cease the month the joint
1830 annuitant attains age 25 unless such joint annuitant is disabled
1831 and incapable of self-support, in which case, benefits shall
1832 cease when the joint annuitant is no longer disabled. The
1833 administrator may require proof of disability or continued
1834 disability in the same manner as is provided for a member
1835 seeking or receiving a disability retirement benefit under
1836 subsection (4).

1837 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
1838 subject to the provisions of this section, the Deferred
1839 Retirement Option Program, hereinafter referred to as the DROP,
1840 is a program under which an eligible member of the Florida
1841 Retirement System may elect to participate, deferring receipt of
1842 retirement benefits while continuing employment with his or her
1843 Florida Retirement System employer. The deferred monthly
1844 benefits shall accrue in the System Trust Fund on behalf of the

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1845 participant, plus interest compounded monthly, for the specified
1846 period of the DROP participation, as provided in paragraph (c).
1847 Upon termination of employment as required in s. 121.021(39)(b),
1848 the participant shall receive the total DROP benefits and begin
1849 to receive the previously determined normal retirement benefits.
1850 Participation in the DROP does not guarantee employment for the
1851 specified period of DROP. Participation in the DROP by an
1852 eligible member beyond the initial 60-month period as authorized
1853 in this subsection shall be on an annual contractual basis for
1854 all participants.

1855 (a) Eligibility of member to participate in ~~the~~ DROP.--All
1856 active Florida Retirement System members in a regularly
1857 established position, and all active members of ~~either~~ the
1858 Teachers' Retirement System established in chapter 238 or the
1859 State and County Officers' and Employees' Retirement System
1860 established in chapter 122, ~~which systems~~ are consolidated
1861 within the Florida Retirement System under s. 121.011, are
1862 eligible to elect participation in ~~the~~ DROP if provided that:

1863 1. The member is not a renewed member ~~of the Florida~~
1864 ~~Retirement System~~ under s. 121.122, or a member or renewed
1865 member of the State Community College System Optional Retirement
1866 Program under s. 121.051, the Senior Management Service Optional
1867 Annuity Program under s. 121.055, or the optional retirement
1868 program for the State University System under s. 121.35.

1869 2. Except as provided in subparagraph 6., election to
1870 participate is made within 12 months immediately following the
1871 date on which the member first reaches normal retirement date,
1872 or, for a member who reaches normal retirement date ~~based on~~

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1873 ~~service~~ before he or she reaches age 62, or age 55 for Special
1874 Risk Class members, election to participate may be deferred to
1875 the 12 months immediately following the date the member attains
1876 57, or age 52 for Special Risk Class members. ~~For a member who~~
1877 ~~first reached normal retirement date or the deferred eligibility~~
1878 ~~date described above prior to the effective date of this~~
1879 ~~section, election to participate shall be made within 12 months~~
1880 ~~after the effective date of this section.~~ A member who fails to
1881 make an election within the ~~such~~ 12-month limitation period
1882 forfeits ~~shall forfeit~~ all rights to participate in ~~the~~ DROP.
1883 The member shall advise his or her employer and the division in
1884 writing of the date ~~on which the~~ DROP begins ~~shall begin.~~ The
1885 ~~Such~~ beginning date may be subsequent to the 12-month election
1886 period, but must be within the original 60-month participation
1887 ~~or, with respect to members who are instructional personnel~~
1888 ~~employed by the Florida School for the Deaf and the Blind and~~
1889 ~~who have received authorization by the Board of Trustees of the~~
1890 ~~Florida School for the Deaf and the Blind to participate in the~~
1891 ~~DROP beyond 60 months, or who are instructional personnel as~~
1892 ~~defined in s. 1012.01(2)(a) (d) in grades K-12 and who have~~
1893 ~~received authorization by the district school superintendent to~~
1894 ~~participate in the DROP beyond 60 months, the 96-month~~
1895 ~~limitation~~ period as provided in subparagraph (b)1. When
1896 establishing eligibility of the member to participate in ~~the~~
1897 DROP ~~for the 60-month or, with respect to members who are~~
1898 ~~instructional personnel employed by the Florida School for the~~
1899 ~~Deaf and the Blind and who have received authorization by the~~
1900 ~~Board of Trustees of the Florida School for the Deaf and the~~

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1901 ~~Blind to participate in the DROP beyond 60 months, or who are~~
1902 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
1903 ~~grades K-12 and who have received authorization by the district~~
1904 ~~school superintendent to participate in the DROP beyond 60~~
1905 ~~months, the 96-month maximum participation period,~~ the member
1906 may elect to include or exclude any optional service credit
1907 purchased by the member from the total service used to establish
1908 the normal retirement date. A member who has ~~with~~ dual normal
1909 retirement dates is ~~shall be~~ eligible to elect to participate in
1910 DROP within 12 months after attaining normal retirement date in
1911 either class.

1912 3. The employer of a member electing to participate in ~~the~~
1913 DROP, or employers if dually employed, shall acknowledge in
1914 writing to the division the date the member's participation in
1915 the DROP begins and the date the member's employment and DROP
1916 participation will terminate.

1917 4. Simultaneous employment of a participant by additional
1918 Florida Retirement System employers subsequent to the
1919 commencement of participation in ~~the~~ DROP is ~~shall be~~
1920 permissible if provided such employers acknowledge in writing a
1921 DROP termination date no later than the participant's existing
1922 termination date or the maximum participation 60-month
1923 ~~limitation~~ period as provided in subparagraph (b)1.

1924 5. A DROP participant may change employers while
1925 participating in ~~the~~ DROP, subject to the following:

1926 a. A change of employment must take place without a break
1927 in service so that the member receives salary for each month of
1928 continuous DROP participation. If a member receives no salary

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1929 during a month, DROP participation shall cease unless the
1930 employer verifies a continuation of the employment relationship
1931 for such participant pursuant to s. 121.021(39)(b).

1932 b. Such participant and new employer shall notify the
1933 division of the identity of the new employer on forms required
1934 by the division ~~as to the identity of the new employer.~~

1935 c. The new employer shall acknowledge, in writing, the
1936 participant's DROP termination date, which may be extended but
1937 not beyond the original 60-month maximum participation ~~or, with~~
1938 ~~respect to members who are instructional personnel employed by~~
1939 ~~the Florida School for the Deaf and the Blind and who have~~
1940 ~~received authorization by the Board of Trustees of the Florida~~
1941 ~~School for the Deaf and the Blind to participate in the DROP~~
1942 ~~beyond 60 months, or who are instructional personnel as defined~~
1943 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~
1944 ~~authorization by the district school superintendent to~~
1945 ~~participate in the DROP beyond 60 months, the 96-month period~~
1946 provided in subparagraph (b)1., shall acknowledge liability for
1947 any additional retirement contributions and interest required if
1948 the participant fails to timely terminate employment, and is
1949 ~~shall be~~ subject to the adjustment required in sub-subparagraph
1950 (c)5.d.

1951 6. Effective July 1, 2001, for instructional personnel as
1952 defined in s. 1012.01(2), election to participate in ~~the~~ DROP
1953 may shall be made at any time following the date on which the
1954 member first reaches normal retirement date. The member shall
1955 advise his or her employer and the division in writing of the
1956 date on which DROP begins ~~the Deferred Retirement Option Program~~

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1957 ~~shall begin.~~ When establishing eligibility of the member to
1958 participate in the DROP for the 60-month ~~or, with respect to~~
1959 ~~members who are instructional personnel employed by the Florida~~
1960 ~~School for the Deaf and the Blind and who have received~~
1961 ~~authorization by the Board of Trustees of the Florida School for~~
1962 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
1963 ~~months, or who are instructional personnel as defined in s.~~
1964 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~
1965 ~~authorization by the district school superintendent to~~
1966 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
1967 ~~participation period, as provided in sub-subparagraph (b)(1)a.~~
1968 ~~subparagraph (b)1.~~, the member may elect to include or exclude
1969 any optional service credit purchased by the member from the
1970 total service used to establish the normal retirement date. A
1971 member who has ~~with~~ dual normal retirement dates is ~~shall be~~
1972 eligible to elect to participate in either class.

1973 (b) Participation in the DROP.--

1974 1.a. Except as provided in sub-subparagraph b., an
1975 eligible member may elect to participate in the DROP for a
1976 period not to exceed a maximum of 60 calendar months except as
1977 provided in subparagraph b. ~~or, with respect to~~

1978 b. Members who are instructional personnel employed by the
1979 Florida School for the Deaf and the Blind and who are authorized
1980 ~~have received authorization~~ by the Board of Trustees of the
1981 Florida School for the Deaf and the Blind ~~to participate in the~~
1982 ~~DROP beyond 60 months,~~ or who are instructional personnel as
1983 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who are
1984 authorized ~~have received authorization~~ by the district school

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1985 superintendent ~~to participate in the DROP beyond 60 calendar~~
1986 ~~months, or who are instructional personnel, as defined in s.~~
1987 1012.01(2)(a)-(d), employed by a developmental research school
1988 and who are authorized by the school's principal, to participate
1989 in DROP beyond the original 60-month period, for up to 36 96
1990 calendar months immediately following the DROP termination date
1991 elected for participation in sub-subparagraph a.

1992 c. Special Risk Class members who are employed as law
1993 enforcement officers, correctional officers, or community-based
1994 correctional probation officers, as described in s. 121.0515(2),
1995 who have a rank or the equivalent rank of captain or below, and
1996 who are currently participating in DROP for up to 60 months, may
1997 participate for an additional 36 calendar months. However, in
1998 order to participate the member must, before beginning the
1999 additional 36 months, receive authorization from the member's
2000 employer to participate in DROP beyond 60 months and pass the
2001 same physical examination required for new officers under s.
2002 943.13(6) and provide an accompanying statement from the
2003 officer's examining physician, physician assistant, or certified
2004 advanced registered nurse practitioner that the officer is
2005 capable of performing the essential functions of his or her
2006 duties as a law enforcement officer, correctional officer, or
2007 community-based correctional probation officer. The member's
2008 rank at the time of entering DROP shall be used for determining
2009 eligibility for the additional 36 calendar months of DROP date
2010 ~~on which the member first reaches his or her normal retirement~~
2011 ~~date or the date to which he or she is eligible to defer his or~~
2012 ~~her election to participate as provided in subparagraph (a)2.~~

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2013 However, a member who has reached normal retirement date prior
2014 to the effective date of the DROP shall be eligible to
2015 participate in the DROP for a period of time not to exceed 60
2016 calendar months or, with respect to members who are
2017 instructional personnel employed by the Florida School for the
2018 Deaf and the Blind and who have received authorization by the
2019 Board of Trustees of the Florida School for the Deaf and the
2020 Blind to participate in the DROP beyond 60 months, or who are
2021 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
2022 grades K-12 and who have received authorization by the district
2023 school superintendent to participate in the DROP beyond 60
2024 calendar months, 96 calendar months immediately following the
2025 effective date of the DROP, except a member of the Special Risk
2026 Class who has reached normal retirement date prior to the
2027 effective date of the DROP and whose total accrued value exceeds
2028 75 percent of average final compensation as of his or her
2029 effective date of retirement shall be eligible to participate in
2030 the DROP for no more than 36 calendar months immediately
2031 following the effective date of the DROP.

2032 2. Upon deciding to participate in the DROP, the member
2033 shall submit, on forms required by the division:

- 2034 a. A written election to participate in the DROP;
- 2035 b. Selection of the DROP participation and termination
2036 dates, which satisfy the limitations stated in paragraph (a) and
2037 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a
2038 binding letter of resignation to ~~with~~ the employer, establishing
2039 a deferred termination date. The member may change the

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2040 termination date within the limitations of subparagraph 1., but
2041 only with the written approval of the ~~his or her~~ employer;

2042 c. A properly completed DROP application for service
2043 retirement as provided in this section; and

2044 d. Any other information required by the division.

2045 3. The DROP participant is ~~shall be~~ a retiree under the
2046 Florida Retirement System for all purposes, except for paragraph
2047 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
2048 and 121.122. DROP participation is final and cannot be canceled
2049 by the participant after the first payment is credited during
2050 the DROP participation period. However, participation in ~~the~~
2051 DROP does not alter the participant's employment status and the
2052 member is ~~such employee shall~~ not be deemed retired from
2053 employment until his or her deferred resignation is effective
2054 and termination occurs as provided in s. 121.021(39).

2055 4. Elected officers are ~~shall be~~ eligible to participate
2056 in the DROP subject to the following:

2057 a. An elected officer who reaches normal retirement date
2058 during a term of office may defer the election to participate in
2059 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~
2060 elected officer who exercises this option may participate in ~~the~~
2061 DROP for up to 60 calendar months or a period of no longer than
2062 the ~~such~~ succeeding term of office, whichever is less.

2063 b. An elected or a nonelected participant may run for a
2064 term of office while participating in DROP and, if elected,
2065 extend the DROP termination date accordingly, except, however,
2066 if such additional term of office exceeds the 60-month
2067 limitation established in subparagraph 1., and the officer does

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2068 not resign from office within such 60-month limitation, the
2069 retirement and the participant's DROP is ~~shall be~~ null and void
2070 as provided in sub-subparagraph (c)5.d.

2071 c.(I) For DROP participation ending before July 1, 2009,
2072 an elected officer who is dually employed and elects to
2073 participate in DROP must ~~shall be required to~~ satisfy the
2074 definition of termination within the original 60-month period or
2075 maximum participation ~~or, with respect to members who are~~
2076 ~~instructional personnel employed by the Florida School for the~~
2077 ~~Deaf and the Blind and who have received authorization by the~~
2078 ~~Board of Trustees of the Florida School for the Deaf and the~~
2079 ~~Blind to participate in the DROP beyond 60 months, or who are~~
2080 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
2081 ~~grades K-12 and who have received authorization by the district~~
2082 ~~school superintendent to participate in the DROP beyond 60~~
2083 ~~months, the 96-month limitation~~ period as provided in
2084 subparagraph 1. for the nonelected position and may continue
2085 employment as an elected officer as provided in s. 121.053. The
2086 elected officer shall ~~will~~ be enrolled as a renewed member in
2087 the Elected Officers' Class or the Regular Class, as provided in
2088 ss. 121.053 and 121.122, on the first day of the month after
2089 termination of employment in the nonelected position and
2090 termination of DROP. Distribution of ~~the~~ DROP benefits shall be
2091 made as provided in paragraph (c).

2092 (II) For DROP participation ending on or after July 1,
2093 2009, an elected officer who is dually employed and elects to
2094 participate in DROP must satisfy the definition of termination

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2095 in s. 121.021(39) within the original 60-month period or maximum
2096 period as provided in subparagraph 1.

2097 (c) Benefits payable under ~~the~~ DROP.--

2098 1. Effective on ~~with~~ the date of DROP participation, the
2099 member's initial normal monthly benefit, including creditable
2100 service, optional form of payment, and average final
2101 compensation, and the effective date of retirement are ~~shall be~~
2102 fixed. The beneficiary established under the Florida Retirement
2103 System shall be the beneficiary eligible to receive any DROP
2104 benefits payable if the DROP participant dies prior to the
2105 completion of the period of DROP participation. If ~~In the event~~
2106 a joint annuitant predeceases the member, the member may name a
2107 beneficiary to receive accumulated DROP benefits payable. The
2108 ~~Such~~ retirement benefit, the annual cost of living adjustments
2109 provided in s. 121.101, and interest shall accrue monthly in the
2110 Florida Retirement System Trust Fund. The ~~Such~~ interest shall
2111 accrue at an effective annual rate of 6.5 percent compounded
2112 monthly, on the prior month's accumulated ending balance, up to
2113 the month of termination or death.

2114 2. Each employee who elects to participate in ~~the~~ DROP may
2115 ~~shall be allowed to~~ elect to receive a lump-sum payment for
2116 accrued annual leave earned in accordance with agency policy
2117 upon beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated
2118 leave payment certified to the division upon commencement of
2119 DROP shall be included in the calculation of the member's
2120 average final compensation. The employee electing the ~~such~~ lump-
2121 sum payment is ~~upon beginning participation in DROP will not be~~
2122 eligible to receive a second lump-sum payment upon termination,

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2123 except to the extent the employee has earned additional annual
2124 leave which, combined with the original payment, does not exceed
2125 the maximum lump-sum payment allowed by the employing agency's
2126 policy or rules. An ~~Such~~ early lump-sum payment shall be based
2127 on the hourly wage of the employee at the time he or she begins
2128 participation in ~~the~~ DROP. If the member elects to wait and
2129 receive a ~~such~~ lump-sum payment upon termination of DROP and
2130 termination of employment with the employer, any accumulated
2131 leave payment made at that time may not ~~cannot~~ be included in
2132 the member's retirement benefit, which was determined and fixed
2133 by law when the employee elected to participate in ~~the~~ DROP.

2134 3. The effective date of DROP participation and the
2135 effective date of retirement of a DROP participant shall be the
2136 first day of the month selected by the member to begin
2137 participation in the DROP, provided such date is properly
2138 established, with the written confirmation of the employer, and
2139 the approval of the division, on forms required by the division.

2140 4. Normal retirement benefits and any interest ~~thereon~~
2141 shall continue to accrue in ~~the~~ DROP until the established
2142 termination date of ~~the~~ DROP, or until the participant
2143 terminates employment or dies prior to such date. Although
2144 individual DROP accounts shall not be established, a separate
2145 accounting of each participant's accrued benefits under ~~the~~ DROP
2146 shall be calculated and provided to participants.

2147 5. At the conclusion of the participant's DROP, the
2148 division shall distribute the participant's total accumulated
2149 DROP benefits, subject to the following provisions:

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2150 a. The division shall receive verification by the
2151 participant's employer or employers that the ~~such~~ participant
2152 has terminated employment as provided in s. 121.021(39)(b).

2153 b. The terminated DROP participant or, if deceased, the
2154 ~~such~~ participant's named beneficiary, shall elect on forms
2155 provided by the division to receive payment of ~~the~~ DROP benefits
2156 in accordance with one of the options listed below. If ~~For~~ a
2157 participant or beneficiary ~~who~~ fails to elect a method of
2158 payment within 60 days of termination of ~~the~~ DROP, the division
2159 shall ~~will~~ pay a lump sum as provided in sub-sub-subparagraph
2160 (I).

2161 (I) Lump sum.--All accrued DROP benefits, plus interest,
2162 less withholding taxes remitted to the Internal Revenue Service,
2163 shall be paid to the DROP participant or surviving beneficiary.

2164 (II) Direct rollover.--All accrued DROP benefits, plus
2165 interest, shall be paid from ~~the~~ DROP directly to the custodian
2166 of an eligible retirement plan as defined in s. 402(c)(8)(B) of
2167 the Internal Revenue Code. However, in the case of an eligible
2168 rollover distribution to the surviving spouse of a deceased
2169 participant, an eligible retirement plan is an individual
2170 retirement account or an individual retirement annuity as
2171 described in s. 402(c)(9) of the Internal Revenue Code.

2172 (III) Partial lump sum.--A portion of the accrued DROP
2173 benefits shall be paid to the DROP participant or surviving
2174 spouse, less withholding taxes remitted to the Internal Revenue
2175 Service, and the remaining DROP benefits shall be transferred
2176 directly to the custodian of an eligible retirement plan as
2177 defined in s. 402(c)(8)(B) of the Internal Revenue Code.

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2178 However, in the case of an eligible rollover distribution to the
2179 surviving spouse of a deceased participant, an eligible
2180 retirement plan is an individual retirement account or an
2181 individual retirement annuity as described in s. 402(c)(9) of
2182 the Internal Revenue Code. The proportions shall be specified by
2183 the DROP participant or surviving beneficiary.

2184 c. The form of payment selected by the DROP participant or
2185 surviving beneficiary must comply ~~complies~~ with the minimum
2186 distribution requirements of the Internal Revenue Code.

2187 d. A DROP participant who fails to terminate employment as
2188 defined in s. 121.021(39)(b) shall be deemed as not ~~to be~~
2189 retired, and the DROP election is ~~shall be~~ null and void.
2190 Florida Retirement System membership shall be reestablished
2191 retroactively to the date of the commencement of ~~the~~ DROP, and
2192 each employer with whom the participant continues employment
2193 must ~~shall be required to~~ pay to the Florida Retirement System
2194 Trust Fund the difference between the DROP contributions paid in
2195 paragraph (i) and the contributions required for the applicable
2196 Florida Retirement System class of membership during the period
2197 the member participated in the DROP, plus 6.5 percent interest
2198 compounded annually.

2199 6. The retirement benefits of any DROP participant who
2200 meets the definition of termination in s. 121.021(39)(b), but is
2201 in violation of the reemployment provisions as provided in
2202 subsection (9), shall be suspended during those months in which
2203 the member is in violation. Any member employed in violation of
2204 this subparagraph and any employing agency that knowingly
2205 employs or appoints such member without notifying the Division

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2206 of Retirement to suspend retirement benefits are jointly and
2207 severally liable for any benefits paid during the reemployment
2208 limitation period. To avoid liability, the employing agency must
2209 have a written statement from the retiree that he or she is not
2210 retired from a state-administered retirement system. Any
2211 retirement benefits received by a retired member while employed
2212 in violation of the reemployment limitations during the first 12
2213 months of retirement must be repaid to the Florida Retirement
2214 System Trust Fund, and his or her retirement benefits shall
2215 remain suspended until payment is made. Benefits suspended
2216 beyond the end of the retired member's first 12 calendar months
2217 after meeting the definition of termination in s. 121.021(39)(b)
2218 shall apply toward repayment of benefits received in violation
2219 of the reemployment limitations.

2220 ~~7.6-~~ The accrued benefits of any DROP participant, and any
2221 contributions accumulated under the such program, are shall not
2222 be subject to assignment, execution, attachment, or to any legal
2223 process whatsoever, except for qualified domestic relations
2224 orders by a court of competent jurisdiction, income deduction
2225 orders as provided in s. 61.1301, and federal income tax levies.

2226 ~~8.7-~~ DROP participants are shall not be eligible for
2227 disability retirement benefits as provided in subsection (4).

2228 (d) Death benefits under ~~the~~ DROP.--

2229 1. Upon the death of a DROP participant, the named
2230 beneficiary shall be entitled to apply for and receive the
2231 accrued benefits in ~~the~~ DROP as provided in sub-subparagraph
2232 (c)5.b.

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2233 2. The normal retirement benefit accrued to ~~the~~ DROP
2234 during the month of a participant's death shall be the final
2235 monthly benefit credited for such DROP participant.

2236 3. Eligibility to participate in ~~the~~ DROP terminates upon
2237 death of the participant. If the participant dies on or after
2238 the effective date of enrollment in ~~the~~ DROP, but prior to the
2239 first monthly benefit being credited to ~~the~~ DROP, Florida
2240 Retirement System benefits shall be paid in accordance with
2241 subparagraph (7)(c)1. or subparagraph 2.

2242 4. A DROP participants' survivors shall not be eligible to
2243 receive Florida Retirement System death benefits as provided in
2244 paragraph (7)(d).

2245 (e) Cost-of-living adjustment.--On each July 1, the
2246 participants' normal retirement benefit shall be increased as
2247 provided in s. 121.101.

2248 (f) Retiree health insurance subsidy.--DROP participants
2249 are not eligible to apply for the retiree health insurance
2250 subsidy payments as provided in s. 112.363 until such
2251 participants have terminated employment and participation in ~~the~~
2252 DROP.

2253 (g) Renewed membership.--DROP participants must meet the
2254 definition of termination in s. 121.021(39)(b) and must meet
2255 eligibility requirements ~~shall not be eligible~~ for renewed
2256 membership in the Florida Retirement System under ss. 121.053
2257 and 121.122 ~~until termination of employment is effectuated as~~
2258 ~~provided in s. 121.021(39)(b).~~

2259 (h) Employment limitation after DROP participation.--Upon
2260 satisfying the definition of termination of employment as

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2261 provided in s. 121.021(39)(b), DROP participants shall be
2262 subject to such reemployment limitations as other retirees.
2263 Reemployment restrictions applicable to retirees as provided in
2264 subsection (9) shall not apply to DROP participants until their
2265 employment and participation in ~~the~~ DROP are terminated.

2266 (i) Contributions.--

2267 1. All employers paying the salary of a DROP participant
2268 filling a regularly established position shall contribute 8.0
2269 percent of such participant's gross compensation for the period
2270 of July 1, 2002, through June 30, 2003, and 11.56 percent of
2271 such compensation thereafter, which shall constitute the entire
2272 employer DROP contribution with respect to such participant.
2273 Such contributions, payable to the System Trust Fund in the same
2274 manner as required in s. 121.071, shall be made as appropriate
2275 for each pay period and are in addition to contributions
2276 required for social security and the Retiree Health Insurance
2277 Subsidy Trust Fund. Such employer, social security, and health
2278 insurance subsidy contributions are not included in ~~the~~ DROP.

2279 2. The employer shall, in addition to subparagraph 1.,
2280 also withhold one-half of the entire social security
2281 contribution required for the participant. Contributions for
2282 social security by each participant and each employer, in the
2283 amount required for social security coverage as now or hereafter
2284 provided by the federal Social Security Act, shall be in
2285 addition to contributions specified in subparagraph 1.

2286 3. All employers paying the salary of a DROP participant
2287 filling a regularly established position shall contribute the
2288 percent of such participant's gross compensation required in s.
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2289 121.071(4), which shall constitute the employer's health
2290 insurance subsidy contribution with respect to such participant.
2291 Such contributions shall be deposited by the administrator in
2292 the Retiree Health Insurance Subsidy Trust Fund.

2293 (j) Forfeiture of retirement benefits.--Nothing in this
2294 section shall be construed to remove DROP participants from the
2295 scope of s. 8(d), Art. II of the State Constitution, s.
2296 112.3173, and paragraph (5)(f). DROP participants who commit a
2297 specified felony offense while employed will be subject to
2298 forfeiture of all retirement benefits, including DROP benefits,
2299 pursuant to those provisions of law.

2300 (k) Administration of program.--The division shall make
2301 such rules as are necessary for the effective and efficient
2302 administration of this subsection. The division shall not be
2303 required to advise members of the federal tax consequences of an
2304 election related to the DROP but may advise members to seek
2305 independent advice.

2306 (14) PAYMENT OF BENEFITS.--This subsection applies to the
2307 payment of benefits to a payee (retiree or beneficiary) under
2308 the Florida Retirement System:

2309 (a) Federal income tax shall be withheld in accordance
2310 with federal law, unless the payee elects otherwise on Form W-
2311 4P. The division shall prepare and distribute to each recipient
2312 of monthly retirement benefits an appropriate income tax form
2313 that reflects the recipient's income and federal income tax
2314 withheld for the calendar year just ended.

2315 (b) Subject to approval by the division in accordance with
2316 rule 60S-4.015, Florida Administrative Code, a payee receiving
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2317 retirement benefits under the ~~Florida Retirement~~ system may also
2318 have the following payments deducted from his or her monthly
2319 benefit:

2320 1. Premiums for life and health-related insurance policies
2321 from approved companies.

2322 2. Life insurance premiums for the State Group Life
2323 Insurance Plan, if authorized in writing by the payee and by the
2324 department ~~of Management Services~~.

2325 3. Repayment of overpayments from the Florida Retirement
2326 System Trust Fund, the State Employees' Health Insurance Trust
2327 Fund, or the State Employees' Life Insurance Trust Fund, upon
2328 notification of the payee.

2329 4. Payments to an alternate payee for alimony or child
2330 support pursuant to an income deduction order under s. 61.1301,
2331 or division of marital assets pursuant to a qualified domestic
2332 relations order under s. 222.21 ~~or an income deduction order~~
2333 ~~under s. 61.1301.~~

2334 5. Payments to the Internal Revenue Service for federal
2335 income tax levies, upon notification of the division by the
2336 Internal Revenue Service.

2337 (c) A payee must ~~shall~~ notify the division of any change
2338 in his or her address. The division may suspend benefit payments
2339 to a payee if correspondence sent to the payee's mailing address
2340 is returned due to an incorrect address. Benefit payments shall
2341 be resumed upon notification to the division of the payee's new
2342 address.

2343 (d) A payee whose retirement benefits are reduced by the
2344 application of maximum benefit limits under s. 415(b) of the
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2345 Internal Revenue Code, as specified in s. 121.30(5), shall have
2346 the portion of his or her calculated benefit in the Florida
2347 Retirement System defined benefit plan which exceeds such
2348 federal limitation paid through the Florida Retirement System
2349 Preservation of Benefits Plan, as provided in s. 121.1001.

2350 (e) The division may issue retirement benefits payable for
2351 division of marital assets pursuant to a qualified domestic
2352 relations order directly to the alternate payee, any court order
2353 to the contrary notwithstanding, in order to meet Internal
2354 Revenue Code requirements.

2355 (f)-(e) A ~~No~~ benefit may not be reduced for the purpose of
2356 preserving the member's eligibility for a federal program.

2357 (g)-(f) The division shall adopt rules establishing
2358 procedures for determining that ~~the~~ persons to whom benefits are
2359 being paid are still living. The division shall suspend the
2360 benefits being paid to any payee if ~~when~~ it is unable to contact
2361 such payee and to confirm that he or she is still living.

2362 Section 10. Section 121.1115, Florida Statutes, is amended
2363 to read:

2364 121.1115 Purchase of retirement credit for out-of-state or
2365 ~~and~~ federal service.--Effective January 1, 1995, a member ~~of the~~
2366 ~~Florida Retirement System~~ may purchase creditable service for
2367 periods of public employment in another state and receive
2368 creditable service for such periods of employment. Service with
2369 the Federal Government, including any active military service,
2370 may be claimed. Upon completion of each year of service earned
2371 under the Florida Retirement System, a member may purchase up to

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2372 1 year of retirement credit for his or her out-of-state service,
2373 subject to the following provisions:

2374 (1) LIMITATIONS AND CONDITIONS.--To receive credit for the
2375 out-of-state service:

2376 (a) The out-of-state service ~~being claimed~~ must have been:

2377 1. Performed in a position of employment with the state or
2378 a political subdivision thereof or with the Federal Government;

2379 2. Covered by a retirement or pension plan provided by the
2380 state or political subdivision, or by the Federal Government, as
2381 appropriate; and

2382 3. Performed prior to a period of membership in the
2383 Florida Retirement System.

2384 (b) The member must have completed a minimum of 6 years of
2385 creditable service under the Florida Retirement System,
2386 excluding out-of-state service and in-state service claimed and
2387 purchased under s. 121.1122.

2388 (c) Not more than 5 years of creditable service may be
2389 claimed for creditable service aggregated under the provisions
2390 of this section and s. 121.1122.

2391 (d) The out-of-state service credit ~~claimed under this~~
2392 ~~section~~ shall be credited only as service in the Regular Class
2393 ~~of membership~~, and any benefit or pension based thereon is ~~shall~~
2394 ~~be~~ subject to the limitations and restrictions of s. 112.65.

2395 (e) The member is not eligible for and may not receive a
2396 pension or benefit from a retirement or pension plan based on or
2397 including the out-of-state service. Eligibility for or the
2398 receipt of contributions to a retirement plan made by the
2399 employer on behalf of the employee is considered a benefit.

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2400 (f)~~(e)~~ To receive ~~A member shall be eligible to receive~~
2401 service credit for out-of-state service performed after leaving
2402 the Florida Retirement System, the member must complete only
2403 ~~upon return to membership and completion of~~ at least 1 year of
2404 creditable service in the Florida Retirement System following
2405 the out-of-state service.

2406 (2) COST.--For each year claimed, the member must pay into
2407 the Florida Retirement System Trust Fund an amount equal to 20
2408 percent of the member's annual compensation for the first full
2409 work year of creditable service earned under the Florida
2410 Retirement System, but not less than \$12,000, plus interest at
2411 6.5 percent compounded annually from the date of first annual
2412 salary earned until full payment is made. The employer may pay
2413 all or a portion of the cost of this service credit.

2414 Section 11. Subsection (2) of section 121.1122, Florida
2415 Statutes, is amended to read:

2416 121.1122 Purchase of retirement credit for in-state public
2417 service and in-state service in accredited nonpublic schools and
2418 colleges, including charter schools and charter technical career
2419 centers.--Effective January 1, 1998, a member of the Florida
2420 Retirement System may purchase creditable service for periods of
2421 certain public or nonpublic employment performed in this state,
2422 as provided in this section.

2423 (2) LIMITATIONS AND CONDITIONS.--

2424 (a) A member is not eligible to receive credit for in-
2425 state service under this section until he or she has completed 6
2426 years of creditable service under the Florida Retirement System,

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2427 excluding service purchased under this section and out-of-state
2428 service claimed and purchased under s. 121.1115.

2429 (b) A member may not purchase and receive credit for more
2430 than 5 years of creditable service aggregated under ~~the~~
2431 ~~provisions of~~ this section and s. 121.1115.

2432 (c) Service credit claimed under this section shall be
2433 credited only as service in the Regular Class ~~of membership~~ and
2434 ~~is shall be~~ subject to ~~the provisions of~~ s. 112.65.

2435 (d) Service credit may not be purchased under this section
2436 if the member is eligible to receive or is receiving a pension
2437 or benefit from a retirement or pension plan based on or
2438 including the service. Eligibility for or the receipt of
2439 contributions to a retirement plan made by the employer on
2440 behalf of the employee is considered a benefit.

2441 (e)-(d) A member is shall be eligible to receive service
2442 credit for in-state service performed after leaving the Florida
2443 Retirement System only after upon returning to membership and
2444 completing at least 1 year of creditable service in the Florida
2445 Retirement System following the in-state service.

2446 (f)-(e) The service claimed must have been service covered
2447 by a retirement or pension plan provided by the employer.

2448 Section 12. Section 121.122, Florida Statutes, is amended
2449 to read:

2450 121.122 Renewed membership in system.--

2451 (1) Any retiree of a state-administered retirement system
2452 who is initially reemployed on or after July 1, 2009, shall not
2453 be eligible for renewed membership.

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2454 (2) Except as provided in s. 121.053, effective July 1,
2455 1991, through June 30, 2009, any retiree of a state-administered
2456 retirement system who is initially reemployed ~~employed~~ in a
2457 regularly established position with a covered employer shall be
2458 enrolled as a compulsory member of the Regular Class of the
2459 Florida Retirement System or, effective July 1, 1997, through
2460 June 30, 2009, any retiree of a state-administered retirement
2461 system who is initially reemployed ~~employed~~ in a position
2462 included in the Senior Management Service Class shall be
2463 enrolled as a compulsory member of the Senior Management Service
2464 Class of the Florida Retirement System as provided in s.
2465 121.055, and shall be entitled to receive an additional
2466 retirement benefit, subject to the following conditions:

2467 ~~(1)~~(a) Such member shall resatisfy the age and service
2468 requirements as provided in this chapter for initial membership
2469 under the system, unless such member elects to participate in
2470 the Senior Management Service Optional Annuity Program in lieu
2471 of the Senior Management Service Class, as provided in s.
2472 121.055(6).

2473 (b) Such member shall not be entitled to disability
2474 benefits as provided in s. 121.091(4).

2475 (c) Such member must meet the reemployment after
2476 retirement limitations as provided in s. 121.091(9), as
2477 applicable.

2478 (3)~~(2)~~ Upon renewed membership or reemployment of a
2479 retiree, the employer of such member shall pay the applicable
2480 employer contributions as required by ss. 121.71, 121.74,
2481 121.76, and 112.363 ~~121.055(3) and 121.071(1)(a) and (4)~~.

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2482 (4)-(3) The retiree of a state-administered retirement
2483 system who is initially reemployed before July 1, 2009, Such
2484 member shall be entitled to purchase additional retirement
2485 credit in the Regular Class or the Senior Management Service
2486 Class, as applicable, for any postretirement service performed
2487 in a regularly established position as follows:

2488 (a) For regular class service prior to July 1, 1991, by
2489 paying the Regular Class applicable employee and employer
2490 contributions for the period being claimed, plus 4 percent
2491 interest compounded annually from first year of service claimed
2492 until July 1, 1975, and 6.5 percent interest compounded
2493 thereafter, until full payment is made to the Florida Retirement
2494 System Trust Fund; or

2495 (b) For Senior Management Service Class prior to June 1,
2496 1997, as provided in s. 121.055(1)(j).

2497
2498 The contribution for postretirement service between July 1,
2499 1985, and July 1, 1991, for which the reemployed retiree
2500 contribution was paid, shall be the difference between such
2501 contribution and the total applicable contribution for the
2502 period being claimed, plus interest. The employer of such member
2503 may pay the applicable employer contribution in lieu of the
2504 member. If a member does not wish to claim credit for all of the
2505 postretirement service for which he or she is eligible, the
2506 service the member claims must be the most recent service.

2507 (5)-(4) No creditable service for which credit was
2508 received, or which remained unclaimed, at retirement may be
2509 claimed or applied toward service credit earned following

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2510 renewed membership. However, for retirees initially reemployed
2511 before July 1, 2009, service earned as an elected officer with
2512 renewed membership in the Elected Officers' Class may be used in
2513 conjunction with creditable service earned under this section,
2514 provided the applicable vesting requirements and other existing
2515 statutory conditions required by this chapter are met.

2516 (6)(5) Notwithstanding any other limitations provided in
2517 this section, a participant of the State University System
2518 Optional Retirement Program or the Senior Management Service
2519 Optional Annuity Program who terminated employment and received
2520 a distribution ~~commenced receiving an annuity~~ under the
2521 provisions of the optional program, who initially renews
2522 membership before July 1, 2009, ~~in the Regular Class~~ as required
2523 by this section upon reemployment after retirement, and who had
2524 previously earned creditable Florida Retirement System service
2525 that was not included in any retirement benefit may include such
2526 previous service toward vesting and service credit in the second
2527 career benefit provided under renewed membership.

2528 (7)(6) Any renewed member who is not receiving the maximum
2529 health insurance subsidy provided in s. 112.363 shall be
2530 entitled to earn additional credit toward the maximum health
2531 insurance subsidy. Any additional subsidy due because of such
2532 additional credit shall be received only at the time of payment
2533 of the second career retirement benefit. In no case shall the
2534 total health insurance subsidy received by a retiree receiving
2535 benefits from initial and renewed membership exceed the maximum
2536 allowed in s. 112.363.

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2537 Section 13. Section 121.136, Florida Statutes, is amended
2538 to read:

2539 121.136 Annual benefit statement to members.--~~Beginning~~
2540 ~~January 1, 1993, and~~ Each January thereafter, the department
2541 shall provide each active member of the Florida Retirement
2542 System with 5 or more years of creditable service an annual
2543 statement of benefits which provides. ~~Such statement should~~
2544 ~~provide~~ the member with basic data about the member's retirement
2545 account. At a minimum ~~Minimally~~, it must ~~shall~~ include the
2546 member's retirement plan, accrued service credit ~~the amount of~~
2547 ~~funds on deposit in the retirement account~~, and an estimate of
2548 retirement benefits.

2549 Section 14. Section 121.1905, Florida Statutes, is amended
2550 to read:

2551 121.1905 Division of Retirement; creation.--

2552 ~~(1)~~ There is created the Division of Retirement within the
2553 Department of Management Services.

2554 ~~(2) The mission of the Division of Retirement is to~~
2555 ~~provide quality and cost effective retirement services as~~
2556 ~~measured by member satisfaction and by comparison with~~
2557 ~~administrative costs of comparable retirement systems.~~

2558 Section 15. Paragraph (a) of subsection (2) of section
2559 121.23, Florida Statutes, is amended to read:

2560 121.23 Disability retirement and special risk membership
2561 applications; Retirement Commission; powers and duties; judicial
2562 review.--The provisions of this section apply to all proceedings
2563 in which the administrator has made a written final decision on
2564 the merits respecting applications for disability retirement,

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2565 reexamination of retired members receiving disability benefits,
2566 applications for special risk membership, and reexamination of
2567 special risk members in the Florida Retirement System. The
2568 jurisdiction of the State Retirement Commission under this
2569 section shall be limited to written final decisions of the
2570 administrator on the merits.

2571 (2) A member shall be entitled to a hearing before the
2572 State Retirement Commission pursuant to ss. 120.569 and
2573 120.57(1) on the merits of any written adverse decision of the
2574 administrator, if he or she files with the commission a written
2575 request for such hearing within 21 days after receipt of such
2576 written decision from the administrator. For the purpose of such
2577 hearings, the commission shall be an "agency head" as defined by
2578 s. 120.52.

2579 (a) The commission ~~may shall have the authority to~~ issue
2580 orders as a result of the a hearing that are ~~shall be~~ binding on
2581 all parties to the dispute and. ~~The commission~~ may order any
2582 action that it deems appropriate. Any disability retirement
2583 order of the commission ~~issued pursuant to this subsection~~ which
2584 sustains the application of the member may include an amount, to
2585 be determined by the commission, for reasonable attorney's fees
2586 and taxable costs, which shall be calculated in accordance with
2587 the statewide uniform guidelines for taxation of costs in civil
2588 actions. The amount of the attorney's fee may not exceed 50
2589 percent of the initial yearly benefit awarded under s.
2590 121.091(4). In cases involving disability retirement, the ~~State~~
2591 ~~Retirement~~ commission shall require the member to present
2592 competent substantial medical evidence and meet the requirements

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2593 of s. 121.091(4)(c)2. and 3., and may require vocational
2594 evidence, before awarding disability retirement benefits.

2595 Section 16. Paragraph (a) of subsection (1) of section
2596 121.24, Florida Statutes, is amended to read:

2597 121.24 Conduct of commission business; legal and other
2598 assistance; compensation.--

2599 (1) The commission shall conduct its business within the
2600 following guidelines:

2601 (a) For purposes of hearing appeals under s. 121.23, the
2602 commission may meet in panels ~~consisting of no not~~ fewer than
2603 three members. ~~For the purpose of meeting in these panels, a~~
2604 ~~quorum shall be not fewer than two members. For all other~~
2605 ~~purposes,~~ A quorum shall consist of three members. The
2606 concurring vote of a majority of the members present ~~is shall be~~
2607 required to reach a decision, issue orders, and conduct the
2608 business of the commission.

2609 Section 17. Paragraph (e) of subsection (5) of section
2610 121.35, Florida Statutes, is amended to read:

2611 121.35 Optional retirement program for the State
2612 University System.--

2613 (5) BENEFITS.--

2614 (e) A participant who chooses to receive his or her
2615 benefits upon termination of employment as defined in s.
2616 121.021(39) shall have responsibility to notify the provider
2617 company of the date on which he or she wishes benefits funded by
2618 employer contributions to begin. Benefits may be deferred until
2619 such time as the participant chooses to make such application.

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2620 Section 18. Paragraph (f) of subsection (2) of section
2621 121.4501, Florida Statutes, is amended to read:

2622 121.4501 Public Employee Optional Retirement Program.--

2623 (2) DEFINITIONS.--As used in this part, the term:

2624 (f) "Eligible employee" means an officer or employee, as
2625 defined in s. 121.021(11), who:

2626 1. Is a member of, or is eligible for membership in, the
2627 Florida Retirement System, including any renewed member of the
2628 Florida Retirement System initially enrolled before July 1,
2629 2009; or

2630 2. Participates in, or is eligible to participate in, the
2631 Senior Management Service Optional Annuity Program as
2632 established under s. 121.055(6), the State Community College
2633 Optional Retirement Program as established under s.
2634 121.051(2)(c), or the State University System Optional
2635 Retirement Program established under s. 121.35.

2636
2637 The term does not include any member participating in the
2638 Deferred Retirement Option Program established under s.
2639 121.091(13), a retiree of a state-administered retirement system
2640 initially reemployed on or after July 1, 2009, or a mandatory
2641 participant of the State University System Optional Retirement
2642 Program established under s. 121.35.

2643 Section 19. Paragraph (b) of subsection (1) of section
2644 121.591, Florida Statutes, is amended to read:

2645 121.591 Benefits payable under the Public Employee
2646 Optional Retirement Program of the Florida Retirement
2647 System.--Benefits may not be paid under this section unless the
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2648 member has terminated employment as provided in s.
2649 121.021(39)(a) or is deceased and a proper application has been
2650 filed in the manner prescribed by the state board or the
2651 department. The state board or department, as appropriate, may
2652 cancel an application for retirement benefits when the member or
2653 beneficiary fails to timely provide the information and
2654 documents required by this chapter and the rules of the state
2655 board and department. In accordance with their respective
2656 responsibilities as provided herein, the State Board of
2657 Administration and the Department of Management Services shall
2658 adopt rules establishing procedures for application for
2659 retirement benefits and for the cancellation of such application
2660 when the required information or documents are not received. The
2661 State Board of Administration and the Department of Management
2662 Services, as appropriate, are authorized to cash out a de
2663 minimis account of a participant who has been terminated from
2664 Florida Retirement System covered employment for a minimum of 6
2665 calendar months. A de minimis account is an account containing
2666 employer contributions and accumulated earnings of not more than
2667 \$5,000 made under the provisions of this chapter. Such cash-out
2668 must either be a complete lump-sum liquidation of the account
2669 balance, subject to the provisions of the Internal Revenue Code,
2670 or a lump-sum direct rollover distribution paid directly to the
2671 custodian of an eligible retirement plan, as defined by the
2672 Internal Revenue Code, on behalf of the participant. If any
2673 financial instrument issued for the payment of retirement
2674 benefits under this section is not presented for payment within
2675 180 days after the last day of the month in which it was

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2676 originally issued, the third-party administrator or other duly
2677 authorized agent of the State Board of Administration shall
2678 cancel the instrument and credit the amount of the instrument to
2679 the suspense account of the Public Employee Optional Retirement
2680 Program Trust Fund authorized under s. 121.4501(6). Any such
2681 amounts transferred to the suspense account are payable upon a
2682 proper application, not to include earnings thereon, as provided
2683 in this section, within 10 years after the last day of the month
2684 in which the instrument was originally issued, after which time
2685 such amounts and any earnings thereon shall be forfeited. Any
2686 such forfeited amounts are assets of the Public Employee
2687 Optional Retirement Program Trust Fund and are not subject to
2688 the provisions of chapter 717.

2689 (1) NORMAL BENEFITS.--Under the Public Employee Optional
2690 Retirement Program:

2691 (b) If a participant elects to receive his or her benefits
2692 upon termination of employment as defined in s. 121.021(39), the
2693 participant must submit a written application or an equivalent
2694 form to the third-party administrator indicating his or her
2695 preferred distribution date and selecting an authorized method
2696 of distribution as provided in paragraph (c). The participant
2697 may defer receipt of benefits until he or she chooses to make
2698 such application, subject to federal requirements.

2699 Section 20. Subsection (8) of section 1012.33, Florida
2700 Statutes, is amended to read:

2701 1012.33 Contracts with instructional staff, supervisors,
2702 and school principals.--

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2703 (8) Notwithstanding any other provision of law, a retired
2704 ~~any member who has retired~~ may interrupt retirement and be
2705 reemployed in any public school. A ~~Any~~ member ~~se~~ reemployed by
2706 the same district from which he or she retired may be employed
2707 on a probationary contractual basis as provided in subsection
2708 (1); ~~however, no regular retirement employee shall be eligible~~
2709 ~~to renew membership under a retirement system created by chapter~~
2710 ~~121 or chapter 238.~~

2711 Section 21. Paragraph (a) of subsection (4) of section
2712 121.35, Florida Statutes, is amended, and paragraph (g) is added
2713 to that subsection, to read:

2714 121.35 Optional retirement program for the State
2715 University System.--

2716 (4) CONTRIBUTIONS.--

2717 (a) Through June 30, 2001, each employer shall contribute
2718 on behalf of each participant in the optional retirement program
2719 an amount equal to the normal cost portion of the employer
2720 retirement contribution which would be required if the
2721 participant were a regular member of the Florida Retirement
2722 System defined benefit program, plus the portion of the
2723 contribution rate required in s. 112.363(8) that would otherwise
2724 be assigned to the Retiree Health Insurance Subsidy Trust Fund.
2725 Effective July 1, 2001, each employer shall contribute on behalf
2726 of each participant in the optional program an amount equal to
2727 10.43 percent of the participant's gross monthly compensation.
2728 The department shall deduct an amount approved by the
2729 Legislature to provide for the administration of this program.
2730 The payment of the contributions to the optional program which

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2731 is required by this paragraph for each participant shall be made
2732 by the employer to the department, which shall forward the
2733 contributions to the designated company or companies contracting
2734 for payment of benefits for the participant under the program.
2735 However, such contributions paid on behalf of an employee
2736 described in paragraph (3)(c) shall not be forwarded to a
2737 company and shall not begin to accrue interest until the
2738 employee has executed a an annuity contract and notified the
2739 department.

2740 (g) Effective January 1, 2009, for purposes of paragraph
2741 (a) and notwithstanding s. 121.021(22)(b)1., the term
2742 "participant's gross monthly compensation" includes salary
2743 payments made to eligible clinical faculty from a state
2744 university using funds provided by a faculty practice plan
2745 authorized by the Board of Governors of the State University
2746 System if:

2747 1. There is not any employer contribution from the state
2748 university to any other retirement program with respect to such
2749 salary payments; and

2750 2. The employer contribution on behalf of the participant
2751 in the optional retirement program with respect to such salary
2752 payments is made using funds provided by the faculty practice
2753 plan.

2754 Section 22. Section 121.355, Florida Statutes, is created
2755 to read:

2756 121.355 Community College Optional Retirement Program and
2757 State University System Optional Retirement Program member
2758 transfer.--Effective July 1, 2009, through December 31, 2009, an

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2759 employee who is a former participant in the Community College
2760 Optional Retirement Program or the State University System
2761 Optional Retirement Program and present mandatory participant in
2762 the Florida Retirement System defined benefit plan may receive
2763 service credit equal to his or her years of service under the
2764 Community College Optional Retirement Program or the State
2765 University System Optional Retirement Program under the
2766 following conditions:

2767 (1) The cost for such credit shall be an amount
2768 representing the actuarial accrued liability for the affected
2769 period of service. The cost shall be calculated using the
2770 discount rate and other relevant actuarial assumptions that were
2771 used to value the Florida Retirement System defined benefit plan
2772 liabilities in the most recent actuarial valuation. The
2773 calculation shall include any service already maintained under
2774 the defined benefit plan in addition to the years under the
2775 Community College Optional Retirement Program or the State
2776 University System Optional Retirement Program. The actuarial
2777 accrued liability of any service already maintained under the
2778 defined benefit plan shall be applied as a credit to total cost
2779 resulting from the calculation. The division shall ensure that
2780 the transfer sum is prepared using a formula and methodology
2781 certified by an enrolled actuary.

2782 (2) The employee must transfer from his or her Community
2783 College Optional Retirement Program account or State University
2784 System Optional Retirement Program account, subject to the terms
2785 of the applicable optional retirement program contract, and from
2786 other employee moneys as necessary, a sum representing the

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2787 actuarial accrued liability immediately following the time of
2788 such movement, determined assuming that attained service equals
2789 the sum of service in the defined benefit program and service in
2790 the Community College Optional Retirement Program or State
2791 University System Optional Retirement Program.

2792 (3) The employee may not receive service credit for a
2793 period of mandatory participation in the State University
2794 Optional Retirement Program or for a period for which a
2795 distribution was received from the Community College Optional
2796 Retirement Program or State University System Optional
2797 Retirement Program.

2798 Section 23. Sections 121.093, 121.094, and 121.45, Florida
2799 Statutes, are repealed.

2800 Section 24. The Legislature finds that a proper and
2801 legitimate state purpose is served when employees and retirees
2802 of the state and its political subdivisions, as well as the
2803 dependents, survivors, and beneficiaries of such employees and
2804 retiree, are extended the basic protections afforded by
2805 governmental retirement systems that provide fair and adequate
2806 benefits and that are managed, administered, and funded in an
2807 actuarially sound manner as required by s. 14, Art. X of the
2808 State Constitution, and part VII of chapter 112, Florida
2809 Statutes. Therefore, the Legislature determines and declares
2810 that the amendment of s. 121.091, Florida Statutes, by this act
2811 fulfills an important state interest.

2812 Section 25. This act shall take effect January 1, 2009.
2813
2814

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

Remove the entire title and insert:

A bill to be entitled

An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "compensation," "normal retirement date," "regularly established position," "termination," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services; amending s. 121.051, F.S.; conforming a cross-reference; revising provisions relating to participation in the system; requiring that a person appointed to a faculty position at a state university having a faculty practice plan participate in the optional retirement program of the State University System rather than the Florida Retirement System; providing definitions; excluding the participation of entities under a lease agreement; excluding the participation of prisoners and inmates in the system; amending s. 121.052, F.S.; changing the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.053, F.S.; revising provisions relating to participation in the Elected Officers' Class for retired members; amending s. 121.055, F.S.; revising provisions relating to

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HOUSE AMENDMENT
Bill No. CS/CS/SB 2848

Amendment No.

2843 participation in the Senior Management Service Class;
2844 amending s. 121.071, F.S.; expanding the mechanisms for
2845 employees to pay contributions to the system; amending s.
2846 121.081, F.S.; revising provisions relating to receiving
2847 credit for past or prior service; prohibiting a member
2848 from receiving credit for service covered and reported by
2849 both a public employer and a private employer; amending s.
2850 121.091, F.S.; revising provisions relating to retirement
2851 benefits; revising limitations on the payment of
2852 retirement benefits for certain retired persons who are
2853 reemployed by an employer participating in a state-
2854 administered retirement system; prohibiting certain
2855 members of the Special Risk Class from being reemployed or
2856 contracting with the same employing agency from which the
2857 member retired; deleting a restriction on the reemployment
2858 of certain personnel by the Florida School for the Deaf
2859 and the Blind; extending the period of time during which
2860 certain Special Risk Class members may participate in the
2861 Florida Retirement System Deferred Retirement Option
2862 Program; extending the period of time that instructional
2863 personnel employed by a developmental research school may
2864 participate in the Deferred Retirement Option Program;
2865 defining the term "member" for purposes of reporting to
2866 the Governor, the President of the Senate, and the Speaker
2867 of the House of Representatives those members who have
2868 been reemployed after retirement; requiring employers to
2869 certify to the Governor, the President of the Senate, and
2870 the Speaker of the House of Representatives information

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Amendment No.

2871 regarding those employers who reemployed members during
2872 months 2 through 12 of retirement; prohibiting certain
2873 persons holding public office from electing to retire
2874 while continuing employment in that elected office;
2875 deleting a provision authorizing an employing agency to
2876 reemploy a retired member as a firefighter or paramedic
2877 after a specified period; providing certain limitations
2878 for DROP participants; clarifying that DROP participation
2879 cannot be canceled; authorizing the Division of Retirement
2880 to issue benefits directly to the alternate payee pursuant
2881 to an income deduction order or a qualified domestic
2882 relations order; providing for the suspension of DROP
2883 benefits to a participant who is reemployed; deleting
2884 obsolete provisions; authorizing the Division of
2885 Retirement to issue benefits pursuant to a qualified
2886 domestic relations order directly to the alternate payee;
2887 amending s. 121.1115, F.S.; revising provisions relating
2888 to receiving retirement credit for out-of-state service;
2889 providing that a member is not eligible for and may not
2890 receive a benefit based on that service; amending s.
2891 121.1122, F.S.; revising provisions relating to receiving
2892 retirement credit for in-state service; providing that a
2893 member may not be eligible for or receiving a benefit
2894 based on service; amending s. 121.122, F.S.; providing
2895 that certain persons are ineligible for renewed membership
2896 in the Florida Retirement System; amending s. 121.136,
2897 F.S.; revising provisions relating to the annual statement
2898 of benefits provided to certain active members of the

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HOUSE AMENDMENT
Bill No. CS/CS/SB 2848

Amendment No.

2899 Florida Retirement System; amending s. 121.1905, F.S.;
2900 deleting provision describing the mission of the Division
2901 of Retirement; amending s. 121.23, F.S.; requiring the
2902 State Retirement Commission to meet the same requirements
2903 used by the Secretary of Management Services before
2904 approving a disability retirement benefit; amending s.
2905 121.24, F.S.; requiring a quorum of three members for all
2906 appeal hearings held by the State Retirement Commission;
2907 amending s. 1012.33, F.S.; deleting the provision
2908 preventing persons who have retired from the public school
2909 system from renewing membership in the Florida Retirement
2910 System upon reemployment by the school system; amending s.
2911 121.35, F.S.; requiring the participating employee in the
2912 optional retirement program to execute a contract, not
2913 just an annuity contract, with a designated company in
2914 order for employee contributions to be forwarded to the
2915 company and for interest to accrue; defining the term
2916 "participant's gross monthly compensation" for purposes of
2917 the optional retirement program for the State University
2918 System; providing a cross-reference; creating s. 121.355,
2919 F.S.; authorizing certain former participants in the
2920 Community College Optional Retirement Program or the State
2921 University System Optional Retirement Program and present
2922 mandatory participants in the Florida Retirement System to
2923 receive a specified amount of service credit under certain
2924 conditions; providing a specified time period for the
2925 election of such transfer; limiting certain service
2926 credit; amending s. 121.4501, F.S.; revising the

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2927 definition of the term "eligible employee" for purposes of
2928 the Public Employee Optional Retirement Program; amending
2929 s. 121.591, F.S.; providing a cross-reference; repealing
2930 s. 121.093, F.S., relating to instructional personnel
2931 reemployment after retirement from the developmental
2932 research school or the Florida School for the Deaf and the
2933 Blind; repealing s. 121.094, F.S., relating to
2934 instructional personnel reemployment after retirement from
2935 a charter school; repealing s. 121.45, F.S., relating to
2936 interstate compacts relating to pension portability;
2937 providing a declaration of important state interest;
2938 providing an effective date.

2939