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1 A bill to be entitled
2 An act relating to retirement; amending s. 121.021, F.S.;
3 redefining the terms "employer," "officer or employee,"
4 "past service," "compensation," "normal retirement date,"
5 "regularly established position," and temporary position";
6 defining the terms "state board" and "trustees"; amending
7 s. 121.031, F.S.; requiring promotional materials that
8 refer to the Florida Retirement System to include a
9 disclaimer unless approval is obtained from the Department
10 of Management Services; amending s. 121.051, F.S.;
11 conforming a cross-reference; revising provisions relating
12 to participation in the system; requiring that a person
13 appointed to a faculty position at a state university
14 having a faculty practice plan participate in the optional
15 retirement program of the State University System rather
16 than the Florida Retirement System; providing definitions;
17 excluding the participation of entities under a lease
18 agreement; excluding the participation of prisoners and
19 inmates in the system; amending s. 121.052, F.S.; changing
20 the dates for when a governing body of a municipality or
21 special district may elect to designate its elected
22 positions for inclusion in the Elected Officers' Class;
23 amending s. 121.071, F.S.; expanding the mechanisms for
24 employees to pay contributions to the system; amending s.
25 121.081, F.S.; revising provisions relating to receiving
26 credit for past or prior service; prohibiting a member
27 from receiving credit for service covered and reported by
28 both a public employer and a private employer; amending s.
29 121.091, F.S.; revising provisions relating to retirement

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30 benefits; deleting a restriction on the reemployment of
31 certain personnel by the Florida School for the Deaf and
32 the Blind; extending the period of time that instructional
33 personnel employed by a developmental research school may
34 participate in the Deferred Retirement Option Program;
35 clarifying that DROP participation cannot be cancelled;
36 providing for the suspension of DROP benefits to a
37 participant who is reemployed; deleting obsolete
38 provisions; authorizing the Division of Retirement to
39 issue benefits pursuant to a qualified domestic relations
40 order directly to the alternate payee; amending s.
41 121.1115, F.S.; revising provisions relating to receiving
42 retirement credit for out-of-state service; providing that
43 a member is not eligible for and may not receive a benefit
44 based on that service; amending s. 121.1122, F.S.;

45 revising provisions relating to receiving retirement
46 credit for in-state service; providing that a member may
47 not be eligible for or receiving a benefit based on
48 service; amending s. 121.136, F.S.; revising provisions
49 relating to the annual statement of benefits provided to
50 certain active members of the Florida Retirement System;
51 amending s. 121.1905, F.S.; deleting provision describing
52 the mission of the Division of Retirement; amending s.
53 121.23, F.S.; requiring the State Retirement Commission to
54 meet the same requirements used by the Secretary of
55 Management Services before approving a disability
56 retirement benefit; amending s. 121.24, F.S.; requiring a
57 quorum of three members for all appeal hearings held by
58 the State Retirement Commission; amending s. 1012.33,

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59 F.S.; deleting the provision preventing persons who have
60 retired from the public school system from renewing
61 membership in the Florida Retirement System upon
62 reemployment by the school system; amending s. 121.35,
63 F.S.; requiring the participating employee in the optional
64 retirement program to execute a contract, not just an
65 annuity contract, with a designated company in order for
66 employee contributions to be forwarded to the company and
67 for interest to accrue; defining the term "participant's
68 gross monthly compensation" for purposes of the optional
69 retirement program for the State University System;
70 creating s. 121.355, F.S.; authorizing certain former
71 participants in the Community College Optional Retirement
72 Program or the State University System Optional Retirement
73 Program and present mandatory participants in the Florida
74 Retirement System to receive a specified amount of service
75 credit under certain conditions; providing a specified
76 time period for the election of such transfer; limiting
77 certain service credit; repealing s. 121.093, F.S.,
78 relating to instructional personnel reemployment after
79 retirement from the developmental research school or the
80 Florida School for the Deaf and the Blind; repealing s.
81 121.094, F.S., relating to instructional personnel
82 reemployment after retirement from a charter school;
83 repealing s. 121.45, F.S., relating to interstate compacts
84 relating to pension portability; providing a declaration
85 of important state interest; providing an effective date.

86
87 Be It Enacted by the Legislature of the State of Florida:

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88
89 Section 1. Subsections (10), (11), (18), paragraph (b) of
90 subsection (22), and subsections (29), (52), and (53) of section
91 121.021, Florida Statutes, are amended, and subsections (63) and
92 (64) are added to that section, to read:

93 121.021 Definitions.--The following words and phrases as
94 used in this chapter have the respective meanings set forth
95 unless a different meaning is plainly required by the context:

96 (10) "Employer" means any agency, branch, department,
97 institution, university, institution of higher education, or
98 board of the state, or any county agency, branch, department,
99 board, district school board, or special district of the state,
100 or any city of the state which participates in the system for the
101 benefit of certain of its employees, or a charter school or
102 charter technical career center that participates as provided in
103 s. 121.051(2)(d). Employers are not agents of the department, the
104 state board, or the Division of Retirement, and the department,
105 the state board, and the division are not responsible for
106 erroneous information provided by representatives of employers.

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

112 (a) State employees covered by a leasing agreement under s.
113 110.191, other public employees covered by a leasing agreement,
114 or to a co-employer relationship.

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

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117 (18) "Past service" of any member, as provided in s.
118 121.081(1), means the number of years and complete months and any
119 fractional part of a month, recognized and credited by an
120 employer and approved by the administrator, during which the
121 member was in the active employ of a governmental ~~an~~ employer and
122 for which the employee is not entitled to a benefit prior to his
123 or her date of participation.

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

127 (b) Under no circumstances shall compensation for a member
128 participating in the defined benefit retirement program or the
129 Public Employee Optional Retirement Program of the Florida
130 Retirement System include:

131 1. Fees paid professional persons for special or particular
132 services or include salary payments made from a faculty practice
133 plan authorized by the Board of Governors of the State University
134 System for eligible clinical faculty at a college in a state
135 university that has ~~with~~ a faculty practice plan; ~~or~~

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

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

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

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

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

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

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

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

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

159 3. The first day of the month following the date the member
160 completes 25 years of creditable service and attains age 52,
161 which service may include a maximum of 4 years of military
162 service credit as long as such credit is not claimed under any
163 other system and the remaining years are in the Special Risk
164 Class.

165 (c) If a Senior Management Service Class member, ~~the~~
166 ~~member~~:

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

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

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

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

178 2. The first day of the month following the date the member
179 completes 30 years of any creditable service, regardless of age,
180 which may include a maximum of 4 years of military service credit
181 as long as such credit is not claimed under any other system.
182

183 "Normal retirement age" is attained on the "normal retirement
184 date."

185 (52) "Regularly established position" is defined as
186 follows:

187 (a) With respect to employment for ~~In~~ a state employer
188 ~~agency~~, the term means a position that ~~which~~ is authorized and
189 established pursuant to law and is compensated from a salaries
190 appropriation pursuant to s. 216.011(1)(dd), or an established
191 position which is authorized pursuant to s. 216.262(1)(a) and (b)
192 and is compensated from a salaries account as provided by rule.

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

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

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

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

209 (63) "State board" or "board" means the State Board of
210 Administration.

211 (64) "Trustees" means the Board of Trustees of the State
212 Board of Administration.

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

215 121.031 Administration of system; appropriation; oaths;
216 actuarial studies; public records.--

217 (6) Unless prior written approval is obtained from the
218 department or state board, any promotional materials or
219 advertisements that, directly or indirectly, refer to the Florida
220 Retirement System or the FRS, must contain a disclaimer that the
221 information is not approved or endorsed by the Florida Retirement
222 System.

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

226 121.051 Participation in the system.--

227 (1) COMPULSORY PARTICIPATION.--

228 (a) The provisions of this law are ~~shall be~~ compulsory as
229 to all officers and employees, except elected officers who meet
230 the requirements of s. 121.052(3), who are employed on or after
231 December 1, 1970, by ~~of~~ an employer other than those referred to
232 in paragraph (2) (b), and each officer or employee, as a condition

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233 of employment, shall become a member of the system as of his or
234 her date of employment, except that a person who is retired from
235 any state retirement system and is reemployed on or after
236 December 1, 1970, may ~~shall not be permitted to~~ renew his or her
237 membership in any state retirement system except as provided in
238 s. 121.091(4)(h) for a person who recovers from disability, and
239 as provided in s. 121.091(9)(b)10. ~~s. 121.091(9)(b)8.~~ for a
240 person who is elected to public office, and, effective July 1,
241 1991, as provided in s. 121.122 for all other retirees. Officers
242 and employees of the University Athletic Association, Inc., a
243 nonprofit association connected with the University of Florida,
244 employed on and after July 1, 1979, may ~~shall~~ not participate in
245 any state-supported retirement system. Any person appointed on or
246 after July 1, 1989, to a faculty position in a college at the J.
247 Hillis Miller Health Center at the University of Florida or the
248 Medical Center at the University of South Florida which has a
249 faculty practice plan adopted ~~provided~~ by rule may ~~adopted by the~~
250 any state-supported retirement system.

251 1.a. Any person appointed on or after July 1, 1989, to a
252 faculty position in a college at the J. Hillis Miller Health
253 Center at the University of Florida or the Medical Center at the
254 University of South Florida which has a faculty practice plan
255 adopted ~~provided~~ by rule may ~~adopted by the Board of Regents~~
256 ~~shall~~ not participate in the Florida Retirement System. Effective
257 July 1, 2008, any person appointed thereafter to a faculty
258 position, including clinical faculty, in a college at a state
259 university that has a faculty practice plan authorized by the
260 Board of Governors may not participate in the Florida Retirement
261 System. A faculty member so appointed shall participate in the

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262 optional retirement program for the State University System ~~on~~
263 ~~the basis of his or her state-funded compensation,~~
264 notwithstanding the provisions of s. 121.35(2) (a).

265 b. For purposes of this subparagraph, the term "faculty
266 position" is defined as a position assigned the principal
267 responsibility of teaching, research, or public service activities
268 or administrative responsibility directly related to the academic
269 mission of the college. The term "clinical faculty" is defined as
270 a faculty position appointment in conjunction with a professional
271 position in a hospital or other clinical environment at a college.
272 The term "faculty practice plan" includes professional services to
273 patients, institutions, or other parties which are rendered by the
274 clinical faculty employed by a college that has a faculty practice
275 plan at a state university authorized by the Board of Governors.

276 (2) OPTIONAL PARTICIPATION.--

277 (f)1. If ~~Whenever~~ an employer that participates in the
278 Florida Retirement System undertakes the transfer, merger, or
279 consolidation of governmental services or assumes the functions
280 or activities of an employing governmental entity that was not an
281 employer under the system, the employer must notify the
282 department at least 60 days prior to such action and ~~shall~~
283 provide documentation as required by the department. The
284 transfer, merger, or consolidation of governmental services or
285 assumption of governmental functions and activities must occur
286 between public employers. The current or former employer may pay
287 the employees' past service cost unless prohibited under this
288 chapter. This paragraph does not apply to the transfer, merger,
289 or consolidation of governmental services or assumption of
290 functions and activities of a public entity under a leasing

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291 agreement having a co-employer relationship. Employers and
292 employees of a public governmental employer whose service is
293 covered by a leasing agreement under s. 110.191, other leasing
294 agreement, or a co-employer relationship are not eligible to
295 participate in the Florida Retirement System.

296 2. If ~~When~~ the agency to which a member's employing unit is
297 transferred, merged, or consolidated does not participate in the
298 Florida Retirement System, a member may ~~shall~~ elect in writing to
299 remain in the Florida Retirement System or to transfer to the
300 local retirement system operated by the ~~such~~ agency. If such
301 agency does not participate in a local retirement system, the
302 member shall continue membership in the Florida Retirement
303 System. In either case, ~~the~~ membership continues ~~shall continue~~
304 for as long as the member is employed by the agency to which his
305 or her unit was transferred, merged, or consolidated.

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

310 Section 4. Paragraph (e) of subsection (3) of section
311 121.052, Florida Statutes, is amended to read:

312 121.052 Membership class of elected officers.--

313 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.--Effective
314 July 1, 1990, participation in the Elected Officers' Class shall
315 be compulsory for elected officers listed in paragraphs (2)(a)-
316 (d) and (f) assuming office on or after said date, unless the
317 elected officer elects membership in another class or withdraws
318 from the Florida Retirement System as provided in paragraphs
319 (3)(a)-(d):

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320 (e) Effective July 1, 2008 ~~July 1, 2001~~, the governing body
321 of a municipality or special district may, by majority vote,
322 elect to designate all its elected positions for inclusion in the
323 Elected Officers' Class. Such election shall be made between July
324 1, 2008, and December 31, 2008 ~~July 1, 2001, and December 31,~~
325 ~~2001~~, and shall be irrevocable. The designation of such positions
326 shall be effective the first day of the month following receipt
327 by the department of the ordinance or resolution passed by the
328 governing body.

329 Section 5. Paragraph (a) of subsection (6) of section
330 121.071, Florida Statutes, is amended to read:

331 121.071 Contributions.--Contributions to the system shall
332 be made as follows:

333 (6) (a) Required employee contributions for all service
334 other than current service, including, but not limited to, prior
335 service, past service, military service, leave-of-absence
336 service, out-of-state service, and certain non-Florida Retirement
337 System in-state service, shall be paid by cash, personal check,
338 cashier's check, ~~or~~ money order, or a direct rollover or transfer
339 from a qualified plan as provided under the Internal Revenue
340 Code. The payment must ~~only;~~ ~~shall~~ be accompanied by a statement
341 identifying the service for which payment is made, + and shall be
342 made in a lump sum for the total amount due or in annual payments
343 of not less than \$100, except for the final payment if less than
344 \$100, unless another method of payment is authorized by law or
345 rule.

346 Section 6. Paragraphs (f) and (h) of subsection (1) of
347 section 121.081, Florida Statutes, are amended to read:

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348 121.081 Past service; prior service;
349 contributions.--Conditions under which past service or prior
350 service may be claimed and credited are:

351 (1)

352 (f) If ~~When~~ any person, ~~either prior to this act or~~
353 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~
354 in one of the retirement systems under ~~consolidated within or~~
355 ~~created by~~ this chapter through the consolidation or merger of
356 governments or the transfer of functions between units of
357 government, ~~either~~ at the state or local level or between state
358 and local units, or through the assumption of functions or
359 activities by a state or local unit from an employing
360 governmental entity that ~~which~~ was not an employer under the
361 system, and such person becomes a member of the Florida
362 Retirement System, such person is ~~shall be~~ entitled to receive
363 past-service credit as ~~defined in s. 121.021(18)~~ for the time the
364 ~~such~~ person performed services for, and was an employee of, such
365 state or local unit or other governmental employing entity prior
366 to the transfer, merger, consolidation, or assumption of
367 functions and activities. Past-service credit allowed by this
368 paragraph is ~~shall~~ also ~~be~~ available to any person who becomes a
369 member of an existing system, ~~as defined in s. 121.021(2),~~ prior
370 to December 1, 1970, through the transfer, merger, consolidation,
371 or assumption of functions and activities set forth in this
372 paragraph and who subsequently becomes a member of the Florida
373 Retirement System. However, credit for the past service may not
374 be granted until contributions are made in the manner provided in
375 this subsection. If a person rejected Florida Retirement System
376 membership at the time of the transfer, merger, ~~or~~ consolidation,

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377 or assumption the required contributions shall be at total
378 actuarial cost as specified in paragraph (e). Such contributions
379 or accrued interest may not be paid from any public ~~state~~ funds.

380 (h) The following provisions apply to the purchase of past
381 service:

382 1. Notwithstanding any of the provisions of this
383 subsection, past-service credit may not be purchased under this
384 chapter for any service that is used to obtain a pension or
385 benefit from a ~~any~~ local retirement system. Eligibility to
386 receive or the receipt of contributions to a retirement plan made
387 by the employer on behalf of the employee is considered a
388 benefit.

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

394 3. A member may not receive past service credit for co-
395 employer service. Co-employer service or a co-employer
396 relationship is employment in a single position simultaneously
397 covered and reported by both a public employer and a private
398 employer.

399 4.3. If a member does not want ~~desire~~ to receive credit for
400 all of his or her past service, the period the member claims must
401 be the most recent past service prior to his or her participation
402 in the Florida Retirement System.

403 5.4. The cost of past service purchased by an employing
404 agency for its employees may be amortized over the ~~such~~ period of
405 time ~~as is~~ provided in the agreement, but not to exceed 15 years,

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406 calculated in accordance with rule 60S-1.007(5)(f), Florida
407 Administrative Code.

408 ~~6.5.~~ The retirement account of each member for whom past
409 service is being provided by his or her employer shall be
410 credited with all past service the employer agrees to purchase as
411 soon as the agreement between the employer and the department is
412 executed. ~~Pursuant thereto:~~

413 a. Each ~~such~~ member's account shall also be posted with the
414 total contribution his or her employer agrees to make on ~~in~~ the
415 member's behalf for past service earned prior to October 1, 1975,
416 excluding those contributions representing the employer's
417 matching share and the compound interest calculation on the total
418 contribution. However, a portion of any contributions paid by an
419 employer for past service credit earned on and after October 1,
420 1975, may not be posted to the ~~a~~ member's account.

421 b. A refund of contributions payable after an employer has
422 made a written agreement to purchase past service for employees
423 of the covered group includes ~~shall include~~ contributions for
424 past service which are posted to a member's account. However,
425 contributions for past service earned on and after October 1,
426 1975, are not refundable.

427 Section 7. Paragraph (b) of subsection (9), paragraphs (a),
428 (b), and (c) of subsection (13), and paragraphs (b) through (f)
429 of subsection (14) of section 121.091, Florida Statutes, are
430 amended to read:

431 121.091 Benefits payable under the system.--Benefits may
432 not be paid under this section unless the member has terminated
433 employment as provided in s. 121.021(39)(a) or begun
434 participation in the Deferred Retirement Option Program as

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435 provided in subsection (13), and a proper application has been
436 filed in the manner prescribed by the department. The department
437 may cancel an application for retirement benefits when the member
438 or beneficiary fails to timely provide the information and
439 documents required by this chapter and the department's rules.
440 The department shall adopt rules establishing procedures for
441 application for retirement benefits and for the cancellation of
442 such application when the required information or documents are
443 not received.

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

445 (b)1. Any person who is retired under this chapter, except
446 under the disability retirement provisions of subsection (4), may
447 be reemployed by any private or public employer after retirement
448 and receive retirement benefits and compensation from the ~~his or~~
449 ~~her~~ employer without limitation ~~any limitations~~, except that the
450 a person may not receive ~~both~~ a salary from reemployment with any
451 agency participating in the Florida Retirement System and
452 retirement benefits under this chapter for ~~a period of~~ 12 months
453 immediately after ~~subsequent to~~ the date of retirement. However,
454 a DROP participant may ~~shall~~ continue employment and receive a
455 salary during the period of participation in DROP ~~the Deferred~~
456 ~~Retirement Option Program~~, as provided in subsection (13).

457 2. Any person to whom the limitation in subparagraph 1.
458 applies who ~~violates such reemployment limitation and who is~~
459 reemployed with any agency participating in the Florida
460 Retirement System after he or she has been retired for 1 calendar
461 month but before completion of the 12-month limitation period
462 must ~~shall~~ give timely notice of this fact in writing to the
463 employer and to the Division of Retirement and shall have his or

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464 her retirement benefits suspended while employed during ~~for~~ the
465 balance of the 12-month limitation period unless the person
466 exceeds the 780-hour limitation in subparagraph 4., subparagraph
467 5., or subparagraph 11. Any person employed in violation of this
468 paragraph and any employing agency that ~~which~~ knowingly employs
469 or appoints such person without notifying the division ~~of~~
470 ~~Retirement~~ to suspend retirement benefits are ~~shall be~~ jointly
471 and severally liable for ~~reimbursement to the retirement trust~~
472 ~~fund of~~ any benefits paid during the reemployment limitation
473 period. To avoid liability, the ~~such~~ employing agency must ~~shall~~
474 have a written statement from the retiree that he or she is not
475 retired from a state-administered retirement system. Any
476 retirement benefits received while reemployed during this
477 reemployment limitation period must ~~shall~~ be repaid to the
478 Florida Retirement System Trust Fund, and retirement benefits
479 ~~shall~~ remain suspended until such repayment has been made.
480 Benefits suspended beyond the reemployment limitation shall apply
481 toward repayment of benefits received in violation of the
482 reemployment limitation.

483 3. A district school board may reemploy a retired member as
484 a substitute or hourly teacher, education paraprofessional,
485 transportation assistant, bus driver, or food service worker on a
486 noncontractual basis after he or she has been retired for 1
487 calendar month, in accordance with s. 121.021(39). A district
488 school board may reemploy a retired member as instructional
489 personnel, as defined in s. 1012.01(2)(a), on an annual
490 contractual basis after he or she has been retired for 1 calendar
491 month, in accordance with s. 121.021(39). Any other retired
492 member who is reemployed within 1 calendar month after retirement

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493 ~~voids shall void~~ his or her application for retirement benefits.
494 District school boards reemploying such teachers, education
495 paraprofessionals, transportation assistants, bus drivers, or
496 food service workers are subject to the retirement contribution
497 required by subparagraph 9. ~~7.~~

498 4. A community college board of trustees may reemploy a
499 retired member as an adjunct instructor, ~~that is, an instructor~~
500 ~~who is noncontractual and part-time,~~ or as a participant in a
501 phased retirement program within the Florida Community College
502 System, after he or she has been retired for 1 calendar month, in
503 accordance with s. 121.021(39). Any retired member who is
504 reemployed within 1 calendar month after retirement voids shall
505 ~~void~~ his or her application for retirement benefits. Boards of
506 trustees reemploying such instructors are subject to the
507 retirement contribution required in subparagraph 7. A retired
508 member may be reemployed as an adjunct instructor for no more
509 than 780 hours during the first 12 months of retirement. Any
510 retired member reemployed for more than 780 hours during the
511 first 12 months of retirement must ~~shall~~ give timely notice in
512 writing to the employer and to the Division of Retirement of the
513 date he or she will exceed the limitation. The division shall
514 suspend his or her retirement benefits for the remainder of the
515 first 12 months of retirement. Any person employed in violation
516 of this subparagraph and any employing agency that ~~which~~
517 knowingly employs or appoints such person without notifying the
518 division ~~of Retirement~~ to suspend retirement benefits are ~~shall~~
519 ~~be~~ jointly and severally liable for ~~reimbursement to the~~
520 ~~retirement trust fund of~~ any benefits paid during the
521 reemployment limitation period. To avoid liability, the ~~such~~

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522 employing agency must ~~shall~~ have a written statement from the
523 retiree that he or she is not retired from a state-administered
524 retirement system. Any retirement benefits received by a retired
525 member while reemployed in excess of 780 hours during the first
526 12 months of retirement must ~~shall~~ be repaid to the Florida
527 Retirement System Trust Fund, and retirement benefits ~~shall~~
528 remain suspended until repayment is made. Benefits suspended
529 beyond the end of the retired member's first 12 months of
530 retirement shall apply toward repayment of benefits received in
531 violation of the 780-hour reemployment limitation.

532 5. The State University System may reemploy a retired
533 member as an adjunct faculty member or as a participant in a
534 phased retirement program within the State University System
535 after the retired member has been retired for 1 calendar month,
536 in accordance with s. 121.021(39). A ~~Any~~ retired member who is
537 reemployed within 1 calendar month after retirement voids ~~shall~~
538 ~~void~~ his or her application for retirement benefits. The State
539 University System is subject to the retired contribution required
540 in subparagraph 9. 7., as appropriate. A retired member may be
541 reemployed as an adjunct faculty member or a participant in a
542 phased retirement program for no more than 780 hours during the
543 first 12 months of his or her retirement. Any retired member
544 reemployed for more than 780 hours during the first 12 months of
545 retirement must ~~shall~~ give timely notice in writing to the
546 employer and to the Division of Retirement of the date he or she
547 will exceed the limitation. The division shall suspend his or her
548 retirement benefits for the remainder of the first 12 months of
549 retirement. Any person employed in violation of this subparagraph
550 and any employing agency that ~~which~~ knowingly employs or appoints

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551 such person without notifying the division ~~of Retirement~~ to
552 suspend retirement benefits are ~~shall be~~ jointly and severally
553 liable for ~~reimbursement to the retirement trust fund~~ of any
554 benefits paid during the reemployment limitation period. To avoid
555 liability, such employing agency must ~~shall~~ have a written
556 statement from the retiree that he or she is not retired from a
557 state-administered retirement system. Any retirement benefits
558 received by a retired member while reemployed in excess of 780
559 hours during the first 12 months of retirement must ~~shall~~ be
560 repaid to the Florida Retirement System Trust Fund, and
561 retirement benefits ~~shall~~ remain suspended until repayment is
562 made. Benefits suspended beyond the end of the retired member's
563 first 12 months of retirement shall apply toward repayment of
564 benefits received in violation of the 780-hour reemployment
565 limitation.

566 6. The Board of Trustees of the Florida School for the Deaf
567 and the Blind may reemploy a retired member as a substitute
568 teacher, substitute residential instructor, or substitute nurse
569 on a noncontractual basis after he or she has been retired for 1
570 calendar month, in accordance with s. 121.021(39). The Board of
571 Trustees of the Florida School for the Deaf and the Blind may
572 reemploy a retired member as instructional personnel, as defined
573 in s. 1012.01(2)(a), on an annual contractual basis after he or
574 she has been retired for 1 calendar month, in accordance with s.
575 121.021(39). Any retired member who is reemployed within 1
576 calendar month after retirement voids ~~shall void~~ his or her
577 application for retirement benefits. The Board of Trustees of the
578 Florida School for the Deaf and the Blind reemploying such
579 teachers, residential instructors, or nurses is subject to the

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580 retirement contribution required by subparagraph 9. 7.
581 ~~Reemployment of a retired member as a substitute teacher,~~
582 ~~substitute residential instructor, or substitute nurse is limited~~
583 ~~to 780 hours during the first 12 months of his or her retirement.~~
584 ~~Any retired member reemployed for more than 780 hours during the~~
585 ~~first 12 months of retirement shall give timely notice in writing~~
586 ~~to the employer and to the division of the date he or she will~~
587 ~~exceed the limitation. The division shall suspend his or her~~
588 ~~retirement benefits for the remainder of the first 12 months of~~
589 ~~retirement. Any person employed in violation of this subparagraph~~
590 ~~and any employing agency which knowingly employs or appoints such~~
591 ~~person without notifying the Division of Retirement to suspend~~
592 ~~retirement benefits shall be jointly and severally liable for~~
593 ~~reimbursement to the retirement trust fund of any benefits paid~~
594 ~~during the reemployment limitation period. To avoid liability,~~
595 ~~such employing agency shall have a written statement from the~~
596 ~~retiree that he or she is not retired from a state-administered~~
597 ~~retirement system. Any retirement benefits received by a retired~~
598 ~~member while reemployed in excess of 780 hours during the first~~
599 ~~12 months of retirement shall be repaid to the Retirement System~~
600 ~~Trust Fund, and his or her retirement benefits shall remain~~
601 ~~suspended until payment is made. Benefits suspended beyond the~~
602 ~~end of the retired member's first 12 months of retirement shall~~
603 ~~apply toward repayment of benefits received in violation of the~~
604 ~~780-hour reemployment limitation.~~

605 7. A developmental research school may reemploy a retired
606 member as a substitute or hourly teacher or an education
607 paraprofessional as defined in s. 1012.01(2) on a noncontractual
608 basis after he or she has been retired for 1 calendar month, in

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609 accordance with s. 121.021(39). A developmental research school
610 may reemploy a retired member as instructional personnel, as
611 defined in s. 1012.01(2)(a), on an annual contractual basis after
612 he or she has been retired for 1 calendar month, in accordance
613 with s. 121.021(39). Any other retired member who is reemployed
614 within 1 calendar month after retirement voids his or her
615 application for retirement benefits. A developmental research
616 school that reemploys retired teachers and education
617 paraprofessionals are subject to the retirement contribution
618 required by subparagraph 9.

619 8. A charter school may reemploy a retired member as a
620 substitute or hourly teacher on a noncontractual basis after he
621 or she has been retired for 1 calendar month, in accordance with
622 s. 121.021(39). A charter school may reemploy a retired member as
623 instructional personnel, as defined in s. 1012.01(2)(a), on an
624 annual contractual basis after he or she has been retired for 1
625 calendar month, in accordance with s. 121.021(39). Any other
626 retired member who is reemployed within 1 calendar month after
627 retirement voids his or her application for retirement benefits.
628 A charter school that reemploys such teachers is subject to the
629 retirement contribution required by subparagraph 9.

630 9.7. The employment ~~by an employer~~ of a any retiree or DROP
631 participant of a any state-administered retirement system does
632 not affect ~~shall have no effect~~ on the average final compensation
633 or years of creditable service of the retiree or DROP
634 participant. Prior to July 1, 1991, upon employment of any
635 person, other than an elected officer as provided in s. 121.053,
636 who is ~~has been~~ retired under a any state-administered retirement
637 program, the employer shall pay retirement contributions in an

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638 amount equal to the unfunded actuarial liability portion of the
639 employer contribution which would be required for regular members
640 of the Florida Retirement System. Effective July 1, 1991,
641 contributions shall be made as provided in s. 121.122 for
642 retirees who have ~~with~~ renewed membership or, as provided in
643 subsection (13), for ~~with respect to~~ DROP participants.

644 10.8. Any person who has ~~previously~~ retired and who is
645 holding an elective public office or an appointment to an
646 elective public office eligible for the Elected Officers' Class
647 on or after July 1, 1990, shall be enrolled in the Florida
648 Retirement System as provided in s. 121.053(1)(b) or, if holding
649 an elective public office that does not qualify for the Elected
650 Officers' Class on or after July 1, 1991, shall be enrolled in
651 the Florida Retirement System as provided in s. 121.122, and
652 shall continue to receive retirement benefits as well as
653 compensation for the elected officer's service for as long as he
654 or she remains in elective office. However, any retired member
655 who served in an elective office prior to July 1, 1990, suspended
656 his or her retirement benefit, and had his or her Florida
657 Retirement System membership reinstated shall, upon retirement
658 from such office, have his or her retirement benefit recalculated
659 to include the additional service and compensation earned.

660 11.9. Any person who is holding an elective public office
661 which is covered by the Florida Retirement System and who is
662 concurrently employed in nonelected covered employment may elect
663 to retire while continuing employment in the elective public
664 office, if ~~provided that~~ he or she terminates ~~shall be required~~
665 ~~to terminate~~ his or her nonelected covered employment. Any person
666 who exercises this election shall receive his or her retirement

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667 benefits in addition to the compensation of the elective office
668 without regard to the time limitations otherwise provided in this
669 subsection. A ~~No~~ person who seeks to exercise the provisions of
670 this subparagraph, as they ~~the same~~ existed prior to May 3, 1984,
671 may not ~~shall~~ be deemed to be retired under those provisions,
672 unless such person is eligible to retire under the provisions of
673 this subparagraph, as amended by chapter 84-11, Laws of Florida.

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

678 12.11. An employing agency may reemploy a retired member as
679 a firefighter or paramedic after the retired member has been
680 retired for 1 calendar month, in accordance with s. 121.021(39).
681 Any retired member who is reemployed within 1 calendar month
682 after retirement voids ~~shall void~~ his or her application for
683 retirement benefits. The employing agency reemploying such
684 firefighter or paramedic is subject to the retired contribution
685 required in subparagraph 9. ~~8.~~ Reemployment of a retired
686 firefighter or paramedic is limited to no more than 780 hours
687 during the first 12 months of his or her retirement. Any retired
688 member reemployed for more than 780 hours during the first 12
689 months of retirement must ~~shall~~ give timely notice in writing to
690 the employer and to the Division of Retirement of the date he or
691 she will exceed the limitation. The division shall suspend his or
692 her retirement benefits for the remainder of the first 12 months
693 of retirement. Any person employed in violation of this
694 subparagraph and any employing agency that ~~which~~ knowingly
695 employs or appoints such person without notifying the division ~~of~~

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696 ~~Retirement~~ to suspend retirement benefits shall be jointly and
697 severally liable for ~~reimbursement to the Retirement System Trust~~
698 ~~Fund of~~ any benefits paid during the reemployment limitation
699 period. To avoid liability, such employing agency must ~~shall~~ have
700 a written statement from the retiree that he or she is not
701 retired from a state-administered retirement system. Any
702 retirement benefits received by a retired member while reemployed
703 in excess of 780 hours during the first 12 months of retirement
704 must ~~shall~~ be repaid to the Florida Retirement System Trust Fund,
705 and retirement benefits ~~shall~~ remain suspended until repayment is
706 made. Benefits suspended beyond the end of the retired member's
707 first 12 months of retirement shall apply toward repayment of
708 benefits received in violation of the 780-hour reemployment
709 limitation.

710 13. The limitations of this paragraph apply to reemployment
711 in any capacity with an employer, as defined in s. 121.021,
712 irrespective of the category of funds from which the person is
713 compensated.

714 14. The reemployment after retirement provisions of this
715 paragraph apply to DROP participants effective upon termination
716 from employment and the end of DROP participation.

717 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
718 subject to the provisions of this section, the Deferred
719 Retirement Option Program, hereinafter referred to as the DROP,
720 is a program under which an eligible member of the Florida
721 Retirement System may elect to participate, deferring receipt of
722 retirement benefits while continuing employment with his or her
723 Florida Retirement System employer. The deferred monthly benefits
724 shall accrue in the System Trust Fund on behalf of the

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725 participant, plus interest compounded monthly, for the specified
726 period of the DROP participation, as provided in paragraph (c).
727 Upon termination of employment, the participant shall receive the
728 total DROP benefits and begin to receive the previously
729 determined normal retirement benefits. Participation in the DROP
730 does not guarantee employment for the specified period of DROP.
731 Participation in the DROP by an eligible member beyond the
732 initial 60-month period as authorized in this subsection shall be
733 on an annual contractual basis for all participants.

734 (a) Eligibility of member to participate in ~~the~~ DROP.--All
735 active Florida Retirement System members in a regularly
736 established position, and all active members of ~~either~~ the
737 Teachers' Retirement System established in chapter 238 or the
738 State and County Officers' and Employees' Retirement System
739 established in chapter 122, which systems are consolidated within
740 the Florida Retirement System under s. 121.011, are eligible to
741 elect participation in ~~the~~ DROP if provided that:

742 1. The member is not a renewed member ~~of the Florida~~
743 ~~Retirement System~~ under s. 121.122, or a member of the State
744 Community College System Optional Retirement Program under s.
745 121.051, the Senior Management Service Optional Annuity Program
746 under s. 121.055, or the optional retirement program for the
747 State University System under s. 121.35.

748 2. Except as provided in subparagraph 6., election to
749 participate is made within 12 months immediately following the
750 date on which the member first reaches normal retirement date,
751 or, for a member who reaches normal retirement date ~~based on~~
752 ~~service~~ before he or she reaches age 62, or age 55 for Special
753 Risk Class members, election to participate may be deferred to

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754 the 12 months immediately following the date the member attains
755 57, or age 52 for Special Risk Class members. ~~For a member who~~
756 ~~first reached normal retirement date or the deferred eligibility~~
757 ~~date described above prior to the effective date of this section,~~
758 ~~election to participate shall be made within 12 months after the~~
759 ~~effective date of this section.~~ A member who fails to make an
760 election within the such 12-month limitation period forfeits
761 ~~shall forfeit~~ all rights to participate in ~~the~~ DROP. The member
762 shall advise his or her employer and the division in writing of
763 the date ~~on which the~~ DROP begins ~~shall begin.~~ The Such beginning
764 date may be subsequent to the 12-month election period, but must
765 be within the original 60-month participation ~~or, with respect to~~
766 ~~members who are instructional personnel employed by the Florida~~
767 ~~School for the Deaf and the Blind and who have received~~
768 ~~authorization by the Board of Trustees of the Florida School for~~
769 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
770 ~~months, or who are instructional personnel as defined in s.~~
771 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~
772 ~~authorization by the district school superintendent to~~
773 ~~participate in the DROP beyond 60 months, the 96-month limitation~~
774 ~~period as provided in subparagraph (b)1.~~ When establishing
775 eligibility of the member to participate in the DROP ~~for the 60-~~
776 ~~month or, with respect to members who are instructional personnel~~
777 ~~employed by the Florida School for the Deaf and the Blind and who~~
778 ~~have received authorization by the Board of Trustees of the~~
779 ~~Florida School for the Deaf and the Blind to participate in the~~
780 ~~DROP beyond 60 months, or who are instructional personnel as~~
781 ~~defined in s. 1012.01(2) (a) - (d) in grades K-12 and who have~~
782 ~~received authorization by the district school superintendent to~~

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783 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
784 ~~participation period,~~ the member may elect to include or exclude
785 any optional service credit purchased by the member from the
786 total service used to establish the normal retirement date. A
787 member who has ~~with~~ dual normal retirement dates is ~~shall be~~
788 eligible to elect to participate in DROP within 12 months after
789 attaining normal retirement date in either class.

790 3. The employer of a member electing to participate in ~~the~~
791 DROP, or employers if dually employed, shall acknowledge in
792 writing to the division the date the member's participation in
793 the DROP begins and the date the member's employment and DROP
794 participation will terminate.

795 4. Simultaneous employment of a participant by additional
796 Florida Retirement System employers subsequent to the
797 commencement of participation in ~~the~~ DROP is ~~shall be~~ permissible
798 if provided such employers acknowledge in writing a DROP
799 termination date no later than the participant's existing
800 termination date or the maximum participation ~~60-month limitation~~
801 period as provided in subparagraph (b)1.

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

804 a. A change of employment must take place without a break
805 in service so that the member receives salary for each month of
806 continuous DROP participation. If a member receives no salary
807 during a month, DROP participation shall cease unless the
808 employer verifies a continuation of the employment relationship
809 for such participant pursuant to s. 121.021(39)(b).

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810 b. Such participant and new employer shall notify the
811 division of the identity of the new employer on forms required by
812 the division ~~as to the identity of the new employer.~~

813 c. The new employer shall acknowledge, in writing, the
814 participant's DROP termination date, which may be extended but
815 not beyond the original 60-month participation ~~or, with respect~~
816 ~~to members who are instructional personnel employed by the~~
817 ~~Florida School for the Deaf and the Blind and who have received~~
818 ~~authorization by the Board of Trustees of the Florida School for~~
819 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
820 ~~months, or who are instructional personnel as defined in s.~~
821 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~
822 ~~authorization by the district school superintendent to~~
823 ~~participate in the DROP beyond 60 months, the 96-month period~~
824 provided in subparagraph (b)1., shall acknowledge liability for
825 any additional retirement contributions and interest required if
826 the participant fails to timely terminate employment, and is
827 ~~shall be~~ subject to the adjustment required in sub-subparagraph
828 (c)5.d.

829 6. Effective July 1, 2001, for instructional personnel as
830 defined in s. 1012.01(2), election to participate in ~~the~~ DROP may
831 ~~shall~~ be made at any time following the date on which the member
832 first reaches normal retirement date. The member shall advise his
833 or her employer and the division in writing of the date on which
834 DROP begins ~~the Deferred Retirement Option Program shall begin.~~
835 When establishing eligibility of the member to participate in ~~the~~
836 DROP for the 60-month ~~or, with respect to members who are~~
837 ~~instructional personnel employed by the Florida School for the~~
838 ~~Deaf and the Blind and who have received authorization by the~~

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839 ~~Board of Trustees of the Florida School for the Deaf and the~~
840 ~~Blind to participate in the DROP beyond 60 months, or who are~~
841 ~~instructional personnel as defined in s. 1012.01(2) (a)-(d) in~~
842 ~~grades K-12 and who have received authorization by the district~~
843 ~~school superintendent to participate in the DROP beyond 60~~
844 ~~months, the 96-month maximum participation period, as provided in~~
845 sub-subparagraph (b) (1)a. subparagraph (b)1., the member may
846 elect to include or exclude any optional service credit purchased
847 by the member from the total service used to establish the normal
848 retirement date. A member who has ~~with~~ dual normal retirement
849 dates is ~~shall be~~ eligible to elect to participate in either
850 class.

851 (b) Participation in ~~the~~ DROP.--

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

855 b. Members who are instructional personnel employed by the
856 Florida School for the Deaf and the Blind and authorized ~~who have~~
857 ~~received authorization~~ by the Board of Trustees of the Florida
858 School for the Deaf and the Blind ~~to participate in the DROP~~
859 ~~beyond 60 months,~~ or who are instructional personnel as defined
860 in s. 1012.01(2) (a)-(d) in grades K-12 and authorized ~~who have~~
861 ~~received authorization~~ by the district school superintendent ~~to~~
862 ~~participate in the DROP beyond 60 calendar months,~~ or who are
863 instructional personnel, as defined in s. 1012.01(2), employed by
864 a developmental research school and authorized by the school's
865 director, or if the school has no director, by the school's
866 principal, may participate in DROP for up to 36 calendar months
867 beyond the 60-month period specified in sub-subparagraph a. 96

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868 ~~calendar months immediately following the date on which the~~
869 ~~member first reaches his or her normal retirement date or the~~
870 ~~date to which he or she is eligible to defer his or her election~~
871 ~~to participate as provided in subparagraph (a)2. However, a~~
872 ~~member who has reached normal retirement date prior to the~~
873 ~~effective date of the DROP shall be eligible to participate in~~
874 ~~the DROP for a period of time not to exceed 60 calendar months~~
875 ~~or, with respect to members who are instructional personnel~~
876 ~~employed by the Florida School for the Deaf and the Blind and who~~
877 ~~have received authorization by the Board of Trustees of the~~
878 ~~Florida School for the Deaf and the Blind to participate in the~~
879 ~~DROP beyond 60 months, or who are instructional personnel as~~
880 ~~defined in s. 1012.01(2) (a) - (d) in grades K-12 and who have~~
881 ~~received authorization by the district school superintendent to~~
882 ~~participate in the DROP beyond 60 calendar months, 96 calendar~~
883 ~~months immediately following the effective date of the DROP,~~
884 ~~except a member of the Special Risk Class who has reached normal~~
885 ~~retirement date prior to the effective date of the DROP and whose~~
886 ~~total accrued value exceeds 75 percent of average final~~
887 ~~compensation as of his or her effective date of retirement shall~~
888 ~~be eligible to participate in the DROP for no more than 36~~
889 ~~calendar months immediately following the effective date of the~~
890 ~~DROP.~~

891 2. Upon deciding to participate in ~~the~~ DROP, the member
892 shall submit, on forms required by the division:
893 a. A written election to participate in ~~the~~ DROP;
894 b. Selection of ~~the~~ DROP participation and termination
895 dates, which satisfy the limitations stated in paragraph (a) and
896 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a

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897 binding letter of resignation to ~~with~~ the employer, establishing
898 a deferred termination date. The member may change the
899 termination date within the limitations of subparagraph 1., but
900 only with the written approval of the ~~his or her~~ employer;

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

903 d. Any other information required by the division.

904 3. The DROP participant is ~~shall be~~ a retiree under the
905 Florida Retirement System for all purposes, except for paragraph
906 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and
907 121.122. DROP participation is final and cannot be cancelled by
908 the participant after the first payment is credited during the
909 DROP participation period. However, participation in ~~the~~ DROP
910 does not alter the participant's employment status and the member
911 is ~~such employee shall~~ not be deemed retired from employment
912 until his or her deferred resignation is effective and
913 termination occurs as provided in s. 121.021(39).

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

916 a. An elected officer who reaches normal retirement date
917 during a term of office may defer the election to participate in
918 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~
919 elected officer who exercises this option may participate in ~~the~~
920 DROP for up to 60 calendar months or a period of no longer than
921 the ~~such~~ succeeding term of office, whichever is less.

922 b. An elected or a nonelected participant may run for a
923 term of office while participating in DROP and, if elected,
924 extend the DROP termination date accordingly, except, however, if
925 such additional term of office exceeds the 60-month limitation

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926 established in subparagraph 1., and the officer does not resign
927 from office within such 60-month limitation, the retirement and
928 the participant's DROP is ~~shall be~~ null and void as provided in
929 sub-subparagraph (c)5.d.

930 c. An elected officer who is dually employed and elects to
931 participate in DROP must ~~shall be required to~~ satisfy the
932 definition of termination within the 60-month participation or,
933 ~~with respect to members who are instructional personnel employed~~
934 ~~by the Florida School for the Deaf and the Blind and who have~~
935 ~~received authorization by the Board of Trustees of the Florida~~
936 ~~School for the Deaf and the Blind to participate in the DROP~~
937 ~~beyond 60 months, or who are instructional personnel as defined~~
938 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~
939 ~~authorization by the district school superintendent to~~
940 ~~participate in the DROP beyond 60 months, the 96-month limitation~~
941 period as provided in subparagraph 1. for the nonelected position
942 and may continue employment as an elected officer as provided in
943 s. 121.053. The elected officer shall ~~will~~ be enrolled as a
944 renewed member in the Elected Officers' Class or the Regular
945 Class, as provided in ss. 121.053 and 121.122, on the first day
946 of the month after termination of employment in the nonelected
947 position and termination of DROP. Distribution of ~~the~~ DROP
948 benefits shall be made as provided in paragraph (c).

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

950 1. Effective on ~~with~~ the date of DROP participation, the
951 member's initial normal monthly benefit, including creditable
952 service, optional form of payment, and average final
953 compensation, and the effective date of retirement are ~~shall be~~
954 fixed. The beneficiary established under the Florida Retirement

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955 System shall be the beneficiary eligible to receive any DROP
956 benefits payable if the DROP participant dies prior to the
957 completion of the period of DROP participation. ~~If In the event a~~
958 joint annuitant predeceases the member, the member may name a
959 beneficiary to receive accumulated DROP benefits payable. The
960 ~~Such~~ retirement benefit, the annual cost of living adjustments
961 provided in s. 121.101, and interest shall accrue monthly in the
962 Florida Retirement System Trust Fund. The ~~Such~~ interest shall
963 accrue at an effective annual rate of 6.5 percent compounded
964 monthly, on the prior month's accumulated ending balance, up to
965 the month of termination or death.

966 2. Each employee who elects to participate in ~~the~~ DROP may
967 ~~shall be allowed to~~ elect to receive a lump-sum payment for
968 accrued annual leave earned in accordance with agency policy upon
969 beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated leave
970 payment certified to the division upon commencement of DROP shall
971 be included in the calculation of the member's average final
972 compensation. The employee electing the ~~such~~ lump-sum payment is
973 ~~upon beginning participation in DROP will not be eligible to~~
974 receive a second lump-sum payment upon termination, except to the
975 extent the employee has earned additional annual leave which,
976 combined with the original payment, does not exceed the maximum
977 lump-sum payment allowed by the employing agency's policy or
978 rules. An ~~Such~~ early lump-sum payment shall be based on the
979 hourly wage of the employee at the time he or she begins
980 participation in ~~the~~ DROP. If the member elects to wait and
981 receive a ~~such~~ lump-sum payment upon termination of DROP and
982 termination of employment with the employer, any accumulated
983 leave payment made at that time may not ~~cannot~~ be included in the

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984 member's retirement benefit, which was determined and fixed by
985 law when the employee elected to participate in ~~the~~ DROP.

986 3. The effective date of DROP participation and the
987 effective date of retirement of a DROP participant shall be the
988 first day of the month selected by the member to begin
989 participation in the DROP, provided such date is properly
990 established, with the written confirmation of the employer, and
991 the approval of the division, on forms required by the division.

992 4. Normal retirement benefits and any interest ~~thereon~~
993 shall continue to accrue in ~~the~~ DROP until the established
994 termination date of ~~the~~ DROP, or until the participant terminates
995 employment or dies prior to such date. Although individual DROP
996 accounts shall not be established, a separate accounting of each
997 participant's accrued benefits under ~~the~~ DROP shall be calculated
998 and provided to participants.

999 5. At the conclusion of the participant's DROP, the
1000 division shall distribute the participant's total accumulated
1001 DROP benefits, subject to the following provisions:

1002 a. The division shall receive verification by the
1003 participant's employer or employers that the ~~such~~ participant has
1004 terminated employment as provided in s. 121.021(39)(b).

1005 b. The terminated DROP participant or, if deceased, the
1006 ~~such~~ participant's named beneficiary, shall elect on forms
1007 provided by the division to receive payment of ~~the~~ DROP benefits
1008 in accordance with one of the options listed below. If ~~For~~ a
1009 participant or beneficiary ~~who~~ fails to elect a method of payment
1010 within 60 days of termination of ~~the~~ DROP, the division shall
1011 ~~will~~ pay a lump sum as provided in sub-sub-subparagraph (I).

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1012 (I) Lump sum.--All accrued DROP benefits, plus interest,
1013 less withholding taxes remitted to the Internal Revenue Service,
1014 shall be paid to the DROP participant or surviving beneficiary.

1015 (II) Direct rollover.--All accrued DROP benefits, plus
1016 interest, shall be paid from ~~the~~ DROP directly to the custodian
1017 of an eligible retirement plan as defined in s. 402(c)(8)(B) of
1018 the Internal Revenue Code. However, in the case of an eligible
1019 rollover distribution to the surviving spouse of a deceased
1020 participant, an eligible retirement plan is an individual
1021 retirement account or an individual retirement annuity as
1022 described in s. 402(c)(9) of the Internal Revenue Code.

1023 (III) Partial lump sum.--A portion of the accrued DROP
1024 benefits shall be paid to the DROP participant or surviving
1025 spouse, less withholding taxes remitted to the Internal Revenue
1026 Service, and the remaining DROP benefits shall be transferred
1027 directly to the custodian of an eligible retirement plan as
1028 defined in s. 402(c)(8)(B) of the Internal Revenue Code. However,
1029 in the case of an eligible rollover distribution to the surviving
1030 spouse of a deceased participant, an eligible retirement plan is
1031 an individual retirement account or an individual retirement
1032 annuity as described in s. 402(c)(9) of the Internal Revenue
1033 Code. The proportions shall be specified by the DROP participant
1034 or surviving beneficiary.

1035 c. The form of payment selected by the DROP participant or
1036 surviving beneficiary must comply ~~complies~~ with the minimum
1037 distribution requirements of the Internal Revenue Code.

1038 d. A DROP participant who fails to terminate employment as
1039 defined in s. 121.021(39)(b) shall be deemed as not ~~to be~~
1040 retired, and the DROP election is ~~shall be~~ null and void. Florida

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1041 Retirement System membership shall be reestablished retroactively
1042 to the date of the commencement of ~~the~~ DROP, and each employer
1043 with whom the participant continues employment must ~~shall be~~
1044 ~~required to~~ pay to the Florida Retirement System Trust Fund the
1045 difference between the DROP contributions paid in paragraph (i)
1046 and the contributions required for the applicable Florida
1047 Retirement System class of membership during the period the
1048 member participated in the DROP, plus 6.5 percent interest
1049 compounded annually.

1050 6. The retirement benefits of any DROP participant who
1051 meets the definition of termination, as provided in s.
1052 121.021(39)(b), but is in violation of the reemployment
1053 provisions as provided in subsection (9), shall be suspended
1054 during those months in which the member is in violation. Any
1055 member employed in violation of this subparagraph and any
1056 employing agency that knowingly employs or appoints such member
1057 without notifying the Division of Retirement to suspend
1058 retirement benefits are jointly and severally liable for any
1059 benefits paid during the reemployment limitation period. To avoid
1060 liability, the employing agency must have a written statement
1061 from the retiree that he or she is not retired from a state-
1062 administered retirement system. Any retirement benefits received
1063 by a retired member while employed in violation of the
1064 reemployment limitations during the first 12 months of retirement
1065 must be repaid to the Florida Retirement System Trust Fund, and
1066 his or her retirement benefits shall remain suspended until
1067 payment is made. Benefits suspended beyond the end of the retired
1068 member's first 12 months of retirement shall apply toward

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1069 repayment of benefits received in violation of the reemployment
1070 limitations.

1071 7.6. The accrued benefits of any DROP participant, and any
1072 contributions accumulated under the ~~such~~ program, are ~~shall~~ not
1073 ~~be~~ subject to assignment, execution, attachment, or to any legal
1074 process whatsoever, except for qualified domestic relations
1075 orders by a court of competent jurisdiction, income deduction
1076 orders as provided in s. 61.1301, and federal income tax levies.

1077 8.7. DROP participants are ~~shall~~ not ~~be~~ eligible for
1078 disability retirement benefits as provided in subsection (4).

1079 (14) PAYMENT OF BENEFITS.--This subsection applies to the
1080 payment of benefits to a payee (retiree or beneficiary) under the
1081 Florida Retirement System:

1082 (b) Subject to approval by the division in accordance with
1083 rule 60S-4.015, Florida Administrative Code, a payee receiving
1084 retirement benefits under the ~~Florida Retirement~~ system may also
1085 have the following payments deducted from his or her monthly
1086 benefit:

1087 1. Premiums for life and health-related insurance policies
1088 from approved companies.

1089 2. Life insurance premiums for the State Group Life
1090 Insurance Plan, if authorized in writing by the payee and by the
1091 department ~~of Management Services~~.

1092 3. Repayment of overpayments from the Florida Retirement
1093 System Trust Fund, the State Employees' Health Insurance Trust
1094 Fund, or the State Employees' Life Insurance Trust Fund, upon
1095 notification of the payee.

1096 4. Payments to an alternate payee for alimony or, child
1097 support pursuant to an income deduction order under s. 61.1301,

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1098 or division of marital assets pursuant to a qualified domestic
1099 relations order under s. 222.21 ~~or an income deduction order~~
1100 ~~under s. 61.1301.~~

1101 5. Payments to the Internal Revenue Service for federal
1102 income tax levies, upon notification of the division by the
1103 Internal Revenue Service.

1104 (c) A payee must ~~shall~~ notify the division of any change in
1105 his or her address. The division may suspend benefit payments to
1106 a payee if correspondence sent to the payee's mailing address is
1107 returned due to an incorrect address. Benefit payments shall be
1108 resumed upon notification to the division of the payee's new
1109 address.

1110 (d) A payee whose retirement benefits are reduced by the
1111 application of maximum benefit limits under s. 415(b) of the
1112 Internal Revenue Code, as specified in s. 121.30(5), shall have
1113 the portion of his or her calculated benefit in the Florida
1114 Retirement System defined benefit plan which exceeds such federal
1115 limitation paid through the Florida Retirement System
1116 Preservation of Benefits Plan, as provided in s. 121.1001.

1117 (e). The Division of Retirement may issue retirement
1118 benefits payable for division of marital assets pursuant to a
1119 qualified domestic relations order directly to the alternate
1120 payee, any court order to the contrary notwithstanding, in order
1121 to meet Internal Revenue Code requirements.

1122 (f) ~~(e)~~ A ~~Ne~~ benefit may not be reduced for the purpose of
1123 preserving the member's eligibility for a federal program.

1124 (g) ~~(f)~~ The division shall adopt rules establishing
1125 procedures for determining that ~~the~~ persons to whom benefits are
1126 being paid are still living. The division shall suspend the

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1127 benefits being paid to any payee if ~~when~~ it is unable to contact
1128 such payee and to confirm that he or she is still living.

1129 Section 8. Section 121.1115, Florida Statutes, is amended
1130 to read:

1131 121.1115 Purchase of retirement credit for out-of-state or
1132 ~~and~~ federal service.--Effective January 1, 1995, a member ~~of the~~
1133 ~~Florida Retirement System~~ may purchase creditable service for
1134 periods of public employment in another state and receive
1135 creditable service for such periods of employment. Service with
1136 the Federal Government, including any active military service,
1137 may be claimed. Upon completion of each year of service earned
1138 under the Florida Retirement System, a member may purchase up to
1139 1 year of retirement credit for his or her out-of-state service,
1140 subject to the following provisions:

1141 (1) LIMITATIONS AND CONDITIONS.--To receive credit for the
1142 out-of-state service:

1143 (a) The out-of-state service ~~being claimed~~ must have been:

1144 1. Performed in a position of employment with the state or
1145 a political subdivision thereof or with the Federal Government;

1146 2. Covered by a retirement or pension plan provided by the
1147 state or political subdivision, or by the Federal Government, as
1148 appropriate; and

1149 3. Performed prior to a period of membership in the Florida
1150 Retirement System.

1151 (b) The member must have completed a minimum of 6 years of
1152 creditable service under the Florida Retirement System, excluding
1153 out-of-state service and in-state service claimed and purchased
1154 under s. 121.1122.

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1155 (c) Not more than 5 years of creditable service may be
1156 claimed for creditable service aggregated under the provisions of
1157 this section and s. 121.1122.

1158 (d) The out-of-state service credit ~~claimed under this~~
1159 ~~section~~ shall be credited only as service in the Regular Class ~~of~~
1160 ~~membership~~, and any benefit or pension based thereon ~~is shall be~~
1161 subject to the limitations and restrictions of s. 112.65.

1162 (e) The member is not eligible for and may not receive a
1163 pension or benefit from a retirement or pension plan based on or
1164 including the out-of-state service. Eligibility for or the
1165 receipt of contributions to a retirement plan made by the
1166 employer on behalf of the employee is considered a benefit.

1167 (f) ~~(e)~~ To receive ~~A member shall be eligible to receive~~
1168 service credit for out-of-state service performed after leaving
1169 the Florida Retirement System, the member must complete only upon
1170 ~~return to membership and completion of~~ at least 1 year of
1171 creditable service in the Florida Retirement System following the
1172 out-of-state service.

1173 (2) COST.--For each year claimed, the member must pay into
1174 the Florida Retirement System Trust Fund an amount equal to 20
1175 percent of the member's annual compensation for the first full
1176 work year of creditable service earned under the Florida
1177 Retirement System, but not less than \$12,000, plus interest at
1178 6.5 percent compounded annually from the date of first annual
1179 salary earned until full payment is made. The employer may pay
1180 all or a portion of the cost of this service credit.

1181 Section 9. Subsection (2) of section 121.1122, Florida
1182 Statutes, is amended to read:

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1183 121.1122 Purchase of retirement credit for in-state public
1184 service and in-state service in accredited nonpublic schools and
1185 colleges, including charter schools and charter technical career
1186 centers.--Effective January 1, 1998, a member of the Florida
1187 Retirement System may purchase creditable service for periods of
1188 certain public or nonpublic employment performed in this state,
1189 as provided in this section.

1190 (2) LIMITATIONS AND CONDITIONS.--

1191 (a) A member is not eligible to receive credit for in-state
1192 service under this section until he or she has completed 6 years
1193 of creditable service under the Florida Retirement System,
1194 excluding service purchased under this section and out-of-state
1195 service claimed and purchased under s. 121.1115.

1196 (b) A member may not purchase and receive credit for more
1197 than 5 years of creditable service aggregated under ~~the~~
1198 ~~provisions of~~ this section and s. 121.1115.

1199 (c) Service credit claimed under this section shall be
1200 credited only as service in the Regular Class ~~of membership~~ and
1201 ~~is shall be~~ subject to ~~the provisions of~~ s. 112.65.

1202 (d) Service credit may not be purchased under this section
1203 if the member is eligible to receive or is receiving a pension or
1204 benefit from a retirement or pension plan based on or including
1205 the service. Eligibility for or the receipt of contributions to a
1206 retirement plan made by the employer on behalf of the employee is
1207 considered a benefit.

1208 (e) ~~(d)~~ A member is ~~shall be~~ eligible to receive service
1209 credit for in-state service performed after leaving the Florida
1210 Retirement System only after ~~upon returning to membership and~~

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1211 completing at least 1 year of creditable service in the Florida
1212 Retirement System following the in-state service.

1213 (f)~~(e)~~ The service claimed must have been service covered
1214 by a retirement or pension plan provided by the employer.

1215 Section 10. Section 121.136, Florida Statutes, is amended
1216 to read:

1217 121.136 Annual benefit statement to members.--~~Beginning~~
1218 ~~January 1, 1993, and~~ Each January thereafter, the department
1219 shall provide each active member of the Florida Retirement System
1220 with 5 or more years of creditable service an annual statement of
1221 benefits which provides. ~~Such statement should provide~~ the member
1222 with basic data about the member's retirement account. At a
1223 minimum ~~Minimally~~, it must ~~shall~~ include the member's retirement
1224 plan, accrued service credit ~~the amount of funds on deposit in~~
1225 ~~the retirement account~~, and an estimate of retirement benefits.

1226 Section 11. Section 121.1905, Florida Statutes, is amended
1227 to read:

1228 121.1905 Division of Retirement; creation.--

1229 ~~(1)~~ There is created the Division of Retirement within the
1230 Department of Management Services.

1231 ~~(2) The mission of the Division of Retirement is to provide~~
1232 ~~quality and cost-effective retirement services as measured by~~
1233 ~~member satisfaction and by comparison with administrative costs~~
1234 ~~of comparable retirement systems.~~

1235 Section 12. Paragraph (a) of subsection (2) of section
1236 121.23, Florida Statutes, is amended to read:

1237 121.23 Disability retirement and special risk membership
1238 applications; Retirement Commission; powers and duties; judicial
1239 review.--The provisions of this section apply to all proceedings

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1240 in which the administrator has made a written final decision on
1241 the merits respecting applications for disability retirement,
1242 reexamination of retired members receiving disability benefits,
1243 applications for special risk membership, and reexamination of
1244 special risk members in the Florida Retirement System. The
1245 jurisdiction of the State Retirement Commission under this
1246 section shall be limited to written final decisions of the
1247 administrator on the merits.

1248 (2) A member shall be entitled to a hearing before the
1249 State Retirement Commission pursuant to ss. 120.569 and 120.57(1)
1250 on the merits of any written adverse decision of the
1251 administrator, if he or she files with the commission a written
1252 request for such hearing within 21 days after receipt of such
1253 written decision from the administrator. For the purpose of such
1254 hearings, the commission shall be an "agency head" as defined by
1255 s. 120.52.

1256 (a) The commission may ~~shall have the authority to~~ issue
1257 orders as a result of the ~~a~~ hearing that are ~~shall be~~ binding on
1258 all parties to the dispute and. ~~The commission~~ may order any
1259 action that it deems appropriate. Any disability retirement order
1260 of the commission ~~issued pursuant to this subsection~~ which
1261 sustains the application of the member may include an amount, to
1262 be determined by the commission, for reasonable attorney's fees
1263 and taxable costs, which shall be calculated in accordance with
1264 the statewide uniform guidelines for taxation of costs in civil
1265 actions. The amount of the attorney's fee may not exceed 50
1266 percent of the initial yearly benefit awarded under s.
1267 121.091(4). In cases involving disability retirement, the ~~State~~
1268 ~~Retirement~~ commission shall require the member to present

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1269 competent substantial medical evidence and meet the requirements
1270 of s. 121.091(4)(c)2. and 3., and may require vocational
1271 evidence, before awarding disability retirement benefits.

1272 Section 13. Paragraph (a) of subsection (1) of section
1273 121.24, Florida Statutes, is amended to read:

1274 121.24 Conduct of commission business; legal and other
1275 assistance; compensation.--

1276 (1) The commission shall conduct its business within the
1277 following guidelines:

1278 (a) For purposes of hearing appeals under s. 121.23, the
1279 commission may meet in panels ~~consisting of no not~~ fewer than
1280 three members. ~~For the purpose of meeting in these panels, a~~
1281 ~~quorum shall be not fewer than two members. For all other~~
1282 ~~purposes,~~ A quorum shall consist of three members. The concurring
1283 vote of a majority of the members present is ~~shall be~~ required to
1284 reach a decision, issue orders, and conduct the business of the
1285 commission.

1286 Section 14. Subsection (8) of section 1012.33, Florida
1287 Statutes, is amended to read:

1288 1012.33 Contracts with instructional staff, supervisors,
1289 and school principals.--

1290 (8) Notwithstanding any other provision of law, a retired
1291 ~~any member who has retired~~ may interrupt retirement and be
1292 reemployed in any public school. A ~~Any~~ member ~~so~~ reemployed by
1293 the same district from which he or she retired may be employed on
1294 a probationary contractual basis as provided in subsection (1) ~~+~~
1295 ~~however, no regular retirement employee shall be eligible to~~
1296 ~~renew membership under a retirement system created by chapter 121~~
1297 ~~or chapter 238.~~

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1298 Section 15. Paragraph (a) of subsection (4) of section
1299 121.35, Florida Statutes, is amended, and paragraph (g) is added
1300 to that subsection, to read:

1301 121.35 Optional retirement program for the State University
1302 System.--

1303 (4) CONTRIBUTIONS.--

1304 (a) Through June 30, 2001, each employer shall contribute
1305 on behalf of each participant in the optional retirement program
1306 an amount equal to the normal cost portion of the employer
1307 retirement contribution which would be required if the
1308 participant were a regular member of the Florida Retirement
1309 System defined benefit program, plus the portion of the
1310 contribution rate required in s. 112.363(8) that would otherwise
1311 be assigned to the Retiree Health Insurance Subsidy Trust Fund.
1312 Effective July 1, 2001, each employer shall contribute on behalf
1313 of each participant in the optional program an amount equal to
1314 10.43 percent of the participant's gross monthly compensation.
1315 The department shall deduct an amount approved by the Legislature
1316 to provide for the administration of this program. The payment of
1317 the contributions to the optional program which is required by
1318 this paragraph for each participant shall be made by the employer
1319 to the department, which shall forward the contributions to the
1320 designated company or companies contracting for payment of
1321 benefits for the participant under the program. However, such
1322 contributions paid on behalf of an employee described in
1323 paragraph (3)(c) shall not be forwarded to a company and shall
1324 not begin to accrue interest until the employee has executed a ~~an~~
1325 ~~annuity~~ contract and notified the department.

1326 (g) Effective July 1, 2008, for purposes of paragraph (a)

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1327 and notwithstanding s. 121.021(22)(b)1., the term "participant's
1328 gross monthly compensation" includes salary payments made to
1329 eligible clinical faculty from a state university using funds
1330 provided by a faculty practice plan authorized by the Board of
1331 Governors of the State University System if:

1332 1. There is not any employer contribution from the state
1333 university to any other retirement program with respect to such
1334 salary payments; and

1335 2. The employer contribution on behalf of the participant
1336 in the optional retirement program with respect to such salary
1337 payments is made using funds provided by the faculty practice
1338 plan.

1339 Section 16. Section 121.355, Florida Statutes, is created
1340 to read:

1341 121.355 Community College Optional Retirement Program and
1342 State University System Optional Retirement Program member
1343 transfer.--Effective January 1, 2009, through December 31, 2009,
1344 an employee who is a former participant in the Community College
1345 Optional Retirement Program or the State University System
1346 Optional Retirement Program and present mandatory participant in
1347 the Florida Retirement System defined benefit plan may receive
1348 service credit equal to his or her years of service under the
1349 Community College Optional Retirement Program or the State
1350 University System Optional Retirement Program under the following
1351 conditions:

1352 (1) The cost for such credit shall be an amount
1353 representing the actuarial accrued liability for the affected
1354 period of service. The cost shall be calculated using the
1355 discount rate and other relevant actuarial assumptions that were

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1356 used to value the Florida Retirement System defined benefit plan
1357 liabilities in the most recent actuarial valuation. The
1358 calculation shall include any service already maintained under
1359 the defined benefit plan in addition to the years under the
1360 Community College Optional Retirement Program or the State
1361 University System Optional Retirement Program. The actuarial
1362 accrued liability of any service already maintained under the
1363 defined benefit plan shall be applied as a credit to total cost
1364 resulting from the calculation. The division shall ensure that
1365 the transfer sum is prepared using a formula and methodology
1366 certified by an enrolled actuary.

1367 (2) The employee must transfer from his or her Community
1368 College Optional Retirement Program account or State University
1369 System Optional Retirement Program account, subject to the terms
1370 of the applicable optional retirement program contract, and from
1371 other employee moneys as necessary, a sum representing the
1372 actuarial accrued liability immediately following the time of
1373 such movement, determined assuming that attained service equals
1374 the sum of service in the defined benefit program and service in
1375 the Community College Optional Retirement Program or State
1376 University System Optional Retirement Program.

1377 (3) The employee may not receive service credit for a
1378 period of mandatory participation in the State University
1379 Optional Retirement Program or for a period for which a
1380 distribution was received from the Community College Optional
1381 Retirement Program or State University System Optional Retirement
1382 Program.

1383 Section 17. Sections 121.093, 121.094, and 121.45, Florida
1384 Statutes, are repealed.

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1385 Section 18. The Legislature finds that a proper and
1386 legitimate state purpose is served when employees and retirees of
1387 the state and its political subdivisions, as well as the
1388 dependents, survivors, and beneficiaries of such employees and
1389 retiree, are extended the basic protections afforded by
1390 governmental retirement systems that provide fair and adequate
1391 benefits and that are managed, administered, and funded in an
1392 actuarially sound manner as required by s. 14, Art. X of the
1393 State Constitution, and part VII of chapter 112, Florida
1394 Statutes. Therefore, the Legislature determines and declares that
1395 the amendment of s. 121.091, Florida Statutes, by this act
1396 fulfills an important state interest.

1397 Section 19. This act shall take effect July 1, 2008.