

By Senators Baker, Rich, Bennett, Deutch, Wilson, Saunders,  
Alexander and Gaetz

20-02382-08

2008706

1 A bill to be entitled

2 An act relating to Special Risk Class retirement benefits;  
3 amending s. 121.091, F.S.; extending the period of time  
4 during which certain Special Risk Class members may  
5 participate in the Florida Retirement System Deferred  
6 Retirement Option program; providing requirements for  
7 extended participation; deleting obsolete provisions;  
8 providing legislative findings with respect to the state's  
9 interest in protecting the public's safety and welfare by  
10 extending retirement benefits for officers and funding  
11 increased retirement benefits in an actuarially sound  
12 manner; providing an effective date.

13  
14 WHEREAS, one of the most fundamental mechanisms for ensuring  
15 the safety and welfare of the public is through the state's law  
16 enforcement agencies and correctional institutions, and

17 WHEREAS, law enforcement agencies and correctional  
18 institutions throughout this state and the nation are  
19 experiencing great difficulty in recruiting and retaining well-  
20 qualified law enforcement and correctional officers, and

21 WHEREAS, this need is projected to become more critical in  
22 the future, and

23 WHEREAS, the most critical need is to recruit and retain  
24 line officers who have daily and direct contact with the criminal  
25 element, and

26 WHEREAS, because such work is physically demanding or  
27 arduous and often requires extraordinary agility and mental  
28 acuity that can diminish with age, persons employed in these  
29 positions are classified as special risk and able to retire at an  
30 earlier age, and

20-02382-08

2008706

31 WHEREAS, one mechanism for retaining qualified officers is  
32 to extend the amount of time that such officers can remain in the  
33 Deferred Retirement Option Program (DROP) if such officers can  
34 demonstrate that they retain the necessary physical and mental  
35 capacity to competently perform their job duties, NOW, THEREFORE,

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Paragraphs (a) and (b) of subsection (13) of  
40 section 121.091, Florida Statutes, are amended to read:

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

54 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and  
55 subject to the provisions of this section, the Deferred  
56 Retirement Option Program, hereinafter referred to as the DROP,  
57 is a program under which an eligible member of the Florida  
58 Retirement System may elect to participate, deferring receipt of  
59 retirement benefits while continuing employment with his or her  
60 Florida Retirement System employer. The deferred monthly benefits

20-02382-08

2008706\_\_

61 shall accrue in the System Trust Fund on behalf of the  
62 participant, plus interest compounded monthly, for the specified  
63 period of the DROP participation, as provided in paragraph (c).  
64 Upon termination of employment, the participant shall receive the  
65 total DROP benefits and begin to receive the previously  
66 determined normal retirement benefits. Participation in the DROP  
67 does not guarantee employment for the specified period of DROP.  
68 Participation in the DROP by an eligible member beyond the  
69 initial 60-month period as authorized in this subsection shall be  
70 on an annual contractual basis for all participants.

71 (a) Eligibility of member to participate in ~~the~~ DROP.--All  
72 active Florida Retirement System members in a regularly  
73 established position, and all active members of ~~either~~ the  
74 Teachers' Retirement System established in chapter 238 or the  
75 State and County Officers' and Employees' Retirement System  
76 established in chapter 122, which systems are consolidated within  
77 the Florida Retirement System under s. 121.011, are eligible to  
78 elect participation in ~~the~~ DROP if provided that:

79 1. The member is not a renewed member ~~of the Florida~~  
80 ~~Retirement System~~ under s. 121.122, or a member of the State  
81 Community College System Optional Retirement Program under s.  
82 121.051, the Senior Management Service Optional Annuity Program  
83 under s. 121.055, or the optional retirement program for the  
84 State University System under s. 121.35.

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

20-02382-08

2008706

91 the 12 months immediately following the date the member attains  
92 57, or age 52 for Special Risk Class members. ~~For a member who~~  
93 ~~first reached normal retirement date or the deferred eligibility~~  
94 ~~date described above prior to the effective date of this section,~~  
95 ~~election to participate shall be made within 12 months after the~~  
96 ~~effective date of this section.~~ A member who fails to make an  
97 election within the such 12-month limitation period forfeits  
98 ~~shall forfeit~~ all rights to participate in ~~the~~ DROP. The member  
99 shall advise his or her employer and the division in writing of  
100 the date on which ~~the~~ DROP shall begin. The Such beginning date  
101 may be subsequent to the 12-month election period, but must be  
102 within the maximum participation ~~60 month or, with respect to~~  
103 ~~members who are instructional personnel employed by the Florida~~  
104 ~~School for the Deaf and the Blind and who have received~~  
105 ~~authorization by the Board of Trustees of the Florida School for~~  
106 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
107 ~~months, or who are instructional personnel as defined in s.~~  
108 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
109 ~~authorization by the district school superintendent to~~  
110 ~~participate in the DROP beyond 60 months, the 96-month limitation~~  
111 ~~period as provided in subparagraph (b)1. When establishing~~  
112 ~~eligibility of the member to participate in the DROP for the 60-~~  
113 ~~month or, with respect to members who are instructional personnel~~  
114 ~~employed by the Florida School for the Deaf and the Blind and who~~  
115 ~~have received authorization by the Board of Trustees of the~~  
116 ~~Florida School for the Deaf and the Blind to participate in the~~  
117 ~~DROP beyond 60 months, or who are instructional personnel as~~  
118 ~~defined in s. 1012.01(2) (a) - (d) in grades K-12 and who have~~  
119 ~~received authorization by the district school superintendent to~~  
120 ~~participate in the DROP beyond 60 months, the 96-month maximum~~

20-02382-08

2008706

121 ~~participation period~~, the member may elect to include or exclude  
122 any optional service credit purchased by the member from the  
123 total service used to establish the normal retirement date. A  
124 member who has ~~with~~ dual normal retirement dates is ~~shall be~~  
125 eligible to elect to participate in DROP within 12 months after  
126 attaining normal retirement date in either class.

127 3. The employer of a member electing to participate in ~~the~~  
128 DROP, or employers if dually employed, shall acknowledge in  
129 writing to the division the date the member's participation in  
130 ~~the~~ DROP begins and the date the member's employment and DROP  
131 participation will terminate.

132 4. Simultaneous employment of a participant by additional  
133 Florida Retirement System employers subsequent to the  
134 commencement of participation in ~~the~~ DROP is ~~shall be~~ permissible  
135 if provided such employers acknowledge in writing a DROP  
136 termination date no later than the participant's existing  
137 termination date or the maximum participation ~~60-month limitation~~  
138 period ~~as~~ provided in subparagraph (b)1.

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

141 a. A change of employment must take place without a break  
142 in service so that the member receives salary for each month of  
143 continuous DROP participation. If a member receives no salary  
144 during a month, DROP participation shall cease unless the  
145 employer verifies a continuation of the employment relationship  
146 for such participant pursuant to s. 121.021(39)(b).

147 b. Such participant and new employer shall notify the  
148 division of the identity of the new employer on forms required by  
149 the division ~~as to the identity of the new employer~~.

20-02382-08

2008706

150 c. The new employer shall acknowledge, in writing, the  
151 participant's DROP termination date, which may be extended but  
152 not beyond the maximum participation ~~original 60-month or, with~~  
153 ~~respect to members who are instructional personnel employed by~~  
154 ~~the Florida School for the Deaf and the Blind and who have~~  
155 ~~received authorization by the Board of Trustees of the Florida~~  
156 ~~School for the Deaf and the Blind to participate in the DROP~~  
157 ~~beyond 60 months, or who are instructional personnel as defined~~  
158 ~~in s. 1012.01(2) (a)-(d) in grades K-12 and who have received~~  
159 ~~authorization by the district school superintendent to~~  
160 ~~participate in the DROP beyond 60 months, the 96-month period~~  
161 provided in subparagraph (b)1., shall acknowledge liability for  
162 any additional retirement contributions and interest required if  
163 the participant fails to timely terminate employment, and shall  
164 be subject to the adjustment required in sub-subparagraph (c)5.d.

165 6. Effective July 1, 2001, for instructional personnel as  
166 defined in s. 1012.01 ~~s. 1012.01(2)~~, election to participate in  
167 the DROP may ~~shall~~ be made at any time following the date on  
168 which the member first reaches normal retirement date. The member  
169 shall advise his or her employer and the division in writing of  
170 the date on which DROP ~~the Deferred Retirement Option Program~~  
171 shall begin. When establishing eligibility of the member to  
172 participate in the DROP for the 60-month or, ~~with respect to~~  
173 ~~members who are instructional personnel employed by the Florida~~  
174 ~~School for the Deaf and the Blind and who have received~~  
175 ~~authorization by the Board of Trustees of the Florida School for~~  
176 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
177 ~~months, or who are instructional personnel as defined in s.~~  
178 ~~1012.01(2) (a)-(d) in grades K-12 and who have received~~  
179 ~~authorization by the district school superintendent to~~

20-02382-08

2008706

180 ~~participate in the DROP beyond 60 months,~~ the 96-month maximum  
181 participation period, as provided in subparagraph (b)1., the  
182 member may elect to include or exclude any optional service  
183 credit purchased by the member from the total service used to  
184 establish the normal retirement date. A member who has ~~with~~ dual  
185 normal retirement dates is ~~shall be~~ eligible to elect to  
186 participate in either class.

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

188 1. Subject to the following exceptions, an eligible member  
189 may elect to participate in ~~the~~ DROP for a period not to exceed a  
190 maximum of 60 calendar months. ~~or, with respect to~~

191 a. Eligible members who are instructional personnel  
192 employed by the Florida School for the Deaf and the Blind and who  
193 have received authorization by the Board of Trustees of the  
194 Florida School for the Deaf and the Blind to participate in the  
195 DROP beyond 60 months, or who are instructional personnel as  
196 defined in s. 1012.01(2)(a)-(d) ~~in grades K-12~~ and who have  
197 received authorization by the district school superintendent to  
198 participate in ~~the~~ DROP beyond 60 calendar months, may elect to  
199 participate for a period up to 96 calendar months immediately  
200 following the date on which the member first reaches his or her  
201 normal retirement date or the date ~~to which~~ he or she is eligible  
202 to defer his or her election to participate as provided in  
203 subparagraph (a)2. ~~However, a member who has reached normal~~  
204 ~~retirement date prior to the effective date of the DROP shall be~~  
205 ~~eligible to participate in the DROP for a period of time not to~~  
206 ~~exceed 60 calendar months or, with respect to members who are~~  
207 ~~instructional personnel employed by the Florida School for the~~  
208 ~~Deaf and the Blind and who have received authorization by the~~  
209 ~~Board of Trustees of the Florida School for the Deaf and the~~

20-02382-08

2008706

210 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
211 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
212 ~~grades K-12 and who have received authorization by the district~~  
213 ~~school superintendent to participate in the DROP beyond 60~~  
214 ~~calendar months, 96 calendar months immediately following the~~  
215 ~~effective date of the DROP, except a member of the Special Risk~~  
216 ~~Class who has reached normal retirement date prior to the~~  
217 ~~effective date of the DROP and whose total accrued value exceeds~~  
218 ~~75 percent of average final compensation as of his or her~~  
219 ~~effective date of retirement shall be eligible to participate in~~  
220 ~~the DROP for no more than 36 calendar months immediately~~  
221 ~~following the effective date of the DROP.~~

222 b. Special Risk Class members who are employed as law  
223 enforcement officers, correctional officers, or community-based  
224 correctional probation officers, as described in s. 121.0515(2),  
225 having a rank or the equivalent rank of captain or below, and who  
226 are currently participating in DROP for up to 60 months may elect  
227 to participate for an additional 36 calendar months. However, in  
228 order to participate the member must, before beginning the  
229 additional 36 months, pass the same physical examination required  
230 for new officers under s. 943.13(6) and provide an accompanying  
231 statement from the officer's examining physician, physician  
232 assistant, or certified advanced registered nurse practitioner  
233 that the officer is capable of performing the essential functions  
234 of his or her duties as a law enforcement officer, correctional  
235 officer, or probation officer.

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

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



20-02382-08

2008706\_\_

239           b. Selection of the DROP participation and termination  
240 dates, which satisfy the limitations stated in paragraph (a) and  
241 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a  
242 binding letter of resignation to ~~with~~ the employer, establishing  
243 a deferred termination date. The member may change the  
244 termination date within the limitations of subparagraph 1., but  
245 only with the written approval of the ~~his or her~~ employer;

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

248           d. Any other information required by the division.

249           3. The DROP participant shall be a retiree under the  
250 Florida Retirement System for all purposes, except for paragraph  
251 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and  
252 121.122. However, participation in ~~the~~ DROP does not alter the  
253 participant's employment status and the member is ~~such employee~~  
254 ~~shall~~ not be deemed retired from employment until his or her  
255 deferred resignation is effective and termination occurs as  
256 provided in s. 121.021(39).

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

259           a. An elected officer who reaches normal retirement date  
260 during a term of office may defer the election to participate in  
261 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~  
262 elected officer who exercises this option may participate in ~~the~~  
263 DROP for up to 60 calendar months or for a period of no longer  
264 than the ~~such~~ succeeding term of office, whichever is less.

265           b. An elected or a nonelected participant may run for a  
266 term of office while participating in DROP and, if elected,  
267 extend ~~the~~ DROP termination date accordingly, except that,  
268 ~~however~~, if such additional term of office exceeds the 60-month

20-02382-08

2008706

269 limitation established in subparagraph 1., and the officer does  
270 not resign from office within such 60-month limitation, the  
271 retirement and the participant's DROP shall be null and void as  
272 provided in sub-subparagraph (c)5.d.

273 c. An elected officer who is dually employed and elects to  
274 participate in DROP must ~~shall be required to~~ satisfy the  
275 definition of termination within the maximum participation 60-  
276 ~~month or, with respect to members who are instructional personnel~~  
277 ~~employed by the Florida School for the Deaf and the Blind and who~~  
278 ~~have received authorization by the Board of Trustees of the~~  
279 ~~Florida School for the Deaf and the Blind to participate in the~~  
280 ~~DROP beyond 60 months, or who are instructional personnel as~~  
281 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~  
282 ~~received authorization by the district school superintendent to~~  
283 ~~participate in the DROP beyond 60 months, the 96-month limitation~~  
284 ~~period as~~ provided in subparagraph 1. for the nonelected position  
285 and may continue employment as an elected officer as provided in  
286 s. 121.053. The elected officer shall ~~will~~ be enrolled as a  
287 renewed member in the Elected Officers' Class or the Regular  
288 Class, as provided in ss. 121.053 and 121.122, on the first day  
289 of the month after termination of employment in the nonelected  
290 position and termination of DROP. Distribution of ~~the~~ DROP  
291 benefits shall be made as provided in paragraph (c).

292 Section 2. The Legislature finds and declares that ensuring  
293 the availability of experienced law enforcement, correctional,  
294 and probation officers to protect the safety and welfare of the  
295 public is an important state interest. Providing such officers  
296 who are members of the Florida Retirement System with an  
297 opportunity to extend their employment as law enforcement  
298 officers, correctional officers, or probation officers by

20-02382-08

2008706\_\_

299 increasing the maximum participation period in the Deferred  
300 Retirement Option Program will help serve that interest. Funding  
301 for such retirement benefits must be made, administered, and  
302 funded in an actuarially sound manner as required by s. 14, Art.  
303 X of the State Constitution and part VII of chapter 112, Florida  
304 Statutes.

305       Section 3. This act shall take effect July 1, 2008.