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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2009	.	
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The Committee on Criminal Justice (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 41 - 258  
and insert:

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

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39) (a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been



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12 filed in the manner prescribed by the department. The department  
13 may cancel an application for retirement benefits when the  
14 member or beneficiary fails to timely provide the information  
15 and documents required by this chapter and the department's  
16 rules. The department shall adopt rules establishing procedures  
17 for application for retirement benefits and for the cancellation  
18 of such application when the required information or documents  
19 are not received.

20 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
21 subject to the provisions of this section, the Deferred  
22 Retirement Option Program, hereinafter referred to as the DROP,  
23 is a program under which an eligible member of the Florida  
24 Retirement System may elect to participate, deferring receipt of  
25 retirement benefits while continuing employment with his or her  
26 Florida Retirement System employer. The deferred monthly  
27 benefits shall accrue in the System Trust Fund on behalf of the  
28 participant, plus interest compounded monthly, for the specified  
29 period of the DROP participation, as provided in paragraph (c).  
30 Upon termination of employment, the participant shall receive  
31 the total DROP benefits and begin to receive the previously  
32 determined normal retirement benefits. Participation in the DROP  
33 does not guarantee employment for the specified period of DROP.  
34 Participation in the DROP by an eligible member beyond the  
35 initial 60-month period as authorized in this subsection shall  
36 be on an annual contractual basis for all participants.

37 (a) *Eligibility of member to participate in ~~the~~ DROP.*—All  
38 active Florida Retirement System members in a regularly  
39 established position, and all active members of ~~either~~ the  
40 Teachers' Retirement System established in chapter 238 or the



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41 State and County Officers' and Employees' Retirement System  
42 established in chapter 122, which ~~systems~~ are consolidated  
43 within the Florida Retirement System under s. 121.011, are  
44 eligible to elect participation in the DROP if provided that:

45 1. The member is not a renewed member ~~of the Florida~~  
46 ~~Retirement System~~ under s. 121.122, or a member of the State  
47 Community College System Optional Retirement Program under s.  
48 121.051, the Senior Management Service Optional Annuity Program  
49 under s. 121.055, or the optional retirement program for the  
50 State University System under s. 121.35.

51 2. Except as provided in subparagraph 6., election to  
52 participate is made within 12 months immediately following the  
53 date on which the member first reaches normal retirement date,  
54 or, for a member who reaches normal retirement date ~~based on~~  
55 ~~service~~ before he or she reaches age 62, or age 55 for Special  
56 Risk Class members, election to participate may be deferred to  
57 the 12 months immediately following the date the member attains  
58 age 57, or age 52 for Special Risk Class members. ~~For a member~~  
59 ~~who first reached normal retirement date or the deferred~~  
60 ~~eligibility date described above prior to the effective date of~~  
61 ~~this section, election to participate shall be made within 12~~  
62 ~~months after the effective date of this section.~~ A member who  
63 fails to make an election within the ~~such~~ 12-month limitation  
64 period forfeits ~~shall forfeit~~ all rights to participate in ~~the~~  
65 DROP. The member shall advise his or her employer and the  
66 division in writing of the date ~~on which the DROP begins~~ shall  
67 begin. ~~The~~ ~~Such~~ beginning date may be subsequent to the 12-month  
68 election period, but must be within the maximum participation  
69 ~~60-month or, with respect to members who are instructional~~



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70 ~~personnel employed by the Florida School for the Deaf and the~~  
71 ~~Blind and who have received authorization by the Board of~~  
72 ~~Trustees of the Florida School for the Deaf and the Blind to~~  
73 ~~participate in the DROP beyond 60 months, or who are~~  
74 ~~instructional personnel as defined in s. 1012.01(2) (a) - (d) in~~  
75 ~~grades K-12 and who have received authorization by the district~~  
76 ~~school superintendent to participate in the DROP beyond 60~~  
77 ~~months, the 96-month limitation period as provided in~~  
78 ~~subparagraph (b)1. When establishing eligibility of the member~~  
79 ~~to participate in the DROP for the 60-month or, with respect to~~  
80 ~~members who are instructional personnel employed by the Florida~~  
81 ~~School for the Deaf and the Blind and who have received~~  
82 ~~authorization by the Board of Trustees of the Florida School for~~  
83 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
84 ~~months, or who are instructional personnel as defined in s.~~  
85 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
86 ~~authorization by the district school superintendent to~~  
87 ~~participate in the DROP beyond 60 months, the 96-month maximum~~  
88 ~~participation period, the member may elect to include or exclude~~  
89 ~~any optional service credit purchased by the member from the~~  
90 ~~total service used to establish the normal retirement date. A~~  
91 ~~member who has ~~with~~ dual normal retirement dates is ~~shall be~~~~  
92 ~~eligible to elect to participate in DROP within 12 months after~~  
93 ~~attaining normal retirement date in either class.~~

94 3. The employer of a member electing to participate in ~~the~~  
95 ~~DROP, or employers if dually employed, shall acknowledge in~~  
96 ~~writing to the division the date the member's participation in~~  
97 ~~the DROP begins and the date the member's employment and DROP~~  
98 ~~participation will terminate.~~



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99           4. Simultaneous employment of a participant by additional  
100 Florida Retirement System employers subsequent to the  
101 commencement of participation in ~~the~~ DROP is ~~shall be~~  
102 permissible if provided such employers acknowledge in writing a  
103 DROP termination date no later than the participant's existing  
104 termination date or the maximum participation 60-month  
105 ~~limitation~~ period as provided in subparagraph (b)1.

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

108           a. A change of employment must take place without a break  
109 in service so that the member receives salary for each month of  
110 continuous DROP participation. If a member receives no salary  
111 during a month, DROP participation shall cease unless the  
112 employer verifies a continuation of the employment relationship  
113 for such participant pursuant to s. 121.021(39)(b).

114           b. Such participant and new employer shall notify the  
115 division of the identity of the new employer on forms required  
116 by the division ~~as to the identity of the new employer.~~

117           c. The new employer shall acknowledge, in writing, the  
118 participant's DROP termination date, which may be extended, but  
119 not beyond the original 60-month participation ~~or, with respect~~  
120 ~~to members who are instructional personnel employed by the~~  
121 ~~Florida School for the Deaf and the Blind and who have received~~  
122 ~~authorization by the Board of Trustees of the Florida School for~~  
123 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
124 ~~months, or who are instructional personnel as defined in s.~~  
125 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~  
126 ~~authorization by the district school superintendent to~~  
127 ~~participate in the DROP beyond 60 months, the 96-month period~~



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128 provided in subparagraph (b)1., shall acknowledge liability for  
129 any additional retirement contributions and interest required if  
130 the participant fails to timely terminate employment, and is  
131 ~~shall be~~ subject to the adjustment required in sub-subparagraph  
132 (c)5.d.

133 6. Effective July 1, 2001, for instructional personnel as  
134 defined in s. 1012.01(2), election to participate in ~~the~~ DROP  
135 may shall be made at any time following the date on which the  
136 member first reaches normal retirement date. The member shall  
137 advise his or her employer and the division in writing of the  
138 date on which DROP begins ~~the Deferred Retirement Option Program~~  
139 ~~shall begin~~. When establishing eligibility of the member to  
140 participate in ~~the~~ DROP for the 60-month ~~or, with respect to~~  
141 ~~members who are instructional personnel employed by the Florida~~  
142 ~~School for the Deaf and the Blind and who have received~~  
143 ~~authorization by the Board of Trustees of the Florida School for~~  
144 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
145 ~~months, or who are instructional personnel as defined in s.~~  
146 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
147 ~~authorization by the district school superintendent to~~  
148 ~~participate in the DROP beyond 60 months, the 96-month maximum~~  
149 ~~participation period, as provided in subparagraph (b)1., the~~  
150 member may elect to include or exclude any optional service  
151 credit purchased by the member from the total service used to  
152 establish the normal retirement date. A member who has ~~with~~ dual  
153 normal retirement dates is shall be eligible to elect to  
154 participate in either class.

155 (b) *Participation in ~~the~~ DROP.*—

156 1. Subject to the following exceptions, an eligible member



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157 may elect to participate in ~~the~~ DROP for a ~~period not to exceed~~  
158 a maximum of 60 calendar months. ~~or, with respect to~~  
159 a. Eligible members who are instructional personnel  
160 employed by the Florida School for the Deaf and the Blind and  
161 authorized ~~who have received authorization~~ by the Board of  
162 Trustees of the Florida School for the Deaf and the Blind to  
163 participate in ~~the~~ DROP beyond 60 months, or who are  
164 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
165 grades K-12 and authorized ~~who have received authorization~~ by  
166 the district school superintendent to participate in ~~the~~ DROP  
167 beyond 60 calendar months, may elect to participate for a period  
168 up to 96 calendar months immediately following the date on which  
169 the member first reaches his or her normal retirement date or  
170 the date ~~to which~~ he or she is eligible to defer his or her  
171 election to participate as provided in subparagraph (a)2.  
172 ~~However, a member who has reached normal retirement date prior~~  
173 ~~to the effective date of the DROP shall be eligible to~~  
174 ~~participate in the DROP for a period of time not to exceed 60~~  
175 ~~calendar months or, with respect to members who are~~  
176 ~~instructional personnel employed by the Florida School for the~~  
177 ~~Deaf and the Blind and who have received authorization by the~~  
178 ~~Board of Trustees of the Florida School for the Deaf and the~~  
179 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
180 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
181 ~~grades K-12 and who have received authorization by the district~~  
182 ~~school superintendent to participate in the DROP beyond 60~~  
183 ~~calendar months, 96 calendar months immediately following the~~  
184 ~~effective date of the DROP, except a member of the Special Risk~~  
185 ~~Class who has reached normal retirement date prior to the~~



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186 ~~effective date of the DROP and whose total accrued value exceeds~~  
187 ~~75 percent of average final compensation as of his or her~~  
188 ~~effective date of retirement shall be eligible to participate in~~  
189 ~~the DROP for no more than 36 calendar months immediately~~  
190 ~~following the effective date of the DROP.~~

191 b. Special Risk Class members who are employed as law  
192 enforcement officers, correctional officers, or community-based  
193 correctional probation officers, as described in s. 121.0515(2),  
194 and who are currently participating in DROP for up to 60 months  
195 may participate for an additional 36 calendar months. However,  
196 notwithstanding subparagraph (9) (b)1., any such member who  
197 participates for any or all of the additional 36 months may not  
198 be reemployed or retained in a contractual capacity with the  
199 same employing agency following the member's termination from  
200 that employer in accordance with s. 121.021(39). This provision  
201 does not otherwise limit the retired member from being employed  
202 or contracting with any other employing agency participating in  
203 the Florida Retirement System.

204 (I) A retired member who is reemployed or retained in a  
205 contractual capacity in violation of this sub-subparagraph voids  
206 his or her application for retirement benefits. Any person who  
207 violates this sub-subparagraph and any employing agency that  
208 knowingly reemploys or contracts with such person in violation  
209 of this sub-subparagraph is jointly and severally liable for  
210 reimbursement to the Florida Retirement System Trust Fund for  
211 any retirement benefits improperly paid during the reemployment  
212 or contractual period.

213 (II) The provisions of this sub-subparagraph do not apply  
214 to a retired member who is employed as a part-time or auxiliary





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215 law enforcement or correctional probation officer, as those  
216 terms are defined in s. 943.10, on a voluntary basis and who  
217 receives no more than \$1 per calendar year for services rendered  
218 directly for the employing agency, or to a retired member who is  
219 elected to an office or appointed to an office by the Governor  
220 or by the Governor and Cabinet.

221  
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete lines 3 - 9

225 and insert:

226 benefits; amending s. 121.091, F.S.; providing that  
227 certain members of the Special Risk Class may  
228 participate in the Deferred Retirement Option Program  
229 for an additional 36 months; prohibiting such members  
230 from being reemployed or contracting with the same  
231 employing agency from which the member retired;  
232 providing exceptions; deleting