



469762

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/16/2009	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 58 and 59

insert:

(10) "Employer" means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department, board, district school board, city, metropolitan planning organization, or special district of the state, ~~or any city of the state~~ which participates in the system for the benefit of certain of its employees, or a charter school or charter



469762

12 technical career center that participates as provided in s.
13 121.051(2)(d). Employers are not agents of the department, the
14 state board, or the Division of Retirement, and the department,
15 the state board, and the division are not responsible for
16 erroneous information provided by representatives of employers.

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

19 1. For retirements effective before January 1, 2010, a
20 member ceases all employment relationships with employers under
21 this system, as defined in subsection (10), but in the event a
22 member should be employed by any such employer within the next
23 calendar month, termination shall be deemed not to have
24 occurred. A leave of absence shall constitute a continuation of
25 the employment relationship, except that a leave of absence
26 without pay due to disability may constitute termination for a
27 member, if such member makes application for and is approved for
28 disability retirement in accordance with s. 121.091(4). The
29 department or state board may require other evidence of
30 termination as it deems necessary.

31 2. For retirements effective on or after January 1, 2010, a
32 member ceases all employment relationships with employers under
33 this system, as defined in subsection (10), but if a member
34 becomes employed by any such employer within the next 12
35 calendar months, termination shall be deemed not to have
36 occurred. A leave of absence shall constitute a continuation of
37 the employment relationship, except that a leave of absence
38 without pay due to disability may constitute termination for a
39 member, if such member makes application for and is approved for
40 disability retirement in accordance with s. 121.091(4). The



41 department or state board may require other evidence of
42 termination as it deems necessary.

43 (b) "Termination" for a member electing to participate
44 under the Deferred Retirement Option Program (DROP) occurs when
45 the Deferred Retirement Option Program participant ceases all
46 employment relationships with employers under this system in
47 accordance with s. 121.091(13), but:

48 1. For DROP termination dates occurring before January 1,
49 2010, in the event the DROP Deferred Retirement Option Program
50 participant should be employed by any such employer within the
51 next calendar month, termination will be deemed not to have
52 occurred, except as provided in s. 121.091(13)(b)4.c. A leave of
53 absence shall constitute a continuation of the employment
54 relationship.

55 2. For DROP termination dates occurring on or after January
56 1, 2010, if the DROP participant becomes employed by any such
57 employer within the next 12 calendar months, termination will be
58 deemed not to have occurred, except as provided in s.
59 121.091(13)(b)4.c. A leave of absence shall constitute a
60 continuation of the employment relationship.

61
62 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

63 And the directory clause is amended as follows:

64 Delete lines 54 - 55

65 and insert:

66 Section 1. Subsections (10), (39), and (60) of section 121.021,
67 Florida Statutes, are amended to read:

68
69 ===== T I T L E A M E N D M E N T =====



469762

70 And the title is amended as follows:
71 Delete line 3
72 and insert:
73 amending s. 121.021, F.S.; redefining the term "employer" to
74 include a city and a metropolitan planning organization and
75 exempt certain entities from liability for erroneous information
76 provided by representatives of employers; clarifying the
77 definition of the term "termination" to account for retirements
78 and certain terminations occurring before, on, or after a
79 specified date; defining the term