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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2009	.	
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The Committee on Community Affairs (Storms) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsections (10), (11), (18), (29), (39), (52), and (53) of section 121.021, Florida Statutes, are amended, and subsections (63) and (64) are added to that section, to read:

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

(10) "Employer" means any agency, branch, department,



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

23 (11) "Officer or employee" means any person receiving  
24 salary payments for work performed in a regularly established  
25 position and, if employed by a city, a metropolitan planning  
26 organization, or a special district, employed in a covered  
27 group. The term does not apply to state employees covered by a  
28 leasing agreement under s. 110.191, other public employees  
29 covered by a leasing agreement, or a co-employer relationship.

30 (18) "Past service" of any member, as provided in s.  
31 121.081(1), means the number of years and complete months and  
32 any fractional part of a month, recognized and credited by an  
33 employer and approved by the administrator, during which the  
34 member was in the active employ of a governmental ~~an~~ employer  
35 and for which the employee is not entitled to a benefit prior to  
36 his or her date of participation.

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



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41 (a) If a Regular Class member, a Senior Management Service  
42 Class member, or an Elected Officers' Class ~~the~~ member:

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

45 2. The first day of the month following the date the member  
46 completes 30 years of creditable service, regardless of age,  
47 ~~which may include a maximum of 4 years of military service~~  
48 ~~credit as long as such credit is not claimed under any other~~  
49 ~~system.~~

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

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

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

57 3. The first day of the month following the date the member  
58 completes 25 years of creditable service and attains age 52,  
59 which service may include a maximum of 4 years of military  
60 service credit as long as such credit is not claimed under any  
61 other system and the remaining years are in the Special Risk  
62 Class.

63 ~~(c) If a Senior Management Service Class member, the~~  
64 ~~member:~~

65 1. ~~Completes 6 years of creditable service in the Senior~~  
66 ~~Management Service Class and attains age 62; or~~

67 2. ~~Completes 30 years of any creditable service, regardless~~  
68 ~~of age, which may include a maximum of 4 years of military~~  
69 ~~service credit as long as such credit is not claimed under any~~



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70 ~~other system.~~

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

72 ~~1. Completes 6 years of creditable service in the Elected~~  
73 ~~Officers' Class and attains age 62; or~~

74 ~~2. Completes 30 years of any creditable service, regardless~~  
75 ~~of age, which may include a maximum of 4 years of military~~  
76 ~~service credit as long as such credit is not claimed under any~~  
77 ~~other system.~~

78

79 "Normal retirement age" is attained on the "normal retirement  
80 date."

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

83 1. For retirements effective before January 1, 2010, a  
84 member ceases all employment relationships with employers under  
85 this system, as defined in subsection (10), but in the event a  
86 member should be employed by any such employer within the next  
87 calendar month, termination shall be deemed not to have  
88 occurred. A leave of absence shall constitute a continuation of  
89 the employment relationship, except that a leave of absence  
90 without pay due to disability may constitute termination for a  
91 member, if such member makes application for and is approved for  
92 disability retirement in accordance with s. 121.091(4). The  
93 department or state board may require other evidence of  
94 termination as it deems necessary.

95 2. For retirements effective on or after January 1, 2010, a  
96 member ceases all employment relationships with employers under  
97 this system, as defined in subsection (10), but in the event a  
98 member should be employed by any such employer within the next



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99 12 calendar months, termination shall be deemed not to have  
100 occurred. A leave of absence shall constitute a continuation of  
101 the employment relationship, except that a leave of absence  
102 without pay due to disability may constitute termination for a  
103 member, if such member makes application for and is approved for  
104 disability retirement in accordance with s. 121.091(4). The  
105 department or state board may require other evidence of  
106 termination as it deems necessary.

107 (b) "Termination" for a member electing to participate  
108 under the Deferred Retirement Option Program (DROP) occurs when  
109 the Deferred Retirement Option Program participant ceases all  
110 employment relationships with employers under this system in  
111 accordance with s. 121.091(13), but:

112 1. For DROP termination dates occurring before January 1,  
113 2010, in the event the ~~DROP~~ Deferred Retirement Option Program  
114 participant should be employed by any such employer within the  
115 next calendar month, termination will be deemed not to have  
116 occurred, except as provided in s. 121.091(13)(b)4.c. A leave of  
117 absence shall constitute a continuation of the employment  
118 relationship.

119 2. For DROP termination dates occurring on or after January  
120 1, 2010, in the event the DROP participant should be employed by  
121 any such employer within the next 12 calendar months,  
122 termination will be deemed not to have occurred, except as  
123 provided in s. 121.091(13)(b)4.c. A leave of absence shall  
124 constitute a continuation of the employment relationship.

125 (52) "Regularly established position" is defined as  
126 follows:

127 (a) With respect to employment for ~~In~~ a state employer



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128 ~~agency~~, the term means a position that ~~which~~ is authorized and  
129 established pursuant to law and is compensated from a salaries  
130 and benefits appropriation pursuant to s. 216.011(1) (mm) ~~(dd)~~, or  
131 an established position that ~~which~~ is authorized pursuant to s.  
132 216.262(1) (a) and (b) and is compensated from a salaries account  
133 as provided in s. 216.011(1) (nn) ~~by rule~~.

134 (b) With respect to employment for ~~In~~ a local employer  
135 ~~agency~~ (district school board, county agency, community college,  
136 city, metropolitan planning organization, charter school,  
137 charter technical career center, or special district), the term  
138 means a regularly established position that ~~which~~ will be in  
139 existence for a period beyond 6 consecutive months, except as  
140 provided by rule.

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

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

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

151 (63) "State board" means the State Board of Administration.

152 (64) "Trustees" means the Board of Trustees of the State  
153 Board of Administration.

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

156 121.031 Administration of system; appropriation; oaths;



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157 actuarial studies; public records.-

158 (6) Unless prior written approval is obtained from the  
159 department or state board, any promotional materials or  
160 advertisements that, directly or indirectly, refer to the  
161 "Florida Retirement System" or the "FRS" must contain a  
162 disclaimer that the information is not approved or endorsed by  
163 the Florida Retirement System.

164 Section 3. Paragraph (a) of subsection (1) and paragraphs  
165 (c) and (f) of subsection (2) of section 121.051, Florida  
166 Statutes, are amended to read:

167 121.051 Participation in the system.-

168 (1) COMPULSORY PARTICIPATION.-

169 (a) The provisions of this law are ~~shall be~~ compulsory as  
170 to all officers and employees, except elected officers who meet  
171 the requirements of s. 121.052(3), who are employed on or after  
172 December 1, 1970, by ~~of~~ an employer other than those referred to  
173 in paragraph (2)(b), and each officer or employee, as a  
174 condition of employment, shall become a member of the system as  
175 of his or her date of employment, except that a person who is  
176 retired from any state retirement system and is reemployed on or  
177 after December 1, 1970, may not renew his or her membership in  
178 any state retirement system except as provided in s.

179 121.091(4)(h) for a person who recovers from disability, ~~and~~ as  
180 provided in s. 121.091(9)(b) 10.8- for a person who is elected to  
181 public office, and, effective July 1, 1991, as provided in s.  
182 121.122 for all other retirees. Officers and employees of the  
183 University Athletic Association, Inc., a nonprofit association  
184 connected with the University of Florida, employed on and after  
185 July 1, 1979, may ~~shall~~ not participate in any state-supported



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186 retirement system.

187 1. Any person appointed on or after July 1, 1989, to a  
188 faculty position in a college at the J. Hillis Miller Health  
189 Center at the University of Florida or the Medical Center at the  
190 University of South Florida which has a faculty practice plan  
191 provided by rule adopted by the Board of Regents may not  
192 participate in the Florida Retirement System. Effective July 1,  
193 2008, any person appointed thereafter to a faculty position,  
194 including clinical faculty, in a college at a state university  
195 that has a faculty practice plan authorized by the Board of  
196 Governors may not participate in the Florida Retirement System.  
197 A faculty member so appointed shall participate in the optional  
198 retirement program for the State University System  
199 notwithstanding ~~the provisions of~~ s. 121.35(2) (a).

200 2. For purposes of this paragraph, the term "faculty  
201 position" is defined as a position assigned the principal  
202 responsibility of teaching, research, or public service  
203 activities or administrative responsibility directly related to  
204 the academic mission of the college. The term "clinical faculty"  
205 is defined as a faculty position appointment in conjunction with  
206 a professional position in a hospital or other clinical  
207 environment at a college. The term "faculty practice plan"  
208 includes professional services to patients, institutions, or  
209 other parties which are rendered by the clinical faculty  
210 employed by a college that has a faculty practice plan at a  
211 state university authorized by the Board of Governors.

212 (2) OPTIONAL PARTICIPATION.—

213 (c) Employees of public community colleges or charter  
214 technical career centers sponsored by public community colleges,





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215 as designated in s. 1000.21(3), who are members of the Regular  
216 Class of the Florida Retirement System and who comply with the  
217 criteria set forth in this paragraph and in s. 1012.875 may  
218 elect, in lieu of participating in the Florida Retirement  
219 System, to withdraw from the Florida Retirement System  
220 altogether and participate in an optional retirement program  
221 provided by the employing agency under s. 1012.875, to be known  
222 as the State Community College System Optional Retirement  
223 Program. Pursuant thereto:

224 1. Through June 30, 2001, the cost to the employer for such  
225 annuity shall equal the normal cost portion of the employer  
226 retirement contribution which would be required if the employee  
227 were a member of the Regular Class defined benefit program, plus  
228 the portion of the contribution rate required by s. 112.363(8)  
229 that would otherwise be assigned to the Retiree Health Insurance  
230 Subsidy Trust Fund. Effective July 1, 2001, each employer shall  
231 contribute on behalf of each participant in the optional program  
232 an amount equal to 10.43 percent of the participant's gross  
233 monthly compensation. The employer shall deduct an amount to  
234 provide for the administration of the optional retirement  
235 program. The employer providing the optional program shall  
236 contribute an additional amount to the Florida Retirement System  
237 Trust Fund equal to the unfunded actuarial accrued liability  
238 portion of the Regular Class contribution rate.

239 2. The decision to participate in such an optional  
240 retirement program shall be irrevocable for as long as the  
241 employee holds a position eligible for participation, except as  
242 provided in subparagraph 3. Any service creditable under the  
243 Florida Retirement System shall be retained after the member



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244 withdraws from the Florida Retirement System; however,  
245 additional service credit in the Florida Retirement System shall  
246 not be earned while a member of the optional retirement program.

247 3. An employee who has elected to participate in the  
248 optional retirement program shall have one opportunity, at the  
249 employee's discretion, to choose to transfer from the optional  
250 retirement program to the defined benefit program of the Florida  
251 Retirement System or to the Public Employee Optional Retirement  
252 Program, subject to the terms of the applicable optional  
253 retirement program contracts.

254 a. If the employee chooses to move to the Public Employee  
255 Optional Retirement Program, any contributions, interest, and  
256 earnings creditable to the employee under the State Community  
257 College System Optional Retirement Program shall be retained by  
258 the employee in the State Community College System Optional  
259 Retirement Program, and the applicable provisions of s.  
260 121.4501(4) shall govern the election.

261 b. If the employee chooses to move to the defined benefit  
262 program of the Florida Retirement System, the employee shall  
263 receive service credit equal to his or her years of service  
264 under the State Community College System Optional Retirement  
265 Program.

266 (I) The cost for such credit shall be an amount  
267 representing the present value of that employee's accumulated  
268 benefit obligation for the affected period of service. The cost  
269 shall be calculated as if the benefit commencement occurs on the  
270 first date the employee would become eligible for unreduced  
271 benefits, using the discount rate and other relevant actuarial  
272 assumptions that were used to value the Florida Retirement



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273 System defined benefit plan liabilities in the most recent  
274 actuarial valuation. The calculation shall include any service  
275 already maintained under the defined benefit plan in addition to  
276 the years under the State Community College System Optional  
277 Retirement Program. The present value of any service already  
278 maintained under the defined benefit plan shall be applied as a  
279 credit to total cost resulting from the calculation. The  
280 division shall ensure that the transfer sum is prepared using a  
281 formula and methodology certified by an enrolled actuary.

282 (II) The employee must transfer from his or her State  
283 Community College System Optional Retirement Program account and  
284 from other employee moneys as necessary, a sum representing the  
285 present value of that employee's accumulated benefit obligation  
286 immediately following the time of such movement, determined  
287 assuming that attained service equals the sum of service in the  
288 defined benefit program and service in the State Community  
289 College System Optional Retirement Program.

290 4. Participation in the optional retirement program shall  
291 be limited to those employees who satisfy the following  
292 eligibility criteria:

293 a. The employee must be otherwise eligible for membership  
294 or renewed membership in the Regular Class of the Florida  
295 Retirement System, as provided in s. 121.021(11) and (12) or s.  
296 121.122.

297 b. The employee must be employed in a full-time position  
298 classified in the Accounting Manual for Florida's Public  
299 Community Colleges as:

300 (I) Instructional; or

301 (II) Executive Management, Instructional Management, or



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302 Institutional Management, if a community college determines that  
303 recruiting to fill a vacancy in the position is to be conducted  
304 in the national or regional market, and:

305 (A) The duties and responsibilities of the position include  
306 either the formulation, interpretation, or implementation of  
307 policies; or

308 (B) The duties and responsibilities of the position include  
309 the performance of functions that are unique or specialized  
310 within higher education and that frequently involve the support  
311 of the mission of the community college.

312 c. The employee must be employed in a position not included  
313 in the Senior Management Service Class of the Florida Retirement  
314 System, as described in s. 121.055.

315 5. A participant who receives a program distribution funded  
316 by employer contributions shall be deemed to be retired from a  
317 state-administered retirement system in the event of subsequent  
318 employment with any employer that participates in the Florida  
319 Retirement System. Participants in the program are subject to  
320 the same reemployment limitations, renewed membership  
321 provisions, and forfeiture provisions as are applicable to  
322 regular members of the Florida Retirement System under ss.  
323 121.091(9), 121.122, and 121.091(5), respectively.

324 6. Eligible community college employees shall be compulsory  
325 members of the Florida Retirement System until, pursuant to the  
326 procedures set forth in s. 1012.875, a written election to  
327 withdraw from the Florida Retirement System and to participate  
328 in the State Community College System Optional Retirement  
329 Program is filed with the program administrator and received by  
330 the division.



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331           a. Any community college employee whose program eligibility  
332 results from initial employment shall be enrolled in the State  
333 Community College System Optional Retirement Program retroactive  
334 to the first day of eligible employment. The employer retirement  
335 contributions paid through the month of the employee plan change  
336 shall be transferred to the community college for the employee's  
337 optional program account, and, effective the first day of the  
338 next month, the employer shall pay the applicable contributions  
339 based upon subparagraph 1.

340           b. Any community college employee whose program eligibility  
341 results from a change in status due to the subsequent  
342 designation of the employee's position as one of those specified  
343 in subparagraph 4. or due to the employee's appointment,  
344 promotion, transfer, or reclassification to a position specified  
345 in subparagraph 4. shall be enrolled in the program upon the  
346 first day of the first full calendar month that such change in  
347 status becomes effective. The employer retirement contributions  
348 paid from the effective date through the month of the employee  
349 plan change shall be transferred to the community college for  
350 the employee's optional program account, and, effective the  
351 first day of the next month, the employer shall pay the  
352 applicable contributions based upon subparagraph 1.

353           7. Effective July 1, 2003, through December 31, 2008, any  
354 participant of the State Community College System Optional  
355 Retirement Program who has service credit in the defined benefit  
356 plan of the Florida Retirement System for the period between his  
357 or her first eligibility to transfer from the defined benefit  
358 plan to the optional retirement program and the actual date of  
359 transfer may, during his or her employment, elect to transfer to



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360 the optional retirement program a sum representing the present  
361 value of the accumulated benefit obligation under the defined  
362 benefit retirement program for such period of service credit.  
363 Upon such transfer, all such service credit previously earned  
364 under the defined benefit program of the Florida Retirement  
365 System during this period shall be nullified for purposes of  
366 entitlement to a future benefit under the defined benefit  
367 program of the Florida Retirement System.

368 (f)1. If ~~whenever~~ an employer that participates in the  
369 Florida Retirement System undertakes the transfer, merger, or  
370 consolidation of governmental services or assumes the functions  
371 and activities of an employing governmental entity that was not  
372 an employer under the system, the employer must notify the  
373 department at least 60 days prior to such action and ~~shall~~  
374 provide documentation as required by the department. The  
375 transfer, merger, or consolidation of governmental services or  
376 assumption of governmental functions and activities must occur  
377 between public employers. The current or former employer may pay  
378 the employees' past service cost, unless prohibited under this  
379 chapter. This subparagraph does not apply to the transfer,  
380 merger, or consolidation of governmental services or assumption  
381 of functions and activities of a public entity under a leasing  
382 agreement having a co-employer relationship. Employers and  
383 employees of a public governmental employer whose service is  
384 covered by a leasing agreement under s. 110.191, any other  
385 leasing agreement, or a co-employer relationship are not  
386 eligible to participate in the Florida Retirement System.

387 2. If ~~when~~ the agency to which a member's employing unit is  
388 transferred, merged, or consolidated does not participate in the



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389 Florida Retirement System, a member may ~~shall~~ elect in writing  
390 to remain in the Florida Retirement System or to transfer to the  
391 local retirement system operated by the ~~such~~ agency. If the ~~such~~  
392 agency does not participate in a local retirement system, the  
393 member shall continue membership in the Florida Retirement  
394 System. In either case, ~~the~~ membership continues ~~shall continue~~  
395 for as long as the member is employed by the agency to which his  
396 or her unit was transferred, merged, or consolidated.

397 Section 4. Paragraph (f) of subsection (2) and paragraph  
398 (e) of subsection (3) of section 121.052, Florida Statutes, are  
399 amended to read:

400 121.052 Membership class of elected officers.—

401 (2) MEMBERSHIP.—The following holders of elective office,  
402 hereinafter referred to as "elected officers," whether assuming  
403 elective office by election, reelection, or appointment, are  
404 members of the Elected Officers' Class, except as provided in  
405 subsection (3):

406 (f)1. Any elected officer of a municipality or special  
407 district on or after July 1, 1997, through December 31, 2009, as  
408 provided in paragraph (3) (e).

409 2. Any elected officer of a municipality or special  
410 district on or after January 1, 2010, when the governing body of  
411 a municipality or special district, at the time it joins the  
412 Florida Retirement System for its elected officers, elects by  
413 majority vote to designate all its elected positions for  
414 inclusion in the Elected Officers' Class.

415 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July  
416 1, 1990, participation in the Elected Officers' Class shall be  
417 compulsory for elected officers listed in paragraphs (2) (a)-(d)



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418 and (f) assuming office on or after said date, unless the  
419 elected officer elects membership in another class or withdraws  
420 from the Florida Retirement System as provided in paragraphs  
421 (3) (a)-(d) :

422 (e) 1. Effective July 1, 1997, the governing body of a  
423 municipality or special district may, by majority vote, elect to  
424 designate all its elected positions for inclusion in the Elected  
425 Officers' Class. Such election shall be made between July 1,  
426 1997, and December 31, 1997, and is irrevocable. The designation  
427 of such positions shall be effective the first day of the month  
428 following receipt by the department of the ordinance or  
429 resolution passed by the governing body.

430 2. Effective July 1, 2001, the governing body of a  
431 municipality or special district may, by majority vote, elect to  
432 designate all its elected positions for inclusion in the Elected  
433 Officers' Class. Such election shall be made between July 1,  
434 2001, and December 31, 2001, and shall be irrevocable. The  
435 designation of such positions shall be effective the first day  
436 of the month following receipt by the department of the  
437 ordinance or resolution passed by the governing body.

438 3. Effective July 1, 2009, the governing body of a  
439 municipality or special district may, by majority vote, elect to  
440 designate all its elected positions for inclusion in the Elected  
441 Officers' Class. Such election shall be made between July 1,  
442 2009, and December 31, 2009, and is irrevocable. The designation  
443 of such positions is effective the first day of the month  
444 following receipt by the department of the ordinance or  
445 resolution passed by the governing body.

446 Section 5. Subsections (1) and (2) of section 121.053,





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447 Florida Statutes, are amended to read:

448 121.053 Participation in the Elected Officers' Class for  
449 retired members.—

450 (1) (a) 1. Any retiree of a state-administered retirement  
451 system who initially serves in an elective office in a regularly  
452 established position with a covered employer on or after January  
453 1, 2010, shall not be enrolled in the Florida Retirement System.

454 2. An elected officer who is elected or appointed to an  
455 elective office and is participating in the Deferred Retirement  
456 Option Program is subject to termination as provided in s.  
457 121.021(39) (b), and reemployment limitations as provided in s.  
458 121.091(9), upon completion of his or her DROP participation  
459 period.

460 (b) Before January 1, 2010, any member who retired under  
461 any existing system as defined in s. 121.021(2), and receives a  
462 benefit thereof, and who serves in an office covered by the  
463 Elected Officers' Class for a period of at least 6 years, shall  
464 be entitled to receive an additional retirement benefit for such  
465 elected officer service prior to July 1, 1990, under the Elected  
466 Officers' Class of the Florida Retirement System, as follows:

467 1. Upon completion of 6 or more years of creditable service  
468 in an office covered by the Elected Officers' Class, s. 121.052,  
469 such member shall notify the administrator of his or her intent  
470 to purchase elected officer service prior to July 1, 1990, and  
471 shall pay the member contribution applicable for the period  
472 being claimed, plus 4 percent interest compounded annually from  
473 the first year of service claimed until July 1, 1975, and 6.5  
474 percent interest compounded annually thereafter, until full  
475 payment is made to the Florida Retirement System Trust Fund;



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476 however, such member may purchase retirement credit under the  
477 Elected Officers' Class only for such service as an elected  
478 officer.

479 2. Upon payment of the amount specified in subparagraph 1.,  
480 the employer shall pay into the Florida Retirement System Trust  
481 Fund the applicable employer contribution for the period of  
482 elected officer service prior to July 1, 1990, being claimed by  
483 the member, plus 4 percent interest compounded annually from the  
484 first year of service claimed until July 1, 1975, and 6.5  
485 percent interest compounded annually thereafter, until full  
486 payment is made to the Florida Retirement System Trust Fund.

487 (c) ~~(b)~~ Any retired member of the Florida Retirement System,  
488 or any existing system as defined in s. 121.021(2), who, on or  
489 after July 1, 1990, through December 31, 2009, is serving in, or  
490 is elected or appointed to, an elective office covered by the  
491 Elected Officers' Class shall be enrolled in the appropriate  
492 subclass of the Elected Officers' Class of the Florida  
493 Retirement System, and applicable contributions shall be paid  
494 into the Florida Retirement System Trust Fund as provided in s.  
495 121.052(7). Pursuant thereto:

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

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

504 3. Such member shall be entitled to purchase additional



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505 retirement credit in the Elected Officers' Class for any  
506 postretirement service performed in an elected position eligible  
507 for the Elected Officers' Class prior to July 1, 1990, or in the  
508 Regular Class for any postretirement service performed in any  
509 other regularly established position prior to July 1, 1991, by  
510 paying the applicable Elected Officers' Class or Regular Class  
511 employee and employer contributions for the period being  
512 claimed, plus 4 percent interest compounded annually from the  
513 first year of service claimed until July 1, 1975, and 6.5  
514 percent interest compounded thereafter, until full payment is  
515 made to the Florida Retirement System Trust Fund. The  
516 contribution for postretirement Regular Class service between  
517 July 1, 1985, and July 1, 1991, for which the reemployed retiree  
518 contribution was paid, shall be the difference between such  
519 contribution and the total applicable contribution for the  
520 period being claimed, plus interest. The employer of such member  
521 may pay the applicable employer contribution in lieu of the  
522 member. If a member does not wish to claim credit for all of the  
523 postretirement service for which he or she is eligible, the  
524 service the member claims must be the most recent service.

525 4. Creditable service for which credit was received, or  
526 which remained unclaimed, at retirement may not be claimed or  
527 applied toward service credit earned following renewed  
528 membership. However, service earned in accordance with the  
529 renewed membership provisions in s. 121.122 may be used in  
530 conjunction with creditable service earned under this paragraph,  
531 provided applicable vesting requirements and other existing  
532 statutory conditions required by this chapter are met.

533 5. An elected officer who is elected or appointed to an



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534 elective office and is participating in the Deferred Retirement  
535 Option Program before January 1, 2010, is not subject to  
536 termination as provided in s. 121.021(39)(b), or reemployment  
537 limitations as provided in s. 121.091(9), until the end of his  
538 or her current term of office or, if the officer is  
539 consecutively elected or reelected to an elective office  
540 eligible for coverage under the Florida Retirement System, until  
541 he or she no longer holds such an elective office, as follows:

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

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

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

549 b. Nothing herein shall prevent an elected officer from  
550 voluntarily terminating his or her elective office at any time  
551 and electing to receive his or her DROP proceeds. However, until  
552 termination requirements are fulfilled as provided in s.  
553 121.021(39), any elected officer whose termination limitations  
554 are extended by this section shall be ineligible for renewed  
555 membership in the system and shall receive no pension payments,  
556 DROP lump sum payments, or any other state payment other than  
557 the statutorily determined salary, travel, and per diem for the  
558 elective office.

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



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563  
564 However, an officer electing to participate in the Deferred  
565 Retirement Option Program on or before June 30, 2002, shall not  
566 be required to terminate and shall remain subject to the  
567 provisions of this subparagraph as adopted in section 1 of  
568 chapter 2001-235, Laws of Florida.

569 (2) Upon attaining his or her normal retirement date and  
570 payment of the amount specified in paragraphs (1) (b) and (c)  
571 ~~(1) (a) and (b)~~, and upon application to the administrator of the  
572 intent to retire, the member shall receive a monthly benefit  
573 under this section, in addition to any benefits already being  
574 received, which shall commence on the last day of the month of  
575 retirement and be payable on the last day of the month  
576 thereafter during his or her lifetime. The amount of such  
577 monthly benefit shall be the total percentage of retirement  
578 credit purchased under this section multiplied by the member's  
579 average monthly compensation as an elected officer, adjusted  
580 according to the option selected at retirement under s.  
581 121.091(6).

582 Section 6. Paragraph (f) of subsection (1) and paragraphs  
583 (c) and (e) of subsection (6) of section 121.055, Florida  
584 Statutes, are amended to read:

585 121.055 Senior Management Service Class.—There is hereby  
586 established a separate class of membership within the Florida  
587 Retirement System to be known as the "Senior Management Service  
588 Class," which shall become effective February 1, 1987.

589 (1)

590 (f) Effective July 1, 1997:

591 1. Except as provided in subparagraph 3., any elected state



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592 officer eligible for membership in the Elected Officers' Class  
593 under s. 121.052(2) (a), (b), or (c) who elects membership in the  
594 Senior Management Service Class under s. 121.052(3) (c) may,  
595 within 6 months after assuming office or within 6 months after  
596 this act becomes a law for serving elected state officers, elect  
597 to participate in the Senior Management Service Optional Annuity  
598 Program, as provided in subsection (6), in lieu of membership in  
599 the Senior Management Service Class.

600       2. Except as provided in subparagraph 3., any elected  
601 county officer of a local agency employer eligible for  
602 membership in the Elected Officers' Class under s. 121.052(2) (d)  
603 who elects membership in the Senior Management Service Class  
604 under s. 121.052(3) (c) may, within 6 months after assuming  
605 office, or within 6 months after this act becomes a law for  
606 serving elected county officers of a local agency employer,  
607 elect to withdraw from the Florida Retirement System ~~participate~~  
608 ~~in a lifetime monthly annuity program,~~ as provided in  
609 subparagraph (b)2., in lieu of membership in the Senior  
610 Management Service Class.

611       3. Any retiree of a state-administered retirement system  
612 who is initially reemployed on or after January 1, 2010, as an  
613 elected official eligible for Elected Officers' Class membership  
614 shall not be eligible for renewed membership in the Senior  
615 Management Service Optional Annuity Program as provided in  
616 subsection (6) or to withdraw from the Florida Retirement System  
617 as a renewed member as provided in subparagraph (b)2., as  
618 applicable, in lieu of Senior Management Service Class  
619 membership.

620       (6)



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621 (c) *Participation.*—

622 1. Any eligible employee who is employed on or before  
623 February 1, 1987, may elect to participate in the optional  
624 annuity program in lieu of participation in the Senior  
625 Management Service Class. Such election shall be made in writing  
626 and filed with the department and the personnel officer of the  
627 employer on or before May 1, 1987. Any eligible employee who is  
628 employed on or before February 1, 1987, and who fails to make an  
629 election to participate in the optional annuity program by May  
630 1, 1987, shall be deemed to have elected membership in the  
631 Senior Management Service Class.

632 2. Except as provided in subparagraph 6., any employee who  
633 becomes eligible to participate in the optional annuity program  
634 by reason of initial employment commencing after February 1,  
635 1987, may, within 90 days after the date of commencement of  
636 employment, elect to participate in the optional annuity  
637 program. Such election shall be made in writing and filed with  
638 the personnel officer of the employer. Any eligible employee who  
639 does not within 90 days after commencement of such employment  
640 elect to participate in the optional annuity program shall be  
641 deemed to have elected membership in the Senior Management  
642 Service Class.

643 3. A person who is appointed to a position in the Senior  
644 Management Service Class and who is a member of an existing  
645 retirement system or the Special Risk or Special Risk  
646 Administrative Support Classes of the Florida Retirement System  
647 may elect to remain in such system or class in lieu of  
648 participation in the Senior Management Service Class or optional  
649 annuity program. Such election shall be made in writing and



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650 filed with the department and the personnel officer of the  
651 employer within 90 days of such appointment. Any eligible  
652 employee who fails to make an election to participate in the  
653 existing system, the Special Risk Class of the Florida  
654 Retirement System, the Special Risk Administrative Support Class  
655 of the Florida Retirement System, or the optional annuity  
656 program shall be deemed to have elected membership in the Senior  
657 Management Service Class.

658 4. Except as provided in subparagraph 5., an employee's  
659 election to participate in the optional annuity program is  
660 irrevocable as long as such employee continues to be employed in  
661 an eligible position and continues to meet the eligibility  
662 requirements set forth in this paragraph.

663 5. Effective from July 1, 2002, through September 30, 2002,  
664 any active employee in a regularly established position who has  
665 elected to participate in the Senior Management Service Optional  
666 Annuity Program has one opportunity to choose to move from the  
667 Senior Management Service Optional Annuity Program to the  
668 Florida Retirement System defined benefit program.

669 a. The election must be made in writing and must be filed  
670 with the department and the personnel officer of the employer  
671 before October 1, 2002, or, in the case of an active employee  
672 who is on a leave of absence on July 1, 2002, within 90 days  
673 after the conclusion of the leave of absence. This election is  
674 irrevocable.

675 b. The employee will receive service credit under the  
676 defined benefit program of the Florida Retirement System equal  
677 to his or her years of service under the Senior Management  
678 Service Optional Annuity Program. The cost for such credit shall





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679 be an amount representing the present value of that employee's  
680 accumulated benefit obligation for the affected period of  
681 service.

682 c. The employee must transfer the total accumulated  
683 employer contributions and earnings on deposit in his or her  
684 Senior Management Service Optional Annuity Program account. If  
685 the transferred amount is not sufficient to pay the amount due,  
686 the employee must pay a sum representing the remainder of the  
687 amount due. In no case may the employee retain any employer  
688 contributions or earnings thereon from the Senior Management  
689 Service Optional Annuity Program account.

690 6. Any retiree of a state-administered retirement system  
691 who is initially reemployed on or after January 1, 2010, is not  
692 eligible for renewed membership in the Senior Management Service  
693 Optional Annuity Program.

694 (e) *Benefits.*—

695 1. Benefits shall be payable under the Senior Management  
696 Service Optional Annuity Program only to participants in the  
697 program, or their beneficiaries as designated by the participant  
698 in the contract with a provider company, and such benefits shall  
699 be paid by the designated company in accordance with the terms  
700 of the annuity contract or contracts applicable to the  
701 participant. A participant must be terminated from all  
702 employment with all Florida Retirement System employers as  
703 provided in s. 121.021(39) to begin receiving the employer-  
704 funded benefit. Benefits funded by employer contributions shall  
705 be payable under the terms of the contract ~~only as a lifetime~~  
706 ~~annuity~~ to the participant, his or her beneficiary, or his or  
707 her estate, in addition to ~~except for~~:



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708 a. A lump-sum payment to the beneficiary upon the death of  
709 the participant;

710 b. A cash-out of a de minimis account upon the request of a  
711 former participant who has been terminated for a minimum of 6  
712 months from the employment that entitled him or her to optional  
713 annuity program participation. ~~A de minimis account is an~~  
714 ~~account with a provider company containing employer~~  
715 ~~contributions and accumulated earnings of not more than \$5,000~~  
716 ~~made under the provisions of this chapter.~~ Such cash-out must be  
717 a complete liquidation of the account balance with that company  
718 and is subject to the provisions of the Internal Revenue Code;

719 c. A mandatory distribution of a de minimis account of a  
720 former participant who has been terminated for a minimum of 6  
721 months from the employment that entitled him or her to optional  
722 annuity program participation as authorized by the department;  
723 or

724 ~~d.e.~~ A lump-sum direct rollover distribution whereby all  
725 accrued benefits, plus interest and investment earnings, are  
726 paid from the participant's account directly to the custodian of  
727 an eligible retirement plan, as defined in s. 402(c)(8)(B) of  
728 the Internal Revenue Code, on behalf of the participant.

729  
730 As used in this subparagraph, a "de minimis account" means an  
731 account with a provider company containing employer  
732 contributions and accumulated earnings of not more than \$5,000  
733 made under this chapter.

734 2. The benefits payable to any person under the Senior  
735 Management Service Optional Annuity Program, and any  
736 contribution accumulated under such program, shall not be



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737 subject to assignment, execution, or attachment or to any legal  
738 process whatsoever.

739 3. Except as provided in subparagraph 4., a participant who  
740 terminates employment and receives optional annuity program  
741 benefits funded by employer contributions shall be deemed to be  
742 retired from a state-administered retirement system in the event  
743 of subsequent employment with any employer that participates in  
744 the Florida Retirement System.

745 4. A participant who receives optional annuity program  
746 benefits funded by employer contributions as a mandatory  
747 distribution of a de minimis account authorized by the  
748 department will not be considered a retiree.

749 Section 7. Paragraph (a) of subsection (6) of section  
750 121.071, Florida Statutes, is amended to read:

751 121.071 Contributions.—Contributions to the system shall be  
752 made as follows:

753 (6) (a) Required employee contributions for all service  
754 other than current service, including, but not limited to, prior  
755 service, past service, military service, leave-of-absence  
756 service, out-of-state service, and certain non-Florida  
757 Retirement System in-state service, shall be paid by cash,  
758 personal check, cashier's check, ~~or~~ money order, or a direct  
759 rollover or transfer from a qualified plan as provided under the  
760 Internal Revenue Code. The payment must ~~only;~~ ~~shall~~ be  
761 accompanied by a statement identifying the service for which  
762 payment is made, and shall be made in a lump sum for the total  
763 amount due or in annual payments of not less than \$100, except  
764 for the final payment if less than \$100, unless another method  
765 of payment is authorized by law or rule.



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766 Section 8. Paragraphs (a), (b), (e), (f), and (h) of  
767 subsection (1) of section 121.081, Florida Statutes, are amended  
768 to read:

769 121.081 Past service; prior service; contributions.—  
770 Conditions under which past service or prior service may be  
771 claimed and credited are:

772 (1) (a) Past service, as defined in s. 121.021(18), may be  
773 claimed as creditable service by officers or employees of a  
774 city, metropolitan planning organization, charter school,  
775 charter technical career center, or special district who ~~that~~  
776 become a covered group under this system. The governing body of  
777 a covered group in compliance with s. 121.051(2)(b) may elect to  
778 provide benefits with respect to past service earned prior to  
779 January 1, 1975, in accordance with this chapter, and the cost  
780 for such past service shall be established by applying the  
781 following formula: The member contribution for both regular and  
782 special risk members shall be 4 percent of the gross annual  
783 salary for each year of past service claimed, plus 4-percent  
784 employer matching contribution, plus 4-percent interest thereon  
785 compounded annually, figured on each year of past service, with  
786 interest compounded from date of annual salary earned until July  
787 1, 1975, and 6.5-percent interest compounded annually thereafter  
788 until date of payment. Once the total cost for a member has been  
789 figured to date, then after July 1, 1975, 6.5-percent compounded  
790 interest shall be added each June 30 thereafter on any unpaid  
791 balance until the cost of such past service liability is paid in  
792 full. The following formula shall be used in calculating past  
793 service earned prior to January 1, 1975: (Annual gross salary  
794 multiplied by 8 percent) multiplied by the 4-percent or 6.5-



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795 percent compound interest table factor, as may be applicable.  
796 The resulting product equals cost to date for each particular  
797 year of past service.

798 (b) Past service earned after January 1, 1975, may be  
799 claimed by officers or employees of a city, metropolitan  
800 planning organization, charter school, charter technical career  
801 center, or special district who become that becomes a covered  
802 group under this system. The governing body of a covered group  
803 may elect to provide benefits with respect to past service  
804 earned after January 1, 1975, in accordance with this chapter,  
805 and the cost for such past service shall be established by  
806 applying the following formula: The employer shall contribute an  
807 amount equal to the contribution rate in effect at the time the  
808 service was earned, multiplied by the employee's gross salary  
809 for each year of past service claimed, plus 6.5-percent interest  
810 thereon, compounded annually, figured on each year of past  
811 service, with interest compounded from date of annual salary  
812 earned until date of payment.

813 (e) Past service, as defined in s. 121.021(18), may be  
814 claimed as creditable service by a member of the Florida  
815 Retirement System who formerly was an officer or employee of a  
816 city, metropolitan planning organization, charter school,  
817 charter technical career center, or special district,  
818 notwithstanding the status or form of the retirement system, if  
819 any, of that city, metropolitan planning organization, charter  
820 school, charter technical career center, or special district and  
821 irrespective of whether officers or employees of that city,  
822 metropolitan planning organization, charter school, charter  
823 technical career center, or special district now or hereafter



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824 become a covered group under the Florida Retirement System. Such  
825 member may claim creditable service and be entitled to the  
826 benefits accruing to the regular class of members as provided  
827 for the past service claimed under this paragraph by paying into  
828 the retirement trust fund an amount equal to the total actuarial  
829 cost of providing the additional benefit resulting from such  
830 past-service credit, discounted by the applicable actuarial  
831 factors to date of retirement.

832 (f) ~~If~~ When any person, ~~either prior to this act or~~  
833 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~  
834 in one of the retirement systems under ~~consolidated within or~~  
835 ~~created by~~ this chapter through the consolidation or merger of  
836 governments or the transfer of functions between units of  
837 government, ~~either~~ at the state or local level or between state  
838 and local units, or through the assumption of functions or  
839 activities by a state or local unit from an employing  
840 governmental entity that ~~which~~ was not an employer under the  
841 system, and such person becomes a member of the Florida  
842 Retirement System, such person is ~~shall be~~ entitled to receive  
843 past-service credit ~~as defined in s. 121.021(18)~~ for the time  
844 the ~~such~~ person performed services for, and was an employee of,  
845 such state or local unit or other governmental employing entity  
846 prior to the transfer, merger, consolidation, or assumption of  
847 functions and activities. Past-service credit allowed by this  
848 paragraph is ~~shall~~ also ~~be~~ available to any person who becomes a  
849 member of an existing system, ~~as defined in s. 121.021(2)~~, prior  
850 to December 1, 1970, through the transfer, merger,  
851 consolidation, or assumption of functions and activities set  
852 forth in this paragraph and who subsequently becomes a member of



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853 the Florida Retirement System. However, credit for the past  
854 service may not be granted until contributions are made in the  
855 manner provided in this subsection. If a person rejected Florida  
856 Retirement System membership at the time of the transfer,  
857 merger, ~~or~~ consolidation, or assumption of governmental  
858 functions and activities, the required contributions shall be at  
859 total actuarial cost as specified in paragraph (e). Such  
860 contributions or accrued interest may not be paid from any  
861 public ~~state~~ funds.

862 (h) The following provisions apply to the purchase of past  
863 service:

864 1. Notwithstanding any of the provisions of this  
865 subsection, past-service credit may not be purchased under this  
866 chapter for any service that is used to obtain a pension or  
867 benefit from a ~~any~~ local retirement system. Eligibility to  
868 receive or the receipt of contributions to a retirement plan  
869 made by the employer on behalf of the employee is considered a  
870 benefit.

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

876 3. A member may not receive past service credit for co-  
877 employer service. Co-employer service or a co-employer  
878 relationship is employment in a single position simultaneously  
879 covered and reported by both a public employer and a private  
880 employer.

881 ~~4.3.~~ If a member does not want ~~desire~~ to receive credit for



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882 all of his or her past service, the period the member claims  
883 must be the most recent past service prior to his or her  
884 participation in the Florida Retirement System.

885 ~~5.4.~~ The cost of past service purchased by an employing  
886 agency for its employees may be amortized over the such period  
887 of time ~~as is~~ provided in the agreement, but not to exceed 15  
888 years, calculated in accordance with rule 60S-1.007(5)(f),  
889 Florida Administrative Code.

890 ~~6.5.~~ The retirement account of each member for whom past  
891 service is being provided by his or her employer shall be  
892 credited with all past service the employer agrees to purchase  
893 as soon as the agreement between the employer and the department  
894 is executed. ~~Pursuant thereto:~~

895 a. Each ~~such~~ member's account shall also be posted with the  
896 total contribution his or her employer agrees to make on in the  
897 member's behalf for past service earned prior to October 1,  
898 1975, excluding those contributions representing the employer's  
899 matching share and the compound interest calculation on the  
900 total contribution. However, a portion of any contributions paid  
901 by an employer for past service credit earned on and after  
902 October 1, 1975, may not be posted to the a member's account.

903 b. A refund of contributions payable after an employer has  
904 made a written agreement to purchase past service for employees  
905 of the covered group includes shall include contributions for  
906 past service which are posted to the a member's account.  
907 However, contributions for past service earned on and after  
908 October 1, 1975, are not refundable.

909 Section 9. Paragraphs (b) and (c) of subsection (9) and  
910 subsections (13) and (14) of section 121.091, Florida Statutes,





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911 are amended to read:

912 121.091 Benefits payable under the system.—Benefits may not  
913 be paid under this section unless the member has terminated  
914 employment as provided in s. 121.021(39) (a) or begun  
915 participation in the Deferred Retirement Option Program as  
916 provided in subsection (13), and a proper application has been  
917 filed in the manner prescribed by the department. The department  
918 may cancel an application for retirement benefits when the  
919 member or beneficiary fails to timely provide the information  
920 and documents required by this chapter and the department's  
921 rules. The department shall adopt rules establishing procedures  
922 for application for retirement benefits and for the cancellation  
923 of such application when the required information or documents  
924 are not received.

925 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

926 (b)1. Any person who is retired under this chapter, except  
927 under the disability retirement provisions of subsection (4),  
928 may be reemployed by any private or public employer after  
929 retirement and receive retirement benefits and compensation from  
930 the his or her employer without limitation ~~any limitations~~,  
931 except that the a person may not receive ~~both~~ a salary from  
932 reemployment with any agency participating in the Florida  
933 Retirement System and retirement benefits under this chapter for  
934 ~~a period of~~ 12 calendar months immediately after meeting  
935 ~~subsequent to the~~ definition of termination in s. 121.021(39)  
936 ~~date of retirement~~. However, a DROP participant may ~~shall~~  
937 continue employment and receive a salary during the period of  
938 participation in DROP ~~the Deferred Retirement Option Program~~, as  
939 provided in subsection (13).



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940           2. Any person to whom the limitation in subparagraph 1.  
941 applies ~~who violates such reemployment limitation~~ and who is  
942 reemployed with any agency participating in the Florida  
943 Retirement System after he or she has been retired and met the  
944 definition of termination in s. 121.021(39) but before  
945 completion of the 12-month limitation period must ~~shall~~ give  
946 timely notice of this fact in writing to the employer and to the  
947 Division of Retirement and shall have his or her retirement  
948 benefits suspended while employed during ~~for~~ the balance of the  
949 12-month limitation period unless the person exceeds the 780-  
950 hour limitation in subparagraph 4. or subparagraph 5. Any person  
951 employed in violation of this subparagraph ~~paragraph~~ and any  
952 employing agency that ~~which knowingly~~ employs or appoints such  
953 person without notifying the division ~~of Retirement~~ to suspend  
954 retirement benefits are ~~shall be~~ jointly and severally liable  
955 for ~~reimbursement to the retirement trust fund~~ of any benefits  
956 paid during the reemployment limitation period. To avoid  
957 liability, the ~~such~~ employing agency must ~~shall~~ have a written  
958 statement from the retiree that he or she is not retired from a  
959 state-administered retirement system. Any retirement benefits  
960 received by a retired member while reemployed during this  
961 reemployment limitation period must ~~shall~~ be repaid to the  
962 Florida Retirement System Trust Fund, and retirement benefits  
963 shall remain suspended until ~~such~~ repayment is ~~has been~~ made.  
964 Benefits suspended beyond the reemployment limitation shall  
965 apply toward repayment of benefits received in violation of the  
966 reemployment limitation.

967           3. A district school board may reemploy a retired member as  
968 a substitute or hourly teacher or an education



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969 paraprofessional, as defined in s. 1012.01(2)(e), ~~transportation~~  
970 ~~assistant, bus driver, or food service worker~~ on a  
971 noncontractual basis after he or she has been retired and met  
972 the definition of termination for 1 calendar month, in  
973 ~~accordance with~~ s. 121.021(39). A district school board may  
974 reemploy a retired member as instructional personnel, as defined  
975 in s. 1012.01(2)(a), on an annual contractual basis after he or  
976 she has met the definition of termination ~~been retired for 1~~  
977 ~~calendar month~~, in ~~accordance with~~ s. 121.021(39). Any other  
978 retired member who is reemployed before meeting the definition  
979 of termination voids ~~within 1 calendar month after retirement~~  
980 ~~shall void~~ his or her application for retirement benefits. A  
981 district school board that reemploys ~~boards reemploying~~ such  
982 teachers or education paraprofessionals is, ~~transportation~~  
983 ~~assistants, bus drivers, or food service workers~~ are subject to  
984 the retirement contribution required by subparagraph 9. 7.  
985       4. A community college board of trustees may reemploy a  
986 retired member as an adjunct instructor, ~~that is, an instructor~~  
987 ~~who is noncontractual and part-time~~, or as a participant in a  
988 phased retirement program within the Florida Community College  
989 System, after he or she has been retired and met the definition  
990 of termination for 1 calendar month, in ~~accordance with~~ s.  
991 121.021(39). Any retired member who is reemployed within 12 ±  
992 calendar months ~~month~~ after retirement voids ~~shall void~~ his or  
993 her application for retirement benefits. A board ~~Boards~~ of  
994 trustees that reemploys ~~reemploying~~ such instructors is ~~are~~  
995 subject to the retirement contribution required in subparagraph  
996 9. 7. A retired member may be reemployed as an adjunct  
997 instructor for no more than 780 hours during the first 12



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998 calendar months after meeting the definition of termination  
999 ~~retirement~~. Any retired member reemployed for more than 780  
1000 hours during the first 12 months of the limitation period must  
1001 ~~retirement shall~~ give timely notice in writing to the employer  
1002 and to the Division of Retirement of the date he or she will  
1003 exceed the limitation. The division shall suspend his or her  
1004 retirement benefits for the remainder of the 12-month limitation  
1005 period first 12 months of retirement. Any person employed in  
1006 violation of this subparagraph and any employing agency that  
1007 ~~which knowingly~~ employs or appoints such person without  
1008 notifying the division ~~of Retirement~~ to suspend retirement  
1009 benefits are shall be jointly and severally liable for  
1010 ~~reimbursement to the retirement trust fund of~~ any benefits paid  
1011 during the reemployment limitation period. To avoid liability,  
1012 the such employing agency must shall have a written statement  
1013 from the retiree that he or she is not retired from a state-  
1014 administered retirement system. Any retirement benefits received  
1015 by a retired member while reemployed in excess of 780 hours  
1016 during the 12-month limitation period must first 12 months of  
1017 ~~retirement shall~~ be repaid to the Florida Retirement System  
1018 Trust Fund, and retirement benefits shall remain suspended until  
1019 repayment is made. Benefits suspended beyond the end of the 12-  
1020 month limitation period retired member's first 12 months of  
1021 ~~retirement~~ shall apply toward repayment of benefits received in  
1022 violation of the 780-hour reemployment limitation.

1023 5. The State University System may reemploy a retired  
1024 member as an adjunct faculty member or as a participant in a  
1025 phased retirement program within the State University System  
1026 after the retired member has met the definition of termination



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1027 ~~been retired for 1 calendar month,~~ in accordance with s.  
1028 121.021(39). Any retired member who is reemployed before meeting  
1029 the definition of termination voids ~~within 1 calendar month~~  
1030 ~~after retirement shall void~~ his or her application for  
1031 retirement benefits. The State University System is subject to  
1032 the retired contribution required in subparagraph 9. 7., as  
1033 appropriate. A retired member may be reemployed as an adjunct  
1034 faculty member or a participant in a phased retirement program  
1035 for no more than 780 hours during the first 12 calendar months  
1036 after meeting the definition of termination ~~of his or her~~  
1037 ~~retirement~~. Any retired member reemployed for more than 780  
1038 hours during the 12-month limitation period ~~must first 12 months~~  
1039 ~~of retirement shall~~ give timely notice in writing to the  
1040 employer and to the Division of Retirement of the date he or she  
1041 will exceed the limitation. The division shall suspend his or  
1042 her retirement benefits for the remainder of the 12-month  
1043 limitation period ~~first 12 months of retirement~~. Any person  
1044 employed in violation of this subparagraph and any employing  
1045 agency that ~~which knowingly~~ employs or appoints such person  
1046 without notifying the division ~~of Retirement~~ to suspend  
1047 retirement benefits are ~~shall be~~ jointly and severally liable  
1048 for ~~reimbursement to the retirement trust fund of~~ any benefits  
1049 paid during the reemployment limitation period. To avoid  
1050 liability, such employing agency must ~~shall~~ have a written  
1051 statement from the retiree that he or she is not retired from a  
1052 state-administered retirement system. Any retirement benefits  
1053 received by a retired member while reemployed in excess of 780  
1054 hours during the first 12 months of retirement must ~~shall~~ be  
1055 repaid to the Florida Retirement System Trust Fund, and



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1056 retirement benefits shall remain suspended until repayment is  
1057 made. Benefits suspended beyond the end of the retired member's  
1058 12-month limitation period ~~first 12 months of retirement~~ shall  
1059 apply toward repayment of benefits received in violation of the  
1060 780-hour reemployment limitation.

1061 6. The Board of Trustees of the Florida School for the Deaf  
1062 and the Blind may reemploy a retired member as a substitute  
1063 teacher, substitute residential instructor, or substitute nurse  
1064 on a noncontractual basis after he or she has met the definition  
1065 of termination ~~been retired for 1 calendar month~~, in accordance  
1066 ~~with~~ s. 121.021(39). The Board of Trustees of the Florida School  
1067 for the Deaf and the Blind may reemploy a retired member as  
1068 instructional personnel, as defined in s. 1012.01(2)(a), on an  
1069 annual contractual basis after he or she has been retired and  
1070 met the definition of termination in s. 121.021(39). Any retired  
1071 member who is reemployed before meeting the definition of  
1072 termination voids ~~within 1 calendar month after retirement~~ shall  
1073 ~~void~~ his or her application for retirement benefits. The Board  
1074 of Trustees of the Florida School for the Deaf and the Blind  
1075 reemploying such teachers, residential instructors, or nurses is  
1076 subject to the retirement contribution required by subparagraph  
1077 9. ~~7. Reemployment of a retired member as a substitute teacher,~~  
1078 ~~substitute residential instructor, or substitute nurse is~~  
1079 ~~limited to 780 hours during the first 12 months of his or her~~  
1080 ~~retirement. Any retired member reemployed for more than 780~~  
1081 ~~hours during the first 12 months of retirement shall give timely~~  
1082 ~~notice in writing to the employer and to the division of the~~  
1083 ~~date he or she will exceed the limitation. The division shall~~  
1084 ~~suspend his or her retirement benefits for the remainder of the~~



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1085 ~~first 12 months of retirement. Any person employed in violation~~  
1086 ~~of this subparagraph and any employing agency which knowingly~~  
1087 ~~employs or appoints such person without notifying the Division~~  
1088 ~~of Retirement to suspend retirement benefits shall be jointly~~  
1089 ~~and severally liable for reimbursement to the retirement trust~~  
1090 ~~fund of any benefits paid during the reemployment limitation~~  
1091 ~~period. To avoid liability, such employing agency shall have a~~  
1092 ~~written statement from the retiree that he or she is not retired~~  
1093 ~~from a state-administered retirement system. Any retirement~~  
1094 ~~benefits received by a retired member while reemployed in excess~~  
1095 ~~of 780 hours during the first 12 months of retirement shall be~~  
1096 ~~repaid to the Retirement System Trust Fund, and his or her~~  
1097 ~~retirement benefits shall remain suspended until payment is~~  
1098 ~~made. Benefits suspended beyond the end of the retired member's~~  
1099 ~~first 12 months of retirement shall apply toward repayment of~~  
1100 ~~benefits received in violation of the 780-hour reemployment~~  
1101 ~~limitation.~~

1102 7. A developmental research school may reemploy a retired  
1103 member as a substitute or hourly teacher or an education  
1104 paraprofessional, as defined in s. 1012.01(2)(e), on a  
1105 noncontractual basis after he or she has been retired and met  
1106 the definition of termination in s. 121.021(39). A developmental  
1107 research school may reemploy a retired member as instructional  
1108 personnel, as defined in s. 1012.01(2)(a), on an annual  
1109 contractual basis after he or she has been retired and met the  
1110 definition of termination in s. 121.021(39). Any other retired  
1111 member who is reemployed within 12 calendar months after  
1112 retirement voids his or her application for retirement benefits.  
1113 A developmental research school that reemploys retired teachers



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1114 and education paraprofessionals is subject to the retirement  
1115 contribution required by subparagraph 9.

1116 8. A charter school may reemploy a retired member as a  
1117 substitute or hourly teacher on a noncontractual basis after he  
1118 or she has been retired and met the definition of termination in  
1119 s. 121.021(39). A charter school may reemploy a retired member  
1120 as instructional personnel, as defined in s. 1012.01(2)(a), on  
1121 an annual contractual basis after he or she has been retired and  
1122 met the definition of termination in s. 121.021(39). Any other  
1123 retired member who is reemployed within 12 calendar months after  
1124 retirement voids his or her application for retirement benefits.  
1125 A charter school that reemploys such members is subject to the  
1126 retirement contribution required by subparagraph 9.

1127 9.a.7. ~~The employment by an employer of a any retiree or~~  
1128 ~~DROP participant of a any state-administered retirement system~~  
1129 ~~does not affect shall have no effect on~~ the average final  
1130 compensation or years of creditable service of the retiree or  
1131 DROP participant.

1132 b. Prior to July 1, 1991, upon employment of any person,  
1133 other than an elected officer as provided in s. 121.053, who is  
1134 ~~has been~~ retired under a any state-administered retirement  
1135 program, the employer shall pay retirement contributions in an  
1136 amount equal to the unfunded actuarial liability portion of the  
1137 employer contribution which would be required for regular  
1138 members of the Florida Retirement System. Effective July 1,  
1139 1991, contributions shall be made as provided in s. 121.122 for  
1140 retirees who have ~~with~~ renewed membership or as provided in  
1141 subsection (13) for ~~with respect to~~ DROP participants.

1142 c. Any person who is retired under a state-administered





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1143 retirement program and who is initially reemployed on or after  
1144 January 1, 2010, may not renew membership in the Florida  
1145 Retirement System. The employer shall pay retirement  
1146 contributions in an amount equal to the unfunded actuarial  
1147 liability portion of the employer contribution that would be  
1148 required for active members of the Florida Retirement System in  
1149 addition to the contributions required by s. 121.76.

1150 10.a.8. Any person who has ~~previously~~ retired and who is  
1151 holding an elective public office or an appointment to an  
1152 elective public office eligible for the Elected Officers' Class  
1153 on or after July 1, 1990, through December 31, 2009, shall be  
1154 enrolled in the Florida Retirement System as provided in s.  
1155 121.053(1) (c) ~~(b)~~ or, if holding an elective public office that  
1156 does not qualify for the Elected Officers' Class on or after  
1157 July 1, 1991, through December 31, 2009, shall be enrolled in  
1158 the Florida Retirement System as provided in s. 121.122, and  
1159 shall continue to receive retirement benefits as well as  
1160 compensation for the elected officer's service for as long as he  
1161 or she remains in elective office. However, any retired member  
1162 who served in an elective office prior to July 1, 1990,  
1163 suspended his or her retirement benefit, and had his or her  
1164 Florida Retirement System membership reinstated shall, upon  
1165 retirement from such office, have his or her retirement benefit  
1166 recalculated to include the additional service and compensation  
1167 earned.

1168 b. Any person who has retired and who is holding an  
1169 elective public office or an appointment to an elective public  
1170 office initially eligible for the Elected Officers' Class on or  
1171 after January 1, 2010, shall not be enrolled in the Florida



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1172 Retirement System as provided in s. 121.053(1)(c) or, if holding  
1173 an elective public office that does not qualify for the Elected  
1174 Officers' Class and is initially eligible on or after January 1,  
1175 2010, shall not be enrolled in the Florida Retirement System as  
1176 provided in s. 121.122, and shall not continue to receive  
1177 retirement benefits during the first 12 calendar months after  
1178 meeting the definition of termination in s. 121.021(39).

1179 ~~11.9.~~ Any person who is holding an elective public office  
1180 which is covered by the Florida Retirement System and who is  
1181 concurrently employed in nonelected covered employment may elect  
1182 to retire while continuing employment in the elective public  
1183 office if, provided that he or she terminates ~~shall be required~~  
1184 ~~to terminate~~ his or her nonelected covered employment. Any  
1185 person who exercises this election shall receive his or her  
1186 retirement benefits in addition to the compensation of the  
1187 elective office without regard to the time limitations otherwise  
1188 provided in this subsection. A ~~No~~ person who seeks to exercise  
1189 the provisions of this subparagraph, as they ~~the same~~ existed  
1190 prior to May 3, 1984, may not ~~shall~~ be deemed to be retired  
1191 under those provisions, unless such person is eligible to retire  
1192 under the provisions of this subparagraph, as amended by chapter  
1193 84-11, Laws of Florida.

1194 12. The limitations of this paragraph apply to reemployment  
1195 in any capacity with an employer irrespective of the category of  
1196 funds from which the person is compensated.

1197 13. The provisions of this paragraph regarding reemployment  
1198 after retirement apply to DROP participants effective upon  
1199 termination from employment and the end of DROP participation.

1200 ~~10. The limitations of this paragraph apply to reemployment~~



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1201 ~~in any capacity with an "employer" as defined in s. 121.021(10),~~  
1202 ~~irrespective of the category of funds from which the person is~~  
1203 ~~compensated.~~

1204 ~~11. An employing agency may reemploy a retired member as a~~  
1205 ~~firefighter or paramedic after the retired member has been~~  
1206 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~  
1207 ~~Any retired member who is reemployed within 1 calendar month~~  
1208 ~~after retirement shall void his or her application for~~  
1209 ~~retirement benefits. The employing agency reemploying such~~  
1210 ~~firefighter or paramedic is subject to the retired contribution~~  
1211 ~~required in subparagraph 8. Reemployment of a retired~~  
1212 ~~firefighter or paramedic is limited to no more than 780 hours~~  
1213 ~~during the first 12 months of his or her retirement. Any retired~~  
1214 ~~member reemployed for more than 780 hours during the first 12~~  
1215 ~~months of retirement shall give timely notice in writing to the~~  
1216 ~~employer and to the division of the date he or she will exceed~~  
1217 ~~the limitation. The division shall suspend his or her retirement~~  
1218 ~~benefits for the remainder of the first 12 months of retirement.~~  
1219 ~~Any person employed in violation of this subparagraph and any~~  
1220 ~~employing agency which knowingly employs or appoints such person~~  
1221 ~~without notifying the Division of Retirement to suspend~~  
1222 ~~retirement benefits shall be jointly and severally liable for~~  
1223 ~~reimbursement to the Retirement System Trust Fund of any~~  
1224 ~~benefits paid during the reemployment limitation period. To~~  
1225 ~~avoid liability, such employing agency shall have a written~~  
1226 ~~statement from the retiree that he or she is not retired from a~~  
1227 ~~state-administered retirement system. Any retirement benefits~~  
1228 ~~received by a retired member while reemployed in excess of 780~~  
1229 ~~hours during the first 12 months of retirement shall be repaid~~



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1230 ~~to the Retirement System Trust Fund, and retirement benefits~~  
1231 ~~shall remain suspended until repayment is made. Benefits~~  
1232 ~~suspended beyond the end of the retired member's first 12 months~~  
1233 ~~of retirement shall apply toward repayment of benefits received~~  
1234 ~~in violation of the 780-hour reemployment limitation.~~

1235 (c) The provisions of this subsection apply to retirees, as  
1236 defined in s. 121.4501(2)(j), of the Public Employee Optional  
1237 Retirement Program created in part II, subject to the following  
1238 conditions:

1239 1. Such retirees may not be reemployed with an employer  
1240 participating in the Florida Retirement System as provided in  
1241 paragraph (b) until such person has been retired for 12 ~~3~~  
1242 calendar months, ~~unless the participant has reached the normal~~  
1243 ~~retirement requirements of the defined benefit plan as provided~~  
1244 in s. 121.021(29).

1245 2. Such retiree employed in violation of this subsection  
1246 and any employing agency that knowingly employs or appoints such  
1247 person shall be jointly and severally liable for reimbursement  
1248 of any benefits paid to the retirement trust fund from which the  
1249 benefits were paid, including the Florida Retirement System  
1250 Trust Fund and the Public Employee Optional Retirement Program  
1251 Trust Fund, as appropriate. To avoid liability, such employing  
1252 agency must have a written statement from the retiree that he or  
1253 she is not retired from a state-administered retirement system.

1254 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
1255 subject to ~~the provisions of~~ this section, the Deferred  
1256 Retirement Option Program, hereinafter referred to as ~~the~~ DROP,  
1257 is a program under which an eligible member of the Florida  
1258 Retirement System may elect to participate, deferring receipt of



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1259 retirement benefits while continuing employment with his or her  
1260 Florida Retirement System employer. The deferred monthly  
1261 benefits shall accrue in the Florida Retirement System Trust  
1262 Fund on behalf of the participant, plus interest compounded  
1263 monthly, for the specified period of the DROP participation, as  
1264 provided in paragraph (c). Upon termination of employment, the  
1265 participant shall receive the total DROP benefits and begin to  
1266 receive the previously determined normal retirement benefits.  
1267 Participation in the DROP does not guarantee employment for the  
1268 specified period of DROP. Participation in ~~the~~ DROP by an  
1269 eligible member beyond the initial 60-month period as authorized  
1270 in this subsection shall be on an annual contractual basis for  
1271 all participants.

1272 (a) *Eligibility of member to participate in ~~the~~ DROP.*—All  
1273 active Florida Retirement System members in a regularly  
1274 established position, and all active members of ~~either~~ the  
1275 Teachers' Retirement System established in chapter 238 or the  
1276 State and County Officers' and Employees' Retirement System  
1277 established in chapter 122, which ~~systems~~ are consolidated  
1278 within the Florida Retirement System under s. 121.011, are  
1279 eligible to elect participation in ~~the~~ DROP if provided that:

1280 1. The member is not a renewed member of ~~the Florida~~  
1281 ~~Retirement System~~ under s. 121.122~~7~~, or a member of the State  
1282 Community College System Optional Retirement Program under s.  
1283 121.051, the Senior Management Service Optional Annuity Program  
1284 under s. 121.055, or the optional retirement program for the  
1285 State University System under s. 121.35.

1286 2. Except as provided in subparagraph 6., election to  
1287 participate is made within 12 months immediately following the



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1288 date on which the member first reaches normal retirement date,  
1289 or, for a member who reaches normal retirement date based on  
1290 service before he or she reaches age 62, or age 55 for Special  
1291 Risk Class members, election to participate may be deferred to  
1292 the 12 months immediately following the date the member attains  
1293 57, or age 52 for Special Risk Class members. A member who  
1294 delays DROP participation during the 12-month period immediately  
1295 following his or her maximum DROP deferral date, except as  
1296 provided in subparagraph 6., loses a month of DROP participation  
1297 for each month delayed. ~~For a member who first reached normal~~  
1298 ~~retirement date or the deferred eligibility date described above~~  
1299 ~~prior to the effective date of this section, election to~~  
1300 ~~participate shall be made within 12 months after the effective~~  
1301 ~~date of this section.~~ A member who fails to make an election  
1302 within the such 12-month limitation period forfeits shall  
1303 ~~forfeit~~ all rights to participate in ~~the~~ DROP. The member shall  
1304 advise his or her employer and the division in writing of the  
1305 date ~~on which the~~ DROP begins shall begin. The Such beginning  
1306 date may be subsequent to the 12-month election period, but must  
1307 be within the original 60-month participation ~~or, with respect~~  
1308 ~~to members who are instructional personnel employed by the~~  
1309 ~~Florida School for the Deaf and the Blind and who have received~~  
1310 ~~authorization by the Board of Trustees of the Florida School for~~  
1311 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1312 ~~months, or who are instructional personnel as defined in s.~~  
1313 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~  
1314 ~~authorization by the district school superintendent to~~  
1315 ~~participate in the DROP beyond 60 months, the 96-month~~  
1316 ~~limitation period as provided in subparagraph (b)1.~~ When



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1317 establishing eligibility of the member to participate in the  
1318 DROP ~~for the 60-month or, with respect to members who are~~  
1319 ~~instructional personnel employed by the Florida School for the~~  
1320 ~~Deaf and the Blind and who have received authorization by the~~  
1321 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1322 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1323 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
1324 ~~grades K-12 and who have received authorization by the district~~  
1325 ~~school superintendent to participate in the DROP beyond 60~~  
1326 ~~months, the 96-month maximum participation period, the member~~  
1327 may elect to include or exclude any optional service credit  
1328 purchased by the member from the total service used to establish  
1329 the normal retirement date. A member who has ~~with~~ dual normal  
1330 retirement dates is ~~shall be~~ eligible to elect to participate in  
1331 DROP ~~within 12 months~~ after attaining normal retirement date in  
1332 either class.

1333 3. The employer of a member electing to participate in the  
1334 DROP, or employers if dually employed, shall acknowledge in  
1335 writing to the division the date the member's participation in  
1336 ~~the~~ DROP begins and the date the member's employment and DROP  
1337 participation will terminate.

1338 4. Simultaneous employment of a participant by additional  
1339 Florida Retirement System employers subsequent to the  
1340 commencement of participation in ~~the~~ DROP is ~~shall be~~  
1341 permissible if ~~provided~~ such employers acknowledge in writing a  
1342 DROP termination date no later than the participant's existing  
1343 termination date or the maximum participation ~~60-month~~  
1344 ~~limitation~~ period as provided in subparagraph (b)1.

1345 5. A DROP participant may change employers while



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1346 participating in ~~the~~ DROP, subject to the following:

1347       a. A change of employment must take place without a break  
1348 in service so that the member receives salary for each month of  
1349 continuous DROP participation. If a member receives no salary  
1350 during a month, DROP participation shall cease unless the  
1351 employer verifies a continuation of the employment relationship  
1352 for such participant pursuant to s. 121.021(39)(b).

1353       b. Such participant and new employer shall notify the  
1354 division of the identity of the new employer on forms required  
1355 by the division ~~as to the identity of the new employer~~.

1356       c. The new employer shall acknowledge, in writing, the  
1357 participant's DROP termination date, which may be extended but  
1358 not beyond the maximum participation ~~original 60-month or, with~~  
1359 ~~respect to members who are instructional personnel employed by~~  
1360 ~~the Florida School for the Deaf and the Blind and who have~~  
1361 ~~received authorization by the Board of Trustees of the Florida~~  
1362 ~~School for the Deaf and the Blind to participate in the DROP~~  
1363 ~~beyond 60 months, or who are instructional personnel as defined~~  
1364 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~  
1365 ~~authorization by the district school superintendent to~~  
1366 ~~participate in the DROP beyond 60 months, the 96-month period~~  
1367 provided in subparagraph (b)1., shall acknowledge liability for  
1368 any additional retirement contributions and interest required if  
1369 the participant fails to timely terminate employment, and is  
1370 ~~shall be~~ subject to the adjustment required in sub-subparagraph  
1371 (c)5.d.

1372       6. Effective July 1, 2001, for instructional personnel as  
1373 defined in s. 1012.01(2), election to participate in ~~the~~ DROP  
1374 may ~~shall~~ be made at any time following the date on which the





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1375 member first reaches normal retirement date. The member shall  
1376 advise his or her employer and the division in writing of the  
1377 date on which DROP begins ~~the Deferred Retirement Option Program~~  
1378 ~~shall begin~~. When establishing eligibility of the member to  
1379 participate in ~~the~~ DROP for the 60-month ~~or, with respect to~~  
1380 ~~members who are instructional personnel employed by the Florida~~  
1381 ~~School for the Deaf and the Blind and who have received~~  
1382 ~~authorization by the Board of Trustees of the Florida School for~~  
1383 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1384 ~~months, or who are instructional personnel as defined in s.~~  
1385 ~~1012.01(2) (a)-(d) in grades K-12 and who have received~~  
1386 ~~authorization by the district school superintendent to~~  
1387 ~~participate in the DROP beyond 60 months, the 96-month maximum~~  
1388 ~~participation period, as provided in subparagraph (b)1., the~~  
1389 member may elect to include or exclude any optional service  
1390 credit purchased by the member from the total service used to  
1391 establish the normal retirement date. A member who has ~~with~~ dual  
1392 normal retirement dates is ~~shall be~~ eligible to elect to  
1393 participate in either class.

1394 (b) *Participation in ~~the~~ DROP.*-

1395 1.a. Except as provided in sub-subparagraph b., an eligible  
1396 member may elect to participate in ~~the~~ DROP for a period not to  
1397 exceed a maximum of 60 calendar months. ~~or, with respect to~~

1398 b. Members who are instructional personnel employed by the  
1399 Florida School for the Deaf and the Blind and authorized ~~who~~  
1400 ~~have received authorization~~ by the Board of Trustees of the  
1401 Florida School for the Deaf and the Blind ~~to participate in the~~  
1402 ~~DROP beyond 60 months, or~~ who are instructional personnel as  
1403 defined in s. 1012.01(2) (a)-(d) in grades K-12 and authorized



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1404 ~~who have received authorization by the district school~~  
1405 ~~superintendent to participate in the DROP beyond 60 calendar~~  
1406 ~~months, or who are instructional personnel as defined in s.~~  
1407 ~~1012.01(2) (a) employed by a developmental research school and~~  
1408 ~~authorized by the school's director, or if the school has no~~  
1409 ~~director, by the school's principal, may participate in DROP for~~  
1410 ~~up to 36 calendar months beyond the 60-month period specified in~~  
1411 ~~sub-subparagraph a. 96 calendar months immediately following the~~  
1412 ~~date on which the member first reaches his or her normal~~  
1413 ~~retirement date or the date to which he or she is eligible to~~  
1414 ~~defer his or her election to participate as provided in~~  
1415 ~~subparagraph (a)2. However, a member who has reached normal~~  
1416 ~~retirement date prior to the effective date of the DROP shall be~~  
1417 ~~eligible to participate in the DROP for a period of time not to~~  
1418 ~~exceed 60 calendar months or, with respect to members who are~~  
1419 ~~instructional personnel employed by the Florida School for the~~  
1420 ~~Deaf and the Blind and who have received authorization by the~~  
1421 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1422 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1423 ~~instructional personnel as defined in s. 1012.01(2) (a)-(d) in~~  
1424 ~~grades K-12 and who have received authorization by the district~~  
1425 ~~school superintendent to participate in the DROP beyond 60~~  
1426 ~~calendar months, 96 calendar months immediately following the~~  
1427 ~~effective date of the DROP, except a member of the Special Risk~~  
1428 ~~Class who has reached normal retirement date prior to the~~  
1429 ~~effective date of the DROP and whose total accrued value exceeds~~  
1430 ~~75 percent of average final compensation as of his or her~~  
1431 ~~effective date of retirement shall be eligible to participate in~~  
1432 ~~the DROP for no more than 36 calendar months immediately~~



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1433 ~~following the effective date of the DROP.~~

1434       2. Upon deciding to participate in ~~the~~ DROP, the member  
1435 shall submit, on forms required by the division:

1436       a. A written election to participate in ~~the~~ DROP;

1437       b. Selection of ~~the~~ DROP participation and termination  
1438 dates ~~that, which~~ satisfy the limitations stated in paragraph  
1439 (a) and subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be  
1440 in a binding letter of resignation to ~~with~~ the employer,  
1441 establishing a deferred termination date. The member may change  
1442 the termination date within the limitations of subparagraph 1.,  
1443 but only with the written approval of the ~~his or her~~ employer;

1444       c. A properly completed DROP application for service  
1445 retirement as provided in this section; and

1446       d. Any other information required by the division.

1447       3. The DROP participant is ~~shall be~~ a retiree under the  
1448 Florida Retirement System for all purposes, except for paragraph  
1449 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,  
1450 and 121.122. DROP participation is final and cannot be canceled  
1451 by the participant after the first payment is credited during  
1452 the DROP participation period. However, participation in ~~the~~  
1453 DROP does not alter the participant's employment status, and the  
1454 member is ~~such employee shall~~ not ~~be~~ deemed retired from  
1455 employment until his or her deferred resignation is effective  
1456 and termination occurs as provided in s. 121.021(39).

1457       4. Elected officers are ~~shall be~~ eligible to participate in  
1458 ~~the~~ DROP subject to the following:

1459       a. An elected officer who reaches normal retirement date  
1460 during a term of office may defer the election to participate in  
1461 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~



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1462 elected officer who exercises this option may participate in ~~the~~  
1463 DROP for up to 60 calendar months or a period of no longer than  
1464 ~~the~~ ~~such~~ succeeding term of office, whichever is less.

1465 b. An elected or a nonelected participant may run for a  
1466 term of office while participating in DROP and, if elected,  
1467 extend the DROP termination date accordingly; ~~except,~~ however,  
1468 if such additional term of office exceeds the 60-month  
1469 limitation established in subparagraph 1., and the officer does  
1470 not resign from office within such 60-month limitation, the  
1471 retirement and the participant's DROP ~~is~~ ~~shall be~~ null and void  
1472 as provided in sub-subparagraph (c)5.d.

1473 c. (I) For DROP participation ending before January 1, 2010,  
1474 an elected officer who is dually employed and elects to  
1475 participate in DROP must meet ~~shall be required to satisfy~~ the  
1476 definition of termination in s. 121.021(39) within the original  
1477 60-month period or maximum participation, ~~with respect to~~  
1478 ~~members who are instructional personnel employed by the Florida~~  
1479 ~~School for the Deaf and the Blind and who have received~~  
1480 ~~authorization by the Board of Trustees of the Florida School for~~  
1481 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1482 ~~months, or who are instructional personnel as defined in s.~~  
1483 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
1484 ~~authorization by the district school superintendent to~~  
1485 ~~participate in the DROP beyond 60 months, the 96-month~~  
1486 ~~limitation~~ period as provided in subparagraph 1. for the  
1487 nonelected position and may continue employment as an elected  
1488 officer as provided in s. 121.053. The elected officer shall  
1489 ~~will~~ be enrolled as a renewed member in the Elected Officers'  
1490 Class or the Regular Class, as provided in ss. 121.053 and



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1491 121.122, on the first day of the month after termination of  
1492 employment in the nonelected position and termination of DROP.  
1493 Distribution of ~~the~~ DROP benefits shall be made as provided in  
1494 paragraph (c).

1495 (II) For DROP participation ending on or after January 1,  
1496 2010, an elected officer who is dually employed and elects to  
1497 participate in DROP must meet the definition of termination in  
1498 s. 121.021(39) within the original 60-month period or maximum  
1499 participation period as provided in subparagraph 1.

1500 (c) *Benefits payable under ~~the~~ DROP.*—

1501 1. Effective on ~~with~~ the date of DROP participation, the  
1502 member's initial normal monthly benefit, including creditable  
1503 service, optional form of payment, and average final  
1504 compensation, and the effective date of retirement are ~~shall be~~  
1505 fixed. The beneficiary established under the Florida Retirement  
1506 System shall be the beneficiary eligible to receive any DROP  
1507 benefits payable if the DROP participant dies prior to the  
1508 completion of the period of DROP participation. If ~~In the event~~  
1509 a joint annuitant predeceases the member, the member may name a  
1510 beneficiary to receive accumulated DROP benefits payable. The  
1511 ~~Such~~ retirement benefit, the annual cost of living adjustments  
1512 provided in s. 121.101, and interest shall accrue monthly in the  
1513 Florida Retirement System Trust Fund. The ~~Such~~ interest shall  
1514 accrue at an effective annual rate of 6.5 percent compounded  
1515 monthly, on the prior month's accumulated ending balance, up to  
1516 the month of termination or death.

1517 2. Each employee who elects to participate in ~~the~~ DROP may  
1518 ~~shall be allowed to~~ elect to receive a lump-sum payment for  
1519 accrued annual leave earned in accordance with agency policy



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1520 upon beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated  
1521 leave payment certified to the division upon commencement of  
1522 DROP shall be included in the calculation of the member's  
1523 average final compensation. The employee electing the ~~such~~ lump-  
1524 sum payment is upon beginning participation in DROP will not be  
1525 eligible to receive a second lump-sum payment upon termination,  
1526 except to the extent the employee has earned additional annual  
1527 leave which, combined with the original payment, does not exceed  
1528 the maximum lump-sum payment allowed by the employing agency's  
1529 policy or rules. An ~~Such~~ early lump-sum payment shall be based  
1530 on the hourly wage of the employee at the time he or she begins  
1531 participation in ~~the~~ DROP. If the member elects to wait and  
1532 receive a ~~such~~ lump-sum payment upon termination of DROP and  
1533 termination of employment with the employer, any accumulated  
1534 leave payment made at that time may not ~~cannot~~ be included in  
1535 the member's retirement benefit, which was determined and fixed  
1536 by law when the employee elected to participate in ~~the~~ DROP.

1537 3. The effective date of DROP participation and the  
1538 effective date of retirement of a DROP participant shall be the  
1539 first day of the month selected by the member to begin  
1540 participation in ~~the~~ DROP, provided such date is properly  
1541 established, with the written confirmation of the employer, and  
1542 the approval of the division, on forms required by the division.

1543 4. Normal retirement benefits and any interest ~~thereon~~  
1544 shall continue to accrue in ~~the~~ DROP until the established  
1545 termination date of ~~the~~ DROP, or until the participant  
1546 terminates employment or dies prior to such date. Although  
1547 individual DROP accounts shall not be established, a separate  
1548 accounting of each participant's accrued benefits under ~~the~~ DROP



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1549 shall be calculated and provided to participants.

1550 5. At the conclusion of the participant's DROP, the  
1551 division shall distribute the participant's total accumulated  
1552 DROP benefits, subject to the following provisions:

1553 a. The division shall receive verification by the  
1554 participant's employer or employers that the ~~such~~ participant  
1555 has terminated employment as provided in s. 121.021(39)(b).

1556 b. The terminated DROP participant or, if deceased, the  
1557 ~~such~~ participant's named beneficiary, shall elect on forms  
1558 provided by the division to receive payment of the DROP benefits  
1559 in accordance with one of the options listed below. If ~~For~~ a  
1560 participant or beneficiary ~~who~~ fails to elect a method of  
1561 payment within 60 days after ~~of~~ termination of ~~the~~ DROP, the  
1562 division shall ~~will~~ pay a lump sum as provided in sub-sub-  
1563 subparagraph (I).

1564 (I) Lump sum.—All accrued DROP benefits, plus interest,  
1565 less withholding taxes remitted to the Internal Revenue Service,  
1566 shall be paid to the DROP participant or surviving beneficiary.

1567 (II) Direct rollover.—All accrued DROP benefits, plus  
1568 interest, shall be paid from ~~the~~ DROP directly to the custodian  
1569 of an eligible retirement plan as defined in s. 402(c)(8)(B) of  
1570 the Internal Revenue Code. However, in the case of an eligible  
1571 rollover distribution to the surviving spouse of a deceased  
1572 participant, an eligible retirement plan is an individual  
1573 retirement account or an individual retirement annuity as  
1574 described in s. 402(c)(9) of the Internal Revenue Code.

1575 (III) Partial lump sum.—A portion of the accrued DROP  
1576 benefits shall be paid to the DROP participant or surviving  
1577 spouse, less withholding taxes remitted to the Internal Revenue



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1578 Service, and the remaining DROP benefits shall be transferred  
1579 directly to the custodian of an eligible retirement plan as  
1580 defined in s. 402(c)(8)(B) of the Internal Revenue Code.  
1581 However, in the case of an eligible rollover distribution to the  
1582 surviving spouse of a deceased participant, an eligible  
1583 retirement plan is an individual retirement account or an  
1584 individual retirement annuity as described in s. 402(c)(9) of  
1585 the Internal Revenue Code. The proportions shall be specified by  
1586 the DROP participant or surviving beneficiary.

1587 c. The form of payment selected by the DROP participant or  
1588 surviving beneficiary must comply ~~complies~~ with the minimum  
1589 distribution requirements of the Internal Revenue Code.

1590 d. A DROP participant who fails to terminate employment as  
1591 defined in s. 121.021(39)(b) shall be deemed as not ~~to be~~  
1592 retired, and the DROP election is ~~shall be~~ null and void.  
1593 Florida Retirement System membership shall be reestablished  
1594 retroactively to the date of the commencement of ~~the~~ DROP, and  
1595 each employer with whom the participant continues employment  
1596 must ~~shall be required to~~ pay to the Florida Retirement System  
1597 Trust Fund the difference between the DROP contributions paid in  
1598 paragraph (h) ~~(i)~~ and the contributions required for the  
1599 applicable Florida Retirement System class of membership during  
1600 the period the member participated in ~~the~~ DROP, plus 6.5 percent  
1601 interest compounded annually.

1602 6. The retirement benefits of any DROP participant who  
1603 meets the definition of termination in s. 121.021(39)(b) but is  
1604 in violation of the reemployment provisions as provided in  
1605 subsection (9) shall be suspended during those months in which  
1606 the member is in violation. Any member employed in violation of





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1607 this subparagraph and any employing agency that employs or  
1608 appoints such member without notifying the Division of  
1609 Retirement to suspend retirement benefits are jointly and  
1610 severally liable for any benefits paid during the reemployment  
1611 limitation period. To avoid liability, the employing agency must  
1612 have a written statement from the retiree that he or she is not  
1613 retired from a state-administered retirement system. Any  
1614 retirement benefits received by a retired member while employed  
1615 in violation of the reemployment limitations during the first 12  
1616 months after meeting termination in s. 121.021(39) must be  
1617 repaid to the Florida Retirement System Trust Fund, and his or  
1618 her retirement benefits shall remain suspended until payment is  
1619 made. Benefits suspended beyond the end of the retired member's  
1620 first 12 calendar months after meeting the definition of  
1621 termination in s. 121.021(39)(b) shall apply toward repayment of  
1622 benefits received in violation of the reemployment limitation.

1623 7.6- The accrued benefits of any DROP participant, and any  
1624 contributions accumulated under the such program, are shall not  
1625 be subject to assignment, execution, attachment, or to any legal  
1626 process whatsoever, except for qualified domestic relations  
1627 orders by a court of competent jurisdiction, income deduction  
1628 orders as provided in s. 61.1301, and federal income tax levies.

1629 8.7- DROP participants are shall not be eligible for  
1630 disability retirement benefits as provided in subsection (4).

1631 (d) *Death benefits under ~~the~~ DROP.-*

1632 1. Upon the death of a DROP participant, the named  
1633 beneficiary shall be entitled to apply for and receive the  
1634 accrued benefits in ~~the~~ DROP as provided in sub-subparagraph  
1635 (c)5.b.



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1636           2. The normal retirement benefit accrued to ~~the~~ DROP during  
1637 the month of a participant's death shall be the final monthly  
1638 benefit credited for such DROP participant.

1639           3. Eligibility to participate in ~~the~~ DROP terminates upon  
1640 death of the participant. If the participant dies on or after  
1641 the effective date of enrollment in ~~the~~ DROP, but prior to the  
1642 first monthly benefit being credited to ~~the~~ DROP, Florida  
1643 Retirement System benefits shall be paid in accordance with  
1644 subparagraph (7) (c)1. or subparagraph 2.

1645           4. A DROP participant's ~~participants'~~ survivors shall not  
1646 be eligible to receive Florida Retirement System death benefits  
1647 as provided in paragraph (7) (d).

1648           (e) *Cost-of-living adjustment.*—On each July 1, the  
1649 participant's ~~participants'~~ normal retirement benefit shall be  
1650 increased as provided in s. 121.101.

1651           (f) *Retiree health insurance subsidy.*—DROP participants are  
1652 not eligible to apply for the retiree health insurance subsidy  
1653 payments as provided in s. 112.363 until such participants have  
1654 terminated employment and participation in ~~the~~ DROP.

1655           ~~(g) *Renewed membership.*—DROP participants shall not be  
1656 eligible for renewed membership in the Florida Retirement System  
1657 under ss. 121.053 and 121.122 until termination of employment is  
1658 effectuated as provided in s. 121.021(39) (b).~~

1659           (g) ~~(h)~~ *Employment limitation after DROP participation.*—Upon  
1660 satisfying the definition of termination of employment as  
1661 provided in s. 121.021(39) (b), DROP participants shall be  
1662 subject to such reemployment limitations as other retirees.  
1663 Reemployment restrictions applicable to retirees as provided in  
1664 subsection (9) shall not apply to DROP participants until their



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1665 employment and participation in ~~the~~ DROP are terminated.

1666 (h) ~~(i)~~ *Contributions.*—

1667 1. All employers paying the salary of a DROP participant  
1668 filling a regularly established position shall contribute 8.0  
1669 percent of such participant's gross compensation for the period  
1670 of July 1, 2002, through June 30, 2003, and the percentage 11.56  
1671 ~~percent~~ of such compensation required by s. 121.71 thereafter,  
1672 which shall constitute the entire employer DROP contribution  
1673 with respect to such participant. Such contributions, payable to  
1674 the Florida Retirement System Trust Fund in the same manner as  
1675 required in s. 121.071, shall be made as appropriate for each  
1676 pay period and are in addition to contributions required for  
1677 social security and the Retiree Health Insurance Subsidy Trust  
1678 Fund. Such employer, social security, and health insurance  
1679 subsidy contributions are not included in ~~the~~ DROP.

1680 2. The employer shall, in addition to subparagraph 1., also  
1681 withhold one-half of the entire social security contribution  
1682 required for the participant. Contributions for social security  
1683 by each participant and each employer, in the amount required  
1684 for social security coverage as now or hereafter provided by the  
1685 federal Social Security Act, shall be in addition to  
1686 contributions specified in subparagraph 1.

1687 3. All employers paying the salary of a DROP participant  
1688 filling a regularly established position shall contribute the  
1689 percent of such participant's gross compensation required in s.  
1690 121.071(4), which shall constitute the employer's health  
1691 insurance subsidy contribution with respect to such participant.  
1692 Such contributions shall be deposited by the administrator in  
1693 the Retiree Health Insurance Subsidy Trust Fund.



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1694            (i)~~(j)~~ *Forfeiture of retirement benefits.*—Nothing in this  
1695 section shall be construed to remove DROP participants from the  
1696 scope of s. 8(d), Art. II of the State Constitution, s.  
1697 112.3173, and paragraph (5)(f). DROP participants who commit a  
1698 specified felony offense while employed will be subject to  
1699 forfeiture of all retirement benefits, including DROP benefits,  
1700 pursuant to those provisions of law.

1701            (j)~~(k)~~ *Administration of program.*—The division shall make  
1702 such rules as are necessary for the effective and efficient  
1703 administration of this subsection. The division shall not be  
1704 required to advise members of the federal tax consequences of an  
1705 election related to ~~the~~ DROP but may advise members to seek  
1706 independent advice.

1707            (14) PAYMENT OF BENEFITS.—This subsection applies to the  
1708 payment of benefits to a payee (retiree or beneficiary) under  
1709 the Florida Retirement System:

1710            (a) Federal income tax shall be withheld in accordance with  
1711 federal law, unless the payee elects otherwise on Form W-4P. The  
1712 division shall prepare and distribute to each recipient of  
1713 monthly retirement benefits an appropriate income tax form that  
1714 reflects the recipient's income and federal income tax withheld  
1715 for the calendar year just ended.

1716            (b) Subject to approval by the division in accordance with  
1717 rule 60S-4.015, Florida Administrative Code, a payee receiving  
1718 retirement benefits under the ~~Florida Retirement~~ system may also  
1719 have the following payments deducted from his or her monthly  
1720 benefit:

1721            1. Premiums for life and health-related insurance policies  
1722 from approved companies.



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1723           2. Life insurance premiums for the State Group Life  
1724 Insurance Plan, if authorized in writing by the payee and by the  
1725 department ~~of Management Services~~.

1726           3. Repayment of overpayments from the Florida Retirement  
1727 System Trust Fund, the State Employees' Health Insurance Trust  
1728 Fund, or the State Employees' Life Insurance Trust Fund, upon  
1729 notification of the payee.

1730           4. Payments to an alternate payee for alimony or, child  
1731 support pursuant to an income deduction order under s. 61.1301,  
1732 or division of marital assets pursuant to a qualified domestic  
1733 relations order under s. 222.21 ~~or an income deduction order~~  
1734 ~~under s. 61.1301.~~

1735           5. Payments to the Internal Revenue Service for federal  
1736 income tax levies, upon notification of the division by the  
1737 Internal Revenue Service.

1738           (c) A payee must ~~shall~~ notify the division of any change in  
1739 his or her address. The division may suspend benefit payments to  
1740 a payee if correspondence sent to the payee's mailing address is  
1741 returned due to an incorrect address. Benefit payments shall be  
1742 resumed upon notification to the division of the payee's new  
1743 address.

1744           (d) A payee whose retirement benefits are reduced by the  
1745 application of maximum benefit limits under s. 415(b) of the  
1746 Internal Revenue Code, as specified in s. 121.30(5), shall have  
1747 the portion of his or her calculated benefit in the Florida  
1748 Retirement System defined benefit plan which exceeds such  
1749 federal limitation paid through the Florida Retirement System  
1750 Preservation of Benefits Plan, as provided in s. 121.1001.

1751           (e) The Division of Retirement may issue retirement



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1752 benefits payable for division of marital assets pursuant to a  
1753 qualified domestic relations order directly to the alternate  
1754 payee, any court order to the contrary notwithstanding, in order  
1755 to meet Internal Revenue Code requirements.

1756 (f)-(e) A ~~Ne~~ benefit may not be reduced for the purpose of  
1757 preserving the member's eligibility for a federal program.

1758 (g)-(f) The division shall adopt rules establishing  
1759 procedures for determining that ~~the~~ persons to whom benefits are  
1760 being paid are still living. The division shall suspend the  
1761 benefits being paid to any payee if ~~when~~ it is unable to contact  
1762 such payee and to confirm that he or she is still living.

1763 Section 10. Section 121.1115, Florida Statutes, is amended  
1764 to read:

1765 121.1115 Purchase of retirement credit for out-of-state or  
1766 ~~and~~ federal service.—Effective January 1, 1995, a member ~~of the~~  
1767 ~~Florida Retirement System~~ may purchase creditable service for  
1768 periods of public employment in another state and receive  
1769 creditable service for such periods of employment. Service with  
1770 the Federal Government, including any active military service,  
1771 may be claimed. Upon completion of each year of service earned  
1772 under the Florida Retirement System, a member may purchase up to  
1773 1 year of retirement credit for his or her out-of-state service,  
1774 subject to the following provisions:

1775 (1) LIMITATIONS AND CONDITIONS.—To receive credit for the  
1776 out-of-state service:

1777 (a) The out-of-state service ~~being claimed~~ must have been:

1778 1. Performed in a position of employment with the state or  
1779 a political subdivision thereof or with the Federal Government;

1780 2. Covered by a retirement or pension plan provided by the



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1781 state or political subdivision, or by the Federal Government, as  
1782 appropriate; and

1783 3. Performed prior to a period of membership in the Florida  
1784 Retirement System.

1785 (b) The member must have completed a minimum of 6 years of  
1786 creditable service under the Florida Retirement System,  
1787 excluding out-of-state service and in-state service claimed and  
1788 purchased under s. 121.1122.

1789 (c) Not more than 5 years of creditable service may be  
1790 claimed for creditable service aggregated under ~~the provisions~~  
1791 ~~of~~ this section and s. 121.1122.

1792 (d) The out-of-state service credit ~~claimed under this~~  
1793 ~~section~~ shall be credited only as service in the Regular Class  
1794 ~~of membership~~, and any benefit or pension based thereon is ~~shall~~  
1795 ~~be~~ subject to the limitations and restrictions of s. 112.65.

1796 (e) The member is not eligible for and may not receive a  
1797 pension or benefit from a retirement or pension plan based on or  
1798 including the out-of-state service. Eligibility for or the  
1799 receipt of contributions to a retirement plan made by the  
1800 employer on behalf of the employee is considered a benefit.

1801 ~~(f)(e) A member shall be eligible~~ To receive service credit  
1802 for out-of-state service performed after leaving the Florida  
1803 Retirement System, the member must complete ~~only upon return to~~  
1804 ~~membership and completion of~~ at least 1 year of creditable  
1805 service in the Florida Retirement System following the out-of-  
1806 state service.

1807 (2) COST.—For each year claimed, the member must pay into  
1808 the Florida Retirement System Trust Fund an amount equal to 20  
1809 percent of the member's annual compensation for the first full



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1810 work year of creditable service earned under the Florida  
1811 Retirement System, but not less than \$12,000, plus interest at  
1812 6.5 percent compounded annually from the date of first annual  
1813 salary earned until full payment is made. The employer may pay  
1814 all or a portion of the cost of this service credit.

1815 Section 11. Subsection (2) of section 121.1122, Florida  
1816 Statutes, is amended to read:

1817 121.1122 Purchase of retirement credit for in-state public  
1818 service and in-state service in accredited nonpublic schools and  
1819 colleges, including charter schools and charter technical career  
1820 centers.—Effective January 1, 1998, a member of the Florida  
1821 Retirement System may purchase creditable service for periods of  
1822 certain public or nonpublic employment performed in this state,  
1823 as provided in this section.

1824 (2) LIMITATIONS AND CONDITIONS.—

1825 (a) A member is not eligible to receive credit for in-state  
1826 service under this section until he or she has completed 6 years  
1827 of creditable service under the Florida Retirement System,  
1828 excluding service purchased under this section and out-of-state  
1829 service claimed and purchased under s. 121.1115.

1830 (b) A member may not purchase and receive credit for more  
1831 than 5 years of creditable service aggregated under ~~the~~  
1832 ~~provisions of~~ this section and s. 121.1115.

1833 (c) Service credit claimed under this section shall be  
1834 credited only as service in the Regular Class ~~of membership~~ and  
1835 is shall be subject to ~~the provisions of~~ s. 112.65.

1836 (d) Service credit may not be purchased under this section  
1837 if the member is eligible to receive or is receiving a pension  
1838 or benefit from a retirement or pension plan based on or





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1839 including the service. Eligibility for or the receipt of  
1840 contributions to a retirement plan made by the employer on  
1841 behalf of the employee is considered a benefit.

1842 (e)(d) A member is ~~shall be~~ eligible to receive service  
1843 credit for in-state service performed after leaving the Florida  
1844 Retirement System only after ~~upon returning to membership and~~  
1845 completing at least 1 year of creditable service in the Florida  
1846 Retirement System following the in-state service.

1847 (f)(e) The service claimed must have been service covered  
1848 by a retirement or pension plan provided by the employer.

1849 Section 12. Section 121.122, Florida Statutes, is amended  
1850 to read:

1851 121.122 Renewed membership in system.-

1852 (1) Any retiree of a state-administered retirement system  
1853 who is initially reemployed on or after January 1, 2010, shall  
1854 not be eligible for renewed membership.

1855 (2) Except as provided in s. 121.053, effective July 1,  
1856 1991, through December 31, 2009, any retiree of a state-  
1857 administered retirement system who is initially reemployed  
1858 ~~employed~~ in a regularly established position with a covered  
1859 employer shall be enrolled as a compulsory member of the Regular  
1860 Class of the Florida Retirement System or, effective July 1,  
1861 1997, through December 31, 2009, any retiree of a state-  
1862 administered retirement system who is initially reemployed  
1863 ~~employed~~ in a position included in the Senior Management Service  
1864 Class shall be enrolled as a compulsory member of the Senior  
1865 Management Service Class of the Florida Retirement System as  
1866 provided in s. 121.055, and shall be entitled to receive an  
1867 additional retirement benefit, subject to the following



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1868 conditions:

1869 ~~(1)~~(a) Such member shall resatisfy the age and service  
1870 requirements as provided in this chapter for initial membership  
1871 under the system, unless such member elects to participate in  
1872 the Senior Management Service Optional Annuity Program in lieu  
1873 of the Senior Management Service Class, as provided in s.  
1874 121.055(6).

1875 (b) Such member shall not be entitled to disability  
1876 benefits as provided in s. 121.091(4).

1877 (c) Such member must meet the reemployment after retirement  
1878 limitations as provided in s. 121.091(9), as applicable.

1879 ~~(3)~~~~(2)~~ Upon renewed membership or reemployment of a  
1880 retiree, the employer of such member shall pay the applicable  
1881 employer contributions as required by ss. 121.71, 121.74,  
1882 121.76, and 112.363 ~~121.055(3) and 121.071(1)(a) and (4).~~

1883 ~~(4)~~~~(3)~~ The retiree of a state-administered retirement  
1884 system who is initially reemployed before January 1, 2010, Such  
1885 ~~member~~ shall be entitled to purchase additional retirement  
1886 credit in the Regular Class or the Senior Management Service  
1887 Class, as applicable, for any postretirement service performed  
1888 in a regularly established position as follows:

1889 (a) For regular class service prior to July 1, 1991, by  
1890 paying the Regular Class applicable employee and employer  
1891 contributions for the period being claimed, plus 4 percent  
1892 interest compounded annually from first year of service claimed  
1893 until July 1, 1975, and 6.5 percent interest compounded  
1894 thereafter, until full payment is made to the Florida Retirement  
1895 System Trust Fund; or

1896 (b) For Senior Management Service Class prior to June 1,



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1897 1997, as provided in s. 121.055(1)(j).

1898

1899 The contribution for postretirement service between July 1,  
1900 1985, and July 1, 1991, for which the reemployed retiree  
1901 contribution was paid, shall be the difference between such  
1902 contribution and the total applicable contribution for the  
1903 period being claimed, plus interest. The employer of such member  
1904 may pay the applicable employer contribution in lieu of the  
1905 member. If a member does not wish to claim credit for all of the  
1906 postretirement service for which he or she is eligible, the  
1907 service the member claims must be the most recent service.

1908 (5)~~(4)~~ No creditable service for which credit was received,  
1909 or which remained unclaimed, at retirement may be claimed or  
1910 applied toward service credit earned following renewed  
1911 membership. However, for retirees initially reemployed before  
1912 January 1, 2010, service earned as an elected officer with  
1913 renewed membership in the Elected Officers' Class may be used in  
1914 conjunction with creditable service earned under this section,  
1915 provided the applicable vesting requirements and other existing  
1916 statutory conditions required by this chapter are met.

1917 (6)~~(5)~~ Notwithstanding any other limitations provided in  
1918 this section, a participant of the State University System  
1919 Optional Retirement Program, the State Community College  
1920 Optional Retirement Program, or the Senior Management Service  
1921 Optional Annuity Program who terminated employment and commenced  
1922 receiving a distribution ~~an annuity~~ under ~~the provisions of the~~  
1923 optional program, who initially renews membership before January  
1924 1, 2010, ~~in the Regular Class~~ as required by this section upon  
1925 reemployment after retirement, and who had previously earned



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1926 creditable Florida Retirement System service that was not  
1927 included in any retirement benefit may include such previous  
1928 service toward vesting and service credit in the second career  
1929 benefit provided under renewed membership.

1930 ~~(7)~~(6) Any renewed member who is not receiving the maximum  
1931 health insurance subsidy provided in s. 112.363 shall be  
1932 entitled to earn additional credit toward the maximum health  
1933 insurance subsidy. Any additional subsidy due because of such  
1934 additional credit shall be received only at the time of payment  
1935 of the second career retirement benefit. In no case shall the  
1936 total health insurance subsidy received by a retiree receiving  
1937 benefits from initial and renewed membership exceed the maximum  
1938 allowed in s. 112.363.

1939 Section 13. Section 121.136, Florida Statutes, is amended  
1940 to read:

1941 121.136 Annual benefit statement to members.—~~In Beginning~~  
1942 ~~January 1, 1993, and each January of each year thereafter,~~ the  
1943 department shall provide each active member of the Florida  
1944 Retirement System with 5 or more years of creditable service an  
1945 annual statement of benefits that provides. ~~Such statement~~  
1946 ~~should provide~~ the member with basic data about the member's  
1947 retirement account. At a minimum ~~Minimally,~~ it must ~~shall~~  
1948 include the member's retirement plan, accrued service credit ~~the~~  
1949 ~~amount of funds on deposit in the retirement account,~~ and an  
1950 estimate of retirement benefits.

1951 Section 14. Section 121.1905, Florida Statutes, is amended  
1952 to read:

1953 121.1905 Division of Retirement; creation.—

1954 ~~(1)~~ There is created the Division of Retirement within the



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1955 Department of Management Services.

1956 ~~(2) The mission of the Division of Retirement is to provide~~  
1957 ~~quality and cost-effective retirement services as measured by~~  
1958 ~~member satisfaction and by comparison with administrative costs~~  
1959 ~~of comparable retirement systems.~~

1960 Section 15. Paragraph (a) of subsection (2) of section  
1961 121.23, Florida Statutes, is amended to read:

1962 121.23 Disability retirement and special risk membership  
1963 applications; Retirement Commission; powers and duties; judicial  
1964 review.—The provisions of this section apply to all proceedings  
1965 in which the administrator has made a written final decision on  
1966 the merits respecting applications for disability retirement,  
1967 reexamination of retired members receiving disability benefits,  
1968 applications for special risk membership, and reexamination of  
1969 special risk members in the Florida Retirement System. The  
1970 jurisdiction of the State Retirement Commission under this  
1971 section shall be limited to written final decisions of the  
1972 administrator on the merits.

1973 (2) A member shall be entitled to a hearing before the  
1974 State Retirement Commission pursuant to ss. 120.569 and  
1975 120.57(1) on the merits of any written adverse decision of the  
1976 administrator, if he or she files with the commission a written  
1977 request for such hearing within 21 days after receipt of such  
1978 written decision from the administrator. For the purpose of such  
1979 hearings, the commission shall be an "agency head" as defined by  
1980 s. 120.52.

1981 (a) The commission may ~~shall have the authority to~~ issue  
1982 orders as a result of the ~~a~~ hearing that are ~~shall be~~ binding on  
1983 all parties to the dispute and. ~~The commission may order any~~



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1984 action that it deems appropriate. Any disability retirement  
1985 order of the commission that issued pursuant to this subsection  
1986 ~~which~~ sustains the application of the member may include an  
1987 amount, to be determined by the commission, for reasonable  
1988 attorney's fees and taxable costs, which shall be calculated in  
1989 accordance with the statewide uniform guidelines for taxation of  
1990 costs in civil actions. The amount of the attorney's fees ~~fee~~  
1991 may not exceed 50 percent of the initial yearly benefit awarded  
1992 under s. 121.091(4). In cases involving disability retirement,  
1993 the ~~State Retirement~~ commission shall require the member to  
1994 present substantial competent medical evidence that meets the  
1995 requirements of s. 121.091(4)(c)2. and 3., and may require  
1996 vocational evidence, before awarding disability retirement  
1997 benefits.

1998 Section 16. Paragraph (a) of subsection (1) of section  
1999 121.24, Florida Statutes, is amended to read:

2000 121.24 Conduct of commission business; legal and other  
2001 assistance; compensation.—

2002 (1) The commission shall conduct its business within the  
2003 following guidelines:

2004 (a) For purposes of hearing appeals under s. 121.23, the  
2005 commission may meet in panels ~~consisting of no not~~ no fewer than  
2006 three members. ~~For the purpose of meeting in these panels, a~~  
2007 ~~quorum shall be not fewer than two members. For all other~~  
2008 ~~purposes,~~ A quorum shall consist of three members. The  
2009 concurring vote of a majority of the members present is ~~shall be~~  
2010 required to reach a decision, issue orders, and conduct the  
2011 business of the commission.

2012 Section 17. Paragraph (h) of subsection (3) and paragraphs



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2013 (a) and (e) of subsection (5) of section 121.35, Florida  
2014 Statutes, are amended, and paragraph (g) is added to subsection  
2015 (5) of that section, to read:

2016 121.35 Optional retirement program for the State University  
2017 System.—

2018 (3) ELECTION OF OPTIONAL PROGRAM.—

2019 (h) A participant in the optional retirement program may  
2020 not participate in more than one state-administered retirement  
2021 system, plan, or class simultaneously. Except as provided in s.  
2022 121.052(6) (d), a participant who is or becomes dually employed  
2023 in two or more positions covered by the Florida Retirement  
2024 System, one of which is eligible for the optional program and  
2025 one of which is not, may remain a member of the optional program  
2026 and contributions shall be paid as required only on the salary  
2027 earned in the position eligible for the optional program during  
2028 such period of dual employment; or, within 90 days after  
2029 becoming dually employed, he or she may elect membership in the  
2030 Regular Class of the Florida Retirement System in lieu of the  
2031 optional program and contributions shall be paid as required on  
2032 the total salary received for all employment. At retirement, the  
2033 average final compensation used to calculate any benefits for  
2034 which the member becomes eligible under the Florida Retirement  
2035 System shall be based on all salary reported for both positions  
2036 during such period of dual employment. When such member ceases  
2037 to be dually employed, he or she may, within 90 days, elect to  
2038 remain in the Florida Retirement System class for which he or  
2039 she is eligible or to again become a participant in the optional  
2040 retirement program. Failure to elect membership in the optional  
2041 program within 90 days shall result in compulsory membership in



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2042 the Florida Retirement System, except that a member filling a  
2043 faculty position at ~~under~~ a college with a faculty practice plan  
2044 at the University of Florida, or at the medical center at the  
2045 University of South Florida, or other state university shall  
2046 again participate in the optional retirement program as required  
2047 in s. 121.051(1) (a).

2048 (5) BENEFITS.—

2049 (a) Benefits shall be payable under the optional retirement  
2050 program only to vested participants in the program, or their  
2051 beneficiaries as designated by the participant in the contract  
2052 with a provider company, and such benefits shall be paid only by  
2053 the designated company in accordance with s. 403(b) of the  
2054 Internal Revenue Code and in accordance with the terms of the  
2055 annuity contract or contracts applicable to the participant.  
2056 Benefits shall accrue in individual accounts that are  
2057 participant-directed, portable, and funded by employer  
2058 contributions and the earnings thereon. The participant must be  
2059 terminated from all employment with all Florida Retirement  
2060 System employers, as provided in s. 121.021(39), to begin  
2061 receiving the employer-funded benefit. Benefits funded by  
2062 employer contributions shall be payable in accordance with the  
2063 following terms and conditions:

2064 1. Benefits shall be payable only to a participant, to his  
2065 or her beneficiaries, or to his or her estate, as designated by  
2066 the participant.

2067 2. Benefits shall be paid by the provider company or  
2068 companies in accordance with the law, the provisions of the  
2069 contract, and any applicable department ~~board~~ rule or policy.

2070 3. In the event of a participant's death, moneys





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2071 accumulated by, or on behalf of, the participant, less  
2072 withholding taxes remitted to the Internal Revenue Service, if  
2073 any, shall be distributed to the participant's designated  
2074 beneficiary or beneficiaries, or to the participant's estate, as  
2075 if the participant retired on the date of death, as provided in  
2076 paragraph (c). No other death benefits shall be available for  
2077 survivors of participants under the optional retirement program  
2078 except for such benefits, or coverage for such benefits, as are  
2079 separately afforded by the employer, at the employer's  
2080 discretion.

2081 (e) A participant who chooses to receive his or her  
2082 benefits upon termination of employment as defined in s.  
2083 121.021(39) shall have responsibility to notify the provider  
2084 company of the date on which he or she wishes benefits funded by  
2085 employer contributions to begin. Benefits may be deferred until  
2086 such time as the participant chooses to make such application.

2087 (g) For purposes of this section, "retiree" means a former  
2088 participant of the optional retirement program who has  
2089 terminated employment and has taken a distribution as provided  
2090 in this subsection, except for a mandatory distribution of a de  
2091 minimis account authorized by the department.

2092 Section 18. Paragraph (f) of subsection (2) of section  
2093 121.4501, Florida Statutes, is amended to read:

2094 121.4501 Public Employee Optional Retirement Program.—

2095 (2) DEFINITIONS.—As used in this part, the term:

2096 (f) "Eligible employee" means an officer or employee, as  
2097 defined in s. 121.021(11), who:

2098 1. Is a member of, or is eligible for membership in, the  
2099 Florida Retirement System, including any renewed member of the



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2100 Florida Retirement System initially enrolled before January 1,  
2101 2010; or

2102 2. Participates in, or is eligible to participate in, the  
2103 Senior Management Service Optional Annuity Program as  
2104 established under s. 121.055(6), the State Community College  
2105 System Optional Retirement Program as established under s.  
2106 121.051(2)(c), or the State University System Optional  
2107 Retirement Program established under s. 121.35.

2108  
2109 The term does not include any member participating in the  
2110 Deferred Retirement Option Program established under s.  
2111 121.091(13), a retiree of a state-administered retirement system  
2112 initially reemployed on or after January 1, 2010, or a mandatory  
2113 participant of the State University System Optional Retirement  
2114 Program established under s. 121.35.

2115 Section 19. Paragraph (b) of subsection (1) of section  
2116 121.591, Florida Statutes, is amended to read:

2117 121.591 Benefits payable under the Public Employee Optional  
2118 Retirement Program of the Florida Retirement System.—Benefits  
2119 may not be paid under this section unless the member has  
2120 terminated employment as provided in s. 121.021(39)(a) or is  
2121 deceased and a proper application has been filed in the manner  
2122 prescribed by the state board or the department. The state board  
2123 or department, as appropriate, may cancel an application for  
2124 retirement benefits when the member or beneficiary fails to  
2125 timely provide the information and documents required by this  
2126 chapter and the rules of the state board and department. In  
2127 accordance with their respective responsibilities as provided  
2128 herein, the State Board of Administration and the Department of



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2129 Management Services shall adopt rules establishing procedures  
2130 for application for retirement benefits and for the cancellation  
2131 of such application when the required information or documents  
2132 are not received. The State Board of Administration and the  
2133 Department of Management Services, as appropriate, are  
2134 authorized to cash out a de minimis account of a participant who  
2135 has been terminated from Florida Retirement System covered  
2136 employment for a minimum of 6 calendar months. A de minimis  
2137 account is an account containing employer contributions and  
2138 accumulated earnings of not more than \$5,000 made under the  
2139 provisions of this chapter. Such cash-out must either be a  
2140 complete lump-sum liquidation of the account balance, subject to  
2141 the provisions of the Internal Revenue Code, or a lump-sum  
2142 direct rollover distribution paid directly to the custodian of  
2143 an eligible retirement plan, as defined by the Internal Revenue  
2144 Code, on behalf of the participant. If any financial instrument  
2145 issued for the payment of retirement benefits under this section  
2146 is not presented for payment within 180 days after the last day  
2147 of the month in which it was originally issued, the third-party  
2148 administrator or other duly authorized agent of the State Board  
2149 of Administration shall cancel the instrument and credit the  
2150 amount of the instrument to the suspense account of the Public  
2151 Employee Optional Retirement Program Trust Fund authorized under  
2152 s. 121.4501(6). Any such amounts transferred to the suspense  
2153 account are payable upon a proper application, not to include  
2154 earnings thereon, as provided in this section, within 10 years  
2155 after the last day of the month in which the instrument was  
2156 originally issued, after which time such amounts and any  
2157 earnings thereon shall be forfeited. Any such forfeited amounts



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2158 are assets of the Public Employee Optional Retirement Program  
2159 Trust Fund and are not subject to the provisions of chapter 717.

2160 (1) NORMAL BENEFITS.—Under the Public Employee Optional  
2161 Retirement Program:

2162 (b) If a participant elects to receive his or her benefits  
2163 upon termination of employment as defined in s. 121.021(39), the  
2164 participant must submit a written application or an equivalent  
2165 form to the third-party administrator indicating his or her  
2166 preferred distribution date and selecting an authorized method  
2167 of distribution as provided in paragraph (c). The participant  
2168 may defer receipt of benefits until he or she chooses to make  
2169 such application, subject to federal requirements.

2170 Section 20. Subsection (8) of section 1012.33, Florida  
2171 Statutes, is amended to read:

2172 1012.33 Contracts with instructional staff, supervisors,  
2173 and school principals.—

2174 (8) Notwithstanding any other provision of law, a retired  
2175 ~~any member who has retired~~ may interrupt retirement and be  
2176 reemployed in any public school. A ~~Any~~ member ~~so~~ reemployed by  
2177 the same district from which he or she retired may be employed  
2178 on a probationary contractual basis as provided in subsection  
2179 (1); ~~however, no regular retirement employee shall be eligible~~  
2180 ~~to renew membership under a retirement system created by chapter~~  
2181 ~~121 or chapter 238.~~

2182 Section 21. Sections 121.093, 121.094, and 121.45, Florida  
2183 Statutes, are repealed.

2184 Section 22. The Legislature finds that a proper and  
2185 legitimate state purpose is served when employees and retirees  
2186 of the state and its political subdivisions, as well as the



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2187 dependents, survivors, and beneficiaries of such employees and  
2188 retirees, are extended the basic protections afforded by  
2189 governmental retirement systems that provide fair and adequate  
2190 benefits and that are managed, administered, and funded in an  
2191 actuarially sound manner as required by s. 14, Art. X of the  
2192 State Constitution and part VII of chapter 112, Florida  
2193 Statutes. Therefore, the Legislature determines and declares  
2194 that the amendment of s. 121.091, Florida Statutes, by this act  
2195 fulfills an important state interest.

2196 Section 23. This act shall take effect July 1, 2009.

2197  
2198 ===== T I T L E A M E N D M E N T =====

2199 And the title is amended as follows:

2200 Delete everything before the enacting clause  
2201 and insert:

2202 A bill to be entitled  
2203 An act relating to retirement; amending s. 121.021,  
2204 F.S.; redefining the terms "employer," "officer or  
2205 employee," "past service," "normal retirement date,"  
2206 "termination," "regularly established position," and  
2207 "temporary position"; defining the terms "state board"  
2208 and "trustees"; amending s. 121.031, F.S.; requiring  
2209 promotional materials that refer to the Florida  
2210 Retirement System to include a disclaimer unless  
2211 approval is obtained from the Department of Management  
2212 Services or the State Board of Administration;  
2213 amending s. 121.051, F.S.; conforming a cross-  
2214 reference; clarifying when a State Community College  
2215 System Optional Retirement Program participant is



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2216 considered a retiree; revising provisions relating to  
2217 participation in the Florida Retirement System by  
2218 certain employers; excluding the participation of  
2219 certain entities under a lease agreement; amending s.  
2220 121.052, F.S.; revising membership criteria for  
2221 members of the Elected Officers' Class; revising the  
2222 dates for when a governing body of a municipality or  
2223 special district may elect to designate its elected  
2224 positions for inclusion in the Elected Officers'  
2225 Class; amending s. 121.053, F.S.; revising provisions  
2226 relating to participation in the Elected Officers'  
2227 Class for retired members; amending s. 121.055, F.S.;  
2228 revising provisions relating to participation in the  
2229 Senior Management Service Class; revising benefit  
2230 payment procedures for the Senior Management Service  
2231 Optional Annuity Program; clarifying when a  
2232 participant is considered retired; amending s.  
2233 121.071, F.S.; providing an additional mechanism for  
2234 the payment of employee contributions to the system;  
2235 amending s. 121.081, F.S.; providing for receipt of  
2236 credit for past or prior service by charter school and  
2237 charter technical career center employees; prohibiting  
2238 a member from receiving credit for service covered and  
2239 reported by both a public employer and a private  
2240 employer; amending s. 121.091, F.S.; revising and  
2241 clarifying provisions relating to retirement benefits;  
2242 revising positions in which retired members may be  
2243 reemployed by a district school board; deleting a  
2244 restriction on the reemployment of certain personnel



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2245 by the Florida School for the Deaf and the Blind;  
2246 authorizing developmental research schools and charter  
2247 schools to reemploy certain retired members under  
2248 specified conditions; revising limitations on the  
2249 payment of retirement benefits for certain retired  
2250 persons who are reemployed by an employer  
2251 participating in a state-administered retirement  
2252 program; prohibiting certain persons holding public  
2253 office from enrolling in the Florida Retirement  
2254 System; deleting a provision authorizing an employing  
2255 agency to reemploy a retired member as a firefighter  
2256 or paramedic after a specified period; providing  
2257 applicability; providing that certain members who  
2258 delay DROP participation lose a month of DROP  
2259 participation for each month delayed; clarifying that  
2260 DROP participation cannot be canceled; clarifying  
2261 maximum DROP participation; providing for the  
2262 suspension of DROP benefits to a participant who is  
2263 reemployed; deleting obsolete provisions; revising  
2264 employer contribution requirements; authorizing the  
2265 Division of Retirement to issue benefits pursuant to a  
2266 qualified domestic relations order directly to the  
2267 alternate payee; amending s. 121.1115, F.S.; revising  
2268 provisions relating to receiving retirement credit for  
2269 out-of-state service; providing that a member is not  
2270 eligible for and may not receive a benefit based on  
2271 such service; amending s. 121.1122, F.S.; revising  
2272 provisions relating to receiving retirement credit for  
2273 in-state service; providing that certain members may



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2274 not be eligible to purchase service credit; amending  
2275 s. 121.122, F.S.; providing that certain retirees  
2276 initially reemployed on or after a specified date are  
2277 ineligible for renewed membership in the system;  
2278 revising conditions under which a retiree is entitled  
2279 to certain additional retirement benefits; amending s.  
2280 121.136, F.S.; revising provisions relating to the  
2281 annual statement of benefits provided to certain  
2282 active members of the system; amending s. 121.1905,  
2283 F.S.; deleting a provision describing the mission of  
2284 the Division of Retirement; amending s. 121.23, F.S.;  
2285 requiring the State Retirement Commission to use  
2286 certain requirements used by the Secretary of  
2287 Management Services before approving a disability  
2288 retirement benefit; amending s. 121.24, F.S.;  
2289 requiring a quorum of three members for all appeal  
2290 hearings held by the commission; amending s. 121.35,  
2291 F.S.; revising a compulsory membership exception for  
2292 certain members failing to elect membership in the  
2293 optional retirement program; providing a cross-  
2294 reference; defining the term "retiree" for purposes of  
2295 the State University System Optional Retirement  
2296 Program; amending s. 121.4501, F.S.; revising the  
2297 definition of "eligible employee" for purposes of the  
2298 Public Employee Optional Retirement Program; amending  
2299 s. 121.591, F.S.; providing a cross-reference;  
2300 amending s. 1012.33, F.S.; deleting a provision  
2301 preventing persons who have retired from the public  
2302 school system from renewing membership in the Florida





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2303 Retirement System or Teachers' Retirement System upon  
2304 reemployment by the school system; repealing s.  
2305 121.093, F.S., relating to instructional personnel  
2306 reemployment after retirement from a developmental  
2307 research school or the Florida School for the Deaf and  
2308 the Blind; repealing s. 121.094, F.S., relating to  
2309 instructional personnel reemployment after retirement  
2310 from a charter school; repealing s. 121.45, F.S.,  
2311 relating to interstate compacts relating to pension  
2312 portability; providing a declaration of important  
2313 state interest; providing an effective date.