



171224

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 3/AD/2R	.	Floor: C
04/30/2009 05:06 PM	.	05/01/2009 04:06 PM
	.	

Senator Fasano moved the following:

1 **Senate Substitute for Amendment (897738) (with title**
2 **amendment)**

3
4 Delete lines 115 - 1387

5 and insert:

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



171224

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

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

27 (18) "Past service" of any member, as provided in s.
28 121.081(1), means the number of years and complete months and
29 any fractional part of a month, recognized and credited by an
30 employer and approved by the administrator, during which the
31 member was in the active employ of a governmental ~~an~~ employer
32 and for which the employee is not entitled to a benefit before
33 prior to his or her date of participation.

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

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

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



171224

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

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

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

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

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

60 ~~(c) If a Senior Management Service Class member, the~~
61 ~~member:~~

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

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

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

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



171224

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

75
76 "Normal retirement age" is attained on the "normal retirement
77 date."

78 (39) (a) "Termination" occurs, except as provided in
79 paragraph (b), when a member ceases all employment relationships
80 with an employer, however: ~~employers under this system, as~~
81 ~~defined in subsection (10), but in the event~~

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

92 2. For retirements effective on or after July 1, 2010, if a
93 member is employed by any such employer within the next 6
94 calendar months, termination shall be deemed not to have
95 occurred. A leave of absence constitutes a continuation of the
96 employment relationship, except that a leave of absence without
97 pay due to disability may constitute termination if such member
98 makes application for and is approved for disability retirement
99 in accordance with s. 121.091(4). The department or state board



171224

100 may require other evidence of termination as it deems necessary.

101 (b) "Termination" for a member electing to participate in
102 ~~under~~ the Deferred Retirement Option Program occurs when the
103 ~~Deferred Retirement Option~~ program participant ceases all
104 employment relationships with an employer ~~employers under this~~
105 ~~system~~ in accordance with s. 121.091(13), however: but

106 1. For termination dates occurring before July 1, 2010, if
107 ~~in the event the Deferred Retirement Option Program~~ participant
108 is ~~should be~~ employed by any such employer within the next
109 calendar month, termination will be deemed not to have occurred,
110 except as provided in s. 121.091(13)(b)4.c. A leave of absence
111 shall constitute a continuation of the employment relationship.

112 2. For termination dates occurring on or after July 1,
113 2010, if the participant becomes employed by any such employer
114 within the next 6 calendar months, termination will be deemed
115 not to have occurred, except as provided in s.
116 121.091(13)(b)4.c. A leave of absence constitutes a continuation
117 of the employment relationship.

118 (52) "Regularly established position" means ~~is defined as~~
119 ~~follows:~~

120 (a) With respect to ~~In~~ a state employer agency, ~~the term~~
121 ~~means~~ a position that ~~which~~ is authorized and established
122 pursuant to law and is compensated from a salaries and benefits
123 appropriation pursuant to s. 216.011(1)(mm) ~~(dd)~~, or an
124 established position that ~~which~~ is authorized pursuant to s.
125 216.262(1)(a) and (b) and is compensated from a salaries account
126 as provided in s. 216.011(1)(nn) ~~by rule.~~

127 (b) With respect to ~~In~~ a local agency employer agency
128 (district school board, county agency, community college,



171224

129 municipality ~~city~~, metropolitan planning organization, charter
130 school, charter technical career center, or special district),
131 ~~the term means~~ a regularly established position that ~~which~~ will
132 be in existence for a period beyond 6 consecutive months, except
133 as provided by rule.

134 (53) "Temporary position" means ~~is defined as follows~~:

135 (a) With respect to ~~In~~ a state employer agency, a ~~the term~~
136 ~~means an employment position that which~~ is compensated from an
137 other personal services (OPS) account, ~~as provided for~~ in s.
138 216.011(1) (dd).

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

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

145 (64) "Trustees" means the Board of Trustees of the State
146 Board of Administration.

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

149 121.031 Administration of system; appropriation; oaths;
150 actuarial studies; public records.—

151 (6) Unless prior written approval is obtained from the
152 department or state board, any promotional materials or
153 advertisements that, directly or indirectly, refer to the
154 "Florida Retirement System" or the "FRS" must contain a
155 disclaimer that the information is not approved or endorsed by
156 the Florida Retirement System.

157 Section 3. Paragraph (a) of subsection (1) and paragraphs



171224

158 (c) and (f) of subsection (2) of section 121.051, Florida
159 Statutes, are amended to read:

160 121.051 Participation in the system.—

161 (1) COMPULSORY PARTICIPATION.—

162 (a) Participation in the Florida Retirement System is The
163 ~~provisions of this law shall be~~ compulsory for ~~as to~~ all
164 officers and employees, except elected officers who meet the
165 requirements of s. 121.052(3), who are employed on or after
166 December 1, 1970, by ~~of~~ an employer other than those referred to
167 in paragraph (2) (b) ., ~~and~~ Each officer or employee, as a
168 condition of employment, becomes ~~shall become~~ a member of the
169 system on the ~~as of his or her~~ date of employment, except that a
170 person who is retired from any state retirement system and is
171 reemployed on or after December 1, 1970, may not renew his or
172 her membership in any state retirement system except as provided
173 in s. 121.091(4) (h) for a person who recovers from disability,
174 ~~and~~ as provided in s. 121.053 ~~s. 121.091(9) (b) 8.~~ for a person
175 who is elected to public office, and, effective July 1, 1991, as
176 provided in s. 121.122 for all other retirees.

177 1. Officers and employees of the University Athletic
178 Association, Inc., a nonprofit association connected with the
179 University of Florida, employed on and after July 1, 1979, may
180 ~~shall~~ not participate in any state-supported retirement system.

181 2.1. Any person appointed on or after July 1, 1989, to a
182 faculty position in a college at the J. Hillis Miller Health
183 Center at the University of Florida or the Medical Center at the
184 University of South Florida which has a faculty practice plan
185 adopted ~~provided~~ by rule ~~adopted~~ by the Board of Regents may not
186 participate in the Florida Retirement System. Effective July 1,



171224

187 2008, any person appointed ~~thereafter~~ to a faculty position,
188 including clinical faculty, in a college at a state university
189 that has a faculty practice plan authorized by the Board of
190 Governors may not participate in the Florida Retirement System.
191 A faculty member so appointed shall participate in the optional
192 retirement program for the State University System
193 notwithstanding ~~the provisions of~~ s. 121.35(2) (a).

194 ~~2.~~ For purposes of this subparagraph ~~paragraph~~, the term:

195 a. "Faculty position" means ~~is defined as~~ a position
196 assigned the principal responsibility of teaching, research, or
197 public service activities or administrative responsibility
198 directly related to the academic mission of the college. ~~The~~
199 ~~term~~

200 b. "Clinical faculty" means ~~is defined as~~ a faculty
201 position appointment in conjunction with a professional position
202 in a hospital or other clinical environment at a college. ~~The~~
203 ~~term~~

204 c. "Faculty practice plan" includes professional services
205 to patients, institutions, or other parties which are rendered
206 by the clinical faculty employed by a college that has a faculty
207 practice plan at a state university authorized by the Board of
208 Governors.

209 (2) OPTIONAL PARTICIPATION.—

210 (c) Employees of public community colleges or charter
211 technical career centers sponsored by public community colleges,
212 ~~as~~ designated in s. 1000.21(3), who are members of the Regular
213 Class of the Florida Retirement System and who comply with the
214 criteria set forth in this paragraph and ~~in~~ s. 1012.875 may
215 ~~elect~~, in lieu of participating in the Florida Retirement



171224

216 System, elect to withdraw from the ~~Florida Retirement~~ system
217 altogether and participate in the State Community College System
218 ~~an~~ Optional Retirement Program provided by the employing agency
219 under s. 1012.875, ~~to be known as the State Community College~~
220 ~~System Optional Retirement Program. Pursuant thereto:~~

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

237 2. The decision to participate in ~~such~~ an optional
238 retirement program is ~~shall be~~ irrevocable ~~for~~ as long as the
239 employee holds a position eligible for participation, except as
240 provided in subparagraph 3. Any service creditable under the
241 Florida Retirement System is ~~shall be~~ retained after the member
242 withdraws from the ~~Florida Retirement~~ system; however,
243 additional service credit in the ~~Florida Retirement~~ system may
244 ~~shall~~ not be earned while a member of the optional retirement



171224

245 program.

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

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

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

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



171224

274 ~~shall~~ include any service already maintained under the defined
275 benefit plan in addition to the years under the State Community
276 College System Optional Retirement Program. The present value of
277 any service already maintained must ~~under the defined benefit~~
278 ~~plan shall~~ be applied as a credit to total cost resulting from
279 the calculation. The division shall ensure that the transfer sum
280 is prepared using a formula and methodology certified by an
281 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 the ~~that~~ employee's accumulated benefit
286 obligation immediately following the time of such movement,
287 determined assuming that attained service equals the sum of
288 service in the defined benefit program and service in the State
289 Community College System Optional Retirement Program.

290 4. Participation in the optional retirement program is
291 ~~shall 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
302 Institutional Management, if a community college determines that



171224

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. Participants in the program are subject to the same
316 reemployment limitations, renewed membership provisions, and
317 forfeiture provisions as are applicable to regular members of
318 the Florida Retirement System under ss. 121.091(9), 121.122, and
319 121.091(5), respectively. A participant who receives a program
320 distribution funded by employer contributions shall be deemed to
321 be retired from a state-administered retirement system if the
322 participant is subsequently employed with an employer that
323 participates in the Florida Retirement System.
324 6. Eligible community college employees are ~~shall be~~
325 compulsory members of the Florida Retirement System until,
326 pursuant to ~~the procedures set forth in~~ s. 1012.875, a written
327 election to withdraw from the ~~Florida Retirement~~ system and ~~to~~
328 participate in the State Community College System Optional
329 Retirement Program is filed with the program administrator and
330 received by the division.
331 a. A ~~Any~~ community college employee whose program



171224

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

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

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



171224

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

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

389 2. If ~~When~~ the agency to which a member's employing unit is



171224

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

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

402 121.052 Membership class of elected officers.—

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

408 (f) Any elected officer of a municipality or special
409 district assuming office on or after July 1, 1997, through June
410 30, 2009, as provided in paragraph (3) (e). On or after January
411 1, 2010, an elected officer shall become a member only if the
412 governing body of the municipality or special district, at the
413 time it joins the Florida Retirement System for its elected
414 officers, elects, by majority vote, to include all its elected
415 positions in the Elected Officers' Class.

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



171224

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

423 (e) ~~Effective July 1, 2001,~~ The governing body of a
424 municipality or special district may, by majority vote, elect to
425 designate all its elected positions for inclusion in the Elected
426 Officers' Class as follows.

427 1. Effective July 1, 1997, such election must be made
428 between July 1, 1997, and December 31, 1997, and is irrevocable.
429 The designation of such positions is effective the first day of
430 the month following receipt by the department of the ordinance
431 or resolution passed by the governing body.

432 2. Effective July 1, 2001, such election ~~must~~ shall be made
433 between July 1, 2001, and December 31, 2001, and ~~is~~ shall be
434 irrevocable. The designation of such positions ~~is~~ shall be
435 effective the first day of the month following receipt by the
436 department of the ordinance or resolution passed by the
437 governing body.

438 3. Effective July 1, 2009, such election must be made
439 between July 1, 2009, and December 31, 2009, and is irrevocable.
440 The designation of such positions is effective the first day of
441 the month following receipt by the department of the ordinance
442 or resolution passed by the governing body.

443 Section 5. Section 121.053, Florida Statutes, is amended to
444 read:

445 121.053 Participation in the Elected Officers' Class for
446 retired members.—

447 (1) ~~(a)~~ A Any member who retired under an ~~any~~ existing



171224

448 system as defined in s. 121.021(2), and receives a retirement
449 benefit ~~thereof~~, and who subsequently serves in an office
450 covered by the Elected Officers' Class for a period of at least
451 6 years, is ~~shall be~~ entitled to receive an additional
452 retirement benefit for ~~such~~ elected officer service completed
453 before ~~prior to~~ July 1, 1990, under the Elected Officers' Class
454 of the Florida Retirement System, as follows:

455 (a)1. Upon completion of 6 or more years of creditable
456 service in an office covered by the Elected Officers' Class, ~~s.~~
457 ~~121.052,~~ such member shall notify the administrator of his or
458 her intent to purchase elected officer service completed before
459 ~~prior to~~ July 1, 1990, and shall pay the member contribution
460 applicable for the period being claimed, plus 4 percent interest
461 compounded annually from the first year of service claimed until
462 July 1, 1975, and 6.5 percent interest compounded annually
463 thereafter, until full payment is made to the Florida Retirement
464 System Trust Fund; however, such member may purchase retirement
465 credit under the Elected Officers' Class only for ~~such~~ service
466 as an elected officer.

467 (b)2. Upon payment of the amount specified in paragraph (a)
468 ~~subparagraph 1.~~, the employer shall pay into the Florida
469 Retirement System Trust Fund the applicable employer
470 contribution for the period of elected officer service completed
471 before ~~prior to~~ July 1, 1990, ~~being claimed by the member,~~ plus
472 4 percent interest compounded annually from the first year of
473 service claimed until July 1, 1975, and 6.5 percent interest
474 compounded annually thereafter, until full payment is made to
475 the Florida Retirement System Trust Fund.

476 (2)(b) A Any retired member of the Florida Retirement



171224

477 System, or an ~~any~~ existing system as defined in s. 121.021~~(2)~~,
478 who, beginning ~~on or after~~ July 1, 1990, through June 30, 2010,
479 serves in ~~is serving in, or is elected or appointed to,~~ an
480 elective office covered by the Elected Officers' Class shall be
481 enrolled in the appropriate subclass of the Elected Officers'
482 Class of the Florida Retirement System, and applicable
483 contributions shall be paid into the Florida Retirement System
484 Trust Fund as provided in s. 121.052(7). ~~Pursuant thereto:~~

485 (a)1. ~~The~~ Any ~~such~~ ~~retired~~ member may ~~shall be eligible to~~
486 continue to receive retirement benefits as well as compensation
487 for the elected officer service if ~~for as long as~~ he or she
488 remains in an elective office covered by the Elected Officers'
489 Class.

490 (b)2. If the ~~any~~ ~~such~~ member serves in an elective office
491 covered by the Elected Officers' Class and becomes vested under
492 that class, he or she is ~~shall be~~ entitled to receive an
493 additional retirement benefit for the ~~such~~ elected officer
494 service.

495 (c)3. ~~The~~ Such member is ~~shall be~~ entitled to purchase
496 additional retirement credit in the Elected Officers' Class for
497 any postretirement service performed in an elected position
498 eligible for the Elected Officers' Class before ~~prior to~~ July 1,
499 1990, or in the Regular Class for any postretirement service
500 performed in any other regularly established position before
501 ~~prior to~~ July 1, 1991, by paying the applicable Elected
502 Officers' Class or Regular Class employee and employer
503 contributions for the period being claimed, plus 4 percent
504 interest compounded annually from the first year of service
505 claimed until July 1, 1975, and 6.5 percent interest compounded



171224

506 thereafter, until full payment is made to the Florida Retirement
507 System Trust Fund. The contribution for postretirement Regular
508 Class service between July 1, 1985, and July 1, 1991, for which
509 the reemployed retiree contribution was paid, is ~~shall be~~ the
510 difference between the ~~such~~ contribution and the total
511 applicable contribution for the period being claimed, plus
512 interest. The employer ~~of such member~~ may pay the applicable
513 employer contribution in lieu of the member. If a member does
514 not wish to claim credit for all of the postretirement service
515 for which he or she is eligible, the service the member claims
516 must be the most recent service. Any retiree who served in an
517 elective office before July 1, 1990, suspended his or her
518 retirement benefits, and had his or her Florida Retirement
519 System membership reinstated shall, upon retirement from such
520 office, have his or her retirement benefit recalculated to
521 include the additional service and compensation earned.

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

530 ~~5. An elected officer who is elected or appointed to an~~
531 ~~elective office and is participating in the Deferred Retirement~~
532 ~~Option Program is not subject to termination as provided in s.~~
533 ~~121.021(39)(b), or reemployment limitations as provided in s.~~
534 ~~121.091(9), until the end of his or her current term of office~~



171224

535 ~~or, if the officer is consecutively elected or reelected to an~~
536 ~~elective office eligible for coverage under the Florida~~
537 ~~Retirement System, until he or she no longer holds such an~~
538 ~~elective office, as follows:~~

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

540 ~~(I) The officer's DROP account shall accrue no additional~~
541 ~~monthly benefits, but shall continue to earn interest as~~
542 ~~provided in s. 121.091(13).~~

543 ~~(II) No Retirement contributions shall be required of the~~
544 ~~employer of the elected officer and no additional retirement~~
545 ~~credit shall be earned under the Florida Retirement System.~~

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

556 ~~e. Upon termination, the officer shall receive his or her~~
557 ~~accumulated DROP account, plus interest, and shall accrue and~~
558 ~~commence receiving monthly retirement benefits, which shall be~~
559 ~~paid on a prospective basis only.~~

560
561 However, an officer electing to participate in the Deferred
562 Retirement Option Program on or before June 30, 2002, is shall
563 not ~~be~~ required to terminate and remains shall remain subject to



171224

564 the provisions of this paragraph ~~subparagraph~~ as adopted in
565 section 1 of chapter 2001-235, Laws of Florida.

566 (3) On or after July 1, 2010:

567 (a) A retiree of a state-administered retirement system who
568 is elected or appointed for the first time to an elective office
569 in a regularly established position with a covered employer may
570 not reenroll in the Florida Retirement System.

571 (b) An elected officer who is elected or appointed to an
572 elective office and is participating in the Deferred Retirement
573 Option Program is subject to termination as defined in s.
574 121.021 upon completion of his or her DROP participation period.
575 An elected official may defer termination as provided in
576 paragraph (2) (e).

577 (4) ~~(2)~~ Upon attaining his or her normal retirement date and
578 payment of the amount specified in paragraphs (1) (a) and (b),
579 and upon application to the administrator of the intent to
580 retire, a the member qualifying under subsection (1) or
581 subsection (2) shall receive a monthly benefit under this
582 section, in addition to any benefits already being received,
583 which shall commence on the last day of the month of retirement
584 and be payable on the last day of the month thereafter during
585 his or her lifetime. The amount of the such monthly benefit is
586 ~~shall be~~ the total percentage of retirement credit purchased
587 under this section multiplied by the member's average monthly
588 compensation as an elected officer, adjusted according to the
589 option selected at retirement under s. 121.091(6).

590 (5) ~~(3)~~ Any renewed member, as described in subsection (1)
591 or subsection (2), who is not receiving the maximum health
592 insurance subsidy provided in s. 112.363 is ~~shall be~~ entitled to



171224

593 earn additional credit toward the maximum health insurance
594 subsidy. Any additional subsidy due because of such additional
595 credit may ~~shall~~ be received only at the time of payment of the
596 second career retirement benefit. ~~In no case shall~~ The total
597 health insurance subsidy received ~~by a retiree receiving~~
598 ~~benefits~~ from initial and renewed membership may not exceed the
599 maximum allowed in s. 112.363.

600 (6) ~~(4)~~ A ~~No~~ retired judge consenting to temporary duty in
601 any court, as assigned by the Chief Justice of the Supreme Court
602 in accordance with s. 2, Art. V of the State Constitution, is
603 not ~~shall be~~ subject to the renewed membership provisions of
604 this section.

605 (7) A member who is elected or appointed to an elective
606 office and who is participating in the Deferred Retirement
607 Option Program is not subject to termination as defined in s.
608 121.021, or reemployment limitations as provided in s.
609 121.091(9), until the end of his or her current term of office
610 or, if the officer is consecutively elected or reelected to an
611 elective office eligible for coverage under the Florida
612 Retirement System, until he or she no longer holds an elective
613 office, as follows:

614 (a) At the end of the 60-month DROP period:

615 1. The officer's DROP account may not accrue additional
616 monthly benefits, but does continue to earn interest as provided
617 in s. 121.091(13). However, an officer whose DROP participation
618 begins on or after July 1, 2010, may not continue to earn such
619 interest.

620 2. Retirement contributions are not required of the
621 employer of the elected officer and additional retirement credit



171224

622 may not be earned under the Florida Retirement System.

623 (b) An elected officer may voluntarily terminate his or her
624 elective office at any time and receive his or her DROP
625 proceeds. However, until termination occurs, an elected officer
626 whose termination limitations are extended by this section is
627 ineligible for renewed membership in the system and may not
628 receive pension payments, DROP lump sum payments, or any other
629 state payment other than the statutorily determined salary,
630 travel, and per diem for the elective office.

631 (c) Upon termination, the officer shall receive his or her
632 accumulated DROP account, plus interest, and shall accrue and
633 commence receiving monthly retirement benefits, which must be
634 paid on a prospective basis only.

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

638 121.055 Senior Management Service Class.—There is hereby
639 established a separate class of membership within the Florida
640 Retirement System to be known as the "Senior Management Service
641 Class," which shall become effective February 1, 1987.

642 (1)

643 (f) Effective July 1, 1997:

644 1. Except as provided in subparagraph 3., an any elected
645 state officer eligible for membership in the Elected Officers'
646 Class under s. 121.052(2)(a), (b), or (c) who elects membership
647 in the Senior Management Service Class under s. 121.052(3)(c)
648 may, within 6 months after assuming office or within 6 months
649 after this act becomes a law for serving elected state officers,
650 elect to participate in the Senior Management Service Optional



171224

651 Annuity Program, as provided in subsection (6), in lieu of
652 membership in the Senior Management Service Class.

653 2. Except as provided in subparagraph 3., an any elected
654 county officer of a local agency employer eligible for
655 membership in the Elected Officers' Class under s. 121.052(2)(d)
656 who elects membership in the Senior Management Service Class
657 under s. 121.052(3)(c) may, within 6 months after assuming
658 office, or within 6 months after this act becomes a law for
659 serving elected ~~county~~ officers of a local agency employer,
660 elect to withdraw from the Florida Retirement System ~~participate~~
661 ~~in a lifetime monthly annuity program,~~ as provided in
662 subparagraph (b)2., in lieu of membership in the Senior
663 Management Service Class.

664 3. A retiree of a state-administered retirement system who
665 is initially reemployed on or after July 1, 2010, as an elected
666 official eligible for the Elected Officers' Class may not renew
667 membership in the Senior Management Service Class or in the
668 Senior Management Service Optional Annuity Program as provided
669 in subsection (6), and may not withdraw from the Florida
670 Retirement System as a renewed member as provided in
671 subparagraph (b)2., as applicable, in lieu of membership in the
672 Senior Management Service Class.

673 (6)

674 (c) Participation.—

675 1. An any eligible employee who is employed on or before
676 February 1, 1987, may elect to participate in the optional
677 annuity program in lieu of participation in the Senior
678 Management Service Class. Such election must ~~shall~~ be made in
679 writing and filed with the department and the personnel officer



171224

680 of the employer on or before May 1, 1987. An ~~Any~~ eligible
681 employee who is employed on or before February 1, 1987, and who
682 fails to make an election to participate in the optional annuity
683 program by May 1, 1987, shall be deemed to have elected
684 membership in the Senior Management Service Class.

685 2. Except as provided in subparagraph 6., an ~~Any~~ employee
686 who becomes eligible to participate in the optional annuity
687 program by reason of initial employment commencing after
688 February 1, 1987, may, within 90 days after the date of
689 commencing ~~commencement of~~ employment, elect to participate in
690 the optional annuity program. Such election must ~~shall~~ be made
691 in writing and filed with the personnel officer of the employer.
692 An ~~Any~~ eligible employee who does not within 90 days after
693 commencing ~~commencement of such~~ employment elect to participate
694 in the optional annuity program shall be deemed to have elected
695 membership in the Senior Management Service Class.

696 3. A person who is appointed to a position in the Senior
697 Management Service Class and who is a member of an existing
698 retirement system or the Special Risk or Special Risk
699 Administrative Support Classes of the Florida Retirement System
700 may elect to remain in such system or class in lieu of
701 participation in the Senior Management Service Class or optional
702 annuity program. Such election must ~~shall~~ be made in writing and
703 filed with the department and the personnel officer of the
704 employer within 90 days of such appointment. Any eligible
705 employee who fails to make an election to participate in the
706 existing system, the Special Risk Class of the Florida
707 Retirement System, the Special Risk Administrative Support Class
708 of the Florida Retirement System, or the optional annuity



171224

709 program shall be deemed to have elected membership in the Senior
710 Management Service Class.

711 4. Except as provided in subparagraph 5., an employee's
712 election to participate in the optional annuity program is
713 irrevocable if the ~~as long as such~~ employee continues to be
714 employed in an eligible position and continues to meet the
715 eligibility requirements set forth in this paragraph.

716 5. Effective from July 1, 2002, through September 30, 2002,
717 any active employee in a regularly established position who has
718 elected to participate in the Senior Management Service Optional
719 Annuity Program has one opportunity to choose to move from the
720 Senior Management Service Optional Annuity Program to the
721 Florida Retirement System defined benefit program.

722 a. The election must be made in writing and must be filed
723 with the department and the personnel officer of the employer
724 before October 1, 2002, or, in the case of an active employee
725 who is on a leave of absence on July 1, 2002, within 90 days
726 after the conclusion of the leave of absence. This election is
727 irrevocable.

728 b. The employee shall ~~will~~ receive service credit under the
729 defined benefit program of the Florida Retirement System equal
730 to his or her years of service under the Senior Management
731 Service Optional Annuity Program. The cost for such credit is
732 the ~~shall be an~~ amount representing the present value of that
733 employee's accumulated benefit obligation for the affected
734 period of service.

735 c. The employee must transfer the total accumulated
736 employer contributions and earnings on deposit in his or her
737 Senior Management Service Optional Annuity Program account. If



171224

738 the transferred amount is not sufficient to pay the amount due,
739 the employee must pay a sum representing the remainder of the
740 amount due. ~~In no case may~~ The employee may not retain any
741 employer contributions or earnings thereon from the Senior
742 Management Service Optional Annuity Program account.

743 6. A retiree of a state-administered retirement system who
744 is initially reemployed on or after July 1, 2010, may not renew
745 membership in the Senior Management Service Optional Annuity
746 Program.

747 (e) Benefits.-

748 1. Benefits ~~shall be payable~~ under the Senior Management
749 Service Optional Annuity Program are payable only to
750 participants in the program, or their beneficiaries as
751 designated by the participant in the contract with the a
752 provider company, and must ~~such benefits shall~~ be paid by the
753 designated company in accordance with the terms of the annuity
754 contract ~~or contracts~~ applicable to the participant. A
755 participant must be terminated from all employment relationships
756 with ~~all~~ Florida Retirement System employers as provided in s.
757 121.021(39) to begin receiving the employer-funded benefit.
758 Benefits funded by employer contributions are ~~shall be~~ payable
759 under the terms of the contract ~~only as a lifetime annuity to~~
760 the participant, his or her beneficiary, or his or her estate,
761 in addition to ~~except for~~:

762 a. A lump-sum payment to the beneficiary upon the death of
763 the participant;

764 b. A cash-out of a de minimis account upon the request of a
765 former participant who has been terminated for a minimum of 6
766 calendar months from the employment that entitled him or her to



171224

767 optional annuity program participation. ~~A de minimis account is~~
768 ~~an account with a provider company containing employer~~
769 ~~contributions and accumulated earnings of not more than \$5,000~~
770 ~~made under the provisions of this chapter.~~ Such cash-out must be
771 a complete liquidation of the account balance with that company
772 and is subject to ~~the provisions of~~ the Internal Revenue Code;
773 ~~or~~

774 c. A mandatory distribution of a de minimis account of a
775 former participant who has been terminated for a minimum of 6
776 calendar months from the employment that entitled him or her to
777 optional annuity program participation as authorized by the
778 department; or

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

784 2. The benefits payable to any person under the Senior
785 Management Service Optional Annuity Program, and any
786 contribution accumulated under such program, are ~~shall~~ not be
787 subject to assignment, execution, or attachment or to any legal
788 process whatsoever.

789 3. Except as provided in subparagraph 4., a participant who
790 terminates employment and receives a distribution, including a
791 rollover or trustee-to-trustee transfer, ~~optional annuity~~
792 ~~program benefits~~ funded by employer contributions shall be
793 deemed to be retired from a state-administered retirement system
794 if the participant is subsequently employed with an ~~in the event~~
795 ~~of subsequent employment with any~~ employer that participates in



171224

796 the Florida Retirement System.

797 4. A participant who receives optional annuity program
798 benefits funded by employer contributions as a mandatory
799 distribution of a de minimis account authorized by the
800 department is not considered a retiree.

801
802 As used in this paragraph, a "de minimis account" means an
803 account with a provider company containing employer
804 contributions and accumulated earnings of not more than \$5,000
805 made under this chapter.

806 Section 7. Paragraph (a) of subsection (6) of section
807 121.071, Florida Statutes, is amended to read:

808 121.071 Contributions.—Contributions to the system shall be
809 made as follows:

810 (6) (a) Required employee contributions for all service
811 other than current service, including, but not limited to, prior
812 service, past service, military service, leave-of-absence
813 service, out-of-state service, and certain non-Florida
814 Retirement System in-state service, shall be paid by cash,
815 personal check, cashier's check, ~~or~~ money order, or a direct
816 rollover or transfer from a qualified plan as provided under the
817 Internal Revenue Code. The payment must ~~only;~~ ~~shall~~ be
818 accompanied by a statement identifying the service for which
819 payment is made; and shall be made in a lump sum for the total
820 amount due or in annual payments of not less than \$100, except
821 for the final payment if less than \$100, unless another method
822 of payment is authorized by law or rule.

823 Section 8. Paragraphs (a), (b), (e), (f), and (h) of
824 subsection (1) of section 121.081, Florida Statutes, are amended



171224

825 to read:

826 121.081 Past service; prior service; contributions.—
827 Conditions under which past service or prior service may be
828 claimed and credited are:

829 (1) (a) Past service, as defined in s. 121.021(18), may be
830 claimed as creditable service by officers or employees of a
831 municipality city, metropolitan planning organization, charter
832 school, charter technical career center, or special district who
833 ~~that~~ become a covered group under this system. The governing
834 body of a covered group in compliance with s. 121.051(2) (b) may
835 elect to provide benefits for ~~with respect to~~ past service
836 earned before ~~prior to~~ January 1, 1975, in accordance with this
837 chapter, and the cost for such past service is ~~shall be~~
838 established by applying the following formula: The member
839 contribution for both regular and special risk members is ~~shall~~
840 ~~be~~ 4 percent of the gross annual salary for each year of past
841 service claimed, plus 4-percent employer matching contribution,
842 plus 4-percent interest thereon compounded annually, figured on
843 each year of past service, with interest compounded from date of
844 annual salary earned until July 1, 1975, and 6.5-percent
845 interest compounded annually thereafter until date of payment.
846 Once the total cost for a member has been figured to date, then
847 after July 1, 1975, 6.5-percent compounded interest shall be
848 added each June 30 thereafter on any unpaid balance until the
849 cost of such past service liability is paid in full. The
850 following formula shall be used in calculating past service
851 earned before ~~prior to~~ January 1, 1975: (Annual gross salary
852 multiplied by 8 percent) multiplied by the 4-percent or 6.5-
853 percent compound interest table factor, as may be applicable.



171224

854 The resulting product equals cost to date for each particular
855 year of past service.

856 (b) Past service earned after January 1, 1975, may be
857 claimed by officers or employees of a municipality ~~city~~,
858 metropolitan planning organization, charter school, charter
859 technical career center, or special district who become ~~that~~
860 ~~becomes~~ a covered group under this system. The governing body of
861 a covered group may elect to provide benefits for ~~with respect~~
862 to past service earned after January 1, 1975, in accordance with
863 this chapter, and the cost for such past service is ~~shall be~~
864 established by applying the following formula: The employer
865 shall contribute an amount equal to the contribution rate in
866 effect at the time the service was earned, multiplied by the
867 employee's gross salary for each year of past service claimed,
868 plus 6.5-percent interest thereon, compounded annually, figured
869 on each year of past service, with interest compounded from date
870 of annual salary earned until date of payment.

871 (e) Past service, as defined in s. 121.021~~(18)~~, may be
872 claimed as creditable service by a member of the Florida
873 Retirement System who formerly was an officer or employee of a
874 municipality ~~city~~, metropolitan planning organization, charter
875 school, charter technical career center, or special district,
876 notwithstanding the status or form of the retirement system, if
877 any, of that municipality ~~city~~, metropolitan planning
878 organization, charter school, charter technical career center,
879 or special district and irrespective of whether such officers or
880 employees ~~of that city, metropolitan planning organization, or~~
881 ~~special district~~ now or hereafter become a covered group under
882 the Florida Retirement System. Such member may claim creditable



171224

883 service and be entitled to the benefits accruing to the regular
884 class of members as provided for the past service claimed under
885 this paragraph by paying into the retirement trust fund an
886 amount equal to the total actuarial cost of providing the
887 additional benefit resulting from such past-service credit,
888 discounted by the applicable actuarial factors to date of
889 retirement.

890 (f) ~~If~~ When any person, ~~either prior to this act or~~
891 ~~hereafter~~, becomes entitled to and participates ~~does participate~~
892 in one of the retirement systems under ~~consolidated within or~~
893 ~~created by~~ this chapter through the consolidation or merger of
894 governments or the transfer of functions between units of
895 government, ~~either~~ at the state or local level or between state
896 and local units, or through the assumption of functions or
897 activities by a state or local unit from an employing
898 governmental entity that ~~which~~ was not an employer under the
899 system, and such person becomes a member of the Florida
900 Retirement System, such person is ~~shall be~~ entitled to receive
901 past-service credit ~~as defined in s. 121.021(18)~~ for the time
902 the ~~such~~ person performed services for, and was an employee of,
903 such state or local unit or other governmental employing entity
904 before ~~prior to~~ the transfer, merger, consolidation, or
905 assumption of functions and activities. Past-service credit
906 allowed by this paragraph is ~~shall~~ also ~~be~~ available to any
907 person who becomes a member of an existing system before, ~~as~~
908 ~~defined in s. 121.021(2)~~, ~~prior to~~ December 1, 1970, through the
909 transfer, merger, consolidation, or assumption of functions and
910 activities set forth in this paragraph and who subsequently
911 becomes a member of the Florida Retirement System. However,



171224

912 credit for the past service may not be granted until
913 contributions are made in the manner provided in this
914 subsection. If a person rejected Florida Retirement System
915 membership at the time of the transfer, merger, ~~or~~
916 consolidation, or assumption of governmental functions and
917 activities, the required contributions shall be at total
918 actuarial cost as specified in paragraph (e). Such contributions
919 or accrued interest may not be paid from any public ~~state~~ funds.

920 (h) The following provisions apply to the purchase of past
921 service:

922 1. Notwithstanding any of the provisions of this
923 subsection, past-service credit may not be purchased under this
924 chapter for any service that is used to obtain a pension or
925 benefit from a ~~any~~ local retirement system. Eligibility to
926 receive or the receipt of contributions to a retirement plan
927 made by the employer on behalf of the employee is considered a
928 benefit.

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

934 3. A member may not receive past service credit for co-
935 employer service. Co-employer service or a co-employer
936 relationship is employment in a single position simultaneously
937 covered and reported by both a public employer and a private
938 employer.

939 ~~4.3.~~ If a member does not want ~~desire~~ to receive credit for
940 all of his or her past service, the period the member claims



171224

941 must be the most recent past service prior to his or her
942 participation in the Florida Retirement System.

943 ~~5.4.~~ The cost of past service purchased by an employing
944 agency for its employees may be amortized over the ~~such~~ period
945 of time ~~as is~~ provided in the agreement, but not to exceed 15
946 years, calculated in accordance with rule 60S-1.007(5)(f),
947 Florida Administrative Code.

948 ~~6.5.~~ The retirement account of each member for whom past
949 service is being provided by his or her employer shall be
950 credited with all past service the employer agrees to purchase
951 as soon as the agreement between the employer and the department
952 is executed. ~~Pursuant thereto:~~

953 a. Each ~~such~~ member's account shall also be posted with the
954 total contribution his or her employer agrees to make on ~~in~~ the
955 member's behalf for past service earned before ~~prior to~~ October
956 1, 1975, excluding those contributions representing the
957 employer's matching share and the compound interest calculation
958 on the total contribution. However, a portion of any
959 contributions paid by an employer for past service credit earned
960 on and after October 1, 1975, may not be posted to the ~~a~~
961 member's account.

962 b. A refund of contributions payable after an employer has
963 made a written agreement to purchase past service for employees
964 of the covered group includes ~~shall include~~ contributions for
965 past service which are posted to the ~~a~~ member's account.
966 However, contributions for past service earned on and after
967 October 1, 1975, are not refundable.

968 Section 9. Subsections (9), (13), and (14) of section
969 121.091, Florida Statutes, are amended to read:



171224

970 121.091 Benefits payable under the system.—Benefits may not
971 be paid under this section unless the member has terminated
972 employment as provided in s. 121.021(39) (a) or begun
973 participation in the Deferred Retirement Option Program as
974 provided in subsection (13), and a proper application has been
975 filed in the manner prescribed by the department. The department
976 may cancel an application for retirement benefits when the
977 member or beneficiary fails to timely provide the information
978 and documents required by this chapter and the department's
979 rules. The department shall adopt rules establishing procedures
980 for application for retirement benefits and for the cancellation
981 of such application when the required information or documents
982 are not received.

983 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

984 (a) Any person who is retired under this chapter, except
985 under the disability retirement provisions of subsection (4),
986 may be employed by an employer that does not participate in a
987 state-administered retirement system and ~~may~~ receive
988 compensation from that employment without limiting or
989 restricting in any way the retirement benefits payable to that
990 person.

991 (b) ~~1~~. Any person whose retirement is effective before July
992 1, 2010, or whose participation in the Deferred Retirement
993 Option Program terminates before July 1, 2010, ~~who is retired~~
994 under this chapter, except under the disability retirement
995 provisions of subsection (4) or as provided in s. 121.053, may
996 be reemployed by an any private or public employer that
997 participates in a state-administered retirement system after
998 ~~retirement~~ and receive retirement benefits and compensation from



171224

999 ~~that his or her employer without any limitations, except that~~
1000 ~~the a person may not be reemployed by an employer receive both a~~
1001 ~~salary from reemployment with any agency participating in the~~
1002 ~~Florida Retirement System before meeting the definition of~~
1003 ~~termination in s. 121.021 and may not receive both a salary from~~
1004 ~~the employer and retirement benefits under this chapter for a~~
1005 ~~period of 12 calendar months immediately subsequent to the date~~
1006 ~~of retirement. However, a DROP participant shall continue~~
1007 ~~employment and receive a salary during the period of~~
1008 ~~participation in the Deferred Retirement Option Program, as~~
1009 ~~provided in subsection (13).~~

1010 ~~1.2. A retiree Any person to whom the limitation in~~
1011 ~~subparagraph 1. applies who violates such reemployment~~
1012 ~~limitation and who is reemployed with any agency participating~~
1013 ~~in the Florida Retirement System before completion of the 12-~~
1014 ~~month limitation period must shall give timely notice of this~~
1015 ~~fact in writing to the employer and to the Division of~~
1016 ~~Retirement or the state board and shall have his or her~~
1017 ~~retirement benefits suspended for the months employed or the~~
1018 ~~balance of the 12-month limitation period as required in sub-~~
1019 ~~subparagraphs b. and c. A retiree Any person employed in~~
1020 ~~violation of this paragraph and an employer who any employing~~
1021 ~~agency which knowingly employs or appoints such person are~~
1022 ~~without notifying the Division of Retirement to suspend~~
1023 ~~retirement benefits shall be jointly and severally liable for~~
1024 ~~reimbursement to the retirement trust fund, including the~~
1025 ~~Florida Retirement System Trust Fund and the Public employee~~
1026 ~~Optional Retirement Program Trust Fund, from which the benefits~~
1027 ~~were paid of any benefits paid during the reemployment~~



171224

1028 ~~limitation period. The employer must To avoid liability, such~~
1029 ~~employing agency shall~~ have a written statement from the retiree
1030 that he or she is not retired from a state-administered
1031 retirement system. ~~Any retirement benefits received while~~
1032 ~~reemployed during this reemployment limitation period shall be~~
1033 ~~repaid to the retirement trust fund, and Retirement benefits~~
1034 shall remain suspended until ~~such~~ repayment has been made.
1035 Benefits suspended beyond the reemployment limitation shall
1036 apply toward repayment of benefits received in violation of the
1037 reemployment limitation.

1038 ~~a.3.~~ A district school board may reemploy a retiree ~~retired~~
1039 ~~member~~ as a substitute or hourly teacher, education
1040 paraprofessional, transportation assistant, bus driver, or food
1041 service worker on a noncontractual basis after he or she has
1042 been retired for 1 calendar month, ~~in accordance with s.~~
1043 ~~121.021(39).~~ A district school board may reemploy a retiree
1044 ~~retired member~~ as instructional personnel, as defined in s.
1045 1012.01(2)(a), on an annual contractual basis after he or she
1046 has been retired for 1 calendar month, ~~in accordance with s.~~
1047 ~~121.021(39).~~ Any ~~other retired~~ member who is reemployed within 1
1048 calendar month after retirement shall void his or her
1049 application for retirement benefits. District school boards
1050 reemploying such teachers, education paraprofessionals,
1051 transportation assistants, bus drivers, or food service workers
1052 are subject to the retirement contribution required by
1053 subparagraph 2. 7.

1054 ~~b.4.~~ A community college board of trustees may reemploy a
1055 retiree ~~retired member~~ as an adjunct instructor, ~~that is, an~~
1056 ~~instructor who is noncontractual and part-time,~~ or as a



171224

1057 participant in a phased retirement program within the Florida
1058 Community College System, after he or she has been retired for 1
1059 calendar month, ~~in accordance with s. 121.021(39)~~. A Any retired
1060 member who is reemployed within 1 calendar month after
1061 retirement shall void his or her application for retirement
1062 benefits. Boards of trustees reemploying such instructors are
1063 subject to the retirement contribution required in subparagraph
1064 2. 7. ~~A retiree retired member~~ may be reemployed as an adjunct
1065 instructor for no more than 780 hours during the first 12 months
1066 of retirement. A retiree ~~Any retired member~~ reemployed for more
1067 than 780 hours during the first 12 months of retirement must
1068 ~~shall~~ give timely notice in writing to the employer and to the
1069 Division of Retirement or the state board of the date he or she
1070 will exceed the limitation. The division shall suspend his or
1071 her retirement benefits for the remainder of the ~~first~~ 12 months
1072 of retirement. Any retiree ~~person~~ employed in violation of this
1073 sub-subparagraph ~~subparagraph~~ and any employer who employing
1074 ~~agency which knowingly~~ employs or appoints such person without
1075 notifying the division ~~of Retirement~~ to suspend retirement
1076 benefits are ~~shall be~~ jointly and severally liable for
1077 ~~reimbursement to the retirement trust fund of~~ any benefits paid
1078 during the reemployment limitation period. The employer must ~~To~~
1079 ~~avoid liability, such employing agency shall~~ have a written
1080 statement from the retiree that he or she is not retired from a
1081 state-administered retirement system. Any retirement benefits
1082 received by the retiree ~~a retired member~~ while reemployed in
1083 excess of 780 hours during the first 12 months of retirement
1084 must ~~shall~~ be repaid to the Florida Retirement System Trust
1085 Fund, and retirement benefits shall remain suspended until



171224

1086 repayment is made. Benefits suspended beyond the end of the
1087 retiree's ~~retired member's~~ first 12 months of retirement shall
1088 apply toward repayment of benefits received in violation of the
1089 780-hour reemployment limitation.

1090 ~~c.5.~~ The State University System may reemploy a retiree
1091 ~~retired member~~ as an adjunct faculty member or as a participant
1092 in a phased retirement program within the State University
1093 System after the retiree ~~retired member~~ has been retired for 1
1094 calendar month, ~~in accordance with s. 121.021(39).~~ A Any retired
1095 member who is reemployed within 1 calendar month after
1096 retirement shall void his or her application for retirement
1097 benefits. The State University System is subject to the retired
1098 contribution required in subparagraph 2. 7., as appropriate. A
1099 retiree ~~retired member~~ may be reemployed as an adjunct faculty
1100 member or a participant in a phased retirement program for no
1101 more than 780 hours during the first 12 months of his or her
1102 retirement. A retiree ~~Any retired member~~ reemployed for more
1103 than 780 hours during the first 12 months of retirement must
1104 ~~shall~~ give timely notice in writing to the employer and to the
1105 Division of Retirement or the state board of the date he or she
1106 will exceed the limitation. The division shall suspend his or
1107 her retirement benefits for the remainder of the ~~first~~ 12 months
1108 ~~of retirement.~~ Any retiree ~~person~~ employed in violation of this
1109 sub-subparagraph ~~subparagraph~~ and any employer who ~~employing~~
1110 ~~agency which knowingly~~ employs or appoints such person without
1111 notifying the division ~~of Retirement~~ to suspend retirement
1112 benefits are ~~shall be~~ jointly and severally liable for
1113 ~~reimbursement to the retirement trust fund of any benefits paid~~
1114 during the reemployment limitation period. The employer must ~~To~~



171224

1115 ~~avoid liability, such employing agency shall~~ have a written
1116 statement from the retiree that he or she is not retired from a
1117 state-administered retirement system. Any retirement benefits
1118 received by the retiree ~~a retired member~~ while reemployed in
1119 excess of 780 hours during the first 12 months of retirement
1120 must ~~shall~~ be repaid to the Florida Retirement System Trust
1121 Fund, and retirement benefits shall remain suspended until
1122 repayment is made. Benefits suspended beyond the end of the
1123 retiree's ~~retired member's~~ first 12 months of retirement shall
1124 apply toward repayment of benefits received in violation of the
1125 780-hour reemployment limitation.

1126 d.6. The Board of Trustees of the Florida School for the
1127 Deaf and the Blind may reemploy a retiree ~~retired member~~ as a
1128 substitute teacher, substitute residential instructor, or
1129 substitute nurse on a noncontractual basis after he or she has
1130 been retired for 1 calendar month, ~~in accordance with s.~~
1131 ~~121.021(39).~~ Any ~~retired~~ member who is reemployed within 1
1132 calendar month after retirement shall void his or her
1133 application for retirement benefits. The Board of Trustees of
1134 the Florida School for the Deaf and the Blind reemploying such
1135 teachers, residential instructors, or nurses is subject to the
1136 retirement contribution required by subparagraph 2. 7.
1137 ~~Reemployment of a retired member as a substitute teacher,~~
1138 ~~substitute residential instructor, or substitute nurse is~~
1139 ~~limited to 780 hours during the first 12 months of his or her~~
1140 ~~retirement. Any retired member reemployed for more than 780~~
1141 ~~hours during the first 12 months of retirement shall give timely~~
1142 ~~notice in writing to the employer and to the division of the~~
1143 ~~date he or she will exceed the limitation. The division shall~~



171224

1144 ~~suspend his or her retirement benefits for the remainder of the~~
1145 ~~first 12 months of retirement. Any person employed in violation~~
1146 ~~of this subparagraph and any employing agency which knowingly~~
1147 ~~employs or appoints such person without notifying the division~~
1148 ~~of Retirement to suspend retirement benefits shall be jointly~~
1149 ~~and severally liable for reimbursement to the retirement trust~~
1150 ~~fund of any benefits paid during the reemployment limitation~~
1151 ~~period. To avoid liability, such employing agency shall have a~~
1152 ~~written statement from the retiree that he or she is not retired~~
1153 ~~from a state-administered retirement system. Any retirement~~
1154 ~~benefits received by a retired member while reemployed in excess~~
1155 ~~of 780 hours during the first 12 months of retirement shall be~~
1156 ~~repaid to the Retirement System Trust Fund, and his or her~~
1157 ~~retirement benefits shall remain suspended until payment is~~
1158 ~~made. Benefits suspended beyond the end of the retired member's~~
1159 ~~first 12 months of retirement shall apply toward repayment of~~
1160 ~~benefits received in violation of the 780-hour reemployment~~
1161 ~~limitation.~~

1162 e. A developmental research school may reemploy a retiree
1163 as a substitute or hourly teacher or an education
1164 paraprofessional as defined in s. 1012.01(2) on a noncontractual
1165 basis after he or she has been retired for 1 calendar month. A
1166 developmental research school may reemploy a retiree as
1167 instructional personnel, as defined in s. 1012.01(2)(a), on an
1168 annual contractual basis after he or she has been retired for 1
1169 calendar month after retirement. Any member who is reemployed
1170 within 1 calendar month voids his or her application for
1171 retirement benefits. A developmental research school that
1172 reemploys retired teachers and education paraprofessionals is



171224

1173 subject to the retirement contribution required by subparagraph
1174 2.

1175 f. A charter school may reemploy a retiree as a substitute
1176 or hourly teacher on a noncontractual basis after he or she has
1177 been retired for 1 calendar month. A charter school may reemploy
1178 a retired member as instructional personnel, as defined in s.
1179 1012.01(2) (a), on an annual contractual basis after he or she
1180 has been retired for 1 calendar month after retirement. Any
1181 member who is reemployed within 1 calendar month voids his or
1182 her application for retirement benefits. A charter school that
1183 reemploys such teachers is subject to the retirement
1184 contribution required by subparagraph 2.

1185 2.7. ~~The employment by an employer of a~~ a ~~any~~ retiree or
1186 DROP participant of ~~a any~~ state-administered retirement system
1187 ~~does not affect shall have no effect on~~ the average final
1188 compensation or years of creditable service of the retiree or
1189 DROP participant. ~~Before~~ Prior to July 1, 1991, upon employment
1190 of any person, other than an elected officer as provided in s.
1191 121.053, who ~~is has been~~ retired under ~~a any~~ state-administered
1192 retirement program, the employer shall pay retirement
1193 contributions in an amount equal to the unfunded actuarial
1194 liability portion of the employer contribution which would be
1195 required for regular members of the Florida Retirement System.
1196 Effective July 1, 1991, contributions shall be made as provided
1197 in s. 121.122 for retirees who have ~~with~~ renewed membership or,
1198 as provided in subsection (13), for ~~with respect to~~ DROP
1199 participants.

1200 ~~8. Any person who has previously retired and who is holding~~
1201 ~~an elective public office or an appointment to an elective~~



171224

1202 ~~public office eligible for the Elected Officers' Class on or~~
1203 ~~after July 1, 1990, shall be enrolled in the Florida Retirement~~
1204 ~~System as provided in s. 121.053(1)(b) or, if holding an~~
1205 ~~elective public office that does not qualify for the Elected~~
1206 ~~Officers' Class on or after July 1, 1991, shall be enrolled in~~
1207 ~~the Florida Retirement System as provided in s. 121.122, and~~
1208 ~~shall continue to receive retirement benefits as well as~~
1209 ~~compensation for the elected officer's service for as long as he~~
1210 ~~or she remains in elective office. However, any retired member~~
1211 ~~who served in an elective office prior to July 1, 1990,~~
1212 ~~suspended his or her retirement benefit, and had his or her~~
1213 ~~Florida Retirement System membership reinstated shall, upon~~
1214 ~~retirement from such office, have his or her retirement benefit~~
1215 ~~recalculated to include the additional service and compensation~~
1216 ~~earned.~~

1217 3.9. Any person who is holding an elective public office
1218 which is covered by the Florida Retirement System and who is
1219 concurrently employed in nonelected covered employment may elect
1220 to retire while continuing employment in the elective public
1221 office ~~if, provided that~~ he or she terminates ~~shall be required~~
1222 ~~to terminate~~ his or her nonelected covered employment. Such Any
1223 ~~person who exercises this election~~ shall receive his or her
1224 retirement benefits in addition to the compensation of the
1225 elective office without regard to the time limitations otherwise
1226 provided in this subsection. A ~~No~~ person who seeks to exercise
1227 the provisions of this subparagraph, as they ~~the same~~ existed
1228 before ~~prior to~~ May 3, 1984, may not be ~~shall be~~ deemed to be
1229 retired under those provisions, unless such person is eligible
1230 to retire under ~~the provisions of~~ this subparagraph, as amended



171224

1231 by chapter 84-11, Laws of Florida.

1232 ~~10. The limitations of this paragraph apply to reemployment~~
1233 ~~in any capacity with an "employer" as defined in s. 121.021(10),~~
1234 ~~irrespective of the category of funds from which the person is~~
1235 ~~compensated.~~

1236 ~~11. An employing agency may reemploy a retired member as a~~
1237 ~~firefighter or paramedic after the retired member has been~~
1238 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~
1239 ~~Any retired member who is reemployed within 1 calendar month~~
1240 ~~after retirement shall void his or her application for~~
1241 ~~retirement benefits. The employing agency reemploying such~~
1242 ~~firefighter or paramedic is subject to the retired contribution~~
1243 ~~required in subparagraph 8. Reemployment of a retired~~
1244 ~~firefighter or paramedic is limited to no more than 780 hours~~
1245 ~~during the first 12 months of his or her retirement. Any retired~~
1246 ~~member reemployed for more than 780 hours during the first 12~~
1247 ~~months of retirement shall give timely notice in writing to the~~
1248 ~~employer and to the division of the date he or she will exceed~~
1249 ~~the limitation. The division shall suspend his or her retirement~~
1250 ~~benefits for the remainder of the first 12 months of retirement.~~
1251 ~~Any person employed in violation of this subparagraph and any~~
1252 ~~employing agency which knowingly employs or appoints such person~~
1253 ~~without notifying the Division of Retirement to suspend~~
1254 ~~retirement benefits shall be jointly and severally liable for~~
1255 ~~reimbursement to the Retirement System Trust Fund of any~~
1256 ~~benefits paid during the reemployment limitation period. To~~
1257 ~~avoid liability, such employing agency shall have a written~~
1258 ~~statement from the retiree that he or she is not retired from a~~
1259 ~~state-administered retirement system. Any retirement benefits~~



171224

1260 ~~received by a retired member while reemployed in excess of 780~~
1261 ~~hours during the first 12 months of retirement shall be repaid~~
1262 ~~to the Retirement System Trust Fund, and retirement benefits~~
1263 ~~shall remain suspended until repayment is made. Benefits~~
1264 ~~suspended beyond the end of the retired member's first 12 months~~
1265 ~~of retirement shall apply toward repayment of benefits received~~
1266 ~~in violation of the 780-hour reemployment limitation.~~

1267 (c) Any person whose retirement is effective on or after
1268 July 1, 2010, or whose participation in the Deferred Retirement
1269 Option Program terminates on or after July 1, 2010, who is
1270 retired under this chapter, except under the disability
1271 retirement provisions of subsection (4) or as provided in s.
1272 121.053, may be reemployed by an employer that participates in a
1273 state-administered retirement system and receive retirement
1274 benefits and compensation from that employer. However, the a
1275 person may not be reemployed by an employer participating in the
1276 Florida Retirement System before meeting the definition of
1277 termination in s. 121.021 and may not receive both a salary from
1278 the employer and retirement benefits for 6 calendar months after
1279 meeting the definition of termination. However, a DROP
1280 participant shall continue employment and receive a salary
1281 during the period of participation in the Deferred Retirement
1282 Option Program, as provided in subsection (13).

1283 1. The reemployed retiree may not renew membership in the
1284 Florida Retirement System.

1285 2. The employer shall pay retirement contributions in an
1286 amount equal to the unfunded actuarial liability portion of the
1287 employer contribution that would be required for active members
1288 of the Florida Retirement System in addition to the



171224

1289 contributions required by s. 121.76.

1290 3. A retiree initially reemployed in violation of this
1291 paragraph and an employer that employs or appoints such person
1292 are jointly and severally liable for reimbursement of any
1293 retirement benefits paid to the retirement trust fund from which
1294 the benefits were paid, including the Florida Retirement System
1295 Trust Fund and the Public Employee Optional Retirement Program
1296 Trust Fund, as appropriate. The employer must have a written
1297 statement from the employee that he or she is not retired from a
1298 state-administered retirement system. Retirement benefits shall
1299 remain suspended until repayment is made. Benefits suspended
1300 beyond the end of the retiree's 6-month reemployment limitation
1301 period shall apply toward the repayment of benefits received in
1302 violation of this paragraph.

1303 (d) ~~(e)~~ The provisions of this subsection apply to retirees,
1304 as defined in s. 121.4501(2) ~~(j)~~, of the Public Employee Optional
1305 Retirement Program ~~created in part II~~, subject to the following
1306 conditions:

1307 1. ~~The~~ ~~Such~~ retirees may not be reemployed with an employer
1308 participating in the Florida Retirement System ~~as provided in~~
1309 ~~paragraph (b)~~ until such person has been retired for 6 3
1310 ~~calendar months, unless the participant has reached the normal~~
1311 ~~retirement requirements of the defined benefit plan as provided~~
1312 ~~in s. 121.021(29).~~

1313 2. ~~A~~ ~~Such~~ retiree employed in violation of this subsection
1314 and ~~an employer~~ ~~any employing agency~~ that ~~knowingly~~ employs or
1315 appoints such person are ~~shall be~~ jointly and severally liable
1316 for reimbursement of any benefits paid to the retirement trust
1317 fund from which the benefits were paid, including the Retirement



171224

1318 System Trust Fund and the Public Employee Optional Retirement
1319 Program Trust Fund, as appropriate. The employer ~~To avoid~~
1320 ~~liability, such employing agency~~ must have a written statement
1321 from the retiree that he or she is not retired from a state-
1322 administered retirement system.

1323 (e) The limitations of this subsection apply to reemployment in
1324 any capacity irrespective of the category of funds from which
1325 the person is compensated.

1326
1327 ===== T I T L E A M E N D M E N T =====

1328 And the title is amended as follows:

1329 Delete lines 3 - 50

1330 and insert:

1331 redefining the terms "employer," "officer or
1332 employee," "past service," "normal retirement date,"
1333 "termination," "regularly established position," and
1334 "temporary position"; defining the terms "state board"
1335 and "trustees"; amending s. 121.031, F.S.; requiring
1336 promotional materials that refer to the Florida
1337 Retirement System to include a disclaimer unless
1338 approval is obtained from the Department of Management
1339 Services or the State Board of Administration;
1340 amending s. 121.051, F.S.; conforming a cross-
1341 reference; clarifying when a State Community College
1342 System Optional Retirement Program participant is
1343 considered a retiree; revising provisions relating to
1344 participation in the Florida Retirement System by
1345 certain employers; excluding the participation of
1346 certain entities under a lease agreement; amending s.



171224

1347 121.052, F.S.; revising membership criteria for the
1348 Elected Officers' Class; revising when a governing
1349 body of a municipality or special district may elect
1350 to designate its elected positions for inclusion in
1351 the Elected Officers' Class; amending s. 121.053,
1352 F.S.; revising provisions relating to a retiree's
1353 participation in the Elected Officers' Class;
1354 providing that a retiree who is elected after a
1355 certain date may not reenroll in the Florida
1356 Retirement System and may not continue to earn
1357 interest on his or her DROP account after the end of
1358 the 60-month DROP period; amending s. 121.055, F.S.;
1359 providing that a retiree of that class who is
1360 reemployed as an elected official may not renew
1361 membership in the Senior Management Class or the
1362 Senior Management Annuity Program; revising provisions
1363 relating to de minimis accounts; amending s. 121.071,
1364 F.S.; providing an additional mechanism for the
1365 payment of employee contributions to the system;
1366 amending s. 121.081, F.S.; providing for receipt of
1367 credit for past or prior service by charter school and
1368 charter technical career center employees; prohibiting
1369 a member from receiving credit for service covered and
1370 reported by both a public employer and a private
1371 employer; amending s. 121.091, F.S.; revising and
1372 clarifying provisions relating to employment after
1373 retirement; authorizing developmental research schools
1374 and charter schools to reemploy certain retired
1375 members under specified conditions; providing that



171224

1376 retirees of a state-administered retirement system who
1377 retire after a certain date may not be reemployed by
1378 an employer participating in the Florida Retirement
1379 System for 6 months after terminating employment and
1380 may not renew membership in the Florida Retirement
1381 System; revising