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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: WD/2R	.	
04/30/2009 11:08 AM	.	
	.	

Senator Lawson moved the following:

Senate Amendment (with title amendment)

Delete lines 115 - 1387

and insert:

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



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13 s. 121.051(2)(d). Employers are not agents of the department,
14 the state board, or the Division of Retirement, and the
15 department, the state board, and the division are not
16 responsible for erroneous information provided by
17 representatives of employers.

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

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

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

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

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

41 2. The first day of the month following the date the member



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42 completes 30 years of creditable service, regardless of age,
43 ~~which may include a maximum of 4 years of military service~~
44 ~~credit as long as such credit is not claimed under any other~~
45 ~~system.~~

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

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

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

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

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

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

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

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

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

70 2. ~~Completes 30 years of any creditable service, regardless~~



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

74
75 "Normal retirement age" is attained on the "normal retirement
76 date."

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

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

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



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

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

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

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

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

126 (b) With respect to ~~In~~ a local employer ~~agency~~ (district
127 school board, county agency, community college, city,
128 metropolitan planning organization, charter school, charter



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

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

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

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

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

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

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

148 121.031 Administration of system; appropriation; oaths;
149 actuarial studies; public records.—

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

156 Section 3. Paragraph (a) of subsection (1) and paragraphs
157 (c) and (f) of subsection (2) of section 121.051, Florida



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158 Statutes, are amended to read:

159 121.051 Participation in the system.—

160 (1) COMPULSORY PARTICIPATION.—

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

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

180 2.1. Any person appointed on or after July 1, 1989, to a
181 faculty position in a college at the J. Hillis Miller Health
182 Center at the University of Florida or the Medical Center at the
183 University of South Florida which has a faculty practice plan
184 adopted ~~provided~~ by rule adopted by the Board of Regents may not
185 participate in the Florida Retirement System. Effective July 1,
186 2008, any person appointed ~~thereafter~~ to a faculty position,



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

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

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

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

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

208 (2) OPTIONAL PARTICIPATION.—

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



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

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

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



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

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

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

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



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

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

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

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

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

299 (I) Instructional; or

300 (II) Executive Management, Instructional Management, or
301 Institutional Management, if a community college determines that
302 recruiting to fill a vacancy in the position is to be conducted



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303 in the national or regional market, and~~+~~
304 ~~(A)~~ the duties and responsibilities of the position include
305 ~~either~~ the formulation, interpretation, or implementation of
306 policies,~~+~~ or
307 ~~(B)~~ ~~The duties and responsibilities of the position include~~
308 the performance of functions that are unique or specialized
309 within higher education and that frequently ~~involve~~ the support
310 ~~of~~ the mission of the community college.
311 c. The employee must be employed in a position not included
312 in the Senior Management Service Class of the Florida Retirement
313 System, as described in s. 121.055.
314 5. Participants in the program are subject to the same
315 reemployment limitations, renewed membership provisions, and
316 forfeiture provisions as are applicable to regular members of
317 the Florida Retirement System under ss. 121.091(9), 121.122, and
318 121.091(5), respectively. A participant who receives a program
319 distribution funded by employer contributions shall be deemed to
320 be retired from a state-administered retirement system if the
321 participant is subsequently employed with an employer that
322 participates in the Florida Retirement System.
323 6. Eligible community college employees are ~~shall be~~
324 compulsory members of the Florida Retirement System until,
325 pursuant to ~~the procedures set forth in~~ s. 1012.875, a written
326 election to withdraw from the ~~Florida Retirement~~ system and ~~to~~
327 participate in the State Community College System Optional
328 Retirement Program is filed with the program administrator and
329 received by the division.
330 a. A ~~Any~~ community college employee whose program
331 eligibility results from initial employment must ~~shall~~ be



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

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

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



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

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

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



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

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

401 121.052 Membership class of elected officers.—

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

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



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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) ~~Effective July 1, 2001,~~ 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.

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

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

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

442 Section 5. Paragraph (b) of subsection (1) of section
443 121.053, Florida Statutes, is amended to read:

444 121.053 Participation in the Elected Officers' Class for
445 retired members.—

446 (1)

447 (b) A ~~Any~~ retired member of the Florida Retirement System,



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448 or an ~~any~~ existing system as defined in s. 121.021(2), who, on
449 or after July 1, 1990, serves in ~~is serving in, or is elected or~~
450 ~~appointed to,~~ an elective office covered by the Elected
451 Officers' Class shall be enrolled in the appropriate subclass of
452 the Elected Officers' Class of the Florida Retirement System,
453 and applicable contributions shall be paid into the Florida
454 Retirement System Trust Fund as provided in s. 121.052(7).

455 ~~Pursuant thereto:~~

456 1. The ~~Any such retired~~ member may ~~shall be eligible to~~
457 continue to receive retirement benefits as well as compensation
458 for the elected officer service if ~~for as long as~~ he or she
459 remains in an elective office covered by the Elected Officers'
460 Class.

461 2. If the ~~any such~~ member serves in an elective office
462 covered by the Elected Officers' Class and becomes vested under
463 that class, he or she is ~~shall be~~ entitled to receive an
464 additional retirement benefit for the ~~such~~ elected officer
465 service.

466 3. The ~~Such~~ member is ~~shall be~~ entitled to purchase
467 additional retirement credit in the Elected Officers' Class for
468 any postretirement service performed in an elected position
469 eligible for the Elected Officers' Class before ~~prior to~~ July 1,
470 1990, or in the Regular Class for any postretirement service
471 performed in any other regularly established position before
472 ~~prior to~~ July 1, 1991, by paying the applicable Elected
473 Officers' Class or Regular Class employee and employer
474 contributions for the period being claimed, plus 4 percent
475 interest compounded annually from the first year of service
476 claimed until July 1, 1975, and 6.5 percent interest compounded



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477 thereafter, until full payment is made to the Florida Retirement
478 System Trust Fund. The contribution for postretirement Regular
479 Class service between July 1, 1985, and July 1, 1991, for which
480 the reemployed retiree contribution was paid, is ~~shall be~~ the
481 difference between the ~~such~~ contribution and the total
482 applicable contribution for the period being claimed, plus
483 interest. The employer ~~of such member~~ may pay the applicable
484 employer contribution in lieu of the member. If a member does
485 not wish to claim credit for all of the postretirement service
486 for which he or she is eligible, the service the member claims
487 must be the most recent service. Any retiree who served in an
488 elective office before July 1, 1990, suspended his or her
489 retirement benefits, and had his or her Florida Retirement
490 System membership reinstated shall, upon retirement from such
491 office, have his or her retirement benefit recalculated to
492 include the additional service and compensation earned.

493 4. Creditable service for which credit was received, or
494 which remained unclaimed, at retirement may not be claimed or
495 applied toward service credit earned following renewed
496 membership. However, service earned in accordance with the
497 renewed membership provisions of ~~in~~ s. 121.122 may be used in
498 conjunction with creditable service earned under this paragraph,
499 if provided applicable vesting requirements and other existing
500 statutory conditions required by this chapter are met.

501 5. A member ~~An elected officer who is elected or appointed~~
502 ~~to an elective office and is~~ participating in the Deferred
503 Retirement Option Program before July 1, 2010, is not subject to
504 termination as provided in s. 121.021(39)(b), or reemployment
505 limitations as provided in s. 121.091(9), until the end of his



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506 or her current term of office or, if the officer is
507 consecutively elected or reelected to an elective office
508 eligible for coverage under the Florida Retirement System, until
509 he or she no longer holds such an elective office, as follows:

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

511 (I) The officer's DROP account may not ~~shall~~ accrue ~~no~~
512 additional monthly benefits, but shall continue to earn interest
513 as provided in s. 121.091(13). However, an officer whose DROP
514 participation begins on or after July 1, 2010, may not continue
515 to earn interest as provided in s. 121.091(13).

516 (II) ~~No~~ Retirement contributions are not ~~shall be~~ required
517 of the employer of the elected officer and ~~no~~ additional
518 retirement credit may not ~~shall~~ be earned under the Florida
519 Retirement System.

520 b. ~~Nothing herein shall prevent~~ An elected officer may ~~from~~
521 voluntarily terminate ~~terminating~~ his or her elective office at
522 any time and ~~electing to~~ receive his or her DROP proceeds.
523 However, until termination ~~requirements are fulfilled~~ as defined
524 ~~provided~~ in s. 121.021(39) occurs, an any elected officer whose
525 termination limitations are extended by this section is ~~shall be~~
526 ineligible for renewed membership in the system and may not
527 ~~shall~~ receive ~~no~~ pension payments, DROP lump sum payments, or
528 any other state payment other than the statutorily determined
529 salary, travel, and per diem for the elective office.

530 c. Upon termination, the officer shall receive his or her
531 accumulated DROP account, plus interest, and shall accrue and
532 commence receiving monthly retirement benefits, which must ~~shall~~
533 be paid on a prospective basis only.

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535 However, an officer electing to participate in the Deferred
536 Retirement Option Program on or before June 30, 2002, is ~~shall~~
537 not ~~be~~ required to terminate and remains ~~shall remain~~ subject to
538 the provisions of this subparagraph as adopted in section 1 of
539 chapter 2001-235, Laws of Florida.

540 Section 6. Paragraph (f) of subsection (1) and paragraph
541 (e) of subsection (6) of section 121.055, Florida Statutes, are
542 amended to read:

543 121.055 Senior Management Service Class.—There is hereby
544 established a separate class of membership within the Florida
545 Retirement System to be known as the "Senior Management Service
546 Class," which shall become effective February 1, 1987.

547 (1)

548 (f) Effective July 1, 1997:

549 1. An ~~Any~~ elected state officer eligible for membership in
550 the Elected Officers' Class under s. 121.052(2)(a), (b), or (c)
551 who elects membership in the Senior Management Service Class
552 under s. 121.052(3)(c) may, within 6 months after assuming
553 office or within 6 months after this act becomes a law for
554 serving elected state officers, elect to participate in the
555 Senior Management Service Optional Annuity Program, as provided
556 in subsection (6), in lieu of membership in the Senior
557 Management Service Class.

558 2. An ~~Any~~ elected ~~county~~ of a local agency employer
559 eligible for membership in the Elected Officers' Class under s.
560 121.052(2)(d) who elects membership in the Senior Management
561 Service Class under s. 121.052(3)(c) may, within 6 months after
562 assuming office, or within 6 months after this act becomes a law
563 for serving elected ~~county~~ of a local agency employer,



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564 elect to withdraw from the Florida Retirement System ~~participate~~
565 ~~in a lifetime monthly annuity program~~, as provided in
566 subparagraph (b)2., in lieu of membership in the Senior
567 Management Service Class.

568 (6)

569 (e) *Benefits.*—

570 1. Benefits shall be payable under the Senior Management
571 Service Optional Annuity Program only to participants in the
572 program, or their beneficiaries as designated by the participant
573 in the contract with a provider company, and such benefits shall
574 be paid by the designated company in accordance with the terms
575 of the annuity contract or contracts applicable to the
576 participant. A participant must be terminated from all
577 employment with all Florida Retirement System employers as
578 provided in s. 121.021(39) to begin receiving the employer-
579 funded benefit. Benefits funded by employer contributions shall
580 be payable under the terms of the contract ~~only as a lifetime~~
581 ~~annuity~~ to the participant, his or her beneficiary, or his or
582 her estate, in addition to ~~except for~~:

583 a. A lump-sum payment to the beneficiary upon the death of
584 the participant;

585 b. A cash-out of a de minimis account upon the request of a
586 former participant who has been terminated for a minimum of 6
587 months from the employment that entitled him or her to optional
588 annuity program participation. ~~A de minimis account is an~~
589 ~~account with a provider company containing employer~~
590 ~~contributions and accumulated earnings of not more than \$5,000~~
591 ~~made under the provisions of this chapter.~~ Such cash-out must be
592 a complete liquidation of the account balance with that company



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593 and is subject to the provisions of the Internal Revenue Code;
594 c. A mandatory distribution of a de minimis account of a
595 former participant who has been terminated for a minimum of 6
596 months from the employment that entitled him or her to optional
597 annuity program participation as authorized by the department;
598 or

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

604
605 As used in this subparagraph, a "de minimis account" means an
606 account with a provider company containing employer
607 contributions and accumulated earnings of not more than \$5,000
608 made under this chapter.

609 2. The benefits payable to any person under the Senior
610 Management Service Optional Annuity Program, and any
611 contribution accumulated under such program, shall not be
612 subject to assignment, execution, or attachment or to any legal
613 process whatsoever.

614 3. Except as provided in subparagraph 4., a participant who
615 terminates employment and receives optional annuity program
616 benefits funded by employer contributions shall be deemed to be
617 retired from a state-administered retirement system in the event
618 of subsequent employment with any employer that participates in
619 the Florida Retirement System.

620 4. A participant who receives optional annuity program
621 benefits funded by employer contributions as a mandatory



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622 distribution of a de minimis account authorized by the
623 department will not be considered a retiree.

624 Section 7. Paragraph (a) of subsection (6) of section
625 121.071, Florida Statutes, is amended to read:

626 121.071 Contributions.—Contributions to the system shall be
627 made as follows:

628 (6) (a) Required employee contributions for all service
629 other than current service, including, but not limited to, prior
630 service, past service, military service, leave-of-absence
631 service, out-of-state service, and certain non-Florida
632 Retirement System in-state service, shall be paid by cash,
633 personal check, cashier's check, ~~or~~ money order, or a direct
634 rollover or transfer from a qualified plan as provided under the
635 Internal Revenue Code. The payment must ~~only; shall~~ be
636 accompanied by a statement identifying the service for which
637 payment is made~~r~~ and shall be made in a lump sum for the total
638 amount due or in annual payments of not less than \$100, except
639 for the final payment if less than \$100, unless another method
640 of payment is authorized by law or rule.

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

644 121.081 Past service; prior service; contributions.—
645 Conditions under which past service or prior service may be
646 claimed and credited are:

647 (1) (a) Past service, as defined in s. 121.021~~(18)~~, may be
648 claimed as creditable service by officers or employees of a
649 municipality city, metropolitan planning organization, charter
650 school, charter technical career center, or special district who



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651 ~~that~~ become a covered group under this system. The governing
652 body of a covered group in compliance with s. 121.051(2)(b) may
653 elect to provide benefits for ~~with respect to~~ past service
654 earned before ~~prior to~~ January 1, 1975, in accordance with this
655 chapter, and the cost for such past service is ~~shall be~~
656 established by applying the following formula: The member
657 contribution for both regular and special risk members is ~~shall~~
658 ~~be~~ 4 percent of the gross annual salary for each year of past
659 service claimed, plus 4-percent employer matching contribution,
660 plus 4-percent interest thereon compounded annually, figured on
661 each year of past service, with interest compounded from date of
662 annual salary earned until July 1, 1975, and 6.5-percent
663 interest compounded annually thereafter until date of payment.
664 Once the total cost for a member has been figured to date, then
665 after July 1, 1975, 6.5-percent compounded interest shall be
666 added each June 30 thereafter on any unpaid balance until the
667 cost of such past service liability is paid in full. The
668 following formula shall be used in calculating past service
669 earned before ~~prior to~~ January 1, 1975: (Annual gross salary
670 multiplied by 8 percent) multiplied by the 4-percent or 6.5-
671 percent compound interest table factor, as may be applicable.
672 The resulting product equals cost to date for each particular
673 year of past service.

674 (b) Past service earned after January 1, 1975, may be
675 claimed by officers or employees of a municipality ~~city~~,
676 metropolitan planning organization, charter school, charter
677 technical career center, or special district who become ~~that~~
678 ~~becomes~~ a covered group under this system. The governing body of
679 a covered group may elect to provide benefits for ~~with respect~~



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680 to past service earned after January 1, 1975, in accordance with
681 this chapter, and the cost for such past service is ~~shall be~~
682 established by applying the following formula: The employer
683 shall contribute an amount equal to the contribution rate in
684 effect at the time the service was earned, multiplied by the
685 employee's gross salary for each year of past service claimed,
686 plus 6.5-percent interest thereon, compounded annually, figured
687 on each year of past service, with interest compounded from date
688 of annual salary earned until date of payment.

689 (e) Past service, as defined in s. 121.021(18), may be
690 claimed as creditable service by a member of the Florida
691 Retirement System who formerly was an officer or employee of a
692 municipality ~~city~~, metropolitan planning organization, charter
693 school, charter technical career center, or special district,
694 notwithstanding the status or form of the retirement system, if
695 any, of that municipality ~~city~~, metropolitan planning
696 organization, charter school, charter technical career center,
697 or special district and irrespective of whether such officers or
698 employees ~~of that city, metropolitan planning organization, or~~
699 ~~special district~~ now or hereafter become a covered group under
700 the Florida Retirement System. Such member may claim creditable
701 service and be entitled to the benefits accruing to the regular
702 class of members as provided for the past service claimed under
703 this paragraph by paying into the retirement trust fund an
704 amount equal to the total actuarial cost of providing the
705 additional benefit resulting from such past-service credit,
706 discounted by the applicable actuarial factors to date of
707 retirement.

708 (f) If ~~When~~ any person, ~~either prior to this act or~~



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709 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~
710 in one of the retirement systems under ~~consolidated within or~~
711 ~~created by~~ this chapter through the consolidation or merger of
712 governments or the transfer of functions between units of
713 government, ~~either~~ at the state or local level or between state
714 and local units, or through the assumption of functions or
715 activities by a state or local unit from an employing
716 governmental entity that ~~which~~ was not an employer under the
717 system, and such person becomes a member of the Florida
718 Retirement System, such person is ~~shall be~~ entitled to receive
719 past-service credit ~~as defined in s. 121.021(18)~~ for the time
720 the ~~such~~ person performed services for, and was an employee of,
721 such state or local unit or other governmental employing entity
722 before ~~prior to~~ the transfer, merger, consolidation, or
723 assumption of functions and activities. Past-service credit
724 allowed by this paragraph is ~~shall~~ also be available to any
725 person who becomes a member of an existing system before, ~~as~~
726 ~~defined in s. 121.021(2), prior to~~ December 1, 1970, through the
727 transfer, merger, consolidation, or assumption of functions and
728 activities set forth in this paragraph and who subsequently
729 becomes a member of the Florida Retirement System. However,
730 credit for the past service may not be granted until
731 contributions are made in the manner provided in this
732 subsection. If a person rejected Florida Retirement System
733 membership at the time of the transfer, merger, ~~or~~
734 consolidation, or assumption of governmental functions and
735 activities, the required contributions shall be at total
736 actuarial cost as specified in paragraph (e). Such contributions
737 or accrued interest may not be paid from any public ~~state~~ funds.



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738 (h) The following provisions apply to the purchase of past
739 service:

740 1. Notwithstanding any of the provisions of this
741 subsection, past-service credit may not be purchased under this
742 chapter for any service that is used to obtain a pension or
743 benefit from a ~~any~~ local retirement system. Eligibility to
744 receive or the receipt of contributions to a retirement plan
745 made by the employer on behalf of the employee is considered a
746 benefit.

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

752 3. A member may not receive past service credit for co-
753 employer service. Co-employer service or a co-employer
754 relationship is employment in a single position simultaneously
755 covered and reported by both a public employer and a private
756 employer.

757 ~~4.3.~~ If a member does not want ~~desire~~ to receive credit for
758 all of his or her past service, the period the member claims
759 must be the most recent past service prior to his or her
760 participation in the Florida Retirement System.

761 ~~5.4.~~ The cost of past service purchased by an employing
762 agency for its employees may be amortized over the ~~such~~ period
763 of time ~~as is~~ provided in the agreement, but not to exceed 15
764 years, calculated in accordance with rule 60S-1.007(5)(f),
765 Florida Administrative Code.

766 ~~6.5.~~ The retirement account of each member for whom past



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767 service is being provided by his or her employer shall be
768 credited with all past service the employer agrees to purchase
769 as soon as the agreement between the employer and the department
770 is executed. ~~Pursuant thereto:~~

771 a. Each ~~such~~ member's account shall also be posted with the
772 total contribution his or her employer agrees to make on ~~in~~ the
773 member's behalf for past service earned before ~~prior to~~ October
774 1, 1975, excluding those contributions representing the
775 employer's matching share and the compound interest calculation
776 on the total contribution. However, a portion of any
777 contributions paid by an employer for past service credit earned
778 on and after October 1, 1975, may not be posted to the ~~a~~
779 member's account.

780 b. A refund of contributions payable after an employer has
781 made a written agreement to purchase past service for employees
782 of the covered group includes ~~shall include~~ contributions for
783 past service which are posted to the ~~a~~ member's account.
784 However, contributions for past service earned on and after
785 October 1, 1975, are not refundable.

786 Section 9. Subsections (9), (13), and (14) of section
787 121.091, Florida Statutes, are amended to read:

788 121.091 Benefits payable under the system.—Benefits may not
789 be paid under this section unless the member has terminated
790 employment as provided in s. 121.021(39) (a) or begun
791 participation in the Deferred Retirement Option Program as
792 provided in subsection (13), and a proper application has been
793 filed in the manner prescribed by the department. The department
794 may cancel an application for retirement benefits when the
795 member or beneficiary fails to timely provide the information



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796 and documents required by this chapter and the department's
797 rules. The department shall adopt rules establishing procedures
798 for application for retirement benefits and for the cancellation
799 of such application when the required information or documents
800 are not received.

801 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

802 (a) Any person who is retired under this chapter, except
803 under the disability retirement provisions of subsection (4),
804 may be employed by an employer that does not participate in a
805 state-administered retirement system and ~~may~~ receive
806 compensation from that employment without limiting or
807 restricting in any way the retirement benefits payable to that
808 person.

809 (b)~~1.~~ Any person whose retirement is effective before July
810 1, 2010, or whose participation in the Deferred Retirement
811 Option Program terminates before July 1, 2010, ~~who is retired~~
812 under this chapter, except under the disability retirement
813 provisions of subsection (4) or as provided in s. 121.053, may
814 be reemployed by an ~~any private or public~~ employer that
815 participates in a state-administered retirement system ~~after~~
816 retirement and receive retirement benefits and compensation from
817 that ~~his or her~~ employer without any limitations, except that
818 the ~~a~~ person may not ~~be reemployed by an employer~~ ~~receive both a~~
819 salary from reemployment with any agency participating in the
820 Florida Retirement System ~~before meeting the definition of~~
821 termination in s. 121.021(39) and may not receive both a salary
822 from the employer and retirement benefits ~~under this chapter~~ for
823 a ~~period of~~ 12 calendar months immediately subsequent to the
824 date of retirement. However, a DROP participant shall continue



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825 employment and receive a salary during the period of
826 participation in the Deferred Retirement Option Program, as
827 provided in subsection (13).

828 ~~1.2. A retiree~~ Any person to whom the limitation in
829 ~~subparagraph 1. applies~~ who violates such reemployment
830 limitation and who is reemployed with any agency participating
831 in the Florida Retirement System before completion of the 12-
832 month limitation period must ~~shall~~ give timely notice of this
833 fact in writing to the employer and to the Division of
834 Retirement or the state board and shall have his or her
835 retirement benefits suspended for the months employed or the
836 balance of the 12-month limitation period as required in sub-
837 subparagraphs b. and c. A retiree ~~Any person~~ employed in
838 violation of this paragraph and an employer who ~~any employing~~
839 ~~agency which knowingly employs or appoints such person~~ are
840 ~~without notifying the Division of Retirement to suspend~~
841 ~~retirement benefits shall be jointly and severally liable for~~
842 reimbursement to the retirement trust fund, including the
843 Florida Retirement System Trust Fund and the Public employee
844 Optional Retirement Program Trust Fund, from which the benefits
845 were paid ~~of any benefits paid during the reemployment~~
846 ~~limitation period.~~ The employer must ~~To avoid liability, such~~
847 ~~employing agency shall~~ have a written statement from the retiree
848 that he or she is not retired from a state-administered
849 retirement system. ~~Any retirement benefits received while~~
850 ~~reemployed during this reemployment limitation period shall be~~
851 ~~repaid to the retirement trust fund, and Retirement benefits~~
852 shall remain suspended until ~~such~~ repayment has been made.
853 Benefits suspended beyond the reemployment limitation shall



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854 apply toward repayment of benefits received in violation of the
855 reemployment limitation.

856 ~~a.3.~~ A district school board may reemploy a retiree ~~retired~~
857 ~~member~~ as a substitute or hourly teacher, education
858 paraprofessional, transportation assistant, bus driver, or food
859 service worker on a noncontractual basis after he or she has
860 been retired for 1 calendar month, ~~in accordance with s.~~
861 ~~121.021(39)~~. A district school board may reemploy a retiree
862 ~~retired member~~ as instructional personnel, as defined in s.
863 1012.01(2) (a), on an annual contractual basis after he or she
864 has been retired for 1 calendar month, ~~in accordance with s.~~
865 ~~121.021(39)~~. Any ~~other retired~~ member who is reemployed within 1
866 calendar month after retirement shall void his or her
867 application for retirement benefits. District school boards
868 reemploying such teachers, education paraprofessionals,
869 transportation assistants, bus drivers, or food service workers
870 are subject to the retirement contribution required by
871 subparagraph 2. 7.

872 ~~b.4.~~ A community college board of trustees may reemploy a
873 retiree ~~retired member~~ as an adjunct instructor, ~~that is, an~~
874 ~~instructor who is noncontractual and part-time,~~ or as a
875 participant in a phased retirement program within the Florida
876 Community College System, after he or she has been retired for 1
877 calendar month, ~~in accordance with s. 121.021(39)~~. A ~~Any retired~~
878 member who is reemployed within 1 calendar month after
879 retirement shall void his or her application for retirement
880 benefits. Boards of trustees reemploying such instructors are
881 subject to the retirement contribution required in subparagraph
882 2. 7. A retiree ~~retired member~~ may be reemployed as an adjunct



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883 instructor for no more than 780 hours during the first 12 months
884 of retirement. A retiree ~~Any retired member~~ reemployed for more
885 than 780 hours during the first 12 months of retirement must
886 ~~shall~~ give timely notice in writing to the employer and to the
887 Division of Retirement or the state board of the date he or she
888 will exceed the limitation. The division shall suspend his or
889 her retirement benefits for the remainder of the ~~first~~ 12 months
890 of retirement. Any retiree ~~person~~ employed in violation of this
891 sub-subparagraph ~~subparagraph~~ and any employer who ~~employing~~
892 ~~agency which knowingly~~ employs or appoints such person without
893 notifying the division ~~of Retirement~~ to suspend retirement
894 benefits are ~~shall be~~ jointly and severally liable for
895 ~~reimbursement to the retirement trust fund of~~ any benefits paid
896 during the reemployment limitation period. The employer must ~~To~~
897 ~~avoid liability, such employing agency shall~~ have a written
898 statement from the retiree that he or she is not retired from a
899 state-administered retirement system. Any retirement benefits
900 received by the retiree ~~a retired member~~ while reemployed in
901 excess of 780 hours during the first 12 months of retirement
902 must ~~shall~~ be repaid to the Florida Retirement System Trust
903 Fund, and retirement benefits shall remain suspended until
904 repayment is made. Benefits suspended beyond the end of the
905 retiree's ~~retired member's~~ first 12 months of retirement shall
906 apply toward repayment of benefits received in violation of the
907 780-hour reemployment limitation.

908 c.5. The State University System may reemploy a retiree
909 ~~retired member~~ as an adjunct faculty member or as a participant
910 in a phased retirement program within the State University
911 System after the retiree ~~retired member~~ has been retired for 1



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912 calendar month, ~~in accordance with s. 121.021(39)~~. A Any retired
913 member who is reemployed within 1 calendar month after
914 retirement shall void his or her application for retirement
915 benefits. The State University System is subject to the retired
916 contribution required in subparagraph 2. 7., as appropriate. A
917 retiree ~~retired member~~ may be reemployed as an adjunct faculty
918 member or a participant in a phased retirement program for no
919 more than 780 hours during the first 12 months of his or her
920 retirement. A retiree ~~Any retired member~~ reemployed for more
921 than 780 hours during the first 12 months of retirement must
922 ~~shall~~ give timely notice in writing to the employer and to the
923 Division of Retirement or the state board of the date he or she
924 will exceed the limitation. The division shall suspend his or
925 her retirement benefits for the remainder of the ~~first~~ 12 months
926 ~~of retirement~~. Any retiree ~~person~~ employed in violation of this
927 sub-subparagraph ~~subparagraph~~ and any employer who ~~employing~~
928 ~~agency which knowingly~~ employs or appoints such person without
929 notifying the division ~~of Retirement~~ to suspend retirement
930 benefits are ~~shall be~~ jointly and severally liable for
931 ~~reimbursement to the retirement trust fund~~ of any benefits paid
932 during the reemployment limitation period. The employer must ~~To~~
933 ~~avoid liability, such employing agency shall~~ have a written
934 statement from the retiree that he or she is not retired from a
935 state-administered retirement system. Any retirement benefits
936 received by the retiree ~~a retired member~~ while reemployed in
937 excess of 780 hours during the first 12 months of retirement
938 must ~~shall~~ be repaid to the Florida Retirement System Trust
939 Fund, and retirement benefits shall remain suspended until
940 repayment is made. Benefits suspended beyond the end of the



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941 retiree's ~~retired member's~~ first 12 months of retirement shall
942 apply toward repayment of benefits received in violation of the
943 780-hour reemployment limitation.

944 ~~d.6.~~ The Board of Trustees of the Florida School for the
945 Deaf and the Blind may reemploy a retiree ~~retired member~~ as a
946 substitute teacher, substitute residential instructor, or
947 substitute nurse on a noncontractual basis after he or she has
948 been retired for 1 calendar month, ~~in accordance with s.~~
949 ~~121.021(39)~~. Any ~~retired~~ member who is reemployed within 1
950 calendar month after retirement shall void his or her
951 application for retirement benefits. The Board of Trustees of
952 the Florida School for the Deaf and the Blind reemploying such
953 teachers, residential instructors, or nurses is subject to the
954 retirement contribution required by subparagraph 2. 7.
955 ~~Reemployment of a retired member as a substitute teacher,~~
956 ~~substitute residential instructor, or substitute nurse is~~
957 ~~limited to 780 hours during the first 12 months of his or her~~
958 ~~retirement. Any retired member reemployed for more than 780~~
959 ~~hours during the first 12 months of retirement shall give timely~~
960 ~~notice in writing to the employer and to the division of the~~
961 ~~date he or she will exceed the limitation. The division shall~~
962 ~~suspend his or her retirement benefits for the remainder of the~~
963 ~~first 12 months of retirement. Any person employed in violation~~
964 ~~of this subparagraph and any employing agency which knowingly~~
965 ~~employs or appoints such person without notifying the division~~
966 ~~of Retirement to suspend retirement benefits shall be jointly~~
967 ~~and severally liable for reimbursement to the retirement trust~~
968 ~~fund of any benefits paid during the reemployment limitation~~
969 ~~period. To avoid liability, such employing agency shall have a~~



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970 ~~written statement from the retiree that he or she is not retired~~
971 ~~from a state-administered retirement system. Any retirement~~
972 ~~benefits received by a retired member while reemployed in excess~~
973 ~~of 780 hours during the first 12 months of retirement shall be~~
974 ~~repaid to the Retirement System Trust Fund, and his or her~~
975 ~~retirement benefits shall remain suspended until payment is~~
976 ~~made. Benefits suspended beyond the end of the retired member's~~
977 ~~first 12 months of retirement shall apply toward repayment of~~
978 ~~benefits received in violation of the 780-hour reemployment~~
979 ~~limitation.~~

980 e. A developmental research school may reemploy a retiree
981 as a substitute or hourly teacher or an education
982 paraprofessional as defined in s. 1012.01(2) on a noncontractual
983 basis after he or she has been retired for 1 calendar month. A
984 developmental research school may reemploy a retiree as
985 instructional personnel, as defined in s. 1012.01(2)(a), on an
986 annual contractual basis after he or she has been retired for 1
987 calendar month after retirement. Any member who is reemployed
988 within 1 calendar month voids his or her application for
989 retirement benefits. A developmental research school that
990 reemploys retired teachers and education paraprofessionals is
991 subject to the retirement contribution required by subparagraph
992 2.

993 f. A charter school may reemploy a retiree as a substitute
994 or hourly teacher on a noncontractual basis after he or she has
995 been retired for 1 calendar month. A charter school may reemploy
996 a retired member as instructional personnel, as defined in s.
997 1012.01(2)(a), on an annual contractual basis after he or she
998 has been retired for 1 calendar month after retirement. Any



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999 member who is reemployed within 1 calendar month voids his or
1000 her application for retirement benefits. A charter school that
1001 reemploys such teachers is subject to the retirement
1002 contribution required by subparagraph 2.

1003 ~~2.7.~~ The employment ~~by an employer~~ of a any retiree or
1004 DROP participant of a any state-administered retirement system
1005 does not affect ~~shall have no effect on~~ the average final
1006 compensation or years of creditable service of the retiree or
1007 DROP participant. Before ~~Prior to~~ July 1, 1991, upon employment
1008 of any person, other than an elected officer as provided in s.
1009 121.053, who is ~~has been~~ retired under a any state-administered
1010 retirement program, the employer shall pay retirement
1011 contributions in an amount equal to the unfunded actuarial
1012 liability portion of the employer contribution which would be
1013 required for regular members of the Florida Retirement System.
1014 Effective July 1, 1991, contributions shall be made as provided
1015 in s. 121.122 for retirees who have ~~with~~ renewed membership or,
1016 as provided in subsection (13), for ~~with respect to~~ DROP
1017 participants.

1018 ~~8. Any person who has previously retired and who is holding~~
1019 ~~an elective public office or an appointment to an elective~~
1020 ~~public office eligible for the Elected Officers' Class on or~~
1021 ~~after July 1, 1990, shall be enrolled in the Florida Retirement~~
1022 ~~System as provided in s. 121.053(1)(b) or, if holding an~~
1023 ~~elective public office that does not qualify for the Elected~~
1024 ~~Officers' Class on or after July 1, 1991, shall be enrolled in~~
1025 ~~the Florida Retirement System as provided in s. 121.122, and~~
1026 ~~shall continue to receive retirement benefits as well as~~
1027 ~~compensation for the elected officer's service for as long as he~~



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1028 ~~or she remains in elective office. However, any retired member~~
1029 ~~who served in an elective office prior to July 1, 1990,~~
1030 ~~suspended his or her retirement benefit, and had his or her~~
1031 ~~Florida Retirement System membership reinstated shall, upon~~
1032 ~~retirement from such office, have his or her retirement benefit~~
1033 ~~recalculated to include the additional service and compensation~~
1034 ~~earned.~~

1035 ~~3.9.~~ Any person who is holding an elective public office
1036 which is covered by the Florida Retirement System and who is
1037 concurrently employed in nonelected covered employment may elect
1038 to retire while continuing employment in the elective public
1039 office if, ~~provided that~~ he or she terminates ~~shall be required~~
1040 ~~to terminate~~ his or her nonelected covered employment. Such ~~Any~~
1041 ~~person who exercises this election~~ shall receive his or her
1042 retirement benefits in addition to the compensation of the
1043 elective office without regard to the time limitations otherwise
1044 provided in this subsection. A ~~No~~ person who seeks to exercise
1045 the provisions of this subparagraph, as they ~~the same~~ existed
1046 before ~~prior to~~ May 3, 1984, may not be ~~shall be~~ deemed to be
1047 retired under those provisions, unless such person is eligible
1048 to retire under ~~the provisions of~~ this subparagraph, as amended
1049 by chapter 84-11, Laws of Florida.

1050 ~~10. The limitations of this paragraph apply to reemployment~~
1051 ~~in any capacity with an "employer" as defined in s. 121.021(10),~~
1052 ~~irrespective of the category of funds from which the person is~~
1053 ~~compensated.~~

1054 ~~11. An employing agency may reemploy a retired member as a~~
1055 ~~firefighter or paramedic after the retired member has been~~
1056 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~



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1057 ~~Any retired member who is reemployed within 1 calendar month~~
1058 ~~after retirement shall void his or her application for~~
1059 ~~retirement benefits. The employing agency reemploying such~~
1060 ~~firefighter or paramedic is subject to the retired contribution~~
1061 ~~required in subparagraph 8. Reemployment of a retired~~
1062 ~~firefighter or paramedic is limited to no more than 780 hours~~
1063 ~~during the first 12 months of his or her retirement. Any retired~~
1064 ~~member reemployed for more than 780 hours during the first 12~~
1065 ~~months of retirement shall give timely notice in writing to the~~
1066 ~~employer and to the division of the date he or she will exceed~~
1067 ~~the limitation. The division shall suspend his or her retirement~~
1068 ~~benefits for the remainder of the first 12 months of retirement.~~
1069 ~~Any person employed in violation of this subparagraph and any~~
1070 ~~employing agency which knowingly employs or appoints such person~~
1071 ~~without notifying the Division of Retirement to suspend~~
1072 ~~retirement benefits shall be jointly and severally liable for~~
1073 ~~reimbursement to the Retirement System Trust Fund of any~~
1074 ~~benefits paid during the reemployment limitation period. To~~
1075 ~~avoid liability, such employing agency shall have a written~~
1076 ~~statement from the retiree that he or she is not retired from a~~
1077 ~~state-administered retirement system. Any retirement benefits~~
1078 ~~received by a retired member while reemployed in excess of 780~~
1079 ~~hours during the first 12 months of retirement shall be repaid~~
1080 ~~to the Retirement System Trust Fund, and retirement benefits~~
1081 ~~shall remain suspended until repayment is made. Benefits~~
1082 ~~suspended beyond the end of the retired member's first 12 months~~
1083 ~~of retirement shall apply toward repayment of benefits received~~
1084 ~~in violation of the 780-hour reemployment limitation.~~

1085 (c) Any person whose retirement is effective on or after



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1086 July 1, 2010, or whose participation in the Deferred Retirement
1087 Option Program terminates on or after July 1, 2010, except as
1088 provided under the disability retirement provisions of
1089 subsection (4) or under s. 121.053, may be reemployed by an
1090 employer that participates in a state-administered retirement
1091 system and receive retirement benefits and compensation from
1092 that his or her employer without limitation, except that the
1093 person may not be reemployed by an employer participating in the
1094 Florida Retirement System for 6 calendar months immediately
1095 subsequent to the date of retirement. However, a DROP
1096 participant shall continue employment and receive a salary
1097 during the period of participation in the Deferred Retirement
1098 Option Program, as provided in subsection (13). A retiree
1099 initially reemployed in violation of this paragraph and an
1100 employer that employs or appoints such person are jointly and
1101 severally liable for reimbursement of any retirement benefits
1102 paid to the retirement trust fund from which the benefits were
1103 paid, including the Florida Retirement System Trust Fund and the
1104 Public Employee Optional Retirement Program Trust Fund, as
1105 appropriate. The employer must have a written statement from the
1106 employee that he or she is not retired from a state-administered
1107 retirement system.

1108 (d)(e) The provisions of this subsection apply to retirees,
1109 as defined in s. 121.4501(2)(j), of the Public Employee Optional
1110 Retirement Program ~~created in part II~~, subject to the following
1111 conditions:

1112 1. The ~~Such~~ retirees may not be reemployed with an employer
1113 participating in the Florida Retirement System ~~as provided in~~
1114 ~~paragraph (b)~~ until such person has been retired for 6 ~~3~~



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1115 ~~calendar months, unless the participant has reached the normal~~
1116 ~~retirement requirements of the defined benefit plan as provided~~
1117 ~~in s. 121.021(29).~~

1118 2. A ~~Such~~ retiree employed in violation of this subsection
1119 and an employer ~~any employing agency~~ that knowingly employs or
1120 appoints such person are ~~shall be~~ jointly and severally liable
1121 for reimbursement of any benefits paid to the retirement trust
1122 fund from which the benefits were paid, including the Retirement
1123 System Trust Fund and the Public Employee Optional Retirement
1124 Program Trust Fund, as appropriate. The employer ~~To avoid~~
1125 ~~liability, such employing agency~~ must have a written statement
1126 from the retiree that he or she is not retired from a state-
1127 administered retirement system.

1128 (e) The limitations of this subsection apply to
1129 reemployment in any capacity irrespective of the category of
1130 funds from which the person is compensated.

1131
1132
1133 ===== T I T L E A M E N D M E N T =====

1134 And the title is amended as follows:

1135 Delete lines 24 - 50

1136 and insert:

1137 Elected Officers' Class for retired members; providing
1138 that a member whose DROP participation begins after a
1139 certain date may not continue to earn interest on his
1140 or her DROP account after the end of the 60-month DROP
1141 period; amending s. 121.055, F.S.; revising provisions
1142 relating to participation in the Senior Management
1143 Service Class; revising provisions relating to de



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1144 minimis accounts; amending s. 121.071, F.S.; providing
1145 an additional mechanism for the payment of employee
1146 contributions to the system; amending s. 121.081,
1147 F.S.; providing for receipt of credit for past or
1148 prior service by charter school and charter technical
1149 career center employees; prohibiting a member from
1150 receiving credit for service covered and reported by
1151 both a public employer and a private employer;
1152 amending s. 121.091, F.S.; revising and clarifying
1153 provisions relating to retirement benefits;
1154 authorizing developmental research schools and charter
1155 schools to reemploy certain retired members under
1156 specified conditions; providing that retirees of a
1157 state-administered retirement system who retire after
1158 a certain date may not be reemployed by an employer
1159 participating in the Florida Retirement System for 6
1160 months; revising