

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Schenck offered the following:

2  
3 **Substitute Amendment for Amendment (805709) (with title**  
4 **amendment)**

5 Remove everything after the enacting clause and insert:

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

9 121.021 Definitions.--The following words and phrases as  
10 used in this chapter have the respective meanings set forth  
11 unless a different meaning is plainly required by the context:

12 (10) "Employer" means any agency, branch, department,  
13 institution, university, institution of higher education, or  
14 board of the state, or any county agency, branch, department,  
15 board, district school board, city, metropolitan planning  
16 organization, or special district of the state, ~~or any city of~~

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17 ~~the state~~ which participates in the system for the benefit of  
18 certain of its employees, or a charter school or charter  
19 technical career center that participates as provided in s.  
20 121.051(2) (d). Employers are not agents of the department, the  
21 state board, or the Division of Retirement, and the department,  
22 the state board, and the division are not responsible for  
23 erroneous information provided by representatives of employers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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100 the next 6 calendar months, termination shall be deemed not to  
101 have occurred. A leave of absence shall constitute a  
102 continuation of the employment relationship, except that a leave  
103 of absence without pay due to disability may constitute  
104 termination for a member, if such member makes application for  
105 and is approved for disability retirement in accordance with s.  
106 121.091(4). The department or state board may require other  
107 evidence of termination as it deems necessary.

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

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

120 2. For DROP termination dates occurring on or after  
121 January 1, 2010, in the event the DROP participant should be  
122 employed by any such employer within the next 6 calendar months,  
123 termination will be deemed not to have occurred, except as  
124 provided in s. 121.091(13)(b)4.c. A leave of absence shall  
125 constitute a continuation of the employment relationship.

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

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

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

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

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

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

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

154 (64) "Trustees" means the Board of Trustees of the State  
155 Board of Administration.

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

158 121.031 Administration of system; appropriation; oaths;  
159 actuarial studies; public records.--

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

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

169 121.051 Participation in the system.--

170 (1) COMPULSORY PARTICIPATION.--

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

181 121.091(4)(h) for a person who recovers from disability, ~~and~~ as  
182 provided in s. 121.091(9)(b) ~~4.8.~~ for a person who is elected to  
183 public office, and, effective July 1, 1991, as provided in s.

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184 121.122 for all other retirees. Officers and employees of the  
185 University Athletic Association, Inc., a nonprofit association  
186 connected with the University of Florida, employed on and after  
187 July 1, 1979, may ~~shall~~ not participate in any state-supported  
188 retirement system.

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

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

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212 employed by a college that has a faculty practice plan at a  
213 state university authorized by the Board of Governors.

214 (2) OPTIONAL PARTICIPATION.--

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

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

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239 Trust Fund equal to the unfunded actuarial accrued liability  
240 portion of the Regular Class contribution rate.

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

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

256 a. If the employee chooses to move to the Public Employee  
257 Optional Retirement Program, any contributions, interest, and  
258 earnings creditable to the employee under the State Community  
259 College System Optional Retirement Program shall be retained by  
260 the employee in the State Community College System Optional  
261 Retirement Program, and the applicable provisions of s.  
262 121.4501(4) shall govern the election.

263 b. If the employee chooses to move to the defined benefit  
264 program of the Florida Retirement System, the employee shall  
265 receive service credit equal to his or her years of service

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266 under the State Community College System Optional Retirement  
267 Program.

268 (I) The cost for such credit shall be an amount  
269 representing the present value of that employee's accumulated  
270 benefit obligation for the affected period of service. The cost  
271 shall be calculated as if the benefit commencement occurs on the  
272 first date the employee would become eligible for unreduced  
273 benefits, using the discount rate and other relevant actuarial  
274 assumptions that were used to value the Florida Retirement  
275 System defined benefit plan liabilities in the most recent  
276 actuarial valuation. The calculation shall include any service  
277 already maintained under the defined benefit plan in addition to  
278 the years under the State Community College System Optional  
279 Retirement Program. The present value of any service already  
280 maintained under the defined benefit plan shall be applied as a  
281 credit to total cost resulting from the calculation. The  
282 division shall ensure that the transfer sum is prepared using a  
283 formula and methodology certified by an enrolled actuary.

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

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

295 a. The employee must be otherwise eligible for membership  
296 or renewed membership in the Regular Class of the Florida  
297 Retirement System, as provided in s. 121.021(11) and (12) or s.  
298 121.122.

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

302 (I) Instructional; or

303 (II) Executive Management, Instructional Management, or  
304 Institutional Management, if a community college determines that  
305 recruiting to fill a vacancy in the position is to be conducted  
306 in the national or regional market, and:

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

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

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

317 5. A participant who receives a program distribution  
318 funded by employer contributions shall be deemed to be retired  
319 from a state-administered retirement system in the event of

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320 subsequent employment with any employer that participates in the  
321 Florida Retirement System. Participants in the program are  
322 subject to the same reemployment limitations, renewed membership  
323 provisions, and forfeiture provisions as are applicable to  
324 regular members of the Florida Retirement System under ss.  
325 121.091(9), 121.122, and 121.091(5), respectively.

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

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

342 b. Any community college employee whose program  
343 eligibility results from a change in status due to the  
344 subsequent designation of the employee's position as one of  
345 those specified in subparagraph 4. or due to the employee's  
346 appointment, promotion, transfer, or reclassification to a  
347 position specified in subparagraph 4. shall be enrolled in the  
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348 program upon the first day of the first full calendar month that  
349 such change in status becomes effective. The employer retirement  
350 contributions paid from the effective date through the month of  
351 the employee plan change shall be transferred to the community  
352 college for the employee's optional program account, and,  
353 effective the first day of the next month, the employer shall  
354 pay the applicable contributions based upon 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  
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 such period of service credit.  
365 Upon such transfer, all such service credit previously earned  
366 under the defined benefit program of the Florida Retirement  
367 System during this period shall be nullified for purposes of  
368 entitlement to a future benefit under the defined benefit  
369 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 prior to such action and ~~shall~~

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376 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  
390 is transferred, merged, or consolidated does not participate in  
391 the Florida Retirement System, a member may ~~shall~~ elect in  
392 writing to remain in the Florida Retirement System or to  
393 transfer to the local retirement system operated by the ~~such~~  
394 agency. If the ~~such~~ agency does not participate in a local  
395 retirement system, the member shall continue membership in the  
396 Florida Retirement System. In either case, ~~the~~ membership  
397 continues ~~shall continue~~ for as long as the member is employed  
398 by the agency to which his or her unit was transferred, merged,  
399 or consolidated.

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

403       121.052 Membership class of elected officers.--

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

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

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

418 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.--Effective  
419 July 1, 1990, participation in the Elected Officers' Class shall  
420 be compulsory for elected officers listed in paragraphs (2) (a)-  
421 (d) and (f) assuming office on or after said date, unless the  
422 elected officer elects membership in another class or withdraws  
423 from the Florida Retirement System as provided in paragraphs  
424 (3) (a) - (d):

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

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431 of the month following receipt by the department of the  
432 ordinance or resolution passed by the governing body.

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

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

449 Section 5. Subsections (1) and (2) of section 121.053,  
450 Florida Statutes, are amended to read:

451 121.053 Participation in the Elected Officers' Class for  
452 retired members.--

453 (1) (a) 1. Any retiree of a state-administered retirement  
454 system who initially serves in an elective office in a regularly  
455 established position with a covered employer on or after January  
456 1, 2010, shall not be enrolled in the Florida Retirement System.

457 2. An elected officer who is elected or appointed to an  
458 elective office and is participating in the Deferred Retirement  
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459 Option Program is subject to termination as provided in s.  
460 121.021(39)(b), and reemployment limitations as provided in s.  
461 121.091(9), upon completion of his or her DROP participation  
462 period.

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

470 1. Upon completion of 6 or more years of creditable  
471 service in an office covered by the Elected Officers' Class, s.  
472 121.052, such member shall notify the administrator of his or  
473 her intent to purchase elected officer service prior to July 1,  
474 1990, and shall pay the member contribution applicable for the  
475 period being claimed, plus 4 percent interest compounded  
476 annually from the first year of service claimed until July 1,  
477 1975, and 6.5 percent interest compounded annually thereafter,  
478 until full payment is made to the Florida Retirement System  
479 Trust Fund; however, such member may purchase retirement credit  
480 under the Elected Officers' Class only for such service as an  
481 elected officer.

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

490 (c) ~~(b)~~ Any retired member of the Florida Retirement  
491 System, or any existing system as defined in s. 121.021(2), who,  
492 on or after July 1, 1990, through December 31, 2009, is serving  
493 in, or is elected or appointed to, an elective office covered by  
494 the Elected Officers' Class shall be enrolled in the appropriate  
495 subclass of the Elected Officers' Class of the Florida  
496 Retirement System, and applicable contributions shall be paid  
497 into the Florida Retirement System Trust Fund as provided in s.  
498 121.052(7). Pursuant thereto:

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

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

507 3. Such member shall be entitled to purchase additional  
508 retirement credit in the Elected Officers' Class for any  
509 postretirement service performed in an elected position eligible  
510 for the Elected Officers' Class prior to July 1, 1990, or in the  
511 Regular Class for any postretirement service performed in any  
512 other regularly established position prior to July 1, 1991, by  
513 paying the applicable Elected Officers' Class or Regular Class  
514 employee and employer contributions for the period being

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515 claimed, plus 4 percent interest compounded annually from the  
516 first year of service claimed until July 1, 1975, and 6.5  
517 percent interest compounded thereafter, until full payment is  
518 made to the Florida Retirement System Trust Fund. The  
519 contribution for postretirement Regular Class service between  
520 July 1, 1985, and July 1, 1991, for which the reemployed retiree  
521 contribution was paid, shall be the difference between such  
522 contribution and the total applicable contribution for the  
523 period being claimed, plus interest. The employer of such member  
524 may pay the applicable employer contribution in lieu of the  
525 member. If a member does not wish to claim credit for all of the  
526 postretirement service for which he or she is eligible, the  
527 service the member claims must be the most recent service.

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

536 5. An elected officer who is elected or appointed to an  
537 elective office and is participating in the Deferred Retirement  
538 Option Program before January 1, 2010, is not subject to  
539 termination as provided in s. 121.021(39)(b), or reemployment  
540 limitations as provided in s. 121.091(9), until the end of his  
541 or her current term of office or, if the officer is  
542 consecutively elected or reelected to an elective office

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543 eligible for coverage under the Florida Retirement System, until  
544 he or she no longer holds such an elective office, as follows:

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

546 (I) The officer's DROP account shall accrue no additional  
547 monthly benefits, but shall continue to earn interest as  
548 provided in s. 121.091(13). The officer whose DROP participation  
549 begins on or after January 1, 2010, shall accrue no additional  
550 monthly benefit and the DROP account shall not continue to earn  
551 interest as provided in s. 121.091(13) after the end of the 60-  
552 month DROP period.

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

556 b. Nothing herein shall prevent an elected officer from  
557 voluntarily terminating his or her elective office at any time  
558 and electing to receive his or her DROP proceeds. However, until  
559 termination requirements are fulfilled as provided in s.  
560 121.021(39), any elected officer whose termination limitations  
561 are extended by this section shall be ineligible for renewed  
562 membership in the system and shall receive no pension payments,  
563 DROP lump sum payments, or any other state payment other than  
564 the statutorily determined salary, travel, and per diem for the  
565 elective office.

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

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571 However, an officer electing to participate in the Deferred  
572 Retirement Option Program on or before June 30, 2002, shall not  
573 be required to terminate and shall remain subject to the  
574 provisions of this subparagraph as adopted in section 1 of  
575 chapter 2001-235, Laws of Florida.

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

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

592 121.055 Senior Management Service Class.--There is hereby  
593 established a separate class of membership within the Florida  
594 Retirement System to be known as the "Senior Management Service  
595 Class," which shall become effective February 1, 1987.

596 (1)

597 (f) Effective July 1, 1997:

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598       1. Except as provided in subparagraph 3., any elected  
599 state officer eligible for membership in the Elected Officers'  
600 Class under s. 121.052(2)(a), (b), or (c) who elects membership  
601 in the Senior Management Service Class under s. 121.052(3)(c)  
602 may, within 6 months after assuming office or within 6 months  
603 after this act becomes a law for serving elected state officers,  
604 elect to participate in the Senior Management Service Optional  
605 Annuity Program, as provided in subsection (6), in lieu of  
606 membership in the Senior Management Service Class.

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

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

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625 applicable, in lieu of Senior Management Service Class  
626 membership.

627 (6)

628 (c) Participation.--

629 1. Any eligible employee who is employed on or before  
630 February 1, 1987, may elect to participate in the optional  
631 annuity program in lieu of participation in the Senior  
632 Management Service Class. Such election shall be made in writing  
633 and filed with the department and the personnel officer of the  
634 employer on or before May 1, 1987. Any eligible employee who is  
635 employed on or before February 1, 1987, and who fails to make an  
636 election to participate in the optional annuity program by May  
637 1, 1987, shall be deemed to have elected membership in the  
638 Senior Management Service Class.

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

650 3. A person who is appointed to a position in the Senior  
651 Management Service Class and who is a member of an existing  
652 retirement system or the Special Risk or Special Risk

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653 Administrative Support Classes of the Florida Retirement System  
654 may elect to remain in such system or class in lieu of  
655 participation in the Senior Management Service Class or optional  
656 annuity program. Such election shall be made in writing and  
657 filed with the department and the personnel officer of the  
658 employer within 90 days of such appointment. Any eligible  
659 employee who fails to make an election to participate in the  
660 existing system, the Special Risk Class of the Florida  
661 Retirement System, the Special Risk Administrative Support Class  
662 of the Florida Retirement System, or the optional annuity  
663 program shall be deemed to have elected membership in the Senior  
664 Management Service Class.

665 4. Except as provided in subparagraph 5., an employee's  
666 election to participate in the optional annuity program is  
667 irrevocable as long as such employee continues to be employed in  
668 an eligible position and continues to meet the eligibility  
669 requirements set forth in this paragraph.

670 5. Effective from July 1, 2002, through September 30,  
671 2002, any active employee in a regularly established position  
672 who has elected to participate in the Senior Management Service  
673 Optional Annuity Program has one opportunity to choose to move  
674 from the Senior Management Service Optional Annuity Program to  
675 the Florida Retirement System defined benefit program.

676 a. The election must be made in writing and must be filed  
677 with the department and the personnel officer of the employer  
678 before October 1, 2002, or, in the case of an active employee  
679 who is on a leave of absence on July 1, 2002, within 90 days

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680 after the conclusion of the leave of absence. This election is  
681 irrevocable.

682 b. The employee will receive service credit under the  
683 defined benefit program of the Florida Retirement System equal  
684 to his or her years of service under the Senior Management  
685 Service Optional Annuity Program. The cost for such credit shall  
686 be an amount representing the present value of that employee's  
687 accumulated benefit obligation for the affected period of  
688 service.

689 c. The employee must transfer the total accumulated  
690 employer contributions and earnings on deposit in his or her  
691 Senior Management Service Optional Annuity Program account. If  
692 the transferred amount is not sufficient to pay the amount due,  
693 the employee must pay a sum representing the remainder of the  
694 amount due. In no case may the employee retain any employer  
695 contributions or earnings thereon from the Senior Management  
696 Service Optional Annuity Program account.

697 6. Any retiree of a state-administered retirement system  
698 who is initially reemployed on or after January 1, 2010, shall  
699 not be eligible for renewed membership in the Senior Management  
700 Service Optional Annuity Program.

701 (e) Benefits.--

702 1. Benefits shall be payable under the Senior Management  
703 Service Optional Annuity Program only to participants in the  
704 program, or their beneficiaries as designated by the participant  
705 in the contract with a provider company, and such benefits shall  
706 be paid by the designated company in accordance with the terms  
707 of the annuity contract or contracts applicable to the

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708 participant. A participant must be terminated from all  
709 employment with all Florida Retirement System employers as  
710 provided in s. 121.021(39) to begin receiving the employer-  
711 funded benefit. Benefits funded by employer contributions shall  
712 be payable under the terms of the contract ~~only as a lifetime~~  
713 ~~annuity~~ to the participant, his or her beneficiary, or his or  
714 her estate, in addition to ~~except for~~:

715 a. A lump-sum payment to the beneficiary upon the death of  
716 the participant;

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

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

730 or

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

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

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

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

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

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

121.071 Contributions.--Contributions to the system shall be made as follows:

(6) (a) Required employee contributions for all service other than current service, including, but not limited to, prior service, past service, military service, leave-of-absence service, out-of-state service, and certain non-Florida

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764 Retirement System in-state service, shall be paid by cash,  
765 personal check, cashier's check, ~~or~~ money order, or a direct  
766 rollover or transfer from a qualified plan as provided under the  
767 Internal Revenue Code. The payment must ~~only;~~ shall be  
768 accompanied by a statement identifying the service for which  
769 payment is made, and shall be made in a lump sum for the total  
770 amount due or in annual payments of not less than \$100, except  
771 for the final payment if less than \$100, unless another method  
772 of payment is authorized by law or rule.

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

776 121.081 Past service; prior service;  
777 contributions.--Conditions under which past service or prior  
778 service may be claimed and credited are:

779 (1) (a) Past service, as defined in s. 121.021(18), may be  
780 claimed as creditable service by officers or employees of a  
781 city, metropolitan planning organization, charter school,  
782 charter technical career center, or special district who that  
783 become a covered group under this system. The governing body of  
784 a covered group in compliance with s. 121.051(2)(b) may elect to  
785 provide benefits with respect to past service earned prior to  
786 January 1, 1975, in accordance with this chapter, and the cost  
787 for such past service shall be established by applying the  
788 following formula: The member contribution for both regular and  
789 special risk members shall be 4 percent of the gross annual  
790 salary for each year of past service claimed, plus 4-percent  
791 employer matching contribution, plus 4-percent interest thereon

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792 compounded annually, figured on each year of past service, with  
793 interest compounded from date of annual salary earned until July  
794 1, 1975, and 6.5-percent interest compounded annually thereafter  
795 until date of payment. Once the total cost for a member has been  
796 figured to date, then after July 1, 1975, 6.5-percent compounded  
797 interest shall be added each June 30 thereafter on any unpaid  
798 balance until the cost of such past service liability is paid in  
799 full. The following formula shall be used in calculating past  
800 service earned prior to January 1, 1975: (Annual gross salary  
801 multiplied by 8 percent) multiplied by the 4-percent or 6.5-  
802 percent compound interest table factor, as may be applicable.  
803 The resulting product equals cost to date for each particular  
804 year of past service.

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

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820 (e) Past service, as defined in s. 121.021(18), may be  
821 claimed as creditable service by a member of the Florida  
822 Retirement System who formerly was an officer or employee of a  
823 city, metropolitan planning organization, charter school,  
824 charter technical career center, or special district,  
825 notwithstanding the status or form of the retirement system, if  
826 any, of that city, metropolitan planning organization, charter  
827 school, charter technical career center, or special district and  
828 irrespective of whether officers or employees of that city,  
829 metropolitan planning organization, charter school, charter  
830 technical career center, or special district now or hereafter  
831 become a covered group under the Florida Retirement System. Such  
832 member may claim creditable service and be entitled to the  
833 benefits accruing to the regular class of members as provided  
834 for the past service claimed under this paragraph by paying into  
835 the retirement trust fund an amount equal to the total actuarial  
836 cost of providing the additional benefit resulting from such  
837 past-service credit, discounted by the applicable actuarial  
838 factors to date of retirement.

839 (f) ~~If when~~ any person, ~~either prior to this act or~~  
840 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~  
841 in one of the retirement systems under ~~consolidated within or~~  
842 ~~created by~~ this chapter through the consolidation or merger of  
843 governments or the transfer of functions between units of  
844 government, ~~either~~ at the state or local level or between state  
845 and local units, or through the assumption of functions or  
846 activities by a state or local unit from an employing  
847 governmental entity that ~~which~~ was not an employer under the

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848 system, and such person becomes a member of the Florida  
849 Retirement System, such person is ~~shall be~~ entitled to receive  
850 past-service credit ~~as defined in s. 121.021(18)~~ for the time  
851 the ~~such~~ person performed services for, and was an employee of,  
852 such state or local unit or other governmental employing entity  
853 prior to the transfer, merger, consolidation, or assumption of  
854 functions and activities. Past-service credit allowed by this  
855 paragraph is ~~shall~~ also ~~be~~ available to any person who becomes a  
856 member of an existing system, ~~as defined in s. 121.021(2)~~, prior  
857 to December 1, 1970, through the transfer, merger,  
858 consolidation, or assumption of functions and activities set  
859 forth in this paragraph and who subsequently becomes a member of  
860 the Florida Retirement System. However, credit for the past  
861 service may not be granted until contributions are made in the  
862 manner provided in this subsection. If a person rejected Florida  
863 Retirement System membership at the time of the transfer,  
864 merger, ~~or~~ consolidation, or assumption of governmental  
865 functions and activities, the required contributions shall be at  
866 total actuarial cost as specified in paragraph (e). Such  
867 contributions or accrued interest may not be paid from any  
868 public ~~state~~ funds.

869 (h) The following provisions apply to the purchase of past  
870 service:

871 1. Notwithstanding any of the provisions of this  
872 subsection, past-service credit may not be purchased under this  
873 chapter for any service that is used to obtain a pension or  
874 benefit from a ~~any~~ local retirement system. Eligibility to  
875 receive or the receipt of contributions to a retirement plan

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876 made by the employer on behalf of the employee is considered a  
877 benefit.

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

883 3. A member may not receive past service credit for co-  
884 employer service. Co-employer service or a co-employer  
885 relationship is employment in a single position simultaneously  
886 covered and reported by both a public employer and a private  
887 employer.

888 4.3. If a member does not want ~~desire~~ to receive credit  
889 for all of his or her past service, the period the member claims  
890 must be the most recent past service prior to his or her  
891 participation in the Florida Retirement System.

892 5.4. The cost of past service purchased by an employing  
893 agency for its employees may be amortized over the ~~such~~ period  
894 of time ~~as is~~ provided in the agreement, but not to exceed 15  
895 years, calculated in accordance with rule 60S-1.007(5)(f),  
896 Florida Administrative Code.

897 6.5. The retirement account of each member for whom past  
898 service is being provided by his or her employer shall be  
899 credited with all past service the employer agrees to purchase  
900 as soon as the agreement between the employer and the department  
901 is executed. ~~Pursuant thereto:~~

902 a. Each ~~such~~ member's account shall also be posted with  
903 the total contribution his or her employer agrees to make on ~~in~~  
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904 the member's behalf for past service earned prior to October 1,  
905 1975, excluding those contributions representing the employer's  
906 matching share and the compound interest calculation on the  
907 total contribution. However, a portion of any contributions paid  
908 by an employer for past service credit earned on and after  
909 October 1, 1975, may not be posted to the a member's account.

910 b. A refund of contributions payable after an employer has  
911 made a written agreement to purchase past service for employees  
912 of the covered group includes ~~shall include~~ contributions for  
913 past service which are posted to the a member's account.  
914 However, contributions for past service earned on and after  
915 October 1, 1975, are not refundable.

916 Section 9. Paragraphs (b) and (c) of subsection (9) and  
917 subsections (13) and (14) of section 121.091, Florida Statutes,  
918 are amended to read:

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

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932 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

933 (b)1. Any person who is retired under this chapter, except  
934 under the disability retirement provisions of subsection (4),  
935 may be reemployed by any private or public employer after  
936 retirement and receive retirement benefits and compensation from  
937 ~~the his or her~~ employer without limitation ~~any limitations~~,  
938 except that the ~~a~~ person may not receive ~~both~~ a salary from  
939 reemployment with any agency participating in the Florida  
940 Retirement System and retirement benefits under this chapter for  
941 6 calendar ~~a period of 12~~ months immediately after meeting  
942 ~~subsequent to the~~ definition of termination in s. 121.021(39)  
943 ~~date of retirement~~. However, a DROP participant may ~~shall~~  
944 continue employment and receive a salary during the period of  
945 participation in DROP ~~the Deferred Retirement Option Program~~, as  
946 provided in subsection (13).

947 2.a. Any person to whom the limitation in subparagraph 1.  
948 applies ~~who violates such reemployment limitation and~~ who is  
949 initially reemployed on or after January 1, 2010, with any  
950 agency participating in the Florida Retirement System after he  
951 or she has been retired and met the definition of termination in  
952 s. 121.021(39) but before completion of the 6-month ~~12-month~~  
953 limitation period must ~~shall~~ give timely notice of this fact in  
954 writing to the employer and to the Division of Retirement and  
955 shall have his or her retirement benefits suspended while  
956 employed during ~~for~~ the balance of the 6-month ~~12-month~~  
957 limitation period. Any person employed in violation of this sub-  
958 subparagraph ~~paragraph~~ and any employing agency that ~~which~~  
959 ~~knowingly~~ employs or appoints such person without notifying the  
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960 division of Retirement to suspend retirement benefits are shall  
961 ~~be~~ jointly and severally liable for reimbursement to the  
962 retirement trust fund of any benefits paid during the  
963 reemployment limitation period. To avoid liability, the such  
964 employing agency must shall have a written statement from the  
965 retiree that he or she is not retired from a state-administered  
966 retirement system. Any retirement benefits received by a retired  
967 member while reemployed during this reemployment limitation  
968 period must shall be repaid to the Florida Retirement System  
969 Trust Fund, and retirement benefits shall remain suspended until  
970 such repayment is has been made. Benefits suspended beyond the  
971 reemployment limitation shall apply toward repayment of benefits  
972 received in violation of the reemployment limitation.

973 b. Any person to whom the limitation in subparagraph 1.  
974 applies who is initially reemployed prior to December 31, 2009,  
975 with any agency participating in the Florida Retirement System  
976 after he or she has been retired and met the definition of  
977 termination in s. 121.021(39) but before completion of the 12-  
978 month limitation period must give timely notice of this fact in  
979 writing to the employer and to the Division of Retirement and  
980 shall have his or her retirement benefits suspended while  
981 employed during the balance of the 12-month limitation period  
982 unless the person exceeds the 780-hour limitation in  
983 subparagraph 4. or subparagraph 5. Any person employed in  
984 violation of this sub-subparagraph and any employing agency that  
985 employs or appoints such person without notifying the division  
986 to suspend retirement benefits are jointly and severally liable  
987 for any benefits paid during the reemployment limitation period.

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988 To avoid liability, the employing agency must have a written  
989 statement from the retiree that he or she is not retired from a  
990 state-administered retirement system. Any retirement benefits  
991 received by a retired member while reemployed during this  
992 reemployment limitation period must be repaid to the Florida  
993 Retirement System Trust Fund, and retirement benefits shall  
994 remain suspended until repayment is made. Benefits suspended  
995 beyond the reemployment limitation shall apply toward repayment  
996 of benefits received in violation of the reemployment  
997 limitation.

998 ~~(I)3-~~ A district school board may reemploy a retired  
999 member as a substitute or hourly teacher, education  
1000 paraprofessional as defined in s. 1012.01(2)(e), transportation  
1001 assistant, bus driver, or food service worker on a  
1002 noncontractual basis after he or she has been retired and met  
1003 the definition of termination for 1 calendar month, in  
1004 ~~accordance with~~ s. 121.021(39). A district school board may  
1005 reemploy a retired member as instructional personnel, as defined  
1006 in s. 1012.01(2)(a), on an annual contractual basis after he or  
1007 she has met the definition of termination ~~been retired for 1~~  
1008 ~~calendar month~~, in ~~accordance with~~ s. 121.021(39). Any other  
1009 retired member who is reemployed before meeting the definition  
1010 of termination voids within 1 calendar month after retirement  
1011 ~~shall void~~ his or her application for retirement benefits. A  
1012 district school board that reemploys ~~boards reemploying~~ such  
1013 teachers, education paraprofessionals, transportation  
1014 assistants, bus drivers, or food service workers is ~~are~~ subject  
1015 to the retirement contribution required by subparagraph 3. 7-

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1016        (II)4. A community college board of trustees may reemploy  
1017 a retired member as an adjunct instructor, ~~that is, an~~  
1018 ~~instructor who is noncontractual and part-time,~~ or as a  
1019 participant in a phased retirement program within the Florida  
1020 Community College System, after he or she has been retired and  
1021 met the definition of termination for 1 calendar month, in  
1022 ~~accordance with s. 121.021(39).~~ Any retired member who is  
1023 reemployed within 1 calendar month after retirement voids shall  
1024 ~~void~~ his or her application for retirement benefits. A board  
1025 ~~Boards~~ of trustees that reemploys reemploying such instructors  
1026 is are subject to the retirement contribution required in  
1027 subparagraph 3. 7. A retired member may be reemployed as an  
1028 adjunct instructor for no more than 780 hours during the first  
1029 12 calendar months after meeting the definition of termination  
1030 ~~retirement.~~ Any retired member reemployed for more than 780  
1031 hours during the first 12 months of retirement must shall give  
1032 timely notice in writing to the employer and to the Division of  
1033 Retirement of the date he or she will exceed the limitation. The  
1034 division shall suspend his or her retirement benefits for the  
1035 remainder of the 12-month limitation period first 12 months of  
1036 ~~retirement.~~ Any person employed in violation of this sub-sub-  
1037 subparagraph subparagraph and any employing agency that which  
1038 ~~knowingly~~ employs or appoints such person without notifying the  
1039 division ~~of Retirement~~ to suspend retirement benefits are shall  
1040 ~~be~~ jointly and severally liable for ~~reimbursement to the~~  
1041 ~~retirement trust fund of~~ any benefits paid during the  
1042 reemployment limitation period. To avoid liability, the such  
1043 employing agency must shall have a written statement from the

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1044 retiree that he or she is not retired from a state-administered  
1045 retirement system. Any retirement benefits received by a retired  
1046 member while reemployed in excess of 780 hours during the 12-  
1047 month limitation period must ~~first 12 months of retirement shall~~  
1048 be repaid to the Florida Retirement System Trust Fund, and  
1049 retirement benefits shall remain suspended until repayment is  
1050 made. Benefits suspended beyond the end of the 12-month  
1051 limitation period ~~retired member's first 12 months of retirement~~  
1052 shall apply toward repayment of benefits received in violation  
1053 of the 780-hour reemployment limitation.

1054 (III)5. The State University System may reemploy a retired  
1055 member as an adjunct faculty member or as a participant in a  
1056 phased retirement program within the State University System  
1057 after the retired member has met the definition of termination  
1058 ~~been retired for 1 calendar month,~~ in accordance with s.  
1059 121.021(39). Any retired member who is reemployed before meeting  
1060 the definition of termination voids ~~within 1 calendar month~~  
1061 ~~after retirement shall void~~ his or her application for  
1062 retirement benefits. The State University System is subject to  
1063 the retired contribution required in subparagraph 3. 7., as  
1064 appropriate. A retired member may be reemployed as an adjunct  
1065 faculty member or a participant in a phased retirement program  
1066 for no more than 780 hours during the first 12 calendar months  
1067 after meeting the definition of termination ~~of his or her~~  
1068 ~~retirement~~. Any retired member reemployed for more than 780  
1069 hours during the 12-month limitation period must ~~first 12 months~~  
1070 ~~of retirement shall~~ give timely notice in writing to the  
1071 employer and to the Division of Retirement of the date he or she  
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1072 will exceed the limitation. The division shall suspend his or  
1073 her retirement benefits for the remainder of the 12-month  
1074 limitation period ~~first 12 months of retirement~~. Any person  
1075 employed in violation of this sub-sub-subparagraph ~~subparagraph~~  
1076 and any employing agency that ~~which knowingly~~ employs or  
1077 appoints such person without notifying the division ~~of~~  
1078 ~~Retirement~~ to suspend retirement benefits are ~~shall be~~ jointly  
1079 and severally liable for ~~reimbursement to the retirement trust~~  
1080 ~~fund of~~ any benefits paid during the reemployment limitation  
1081 period. To avoid liability, such employing agency must ~~shall~~  
1082 have a written statement from the retiree that he or she is not  
1083 retired from a state-administered retirement system. Any  
1084 retirement benefits received by a retired member while  
1085 reemployed in excess of 780 hours during the first 12 months of  
1086 retirement must ~~shall~~ be repaid to the Florida Retirement System  
1087 Trust Fund, and retirement benefits shall remain suspended until  
1088 repayment is made. Benefits suspended beyond the end of the  
1089 retired member's 12-month limitation period ~~first 12 months of~~  
1090 ~~retirement~~ shall apply toward repayment of benefits received in  
1091 violation of the 780-hour reemployment limitation.

1092 (IV)6- The Board of Trustees of the Florida School for the  
1093 Deaf and the Blind may reemploy a retired member as a substitute  
1094 teacher, substitute residential instructor, or substitute nurse  
1095 on a noncontractual basis after he or she has met the definition  
1096 of termination ~~been retired for 1 calendar month~~, in accordance  
1097 ~~with~~ s. 121.021(39). The Board of Trustees of the Florida School  
1098 for the Deaf and the Blind may reemploy a retired member as  
1099 instructional personnel, as defined in s. 1012.01(2)(a), on an

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1100 annual contractual basis after he or she has been retired and  
1101 met the definition of termination in s. 121.021(39). Any retired  
1102 member who is reemployed before meeting the definition of  
1103 termination voids ~~within 1 calendar month after retirement shall~~  
1104 ~~void~~ his or her application for retirement benefits. The Board  
1105 of Trustees of the Florida School for the Deaf and the Blind  
1106 reemploying such teachers, residential instructors, or nurses is  
1107 subject to the retirement contribution required by subparagraph  
1108 3. ~~7. Reemployment of a retired member as a substitute teacher,~~  
1109 ~~substitute residential instructor, or substitute nurse is~~  
1110 ~~limited to 780 hours during the first 12 months of his or her~~  
1111 ~~retirement. Any retired member reemployed for more than 780~~  
1112 ~~hours during the first 12 months of retirement shall give timely~~  
1113 ~~notice in writing to the employer and to the division of the~~  
1114 ~~date he or she will exceed the limitation. The division shall~~  
1115 ~~suspend his or her retirement benefits for the remainder of the~~  
1116 ~~first 12 months of retirement. Any person employed in violation~~  
1117 ~~of this subparagraph and any employing agency which knowingly~~  
1118 ~~employs or appoints such person without notifying the Division~~  
1119 ~~of Retirement to suspend retirement benefits shall be jointly~~  
1120 ~~and severally liable for reimbursement to the retirement trust~~  
1121 ~~fund of any benefits paid during the reemployment limitation~~  
1122 ~~period. To avoid liability, such employing agency shall have a~~  
1123 ~~written statement from the retiree that he or she is not retired~~  
1124 ~~from a state-administered retirement system. Any retirement~~  
1125 ~~benefits received by a retired member while reemployed in excess~~  
1126 ~~of 780 hours during the first 12 months of retirement shall be~~  
1127 ~~repaid to the Retirement System Trust Fund, and his or her~~

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1128 ~~retirement benefits shall remain suspended until payment is~~  
1129 ~~made. Benefits suspended beyond the end of the retired member's~~  
1130 ~~first 12 months of retirement shall apply toward repayment of~~  
1131 ~~benefits received in violation of the 780-hour reemployment~~  
1132 ~~limitation.~~

1133 (V) A developmental research school may reemploy a retired  
1134 member as a substitute or hourly teacher or an education  
1135 paraprofessional, as defined in s. 1012.01(2)(e), on a  
1136 noncontractual basis after he or she has been retired and met  
1137 the definition of termination in s. 121.021(39). A developmental  
1138 research school may reemploy a retired member as instructional  
1139 personnel, as defined in s. 1012.01(2)(a), on an annual  
1140 contractual basis after he or she has been retired and met the  
1141 definition of termination in s. 121.021(39). Any other retired  
1142 member who is reemployed within 12 calendar months after  
1143 retirement voids his or her application for retirement benefits.  
1144 A developmental research school that reemploys retired teachers  
1145 and education paraprofessionals is subject to the retirement  
1146 contribution required by subparagraph 3.

1147 (VI) A charter school may reemploy a retired member as a  
1148 substitute or hourly teacher on a noncontractual basis after he  
1149 or she has been retired and met the definition of termination in  
1150 s. 121.021(39). A charter school may reemploy a retired member  
1151 as instructional personnel, as defined in s. 1012.01(2)(a), on  
1152 an annual contractual basis after he or she has been retired and  
1153 met the definition of termination in s. 121.021(39). Any other  
1154 retired member who is reemployed within 12 calendar months after  
1155 retirement voids his or her application for retirement benefits.

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1156 A charter school that reemploys such members is subject to the  
1157 retirement contribution required by subparagraph 3.

1158 3.a.7. The employment ~~by an employer~~ of a any retiree or  
1159 DROP participant of a any state-administered retirement system  
1160 does not affect ~~shall have no effect on~~ the average final  
1161 compensation or years of creditable service of the retiree or  
1162 DROP participant.

1163 b. Prior to July 1, 1991, upon employment of any person,  
1164 other than an elected officer as provided in s. 121.053, who is  
1165 ~~has been~~ retired under a any state-administered retirement  
1166 program, the employer shall pay retirement contributions in an  
1167 amount equal to the unfunded actuarial liability portion of the  
1168 employer contribution which would be required for regular  
1169 members of the Florida Retirement System. Effective July 1,  
1170 1991, contributions shall be made as provided in s. 121.122 for  
1171 retirees who have ~~with~~ renewed membership or as provided in  
1172 subsection (13) for ~~with respect to~~ DROP participants.

1173 c. Any person who is retired under a state-administered  
1174 retirement program and who is initially reemployed on or after  
1175 January 1, 2010, may not renew membership in the Florida  
1176 Retirement System. The employer shall pay retirement  
1177 contributions in an amount equal to the unfunded actuarial  
1178 liability portion of the employer contribution that would be  
1179 required for active members of the Florida Retirement System in  
1180 addition to the contributions required by s. 121.76.

1181 4.a.8. Any person who has ~~previously~~ retired and who is  
1182 holding an elective public office or an appointment to an  
1183 elective public office eligible for the Elected Officers' Class  
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1184 on or after July 1, 1990, through December 31, 2009, shall be  
1185 enrolled in the Florida Retirement System as provided in s.  
1186 121.053(1) ~~(c)-(b)~~ or, if holding an elective public office that  
1187 does not qualify for the Elected Officers' Class on or after  
1188 July 1, 1991, through December 31, 2009, shall be enrolled in  
1189 the Florida Retirement System as provided in s. 121.122, and  
1190 shall continue to receive retirement benefits as well as  
1191 compensation for the elected officer's service for as long as he  
1192 or she remains in elective office. However, any retired member  
1193 who served in an elective office prior to July 1, 1990,  
1194 suspended his or her retirement benefit, and had his or her  
1195 Florida Retirement System membership reinstated shall, upon  
1196 retirement from such office, have his or her retirement benefit  
1197 recalculated to include the additional service and compensation  
1198 earned.

1199 b. Any person who has retired and who is holding an  
1200 elective public office or an appointment to an elective public  
1201 office initially eligible for the Elected Officers' Class on or  
1202 after January 1, 2010, shall not be enrolled in the Florida  
1203 Retirement System as provided in s. 121.053(1)(c) or, if holding  
1204 an elective public office that does not qualify for the Elected  
1205 Officers' Class and is initially eligible on or after January 1,  
1206 2010, shall not be enrolled in the Florida Retirement System as  
1207 provided in s. 121.122, and shall not continue to receive  
1208 retirement benefits during the first 6 calendar months after  
1209 meeting the definition of termination in s. 121.021(39).

1210 ~~5.9.~~ Any person who is holding an elective public office  
1211 which is covered by the Florida Retirement System and who is  
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1212 concurrently employed in nonelected covered employment may elect  
1213 to retire while continuing employment in the elective public  
1214 office ~~if, provided that~~ he or she terminates ~~shall be required~~  
1215 ~~to terminate~~ his or her nonelected covered employment. Any  
1216 person who exercises this election shall receive his or her  
1217 retirement benefits in addition to the compensation of the  
1218 elective office without regard to the time limitations otherwise  
1219 provided in this subsection. A ~~No~~ person who seeks to exercise  
1220 the provisions of this subparagraph, ~~as they the same~~ existed  
1221 prior to May 3, 1984, may not ~~shall~~ be deemed to be retired  
1222 under those provisions, unless such person is eligible to retire  
1223 under the provisions of this subparagraph, as amended by chapter  
1224 84-11, Laws of Florida.

1225 6. The limitations of this paragraph apply to reemployment  
1226 in any capacity with an employer irrespective of the category of  
1227 funds from which the person is compensated.

1228 7. The provisions of this paragraph regarding reemployment  
1229 after retirement apply to DROP participants effective upon  
1230 termination from employment and the end of DROP participation.

1231 ~~10. The limitations of this paragraph apply to~~  
1232 ~~reemployment in any capacity with an "employer" as defined in s.~~  
1233 ~~121.021(10), irrespective of the category of funds from which~~  
1234 ~~the person is compensated.~~

1235 ~~11. An employing agency may reemploy a retired member as a~~  
1236 ~~firefighter or paramedic after the retired member has been~~  
1237 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~  
1238 ~~Any retired member who is reemployed within 1 calendar month~~  
1239 ~~after retirement shall void his or her application for~~

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1240 ~~retirement benefits. The employing agency reemploying such~~  
1241 ~~firefighter or paramedic is subject to the retired contribution~~  
1242 ~~required in subparagraph 8. Reemployment of a retired~~  
1243 ~~firefighter or paramedic is limited to no more than 780 hours~~  
1244 ~~during the first 12 months of his or her retirement. Any retired~~  
1245 ~~member reemployed for more than 780 hours during the first 12~~  
1246 ~~months of retirement shall give timely notice in writing to the~~  
1247 ~~employer and to the division of the date he or she will exceed~~  
1248 ~~the limitation. The division shall suspend his or her retirement~~  
1249 ~~benefits for the remainder of the first 12 months of retirement.~~  
1250 ~~Any person employed in violation of this subparagraph and any~~  
1251 ~~employing agency which knowingly employs or appoints such person~~  
1252 ~~without notifying the Division of Retirement to suspend~~  
1253 ~~retirement benefits shall be jointly and severally liable for~~  
1254 ~~reimbursement to the Retirement System Trust Fund of any~~  
1255 ~~benefits paid during the reemployment limitation period. To~~  
1256 ~~avoid liability, such employing agency shall have a written~~  
1257 ~~statement from the retiree that he or she is not retired from a~~  
1258 ~~state-administered retirement system. Any retirement benefits~~  
1259 ~~received by a retired member while reemployed in excess of 780~~  
1260 ~~hours during the first 12 months of retirement shall be repaid~~  
1261 ~~to the Retirement System Trust Fund, and retirement benefits~~  
1262 ~~shall remain suspended until repayment is made. Benefits~~  
1263 ~~suspended beyond the end of the retired member's first 12 months~~  
1264 ~~of retirement shall apply toward repayment of benefits received~~  
1265 ~~in violation of the 780-hour reemployment limitation.~~

1266 (c) The provisions of this subsection apply to retirees,  
1267 as defined in s. 121.4501(2)(j), of the Public Employee Optional  
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1268 Retirement Program created in part II, subject to the following  
1269 conditions:

1270 1. Such retirees may not be reemployed with an employer  
1271 participating in the Florida Retirement System as provided in  
1272 paragraph (b) until such person has been retired for 12 ~~3~~  
1273 calendar months, ~~unless the participant has reached the normal~~  
1274 ~~retirement requirements of the defined benefit plan as provided~~  
1275 ~~in s. 121.021(29).~~

1276 2. Such retiree employed in violation of this subsection  
1277 and any employing agency that ~~knowingly~~ employs or appoints such  
1278 person shall be jointly and severally liable for reimbursement  
1279 of any benefits paid to the retirement trust fund from which the  
1280 benefits were paid, including the Retirement System Trust Fund  
1281 and the Public Employee Optional Retirement Program Trust Fund,  
1282 as appropriate. To avoid liability, such employing agency must  
1283 have a written statement from the retiree that he or she is not  
1284 retired from a state-administered retirement system.

1285 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and  
1286 subject to ~~the provisions of~~ this section, the Deferred  
1287 Retirement Option Program, hereinafter referred to as ~~the~~ DROP,  
1288 is a program under which an eligible member of the Florida  
1289 Retirement System may elect to participate, deferring receipt of  
1290 retirement benefits while continuing employment with his or her  
1291 Florida Retirement System employer. The deferred monthly  
1292 benefits shall accrue in the Florida Retirement System Trust  
1293 Fund on behalf of the participant, plus interest compounded  
1294 monthly, for the specified period of the DROP participation, as  
1295 provided in paragraph (c). Upon termination of employment, the  
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1296 participant shall receive the total DROP benefits and begin to  
1297 receive the previously determined normal retirement benefits.  
1298 Participation in the DROP does not guarantee employment for the  
1299 specified period of DROP. Participation in ~~the~~ DROP by an  
1300 eligible member beyond the initial 60-month period as authorized  
1301 in this subsection shall be on an annual contractual basis for  
1302 all participants.

1303 (a) Eligibility of member to participate in ~~the~~ DROP.--All  
1304 active Florida Retirement System members in a regularly  
1305 established position, and all active members of ~~either~~ the  
1306 Teachers' Retirement System established in chapter 238 or the  
1307 State and County Officers' and Employees' Retirement System  
1308 established in chapter 122, which ~~systems~~ are consolidated  
1309 within the Florida Retirement System under s. 121.011, are  
1310 eligible to elect participation in ~~the~~ DROP if provided that:

1311 1. The member is not a renewed member of ~~the Florida~~  
1312 ~~Retirement System~~ under s. 121.122, or a member of the State  
1313 Community College System Optional Retirement Program under s.  
1314 121.051, the Senior Management Service Optional Annuity Program  
1315 under s. 121.055, or the optional retirement program for the  
1316 State University System under s. 121.35.

1317 2. Except as provided in subparagraph 6., election to  
1318 participate is made within 12 months immediately following the  
1319 date on which the member first reaches normal retirement date,  
1320 or, for a member who reaches normal retirement date based on  
1321 service before he or she reaches age 62, or age 55 for Special  
1322 Risk Class members, election to participate may be deferred to  
1323 the 12 months immediately following the date the member attains  
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1324 57, or age 52 for Special Risk Class members. A member who  
1325 delays DROP participation during the 12-month period immediately  
1326 following his or her maximum DROP deferral date, except as  
1327 provided in subparagraph 6., loses a month of DROP participation  
1328 for each month delayed. ~~For a member who first reached normal~~  
1329 ~~retirement date or the deferred eligibility date described above~~  
1330 ~~prior to the effective date of this section, election to~~  
1331 ~~participate shall be made within 12 months after the effective~~  
1332 ~~date of this section.~~ A member who fails to make an election  
1333 within the such 12-month limitation period forfeits shall  
1334 ~~forfeit~~ all rights to participate in ~~the~~ DROP. The member shall  
1335 advise his or her employer and the division in writing of the  
1336 date ~~on which the~~ DROP begins shall begin. The Such beginning  
1337 date may be subsequent to the 12-month election period, but must  
1338 be within the original 60-month participation ~~or, with respect~~  
1339 ~~to members who are instructional personnel employed by the~~  
1340 ~~Florida School for the Deaf and the Blind and who have received~~  
1341 ~~authorization by the Board of Trustees of the Florida School for~~  
1342 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1343 ~~months, or who are instructional personnel as defined in s.~~  
1344 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~  
1345 ~~authorization by the district school superintendent to~~  
1346 ~~participate in the DROP beyond 60 months, the 96-month~~  
1347 ~~limitation period as provided in subparagraph (b)1.~~ When  
1348 establishing eligibility of the member to participate in ~~the~~  
1349 DROP ~~for the 60-month or, with respect to members who are~~  
1350 ~~instructional personnel employed by the Florida School for the~~  
1351 ~~Deaf and the Blind and who have received authorization by the~~  
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1352 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1353 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1354 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
1355 ~~grades K-12 and who have received authorization by the district~~  
1356 ~~school superintendent to participate in the DROP beyond 60~~  
1357 ~~months, the 96-month maximum participation period, the member~~  
1358 may elect to include or exclude any optional service credit  
1359 purchased by the member from the total service used to establish  
1360 the normal retirement date. A member who has ~~with~~ dual normal  
1361 retirement dates is ~~shall be~~ eligible to elect to participate in  
1362 DROP ~~within 12 months~~ after attaining normal retirement date in  
1363 either class.

1364 3. The employer of a member electing to participate in ~~the~~  
1365 DROP, or employers if dually employed, shall acknowledge in  
1366 writing to the division the date the member's participation in  
1367 ~~the~~ DROP begins and the date the member's employment and DROP  
1368 participation will terminate.

1369 4. Simultaneous employment of a participant by additional  
1370 Florida Retirement System employers subsequent to the  
1371 commencement of participation in ~~the~~ DROP is ~~shall be~~  
1372 permissible if ~~provided~~ such employers acknowledge in writing a  
1373 DROP termination date no later than the participant's existing  
1374 termination date or the maximum participation 60-month  
1375 ~~limitation~~ period ~~as~~ provided in subparagraph (b)1.

1376 5. A DROP participant may change employers while  
1377 participating in ~~the~~ DROP, subject to the following:

1378 a. A change of employment must take place without a break  
1379 in service so that the member receives salary for each month of  
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1380 continuous DROP participation. If a member receives no salary  
1381 during a month, DROP participation shall cease unless the  
1382 employer verifies a continuation of the employment relationship  
1383 for such participant pursuant to s. 121.021(39) (b) .

1384 b. Such participant and new employer shall notify the  
1385 division of the identity of the new employer on forms required  
1386 by the division ~~as to the identity of the new employer.~~

1387 c. The new employer shall acknowledge, in writing, the  
1388 participant's DROP termination date, which may be extended but  
1389 not beyond the maximum participation ~~original 60-month or, with~~  
1390 ~~respect to members who are instructional personnel employed by~~  
1391 ~~the Florida School for the Deaf and the Blind and who have~~  
1392 ~~received authorization by the Board of Trustees of the Florida~~  
1393 ~~School for the Deaf and the Blind to participate in the DROP~~  
1394 ~~beyond 60 months, or who are instructional personnel as defined~~  
1395 ~~in s. 1012.01(2) (a) - (d) in grades K-12 and who have received~~  
1396 ~~authorization by the district school superintendent to~~  
1397 ~~participate in the DROP beyond 60 months, the 96-month period~~  
1398 provided in subparagraph (b)1., shall acknowledge liability for  
1399 any additional retirement contributions and interest required if  
1400 the participant fails to timely terminate employment, and is  
1401 ~~shall be~~ subject to the adjustment required in sub-subparagraph  
1402 (c)5.d.

1403 6. Effective July 1, 2001, for instructional personnel as  
1404 defined in s. 1012.01(2), election to participate in ~~the~~ DROP  
1405 may shall be made at any time following the date on which the  
1406 member first reaches normal retirement date. The member shall  
1407 advise his or her employer and the division in writing of the  
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1408 date on which DROP begins ~~the Deferred Retirement Option Program~~  
1409 ~~shall begin~~. When establishing eligibility of the member to  
1410 participate in ~~the~~ DROP for the 60-month ~~or, with respect to~~  
1411 ~~members who are instructional personnel employed by the Florida~~  
1412 ~~School for the Deaf and the Blind and who have received~~  
1413 ~~authorization by the Board of Trustees of the Florida School for~~  
1414 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1415 ~~months, or who are instructional personnel as defined in s.~~  
1416 ~~1012.01(2) (a)-(d) in grades K-12 and who have received~~  
1417 ~~authorization by the district school superintendent to~~  
1418 ~~participate in the DROP beyond 60 months, the 96-month maximum~~  
1419 ~~participation period, as provided in subparagraph (b)1., the~~  
1420 member may elect to include or exclude any optional service  
1421 credit purchased by the member from the total service used to  
1422 establish the normal retirement date. A member who has ~~with~~ dual  
1423 normal retirement dates is ~~shall be~~ eligible to elect to  
1424 participate in either class.

1425 (b) Participation in ~~the~~ DROP.--

1426 1.a. Except as provided in sub-subparagraph b., an  
1427 eligible member may elect to participate in ~~the~~ DROP for a  
1428 period not to exceed a maximum of 60 calendar months. or, ~~with~~  
1429 ~~respect to~~

1430 b. Members who are instructional personnel employed by the  
1431 Florida School for the Deaf and the Blind and authorized ~~who~~  
1432 ~~have received authorization~~ by the Board of Trustees of the  
1433 Florida School for the Deaf and the Blind ~~to participate in the~~  
1434 ~~DROP beyond 60 months, or~~ who are instructional personnel as  
1435 defined in s. 1012.01(2) (a)-(d) in grades K-12 and authorized

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1436 ~~who have received authorization by the district school~~  
1437 ~~superintendent to participate in the DROP beyond 60 calendar~~  
1438 ~~months, or who are instructional personnel as defined in s.~~  
1439 ~~1012.01(2) (a) employed by a developmental research school and~~  
1440 ~~authorized by the school's director, or if the school has no~~  
1441 ~~director, by the school's principal, may participate in DROP for~~  
1442 ~~up to 36 calendar months beyond the 60-month period specified in~~  
1443 ~~sub-subparagraph a. 96 calendar months immediately following the~~  
1444 ~~date on which the member first reaches his or her normal~~  
1445 ~~retirement date or the date to which he or she is eligible to~~  
1446 ~~defer his or her election to participate as provided in~~  
1447 ~~subparagraph (a)2. However, a member who has reached normal~~  
1448 ~~retirement date prior to the effective date of the DROP shall be~~  
1449 ~~eligible to participate in the DROP for a period of time not to~~  
1450 ~~exceed 60 calendar months or, with respect to members who are~~  
1451 ~~instructional personnel employed by the Florida School for the~~  
1452 ~~Deaf and the Blind and who have received authorization by the~~  
1453 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1454 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1455 ~~instructional personnel as defined in s. 1012.01(2) (a) (d) in~~  
1456 ~~grades K-12 and who have received authorization by the district~~  
1457 ~~school superintendent to participate in the DROP beyond 60~~  
1458 ~~calendar months, 96 calendar months immediately following the~~  
1459 ~~effective date of the DROP, except a member of the Special Risk~~  
1460 ~~Class who has reached normal retirement date prior to the~~  
1461 ~~effective date of the DROP and whose total accrued value exceeds~~  
1462 ~~75 percent of average final compensation as of his or her~~  
1463 ~~effective date of retirement shall be eligible to participate in~~  
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1464 ~~the DROP for no more than 36 calendar months immediately~~  
1465 ~~following the effective date of the DROP.~~

1466 2. Upon deciding to participate in ~~the~~ DROP, the member  
1467 shall submit, on forms required by the division:

1468 a. A written election to participate in ~~the~~ DROP;

1469 b. Selection of ~~the~~ DROP participation and termination  
1470 dates ~~that, which~~ satisfy the limitations stated in paragraph  
1471 (a) and subparagraph 1. ~~The~~ Such termination date must ~~shall~~ be  
1472 in a binding letter of resignation to ~~with~~ the employer,  
1473 establishing a deferred termination date. The member may change  
1474 the termination date within the limitations of subparagraph 1.,  
1475 but only with the written approval of the ~~his or her~~ employer;

1476 c. A properly completed DROP application for service  
1477 retirement as provided in this section; and

1478 d. Any other information required by the division.

1479 3. The DROP participant is ~~shall be~~ a retiree under the  
1480 Florida Retirement System for all purposes, except for paragraph  
1481 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,  
1482 and 121.122. DROP participation is final and cannot be canceled  
1483 by the participant after the first payment is credited during  
1484 the DROP participation period. However, participation in ~~the~~  
1485 DROP does not alter the participant's employment status, and the  
1486 member is ~~such employee shall~~ not be deemed retired from  
1487 employment until his or her deferred resignation is effective  
1488 and termination occurs as provided in s. 121.021(39).

1489 4. Elected officers are ~~shall be~~ eligible to participate  
1490 in ~~the~~ DROP subject to the following:

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1491 a. An elected officer who reaches normal retirement date  
1492 during a term of office may defer the election to participate in  
1493 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~  
1494 elected officer who exercises this option may participate in ~~the~~  
1495 DROP for up to 60 calendar months or a period of no longer than  
1496 the ~~such~~ succeeding term of office, whichever is less.

1497 b. An elected or a nonelected participant may run for a  
1498 term of office while participating in DROP and, if elected,  
1499 extend the DROP termination date accordingly; ~~except~~, however,  
1500 if such additional term of office exceeds the 60-month  
1501 limitation established in subparagraph 1., and the officer does  
1502 not resign from office within such 60-month limitation, the  
1503 retirement and the participant's DROP is ~~shall be~~ null and void  
1504 as provided in sub-subparagraph (c)5.d.

1505 c. (I) For DROP participation ending before January 1,  
1506 2010, an elected officer who is dually employed and elects to  
1507 participate in DROP must meet ~~shall be required to satisfy~~ the  
1508 definition of termination in s. 121.021(39) within the original  
1509 60-month period or maximum participation, ~~with respect to~~  
1510 ~~members who are instructional personnel employed by the Florida~~  
1511 ~~School for the Deaf and the Blind and who have received~~  
1512 ~~authorization by the Board of Trustees of the Florida School for~~  
1513 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1514 ~~months, or who are instructional personnel as defined in s.~~  
1515 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
1516 ~~authorization by the district school superintendent to~~  
1517 ~~participate in the DROP beyond 60 months, the 96-month~~  
1518 ~~limitation~~ period as provided in subparagraph 1. for the

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1519 nonelected position and may continue employment as an elected  
1520 officer as provided in s. 121.053. The elected officer shall  
1521 ~~will~~ be enrolled as a renewed member in the Elected Officers'  
1522 Class or the Regular Class, as provided in ss. 121.053 and  
1523 121.122, on the first day of the month after termination of  
1524 employment in the nonelected position and termination of DROP.  
1525 Distribution of ~~the~~ DROP benefits shall be made as provided in  
1526 paragraph (c).

1527 (II) For DROP participation beginning on or after January  
1528 1, 2010, an elected officer who is dually employed and elects to  
1529 participate in DROP must meet the definition of termination in  
1530 s. 121.021(39) within the original 60-month period or maximum  
1531 participation period as provided in subparagraph 1.

1532 (c) Benefits payable under ~~the~~ DROP.--

1533 1. Effective on ~~with~~ the date of DROP participation, the  
1534 member's initial normal monthly benefit, including creditable  
1535 service, optional form of payment, and average final  
1536 compensation, and the effective date of retirement are ~~shall be~~  
1537 fixed. The beneficiary established under the Florida Retirement  
1538 System shall be the beneficiary eligible to receive any DROP  
1539 benefits payable if the DROP participant dies prior to the  
1540 completion of the period of DROP participation. If ~~In the event~~  
1541 a joint annuitant predeceases the member, the member may name a  
1542 beneficiary to receive accumulated DROP benefits payable. The  
1543 ~~Such~~ retirement benefit, the annual cost of living adjustments  
1544 provided in s. 121.101, and interest shall accrue monthly in the  
1545 Florida Retirement System Trust Fund. The ~~Such~~ interest shall  
1546 accrue at an effective annual rate of 6.5 percent compounded

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1547 monthly, on the prior month's accumulated ending balance, up to  
1548 the month of termination or death, except as provided in s.  
1549 121.053(1)(b)5.

1550 2. Each employee who elects to participate in ~~the~~ DROP may  
1551 ~~shall be allowed to~~ elect to receive a lump-sum payment for  
1552 accrued annual leave earned in accordance with agency policy  
1553 upon beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated  
1554 leave payment certified to the division upon commencement of  
1555 DROP shall be included in the calculation of the member's  
1556 average final compensation. The employee electing the ~~such~~ lump-  
1557 sum payment is ~~upon beginning participation in DROP will not be~~  
1558 eligible to receive a second lump-sum payment upon termination,  
1559 except to the extent the employee has earned additional annual  
1560 leave which, combined with the original payment, does not exceed  
1561 the maximum lump-sum payment allowed by the employing agency's  
1562 policy or rules. An ~~Such~~ early lump-sum payment shall be based  
1563 on the hourly wage of the employee at the time he or she begins  
1564 participation in ~~the~~ DROP. If the member elects to wait and  
1565 receive a ~~such~~ lump-sum payment upon termination of DROP and  
1566 termination of employment with the employer, any accumulated  
1567 leave payment made at that time may not ~~cannot~~ be included in  
1568 the member's retirement benefit, which was determined and fixed  
1569 by law when the employee elected to participate in ~~the~~ DROP.

1570 3. The effective date of DROP participation and the  
1571 effective date of retirement of a DROP participant shall be the  
1572 first day of the month selected by the member to begin  
1573 participation in ~~the~~ DROP, provided such date is properly

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1574 established, with the written confirmation of the employer, and  
1575 the approval of the division, on forms required by the division.

1576 4. Normal retirement benefits and any interest ~~thereon~~  
1577 shall continue to accrue in ~~the~~ DROP until the established  
1578 termination date of ~~the~~ DROP, or until the participant  
1579 terminates employment or dies prior to such date, except as  
1580 provided in s. 121.053(1)(b)5. Although individual DROP accounts  
1581 shall not be established, a separate accounting of each  
1582 participant's accrued benefits under ~~the~~ DROP shall be  
1583 calculated and provided to participants.

1584 5. At the conclusion of the participant's DROP, the  
1585 division shall distribute the participant's total accumulated  
1586 DROP benefits, subject to the following provisions:

1587 a. The division shall receive verification by the  
1588 participant's employer or employers that the ~~such~~ participant  
1589 has terminated employment as provided in s. 121.021(39)(b).

1590 b. The terminated DROP participant or, if deceased, the  
1591 ~~such~~ participant's named beneficiary, shall elect on forms  
1592 provided by the division to receive payment of the DROP benefits  
1593 in accordance with one of the options listed below. If ~~For~~ a  
1594 participant or beneficiary ~~who~~ fails to elect a method of  
1595 payment within 60 days after ~~of~~ termination of ~~the~~ DROP, the  
1596 division shall ~~will~~ pay a lump sum as provided in sub-sub-  
1597 subparagraph (I).

1598 (I) Lump sum.--All accrued DROP benefits, plus interest,  
1599 less withholding taxes remitted to the Internal Revenue Service,  
1600 shall be paid to the DROP participant or surviving beneficiary.

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1601 (II) Direct rollover.--All accrued DROP benefits, plus  
1602 interest, shall be paid from ~~the~~ DROP directly to the custodian  
1603 of an eligible retirement plan as defined in s. 402(c)(8)(B) of  
1604 the Internal Revenue Code. However, in the case of an eligible  
1605 rollover distribution to the surviving spouse of a deceased  
1606 participant, an eligible retirement plan is an individual  
1607 retirement account or an individual retirement annuity as  
1608 described in s. 402(c)(9) of the Internal Revenue Code.

1609 (III) Partial lump sum.--A portion of the accrued DROP  
1610 benefits shall be paid to the DROP participant or surviving  
1611 spouse, less withholding taxes remitted to the Internal Revenue  
1612 Service, and the remaining DROP benefits shall be transferred  
1613 directly to the custodian of an eligible retirement plan as  
1614 defined in s. 402(c)(8)(B) of the Internal Revenue Code.  
1615 However, in the case of an eligible rollover distribution to the  
1616 surviving spouse of a deceased participant, an eligible  
1617 retirement plan is an individual retirement account or an  
1618 individual retirement annuity as described in s. 402(c)(9) of  
1619 the Internal Revenue Code. The proportions shall be specified by  
1620 the DROP participant or surviving beneficiary.

1621 c. The form of payment selected by the DROP participant or  
1622 surviving beneficiary must comply ~~complies~~ with the minimum  
1623 distribution requirements of the Internal Revenue Code.

1624 d. A DROP participant who fails to terminate employment as  
1625 defined in s. 121.021(39)(b) shall be deemed as not ~~to be~~  
1626 retired, and the DROP election is ~~shall be~~ null and void.  
1627 Florida Retirement System membership shall be reestablished  
1628 retroactively to the date of the commencement of ~~the~~ DROP, and

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1629 each employer with whom the participant continues employment  
1630 ~~must shall be required to~~ pay to the Florida Retirement System  
1631 Trust Fund the difference between the DROP contributions paid in  
1632 paragraph (h) ~~(i)~~ and the contributions required for the  
1633 applicable Florida Retirement System class of membership during  
1634 the period the member participated in ~~the~~ DROP, plus 6.5 percent  
1635 interest compounded annually.

1636 6. The retirement benefits of any DROP participant who  
1637 meets the definition of termination in s. 121.021(39)(b) but is  
1638 in violation of the reemployment provisions as provided in  
1639 subsection (9) shall be suspended during those months in which  
1640 the member is in violation. Any member employed in violation of  
1641 this subparagraph and any employing agency that employs or  
1642 appoints such member without notifying the Division of  
1643 Retirement to suspend retirement benefits are jointly and  
1644 severally liable for any benefits paid during the reemployment  
1645 limitation period. To avoid liability, the employing agency must  
1646 have a written statement from the retiree that he or she is not  
1647 retired from a state-administered retirement system. Any  
1648 retirement benefits received by a retired member while employed  
1649 in violation of the reemployment limitations during the first 6  
1650 months after meeting termination in s. 121.021(39) must be  
1651 repaid to the Florida Retirement System Trust Fund, and his or  
1652 her retirement benefits shall remain suspended until payment is  
1653 made. Benefits suspended beyond the end of the retired member's  
1654 first 6 calendar months after meeting the definition of  
1655 termination in s. 121.021(39)(b) shall apply toward repayment of  
1656 benefits received in violation of the reemployment limitation.

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1657 ~~7.6.~~ The accrued benefits of any DROP participant, and any  
1658 contributions accumulated under the ~~such~~ program, are ~~shall~~ not  
1659 ~~be~~ subject to assignment, execution, attachment, or ~~to~~ any legal  
1660 process whatsoever, except for qualified domestic relations  
1661 orders by a court of competent jurisdiction, income deduction  
1662 orders as provided in s. 61.1301, and federal income tax levies.

1663 ~~8.7.~~ DROP participants are ~~shall~~ not ~~be~~ eligible for  
1664 disability retirement benefits as provided in subsection (4).

1665 (d) Death benefits under ~~the~~ DROP.--

1666 1. Upon the death of a DROP participant, the named  
1667 beneficiary shall be entitled to apply for and receive the  
1668 accrued benefits in ~~the~~ DROP as provided in sub-subparagraph  
1669 (c)5.b.

1670 2. The normal retirement benefit accrued to ~~the~~ DROP  
1671 during the month of a participant's death shall be the final  
1672 monthly benefit credited for such DROP participant.

1673 3. Eligibility to participate in ~~the~~ DROP terminates upon  
1674 death of the participant. If the participant dies on or after  
1675 the effective date of enrollment in ~~the~~ DROP, but prior to the  
1676 first monthly benefit being credited to ~~the~~ DROP, Florida  
1677 Retirement System benefits shall be paid in accordance with  
1678 subparagraph (7)(c)1. or subparagraph 2.

1679 4. A DROP participant's ~~participants'~~ survivors shall not  
1680 be eligible to receive Florida Retirement System death benefits  
1681 as provided in paragraph (7)(d).

1682 (e) Cost-of-living adjustment.--On each July 1, the  
1683 participant's ~~participants'~~ normal retirement benefit shall be  
1684 increased as provided in s. 121.101.

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1685 (f) Retiree health insurance subsidy.--DROP participants  
1686 are not eligible to apply for the retiree health insurance  
1687 subsidy payments as provided in s. 112.363 until such  
1688 participants have terminated employment and participation in ~~the~~  
1689 DROP.

1690 ~~(g) Renewed membership.--DROP participants shall not be~~  
1691 ~~eligible for renewed membership in the Florida Retirement System~~  
1692 ~~under ss. 121.053 and 121.122 until termination of employment is~~  
1693 ~~effectuated as provided in s. 121.021(39) (b).~~

1694 ~~(g)~~<sup>(h)</sup> Employment limitation after DROP  
1695 participation.--Upon satisfying the definition of termination of  
1696 employment as provided in s. 121.021(39) (b), DROP participants  
1697 shall be subject to such reemployment limitations as other  
1698 retirees. Reemployment restrictions applicable to retirees as  
1699 provided in subsection (9) shall not apply to DROP participants  
1700 until their employment and participation in ~~the~~ DROP are  
1701 terminated.

1702 ~~(h)~~<sup>(i)</sup> Contributions.--

1703 1. All employers paying the salary of a DROP participant  
1704 filling a regularly established position shall contribute 8.0  
1705 percent of such participant's gross compensation for the period  
1706 of July 1, 2002, through June 30, 2003, and the percentage ~~11.56~~  
1707 ~~percent~~ of such compensation required by s. 121.71 thereafter,  
1708 which shall constitute the entire employer DROP contribution  
1709 with respect to such participant. Such contributions, payable to  
1710 the Florida Retirement System Trust Fund in the same manner as  
1711 required in s. 121.071, shall be made as appropriate for each  
1712 pay period and are in addition to contributions required for  
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1713 social security and the Retiree Health Insurance Subsidy Trust  
1714 Fund. Such employer, social security, and health insurance  
1715 subsidy contributions are not included in ~~the~~ DROP.

1716 2. The employer shall, in addition to subparagraph 1.,  
1717 also withhold one-half of the entire social security  
1718 contribution required for the participant. Contributions for  
1719 social security by each participant and each employer, in the  
1720 amount required for social security coverage as now or hereafter  
1721 provided by the federal Social Security Act, shall be in  
1722 addition to contributions specified in subparagraph 1.

1723 3. All employers paying the salary of a DROP participant  
1724 filling a regularly established position shall contribute the  
1725 percent of such participant's gross compensation required in s.  
1726 121.071(4), which shall constitute the employer's health  
1727 insurance subsidy contribution with respect to such participant.  
1728 Such contributions shall be deposited by the administrator in  
1729 the Retiree Health Insurance Subsidy Trust Fund.

1730 (i)~~(j)~~ Forfeiture of retirement benefits.--Nothing in this  
1731 section shall be construed to remove DROP participants from the  
1732 scope of s. 8(d), Art. II of the State Constitution, s.  
1733 112.3173, and paragraph (5)(f). DROP participants who commit a  
1734 specified felony offense while employed will be subject to  
1735 forfeiture of all retirement benefits, including DROP benefits,  
1736 pursuant to those provisions of law.

1737 (j)~~(k)~~ Administration of program.--The division shall make  
1738 such rules as are necessary for the effective and efficient  
1739 administration of this subsection. The division shall not be  
1740 required to advise members of the federal tax consequences of an  
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1741 election related to ~~the~~ DROP but may advise members to seek  
1742 independent advice.

1743 (14) PAYMENT OF BENEFITS.--This subsection applies to the  
1744 payment of benefits to a payee (retiree or beneficiary) under  
1745 the Florida Retirement System:

1746 (a) Federal income tax shall be withheld in accordance  
1747 with federal law, unless the payee elects otherwise on Form W-  
1748 4P. The division shall prepare and distribute to each recipient  
1749 of monthly retirement benefits an appropriate income tax form  
1750 that reflects the recipient's income and federal income tax  
1751 withheld for the calendar year just ended.

1752 (b) Subject to approval by the division in accordance with  
1753 rule 60S-4.015, Florida Administrative Code, a payee receiving  
1754 retirement benefits under the ~~Florida Retirement~~ system may also  
1755 have the following payments deducted from his or her monthly  
1756 benefit:

1757 1. Premiums for life and health-related insurance policies  
1758 from approved companies.

1759 2. Life insurance premiums for the State Group Life  
1760 Insurance Plan, if authorized in writing by the payee and by the  
1761 department ~~of Management Services~~.

1762 3. Repayment of overpayments from the Florida Retirement  
1763 System Trust Fund, the State Employees' Health Insurance Trust  
1764 Fund, or the State Employees' Life Insurance Trust Fund, upon  
1765 notification of the payee.

1766 4. Payments to an alternate payee for alimony or child  
1767 support pursuant to an income deduction order under s. 61.1301,  
1768 or division of marital assets pursuant to a qualified domestic  
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1769 relations order under s. 222.21 ~~or an income deduction order~~  
1770 ~~under s. 61.1301.~~

1771 5. Payments to the Internal Revenue Service for federal  
1772 income tax levies, upon notification of the division by the  
1773 Internal Revenue Service.

1774 (c) A payee must ~~shall~~ notify the division of any change  
1775 in his or her address. The division may suspend benefit payments  
1776 to a payee if correspondence sent to the payee's mailing address  
1777 is returned due to an incorrect address. Benefit payments shall  
1778 be resumed upon notification to the division of the payee's new  
1779 address.

1780 (d) A payee whose retirement benefits are reduced by the  
1781 application of maximum benefit limits under s. 415(b) of the  
1782 Internal Revenue Code, as specified in s. 121.30(5), shall have  
1783 the portion of his or her calculated benefit in the Florida  
1784 Retirement System defined benefit plan which exceeds such  
1785 federal limitation paid through the Florida Retirement System  
1786 Preservation of Benefits Plan, as provided in s. 121.1001.

1787 (e) The Division of Retirement may issue retirement  
1788 benefits payable for division of marital assets pursuant to a  
1789 qualified domestic relations order directly to the alternate  
1790 payee, any court order to the contrary notwithstanding, in order  
1791 to meet Internal Revenue Code requirements.

1792 (f)-(e) A ~~Ne~~ benefit may not be reduced for the purpose of  
1793 preserving the member's eligibility for a federal program.

1794 (g)-(f) The division shall adopt rules establishing  
1795 procedures for determining that ~~the~~ persons to whom benefits are  
1796 being paid are still living. The division shall suspend the  
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1797 benefits being paid to any payee if ~~when~~ it is unable to contact  
1798 such payee and to confirm that he or she is still living.

1799 Section 10. Section 121.1115, Florida Statutes, is amended  
1800 to read:

1801 121.1115 Purchase of retirement credit for out-of-state or  
1802 ~~and~~ federal service.--Effective January 1, 1995, a member ~~of the~~  
1803 ~~Florida Retirement System~~ may purchase creditable service for  
1804 periods of public employment in another state and receive  
1805 creditable service for such periods of employment. Service with  
1806 the Federal Government, including any active military service,  
1807 may be claimed. Upon completion of each year of service earned  
1808 under the Florida Retirement System, a member may purchase up to  
1809 1 year of retirement credit for his or her out-of-state service,  
1810 subject to the following provisions:

1811 (1) LIMITATIONS AND CONDITIONS.--To receive credit for the  
1812 out-of-state service:

- 1813 (a) The out-of-state service ~~being claimed~~ must have been:
- 1814 1. Performed in a position of employment with the state or  
1815 a political subdivision thereof or with the Federal Government;
  - 1816 2. Covered by a retirement or pension plan provided by the  
1817 state or political subdivision, or by the Federal Government, as  
1818 appropriate; and
  - 1819 3. Performed prior to a period of membership in the  
1820 Florida Retirement System.

1821 (b) The member must have completed a minimum of 6 years of  
1822 creditable service under the Florida Retirement System,  
1823 excluding out-of-state service and in-state service claimed and  
1824 purchased under s. 121.1122.

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1825 (c) Not more than 5 years of creditable service may be  
1826 claimed for creditable service aggregated under ~~the provisions~~  
1827 ~~of~~ this section and s. 121.1122.

1828 (d) The out-of-state service credit ~~claimed under this~~  
1829 ~~section~~ shall be credited only as service in the Regular Class  
1830 ~~of membership~~, and any benefit or pension based thereon is ~~shall~~  
1831 ~~be~~ subject to the limitations and restrictions of s. 112.65.

1832 (e) The member is not eligible for and may not receive a  
1833 pension or benefit from a retirement or pension plan based on or  
1834 including the out-of-state service. Eligibility for or the  
1835 receipt of contributions to a retirement plan made by the  
1836 employer on behalf of the employee is considered a benefit.

1837 (f) ~~(e)~~ ~~A member shall be eligible~~ To receive service  
1838 credit for out-of-state service performed after leaving the  
1839 Florida Retirement System, the member must complete ~~only upon~~  
1840 ~~return to membership and completion of~~ at least 1 year of  
1841 creditable service in the Florida Retirement System following  
1842 the out-of-state service.

1843 (2) COST.--For each year claimed, the member must pay into  
1844 the Florida Retirement System Trust Fund an amount equal to 20  
1845 percent of the member's annual compensation for the first full  
1846 work year of creditable service earned under the Florida  
1847 Retirement System, but not less than \$12,000, plus interest at  
1848 6.5 percent compounded annually from the date of first annual  
1849 salary earned until full payment is made. The employer may pay  
1850 all or a portion of the cost of this service credit.

1851 Section 11. Subsection (2) of section 121.1122, Florida  
1852 Statutes, is amended to read:

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1853 121.1122 Purchase of retirement credit for in-state public  
1854 service and in-state service in accredited nonpublic schools and  
1855 colleges, including charter schools and charter technical career  
1856 centers.--Effective January 1, 1998, a member of the Florida  
1857 Retirement System may purchase creditable service for periods of  
1858 certain public or nonpublic employment performed in this state,  
1859 as provided in this section.

1860 (2) LIMITATIONS AND CONDITIONS.--

1861 (a) A member is not eligible to receive credit for in-  
1862 state service under this section until he or she has completed 6  
1863 years of creditable service under the Florida Retirement System,  
1864 excluding service purchased under this section and out-of-state  
1865 service claimed and purchased under s. 121.1115.

1866 (b) A member may not purchase and receive credit for more  
1867 than 5 years of creditable service aggregated under ~~the~~  
1868 ~~provisions of~~ this section and s. 121.1115.

1869 (c) Service credit claimed under this section shall be  
1870 credited only as service in the Regular Class ~~of membership~~ and  
1871 ~~is shall be~~ subject to ~~the provisions of~~ s. 112.65.

1872 (d) Service credit may not be purchased under this section  
1873 if the member is eligible to receive or is receiving a pension  
1874 or benefit from a retirement or pension plan based on or  
1875 including the service. Eligibility for or the receipt of  
1876 contributions to a retirement plan made by the employer on  
1877 behalf of the employee is considered a benefit.

1878 ~~(e)-(d)~~ A member is ~~shall be~~ eligible to receive service  
1879 credit for in-state service performed after leaving the Florida  
1880 Retirement System only after ~~upon returning to membership and~~  
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1881 completing at least 1 year of creditable service in the Florida  
1882 Retirement System following the in-state service.

1883 ~~(f)~~(e) The service claimed must have been service covered  
1884 by a retirement or pension plan provided by the employer.

1885 Section 12. Section 121.122, Florida Statutes, is amended  
1886 to read:

1887 121.122 Renewed membership in system.--

1888 (1) Any retiree of a state-administered retirement system  
1889 who is initially reemployed on or after January 1, 2010, shall  
1890 not be eligible for renewed membership.

1891 (2) Except as provided in s. 121.053, effective July 1,  
1892 1991, through December 31, 2009, any retiree of a state-  
1893 administered retirement system who is initially reemployed  
1894 ~~employed~~ in a regularly established position with a covered  
1895 employer shall be enrolled as a compulsory member of the Regular  
1896 Class of the Florida Retirement System or, effective July 1,  
1897 1997, through December 31, 2009, any retiree of a state-  
1898 administered retirement system who is initially reemployed  
1899 ~~employed~~ in a position included in the Senior Management Service  
1900 Class shall be enrolled as a compulsory member of the Senior  
1901 Management Service Class of the Florida Retirement System as  
1902 provided in s. 121.055, and shall be entitled to receive an  
1903 additional retirement benefit, subject to the following  
1904 conditions:

1905 ~~(1)~~(a) Such member shall resatisfy the age and service  
1906 requirements as provided in this chapter for initial membership  
1907 under the system, unless such member elects to participate in  
1908 the Senior Management Service Optional Annuity Program in lieu  
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1909 of the Senior Management Service Class, as provided in s.  
1910 121.055(6).

1911 (b) Such member shall not be entitled to disability  
1912 benefits as provided in s. 121.091(4).

1913 (c) Such member must meet the reemployment after  
1914 retirement limitations as provided in s. 121.091(9), as  
1915 applicable.

1916 ~~(3)~~ ~~(2)~~ Upon renewed membership or reemployment of a  
1917 retiree, the employer of such member shall pay the applicable  
1918 employer contributions as required by ss. 121.71, 121.74,  
1919 121.76, and 112.363 ~~121.055(3) and 121.071(1)(a) and (4).~~

1920 ~~(4)~~ ~~(3)~~ The retiree of a state-administered retirement  
1921 system who is initially reemployed before January 1, 2010, Such  
1922 member shall be entitled to purchase additional retirement  
1923 credit in the Regular Class or the Senior Management Service  
1924 Class, as applicable, for any postretirement service performed  
1925 in a regularly established position as follows:

1926 (a) For regular class service prior to July 1, 1991, by  
1927 paying the Regular Class applicable employee and employer  
1928 contributions for the period being claimed, plus 4 percent  
1929 interest compounded annually from first year of service claimed  
1930 until July 1, 1975, and 6.5 percent interest compounded  
1931 thereafter, until full payment is made to the Florida Retirement  
1932 System Trust Fund; or

1933 (b) For Senior Management Service Class prior to June 1,  
1934 1997, as provided in s. 121.055(1)(j).

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1936 The contribution for postretirement service between July 1,  
1937 1985, and July 1, 1991, for which the reemployed retiree  
1938 contribution was paid, shall be the difference between such  
1939 contribution and the total applicable contribution for the  
1940 period being claimed, plus interest. The employer of such member  
1941 may pay the applicable employer contribution in lieu of the  
1942 member. If a member does not wish to claim credit for all of the  
1943 postretirement service for which he or she is eligible, the  
1944 service the member claims must be the most recent service.

1945 ~~(5)~~(4) No creditable service for which credit was  
1946 received, or which remained unclaimed, at retirement may be  
1947 claimed or applied toward service credit earned following  
1948 renewed membership. However, for retirees initially reemployed  
1949 before January 1, 2010, service earned as an elected officer  
1950 with renewed membership in the Elected Officers' Class may be  
1951 used in conjunction with creditable service earned under this  
1952 section, provided the applicable vesting requirements and other  
1953 existing statutory conditions required by this chapter are met.

1954 ~~(6)~~(5) Notwithstanding any other limitations provided in  
1955 this section, a participant of the State University System  
1956 Optional Retirement Program, the State Community College  
1957 Optional Retirement Program, or the Senior Management Service  
1958 Optional Annuity Program who terminated employment and commenced  
1959 receiving a distribution ~~an annuity~~ under ~~the provisions of the~~  
1960 optional program, who initially renews membership before January  
1961 1, 2010, ~~in the Regular Class~~ as required by this section upon  
1962 reemployment after retirement, and who had previously earned  
1963 creditable Florida Retirement System service that was not

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1964 included in any retirement benefit may include such previous  
1965 service toward vesting and service credit in the second career  
1966 benefit provided under renewed membership.

1967 ~~(7)~~(6) Any renewed member who is not receiving the maximum  
1968 health insurance subsidy provided in s. 112.363 shall be  
1969 entitled to earn additional credit toward the maximum health  
1970 insurance subsidy. Any additional subsidy due because of such  
1971 additional credit shall be received only at the time of payment  
1972 of the second career retirement benefit. In no case shall the  
1973 total health insurance subsidy received by a retiree receiving  
1974 benefits from initial and renewed membership exceed the maximum  
1975 allowed in s. 112.363.

1976 Section 13. Section 121.136, Florida Statutes, is amended  
1977 to read:

1978 121.136 Annual benefit statement to members.--Each year  
1979 ~~Beginning January 1, 1993, and each January thereafter,~~ the  
1980 department shall provide each active member of the Florida  
1981 Retirement System with 5 or more years of creditable service an  
1982 annual statement of benefits that provides. ~~Such statement~~  
1983 ~~should provide~~ the member with basic data about the member's  
1984 retirement account. At a minimum ~~Minimally,~~ it must ~~shall~~  
1985 include the member's retirement plan, accrued service credit ~~the~~  
1986 ~~amount of funds on deposit in the retirement account,~~ and an  
1987 estimate of retirement benefits.

1988 Section 14. Section 121.1905, Florida Statutes, is amended  
1989 to read:

1990 121.1905 Division of Retirement; creation.--

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1991           (1) There is created the Division of Retirement within the  
1992 Department of Management Services.

1993           ~~(2) The mission of the Division of Retirement is to~~  
1994 ~~provide quality and cost-effective retirement services as~~  
1995 ~~measured by member satisfaction and by comparison with~~  
1996 ~~administrative costs of comparable retirement systems.~~

1997           Section 15. Paragraph (a) of subsection (2) of section  
1998 121.23, Florida Statutes, is amended to read:

1999           121.23 Disability retirement and special risk membership  
2000 applications; Retirement Commission; powers and duties; judicial  
2001 review.--The provisions of this section apply to all proceedings  
2002 in which the administrator has made a written final decision on  
2003 the merits respecting applications for disability retirement,  
2004 reexamination of retired members receiving disability benefits,  
2005 applications for special risk membership, and reexamination of  
2006 special risk members in the Florida Retirement System. The  
2007 jurisdiction of the State Retirement Commission under this  
2008 section shall be limited to written final decisions of the  
2009 administrator on the merits.

2010           (2) A member shall be entitled to a hearing before the  
2011 State Retirement Commission pursuant to ss. 120.569 and  
2012 120.57(1) on the merits of any written adverse decision of the  
2013 administrator, if he or she files with the commission a written  
2014 request for such hearing within 21 days after receipt of such  
2015 written decision from the administrator. For the purpose of such  
2016 hearings, the commission shall be an "agency head" as defined by  
2017 s. 120.52.

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2018 (a) The commission ~~may shall have the authority to issue~~  
2019 orders as a result of the a hearing that are ~~shall be~~ binding on  
2020 all parties to the dispute and. ~~The commission~~ may order any  
2021 action that it deems appropriate. Any disability retirement  
2022 order of the commission that ~~issued pursuant to this subsection~~  
2023 ~~which~~ sustains the application of the member may include an  
2024 amount, to be determined by the commission, for reasonable  
2025 attorney's fees and taxable costs, which shall be calculated in  
2026 accordance with the statewide uniform guidelines for taxation of  
2027 costs in civil actions. The amount of the attorney's fees ~~fee~~  
2028 may not exceed 50 percent of the initial yearly benefit awarded  
2029 under s. 121.091(4). In cases involving disability retirement,  
2030 the ~~State Retirement~~ commission shall require the member to  
2031 present substantial competent medical evidence that meets the  
2032 requirements of s. 121.091(4)(c)2. and 3., and may require  
2033 vocational evidence, before awarding disability retirement  
2034 benefits.

2035 Section 16. Paragraph (a) of subsection (1) of section  
2036 121.24, Florida Statutes, is amended to read:

2037 121.24 Conduct of commission business; legal and other  
2038 assistance; compensation.--

2039 (1) The commission shall conduct its business within the  
2040 following guidelines:

2041 (a) For purposes of hearing appeals under s. 121.23, the  
2042 commission may meet in panels ~~consisting of no not~~ no fewer than  
2043 three members. ~~For the purpose of meeting in these panels, a~~  
2044 ~~quorum shall be not fewer than two members. For all other~~  
2045 ~~purposes,~~ A quorum shall consist of three members. The

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2046 concurring vote of a majority of the members present is ~~shall be~~  
2047 required to reach a decision, issue orders, and conduct the  
2048 business of the commission.

2049 Section 17. Paragraph (h) of subsection (3) and paragraphs  
2050 (a) and (e) of subsection (5) of section 121.35, Florida  
2051 Statutes, are amended, and paragraph (g) is added to subsection  
2052 (5) of that section, to read:

2053 121.35 Optional retirement program for the State  
2054 University System.--

2055 (3) ELECTION OF OPTIONAL PROGRAM.--

2056 (h) A participant in the optional retirement program may  
2057 not participate in more than one state-administered retirement  
2058 system, plan, or class simultaneously. Except as provided in s.  
2059 121.052(6)(d), a participant who is or becomes dually employed  
2060 in two or more positions covered by the Florida Retirement  
2061 System, one of which is eligible for the optional program and  
2062 one of which is not, may remain a member of the optional program  
2063 and contributions shall be paid as required only on the salary  
2064 earned in the position eligible for the optional program during  
2065 such period of dual employment; or, within 90 days after  
2066 becoming dually employed, he or she may elect membership in the  
2067 Regular Class of the Florida Retirement System in lieu of the  
2068 optional program and contributions shall be paid as required on  
2069 the total salary received for all employment. At retirement, the  
2070 average final compensation used to calculate any benefits for  
2071 which the member becomes eligible under the Florida Retirement  
2072 System shall be based on all salary reported for both positions  
2073 during such period of dual employment. When such member ceases  
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2074 to be dually employed, he or she may, within 90 days, elect to  
2075 remain in the Florida Retirement System class for which he or  
2076 she is eligible or to again become a participant in the optional  
2077 retirement program. Failure to elect membership in the optional  
2078 program within 90 days shall result in compulsory membership in  
2079 the Florida Retirement System, except that a member filling a  
2080 faculty position at ~~under~~ a college with a faculty practice plan  
2081 at the University of Florida, ~~or~~ the medical center at the  
2082 University of South Florida, or any other state university shall  
2083 again participate in the optional retirement program as required  
2084 in s. 121.051(1) (a).

2085 (5) BENEFITS.--

2086 (a) Benefits shall be payable under the optional  
2087 retirement program only to vested participants in the program,  
2088 or their beneficiaries as designated by the participant in the  
2089 contract with a provider company, and such benefits shall be  
2090 paid only by the designated company in accordance with s. 403(b)  
2091 of the Internal Revenue Code and in accordance with the terms of  
2092 the annuity contract or contracts applicable to the participant.  
2093 Benefits shall accrue in individual accounts that are  
2094 participant-directed, portable, and funded by employer  
2095 contributions and the earnings thereon. The participant must be  
2096 terminated from all employment with all Florida Retirement  
2097 System employers, as provided in s. 121.021(39), to begin  
2098 receiving the employer-funded benefit. Benefits funded by  
2099 employer contributions shall be payable in accordance with the  
2100 following terms and conditions:

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2101 1. Benefits shall be payable only to a participant, to his  
2102 or her beneficiaries, or to his or her estate, as designated by  
2103 the participant.

2104 2. Benefits shall be paid by the provider company or  
2105 companies in accordance with the law, the provisions of the  
2106 contract, and any applicable department ~~board~~ rule or policy.

2107 3. In the event of a participant's death, moneys  
2108 accumulated by, or on behalf of, the participant, less  
2109 withholding taxes remitted to the Internal Revenue Service, if  
2110 any, shall be distributed to the participant's designated  
2111 beneficiary or beneficiaries, or to the participant's estate, as  
2112 if the participant retired on the date of death, as provided in  
2113 paragraph (c). No other death benefits shall be available for  
2114 survivors of participants under the optional retirement program  
2115 except for such benefits, or coverage for such benefits, as are  
2116 separately afforded by the employer, at the employer's  
2117 discretion.

2118 (e) A participant who chooses to receive his or her  
2119 benefits upon termination of employment as defined in s.  
2120 121.021(39) shall have responsibility to notify the provider  
2121 company of the date on which he or she wishes benefits funded by  
2122 employer contributions to begin. Benefits may be deferred until  
2123 such time as the participant chooses to make such application.

2124 (g) For purposes of this section, "retiree" means a former  
2125 participant of the optional retirement program who has  
2126 terminated employment and has taken a distribution as provided  
2127 in this subsection, except for a mandatory distribution of a de  
2128 minimis account authorized by the department.

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2129 Section 18. Paragraph (f) of subsection (2) of section  
2130 121.4501, Florida Statutes, is amended to read:

2131 121.4501 Public Employee Optional Retirement Program.--

2132 (2) DEFINITIONS.--As used in this part, the term:

2133 (f) "Eligible employee" means an officer or employee, as  
2134 defined in s. 121.021(11), who:

2135 1. Is a member of, or is eligible for membership in, the  
2136 Florida Retirement System, including any renewed member of the  
2137 Florida Retirement System initially enrolled before January 1,  
2138 2010; or

2139 2. Participates in, or is eligible to participate in, the  
2140 Senior Management Service Optional Annuity Program as  
2141 established under s. 121.055(6), the State Community College  
2142 System Optional Retirement Program as established under s.  
2143 121.051(2)(c), or the State University System Optional  
2144 Retirement Program established under s. 121.35.

2145  
2146 The term does not include any member participating in the  
2147 Deferred Retirement Option Program established under s.  
2148 121.091(13), a retiree of a state-administered retirement system  
2149 initially reemployed on or after January 1, 2010, or a mandatory  
2150 participant of the State University System Optional Retirement  
2151 Program established under s. 121.35.

2152 Section 19. Paragraph (b) of subsection (1) of section  
2153 121.591, Florida Statutes, is amended to read:

2154 121.591 Benefits payable under the Public Employee  
2155 Optional Retirement Program of the Florida Retirement  
2156 System.--Benefits may not be paid under this section unless the  
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2157 member has terminated employment as provided in s.  
2158 121.021(39) (a) or is deceased and a proper application has been  
2159 filed in the manner prescribed by the state board or the  
2160 department. The state board or department, as appropriate, may  
2161 cancel an application for retirement benefits when the member or  
2162 beneficiary fails to timely provide the information and  
2163 documents required by this chapter and the rules of the state  
2164 board and department. In accordance with their respective  
2165 responsibilities as provided herein, the State Board of  
2166 Administration and the Department of Management Services shall  
2167 adopt rules establishing procedures for application for  
2168 retirement benefits and for the cancellation of such application  
2169 when the required information or documents are not received. The  
2170 State Board of Administration and the Department of Management  
2171 Services, as appropriate, are authorized to cash out a de  
2172 minimis account of a participant who has been terminated from  
2173 Florida Retirement System covered employment for a minimum of 6  
2174 calendar months. A de minimis account is an account containing  
2175 employer contributions and accumulated earnings of not more than  
2176 \$5,000 made under the provisions of this chapter. Such cash-out  
2177 must either be a complete lump-sum liquidation of the account  
2178 balance, subject to the provisions of the Internal Revenue Code,  
2179 or a lump-sum direct rollover distribution paid directly to the  
2180 custodian of an eligible retirement plan, as defined by the  
2181 Internal Revenue Code, on behalf of the participant. If any  
2182 financial instrument issued for the payment of retirement  
2183 benefits under this section is not presented for payment within  
2184 180 days after the last day of the month in which it was

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2185 originally issued, the third-party administrator or other duly  
2186 authorized agent of the State Board of Administration shall  
2187 cancel the instrument and credit the amount of the instrument to  
2188 the suspense account of the Public Employee Optional Retirement  
2189 Program Trust Fund authorized under s. 121.4501(6). Any such  
2190 amounts transferred to the suspense account are payable upon a  
2191 proper application, not to include earnings thereon, as provided  
2192 in this section, within 10 years after the last day of the month  
2193 in which the instrument was originally issued, after which time  
2194 such amounts and any earnings thereon shall be forfeited. Any  
2195 such forfeited amounts are assets of the Public Employee  
2196 Optional Retirement Program Trust Fund and are not subject to  
2197 the provisions of chapter 717.

2198 (1) NORMAL BENEFITS.--Under the Public Employee Optional  
2199 Retirement Program:

2200 (b) If a participant elects to receive his or her benefits  
2201 upon termination of employment as defined in s. 121.021(39), the  
2202 participant must submit a written application or an equivalent  
2203 form to the third-party administrator indicating his or her  
2204 preferred distribution date and selecting an authorized method  
2205 of distribution as provided in paragraph (c). The participant  
2206 may defer receipt of benefits until he or she chooses to make  
2207 such application, subject to federal requirements.

2208 Section 20. Subsection (1) of section 238.183, Florida  
2209 Statutes, is amended to read:

2210 238.183 Developmental research school and Florida School  
2211 for the Deaf and the Blind instructional personnel; reemployment  
2212 after retirement.--

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2213 (1) Notwithstanding any other law, instructional  
2214 personnel, as defined in s. 1012.01(2), employed by a  
2215 developmental research school or the Florida School for the Deaf  
2216 and the Blind are eligible for reemployment after retirement in  
2217 the same manner as classroom teachers who are employed by the  
2218 district school boards, as described in ss.  
2219 121.091(9)(b) 2.b.(I)3. and 238.181(2)(c).

2220 Section 21. Paragraph (g) of subsection (3) and subsection  
2221 (8) of section 1012.33, Florida Statutes, are amended to read:  
2222 1012.33 Contracts with instructional staff, supervisors,  
2223 and school principals.--

2224 (3)

2225 (g) Beginning July 1, 2001, for each employee who enters  
2226 into a written contract, pursuant to this section, in a school  
2227 district in which the employee was not employed as of June 30,  
2228 2001, or was employed as of June 30, 2001, but has since broken  
2229 employment with that district for 1 school year or more, for  
2230 purposes of pay, a district school board must recognize and  
2231 accept each year of full-time public school teaching service  
2232 earned in the State of Florida or outside the state and for  
2233 which the employee received a satisfactory performance  
2234 evaluation. Instructional personnel employed pursuant to s.  
2235 121.091(9)(b) 2.b.(I)3. are exempt from the provisions of this  
2236 paragraph.

2237 (8) Notwithstanding any other provision of law, a retired  
2238 ~~any member who has retired~~ may interrupt retirement and be  
2239 reemployed in any public school. A ~~Any~~ member ~~se~~ reemployed by  
2240 the same district from which he or she retired may be employed

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2241 on a probationary contractual basis as provided in subsection  
2242 (1); ~~however, no regular retirement employee shall be eligible~~  
2243 ~~to renew membership under a retirement system created by chapter~~  
2244 ~~121 or chapter 238.~~

2245 Section 22. Sections 121.093, 121.094, and 121.45, Florida  
2246 Statutes, are repealed.

2247 Section 23. The Legislature finds that a proper and  
2248 legitimate state purpose is served when employees and retirees  
2249 of the state and its political subdivisions, as well as the  
2250 dependents, survivors, and beneficiaries of such employees and  
2251 retirees, are extended the basic protections afforded by  
2252 governmental retirement systems that provide fair and adequate  
2253 benefits and that are managed, administered, and funded in an  
2254 actuarially sound manner as required by s. 14, Art. X of the  
2255 State Constitution and part VII of chapter 112, Florida  
2256 Statutes. Therefore, the Legislature determines and declares  
2257 that the amendment of s. 121.091, Florida Statutes, by this act  
2258 fulfills an important state interest.

2259 Section 24. This act shall take effect July 1, 2009.

2261 -----  
2262 **T I T L E A M E N D M E N T**

2263 Remove the entire title and insert:

2264 A bill to be entitled

2265 An act relating to retirement; amending s. 121.021, F.S.;

2266 redefining the terms "employer," "officer or employee,"

2267 "past service," "normal retirement date," "termination,"

2268 "regularly established position," and "temporary

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2269 position"; defining the terms "state board" and  
2270 "trustees"; amending s. 121.031, F.S.; requiring  
2271 promotional materials that refer to the Florida Retirement  
2272 System to include a disclaimer unless approval is obtained  
2273 from the Department of Management Services or the State  
2274 Board of Administration; amending s. 121.051, F.S.;  
2275 conforming a cross-reference; clarifying when a State  
2276 Community College System Optional Retirement Program  
2277 participant is considered a retiree; revising provisions  
2278 relating to participation in the Florida Retirement System  
2279 by certain employers; excluding the participation of  
2280 certain entities under a lease agreement; amending s.  
2281 121.052, F.S.; revising membership criteria for members of  
2282 the Elected Officers' Class; revising the dates for when a  
2283 governing body of a municipality or special district may  
2284 elect to designate its elected positions for inclusion in  
2285 the Elected Officers' Class; amending s. 121.053, F.S.;  
2286 revising provisions relating to participation in the  
2287 Elected Officers' Class for retired members; amending s.  
2288 121.055, F.S.; revising provisions relating to  
2289 participation in the Senior Management Service Class;  
2290 revising benefit payment procedures for the Senior  
2291 Management Service Optional Annuity Program; clarifying  
2292 when a participant is considered retired; amending s.  
2293 121.071, F.S.; providing an additional mechanism for the  
2294 payment of employee contributions to the system; amending  
2295 s. 121.081, F.S.; providing for receipt of credit for past  
2296 or prior service by charter school and charter technical

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2297 career center employees; prohibiting a member from  
2298 receiving credit for service covered and reported by both  
2299 a public employer and a private employer; amending s.  
2300 121.091, F.S.; revising and clarifying provisions relating  
2301 to retirement benefits; deleting a restriction on the  
2302 reemployment of certain personnel by the Florida School  
2303 for the Deaf and the Blind; authorizing developmental  
2304 research schools and charter schools to reemploy certain  
2305 retired members under specified conditions; revising  
2306 limitations on the payment of retirement benefits for  
2307 certain retired persons who are reemployed by an employer  
2308 participating in a state-administered retirement program;  
2309 prohibiting certain persons holding public office from  
2310 enrolling in the Florida Retirement System; deleting a  
2311 provision authorizing an employing agency to reemploy a  
2312 retired member as a firefighter or paramedic after a  
2313 specified period; providing applicability; revising  
2314 provisions relating to reemployment of retirees of the  
2315 Public Employee Optional Retirement Program; providing  
2316 that certain members who delay DROP participation lose a  
2317 month of DROP participation for each month delayed;  
2318 clarifying that DROP participation cannot be canceled;  
2319 clarifying maximum DROP participation; providing  
2320 exceptions to certain benefits payable under DROP;  
2321 providing for the suspension of DROP benefits to a  
2322 participant who is reemployed; deleting obsolete  
2323 provisions; revising employer contribution requirements;  
2324 authorizing the Division of Retirement to issue benefits

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2325       pursuant to a qualified domestic relations order directly  
2326       to the alternate payee; amending s. 121.1115, F.S.;  
2327       revising provisions relating to receiving retirement  
2328       credit for out-of-state service; providing that a member  
2329       is not eligible for and may not receive a benefit based on  
2330       such service; amending s. 121.1122, F.S.; revising  
2331       provisions relating to receiving retirement credit for in-  
2332       state service; providing that certain members may not be  
2333       eligible to purchase service credit; amending s. 121.122,  
2334       F.S.; providing that certain retirees initially reemployed  
2335       on or after a specified date are ineligible for renewed  
2336       membership in the system; revising conditions under which  
2337       a retiree is entitled to certain additional retirement  
2338       benefits; amending s. 121.136, F.S.; revising provisions  
2339       relating to the annual statement of benefits provided to  
2340       certain active members of the system; amending s.  
2341       121.1905, F.S.; deleting a provision describing the  
2342       mission of the Division of Retirement; amending s. 121.23,  
2343       F.S.; requiring the State Retirement Commission to use  
2344       certain requirements used by the Secretary of Management  
2345       Services before approving a disability retirement benefit;  
2346       amending s. 121.24, F.S.; requiring a quorum of three  
2347       members for all appeal hearings held by the commission;  
2348       amending s. 121.35, F.S.; revising a compulsory membership  
2349       exception for certain members failing to elect membership  
2350       in the optional retirement program; providing a cross-  
2351       reference; defining the term "retiree" for purposes of the  
2352       State University System Optional Retirement Program;

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HOUSE AMENDMENT  
Bill No. CS/CS/HB 479

Amendment No.

2353 amending s. 121.4501, F.S.; revising the definition of  
2354 "eligible employee" for purposes of the Public Employee  
2355 Optional Retirement Program; amending s. 121.591, F.S.;  
2356 providing a cross-reference; amending s. 238.183, F.S.;  
2357 conforming a cross-reference; amending s. 1012.33, F.S.;  
2358 deleting a provision preventing persons who have retired  
2359 from the public school system from renewing membership in  
2360 the Florida Retirement System or Teachers' Retirement  
2361 System upon reemployment by the school system; repealing  
2362 s. 121.093, F.S., relating to instructional personnel  
2363 reemployment after retirement from a developmental  
2364 research school or the Florida School for the Deaf and the  
2365 Blind; repealing s. 121.094, F.S., relating to  
2366 instructional personnel reemployment after retirement from  
2367 a charter school; repealing s. 121.45, F.S., relating to  
2368 interstate compacts relating to pension portability;  
2369 providing a declaration of important state interest;  
2370 providing an effective date.

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