

Amendment No.

CHAMBER ACTION

Senate

House

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. . .

1 Representative Schenck offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 121.021 Definitions.--The following words and phrases as  
9 used in this chapter have the respective meanings set forth  
10 unless a different meaning is plainly required by the context:

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

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

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

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

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

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

43 1. The first day of the month the member completes 6 or  
44 more years of creditable service and attains age 62; or  
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45       2. The first day of the month following the date the  
46 member completes 30 years of creditable service, regardless of  
47 age, ~~which may include a maximum of 4 years of military service~~  
48 ~~credit as long as such credit is not claimed under any other~~  
49 ~~system.~~

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

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

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

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

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

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

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

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

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

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

78  
79 "Normal retirement age" is attained on the "normal retirement  
80 date."

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

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

95 2. For retirements effective on or after January 1, 2010,  
96 a member ceases all employment relationships with employers  
97 under this system, as defined in subsection (10), but in the  
98 event a member should be employed by any such employer within  
99 the next 12 calendar months, termination shall be deemed not to

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100 have occurred. A leave of absence shall constitute a  
101 continuation of the employment relationship, except that a leave  
102 of absence without pay due to disability may constitute  
103 termination for a member, if such member makes application for  
104 and is approved for disability retirement in accordance with s.  
105 121.091(4). The department or state board may require other  
106 evidence of termination as it deems necessary.

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

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

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

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

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

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

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

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

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

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

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

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

157 121.031 Administration of system; appropriation; oaths;  
158 actuarial studies; public records.--

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

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

168 121.051 Participation in the system.--

169 (1) COMPULSORY PARTICIPATION.--

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

180 121.091(4)(h) for a person who recovers from disability, ~~and~~ as  
181 provided in s. 121.091(9)(b) ~~4.8.~~ for a person who is elected to  
182 public office, and, effective July 1, 1991, as provided in s.

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183 121.122 for all other retirees. Officers and employees of the  
184 University Athletic Association, Inc., a nonprofit association  
185 connected with the University of Florida, employed on and after  
186 July 1, 1979, may ~~shall~~ not participate in any state-supported  
187 retirement system.

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

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

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

213 (2) OPTIONAL PARTICIPATION.--

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

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

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

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

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

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

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

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

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

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

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

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

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

301 (I) Instructional; or

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

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

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

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

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

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

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

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

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

354 7. Effective July 1, 2003, through December 31, 2008, any  
355 participant of the State Community College System Optional  
356 Retirement Program who has service credit in the defined benefit  
357 plan of the Florida Retirement System for the period between his  
358 or her first eligibility to transfer from the defined benefit  
359 plan to the optional retirement program and the actual date of  
360 transfer may, during his or her employment, elect to transfer to  
361 the optional retirement program a sum representing the present  
362 value of the accumulated benefit obligation under the defined  
363 benefit retirement program for such period of service credit.  
364 Upon such transfer, all such service credit previously earned  
365 under the defined benefit program of the Florida Retirement  
366 System during this period shall be nullified for purposes of  
367 entitlement to a future benefit under the defined benefit  
368 program of the Florida Retirement System.

369 (f)1. If ~~Whenever~~ an employer that participates in the  
370 Florida Retirement System undertakes the transfer, merger, or  
371 consolidation of governmental services or assumes the functions  
372 and activities of an employing governmental entity that was not  
373 an employer under the system, the employer must notify the  
374 department at least 60 days prior to such action and ~~shall~~

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375 provide documentation as required by the department. The  
376 transfer, merger, or consolidation of governmental services or  
377 assumption of governmental functions and activities must occur  
378 between public employers. The current or former employer may pay  
379 the employees' past service cost, unless prohibited under this  
380 chapter. This subparagraph does not apply to the transfer,  
381 merger, or consolidation of governmental services or assumption  
382 of functions and activities of a public entity under a leasing  
383 agreement having a co-employer relationship. Employers and  
384 employees of a public governmental employer whose service is  
385 covered by a leasing agreement under s. 110.191, any other  
386 leasing agreement, or a co-employer relationship are not  
387 eligible to participate in the Florida Retirement System.

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

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

402 121.052 Membership class of elected officers.--

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

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

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

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

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

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

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

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

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

450 121.053 Participation in the Elected Officers' Class for  
451 retired members.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

591 121.055 Senior Management Service Class.--There is hereby  
592 established a separate class of membership within the Florida  
593 Retirement System to be known as the "Senior Management Service  
594 Class," which shall become effective February 1, 1987.

595 (1)

596 (f) Effective July 1, 1997:

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

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

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

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

626 (6)

627 (c) Participation.--

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

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

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

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

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

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

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

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

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

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

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

700 (e) Benefits.--

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

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

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

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

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

729 or

730 ~~d.e.~~ A lump-sum direct rollover distribution whereby all  
731 accrued benefits, plus interest and investment earnings, are  
732 paid from the participant's account directly to the custodian of  
733 an eligible retirement plan, as defined in s. 402(c)(8)(B) of  
734 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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763 Retirement System in-state service, shall be paid by cash,  
764 personal check, cashier's check, ~~or~~ money order, or a direct  
765 rollover or transfer from a qualified plan as provided under the  
766 Internal Revenue Code. The payment must ~~only;~~ shall be  
767 accompanied by a statement identifying the service for which  
768 payment is made, and shall be made in a lump sum for the total  
769 amount due or in annual payments of not less than \$100, except  
770 for the final payment if less than \$100, unless another method  
771 of payment is authorized by law or rule.

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

775 121.081 Past service; prior service;  
776 contributions.--Conditions under which past service or prior  
777 service may be claimed and credited are:

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

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

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

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

838 (f) ~~If when~~ any person, ~~either prior to this act or~~  
839 ~~hereafter,~~ becomes entitled to and participates ~~does participate~~  
840 in one of the retirement systems under ~~consolidated within or~~  
841 ~~created by~~ this chapter through the consolidation or merger of  
842 governments or the transfer of functions between units of  
843 government, ~~either~~ at the state or local level or between state  
844 and local units, or through the assumption of functions or  
845 activities by a state or local unit from an employing  
846 governmental entity that ~~which~~ was not an employer under the  
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847 system, and such person becomes a member of the Florida  
848 Retirement System, such person is ~~shall be~~ entitled to receive  
849 past-service credit ~~as defined in s. 121.021(18)~~ for the time  
850 the ~~such~~ person performed services for, and was an employee of,  
851 such state or local unit or other governmental employing entity  
852 prior to the transfer, merger, consolidation, or assumption of  
853 functions and activities. Past-service credit allowed by this  
854 paragraph is ~~shall~~ also ~~be~~ available to any person who becomes a  
855 member of an existing system, ~~as defined in s. 121.021(2)~~, prior  
856 to December 1, 1970, through the transfer, merger,  
857 consolidation, or assumption of functions and activities set  
858 forth in this paragraph and who subsequently becomes a member of  
859 the Florida Retirement System. However, credit for the past  
860 service may not be granted until contributions are made in the  
861 manner provided in this subsection. If a person rejected Florida  
862 Retirement System membership at the time of the transfer,  
863 merger, ~~or~~ consolidation, or assumption of governmental  
864 functions and activities, the required contributions shall be at  
865 total actuarial cost as specified in paragraph (e). Such  
866 contributions or accrued interest may not be paid from any  
867 public ~~state~~ funds.

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

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

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

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

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

887 4.3. If a member does not want ~~desire~~ to receive credit  
888 for all of his or her past service, the period the member claims  
889 must be the most recent past service prior to his or her  
890 participation in the Florida Retirement System.

891 5.4. The cost of past service purchased by an employing  
892 agency for its employees may be amortized over the ~~such~~ period  
893 of time ~~as is~~ provided in the agreement, but not to exceed 15  
894 years, calculated in accordance with rule 60S-1.007(5)(f),  
895 Florida Administrative Code.

896 6.5. The retirement account of each member for whom past  
897 service is being provided by his or her employer shall be  
898 credited with all past service the employer agrees to purchase  
899 as soon as the agreement between the employer and the department  
900 is executed. ~~Pursuant thereto:~~

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

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

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

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

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

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

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

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

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

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

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1015        (II)4. A community college board of trustees may reemploy  
1016 a retired member as an adjunct instructor, ~~that is, an~~  
1017 ~~instructor who is noncontractual and part-time,~~ or as a  
1018 participant in a phased retirement program within the Florida  
1019 Community College System, after he or she has been retired and  
1020 met the definition of termination for 1 calendar month, in  
1021 accordance with s. 121.021(39). Any retired member who is  
1022 reemployed within 1 calendar month after retirement voids shall  
1023 ~~void~~ his or her application for retirement benefits. A board  
1024 ~~Boards~~ of trustees that reemploys reemploying such instructors  
1025 is are subject to the retirement contribution required in  
1026 subparagraph 3. 7. A retired member may be reemployed as an  
1027 adjunct instructor for no more than 780 hours during the first  
1028 12 calendar months after meeting the definition of termination  
1029 ~~retirement.~~ Any retired member reemployed for more than 780  
1030 hours during the first 12 months of retirement must shall give  
1031 timely notice in writing to the employer and to the Division of  
1032 Retirement of the date he or she will exceed the limitation. The  
1033 division shall suspend his or her retirement benefits for the  
1034 remainder of the 12-month limitation period first 12 months of  
1035 ~~retirement.~~ Any person employed in violation of this sub-sub-  
1036 subparagraph subparagraph and any employing agency that which  
1037 ~~knowingly~~ employs or appoints such person without notifying the  
1038 division ~~of Retirement~~ to suspend retirement benefits are shall  
1039 ~~be~~ jointly and severally liable for ~~reimbursement to the~~  
1040 ~~retirement trust fund of~~ any benefits paid during the  
1041 reemployment limitation period. To avoid liability, the such  
1042 employing agency must shall have a written statement from the  
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1043 retiree that he or she is not retired from a state-administered  
1044 retirement system. Any retirement benefits received by a retired  
1045 member while reemployed in excess of 780 hours during the 12-  
1046 month limitation period must ~~first 12 months of retirement shall~~  
1047 be repaid to the Florida Retirement System Trust Fund, and  
1048 retirement benefits shall remain suspended until repayment is  
1049 made. Benefits suspended beyond the end of the 12-month  
1050 limitation period ~~retired member's first 12 months of retirement~~  
1051 shall apply toward repayment of benefits received in violation  
1052 of the 780-hour reemployment limitation.

1053 (III)5. The State University System may reemploy a retired  
1054 member as an adjunct faculty member or as a participant in a  
1055 phased retirement program within the State University System  
1056 after the retired member has met the definition of termination  
1057 ~~been retired for 1 calendar month,~~ in accordance with s.  
1058 121.021(39). Any retired member who is reemployed before meeting  
1059 the definition of termination voids ~~within 1 calendar month~~  
1060 ~~after retirement shall void~~ his or her application for  
1061 retirement benefits. The State University System is subject to  
1062 the retired contribution required in subparagraph 3. 7., as  
1063 appropriate. A retired member may be reemployed as an adjunct  
1064 faculty member or a participant in a phased retirement program  
1065 for no more than 780 hours during the first 12 calendar months  
1066 after meeting the definition of termination ~~of his or her~~  
1067 ~~retirement~~. Any retired member reemployed for more than 780  
1068 hours during the 12-month limitation period must ~~first 12 months~~  
1069 ~~of retirement shall~~ give timely notice in writing to the  
1070 employer and to the Division of Retirement of the date he or she  
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1071 will exceed the limitation. The division shall suspend his or  
1072 her retirement benefits for the remainder of the 12-month  
1073 limitation period ~~first 12 months of retirement~~. Any person  
1074 employed in violation of this sub-sub-subparagraph ~~subparagraph~~  
1075 and any employing agency that ~~which knowingly~~ employs or  
1076 appoints such person without notifying the division ~~of~~  
1077 ~~Retirement~~ to suspend retirement benefits are ~~shall be~~ jointly  
1078 and severally liable for ~~reimbursement to the retirement trust~~  
1079 ~~fund of~~ any benefits paid during the reemployment limitation  
1080 period. To avoid liability, such employing agency must ~~shall~~  
1081 have a written statement from the retiree that he or she is not  
1082 retired from a state-administered retirement system. Any  
1083 retirement benefits received by a retired member while  
1084 reemployed in excess of 780 hours during the first 12 months of  
1085 retirement must ~~shall~~ be repaid to the Florida Retirement System  
1086 Trust Fund, and retirement benefits shall remain suspended until  
1087 repayment is made. Benefits suspended beyond the end of the  
1088 retired member's 12-month limitation period ~~first 12 months of~~  
1089 ~~retirement~~ shall apply toward repayment of benefits received in  
1090 violation of the 780-hour reemployment limitation.

1091 (IV)6. The Board of Trustees of the Florida School for the  
1092 Deaf and the Blind may reemploy a retired member as a substitute  
1093 teacher, substitute residential instructor, or substitute nurse  
1094 on a noncontractual basis after he or she has met the definition  
1095 of termination ~~been retired for 1 calendar month~~, in accordance  
1096 ~~with~~ s. 121.021(39). The Board of Trustees of the Florida School  
1097 for the Deaf and the Blind may reemploy a retired member as  
1098 instructional personnel, as defined in s. 1012.01(2)(a), on an  
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1099 annual contractual basis after he or she has been retired and  
1100 met the definition of termination in s. 121.021(39). Any retired  
1101 member who is reemployed before meeting the definition of  
1102 termination voids ~~within 1 calendar month after retirement shall~~  
1103 ~~void~~ his or her application for retirement benefits. The Board  
1104 of Trustees of the Florida School for the Deaf and the Blind  
1105 reemploying such teachers, residential instructors, or nurses is  
1106 subject to the retirement contribution required by subparagraph  
1107 3. ~~7. Reemployment of a retired member as a substitute teacher,~~  
1108 ~~substitute residential instructor, or substitute nurse is~~  
1109 ~~limited to 780 hours during the first 12 months of his or her~~  
1110 ~~retirement. Any retired member reemployed for more than 780~~  
1111 ~~hours during the first 12 months of retirement shall give timely~~  
1112 ~~notice in writing to the employer and to the division of the~~  
1113 ~~date he or she will exceed the limitation. The division shall~~  
1114 ~~suspend his or her retirement benefits for the remainder of the~~  
1115 ~~first 12 months of retirement. Any person employed in violation~~  
1116 ~~of this subparagraph and any employing agency which knowingly~~  
1117 ~~employs or appoints such person without notifying the Division~~  
1118 ~~of Retirement to suspend retirement benefits shall be jointly~~  
1119 ~~and severally liable for reimbursement to the retirement trust~~  
1120 ~~fund of any benefits paid during the reemployment limitation~~  
1121 ~~period. To avoid liability, such employing agency shall have a~~  
1122 ~~written statement from the retiree that he or she is not retired~~  
1123 ~~from a state-administered retirement system. Any retirement~~  
1124 ~~benefits received by a retired member while reemployed in excess~~  
1125 ~~of 780 hours during the first 12 months of retirement shall be~~  
1126 ~~repaid to the Retirement System Trust Fund, and his or her~~

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1127 ~~retirement benefits shall remain suspended until payment is~~  
1128 ~~made. Benefits suspended beyond the end of the retired member's~~  
1129 ~~first 12 months of retirement shall apply toward repayment of~~  
1130 ~~benefits received in violation of the 780-hour reemployment~~  
1131 ~~limitation.~~

1132 (V) A developmental research school may reemploy a retired  
1133 member as a substitute or hourly teacher or an education  
1134 paraprofessional, as defined in s. 1012.01(2)(e), on a  
1135 noncontractual basis after he or she has been retired and met  
1136 the definition of termination in s. 121.021(39). A developmental  
1137 research school may reemploy a retired member as instructional  
1138 personnel, as defined in s. 1012.01(2)(a), on an annual  
1139 contractual basis after he or she has been retired and met the  
1140 definition of termination in s. 121.021(39). Any other retired  
1141 member who is reemployed within 12 calendar months after  
1142 retirement voids his or her application for retirement benefits.  
1143 A developmental research school that reemploys retired teachers  
1144 and education paraprofessionals is subject to the retirement  
1145 contribution required by subparagraph 3.

1146 (VI) A charter school may reemploy a retired member as a  
1147 substitute or hourly teacher on a noncontractual basis after he  
1148 or she has been retired and met the definition of termination in  
1149 s. 121.021(39). A charter school may reemploy a retired member  
1150 as instructional personnel, as defined in s. 1012.01(2)(a), on  
1151 an annual contractual basis after he or she has been retired and  
1152 met the definition of termination in s. 121.021(39). Any other  
1153 retired member who is reemployed within 12 calendar months after  
1154 retirement voids his or her application for retirement benefits.

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1155 A charter school that reemploys such members is subject to the  
1156 retirement contribution required by subparagraph 3.

1157 3.a.7. The employment ~~by an employer~~ of a ~~any~~ retiree or  
1158 DROP participant of a ~~any~~ state-administered retirement system  
1159 does not affect ~~shall have no effect on~~ the average final  
1160 compensation or years of creditable service of the retiree or  
1161 DROP participant.

1162 b. Prior to July 1, 1991, upon employment of any person,  
1163 other than an elected officer as provided in s. 121.053, who is  
1164 ~~has been~~ retired under a ~~any~~ state-administered retirement  
1165 program, the employer shall pay retirement contributions in an  
1166 amount equal to the unfunded actuarial liability portion of the  
1167 employer contribution which would be required for regular  
1168 members of the Florida Retirement System. Effective July 1,  
1169 1991, contributions shall be made as provided in s. 121.122 for  
1170 retirees who have ~~with~~ renewed membership or as provided in  
1171 subsection (13) for ~~with respect to~~ DROP participants.

1172 c. Any person who is retired under a state-administered  
1173 retirement program and who is initially reemployed on or after  
1174 January 1, 2010, may not renew membership in the Florida  
1175 Retirement System. The employer shall pay retirement  
1176 contributions in an amount equal to the unfunded actuarial  
1177 liability portion of the employer contribution that would be  
1178 required for active members of the Florida Retirement System in  
1179 addition to the contributions required by s. 121.76.

1180 4.a.8. Any person who has ~~previously~~ retired and who is  
1181 holding an elective public office or an appointment to an  
1182 elective public office eligible for the Elected Officers' Class  
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1183 on or after July 1, 1990, through December 31, 2009, shall be  
1184 enrolled in the Florida Retirement System as provided in s.  
1185 121.053(1) ~~(c)-(b)~~ or, if holding an elective public office that  
1186 does not qualify for the Elected Officers' Class on or after  
1187 July 1, 1991, through December 31, 2009, shall be enrolled in  
1188 the Florida Retirement System as provided in s. 121.122, and  
1189 shall continue to receive retirement benefits as well as  
1190 compensation for the elected officer's service for as long as he  
1191 or she remains in elective office. However, any retired member  
1192 who served in an elective office prior to July 1, 1990,  
1193 suspended his or her retirement benefit, and had his or her  
1194 Florida Retirement System membership reinstated shall, upon  
1195 retirement from such office, have his or her retirement benefit  
1196 recalculated to include the additional service and compensation  
1197 earned.

1198 b. Any person who has retired and who is holding an  
1199 elective public office or an appointment to an elective public  
1200 office initially eligible for the Elected Officers' Class on or  
1201 after January 1, 2010, shall not be enrolled in the Florida  
1202 Retirement System as provided in s. 121.053(1)(c) or, if holding  
1203 an elective public office that does not qualify for the Elected  
1204 Officers' Class and is initially eligible on or after January 1,  
1205 2010, shall not be enrolled in the Florida Retirement System as  
1206 provided in s. 121.122, and shall not continue to receive  
1207 retirement benefits during the first 12 calendar months after  
1208 meeting the definition of termination in s. 121.021(39).

1209 5.9. Any person who is holding an elective public office  
1210 which is covered by the Florida Retirement System and who is  
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1211 concurrently employed in nonelected covered employment may elect  
1212 to retire while continuing employment in the elective public  
1213 office ~~if, provided that~~ he or she terminates ~~shall be required~~  
1214 ~~to terminate~~ his or her nonelected covered employment. Any  
1215 person who exercises this election shall receive his or her  
1216 retirement benefits in addition to the compensation of the  
1217 elective office without regard to the time limitations otherwise  
1218 provided in this subsection. A ~~No~~ person who seeks to exercise  
1219 the provisions of this subparagraph, ~~as they the same~~ existed  
1220 prior to May 3, 1984, may not ~~shall~~ be deemed to be retired  
1221 under those provisions, unless such person is eligible to retire  
1222 under the provisions of this subparagraph, as amended by chapter  
1223 84-11, Laws of Florida.

1224 6. The limitations of this paragraph apply to reemployment  
1225 in any capacity with an employer irrespective of the category of  
1226 funds from which the person is compensated.

1227 7. The provisions of this paragraph regarding reemployment  
1228 after retirement apply to DROP participants effective upon  
1229 termination from employment and the end of DROP participation.

1230 ~~10. The limitations of this paragraph apply to~~  
1231 ~~reemployment in any capacity with an "employer" as defined in s.~~  
1232 ~~121.021(10), irrespective of the category of funds from which~~  
1233 ~~the person is compensated.~~

1234 ~~11. An employing agency may reemploy a retired member as a~~  
1235 ~~firefighter or paramedic after the retired member has been~~  
1236 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~  
1237 ~~Any retired member who is reemployed within 1 calendar month~~  
1238 ~~after retirement shall void his or her application for~~

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1239 ~~retirement benefits. The employing agency reemploying such~~  
1240 ~~firefighter or paramedic is subject to the retired contribution~~  
1241 ~~required in subparagraph 8. Reemployment of a retired~~  
1242 ~~firefighter or paramedic is limited to no more than 780 hours~~  
1243 ~~during the first 12 months of his or her retirement. Any retired~~  
1244 ~~member reemployed for more than 780 hours during the first 12~~  
1245 ~~months of retirement shall give timely notice in writing to the~~  
1246 ~~employer and to the division of the date he or she will exceed~~  
1247 ~~the limitation. The division shall suspend his or her retirement~~  
1248 ~~benefits for the remainder of the first 12 months of retirement.~~  
1249 ~~Any person employed in violation of this subparagraph and any~~  
1250 ~~employing agency which knowingly employs or appoints such person~~  
1251 ~~without notifying the Division of Retirement to suspend~~  
1252 ~~retirement benefits shall be jointly and severally liable for~~  
1253 ~~reimbursement to the Retirement System Trust Fund of any~~  
1254 ~~benefits paid during the reemployment limitation period. To~~  
1255 ~~avoid liability, such employing agency shall have a written~~  
1256 ~~statement from the retiree that he or she is not retired from a~~  
1257 ~~state-administered retirement system. Any retirement benefits~~  
1258 ~~received by a retired member while reemployed in excess of 780~~  
1259 ~~hours during the first 12 months of retirement shall be repaid~~  
1260 ~~to the Retirement System Trust Fund, and retirement benefits~~  
1261 ~~shall remain suspended until repayment is made. Benefits~~  
1262 ~~suspended beyond the end of the retired member's first 12 months~~  
1263 ~~of retirement shall apply toward repayment of benefits received~~  
1264 ~~in violation of the 780-hour reemployment limitation.~~

1265 (c) The provisions of this subsection apply to retirees,  
1266 as defined in s. 121.4501(2)(j), of the Public Employee Optional  
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1267 Retirement Program created in part II, subject to the following  
1268 conditions:

1269 1. Such retirees may not be reemployed with an employer  
1270 participating in the Florida Retirement System as provided in  
1271 paragraph (b) until such person has been retired for 12 ~~3~~  
1272 calendar months, ~~unless the participant has reached the normal~~  
1273 ~~retirement requirements of the defined benefit plan as provided~~  
1274 ~~in s. 121.021(29).~~

1275 2. Such retiree employed in violation of this subsection  
1276 and any employing agency that ~~knowingly~~ employs or appoints such  
1277 person shall be jointly and severally liable for reimbursement  
1278 of any benefits paid to the retirement trust fund from which the  
1279 benefits were paid, including the Retirement System Trust Fund  
1280 and the Public Employee Optional Retirement Program Trust Fund,  
1281 as appropriate. To avoid liability, such employing agency must  
1282 have a written statement from the retiree that he or she is not  
1283 retired from a state-administered retirement system.

1284 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and  
1285 subject to ~~the provisions of~~ this section, the Deferred  
1286 Retirement Option Program, hereinafter referred to as ~~the~~ DROP,  
1287 is a program under which an eligible member of the Florida  
1288 Retirement System may elect to participate, deferring receipt of  
1289 retirement benefits while continuing employment with his or her  
1290 Florida Retirement System employer. The deferred monthly  
1291 benefits shall accrue in the Florida Retirement System Trust  
1292 Fund on behalf of the participant, plus interest compounded  
1293 monthly, for the specified period of the DROP participation, as  
1294 provided in paragraph (c). Upon termination of employment, the  
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1295 participant shall receive the total DROP benefits and begin to  
1296 receive the previously determined normal retirement benefits.  
1297 Participation in the DROP does not guarantee employment for the  
1298 specified period of DROP. Participation in ~~the~~ DROP by an  
1299 eligible member beyond the initial 60-month period as authorized  
1300 in this subsection shall be on an annual contractual basis for  
1301 all participants.

1302 (a) Eligibility of member to participate in ~~the~~ DROP.--All  
1303 active Florida Retirement System members in a regularly  
1304 established position, and all active members of ~~either~~ the  
1305 Teachers' Retirement System established in chapter 238 or the  
1306 State and County Officers' and Employees' Retirement System  
1307 established in chapter 122, which ~~systems~~ are consolidated  
1308 within the Florida Retirement System under s. 121.011, are  
1309 eligible to elect participation in ~~the~~ DROP if provided that:

1310 1. The member is not a renewed member of ~~the Florida~~  
1311 ~~Retirement System~~ under s. 121.122, or a member of the State  
1312 Community College System Optional Retirement Program under s.  
1313 121.051, the Senior Management Service Optional Annuity Program  
1314 under s. 121.055, or the optional retirement program for the  
1315 State University System under s. 121.35.

1316 2. Except as provided in subparagraph 6., election to  
1317 participate is made within 12 months immediately following the  
1318 date on which the member first reaches normal retirement date,  
1319 or, for a member who reaches normal retirement date based on  
1320 service before he or she reaches age 62, or age 55 for Special  
1321 Risk Class members, election to participate may be deferred to  
1322 the 12 months immediately following the date the member attains  
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1323 57, or age 52 for Special Risk Class members. A member who  
1324 delays DROP participation during the 12-month period immediately  
1325 following his or her maximum DROP deferral date, except as  
1326 provided in subparagraph 6., loses a month of DROP participation  
1327 for each month delayed. ~~For a member who first reached normal~~  
1328 ~~retirement date or the deferred eligibility date described above~~  
1329 ~~prior to the effective date of this section, election to~~  
1330 ~~participate shall be made within 12 months after the effective~~  
1331 ~~date of this section.~~ A member who fails to make an election  
1332 within the such 12-month limitation period forfeits shall  
1333 ~~forfeit~~ all rights to participate in ~~the~~ DROP. The member shall  
1334 advise his or her employer and the division in writing of the  
1335 date ~~on which the~~ DROP begins shall begin. The Such beginning  
1336 date may be subsequent to the 12-month election period, but must  
1337 be within the original 60-month participation ~~or, with respect~~  
1338 ~~to members who are instructional personnel employed by the~~  
1339 ~~Florida School for the Deaf and the Blind and who have received~~  
1340 ~~authorization by the Board of Trustees of the Florida School for~~  
1341 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1342 ~~months, or who are instructional personnel as defined in s.~~  
1343 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~  
1344 ~~authorization by the district school superintendent to~~  
1345 ~~participate in the DROP beyond 60 months, the 96-month~~  
1346 ~~limitation period as provided in subparagraph (b)1.~~ When  
1347 establishing eligibility of the member to participate in ~~the~~  
1348 DROP ~~for the 60-month or, with respect to members who are~~  
1349 ~~instructional personnel employed by the Florida School for the~~  
1350 ~~Deaf and the Blind and who have received authorization by the~~  
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1351 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1352 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1353 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~  
1354 ~~grades K-12 and who have received authorization by the district~~  
1355 ~~school superintendent to participate in the DROP beyond 60~~  
1356 ~~months, the 96-month maximum participation period, the member~~  
1357 may elect to include or exclude any optional service credit  
1358 purchased by the member from the total service used to establish  
1359 the normal retirement date. A member who has ~~with~~ dual normal  
1360 retirement dates is ~~shall be~~ eligible to elect to participate in  
1361 DROP ~~within 12 months~~ after attaining normal retirement date in  
1362 either class.

1363 3. The employer of a member electing to participate in ~~the~~  
1364 DROP, or employers if dually employed, shall acknowledge in  
1365 writing to the division the date the member's participation in  
1366 ~~the~~ DROP begins and the date the member's employment and DROP  
1367 participation will terminate.

1368 4. Simultaneous employment of a participant by additional  
1369 Florida Retirement System employers subsequent to the  
1370 commencement of participation in ~~the~~ DROP is ~~shall be~~  
1371 permissible if ~~provided~~ such employers acknowledge in writing a  
1372 DROP termination date no later than the participant's existing  
1373 termination date or the maximum participation 60-month  
1374 ~~limitation~~ period as provided in subparagraph (b)1.

1375 5. A DROP participant may change employers while  
1376 participating in ~~the~~ DROP, subject to the following:

1377 a. A change of employment must take place without a break  
1378 in service so that the member receives salary for each month of  
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1379 continuous DROP participation. If a member receives no salary  
1380 during a month, DROP participation shall cease unless the  
1381 employer verifies a continuation of the employment relationship  
1382 for such participant pursuant to s. 121.021(39)(b).

1383 b. Such participant and new employer shall notify the  
1384 division of the identity of the new employer on forms required  
1385 by the division ~~as to the identity of the new employer.~~

1386 c. The new employer shall acknowledge, in writing, the  
1387 participant's DROP termination date, which may be extended but  
1388 not beyond the maximum participation ~~original 60-month or, with~~  
1389 ~~respect to members who are instructional personnel employed by~~  
1390 ~~the Florida School for the Deaf and the Blind and who have~~  
1391 ~~received authorization by the Board of Trustees of the Florida~~  
1392 ~~School for the Deaf and the Blind to participate in the DROP~~  
1393 ~~beyond 60 months, or who are instructional personnel as defined~~  
1394 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~  
1395 ~~authorization by the district school superintendent to~~  
1396 ~~participate in the DROP beyond 60 months, the 96-month period~~  
1397 provided in subparagraph (b)1., shall acknowledge liability for  
1398 any additional retirement contributions and interest required if  
1399 the participant fails to timely terminate employment, and is  
1400 ~~shall be~~ subject to the adjustment required in sub-subparagraph  
1401 (c)5.d.

1402 6. Effective July 1, 2001, for instructional personnel as  
1403 defined in s. 1012.01(2), election to participate in ~~the~~ DROP  
1404 may shall be made at any time following the date on which the  
1405 member first reaches normal retirement date. The member shall  
1406 advise his or her employer and the division in writing of the  
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1407 date on which DROP begins ~~the Deferred Retirement Option Program~~  
1408 ~~shall begin~~. When establishing eligibility of the member to  
1409 participate in ~~the~~ DROP for the 60-month ~~or, with respect to~~  
1410 ~~members who are instructional personnel employed by the Florida~~  
1411 ~~School for the Deaf and the Blind and who have received~~  
1412 ~~authorization by the Board of Trustees of the Florida School for~~  
1413 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1414 ~~months, or who are instructional personnel as defined in s.~~  
1415 ~~1012.01(2) (a)-(d) in grades K-12 and who have received~~  
1416 ~~authorization by the district school superintendent to~~  
1417 ~~participate in the DROP beyond 60 months, the 96-month maximum~~  
1418 ~~participation period, as provided in subparagraph (b)1., the~~  
1419 member may elect to include or exclude any optional service  
1420 credit purchased by the member from the total service used to  
1421 establish the normal retirement date. A member who has ~~with~~ dual  
1422 normal retirement dates is ~~shall be~~ eligible to elect to  
1423 participate in either class.

1424 (b) Participation in ~~the~~ DROP.--

1425 1.a. Except as provided in sub-subparagraph b., an  
1426 eligible member may elect to participate in ~~the~~ DROP for a  
1427 period not to exceed a maximum of 60 calendar months. or, ~~with~~  
1428 ~~respect to~~

1429 b. Members who are instructional personnel employed by the  
1430 Florida School for the Deaf and the Blind and authorized ~~who~~  
1431 ~~have received authorization~~ by the Board of Trustees of the  
1432 Florida School for the Deaf and the Blind ~~to participate in the~~  
1433 ~~DROP beyond 60 months, or~~ who are instructional personnel as  
1434 defined in s. 1012.01(2) (a)-(d) in grades K-12 and authorized

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1435 ~~who have received authorization by the district school~~  
1436 ~~superintendent to participate in the DROP beyond 60 calendar~~  
1437 ~~months, or who are instructional personnel as defined in s.~~  
1438 ~~1012.01(2) (a) employed by a developmental research school and~~  
1439 ~~authorized by the school's director, or if the school has no~~  
1440 ~~director, by the school's principal, may participate in DROP for~~  
1441 ~~up to 36 calendar months beyond the 60-month period specified in~~  
1442 ~~sub-subparagraph a. 96 calendar months immediately following the~~  
1443 ~~date on which the member first reaches his or her normal~~  
1444 ~~retirement date or the date to which he or she is eligible to~~  
1445 ~~defer his or her election to participate as provided in~~  
1446 ~~subparagraph (a)2. However, a member who has reached normal~~  
1447 ~~retirement date prior to the effective date of the DROP shall be~~  
1448 ~~eligible to participate in the DROP for a period of time not to~~  
1449 ~~exceed 60 calendar months or, with respect to members who are~~  
1450 ~~instructional personnel employed by the Florida School for the~~  
1451 ~~Deaf and the Blind and who have received authorization by the~~  
1452 ~~Board of Trustees of the Florida School for the Deaf and the~~  
1453 ~~Blind to participate in the DROP beyond 60 months, or who are~~  
1454 ~~instructional personnel as defined in s. 1012.01(2) (a) (d) in~~  
1455 ~~grades K-12 and who have received authorization by the district~~  
1456 ~~school superintendent to participate in the DROP beyond 60~~  
1457 ~~calendar months, 96 calendar months immediately following the~~  
1458 ~~effective date of the DROP, except a member of the Special Risk~~  
1459 ~~Class who has reached normal retirement date prior to the~~  
1460 ~~effective date of the DROP and whose total accrued value exceeds~~  
1461 ~~75 percent of average final compensation as of his or her~~  
1462 ~~effective date of retirement shall be eligible to participate in~~  
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1463 ~~the DROP for no more than 36 calendar months immediately~~  
1464 ~~following the effective date of the DROP.~~

1465 2. Upon deciding to participate in ~~the~~ DROP, the member  
1466 shall submit, on forms required by the division:

1467 a. A written election to participate in ~~the~~ DROP;

1468 b. Selection of ~~the~~ DROP participation and termination  
1469 dates ~~that, which~~ satisfy the limitations stated in paragraph

1470 (a) and subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be  
1471 in a binding letter of resignation to ~~with~~ the employer,

1472 establishing a deferred termination date. The member may change  
1473 the termination date within the limitations of subparagraph 1.,  
1474 but only with the written approval of the ~~his or her~~ employer;

1475 c. A properly completed DROP application for service  
1476 retirement as provided in this section; and

1477 d. Any other information required by the division.

1478 3. The DROP participant is ~~shall be~~ a retiree under the  
1479 Florida Retirement System for all purposes, except for paragraph  
1480 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,  
1481 and 121.122. DROP participation is final and cannot be canceled

1482 by the participant after the first payment is credited during  
1483 the DROP participation period. However, participation in ~~the~~  
1484 DROP does not alter the participant's employment status, and the  
1485 member is ~~such employee shall~~ not be deemed retired from  
1486 employment until his or her deferred resignation is effective  
1487 and termination occurs as provided in s. 121.021(39).

1488 4. Elected officers are ~~shall be~~ eligible to participate  
1489 in ~~the~~ DROP subject to the following:

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1490 a. An elected officer who reaches normal retirement date  
1491 during a term of office may defer the election to participate in  
1492 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~  
1493 elected officer who exercises this option may participate in ~~the~~  
1494 DROP for up to 60 calendar months or a period of no longer than  
1495 the ~~such~~ succeeding term of office, whichever is less.

1496 b. An elected or a nonelected participant may run for a  
1497 term of office while participating in DROP and, if elected,  
1498 extend the DROP termination date accordingly; ~~except~~, however,  
1499 if such additional term of office exceeds the 60-month  
1500 limitation established in subparagraph 1., and the officer does  
1501 not resign from office within such 60-month limitation, the  
1502 retirement and the participant's DROP is ~~shall be~~ null and void  
1503 as provided in sub-subparagraph (c)5.d.

1504 c. (I) For DROP participation ending before January 1,  
1505 2010, an elected officer who is dually employed and elects to  
1506 participate in DROP must meet ~~shall be required to satisfy~~ the  
1507 definition of termination in s. 121.021(39) within the original  
1508 60-month period or maximum participation, ~~with respect to~~  
1509 ~~members who are instructional personnel employed by the Florida~~  
1510 ~~School for the Deaf and the Blind and who have received~~  
1511 ~~authorization by the Board of Trustees of the Florida School for~~  
1512 ~~the Deaf and the Blind to participate in the DROP beyond 60~~  
1513 ~~months, or who are instructional personnel as defined in s.~~  
1514 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~  
1515 ~~authorization by the district school superintendent to~~  
1516 ~~participate in the DROP beyond 60 months, the 96-month~~  
1517 ~~limitation~~ period as provided in subparagraph 1. for the

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1518 nonelected position and may continue employment as an elected  
1519 officer as provided in s. 121.053. The elected officer shall  
1520 ~~will~~ be enrolled as a renewed member in the Elected Officers'  
1521 Class or the Regular Class, as provided in ss. 121.053 and  
1522 121.122, on the first day of the month after termination of  
1523 employment in the nonelected position and termination of DROP.  
1524 Distribution of ~~the~~ DROP benefits shall be made as provided in  
1525 paragraph (c).

1526 (II) For DROP participation ending on or after January 1,  
1527 2010, an elected officer who is dually employed and elects to  
1528 participate in DROP must meet the definition of termination in  
1529 s. 121.021(39) within the original 60-month period or maximum  
1530 participation period as provided in subparagraph 1.

1531 (c) Benefits payable under ~~the~~ DROP.--

1532 1. Effective on ~~with~~ the date of DROP participation, the  
1533 member's initial normal monthly benefit, including creditable  
1534 service, optional form of payment, and average final  
1535 compensation, and the effective date of retirement are ~~shall be~~  
1536 fixed. The beneficiary established under the Florida Retirement  
1537 System shall be the beneficiary eligible to receive any DROP  
1538 benefits payable if the DROP participant dies prior to the  
1539 completion of the period of DROP participation. If ~~In the event~~  
1540 a joint annuitant predeceases the member, the member may name a  
1541 beneficiary to receive accumulated DROP benefits payable. The  
1542 ~~Such~~ retirement benefit, the annual cost of living adjustments  
1543 provided in s. 121.101, and interest shall accrue monthly in the  
1544 Florida Retirement System Trust Fund. The ~~Such~~ interest shall  
1545 accrue at an effective annual rate of 6.5 percent compounded

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1546 monthly, on the prior month's accumulated ending balance, up to  
1547 the month of termination or death, except as provided in s.  
1548 121.053(1)(b)5.

1549 2. Each employee who elects to participate in ~~the~~ DROP may  
1550 ~~shall be allowed to~~ elect to receive a lump-sum payment for  
1551 accrued annual leave earned in accordance with agency policy  
1552 upon beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated  
1553 leave payment certified to the division upon commencement of  
1554 DROP shall be included in the calculation of the member's  
1555 average final compensation. The employee electing the ~~such~~ lump-  
1556 sum payment is ~~upon beginning participation in DROP will not be~~  
1557 eligible to receive a second lump-sum payment upon termination,  
1558 except to the extent the employee has earned additional annual  
1559 leave which, combined with the original payment, does not exceed  
1560 the maximum lump-sum payment allowed by the employing agency's  
1561 policy or rules. An ~~Such~~ early lump-sum payment shall be based  
1562 on the hourly wage of the employee at the time he or she begins  
1563 participation in ~~the~~ DROP. If the member elects to wait and  
1564 receive a ~~such~~ lump-sum payment upon termination of DROP and  
1565 termination of employment with the employer, any accumulated  
1566 leave payment made at that time may not ~~cannot~~ be included in  
1567 the member's retirement benefit, which was determined and fixed  
1568 by law when the employee elected to participate in ~~the~~ DROP.

1569 3. The effective date of DROP participation and the  
1570 effective date of retirement of a DROP participant shall be the  
1571 first day of the month selected by the member to begin  
1572 participation in ~~the~~ DROP, provided such date is properly

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1573 established, with the written confirmation of the employer, and  
1574 the approval of the division, on forms required by the division.

1575 4. Normal retirement benefits and any interest ~~thereon~~  
1576 shall continue to accrue in ~~the~~ DROP until the established  
1577 termination date of ~~the~~ DROP, or until the participant  
1578 terminates employment or dies prior to such date, except as  
1579 provided in s. 121.053(1)(b)5. Although individual DROP accounts  
1580 shall not be established, a separate accounting of each  
1581 participant's accrued benefits under ~~the~~ DROP shall be  
1582 calculated and provided to participants.

1583 5. At the conclusion of the participant's DROP, the  
1584 division shall distribute the participant's total accumulated  
1585 DROP benefits, subject to the following provisions:

1586 a. The division shall receive verification by the  
1587 participant's employer or employers that the ~~such~~ participant  
1588 has terminated employment as provided in s. 121.021(39)(b).

1589 b. The terminated DROP participant or, if deceased, the  
1590 ~~such~~ participant's named beneficiary, shall elect on forms  
1591 provided by the division to receive payment of the DROP benefits  
1592 in accordance with one of the options listed below. If ~~For~~ a  
1593 participant or beneficiary ~~who~~ fails to elect a method of  
1594 payment within 60 days after ~~of~~ termination of ~~the~~ DROP, the  
1595 division shall ~~will~~ pay a lump sum as provided in sub-sub-  
1596 subparagraph (I).

1597 (I) Lump sum.--All accrued DROP benefits, plus interest,  
1598 less withholding taxes remitted to the Internal Revenue Service,  
1599 shall be paid to the DROP participant or surviving beneficiary.

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1600 (II) Direct rollover.--All accrued DROP benefits, plus  
1601 interest, shall be paid from ~~the~~ DROP directly to the custodian  
1602 of an eligible retirement plan as defined in s. 402(c)(8)(B) of  
1603 the Internal Revenue Code. However, in the case of an eligible  
1604 rollover distribution to the surviving spouse of a deceased  
1605 participant, an eligible retirement plan is an individual  
1606 retirement account or an individual retirement annuity as  
1607 described in s. 402(c)(9) of the Internal Revenue Code.

1608 (III) Partial lump sum.--A portion of the accrued DROP  
1609 benefits shall be paid to the DROP participant or surviving  
1610 spouse, less withholding taxes remitted to the Internal Revenue  
1611 Service, and the remaining DROP benefits shall be transferred  
1612 directly to the custodian of an eligible retirement plan as  
1613 defined in s. 402(c)(8)(B) of the Internal Revenue Code.  
1614 However, in the case of an eligible rollover distribution to the  
1615 surviving spouse of a deceased participant, an eligible  
1616 retirement plan is an individual retirement account or an  
1617 individual retirement annuity as described in s. 402(c)(9) of  
1618 the Internal Revenue Code. The proportions shall be specified by  
1619 the DROP participant or surviving beneficiary.

1620 c. The form of payment selected by the DROP participant or  
1621 surviving beneficiary must comply ~~complies~~ with the minimum  
1622 distribution requirements of the Internal Revenue Code.

1623 d. A DROP participant who fails to terminate employment as  
1624 defined in s. 121.021(39)(b) shall be deemed as not ~~to be~~  
1625 retired, and the DROP election is ~~shall be~~ null and void.

1626 Florida Retirement System membership shall be reestablished  
1627 retroactively to the date of the commencement of ~~the~~ DROP, and  
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1628 each employer with whom the participant continues employment  
1629 ~~must shall be required to~~ pay to the Florida Retirement System  
1630 Trust Fund the difference between the DROP contributions paid in  
1631 paragraph (h) (i) and the contributions required for the  
1632 applicable Florida Retirement System class of membership during  
1633 the period the member participated in ~~the~~ DROP, plus 6.5 percent  
1634 interest compounded annually.

1635 6. The retirement benefits of any DROP participant who  
1636 meets the definition of termination in s. 121.021(39)(b) but is  
1637 in violation of the reemployment provisions as provided in  
1638 subsection (9) shall be suspended during those months in which  
1639 the member is in violation. Any member employed in violation of  
1640 this subparagraph and any employing agency that employs or  
1641 appoints such member without notifying the Division of  
1642 Retirement to suspend retirement benefits are jointly and  
1643 severally liable for any benefits paid during the reemployment  
1644 limitation period. To avoid liability, the employing agency must  
1645 have a written statement from the retiree that he or she is not  
1646 retired from a state-administered retirement system. Any  
1647 retirement benefits received by a retired member while employed  
1648 in violation of the reemployment limitations during the first 12  
1649 months after meeting termination in s. 121.021(39) must be  
1650 repaid to the Florida Retirement System Trust Fund, and his or  
1651 her retirement benefits shall remain suspended until payment is  
1652 made. Benefits suspended beyond the end of the retired member's  
1653 first 12 calendar months after meeting the definition of  
1654 termination in s. 121.021(39)(b) shall apply toward repayment of  
1655 benefits received in violation of the reemployment limitation.

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1656       ~~7.6.~~ The accrued benefits of any DROP participant, and any  
1657 contributions accumulated under the ~~such~~ program, are ~~shall~~ not  
1658 ~~be~~ subject to assignment, execution, attachment, or ~~to~~ any legal  
1659 process whatsoever, except for qualified domestic relations  
1660 orders by a court of competent jurisdiction, income deduction  
1661 orders as provided in s. 61.1301, and federal income tax levies.

1662       ~~8.7.~~ DROP participants are ~~shall~~ not ~~be~~ eligible for  
1663 disability retirement benefits as provided in subsection (4).

1664       (d) Death benefits under ~~the~~ DROP.--

1665       1. Upon the death of a DROP participant, the named  
1666 beneficiary shall be entitled to apply for and receive the  
1667 accrued benefits in ~~the~~ DROP as provided in sub-subparagraph  
1668 (c)5.b.

1669       2. The normal retirement benefit accrued to ~~the~~ DROP  
1670 during the month of a participant's death shall be the final  
1671 monthly benefit credited for such DROP participant.

1672       3. Eligibility to participate in ~~the~~ DROP terminates upon  
1673 death of the participant. If the participant dies on or after  
1674 the effective date of enrollment in ~~the~~ DROP, but prior to the  
1675 first monthly benefit being credited to ~~the~~ DROP, Florida  
1676 Retirement System benefits shall be paid in accordance with  
1677 subparagraph (7)(c)1. or subparagraph 2.

1678       4. A DROP participant's ~~participants'~~ survivors shall not  
1679 be eligible to receive Florida Retirement System death benefits  
1680 as provided in paragraph (7)(d).

1681       (e) Cost-of-living adjustment.--On each July 1, the  
1682 participant's ~~participants'~~ normal retirement benefit shall be  
1683 increased as provided in s. 121.101.

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1684 (f) Retiree health insurance subsidy.--DROP participants  
1685 are not eligible to apply for the retiree health insurance  
1686 subsidy payments as provided in s. 112.363 until such  
1687 participants have terminated employment and participation in ~~the~~  
1688 DROP.

1689 ~~(g) Renewed membership.--DROP participants shall not be~~  
1690 ~~eligible for renewed membership in the Florida Retirement System~~  
1691 ~~under ss. 121.053 and 121.122 until termination of employment is~~  
1692 ~~effectuated as provided in s. 121.021(39) (b).~~

1693 ~~(g)~~<sup>(h)</sup> Employment limitation after DROP  
1694 participation.--Upon satisfying the definition of termination of  
1695 employment as provided in s. 121.021(39) (b), DROP participants  
1696 shall be subject to such reemployment limitations as other  
1697 retirees. Reemployment restrictions applicable to retirees as  
1698 provided in subsection (9) shall not apply to DROP participants  
1699 until their employment and participation in ~~the~~ DROP are  
1700 terminated.

1701 ~~(h)~~<sup>(i)</sup> Contributions.--

1702 1. All employers paying the salary of a DROP participant  
1703 filling a regularly established position shall contribute 8.0  
1704 percent of such participant's gross compensation for the period  
1705 of July 1, 2002, through June 30, 2003, and the percentage ~~11.56~~  
1706 ~~percent~~ of such compensation required by s. 121.71 thereafter,  
1707 which shall constitute the entire employer DROP contribution  
1708 with respect to such participant. Such contributions, payable to  
1709 the Florida Retirement System Trust Fund in the same manner as  
1710 required in s. 121.071, shall be made as appropriate for each  
1711 pay period and are in addition to contributions required for  
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1712 social security and the Retiree Health Insurance Subsidy Trust  
1713 Fund. Such employer, social security, and health insurance  
1714 subsidy contributions are not included in ~~the~~ DROP.

1715 2. The employer shall, in addition to subparagraph 1.,  
1716 also withhold one-half of the entire social security  
1717 contribution required for the participant. Contributions for  
1718 social security by each participant and each employer, in the  
1719 amount required for social security coverage as now or hereafter  
1720 provided by the federal Social Security Act, shall be in  
1721 addition to contributions specified in subparagraph 1.

1722 3. All employers paying the salary of a DROP participant  
1723 filling a regularly established position shall contribute the  
1724 percent of such participant's gross compensation required in s.  
1725 121.071(4), which shall constitute the employer's health  
1726 insurance subsidy contribution with respect to such participant.  
1727 Such contributions shall be deposited by the administrator in  
1728 the Retiree Health Insurance Subsidy Trust Fund.

1729 (i)~~(j)~~ Forfeiture of retirement benefits.--Nothing in this  
1730 section shall be construed to remove DROP participants from the  
1731 scope of s. 8(d), Art. II of the State Constitution, s.  
1732 112.3173, and paragraph (5)(f). DROP participants who commit a  
1733 specified felony offense while employed will be subject to  
1734 forfeiture of all retirement benefits, including DROP benefits,  
1735 pursuant to those provisions of law.

1736 (j)~~(k)~~ Administration of program.--The division shall make  
1737 such rules as are necessary for the effective and efficient  
1738 administration of this subsection. The division shall not be  
1739 required to advise members of the federal tax consequences of an  
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1740 election related to ~~the~~ DROP but may advise members to seek  
1741 independent advice.

1742 (14) PAYMENT OF BENEFITS.--This subsection applies to the  
1743 payment of benefits to a payee (retiree or beneficiary) under  
1744 the Florida Retirement System:

1745 (a) Federal income tax shall be withheld in accordance  
1746 with federal law, unless the payee elects otherwise on Form W-  
1747 4P. The division shall prepare and distribute to each recipient  
1748 of monthly retirement benefits an appropriate income tax form  
1749 that reflects the recipient's income and federal income tax  
1750 withheld for the calendar year just ended.

1751 (b) Subject to approval by the division in accordance with  
1752 rule 60S-4.015, Florida Administrative Code, a payee receiving  
1753 retirement benefits under the ~~Florida Retirement~~ system may also  
1754 have the following payments deducted from his or her monthly  
1755 benefit:

1756 1. Premiums for life and health-related insurance policies  
1757 from approved companies.

1758 2. Life insurance premiums for the State Group Life  
1759 Insurance Plan, if authorized in writing by the payee and by the  
1760 department ~~of Management Services~~.

1761 3. Repayment of overpayments from the Florida Retirement  
1762 System Trust Fund, the State Employees' Health Insurance Trust  
1763 Fund, or the State Employees' Life Insurance Trust Fund, upon  
1764 notification of the payee.

1765 4. Payments to an alternate payee for alimony or child  
1766 support pursuant to an income deduction order under s. 61.1301,  
1767 or division of marital assets pursuant to a qualified domestic  
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1768 relations order under s. 222.21 ~~or an income deduction order~~  
1769 ~~under s. 61.1301.~~

1770 5. Payments to the Internal Revenue Service for federal  
1771 income tax levies, upon notification of the division by the  
1772 Internal Revenue Service.

1773 (c) A payee must ~~shall~~ notify the division of any change  
1774 in his or her address. The division may suspend benefit payments  
1775 to a payee if correspondence sent to the payee's mailing address  
1776 is returned due to an incorrect address. Benefit payments shall  
1777 be resumed upon notification to the division of the payee's new  
1778 address.

1779 (d) A payee whose retirement benefits are reduced by the  
1780 application of maximum benefit limits under s. 415(b) of the  
1781 Internal Revenue Code, as specified in s. 121.30(5), shall have  
1782 the portion of his or her calculated benefit in the Florida  
1783 Retirement System defined benefit plan which exceeds such  
1784 federal limitation paid through the Florida Retirement System  
1785 Preservation of Benefits Plan, as provided in s. 121.1001.

1786 (e) The Division of Retirement may issue retirement  
1787 benefits payable for division of marital assets pursuant to a  
1788 qualified domestic relations order directly to the alternate  
1789 payee, any court order to the contrary notwithstanding, in order  
1790 to meet Internal Revenue Code requirements.

1791 (f) ~~(e)~~ A ~~No~~ benefit may not be reduced for the purpose of  
1792 preserving the member's eligibility for a federal program.

1793 (g) ~~(f)~~ The division shall adopt rules establishing  
1794 procedures for determining that ~~the~~ persons to whom benefits are  
1795 being paid are still living. The division shall suspend the  
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1796 benefits being paid to any payee if ~~when~~ it is unable to contact  
1797 such payee and to confirm that he or she is still living.

1798 Section 10. Section 121.1115, Florida Statutes, is amended  
1799 to read:

1800 121.1115 Purchase of retirement credit for out-of-state or  
1801 ~~and~~ federal service.--Effective January 1, 1995, a member ~~of the~~  
1802 ~~Florida Retirement System~~ may purchase creditable service for  
1803 periods of public employment in another state and receive  
1804 creditable service for such periods of employment. Service with  
1805 the Federal Government, including any active military service,  
1806 may be claimed. Upon completion of each year of service earned  
1807 under the Florida Retirement System, a member may purchase up to  
1808 1 year of retirement credit for his or her out-of-state service,  
1809 subject to the following provisions:

1810 (1) LIMITATIONS AND CONDITIONS.--To receive credit for the  
1811 out-of-state service:

1812 (a) The out-of-state service ~~being claimed~~ must have been:

1813 1. Performed in a position of employment with the state or  
1814 a political subdivision thereof or with the Federal Government;

1815 2. Covered by a retirement or pension plan provided by the  
1816 state or political subdivision, or by the Federal Government, as  
1817 appropriate; and

1818 3. Performed prior to a period of membership in the  
1819 Florida Retirement System.

1820 (b) The member must have completed a minimum of 6 years of  
1821 creditable service under the Florida Retirement System,  
1822 excluding out-of-state service and in-state service claimed and  
1823 purchased under s. 121.1122.

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1824 (c) Not more than 5 years of creditable service may be  
1825 claimed for creditable service aggregated under ~~the provisions~~  
1826 ~~of~~ this section and s. 121.1122.

1827 (d) The out-of-state service credit ~~claimed under this~~  
1828 ~~section~~ shall be credited only as service in the Regular Class  
1829 ~~of membership~~, and any benefit or pension based thereon is ~~shall~~  
1830 ~~be~~ subject to the limitations and restrictions of s. 112.65.

1831 (e) The member is not eligible for and may not receive a  
1832 pension or benefit from a retirement or pension plan based on or  
1833 including the out-of-state service. Eligibility for or the  
1834 receipt of contributions to a retirement plan made by the  
1835 employer on behalf of the employee is considered a benefit.

1836 (f) ~~(e)~~ A member shall be eligible To receive service  
1837 credit for out-of-state service performed after leaving the  
1838 Florida Retirement System, the member must complete only upon  
1839 ~~return to membership and completion of~~ at least 1 year of  
1840 creditable service in the Florida Retirement System following  
1841 the out-of-state service.

1842 (2) COST.--For each year claimed, the member must pay into  
1843 the Florida Retirement System Trust Fund an amount equal to 20  
1844 percent of the member's annual compensation for the first full  
1845 work year of creditable service earned under the Florida  
1846 Retirement System, but not less than \$12,000, plus interest at  
1847 6.5 percent compounded annually from the date of first annual  
1848 salary earned until full payment is made. The employer may pay  
1849 all or a portion of the cost of this service credit.

1850 Section 11. Subsection (2) of section 121.1122, Florida  
1851 Statutes, is amended to read:

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1852           121.1122 Purchase of retirement credit for in-state public  
1853 service and in-state service in accredited nonpublic schools and  
1854 colleges, including charter schools and charter technical career  
1855 centers.--Effective January 1, 1998, a member of the Florida  
1856 Retirement System may purchase creditable service for periods of  
1857 certain public or nonpublic employment performed in this state,  
1858 as provided in this section.

1859           (2) LIMITATIONS AND CONDITIONS.--

1860           (a) A member is not eligible to receive credit for in-  
1861 state service under this section until he or she has completed 6  
1862 years of creditable service under the Florida Retirement System,  
1863 excluding service purchased under this section and out-of-state  
1864 service claimed and purchased under s. 121.1115.

1865           (b) A member may not purchase and receive credit for more  
1866 than 5 years of creditable service aggregated under ~~the~~  
1867 ~~provisions of~~ this section and s. 121.1115.

1868           (c) Service credit claimed under this section shall be  
1869 credited only as service in the Regular Class ~~of membership~~ and  
1870 is shall be subject to ~~the provisions of~~ s. 112.65.

1871           (d) Service credit may not be purchased under this section  
1872 if the member is eligible to receive or is receiving a pension  
1873 or benefit from a retirement or pension plan based on or  
1874 including the service. Eligibility for or the receipt of  
1875 contributions to a retirement plan made by the employer on  
1876 behalf of the employee is considered a benefit.

1877           (e) ~~(d)~~ A member is ~~shall be~~ eligible to receive service  
1878 credit for in-state service performed after leaving the Florida  
1879 Retirement System only after ~~upon returning to membership and~~  
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1880 completing at least 1 year of creditable service in the Florida  
1881 Retirement System following the in-state service.

1882 ~~(f)~~(e) The service claimed must have been service covered  
1883 by a retirement or pension plan provided by the employer.

1884 Section 12. Section 121.122, Florida Statutes, is amended  
1885 to read:

1886 121.122 Renewed membership in system.--

1887 (1) Any retiree of a state-administered retirement system  
1888 who is initially reemployed on or after January 1, 2010, shall  
1889 not be eligible for renewed membership.

1890 (2) Except as provided in s. 121.053, effective July 1,  
1891 1991, through December 31, 2009, any retiree of a state-  
1892 administered retirement system who is initially reemployed  
1893 ~~employed~~ in a regularly established position with a covered  
1894 employer shall be enrolled as a compulsory member of the Regular  
1895 Class of the Florida Retirement System or, effective July 1,  
1896 1997, through December 31, 2009, any retiree of a state-  
1897 administered retirement system who is initially reemployed  
1898 ~~employed~~ in a position included in the Senior Management Service  
1899 Class shall be enrolled as a compulsory member of the Senior  
1900 Management Service Class of the Florida Retirement System as  
1901 provided in s. 121.055, and shall be entitled to receive an  
1902 additional retirement benefit, subject to the following  
1903 conditions:

1904 ~~(1)~~(a) Such member shall resatisfy the age and service  
1905 requirements as provided in this chapter for initial membership  
1906 under the system, unless such member elects to participate in  
1907 the Senior Management Service Optional Annuity Program in lieu  
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1908 of the Senior Management Service Class, as provided in s.  
1909 121.055(6).

1910 (b) Such member shall not be entitled to disability  
1911 benefits as provided in s. 121.091(4).

1912 (c) Such member must meet the reemployment after  
1913 retirement limitations as provided in s. 121.091(9), as  
1914 applicable.

1915 ~~(3)~~ ~~(2)~~ Upon renewed membership or reemployment of a  
1916 retiree, the employer of such member shall pay the applicable  
1917 employer contributions as required by ss. 121.71, 121.74,  
1918 121.76, and 112.363 ~~121.055(3) and 121.071(1)(a) and (4).~~

1919 ~~(4)~~ ~~(3)~~ The retiree of a state-administered retirement  
1920 system who is initially reemployed before January 1, 2010, Such  
1921 member shall be entitled to purchase additional retirement  
1922 credit in the Regular Class or the Senior Management Service  
1923 Class, as applicable, for any postretirement service performed  
1924 in a regularly established position as follows:

1925 (a) For regular class service prior to July 1, 1991, by  
1926 paying the Regular Class applicable employee and employer  
1927 contributions for the period being claimed, plus 4 percent  
1928 interest compounded annually from first year of service claimed  
1929 until July 1, 1975, and 6.5 percent interest compounded  
1930 thereafter, until full payment is made to the Florida Retirement  
1931 System Trust Fund; or

1932 (b) For Senior Management Service Class prior to June 1,  
1933 1997, as provided in s. 121.055(1)(j).

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1935 The contribution for postretirement service between July 1,  
1936 1985, and July 1, 1991, for which the reemployed retiree  
1937 contribution was paid, shall be the difference between such  
1938 contribution and the total applicable contribution for the  
1939 period being claimed, plus interest. The employer of such member  
1940 may pay the applicable employer contribution in lieu of the  
1941 member. If a member does not wish to claim credit for all of the  
1942 postretirement service for which he or she is eligible, the  
1943 service the member claims must be the most recent service.

1944 ~~(5)(4)~~ No creditable service for which credit was  
1945 received, or which remained unclaimed, at retirement may be  
1946 claimed or applied toward service credit earned following  
1947 renewed membership. However, for retirees initially reemployed  
1948 before January 1, 2010, service earned as an elected officer  
1949 with renewed membership in the Elected Officers' Class may be  
1950 used in conjunction with creditable service earned under this  
1951 section, provided the applicable vesting requirements and other  
1952 existing statutory conditions required by this chapter are met.

1953 ~~(6)(5)~~ Notwithstanding any other limitations provided in  
1954 this section, a participant of the State University System  
1955 Optional Retirement Program, the State Community College  
1956 Optional Retirement Program, or the Senior Management Service  
1957 Optional Annuity Program who terminated employment and commenced  
1958 receiving a distribution ~~an annuity~~ under ~~the provisions of the~~  
1959 optional program, who initially renews membership before January  
1960 1, 2010, ~~in the Regular Class~~ as required by this section upon  
1961 reemployment after retirement, and who had previously earned  
1962 creditable Florida Retirement System service that was not

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1963 included in any retirement benefit may include such previous  
1964 service toward vesting and service credit in the second career  
1965 benefit provided under renewed membership.

1966 ~~(7)~~(6) Any renewed member who is not receiving the maximum  
1967 health insurance subsidy provided in s. 112.363 shall be  
1968 entitled to earn additional credit toward the maximum health  
1969 insurance subsidy. Any additional subsidy due because of such  
1970 additional credit shall be received only at the time of payment  
1971 of the second career retirement benefit. In no case shall the  
1972 total health insurance subsidy received by a retiree receiving  
1973 benefits from initial and renewed membership exceed the maximum  
1974 allowed in s. 112.363.

1975 Section 13. Section 121.136, Florida Statutes, is amended  
1976 to read:

1977 121.136 Annual benefit statement to members.--~~In Beginning~~  
1978 ~~January 1, 1993, and each January of each year thereafter,~~ the  
1979 department shall provide each active member of the Florida  
1980 Retirement System with 5 or more years of creditable service an  
1981 annual statement of benefits that provides. ~~Such statement~~  
1982 ~~should provide~~ the member with basic data about the member's  
1983 retirement account. At a minimum ~~Minimally,~~ it must ~~shall~~  
1984 include the member's retirement plan, accrued service credit ~~the~~  
1985 ~~amount of funds on deposit in the retirement account,~~ and an  
1986 estimate of retirement benefits.

1987 Section 14. Section 121.1905, Florida Statutes, is amended  
1988 to read:

1989 121.1905 Division of Retirement; creation.--

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1990           (1) There is created the Division of Retirement within the  
1991 Department of Management Services.

1992           ~~(2) The mission of the Division of Retirement is to~~  
1993 ~~provide quality and cost-effective retirement services as~~  
1994 ~~measured by member satisfaction and by comparison with~~  
1995 ~~administrative costs of comparable retirement systems.~~

1996           Section 15. Paragraph (a) of subsection (2) of section  
1997 121.23, Florida Statutes, is amended to read:

1998           121.23 Disability retirement and special risk membership  
1999 applications; Retirement Commission; powers and duties; judicial  
2000 review.--The provisions of this section apply to all proceedings  
2001 in which the administrator has made a written final decision on  
2002 the merits respecting applications for disability retirement,  
2003 reexamination of retired members receiving disability benefits,  
2004 applications for special risk membership, and reexamination of  
2005 special risk members in the Florida Retirement System. The  
2006 jurisdiction of the State Retirement Commission under this  
2007 section shall be limited to written final decisions of the  
2008 administrator on the merits.

2009           (2) A member shall be entitled to a hearing before the  
2010 State Retirement Commission pursuant to ss. 120.569 and  
2011 120.57(1) on the merits of any written adverse decision of the  
2012 administrator, if he or she files with the commission a written  
2013 request for such hearing within 21 days after receipt of such  
2014 written decision from the administrator. For the purpose of such  
2015 hearings, the commission shall be an "agency head" as defined by  
2016 s. 120.52.

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2017 (a) The commission ~~may shall have the authority to issue~~  
2018 orders as a result of the ~~a~~ hearing that are ~~shall be~~ binding on  
2019 all parties to the dispute and. ~~The commission~~ may order any  
2020 action that it deems appropriate. Any disability retirement  
2021 order of the commission that ~~issued pursuant to this subsection~~  
2022 ~~which~~ sustains the application of the member may include an  
2023 amount, to be determined by the commission, for reasonable  
2024 attorney's fees and taxable costs, which shall be calculated in  
2025 accordance with the statewide uniform guidelines for taxation of  
2026 costs in civil actions. The amount of the attorney's fees ~~fee~~  
2027 may not exceed 50 percent of the initial yearly benefit awarded  
2028 under s. 121.091(4). In cases involving disability retirement,  
2029 the ~~State Retirement~~ commission shall require the member to  
2030 present substantial competent medical evidence that meets the  
2031 requirements of s. 121.091(4)(c)2. and 3., and may require  
2032 vocational evidence, before awarding disability retirement  
2033 benefits.

2034 Section 16. Paragraph (a) of subsection (1) of section  
2035 121.24, Florida Statutes, is amended to read:

2036 121.24 Conduct of commission business; legal and other  
2037 assistance; compensation.--

2038 (1) The commission shall conduct its business within the  
2039 following guidelines:

2040 (a) For purposes of hearing appeals under s. 121.23, the  
2041 commission may meet in panels ~~consisting of no not~~ no fewer than  
2042 three members. ~~For the purpose of meeting in these panels, a~~  
2043 ~~quorum shall be not fewer than two members. For all other~~  
2044 ~~purposes,~~ A quorum shall consist of three members. The

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2045 concurring vote of a majority of the members present is ~~shall be~~  
2046 required to reach a decision, issue orders, and conduct the  
2047 business of the commission.

2048 Section 17. Paragraph (h) of subsection (3) and paragraphs  
2049 (a) and (e) of subsection (5) of section 121.35, Florida  
2050 Statutes, are amended, and paragraph (g) is added to subsection  
2051 (5) of that section, to read:

2052 121.35 Optional retirement program for the State  
2053 University System.--

2054 (3) ELECTION OF OPTIONAL PROGRAM.--

2055 (h) A participant in the optional retirement program may  
2056 not participate in more than one state-administered retirement  
2057 system, plan, or class simultaneously. Except as provided in s.  
2058 121.052(6)(d), a participant who is or becomes dually employed  
2059 in two or more positions covered by the Florida Retirement  
2060 System, one of which is eligible for the optional program and  
2061 one of which is not, may remain a member of the optional program  
2062 and contributions shall be paid as required only on the salary  
2063 earned in the position eligible for the optional program during  
2064 such period of dual employment; or, within 90 days after  
2065 becoming dually employed, he or she may elect membership in the  
2066 Regular Class of the Florida Retirement System in lieu of the  
2067 optional program and contributions shall be paid as required on  
2068 the total salary received for all employment. At retirement, the  
2069 average final compensation used to calculate any benefits for  
2070 which the member becomes eligible under the Florida Retirement  
2071 System shall be based on all salary reported for both positions  
2072 during such period of dual employment. When such member ceases  
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2073 to be dually employed, he or she may, within 90 days, elect to  
2074 remain in the Florida Retirement System class for which he or  
2075 she is eligible or to again become a participant in the optional  
2076 retirement program. Failure to elect membership in the optional  
2077 program within 90 days shall result in compulsory membership in  
2078 the Florida Retirement System, except that a member filling a  
2079 faculty position at ~~under~~ a college with a faculty practice plan  
2080 at the University of Florida, ~~or~~ the medical center at the  
2081 University of South Florida, or any other state university shall  
2082 again participate in the optional retirement program as required  
2083 in s. 121.051(1) (a).

2084 (5) BENEFITS.--

2085 (a) Benefits shall be payable under the optional  
2086 retirement program only to vested participants in the program,  
2087 or their beneficiaries as designated by the participant in the  
2088 contract with a provider company, and such benefits shall be  
2089 paid only by the designated company in accordance with s. 403(b)  
2090 of the Internal Revenue Code and in accordance with the terms of  
2091 the annuity contract or contracts applicable to the participant.  
2092 Benefits shall accrue in individual accounts that are  
2093 participant-directed, portable, and funded by employer  
2094 contributions and the earnings thereon. The participant must be  
2095 terminated from all employment with all Florida Retirement  
2096 System employers, as provided in s. 121.021(39), to begin  
2097 receiving the employer-funded benefit. Benefits funded by  
2098 employer contributions shall be payable in accordance with the  
2099 following terms and conditions:

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2100 1. Benefits shall be payable only to a participant, to his  
2101 or her beneficiaries, or to his or her estate, as designated by  
2102 the participant.

2103 2. Benefits shall be paid by the provider company or  
2104 companies in accordance with the law, the provisions of the  
2105 contract, and any applicable department ~~board~~ rule or policy.

2106 3. In the event of a participant's death, moneys  
2107 accumulated by, or on behalf of, the participant, less  
2108 withholding taxes remitted to the Internal Revenue Service, if  
2109 any, shall be distributed to the participant's designated  
2110 beneficiary or beneficiaries, or to the participant's estate, as  
2111 if the participant retired on the date of death, as provided in  
2112 paragraph (c). No other death benefits shall be available for  
2113 survivors of participants under the optional retirement program  
2114 except for such benefits, or coverage for such benefits, as are  
2115 separately afforded by the employer, at the employer's  
2116 discretion.

2117 (e) A participant who chooses to receive his or her  
2118 benefits upon termination of employment as defined in s.  
2119 121.021(39) shall have responsibility to notify the provider  
2120 company of the date on which he or she wishes benefits funded by  
2121 employer contributions to begin. Benefits may be deferred until  
2122 such time as the participant chooses to make such application.

2123 (g) For purposes of this section, "retiree" means a former  
2124 participant of the optional retirement program who has  
2125 terminated employment and has taken a distribution as provided  
2126 in this subsection, except for a mandatory distribution of a de  
2127 minimis account authorized by the department.

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2128 Section 18. Paragraph (f) of subsection (2) of section  
2129 121.4501, Florida Statutes, is amended to read:

2130 121.4501 Public Employee Optional Retirement Program.--

2131 (2) DEFINITIONS.--As used in this part, the term:

2132 (f) "Eligible employee" means an officer or employee, as  
2133 defined in s. 121.021(11), who:

2134 1. Is a member of, or is eligible for membership in, the  
2135 Florida Retirement System, including any renewed member of the  
2136 Florida Retirement System initially enrolled before January 1,  
2137 2010; or

2138 2. Participates in, or is eligible to participate in, the  
2139 Senior Management Service Optional Annuity Program as  
2140 established under s. 121.055(6), the State Community College  
2141 System Optional Retirement Program as established under s.  
2142 121.051(2)(c), or the State University System Optional  
2143 Retirement Program established under s. 121.35.

2144  
2145 The term does not include any member participating in the  
2146 Deferred Retirement Option Program established under s.  
2147 121.091(13), a retiree of a state-administered retirement system  
2148 initially reemployed on or after January 1, 2010, or a mandatory  
2149 participant of the State University System Optional Retirement  
2150 Program established under s. 121.35.

2151 Section 19. Paragraph (b) of subsection (1) of section  
2152 121.591, Florida Statutes, is amended to read:

2153 121.591 Benefits payable under the Public Employee  
2154 Optional Retirement Program of the Florida Retirement  
2155 System.--Benefits may not be paid under this section unless the  
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2156 member has terminated employment as provided in s.  
2157 121.021(39) (a) or is deceased and a proper application has been  
2158 filed in the manner prescribed by the state board or the  
2159 department. The state board or department, as appropriate, may  
2160 cancel an application for retirement benefits when the member or  
2161 beneficiary fails to timely provide the information and  
2162 documents required by this chapter and the rules of the state  
2163 board and department. In accordance with their respective  
2164 responsibilities as provided herein, the State Board of  
2165 Administration and the Department of Management Services shall  
2166 adopt rules establishing procedures for application for  
2167 retirement benefits and for the cancellation of such application  
2168 when the required information or documents are not received. The  
2169 State Board of Administration and the Department of Management  
2170 Services, as appropriate, are authorized to cash out a de  
2171 minimis account of a participant who has been terminated from  
2172 Florida Retirement System covered employment for a minimum of 6  
2173 calendar months. A de minimis account is an account containing  
2174 employer contributions and accumulated earnings of not more than  
2175 \$5,000 made under the provisions of this chapter. Such cash-out  
2176 must either be a complete lump-sum liquidation of the account  
2177 balance, subject to the provisions of the Internal Revenue Code,  
2178 or a lump-sum direct rollover distribution paid directly to the  
2179 custodian of an eligible retirement plan, as defined by the  
2180 Internal Revenue Code, on behalf of the participant. If any  
2181 financial instrument issued for the payment of retirement  
2182 benefits under this section is not presented for payment within  
2183 180 days after the last day of the month in which it was

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2184 originally issued, the third-party administrator or other duly  
2185 authorized agent of the State Board of Administration shall  
2186 cancel the instrument and credit the amount of the instrument to  
2187 the suspense account of the Public Employee Optional Retirement  
2188 Program Trust Fund authorized under s. 121.4501(6). Any such  
2189 amounts transferred to the suspense account are payable upon a  
2190 proper application, not to include earnings thereon, as provided  
2191 in this section, within 10 years after the last day of the month  
2192 in which the instrument was originally issued, after which time  
2193 such amounts and any earnings thereon shall be forfeited. Any  
2194 such forfeited amounts are assets of the Public Employee  
2195 Optional Retirement Program Trust Fund and are not subject to  
2196 the provisions of chapter 717.

2197 (1) NORMAL BENEFITS.--Under the Public Employee Optional  
2198 Retirement Program:

2199 (b) If a participant elects to receive his or her benefits  
2200 upon termination of employment as defined in s. 121.021(39), the  
2201 participant must submit a written application or an equivalent  
2202 form to the third-party administrator indicating his or her  
2203 preferred distribution date and selecting an authorized method  
2204 of distribution as provided in paragraph (c). The participant  
2205 may defer receipt of benefits until he or she chooses to make  
2206 such application, subject to federal requirements.

2207 Section 20. Subsection (1) of section 238.183, Florida  
2208 Statutes, is amended to read:

2209 238.183 Developmental research school and Florida School  
2210 for the Deaf and the Blind instructional personnel; reemployment  
2211 after retirement.--

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2212 (1) Notwithstanding any other law, instructional  
2213 personnel, as defined in s. 1012.01(2), employed by a  
2214 developmental research school or the Florida School for the Deaf  
2215 and the Blind are eligible for reemployment after retirement in  
2216 the same manner as classroom teachers who are employed by the  
2217 district school boards, as described in ss.  
2218 121.091(9)(b) 2.b.(I)3. and 238.181(2)(c).

2219 Section 21. Paragraph (g) of subsection (3) and subsection  
2220 (8) of section 1012.33, Florida Statutes, are amended to read:  
2221 1012.33 Contracts with instructional staff, supervisors,  
2222 and school principals.--

2223 (3)

2224 (g) Beginning July 1, 2001, for each employee who enters  
2225 into a written contract, pursuant to this section, in a school  
2226 district in which the employee was not employed as of June 30,  
2227 2001, or was employed as of June 30, 2001, but has since broken  
2228 employment with that district for 1 school year or more, for  
2229 purposes of pay, a district school board must recognize and  
2230 accept each year of full-time public school teaching service  
2231 earned in the State of Florida or outside the state and for  
2232 which the employee received a satisfactory performance  
2233 evaluation. Instructional personnel employed pursuant to s.  
2234 121.091(9)(b) 2.b.(I)3. are exempt from the provisions of this  
2235 paragraph.

2236 (8) Notwithstanding any other provision of law, a retired  
2237 ~~any member who has retired~~ may interrupt retirement and be  
2238 reemployed in any public school. A ~~Any~~ member ~~se~~ reemployed by  
2239 the same district from which he or she retired may be employed

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2240 on a probationary contractual basis as provided in subsection  
2241 (1); ~~however, no regular retirement employee shall be eligible~~  
2242 ~~to renew membership under a retirement system created by chapter~~  
2243 ~~121 or chapter 238.~~

2244 Section 22. Sections 121.093, 121.094, and 121.45, Florida  
2245 Statutes, are repealed.

2246 Section 23. The Legislature finds that a proper and  
2247 legitimate state purpose is served when employees and retirees  
2248 of the state and its political subdivisions, as well as the  
2249 dependents, survivors, and beneficiaries of such employees and  
2250 retirees, are extended the basic protections afforded by  
2251 governmental retirement systems that provide fair and adequate  
2252 benefits and that are managed, administered, and funded in an  
2253 actuarially sound manner as required by s. 14, Art. X of the  
2254 State Constitution and part VII of chapter 112, Florida  
2255 Statutes. Therefore, the Legislature determines and declares  
2256 that the amendment of s. 121.091, Florida Statutes, by this act  
2257 fulfills an important state interest.

2258 Section 24. This act shall take effect July 1, 2009.

2259

2260 -----

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

2262 Remove the entire title and insert:

2263 A bill to be entitled

2264 An act relating to retirement; amending s. 121.021, F.S.;

2265 redefining the terms "employer," "officer or employee,"

2266 "past service," "normal retirement date," "termination,"

2267 "regularly established position," and "temporary

HOUSE AMENDMENT

Bill No. CS/CS/HB 479

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2268 position"; defining the terms "state board" and  
2269 "trustees"; amending s. 121.031, F.S.; requiring  
2270 promotional materials that refer to the Florida Retirement  
2271 System to include a disclaimer unless approval is obtained  
2272 from the Department of Management Services or the State  
2273 Board of Administration; amending s. 121.051, F.S.;;  
2274 conforming a cross-reference; clarifying when a State  
2275 Community College System Optional Retirement Program  
2276 participant is considered a retiree; revising provisions  
2277 relating to participation in the Florida Retirement System  
2278 by certain employers; excluding the participation of  
2279 certain entities under a lease agreement; amending s.  
2280 121.052, F.S.; revising membership criteria for members of  
2281 the Elected Officers' Class; revising the dates for when a  
2282 governing body of a municipality or special district may  
2283 elect to designate its elected positions for inclusion in  
2284 the Elected Officers' Class; amending s. 121.053, F.S.;;  
2285 revising provisions relating to participation in the  
2286 Elected Officers' Class for retired members; amending s.  
2287 121.055, F.S.; revising provisions relating to  
2288 participation in the Senior Management Service Class;  
2289 revising benefit payment procedures for the Senior  
2290 Management Service Optional Annuity Program; clarifying  
2291 when a participant is considered retired; amending s.  
2292 121.071, F.S.; providing an additional mechanism for the  
2293 payment of employee contributions to the system; amending  
2294 s. 121.081, F.S.; providing for receipt of credit for past  
2295 or prior service by charter school and charter technical

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2296 career center employees; prohibiting a member from  
2297 receiving credit for service covered and reported by both  
2298 a public employer and a private employer; amending s.  
2299 121.091, F.S.; revising and clarifying provisions relating  
2300 to retirement benefits; deleting a restriction on the  
2301 reemployment of certain personnel by the Florida School  
2302 for the Deaf and the Blind; authorizing developmental  
2303 research schools and charter schools to reemploy certain  
2304 retired members under specified conditions; revising  
2305 limitations on the payment of retirement benefits for  
2306 certain retired persons who are reemployed by an employer  
2307 participating in a state-administered retirement program;  
2308 prohibiting certain persons holding public office from  
2309 enrolling in the Florida Retirement System; deleting a  
2310 provision authorizing an employing agency to reemploy a  
2311 retired member as a firefighter or paramedic after a  
2312 specified period; providing applicability; revising  
2313 provisions relating to reemployment of retirees of the  
2314 Public Employee Optional Retirement Program; providing  
2315 that certain members who delay DROP participation lose a  
2316 month of DROP participation for each month delayed;  
2317 clarifying that DROP participation cannot be canceled;  
2318 clarifying maximum DROP participation; providing  
2319 exceptions to certain benefits payable under DROP;  
2320 providing for the suspension of DROP benefits to a  
2321 participant who is reemployed; deleting obsolete  
2322 provisions; revising employer contribution requirements;  
2323 authorizing the Division of Retirement to issue benefits

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2324       pursuant to a qualified domestic relations order directly  
2325       to the alternate payee; amending s. 121.1115, F.S.;  
2326       revising provisions relating to receiving retirement  
2327       credit for out-of-state service; providing that a member  
2328       is not eligible for and may not receive a benefit based on  
2329       such service; amending s. 121.1122, F.S.; revising  
2330       provisions relating to receiving retirement credit for in-  
2331       state service; providing that certain members may not be  
2332       eligible to purchase service credit; amending s. 121.122,  
2333       F.S.; providing that certain retirees initially reemployed  
2334       on or after a specified date are ineligible for renewed  
2335       membership in the system; revising conditions under which  
2336       a retiree is entitled to certain additional retirement  
2337       benefits; amending s. 121.136, F.S.; revising provisions  
2338       relating to the annual statement of benefits provided to  
2339       certain active members of the system; amending s.  
2340       121.1905, F.S.; deleting a provision describing the  
2341       mission of the Division of Retirement; amending s. 121.23,  
2342       F.S.; requiring the State Retirement Commission to use  
2343       certain requirements used by the Secretary of Management  
2344       Services before approving a disability retirement benefit;  
2345       amending s. 121.24, F.S.; requiring a quorum of three  
2346       members for all appeal hearings held by the commission;  
2347       amending s. 121.35, F.S.; revising a compulsory membership  
2348       exception for certain members failing to elect membership  
2349       in the optional retirement program; providing a cross-  
2350       reference; defining the term "retiree" for purposes of the  
2351       State University System Optional Retirement Program;

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2352 amending s. 121.4501, F.S.; revising the definition of  
2353 "eligible employee" for purposes of the Public Employee  
2354 Optional Retirement Program; amending s. 121.591, F.S.;  
2355 providing a cross-reference; amending s. 238.183, F.S.;  
2356 conforming a cross-reference; amending s. 1012.33, F.S.;  
2357 deleting a provision preventing persons who have retired  
2358 from the public school system from renewing membership in  
2359 the Florida Retirement System or Teachers' Retirement  
2360 System upon reemployment by the school system; repealing  
2361 s. 121.093, F.S., relating to instructional personnel  
2362 reemployment after retirement from a developmental  
2363 research school or the Florida School for the Deaf and the  
2364 Blind; repealing s. 121.094, F.S., relating to  
2365 instructional personnel reemployment after retirement from  
2366 a charter school; repealing s. 121.45, F.S., relating to  
2367 interstate compacts relating to pension portability;  
2368 providing a declaration of important state interest;  
2369 providing an effective date.

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