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LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/RS/2R	.	
04/30/2009 05:06 PM	.	
	.	

Senators Lawson, King, and Haridopolos moved the following:

Senate Amendment (with title amendment)

Delete lines 115 - 1387

and insert:

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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158 Statutes, are amended to read:

159 121.051 Participation in the system.—

160 (1) COMPULSORY PARTICIPATION.—

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

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

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



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

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

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

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

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

208 (2) OPTIONAL PARTICIPATION.—

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



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

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

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



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

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

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

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



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

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

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

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

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

299 (I) Instructional; or

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



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



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

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

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



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

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

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



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

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

401 121.052 Membership class of elected officers.—

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

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

415 (3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July
416 1, 1990, participation in the Elected Officers' Class shall be
417 compulsory for elected officers listed in paragraphs (2) (a)-(d)
418 and (f) assuming office on or after said date, unless the



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419 elected officer elects membership in another class or withdraws
420 from the Florida Retirement System as provided in paragraphs
421 (3) (a)-(d):

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

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

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

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

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

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

446 (1)(a) ~~A~~ Any member who retired under an ~~any~~ existing
447 system as defined in s. 121.021(2), and receives a retirement



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

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

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

475 (2)(b) A Any retired member of the Florida Retirement
476 System, or an ~~any~~ existing system as defined in s. 121.021~~(2)~~,



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

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

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

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



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

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

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



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535 ~~elective office eligible for coverage under the Florida~~
536 ~~Retirement System, until he or she no longer holds such an~~
537 ~~elective office, as follows:~~

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

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

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

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

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

559

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



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564 section 1 of chapter 2001-235, Laws of Florida.

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

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

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

576 (4) ~~(2)~~ Upon attaining his or her normal retirement date and
577 payment of the amount specified in paragraphs (1) (a) and (b),
578 and upon application to the administrator of the intent to
579 retire, a the member qualifying under subsection (1) or
580 subsection (2) shall receive a monthly benefit under this
581 section, in addition to any benefits already being received,
582 which shall commence on the last day of the month of retirement
583 and be payable on the last day of the month thereafter during
584 his or her lifetime. The amount of the such monthly benefit is
585 shall be the total percentage of retirement credit purchased
586 under this section multiplied by the member's average monthly
587 compensation as an elected officer, adjusted according to the
588 option selected at retirement under s. 121.091(6).

589 (5) ~~(3)~~ Any renewed member, as described in subsection (1)
590 or subsection (2), who is not receiving the maximum health
591 insurance subsidy provided in s. 112.363 is shall be entitled to
592 earn additional credit toward the maximum health insurance



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

599 (6)-(4) A No retired judge consenting to temporary duty in
600 any court, as assigned by the Chief Justice of the Supreme Court
601 in accordance with s. 2, Art. V of the State Constitution, is
602 not shall be subject to the renewed membership provisions of
603 this section.

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

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

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

619 2. Retirement contributions are not required of the
620 employer of the elected officer and additional retirement credit
621 may not be earned under the Florida Retirement System.



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

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

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

637 121.055 Senior Management Service Class.—There is hereby
638 established a separate class of membership within the Florida
639 Retirement System to be known as the "Senior Management Service
640 Class," which shall become effective February 1, 1987.

641 (1)

642 (f) Effective July 1, 1997:

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



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651 membership in the Senior Management Service Class.

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

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

672 (6)

673 (c) *Participation.*—

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



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

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

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



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709 Management Service Class.

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

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

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

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

734 c. The employee must transfer the total accumulated
735 employer contributions and earnings on deposit in his or her
736 Senior Management Service Optional Annuity Program account. If
737 the transferred amount is not sufficient to pay the amount due,



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

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

746 (e) *Benefits.*—

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

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

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



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

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

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

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

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



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

800

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

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

807 121.071 Contributions.—Contributions to the system shall be
808 made as follows:

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

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



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825 121.081 Past service; prior service; contributions.-
826 Conditions under which past service or prior service may be
827 claimed and credited are:
828 (1) (a) Past service, as defined in s. 121.021(18), may be
829 claimed as creditable service by officers or employees of a
830 municipality city, metropolitan planning organization, charter
831 school, charter technical career center, or special district who
832 ~~that~~ become a covered group under this system. The governing
833 body of a covered group in compliance with s. 121.051(2) (b) may
834 elect to provide benefits for ~~with respect to~~ past service
835 earned before ~~prior to~~ January 1, 1975, in accordance with this
836 chapter, and the cost for such past service is ~~shall be~~
837 established by applying the following formula: The member
838 contribution for both regular and special risk members is ~~shall~~
839 ~~be~~ 4 percent of the gross annual salary for each year of past
840 service claimed, plus 4-percent employer matching contribution,
841 plus 4-percent interest thereon compounded annually, figured on
842 each year of past service, with interest compounded from date of
843 annual salary earned until July 1, 1975, and 6.5-percent
844 interest compounded annually thereafter until date of payment.
845 Once the total cost for a member has been figured to date, then
846 after July 1, 1975, 6.5-percent compounded interest shall be
847 added each June 30 thereafter on any unpaid balance until the
848 cost of such past service liability is paid in full. The
849 following formula shall be used in calculating past service
850 earned before ~~prior to~~ January 1, 1975: (Annual gross salary
851 multiplied by 8 percent) multiplied by the 4-percent or 6.5-
852 percent compound interest table factor, as may be applicable.
853 The resulting product equals cost to date for each particular



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854 year of past service.

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

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



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

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



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

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

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

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

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

938 ~~4.3.~~ If a member does not want ~~desire~~ to receive credit for
939 all of his or her past service, the period the member claims
940 must be the most recent past service prior to his or her



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941 participation in the Florida Retirement System.

942 ~~5.4.~~ The cost of past service purchased by an employing
943 agency for its employees may be amortized over the ~~such~~ period
944 of time ~~as is~~ provided in the agreement, but not to exceed 15
945 years, calculated in accordance with rule 60S-1.007(5)(f),
946 Florida Administrative Code.

947 ~~6.5.~~ The retirement account of each member for whom past
948 service is being provided by his or her employer shall be
949 credited with all past service the employer agrees to purchase
950 as soon as the agreement between the employer and the department
951 is executed. ~~Pursuant thereto:~~

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

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

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

969 121.091 Benefits payable under the system.—Benefits may not



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

982 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

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

990 (b)~~1~~. Any person whose retirement is effective before July
991 1, 2010, or whose participation in the Deferred Retirement
992 Option Program terminates before July 1, 2010, ~~who is retired~~
993 ~~under this chapter,~~ except under the disability retirement
994 provisions of subsection (4) or as provided in s. 121.053, may
995 be reemployed by an any private or public employer that
996 participates in a state-administered retirement system after
997 retirement and receive retirement benefits and compensation from
998 that ~~his or her~~ employer without any limitations, except that



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999 ~~the a~~ person may not be reemployed by an employer ~~receive both a~~
1000 ~~salary from reemployment with any agency~~ participating in the
1001 Florida Retirement System before meeting the definition of
1002 termination in s. 121.021 and may not receive both a salary from
1003 the employer and retirement benefits ~~under this chapter~~ for a
1004 ~~period of~~ 12 calendar months immediately subsequent to the date
1005 of retirement. However, a DROP participant shall continue
1006 employment and receive a salary during the period of
1007 participation in the Deferred Retirement Option Program, as
1008 provided in subsection (13).

1009 1.2. A retiree ~~Any person to whom the limitation in~~
1010 ~~subparagraph 1. applies~~ who violates such reemployment
1011 ~~limitation and who is reemployed with any agency participating~~
1012 ~~in the Florida Retirement System~~ before completion of the 12-
1013 month limitation period must ~~shall~~ give timely notice of this
1014 fact in writing to the employer and to the Division of
1015 Retirement or the state board and shall have his or her
1016 retirement benefits suspended for the months employed or the
1017 balance of the 12-month limitation period as required in sub-
1018 subparagraphs b. and c. A retiree ~~Any person~~ employed in
1019 violation of this paragraph and an employer who ~~any employing~~
1020 ~~agency which knowingly~~ employs or appoints such person are
1021 ~~without notifying the Division of Retirement to suspend~~
1022 ~~retirement benefits shall be jointly and severally liable for~~
1023 reimbursement to the retirement trust fund, including the
1024 Florida Retirement System Trust Fund and the Public employee
1025 Optional Retirement Program Trust Fund, from which the benefits
1026 were paid of any benefits paid during the reemployment
1027 limitation period. The employer must ~~To avoid liability, such~~



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

1037 ~~a.3.~~ A district school board may reemploy a retiree ~~retired~~
1038 ~~member~~ as a substitute or hourly teacher, education
1039 paraprofessional, transportation assistant, bus driver, or food
1040 service worker on a noncontractual basis after he or she has
1041 been retired for 1 calendar month, ~~in accordance with s.~~
1042 ~~121.021(39).~~ A district school board may reemploy a retiree
1043 ~~retired member~~ as instructional personnel, as defined in s.
1044 1012.01(2)(a), on an annual contractual basis after he or she
1045 has been retired for 1 calendar month, ~~in accordance with s.~~
1046 ~~121.021(39).~~ Any ~~other retired~~ member who is reemployed within 1
1047 calendar month after retirement shall void his or her
1048 application for retirement benefits. District school boards
1049 reemploying such teachers, education paraprofessionals,
1050 transportation assistants, bus drivers, or food service workers
1051 are subject to the retirement contribution required by
1052 subparagraph 2. 7.

1053 ~~b.4.~~ A community college board of trustees may reemploy a
1054 retiree ~~retired member~~ as an adjunct instructor, ~~that is, an~~
1055 ~~instructor who is noncontractual and part-time,~~ or as a
1056 participant in a phased retirement program within the Florida



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



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

1089 ~~c.5.~~ The State University System may reemploy a retiree
1090 ~~retired member~~ as an adjunct faculty member or as a participant
1091 in a phased retirement program within the State University
1092 System after the retiree ~~retired member~~ has been retired for 1
1093 calendar month, ~~in accordance with s. 121.021(39).~~ A ~~Any retired~~
1094 member who is reemployed within 1 calendar month after
1095 retirement shall void his or her application for retirement
1096 benefits. The State University System is subject to the retired
1097 contribution required in subparagraph 2. 7., as appropriate. A
1098 retiree ~~retired member~~ may be reemployed as an adjunct faculty
1099 member or a participant in a phased retirement program for no
1100 more than 780 hours during the first 12 months of his or her
1101 retirement. A retiree ~~Any retired member~~ reemployed for more
1102 than 780 hours during the first 12 months of retirement must
1103 ~~shall~~ give timely notice in writing to the employer and to the
1104 Division of Retirement or the state board of the date he or she
1105 will exceed the limitation. The division shall suspend his or
1106 her retirement benefits for the remainder of the ~~first~~ 12 months
1107 ~~of retirement.~~ Any retiree ~~person~~ employed in violation of this
1108 sub-subparagraph ~~subparagraph~~ and any employer who ~~employing~~
1109 ~~agency which knowingly~~ employs or appoints such person without
1110 notifying the division ~~of Retirement~~ to suspend retirement
1111 benefits are ~~shall be~~ jointly and severally liable for
1112 ~~reimbursement to the retirement trust fund of~~ any benefits paid
1113 during the reemployment limitation period. The employer must ~~To~~
1114 ~~avoid liability, such employing agency shall~~ have a written



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

1125 ~~d.6.~~ The Board of Trustees of the Florida School for the
1126 Deaf and the Blind may reemploy a retiree ~~retired member~~ as a
1127 substitute teacher, substitute residential instructor, or
1128 substitute nurse on a noncontractual basis after he or she has
1129 been retired for 1 calendar month, ~~in accordance with s.~~
1130 ~~121.021(39).~~ Any ~~retired~~ member who is reemployed within 1
1131 calendar month after retirement shall void his or her
1132 application for retirement benefits. The Board of Trustees of
1133 the Florida School for the Deaf and the Blind reemploying such
1134 teachers, residential instructors, or nurses is subject to the
1135 retirement contribution required by subparagraph 2. 7.
1136 ~~Reemployment of a retired member as a substitute teacher,~~
1137 ~~substitute residential instructor, or substitute nurse is~~
1138 ~~limited to 780 hours during the first 12 months of his or her~~
1139 ~~retirement. Any retired member reemployed for more than 780~~
1140 ~~hours during the first 12 months of retirement shall give timely~~
1141 ~~notice in writing to the employer and to the division of the~~
1142 ~~date he or she will exceed the limitation. The division shall~~
1143 ~~suspend his or her retirement benefits for the remainder of the~~



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

1161 e. A developmental research school may reemploy a retiree
1162 as a substitute or hourly teacher or an education
1163 paraprofessional as defined in s. 1012.01(2) on a noncontractual
1164 basis after he or she has been retired for 1 calendar month. A
1165 developmental research school may reemploy a retiree as
1166 instructional personnel, as defined in s. 1012.01(2)(a), on an
1167 annual contractual basis after he or she has been retired for 1
1168 calendar month after retirement. Any member who is reemployed
1169 within 1 calendar month voids his or her application for
1170 retirement benefits. A developmental research school that
1171 reemploys retired teachers and education paraprofessionals is
1172 subject to the retirement contribution required by subparagraph



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1173 2.

1174 f. A charter school may reemploy a retiree as a substitute
1175 or hourly teacher on a noncontractual basis after he or she has
1176 been retired for 1 calendar month. A charter school may reemploy
1177 a retired member as instructional personnel, as defined in s.
1178 1012.01(2)(a), on an annual contractual basis after he or she
1179 has been retired for 1 calendar month after retirement. Any
1180 member who is reemployed within 1 calendar month voids his or
1181 her application for retirement benefits. A charter school that
1182 reemploys such teachers is subject to the retirement
1183 contribution required by subparagraph 2.

1184 2.7. The employment ~~by an employer~~ of a any retiree or
1185 DROP participant of a any state-administered retirement system
1186 does not affect ~~shall have no effect on~~ the average final
1187 compensation or years of creditable service of the retiree or
1188 DROP participant. Before ~~Prior to~~ July 1, 1991, upon employment
1189 of any person, other than an elected officer as provided in s.
1190 121.053, who is ~~has been~~ retired under a any state-administered
1191 retirement program, the employer shall pay retirement
1192 contributions in an amount equal to the unfunded actuarial
1193 liability portion of the employer contribution which would be
1194 required for regular members of the Florida Retirement System.
1195 Effective July 1, 1991, contributions shall be made as provided
1196 in s. 121.122 for retirees who have ~~with~~ renewed membership or,
1197 as provided in subsection (13), ~~for with respect to~~ DROP
1198 participants.

1199 8. ~~Any person who has previously retired and who is holding~~
1200 ~~an elective public office or an appointment to an elective~~
1201 ~~public office eligible for the Elected Officers' Class on or~~



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

1216 3.9. Any person who is holding an elective public office
1217 which is covered by the Florida Retirement System and who is
1218 concurrently employed in nonelected covered employment may elect
1219 to retire while continuing employment in the elective public
1220 office if, provided that he or she terminates ~~shall be required~~
1221 ~~to terminate~~ his or her nonelected covered employment. Such Any
1222 ~~person who exercises this election~~ shall receive his or her
1223 retirement benefits in addition to the compensation of the
1224 elective office without regard to the time limitations otherwise
1225 provided in this subsection. A ~~No~~ person who seeks to exercise
1226 the provisions of this subparagraph, as they the same ~~existed~~
1227 before ~~prior to~~ May 3, 1984, may not be ~~shall be~~ deemed to be
1228 retired under those provisions, unless such person is eligible
1229 to retire under ~~the provisions of~~ this subparagraph, as amended
1230 by chapter 84-11, Laws of Florida.



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

1235 ~~11. An employing agency may reemploy a retired member as a~~
1236 ~~firefighter or paramedic after the retired member has been~~
1237 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~
1238 ~~Any retired member who is reemployed within 1 calendar month~~
1239 ~~after retirement shall void his or her application for~~
1240 ~~retirement benefits. The employing agency reemploying such~~
1241 ~~firefighter or paramedic is subject to the retired contribution~~
1242 ~~required in subparagraph 8. Reemployment of a retired~~
1243 ~~firefighter or paramedic is limited to no more than 780 hours~~
1244 ~~during the first 12 months of his or her retirement. Any retired~~
1245 ~~member reemployed for more than 780 hours during the first 12~~
1246 ~~months of retirement shall give timely notice in writing to the~~
1247 ~~employer and to the division of the date he or she will exceed~~
1248 ~~the limitation. The division shall suspend his or her retirement~~
1249 ~~benefits for the remainder of the first 12 months of retirement.~~
1250 ~~Any person employed in violation of this subparagraph and any~~
1251 ~~employing agency which knowingly employs or appoints such person~~
1252 ~~without notifying the Division of Retirement to suspend~~
1253 ~~retirement benefits shall be jointly and severally liable for~~
1254 ~~reimbursement to the Retirement System Trust Fund of any~~
1255 ~~benefits paid during the reemployment limitation period. To~~
1256 ~~avoid liability, such employing agency shall have a written~~
1257 ~~statement from the retiree that he or she is not retired from a~~
1258 ~~state-administered retirement system. Any retirement benefits~~
1259 ~~received by a retired member while reemployed in excess of 780~~



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

1266 (c) Any person whose retirement is effective on or after
1267 July 1, 2010, or whose participation in the Deferred Retirement
1268 Option Program terminates on or after July 1, 2010, except as
1269 provided under the disability retirement provisions of
1270 subsection (4) or under s. 121.053, may be reemployed by an
1271 employer that participates in a state-administered retirement
1272 system and receive retirement benefits and compensation from
1273 that employer without limitation, except that the person may not
1274 be reemployed by an employer participating in the Florida
1275 Retirement System for 6 calendar months immediately subsequent
1276 to the date of retirement. However, a DROP participant shall
1277 continue employment and receive a salary during the period of
1278 participation in the Deferred Retirement Option Program, as
1279 provided in subsection (13). A retiree initially reemployed in
1280 violation of this paragraph and an employer that employs or
1281 appoints such person are jointly and severally liable for
1282 reimbursement of any retirement benefits paid to the retirement
1283 trust fund from which the benefits were paid, including the
1284 Florida Retirement System Trust Fund and the Public Employee
1285 Optional Retirement Program Trust Fund, as appropriate. The
1286 employer must have a written statement from the employee that he
1287 or she is not retired from a state-administered retirement
1288 system.



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1289 1. The reemployed retiree may not renew membership in the
1290 Florida Retirement System.

1291 2. The employer shall pay retirement contributions in an
1292 amount equal to the unfunded actuarial liability portion of the
1293 employer contribution that would be required for active members
1294 of the Florida Retirement System in addition to the
1295 contributions required by s. 121.76.

1296 ~~(d)(e)~~ The provisions of this subsection apply to retirees,
1297 as defined in s. 121.4501(2)~~(j)~~, of the Public Employee Optional
1298 Retirement Program ~~created in part II~~, subject to the following
1299 conditions:

1300 1. ~~The~~ ~~Such~~ retirees may not be reemployed with an employer
1301 participating in the Florida Retirement System ~~as provided in~~
1302 ~~paragraph (b)~~ until such person has been retired for 6 3
1303 ~~calendar months, unless the participant has reached the normal~~
1304 ~~retirement requirements of the defined benefit plan as provided~~
1305 ~~in s. 121.021(29).~~

1306 2. A ~~Such~~ retiree employed in violation of this subsection
1307 and an employer ~~any employing agency~~ that knowingly employs or
1308 appoints such person are ~~shall be~~ jointly and severally liable
1309 for reimbursement of any benefits paid to the retirement trust
1310 fund from which the benefits were paid, including the Retirement
1311 System Trust Fund and the Public Employee Optional Retirement
1312 Program Trust Fund, as appropriate. The employer ~~To avoid~~
1313 ~~liability, such employing agency~~ must have a written statement
1314 from the retiree that he or she is not retired from a state-
1315 administered retirement system.

1316 (e) The limitations of this subsection apply to
1317 reemployment in any capacity irrespective of the category of



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1318 funds from which the person is compensated.

1319

1320 ===== T I T L E A M E N D M E N T =====

1321 And the title is amended as follows:

1322 Delete lines 3 - 50

1323 and insert:

1324 redefining the terms "employer," "officer or
1325 employee," "past service," "normal retirement date,"
1326 "termination," "regularly established position," and
1327 "temporary position"; defining the terms "state board"
1328 and "trustees"; amending s. 121.031, F.S.; requiring
1329 promotional materials that refer to the Florida
1330 Retirement System to include a disclaimer unless
1331 approval is obtained from the Department of Management
1332 Services or the State Board of Administration;
1333 amending s. 121.051, F.S.; conforming a cross-
1334 reference; clarifying when a State Community College
1335 System Optional Retirement Program participant is
1336 considered a retiree; revising provisions relating to
1337 participation in the Florida Retirement System by
1338 certain employers; excluding the participation of
1339 certain entities under a lease agreement; amending s.
1340 121.052, F.S.; revising membership criteria for the
1341 Elected Officers' Class; revising when a governing
1342 body of a municipality or special district may elect
1343 to designate its elected positions for inclusion in
1344 the Elected Officers' Class; amending s. 121.053,
1345 F.S.; revising provisions relating to a retiree's
1346 participation in the Elected Officers' Class;



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1347 providing that a retiree who is elected after a
1348 certain date may not reenroll in the Florida
1349 Retirement System and may not continue to earn
1350 interest on his or her DROP account after the end of
1351 the 60-month DROP period; amending s. 121.055, F.S.;
1352 providing that a retiree of that class who is
1353 reemployed as an elected official may not renew
1354 membership in the Senior Management Class or the
1355 Senior Management Annuity Program; revising provisions
1356 relating to de minimis accounts; amending s. 121.071,
1357 F.S.; providing an additional mechanism for the
1358 payment of employee contributions to the system;
1359 amending s. 121.081, F.S.; providing for receipt of
1360 credit for past or prior service by charter school and
1361 charter technical career center employees; prohibiting
1362 a member from receiving credit for service covered and
1363 reported by both a public employer and a private
1364 employer; amending s. 121.091, F.S.; revising and
1365 clarifying provisions relating to employment after
1366 retirement; authorizing developmental research schools
1367 and charter schools to reemploy certain retired
1368 members under specified conditions; providing that
1369 retirees of a state-administered retirement system who
1370 retire after a certain date may not be reemployed by
1371 an employer participating in the Florida Retirement
1372 System for 6 months and may not renew membership in
1373 the Florida Retirement System; revising