

By the Committee on Governmental Oversight and Accountability;  
and Senators Baker and Thrasher

585-04977-10

2010612c1

1                   A bill to be entitled  
2           An act relating to Special Risk Class retirement;  
3           amending s. 121.091, F.S.; prohibiting certain members  
4           of the Special Risk Class from being reemployed or  
5           contracting with the same employer from which the  
6           member retired; extending the period of time during  
7           which certain Special Risk Class members may  
8           participate in the Florida Retirement System Deferred  
9           Retirement Option Program; providing legislative  
10          findings with respect to the state's interest in  
11          protecting the public's safety and welfare by  
12          extending retirement benefits for officers and funding  
13          increased retirement benefits in an actuarially sound  
14          manner; providing an effective date.

15  
16          WHEREAS, one of the most fundamental mechanisms for  
17          ensuring the safety and welfare of the public is through the  
18          state's law enforcement agencies and correctional institutions,  
19          and

20          WHEREAS, law enforcement agencies and correctional  
21          institutions throughout this state and the nation are  
22          experiencing great difficulty in recruiting and retaining well-  
23          qualified law enforcement and correctional officers, and

24          WHEREAS, this need is projected to become more critical in  
25          the future, and

26          WHEREAS, the most critical need is to recruit and retain  
27          line officers who have daily and direct contact with the  
28          criminal element, and

29          WHEREAS, because such work is physically demanding or

585-04977-10

2010612c1

30 arduous and often requires extraordinary agility and mental  
31 acuity that can diminish with age, persons employed in these  
32 positions are classified as special risk and able to retire at  
33 an earlier age, and

34 WHEREAS, one mechanism for retaining qualified officers is  
35 to extend the amount of time that such officers can remain in  
36 the Deferred Retirement Option Program (DROP), NOW, THEREFORE,

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Present paragraph (e) of subsection (9) of  
41 section 121.091, Florida Statutes, is redesignated as paragraph  
42 (f), a new paragraph (e) is added to that subsection, and  
43 paragraph (b) of subsection (13) of that section is amended, to  
44 read:

45 121.091 Benefits payable under the system.—Benefits may not  
46 be paid under this section unless the member has terminated  
47 employment as provided in s. 121.021(39) (a) or begun  
48 participation in the Deferred Retirement Option Program as  
49 provided in subsection (13), and a proper application has been  
50 filed in the manner prescribed by the department. The department  
51 may cancel an application for retirement benefits when the  
52 member or beneficiary fails to timely provide the information  
53 and documents required by this chapter and the department's  
54 rules. The department shall adopt rules establishing procedures  
55 for application for retirement benefits and for the cancellation  
56 of such application when the required information or documents  
57 are not received.

58 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

585-04977-10

2010612c1

59       (e) A member who is employed as a law enforcement officer,  
60 correctional officer, or community-based correctional probation  
61 officer, as described in s. 121.0515(2); who has a rank or the  
62 equivalent rank of captain or below at the beginning of  
63 participation in DROP; and who participates in DROP for an  
64 additional 36 months beyond the 60-month period, at the  
65 conclusion of his or her participation in DROP, may not be  
66 employed, reemployed, or retained in a contractual capacity by  
67 the same employer from which the member retired or from which  
68 the member terminated DROP participation, except that the  
69 retiree may be retained by the employer as a part-time law  
70 enforcement officer, an auxiliary law enforcement officer, a  
71 part-time correctional officer, or an auxiliary correctional  
72 officer, as those terms are defined in s. 943.10, if the retiree  
73 is serving on a voluntary basis and receives no more than \$1 per  
74 calendar year for services rendered directly for the employer. A  
75 retiree who is reemployed or retained in a contractual capacity  
76 in violation of this paragraph voids his or her application for  
77 retirement benefits. A retiree who violates this paragraph and  
78 an employer who employs or contracts with such person in  
79 violation of this paragraph are jointly and severally liable for  
80 reimbursement to the retirement trust fund, including the  
81 Florida Retirement System Trust Fund and the Public Employee  
82 Optional Retirement Program Trust Fund, from which the benefits  
83 were paid. This paragraph does not apply to a retiree who is  
84 elected to an office or appointed to an office by the Governor  
85 or by the Governor and Cabinet.

86       (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
87 subject to this section, the Deferred Retirement Option Program,

585-04977-10

2010612c1

88 hereinafter referred to as DROP, is a program under which an  
89 eligible member of the Florida Retirement System may elect to  
90 participate, deferring receipt of retirement benefits while  
91 continuing employment with his or her Florida Retirement System  
92 employer. The deferred monthly benefits shall accrue in the  
93 Florida Retirement System on behalf of the participant, plus  
94 interest compounded monthly, for the specified period of the  
95 DROP participation, as provided in paragraph (c). Upon  
96 termination of employment, the participant shall receive the  
97 total DROP benefits and begin to receive the previously  
98 determined normal retirement benefits. Participation in the DROP  
99 does not guarantee employment for the specified period of DROP.  
100 Participation in DROP by an eligible member beyond the initial  
101 60-month period as authorized in this subsection shall be on an  
102 annual contractual basis for all participants.

103 (b) *Participation in DROP.*—

104 1. An eligible member may elect to participate in DROP for  
105 a period not to exceed a maximum of 60 calendar months.

106 However: 7

107 a. Members who are instructional personnel employed by the  
108 Florida School for the Deaf and the Blind and authorized by the  
109 Board of Trustees of the Florida School for the Deaf and the  
110 Blind, who are instructional personnel as defined in s.  
111 1012.01(2)(a)-(d) in grades K-12 and authorized by the district  
112 school superintendent, or who are instructional personnel as  
113 defined in s. 1012.01(2)(a) employed by a developmental research  
114 school and authorized by the school's director, or if the school  
115 has no director, by the school's principal, may participate in  
116 DROP for up to 36 calendar months beyond the 60-month period.

585-04977-10

2010612c1

117        b. Members who are employed as law enforcement officers,  
118 correctional officers, or community-based correctional probation  
119 officers, as described in s. 121.0515(2), and who have a rank or  
120 equivalent rank of captain or below at the beginning of  
121 participation in DROP, may participate in DROP for up to 36  
122 months beyond the 60-month period.

123        2. Upon deciding to participate in DROP, the member shall  
124 submit, on forms required by the division:

125            a. A written election to participate in DROP;

126            b. Selection of DROP participation and termination dates  
127 that satisfy the limitations stated in paragraph (a) and  
128 subparagraph 1. The termination date must be in a binding letter  
129 of resignation to the employer establishing a deferred  
130 termination date. The member may change the termination date  
131 within the limitations of subparagraph 1., but only with the  
132 written approval of the employer;

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

135            d. Any other information required by the division.

136        3. The DROP participant is a retiree under the Florida  
137 Retirement System for all purposes, except for paragraph (5)(f)  
138 and subsection (9) and ss. 112.3173, 112.363, 121.053, and  
139 121.122. DROP participation is final and may not be canceled by  
140 the participant after the first payment is credited during the  
141 DROP participation period. However, participation in DROP does  
142 not alter the participant's employment status, and the member is  
143 not deemed retired from employment until his or her deferred  
144 resignation is effective and termination occurs as defined in s.  
145 121.021.

585-04977-10

2010612c1

146 4. Elected officers are eligible to participate in DROP  
147 subject to the following:

148 a. An elected officer who reaches normal retirement date  
149 during a term of office may defer the election to participate  
150 until the next succeeding term in that office. An ~~elected~~  
151 officer who exercises this option may participate in DROP for up  
152 to 60 calendar months or no longer than the succeeding term of  
153 office, whichever is less.

154 b. An elected or a nonelected participant may run for a  
155 term of office while participating in DROP and, if elected,  
156 extend the DROP termination date accordingly; however, if the  
157 ~~such~~ additional term of office exceeds the 60-month limitation  
158 established in subparagraph 1.,<sup>7</sup> and the officer does not resign  
159 from office within the ~~such~~ 60-month limitation, the retirement  
160 and the participant's DROP is null and void as provided in sub-  
161 subparagraph (c)5.d.

162 c. An elected officer who is ~~dually~~ employed and elects to  
163 participate in DROP must terminate all employment relationships  
164 as provided in s. 121.021(39) for the nonelected position within  
165 the original 60-month period or maximum participation period as  
166 provided in subparagraph 1. For DROP participation ending:

167 (I) Before July 1, 2010, the officer may continue  
168 employment as an elected officer as provided in s. 121.053. The  
169 elected officer shall be enrolled as a renewed member in the  
170 Elected Officers' Class or the Regular Class, as provided in ss.  
171 121.053 and 121.122, on the first day of the month after  
172 termination of employment in the nonelected position and  
173 termination of DROP. Distribution of the DROP benefits shall be  
174 made as provided in paragraph (c).

585-04977-10

2010612c1

175 (II) On or after July 1, 2010, the officer may continue  
176 employment as an elected officer but must defer termination as  
177 provided in s. 121.053.

178 Section 2. The Legislature finds and declares that ensuring  
179 the availability of experienced law enforcement, correctional,  
180 and probation officers to protect the safety and welfare of the  
181 public is an important state interest. Providing such officers  
182 who are members of the Florida Retirement System with an  
183 opportunity to extend their employment as law enforcement  
184 officers, correctional officers, or probation officers by  
185 increasing the maximum participation period in the Deferred  
186 Retirement Option Program will help serve that interest. Funding  
187 for such retirement benefits must be made, administered, and  
188 funded in an actuarially sound manner as required by s. 14,  
189 Article X of the State Constitution and part VII of chapter 112,  
190 Florida Statutes.

191 Section 3. This act shall take effect July 1, 2010.