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1 A bill to be entitled  
2 An act relating to Deferred Retirement Option Program  
3 for correctional officers; amending s. 121.091, F.S.;  
4 authorizing certain members to participate in the  
5 Deferred Retirement Option Program for an additional  
6 time period; providing a declaration of important  
7 state interest; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Paragraph (b) of subsection (13) of section  
12 121.091, Florida Statutes, is amended to read:

13 121.091 Benefits payable under the system.—Benefits may  
14 not be paid under this section unless the member has terminated  
15 employment as provided in s. 121.021(39) (a) or begun  
16 participation in the Deferred Retirement Option Program as  
17 provided in subsection (13), and a proper application has been  
18 filed in the manner prescribed by the department. The department  
19 may cancel an application for retirement benefits when the  
20 member or beneficiary fails to timely provide the information  
21 and documents required by this chapter and the department's  
22 rules. The department shall adopt rules establishing procedures  
23 for application for retirement benefits and for the cancellation  
24 of such application when the required information or documents  
25 are not received.

26 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
 27 subject to this section, the Deferred Retirement Option Program,  
 28 hereinafter referred to as DROP, is a program under which an  
 29 eligible member of the Florida Retirement System may elect to  
 30 participate, deferring receipt of retirement benefits while  
 31 continuing employment with his or her Florida Retirement System  
 32 employer. The deferred monthly benefits shall accrue in the  
 33 Florida Retirement System on behalf of the member, plus interest  
 34 compounded monthly, for the specified period of the DROP  
 35 participation, as provided in paragraph (c). Upon termination of  
 36 employment, the member shall receive the total DROP benefits and  
 37 begin to receive the previously determined normal retirement  
 38 benefits. Participation in the DROP does not guarantee  
 39 employment for the specified period of DROP. Participation in  
 40 DROP by an eligible member beyond the initial 60-month period as  
 41 authorized in this subsection shall be on an annual contractual  
 42 basis for all participants.

43 (b) Participation in DROP.—Except as provided in this  
 44 paragraph, an eligible member may elect to participate in DROP  
 45 for a period not to exceed a maximum of 60 calendar months.

46 1.a. Members who are instructional personnel employed by  
 47 the Florida School for the Deaf and the Blind and authorized by  
 48 the Board of Trustees of the Florida School for the Deaf and the  
 49 Blind, who are instructional personnel as defined in s.  
 50 1012.01(2)(a)-(d) in grades K-12 and authorized by the district

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51 school superintendent, or who are instructional personnel as  
52 defined in s. 1012.01(2)(a) employed by a developmental research  
53 school and authorized by the school's director, or if the school  
54 has no director, by the school's principal, may participate in  
55 DROP for up to 36 calendar months beyond the 60-month period.  
56 Effective July 1, 2018, instructional personnel who are  
57 authorized to extend DROP participation beyond the 60-month  
58 period must have a termination date that is the last day of the  
59 last calendar month of the school year within the DROP extension  
60 granted by the employer. If, on July 1, 2018, the member's DROP  
61 participation has already been extended for the maximum 36  
62 calendar months and the extension period concludes before the  
63 end of the school year, the member's DROP participation may be  
64 extended through the last day of the last calendar month of that  
65 school year. The employer shall notify the division of the  
66 change in termination date and the additional period of DROP  
67 participation for the affected instructional personnel.

68 b. Administrative personnel in grades K-12, as defined in  
69 s. 1012.01(3), who have a DROP termination date on or after July  
70 1, 2018, may be authorized to extend DROP participation beyond  
71 the initial 60 calendar month period if the administrative  
72 personnel's termination date is before the end of the school  
73 year. Such administrative personnel may have DROP participation  
74 extended until the last day of the last calendar month of the  
75 school year in which their original DROP termination date

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76 | occurred if a date other than the last day of the last calendar  
77 | month of the school year is designated. The employer shall  
78 | notify the division of the change in termination date and the  
79 | additional period of DROP participation for the affected  
80 | administrative personnel.

81 |       c. Effective July 1, 2022, a member of the Special Risk  
82 | Class who is a law enforcement officer who meets the criteria in  
83 | s. 121.0515(3) (a) and who is a DROP participant on or after July  
84 | 1, 2022, may participate in DROP for up to 36 calendar months  
85 | beyond the 60-month period if he or she enters DROP on or before  
86 | June 30, 2028.

87 |       d. Effective July 1, 2023, a member of the Special Risk  
88 | Class who is a correctional officer who meets the criteria in s.  
89 | 121.0515(3) (c) and who is a DROP participant on or after July 1,  
90 | 2023, may participate in DROP for up to 36 calendar months  
91 | beyond the 60-month period if he or she enters DROP on or before  
92 | June 30, 2028.

93 |       2. Upon deciding to participate in DROP, the member shall  
94 | submit, on forms required by the division:

95 |       a. A written election to participate in DROP;

96 |       b. Selection of DROP participation and termination dates  
97 | that satisfy the limitations stated in paragraph (a) and  
98 | subparagraph 1. The termination date must be in a binding letter  
99 | of resignation to the employer establishing a deferred  
100 | termination date. The member may change the termination date

101 within the limitations of subparagraph 1., but only with the  
 102 written approval of the employer;

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

105 d. Any other information required by the division.

106 3. The DROP participant is a retiree under the Florida  
 107 Retirement System for all purposes, except for paragraph (5) (f)  
 108 and subsection (9) and ss. 112.3173, 112.363, 121.053, and  
 109 121.122. DROP participation is final and may not be canceled by  
 110 the participant after the first payment is credited during the  
 111 DROP participation period. However, participation in DROP does  
 112 not alter the participant's employment status, and the member is  
 113 not deemed retired from employment until his or her deferred  
 114 resignation is effective and termination occurs as defined in s.  
 115 121.021.

116 4. Elected officers are eligible to participate in DROP  
 117 subject to the following:

118 a. An elected officer who reaches normal retirement date  
 119 during a term of office may defer the election to participate  
 120 until the next succeeding term in that office. An elected  
 121 officer who exercises this option may participate in DROP for up  
 122 to 60 calendar months or no longer than the succeeding term of  
 123 office, whichever is less.

124 b. An elected or a nonelected participant may run for a  
 125 term of office while participating in DROP and, if elected,

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126 extend the DROP termination date accordingly; however, if such  
127 additional term of office exceeds the 60-month limitation  
128 established in subparagraph 1., and the officer does not resign  
129 from office within such 60-month limitation, the retirement and  
130 the participant's DROP is null and void as provided in sub-  
131 subparagraph (c)5.d.

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

137 (I) Before July 1, 2010, the officer may continue  
138 employment as an elected officer as provided in s. 121.053. The  
139 elected officer shall be enrolled as a renewed member in the  
140 Elected Officers' Class or the Regular Class, as provided in ss.  
141 121.053 and 121.122, on the first day of the month after  
142 termination of employment in the nonelected position and  
143 termination of DROP. Distribution of the DROP benefits shall be  
144 made as provided in paragraph (c).

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

148 Section 2. The Legislature finds that a proper and  
149 legitimate state purpose is served when employees, officers, and  
150 retirees of the state and its political subdivisions, and the

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151 dependents, survivors, and beneficiaries of such employees,  
152 officers, and retirees, are extended the basic protections  
153 afforded by governmental retirement systems. These persons must  
154 be provided benefits that are fair and adequate and that are  
155 managed, administered, and funded in an actuarially sound manner  
156 as required by s. 14, Article X of the State Constitution and  
157 part VII of chapter 112, Florida Statutes. Therefore, the  
158 Legislature determines and declares that this act fulfills an  
159 important state interest.

160 Section 3. This act shall take effect July 1, 2023.