

By Senator Torres

25-01856-23

2023896__

1 A bill to be entitled
2 An act relating to Deferred Retirement Option Program
3 eligibility for school employees and personnel;
4 amending s. 121.091, F.S.; deleting the time
5 limitation for DROP eligibility for certain
6 instructional personnel, administrative personnel, and
7 educational support employees; providing a declaration
8 of important state interest; providing an effective
9 date.

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

12
13 Section 1. Paragraph (b) of subsection (13) of section
14 121.091, Florida Statutes, is amended to read:

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

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

25-01856-23

2023896__

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

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

48 1.a. Members who are instructional personnel employed by
49 the Florida School for the Deaf and the Blind and authorized by
50 the Board of Trustees of the Florida School for the Deaf and the
51 Blind;; who are instructional personnel, administrative
52 personnel, or educational support employees as defined in s.
53 1012.01(2), (3), or (6), respectively, s. 1012.01(2)(a)–(d) in
54 grades K-12 and authorized by the district school
55 superintendent;; or who are instructional personnel as defined
56 in s. 1012.01(2)(a) employed by a developmental research school
57 and authorized by the school's director, or if the school has no
58 director, by the school's principal, may participate in DROP ~~for~~

25-01856-23

2023896__

59 ~~up to 36 calendar months beyond the 60-month period. Effective~~
60 ~~July 1, 2018, instructional personnel who are authorized to~~
61 ~~extend DROP participation beyond the 60-month period must have a~~
62 ~~termination date that is the last day of the last calendar month~~
63 ~~of the school year within the DROP extension granted by the~~
64 ~~employer. If, on July 1, 2018, the member's DROP participation~~
65 ~~has already been extended for the maximum 36 calendar months and~~
66 ~~the extension period concludes before the end of the school~~
67 ~~year, the member's DROP participation may be extended through~~
68 ~~the last day of the last calendar month of that school year. The~~
69 ~~employer shall notify the division of the change in termination~~
70 ~~date and the additional period of DROP participation for the~~
71 ~~affected instructional personnel.~~

72 ~~b. Administrative personnel in grades K-12, as defined in~~
73 ~~s. 1012.01(3), who have a DROP termination date on or after July~~
74 ~~1, 2018, may be authorized to extend DROP participation beyond~~
75 ~~the initial 60 calendar month period if the administrative~~
76 ~~personnel's termination date is before the end of the school~~
77 ~~year. Such administrative personnel may have DROP participation~~
78 ~~extended until the last day of the last calendar month of the~~
79 ~~school year in which their original DROP termination date~~
80 ~~occurred if a date other than the last day of the last calendar~~
81 ~~month of the school year is designated. The employer shall~~
82 ~~notify the division of the change in termination date and the~~
83 ~~additional period of DROP participation for the affected~~
84 ~~administrative personnel.~~

85 ~~b.e.~~ Effective July 1, 2022, a member of the Special Risk
86 Class who is a law enforcement officer who meets the criteria in
87 s. 121.0515(3) (a) and who is a DROP participant on or after July

25-01856-23

2023896__

88 1, 2022, may participate in DROP for up to 36 calendar months
89 beyond the 60-month period if he or she enters DROP on or before
90 June 30, 2028.

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

93 a. A written election to participate in DROP;

94 b. Selection of DROP participation and termination dates
95 that satisfy the limitations stated in paragraph (a) and
96 subparagraph 1. The termination date must be in a binding letter
97 of resignation to the employer establishing a deferred
98 termination date. The member may change the termination date
99 within the limitations of subparagraph 1., but only with the
100 written approval of the employer;

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

103 d. Any other information required by the division.

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

114 4. Elected officers are eligible to participate in DROP
115 subject to the following:

116 a. An elected officer who reaches normal retirement date

25-01856-23

2023896__

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

122 b. An elected or a nonelected participant may run for a
123 term of office while participating in DROP and, if elected,
124 extend the DROP termination date accordingly; however, if such
125 additional term of office exceeds the 60-month limitation
126 established in subparagraph 1., and the officer does not resign
127 from office within such 60-month limitation, the retirement and
128 the participant's DROP is null and void as provided in sub-
129 subparagraph (c)5.d.

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

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

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

25-01856-23

2023896__

146 Section 2. The Legislature finds that a proper and
147 legitimate state purpose is served when employees and retirees
148 of the state and its political subdivisions, and the dependents,
149 survivors, and beneficiaries of such employees and retirees, are
150 extended the basic protections afforded by governmental
151 retirement systems. These persons must be provided benefits that
152 are fair and adequate and that are managed, administered, and
153 funded in an actuarially sound manner, as required by s. 14,
154 Article X of the State Constitution and part VII of chapter 112,
155 Florida Statutes. Therefore, the Legislature determines and
156 declares that this act fulfills an important state interest.

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