

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.; removing 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.

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

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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  
 16   not 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,  
 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~~  
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  
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  
 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

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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.

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

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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.