

By Senator Torres

25-01500-24

20241482\_\_

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 program 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,

25-01500-24

20241482\_\_

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.

42 (b) *Participation in DROP.*—Except as provided in this  
 43 paragraph, an eligible member may elect to participate in DROP  
 44 for a period not to exceed a maximum of 96 calendar months.

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

56 ~~(I)~~ extend DROP participation beyond the initial 96-  
 57 calendar-month period ~~if the instructional personnel's~~  
 58 ~~termination date is before the end of the school year. Such~~

25-01500-24

20241482\_\_

59 ~~instructional personnel may have DROP participation extended~~  
60 ~~until the last day of the last calendar month of the school year~~  
61 ~~in which their original DROP termination date occurred if a date~~  
62 ~~other than the last day of the last calendar month of the school~~  
63 ~~year is designated.~~

64 ~~(II) Participate in DROP for up to 24 calendar months~~  
65 ~~beyond the 96-month period. Instructional personnel who are~~  
66 ~~authorized to extend DROP participation beyond the 96-month~~  
67 ~~period must have a termination date that is the last day of the~~  
68 ~~last calendar month of the school year within the DROP extension~~  
69 ~~granted by the employer. If the member's DROP participation has~~  
70 ~~already been extended for the maximum 24 calendar months and the~~  
71 ~~extension period concludes before the end of the school year,~~  
72 ~~the member's DROP participation may be extended through the last~~  
73 ~~day of the last calendar month of that school year. This sub-~~  
74 ~~sub-subparagraph expires June 30, 2029.~~

75  
76 ~~The employer shall notify the division of the change in~~  
77 ~~termination date and the additional period of DROP participation~~  
78 ~~for the affected instructional personnel.~~

79 ~~b. Administrative personnel in grades K-12, as defined in~~  
80 ~~s. 1012.01(3), may be authorized to extend DROP participation~~  
81 ~~beyond the initial 96 calendar month period if the~~  
82 ~~administrative personnel's termination date is before the end of~~  
83 ~~the school year. Such administrative personnel may have DROP~~  
84 ~~participation extended until the last day of the last calendar~~  
85 ~~month of the school year in which their original DROP~~  
86 ~~termination date occurred if a date other than the last day of~~  
87 ~~the last calendar month of the school year is designated. The~~

25-01500-24

20241482\_\_

88 ~~employer shall notify the division of the change in termination~~  
89 ~~date and the additional period of DROP participation for the~~  
90 ~~affected administrative personnel.~~

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 this  
96 paragraph. The termination date must be in a binding letter of  
97 resignation to the employer establishing a deferred termination  
98 date. The member may change the termination date within the  
99 limitations of this paragraph, but only with the written  
100 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

25-01500-24

20241482\_\_

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 96 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 96-month limitation  
126 established in this paragraph, and the officer does not resign  
127 from office within such limitation, the retirement and the  
128 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 period or maximum participation period as provided  
134 in this paragraph. 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.

25-01500-24

20241482\_\_

146 d. An elected officer who has deferred termination as  
147 provided in s. 121.053 before June 30, 2023, is ineligible to  
148 extend DROP participation beyond 60 months.

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

160 Section 3. This act shall take effect July 1, 2024.