

1 A bill to be entitled
2 An act relating to retirement; amending s. 121.021, F.S.;
3 redefining the term "termination"; amending s. 121.053,
4 F.S.; revising provisions relating to participation in the
5 Elected Officers' Class for retired members; amending s.
6 121.055, F.S.; revising provisions relating to
7 participation in the Senior Management Service Class;
8 amending s. 121.091, F.S.; revising limitations on the
9 payment of retirement benefits for certain retired persons
10 who are reemployed by an employer participating in a
11 state-administered retirement system; deleting a
12 restriction on the reemployment of certain personnel by
13 the Florida School for the Deaf and the Blind; prohibiting
14 certain persons holding public office from electing to
15 retire while continuing employment in that elected office;
16 deleting a provision authorizing an employing agency to
17 reemploy a retired member as a firefighter or paramedic
18 after a specified period; providing certain limitations
19 for DROP participants; clarifying that DROP participation
20 cannot be canceled; providing for the suspension of DROP
21 benefits to a participant who is reemployed; authorizing
22 the Division of Retirement to issue benefits directly to
23 the alternate payee pursuant to an income deduction order
24 or a qualified domestic relations order; repealing s.
25 121.093, F.S., authorizing a developmental research school
26 and the Florida School for the Deaf and the Blind to
27 reemploy instructional personnel after retirement;
28 repealing s. 121.094, F.S., authorizing charter schools to

29 reemploy instructional personnel after retirement;
 30 amending s. 121.122, F.S.; providing that certain persons
 31 are ineligible for renewed membership in the Florida
 32 Retirement System; amending s. 121.35, F.S.; providing a
 33 cross-reference; repealing s. 121.45, F.S., relating to
 34 interstate compacts for pension portability; amending s.
 35 121.4501, F.S.; revising the definition of the term
 36 "eligible employee" for purposes of the Public Employee
 37 Optional Retirement Program; amending s. 121.591, F.S.;
 38 providing a cross-reference; providing an effective date.

39

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

41

42 Section 1. Subsection (39) of section 121.021, Florida
 43 Statutes, is amended to read:

44 121.021 Definitions.--The following words and phrases as
 45 used in this chapter have the respective meanings set forth
 46 unless a different meaning is plainly required by the context:

47 (39) (a) "Termination" occurs, except as provided in
 48 paragraph (b), when:

49 1. For retirements effective before January 1, 2010, a
 50 member ceases all employment relationships with employers under
 51 this system, as defined in subsection (10), but in the event a
 52 member should be employed by any such employer within the next
 53 calendar month, termination shall be deemed not to have
 54 occurred. A leave of absence shall constitute a continuation of
 55 the employment relationship, except that a leave of absence
 56 without pay due to disability may constitute termination for a

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57 member, if such member makes application for and is approved for
58 disability retirement in accordance with s. 121.091(4). The
59 department or board may require other evidence of termination as
60 it deems necessary.

61 2. For retirements effective on or after January 1, 2010,
62 a member ceases all employment relationships with employers
63 under this system, as defined in subsection (10), but in the
64 event a member should be employed by any such employer within
65 the next 12 calendar months, termination shall be deemed not to
66 have occurred. A leave of absence shall constitute a
67 continuation of the employment relationship, except that a leave
68 of absence without pay due to disability may constitute
69 termination for a member, if such member makes application for
70 and is approved for disability retirement in accordance with s.
71 121.091(4). The department or board may require other evidence
72 of termination as it deems necessary.

73 (b) "Termination" for a member electing to participate
74 under the Deferred Retirement Option Program occurs when the
75 Deferred Retirement Option Program participant ceases all
76 employment relationships with employers under this system in
77 accordance with s. 121.091(13), but:

78 1. For DROP termination dates before January 1, 2010, in
79 the event the Deferred Retirement Option Program participant
80 should be employed by any such employer within the next calendar
81 month, termination will be deemed not to have occurred, except
82 as provided in s. 121.091(13)(b)4.c. A leave of absence shall
83 constitute a continuation of the employment relationship.

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84 2. For DROP termination dates on or after January 1, 2010,
85 in the event the DROP participant should be employed by any such
86 employer within the next 12 calendar months, termination will be
87 deemed not to have occurred, except as provided in s.
88 121.091(13)(b)4.c. A leave of absence shall constitute a
89 continuation of the employment relationship.

90 Section 2. Subsections (1) and (2) of section 121.053,
91 Florida Statutes, are amended to read:

92 121.053 Participation in the Elected Officers' Class for
93 retired members.--

94 (1)(a)1. Any retiree of a state-administered retirement
95 system who initially serves in an elective office in a regularly
96 established position with a covered employer on or after January
97 1, 2010, shall not be enrolled in the Florida Retirement System.

98 2. An elected officer who is elected or appointed to an
99 elective office and is participating in the Deferred Retirement
100 Option Program is subject to termination as provided in s.
101 121.021(39)(b), and reemployment limitations as provided in s.
102 121.091(9), upon completion of his or her DROP participation
103 period.

104 (b) Before January 1, 2010, any member who retired under
105 any existing system as defined in s. 121.021(2), and receives a
106 benefit thereof, and who serves in an office covered by the
107 Elected Officers' Class for a period of at least 6 years, shall
108 be entitled to receive an additional retirement benefit for such
109 elected officer service prior to July 1, 1990, under the Elected
110 Officers' Class of the Florida Retirement System, as follows:

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111 1. Upon completion of 6 or more years of creditable
112 service in an office covered by the Elected Officers' Class, s.
113 121.052, such member shall notify the administrator of his or
114 her intent to purchase elected officer service prior to July 1,
115 1990, and shall pay the member contribution applicable for the
116 period being claimed, plus 4 percent interest compounded
117 annually from the first year of service claimed until July 1,
118 1975, and 6.5 percent interest compounded annually thereafter,
119 until full payment is made to the Florida Retirement System
120 Trust Fund; however, such member may purchase retirement credit
121 under the Elected Officers' Class only for such service as an
122 elected officer.

123 2. Upon payment of the amount specified in subparagraph
124 1., the employer shall pay into the Florida Retirement System
125 Trust Fund the applicable employer contribution for the period
126 of elected officer service prior to July 1, 1990, being claimed
127 by the member, plus 4 percent interest compounded annually from
128 the first year of service claimed until July 1, 1975, and 6.5
129 percent interest compounded annually thereafter, until full
130 payment is made to the Florida Retirement System Trust Fund.

131 (c) ~~(b)~~ Any retired member of the Florida Retirement
132 System, or any existing system as defined in s. 121.021(2), who,
133 on or after July 1, 1990, through December 31, 2009, is serving
134 in, or is elected or appointed to, an elective office covered by
135 the Elected Officers' Class shall be enrolled in the appropriate
136 subclass of the Elected Officers' Class of the Florida
137 Retirement System, and applicable contributions shall be paid

138 into the Florida Retirement System Trust Fund as provided in s.
139 121.052(7). Pursuant thereto:

140 1. Any such retired member shall be eligible to continue
141 to receive retirement benefits as well as compensation for the
142 elected officer service for as long as he or she remains in an
143 elective office covered by the Elected Officers' Class.

144 2. If any such member serves in an elective office covered
145 by the Elected Officers' Class and becomes vested under that
146 class, he or she shall be entitled to receive an additional
147 retirement benefit for such elected officer service.

148 3. Such member shall be entitled to purchase additional
149 retirement credit in the Elected Officers' Class for any
150 postretirement service performed in an elected position eligible
151 for the Elected Officers' Class prior to July 1, 1990, or in the
152 Regular Class for any postretirement service performed in any
153 other regularly established position prior to July 1, 1991, by
154 paying the applicable Elected Officers' Class or Regular Class
155 employee and employer contributions for the period being
156 claimed, plus 4 percent interest compounded annually from the
157 first year of service claimed until July 1, 1975, and 6.5
158 percent interest compounded thereafter, until full payment is
159 made to the Florida Retirement System Trust Fund. The
160 contribution for postretirement Regular Class service between
161 July 1, 1985, and July 1, 1991, for which the reemployed retiree
162 contribution was paid, shall be the difference between such
163 contribution and the total applicable contribution for the
164 period being claimed, plus interest. The employer of such member
165 may pay the applicable employer contribution in lieu of the

166 member. If a member does not wish to claim credit for all of the
167 postretirement service for which he or she is eligible, the
168 service the member claims must be the most recent service.

169 4. Creditable service for which credit was received, or
170 which remained unclaimed, at retirement may not be claimed or
171 applied toward service credit earned following renewed
172 membership. However, service earned in accordance with the
173 renewed membership provisions in s. 121.122 may be used in
174 conjunction with creditable service earned under this paragraph,
175 provided applicable vesting requirements and other existing
176 statutory conditions required by this chapter are met.

177 5. An elected officer who is elected or appointed to an
178 elective office and is participating in the Deferred Retirement
179 Option Program before January 1, 2010, is not subject to
180 termination as provided in s. 121.021(39)(b), or reemployment
181 limitations as provided in s. 121.091(9), until the end of his
182 or her current term of office or, if the officer is
183 consecutively elected or reelected to an elective office
184 eligible for coverage under the Florida Retirement System, until
185 he or she no longer holds such an elective office, as follows:

186 a. At the end of the 60-month DROP period:

187 (I) The officer's DROP account shall accrue no additional
188 monthly benefits, but shall continue to earn interest as
189 provided in s. 121.091(13).

190 (II) No retirement contributions shall be required of the
191 employer of the elected officer and no additional retirement
192 credit shall be earned under the Florida Retirement System.

193 b. Nothing herein shall prevent an elected officer from
 194 voluntarily terminating his or her elective office at any time
 195 and electing to receive his or her DROP proceeds. However, until
 196 termination requirements are fulfilled as provided in s.
 197 121.021(39), any elected officer whose termination limitations
 198 are extended by this section shall be ineligible for renewed
 199 membership in the system and shall receive no pension payments,
 200 DROP lump sum payments, or any other state payment other than
 201 the statutorily determined salary, travel, and per diem for the
 202 elective office.

203 c. Upon termination, the officer shall receive his or her
 204 accumulated DROP account, plus interest, and shall accrue and
 205 commence receiving monthly retirement benefits, which shall be
 206 paid on a prospective basis only.

207
 208 However, an officer electing to participate in the Deferred
 209 Retirement Option Program on or before June 30, 2002, shall not
 210 be required to terminate and shall remain subject to the
 211 provisions of this subparagraph as adopted in section 1 of
 212 chapter 2001-235, Laws of Florida.

213 (2) Upon attaining his or her normal retirement date and
 214 payment of the amount specified in paragraphs (1)(b) and (c)
 215 ~~(1)(a) and (b)~~, and upon application to the administrator of the
 216 intent to retire, the member shall receive a monthly benefit
 217 under this section, in addition to any benefits already being
 218 received, which shall commence on the last day of the month of
 219 retirement and be payable on the last day of the month
 220 thereafter during his or her lifetime. The amount of such

221 monthly benefit shall be the total percentage of retirement
 222 credit purchased under this section multiplied by the member's
 223 average monthly compensation as an elected officer, adjusted
 224 according to the option selected at retirement under s.
 225 121.091(6).

226 Section 3. Paragraph (f) of subsection (1) and paragraph
 227 (c) of subsection (6) of section 121.055, Florida Statutes, are
 228 amended to read:

229 121.055 Senior Management Service Class.--There is hereby
 230 established a separate class of membership within the Florida
 231 Retirement System to be known as the "Senior Management Service
 232 Class," which shall become effective February 1, 1987.

233 (1)

234 (f) Effective July 1, 1997:

235 1. Except as provided in subparagraph 3., any elected
 236 state officer eligible for membership in the Elected Officers'
 237 Class under s. 121.052(2)(a), (b), or (c) who elects membership
 238 in the Senior Management Service Class under s. 121.052(3)(c)
 239 may, within 6 months after assuming office or within 6 months
 240 after this act becomes a law for serving elected state officers,
 241 elect to participate in the Senior Management Service Optional
 242 Annuity Program, as provided in subsection (6), in lieu of
 243 membership in the Senior Management Service Class.

244 2. Except as provided in subparagraph 3., any elected
 245 county officer eligible for membership in the Elected Officers'
 246 Class under s. 121.052(2)(d) who elects membership in the Senior
 247 Management Service Class under s. 121.052(3)(c) may, within 6
 248 months after assuming office, or within 6 months after this act

249 becomes a law for serving elected county officers, elect to
 250 withdraw from the Florida Retirement System ~~participate in a~~
 251 ~~lifetime monthly annuity program~~, as provided in subparagraph
 252 (b)2., in lieu of membership in the Senior Management Service
 253 Class.

254 3. Any retiree of a state-administered retirement system
 255 who is initially reemployed on or after January 1, 2010, as an
 256 elected official eligible for Elected Officers' Class membership
 257 shall not be eligible for renewed membership in the Senior
 258 Management Service Optional Annuity Program as provided in
 259 subsection (6) or to withdraw from the Florida Retirement System
 260 as a renewed member as provided in subparagraph (b)2., as
 261 applicable, in lieu of Senior Management Service Class
 262 membership.

263 (6)

264 (c) Participation.--

265 1. Any eligible employee who is employed on or before
 266 February 1, 1987, may elect to participate in the optional
 267 annuity program in lieu of participation in the Senior
 268 Management Service Class. Such election shall be made in writing
 269 and filed with the department and the personnel officer of the
 270 employer on or before May 1, 1987. Any eligible employee who is
 271 employed on or before February 1, 1987, and who fails to make an
 272 election to participate in the optional annuity program by May
 273 1, 1987, shall be deemed to have elected membership in the
 274 Senior Management Service Class.

275 2. Except as provided in subparagraph 6., any employee who
 276 becomes eligible to participate in the optional annuity program

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277 by reason of initial employment commencing after February 1,
278 1987, may, within 90 days after the date of commencement of
279 employment, elect to participate in the optional annuity
280 program. Such election shall be made in writing and filed with
281 the personnel officer of the employer. Any eligible employee who
282 does not within 90 days after commencement of such employment
283 elect to participate in the optional annuity program shall be
284 deemed to have elected membership in the Senior Management
285 Service Class.

286 3. A person who is appointed to a position in the Senior
287 Management Service Class and who is a member of an existing
288 retirement system or the Special Risk or Special Risk
289 Administrative Support Classes of the Florida Retirement System
290 may elect to remain in such system or class in lieu of
291 participation in the Senior Management Service Class or optional
292 annuity program. Such election shall be made in writing and
293 filed with the department and the personnel officer of the
294 employer within 90 days of such appointment. Any eligible
295 employee who fails to make an election to participate in the
296 existing system, the Special Risk Class of the Florida
297 Retirement System, the Special Risk Administrative Support Class
298 of the Florida Retirement System, or the optional annuity
299 program shall be deemed to have elected membership in the Senior
300 Management Service Class.

301 4. Except as provided in subparagraph 5., an employee's
302 election to participate in the optional annuity program is
303 irrevocable as long as such employee continues to be employed in

304 an eligible position and continues to meet the eligibility
305 requirements set forth in this paragraph.

306 5. Effective from July 1, 2002, through September 30,
307 2002, any active employee in a regularly established position
308 who has elected to participate in the Senior Management Service
309 Optional Annuity Program has one opportunity to choose to move
310 from the Senior Management Service Optional Annuity Program to
311 the Florida Retirement System defined benefit program.

312 a. The election must be made in writing and must be filed
313 with the department and the personnel officer of the employer
314 before October 1, 2002, or, in the case of an active employee
315 who is on a leave of absence on July 1, 2002, within 90 days
316 after the conclusion of the leave of absence. This election is
317 irrevocable.

318 b. The employee will receive service credit under the
319 defined benefit program of the Florida Retirement System equal
320 to his or her years of service under the Senior Management
321 Service Optional Annuity Program. The cost for such credit shall
322 be an amount representing the present value of that employee's
323 accumulated benefit obligation for the affected period of
324 service.

325 c. The employee must transfer the total accumulated
326 employer contributions and earnings on deposit in his or her
327 Senior Management Service Optional Annuity Program account. If
328 the transferred amount is not sufficient to pay the amount due,
329 the employee must pay a sum representing the remainder of the
330 amount due. In no case may the employee retain any employer

331 contributions or earnings thereon from the Senior Management
332 Service Optional Annuity Program account.

333 6. Any retiree of a state-administered retirement system
334 who is initially reemployed on or after January 1, 2010, shall
335 not be eligible for renewed membership in the Senior Management
336 Service Optional Annuity Program.

337 Section 4. Subsections (9), (13), and (14) of section
338 121.091, Florida Statutes, are amended to read:

339 121.091 Benefits payable under the system.--Benefits may
340 not be paid under this section unless the member has terminated
341 employment as provided in s. 121.021(39) (a) or begun
342 participation in the Deferred Retirement Option Program as
343 provided in subsection (13), and a proper application has been
344 filed in the manner prescribed by the department. The department
345 may cancel an application for retirement benefits when the
346 member or beneficiary fails to timely provide the information
347 and documents required by this chapter and the department's
348 rules. The department shall adopt rules establishing procedures
349 for application for retirement benefits and for the cancellation
350 of such application when the required information or documents
351 are not received.

352 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

353 (a) Any person who is retired under this chapter, except
354 under the disability retirement provisions of subsection (4),
355 may be employed by an employer that does not participate in a
356 state-administered retirement system and may receive
357 compensation from that employment without limiting or

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358 | restricting in any way the retirement benefits payable to that
359 | person.

360 | (b)1.a. Any person who is retired under this chapter,
361 | except under the disability retirement provisions of subsection
362 | (4), may be reemployed by any private or public employer after
363 | retirement and receive retirement benefits and compensation from
364 | the his or her employer without limitation ~~any limitations~~,
365 | except that the a person may not receive ~~both~~ a salary from
366 | reemployment with any agency participating in the Florida
367 | Retirement System and retirement benefits under this chapter for
368 | ~~a period of~~ 12 calendar months immediately after ~~subsequent to~~
369 | the calendar month that termination is met as defined in s.
370 | 121.021(39), except as provided in sub-subparagraph b. date of
371 | ~~retirement.~~ However, a DROP participant may ~~shall~~ continue
372 | employment and receive a salary during the period of
373 | participation in DROP ~~the Deferred Retirement Option Program~~, as
374 | provided in subsection (13).

375 | b. Any person who is retired under a state-administered
376 | retirement system may not receive a retirement benefit if he or
377 | she receives compensation totaling \$100,000 or more from an
378 | employer participating in the Florida Retirement System. This
379 | limitation begins immediately upon employment if the annualized
380 | compensation meets or exceeds the limit, or in the month that
381 | reported compensation meets or exceeds the limit during the plan
382 | year, and continues for as long as the expected payments equal
383 | or exceed \$100,000. This limitation includes payments as defined
384 | in s. 121.021(22) for work performed in regularly established
385 | positions. The employer is responsible for notifying the

386 Division of Retirement when this occurs, either at employment or
 387 if salary increases lead to the level specified. Any person
 388 employed in violation of this sub-subparagraph and any employing
 389 agency that knowingly employs or appoints such person without
 390 notifying the Division of Retirement to suspend retirement
 391 benefits shall be jointly and severally liable for reimbursement
 392 to the Florida Retirement System Trust Fund of any benefits paid
 393 during the reemployment limitation period.

394 2. Any person to whom the limitation in subparagraph 1.
 395 applies ~~who violates such reemployment limitation and~~ who is
 396 reemployed with any agency participating in the Florida
 397 Retirement System after he or she has been retired and met the
 398 definition of termination in s. 121.021(39), but before
 399 completion of the 12-month limitation period, must ~~shall~~ give
 400 timely notice of this fact in writing to the employer and to the
 401 Division of Retirement and shall have his or her retirement
 402 benefits suspended while employed during ~~for~~ the balance of the
 403 12-month limitation period unless the person exceeds the 780-
 404 hour limitation in subparagraph 4. or subparagraph 5. Any person
 405 employed in violation of this paragraph and any employing agency
 406 that ~~which~~ knowingly employs or appoints such person without
 407 notifying the division of Retirement to suspend retirement
 408 benefits are ~~shall be~~ jointly and severally liable for
 409 ~~reimbursement to the retirement trust fund of~~ any benefits paid
 410 during the reemployment limitation period. To avoid liability,
 411 the ~~such~~ employing agency must ~~shall~~ have a written statement
 412 from the retiree that he or she is not retired from a state-
 413 administered retirement system. Any retirement benefits received

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414 while reemployed during this reemployment limitation period must
415 ~~shall~~ be repaid to the Florida Retirement System Trust Fund
416 ~~retirement trust fund~~, and retirement benefits shall remain
417 suspended until such repayment has been made. Benefits suspended
418 beyond the reemployment limitation shall apply toward repayment
419 of benefits received in violation of the reemployment
420 limitation.

421 3. A district school board may reemploy a retired member
422 as a substitute or hourly teacher, education paraprofessional,
423 transportation assistant, bus driver, or food service worker on
424 a noncontractual basis after he or she has been retired and met
425 the definition of termination for 1 calendar month, in
426 ~~accordance with~~ s. 121.021(39). A district school board may
427 reemploy a retired member as instructional personnel, as defined
428 in s. 1012.01(2)(a), on an annual contractual basis after he or
429 she has been retired for 1 calendar month, in accordance with s.
430 121.021(39). Any other retired member who is reemployed before
431 meeting the definition of termination voids ~~within 1 calendar~~
432 ~~month after retirement shall void~~ his or her application for
433 retirement benefits. District school boards reemploying such
434 teachers, education paraprofessionals, transportation
435 assistants, bus drivers, or food service workers are subject to
436 the retirement contribution required by subparagraph 7.

437 4. A community college board of trustees may reemploy a
438 retired member as an adjunct instructor, ~~that is, an instructor~~
439 ~~who is noncontractual and part-time~~, or as a participant in a
440 phased retirement program within the Florida Community College
441 System, after he or she has been retired and met the definition

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442 of termination ~~for 1 calendar month,~~ in accordance with s.
443 121.021(39). Any retired member who is reemployed before meeting
444 the definition of termination voids ~~within 1 calendar month~~
445 ~~after retirement shall void~~ his or her application for
446 retirement benefits. Boards of trustees reemploying such
447 instructors are subject to the retirement contribution required
448 in subparagraph 7. A retired member may be reemployed as an
449 adjunct instructor for no more than 780 hours during the first
450 12 calendar months after meeting the definition of termination
451 ~~of retirement~~. Any retired member reemployed for more than 780
452 hours during the first 12 months of retirement must ~~shall~~ give
453 timely notice in writing to the employer and to the Division of
454 Retirement of the date he or she will exceed the limitation. The
455 division shall suspend his or her retirement benefits for the
456 remainder of the 12-month limitation period ~~first 12 months of~~
457 ~~retirement~~. Any person employed in violation of this
458 subparagraph and any employing agency that ~~which~~ knowingly
459 employs or appoints such person without notifying the division
460 ~~of Retirement~~ to suspend retirement benefits are ~~shall be~~
461 jointly and severally liable for ~~reimbursement to the retirement~~
462 ~~trust fund~~ of any benefits paid during the reemployment
463 limitation period. To avoid liability, the ~~such~~ employing agency
464 must ~~shall~~ have a written statement from the retiree that he or
465 she is not retired from a state-administered retirement system.
466 Any retirement benefits received by a retired member while
467 reemployed in excess of 780 hours during the 12-month limitation
468 period ~~must~~ ~~first 12 months of retirement~~ shall be repaid to the
469 Florida Retirement System Trust Fund, and retirement benefits

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470 ~~shall~~ remain suspended until repayment is made. Benefits
471 suspended beyond the end of the 12-month limitation period
472 ~~retired member's first 12 months of retirement~~ shall apply
473 toward repayment of benefits received in violation of the 780-
474 hour reemployment limitation.

475 5. The State University System may reemploy a retired
476 member as an adjunct faculty member or as a participant in a
477 phased retirement program within the State University System
478 after the retired member has met the definition of termination
479 ~~been retired for 1 calendar month,~~ in accordance with s.
480 121.021(39). Any retired member who is reemployed before meeting
481 the definition of termination voids ~~within 1 calendar month~~
482 ~~after retirement shall void~~ his or her application for
483 retirement benefits. The State University System is subject to
484 the retired contribution required in subparagraph 7., as
485 appropriate. A retired member may be reemployed as an adjunct
486 faculty member or a participant in a phased retirement program
487 for no more than 780 hours during the first 12 calendar months
488 after meeting the definition of termination ~~of his or her~~
489 ~~retirement~~. Any retired member reemployed for more than 780
490 hours during the 12-month limitation period ~~first 12 months of~~
491 ~~retirement~~ shall give timely notice in writing to the employer
492 and to the Division of Retirement of the date he or she will
493 exceed the limitation. The division shall suspend his or her
494 retirement benefits for the remainder of the 12-month limitation
495 period ~~first 12 months of retirement~~. Any person employed in
496 violation of this subparagraph and any employing agency that
497 ~~which~~ knowingly employs or appoints such person without

498 notifying the division ~~of Retirement~~ to suspend retirement
 499 benefits are ~~shall be~~ jointly and severally liable for
 500 ~~reimbursement to the retirement trust fund of~~ any benefits paid
 501 during the reemployment limitation period. To avoid liability,
 502 such employing agency must ~~shall~~ have a written statement from
 503 the retiree that he or she is not retired from a state-
 504 administered retirement system. Any retirement benefits received
 505 by a retired member while reemployed in excess of 780 hours
 506 during the first 12 months of retirement must ~~shall~~ be repaid to
 507 the Florida Retirement System Trust Fund, and retirement
 508 benefits ~~shall~~ remain suspended until repayment is made.
 509 Benefits suspended beyond the end of the retired member's 12-
 510 month limitation period ~~first 12 months of retirement~~ shall
 511 apply toward repayment of benefits received in violation of the
 512 780-hour reemployment limitation.

513 6. The Board of Trustees of the Florida School for the
 514 Deaf and the Blind may reemploy a retired member as a substitute
 515 teacher, substitute residential instructor, or substitute nurse
 516 on a noncontractual basis after he or she has met the definition
 517 of termination ~~been retired for 1 calendar month~~, in accordance
 518 ~~with~~ s. 121.021(39). The Board of Trustees of the Florida School
 519 for the Deaf and the Blind may reemploy a retired member as
 520 instructional personnel, as defined in s. 1012.01(2)(a), on an
 521 annual contractual basis after he or she has been retired and
 522 met the definition of termination in s. 121.021(39). Any retired
 523 member who is reemployed before meeting the definition of
 524 termination voids ~~within 1 calendar month after retirement shall~~
 525 ~~void~~ his or her application for retirement benefits. The Board

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526 of Trustees of the Florida School for the Deaf and the Blind
527 reemploying such teachers, residential instructors, or nurses is
528 subject to the retirement contribution required by subparagraph
529 ~~7. Reemployment of a retired member as a substitute teacher,~~
530 ~~substitute residential instructor, or substitute nurse is~~
531 ~~limited to 780 hours during the first 12 months of his or her~~
532 ~~retirement. Any retired member reemployed for more than 780~~
533 ~~hours during the first 12 months of retirement shall give timely~~
534 ~~notice in writing to the employer and to the division of the~~
535 ~~date he or she will exceed the limitation. The division shall~~
536 ~~suspend his or her retirement benefits for the remainder of the~~
537 ~~first 12 months of retirement. Any person employed in violation~~
538 ~~of this subparagraph and any employing agency which knowingly~~
539 ~~employs or appoints such person without notifying the Division~~
540 ~~of Retirement to suspend retirement benefits shall be jointly~~
541 ~~and severally liable for reimbursement to the retirement trust~~
542 ~~fund of any benefits paid during the reemployment limitation~~
543 ~~period. To avoid liability, such employing agency shall have a~~
544 ~~written statement from the retiree that he or she is not retired~~
545 ~~from a state-administered retirement system. Any retirement~~
546 ~~benefits received by a retired member while reemployed in excess~~
547 ~~of 780 hours during the first 12 months of retirement shall be~~
548 ~~repaid to the Retirement System Trust Fund, and his or her~~
549 ~~retirement benefits shall remain suspended until payment is~~
550 ~~made. Benefits suspended beyond the end of the retired member's~~
551 ~~first 12 months of retirement shall apply toward repayment of~~
552 ~~benefits received in violation of the 780-hour reemployment~~
553 ~~limitation.~~

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554 7.a. The employment ~~by an employer~~ of a any retiree or
555 DROP participant of any state-administered retirement system
556 does not affect ~~shall have no effect on~~ the average final
557 compensation or years of creditable service of the retiree or
558 DROP participant.

559 b. Prior to July 1, 1991, and for initial enrollment as a
560 renewed member through December 31, 2009, upon employment of any
561 person, other than an elected officer as provided in s. 121.053,
562 who is ~~has been~~ retired under a any state-administered
563 retirement program, the employer shall pay retirement
564 contributions in an amount equal to the unfunded actuarial
565 liability portion of the employer contribution which would be
566 required for regular members of the Florida Retirement System.
567 Effective July 1, 1991, contributions shall be made as provided
568 in s. 121.122 for retirees who have ~~with~~ renewed membership or,
569 as provided in subsection (13) for ~~with respect to~~ DROP
570 participants.

571 c. Any person who is retired under a state-administered
572 retirement program and who is initially reemployed on or after
573 January 1, 2010, may not renew membership in the Florida
574 Retirement System. The employer shall pay retirement
575 contributions in an amount equal to the unfunded actuarial
576 liability portion of the employer contribution that would be
577 required for active members of the Florida Retirement System in
578 addition to the contributions required by s. 121.76.

579 8.a. Any person who has ~~previously~~ retired and who is
580 holding an elective public office or an appointment to an
581 elective public office initially eligible for the Elected

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582 Officers' Class on or after July 1, 1990, through December 31,
583 2009, shall be enrolled in the Florida Retirement System as
584 provided in s. 121.053(1) ~~(c)-(b)~~ or, if holding an elective
585 public office that does not qualify for the Elected Officers'
586 Class on or after July 1, 1991, through December 31, 2009, shall
587 be enrolled in the Florida Retirement System as provided in s.
588 121.122, and shall continue to receive retirement benefits as
589 well as compensation for the elected officer's service for as
590 long as he or she remains in elective office. However, any
591 retired member who served in an elective office prior to July 1,
592 1990, suspended his or her retirement benefit, and had his or
593 her Florida Retirement System membership reinstated shall, upon
594 retirement from such office, have his or her retirement benefit
595 recalculated to include the additional service and compensation
596 earned.

597 b. Any person who has retired and who is holding an
598 elective public office or an appointment to an elective public
599 office initially eligible for the Elected Officers' Class on or
600 after January 1, 2010, shall not be enrolled in the Florida
601 Retirement System as provided in s. 121.053(1)(c) or, if holding
602 an elective public office that does not qualify for the Elected
603 Officers' Class and is initially eligible on or after January 1,
604 2010, shall not be enrolled in the Florida Retirement System as
605 provided in s. 121.122, and shall not continue to receive
606 retirement benefits during the first 12 calendar months after
607 meeting the definition of termination in s. 121.021(39).

608 9.a. Any person who is holding an elective public office
609 that ~~which~~ is covered by the Florida Retirement System and who

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610 is concurrently employed in nonelected covered employment before
611 January 1, 2010, may elect to retire while continuing employment
612 in the elective public office, if ~~provided that~~ he or she
613 terminates ~~shall be required to terminate~~ his or her nonelected
614 covered employment. Any person who exercises this election shall
615 receive his or her retirement benefits in addition to the
616 compensation of the elective office without regard to the time
617 limitations otherwise provided in this subsection. A ~~No~~ person
618 who seeks to exercise the provisions of this subparagraph, as
619 they ~~the same~~ existed prior to May 3, 1984, may not ~~shall~~ be
620 deemed to be retired under those provisions, unless such person
621 is eligible to retire under the provisions of this subparagraph,
622 as amended by chapter 84-11, Laws of Florida.

623 b. Any person who is holding an elective public office
624 that is covered by the Florida Retirement System and who is
625 concurrently employed in nonelected covered employment on or
626 after January 1, 2010, may not elect to retire while continuing
627 employment in the elective public office. Such person must meet
628 the definition of termination in s. 121.021(39) and is subject
629 to the limitations provided in this section.

630 10. The limitations of this paragraph apply to
631 reemployment in any capacity with an "employer" as defined in s.
632 121.021(10), irrespective of the category of funds from which
633 the person is compensated.

634 11. A developmental research school may reemploy a retired
635 member as a substitute or hourly teacher or an education
636 paraprofessional, as defined in s. 1012.01(2), on a
637 noncontractual basis after he or she has been retired and met

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638 the definition of termination in s. 121.021(39). A developmental
639 research school may reemploy a retired member as instructional
640 personnel, as defined in s. 1012.01(2)(a), on an annual
641 contractual basis after he or she has been retired and met the
642 definition of termination in s. 121.021(39). Any other retired
643 member who is reemployed within 12 calendar months after
644 retirement voids his or her application for retirement benefits.
645 A developmental research school that reemploys retired teachers
646 and education paraprofessionals are subject to the retirement
647 contribution required by subparagraph 7.

648 12. A charter school may reemploy a retired member as a
649 substitute or hourly teacher on a noncontractual basis after he
650 or she has been retired and met the definition of termination in
651 s. 121.021(39). A charter school may reemploy a retired member
652 as instructional personnel, as defined in s. 1012.01(2)(a), on
653 an annual contractual basis after he or she has been retired and
654 met the definition of termination in s. 121.021(39). Any other
655 retired member who is reemployed within 12 calendar months after
656 retirement voids his or her application for retirement benefits.
657 A charter school that reemploys such members is subject to the
658 retirement contribution required by subparagraph 7.

659 13. The reemployment after retirement provisions of this
660 paragraph apply to DROP participants effective upon the end of
661 DROP participation and meeting the definition of termination in
662 s. 121.021(39).

663 ~~11. An employing agency may reemploy a retired member as a~~
664 ~~firefighter or paramedic after the retired member has been~~
665 ~~retired for 1 calendar month, in accordance with s. 121.021(39).~~

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666 ~~Any retired member who is reemployed within 1 calendar month~~
667 ~~after retirement shall void his or her application for~~
668 ~~retirement benefits. The employing agency reemploying such~~
669 ~~firefighter or paramedic is subject to the retired contribution~~
670 ~~required in subparagraph 8. Reemployment of a retired~~
671 ~~firefighter or paramedic is limited to no more than 780 hours~~
672 ~~during the first 12 months of his or her retirement. Any retired~~
673 ~~member reemployed for more than 780 hours during the first 12~~
674 ~~months of retirement shall give timely notice in writing to the~~
675 ~~employer and to the division of the date he or she will exceed~~
676 ~~the limitation. The division shall suspend his or her retirement~~
677 ~~benefits for the remainder of the first 12 months of retirement.~~
678 ~~Any person employed in violation of this subparagraph and any~~
679 ~~employing agency which knowingly employs or appoints such person~~
680 ~~without notifying the Division of Retirement to suspend~~
681 ~~retirement benefits shall be jointly and severally liable for~~
682 ~~reimbursement to the Retirement System Trust Fund of any~~
683 ~~benefits paid during the reemployment limitation period. To~~
684 ~~avoid liability, such employing agency shall have a written~~
685 ~~statement from the retiree that he or she is not retired from a~~
686 ~~state-administered retirement system. Any retirement benefits~~
687 ~~received by a retired member while reemployed in excess of 780~~
688 ~~hours during the first 12 months of retirement shall be repaid~~
689 ~~to the Retirement System Trust Fund, and retirement benefits~~
690 ~~shall remain suspended until repayment is made. Benefits~~
691 ~~suspended beyond the end of the retired member's first 12 months~~
692 ~~of retirement shall apply toward repayment of benefits received~~
693 ~~in violation of the 780-hour reemployment limitation.~~

694 (c) The provisions of this subsection apply to retirees,
 695 as defined in s. 121.4501(2)(j), of the Public Employee Optional
 696 Retirement Program created in part II, subject to the following
 697 conditions:

698 1. Such retirees may not be reemployed with an employer
 699 participating in the Florida Retirement System as provided in
 700 paragraph (b) until such person has been retired for 12 ~~3~~
 701 calendar months, unless the participant has reached the normal
 702 retirement requirements of the defined benefit plan as provided
 703 in s. 121.021(29).

704 2. Such retiree employed in violation of this subsection
 705 and any employing agency that knowingly employs or appoints such
 706 person shall be jointly and severally liable for reimbursement
 707 of any benefits paid to the retirement trust fund from which the
 708 benefits were paid, including the Retirement System Trust Fund
 709 and the Public Employee Optional Retirement Program Trust Fund,
 710 as appropriate. To avoid liability, such employing agency must
 711 have a written statement from the retiree that he or she is not
 712 retired from a state-administered retirement system.

713 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
 714 subject to the provisions of this section, the Deferred
 715 Retirement Option Program, hereinafter referred to as ~~the~~ DROP,
 716 is a program under which an eligible member of the Florida
 717 Retirement System may elect to participate, deferring receipt of
 718 retirement benefits while continuing employment with his or her
 719 Florida Retirement System employer. The deferred monthly
 720 benefits shall accrue in the System Trust Fund on behalf of the
 721 participant, plus interest compounded monthly, for the specified

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722 period of the DROP participation, as provided in paragraph (c).
723 Upon termination of employment as required in s. 121.021(39)(b),
724 the participant shall receive the total DROP benefits and begin
725 to receive the previously determined normal retirement benefits.
726 Participation in the DROP does not guarantee employment for the
727 specified period of DROP. Participation in ~~the~~ DROP by an
728 eligible member beyond the initial 60-month period as authorized
729 in this subsection shall be on an annual contractual basis for
730 all participants.

731 (a) Eligibility of member to participate in ~~the~~ DROP.--All
732 active Florida Retirement System members in a regularly
733 established position, and all active members of ~~either~~ the
734 Teachers' Retirement System established in chapter 238 or the
735 State and County Officers' and Employees' Retirement System
736 established in chapter 122, which systems are consolidated
737 within the Florida Retirement System under s. 121.011, are
738 eligible to elect participation in ~~the~~ DROP if provided that:

739 1. The member is not a renewed member ~~of the Florida~~
740 ~~Retirement System~~ under s. 121.122, or a member or renewed
741 member of the State Community College System Optional Retirement
742 Program under s. 121.051, the Senior Management Service Optional
743 Annuity Program under s. 121.055, or the optional retirement
744 program for the State University System under s. 121.35.

745 2. Except as provided in subparagraph 6., election to
746 participate is made within 12 months immediately following the
747 date on which the member first reaches normal retirement date,
748 or, for a member who reaches normal retirement date based on
749 service before he or she reaches age 62, or age 55 for Special

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750 Risk Class members, election to participate may be deferred to
751 the 12 months immediately following the date the member attains
752 57, or age 52 for Special Risk Class members. ~~For a member who~~
753 ~~first reached normal retirement date or the deferred eligibility~~
754 ~~date described above prior to the effective date of this~~
755 ~~section, election to participate shall be made within 12 months~~
756 ~~after the effective date of this section.~~ A member who fails to
757 make an election within the ~~such~~ 12-month limitation period
758 forfeits ~~shall forfeit~~ all rights to participate in ~~the~~ DROP.
759 The member shall advise his or her employer and the division in
760 writing of the date ~~on which the~~ DROP begins ~~shall begin~~. The
761 ~~Such~~ beginning date may be subsequent to the 12-month election
762 period, but must be within the original 60-month participation
763 ~~or, with respect to members who are instructional personnel~~
764 ~~employed by the Florida School for the Deaf and the Blind and~~
765 ~~who have received authorization by the Board of Trustees of the~~
766 ~~Florida School for the Deaf and the Blind to participate in the~~
767 ~~DROP beyond 60 months, or who are instructional personnel as~~
768 ~~defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have~~
769 ~~received authorization by the district school superintendent to~~
770 ~~participate in the DROP beyond 60 months, the 96-month~~
771 limitation period as provided in subparagraph (b)1. When
772 establishing eligibility of the member to participate in ~~the~~
773 DROP ~~for the 60-month or, with respect to members who are~~
774 ~~instructional personnel employed by the Florida School for the~~
775 ~~Deaf and the Blind and who have received authorization by the~~
776 ~~Board of Trustees of the Florida School for the Deaf and the~~
777 ~~Blind to participate in the DROP beyond 60 months, or who are~~

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778 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
779 ~~grades K-12 and who have received authorization by the district~~
780 ~~school superintendent to participate in the DROP beyond 60~~
781 ~~months, the 96-month maximum participation period, the member~~
782 may elect to include or exclude any optional service credit
783 purchased by the member from the total service used to establish
784 the normal retirement date. A member who has ~~with~~ dual normal
785 retirement dates is ~~shall be~~ eligible to elect to participate in
786 DROP within 12 months after attaining normal retirement date in
787 either class.

788 3. The employer of a member electing to participate in ~~the~~
789 DROP, or employers if dually employed, shall acknowledge in
790 writing to the division the date the member's participation in
791 ~~the~~ DROP begins and the date the member's employment and DROP
792 participation will terminate.

793 4. Simultaneous employment of a participant by additional
794 Florida Retirement System employers subsequent to the
795 commencement of participation in ~~the~~ DROP is ~~shall be~~
796 permissible if provided such employers acknowledge in writing a
797 DROP termination date no later than the participant's existing
798 termination date or the maximum participation ~~60-month~~
799 ~~limitation~~ period as provided in subparagraph (b)1.

800 5. A DROP participant may change employers while
801 participating in ~~the~~ DROP, subject to the following:

802 a. A change of employment must take place without a break
803 in service so that the member receives salary for each month of
804 continuous DROP participation. If a member receives no salary
805 during a month, DROP participation shall cease unless the

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806 employer verifies a continuation of the employment relationship
807 for such participant pursuant to s. 121.021(39) (b).

808 b. Such participant and new employer shall notify the
809 division of the identity of the new employer on forms required
810 by the division ~~as to the identity of the new employer.~~

811 c. The new employer shall acknowledge, in writing, the
812 participant's DROP termination date, which may be extended but
813 not beyond the maximum participation ~~original 60-month or, with~~
814 ~~respect to members who are instructional personnel employed by~~
815 ~~the Florida School for the Deaf and the Blind and who have~~
816 ~~received authorization by the Board of Trustees of the Florida~~
817 ~~School for the Deaf and the Blind to participate in the DROP~~
818 ~~beyond 60 months, or who are instructional personnel as defined~~
819 ~~in s. 1012.01(2) (a) - (d) in grades K-12 and who have received~~
820 ~~authorization by the district school superintendent to~~
821 ~~participate in the DROP beyond 60 months, the 96-month period~~
822 provided in subparagraph (b)1., shall acknowledge liability for
823 any additional retirement contributions and interest required if
824 the participant fails to timely terminate employment, and is
825 ~~shall be~~ subject to the adjustment required in sub-subparagraph
826 (c)5.d.

827 6. Effective July 1, 2001, for instructional personnel as
828 defined in s. 1012.01(2), election to participate in ~~the~~ DROP
829 may shall be made at any time following the date on which the
830 member first reaches normal retirement date. The member shall
831 advise his or her employer and the division in writing of the
832 date on which DROP begins ~~the Deferred Retirement Option Program~~
833 ~~shall begin~~. When establishing eligibility of the member to

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834 participate in ~~the~~ DROP for the 60-month ~~or, with respect to~~
835 ~~members who are instructional personnel employed by the Florida~~
836 ~~School for the Deaf and the Blind and who have received~~
837 ~~authorization by the Board of Trustees of the Florida School for~~
838 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
839 ~~months, or who are instructional personnel as defined in s.~~
840 ~~1012.01(2) (a)-(d) in grades K-12 and who have received~~
841 ~~authorization by the district school superintendent to~~
842 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
843 ~~participation period, as provided in subparagraph (b)1., the~~
844 ~~member may elect to include or exclude any optional service~~
845 ~~credit purchased by the member from the total service used to~~
846 ~~establish the normal retirement date. A member who has ~~with~~ dual~~
847 ~~normal retirement dates is ~~shall be~~ eligible to elect to~~
848 ~~participate in either class.~~

849 (b) Participation in ~~the~~ DROP.--

850 1.a. An eligible member may elect to participate in ~~the~~
851 DROP for a period not to exceed a maximum of 60 calendar months
852 ~~or, except as provided in subparagraph b.~~

853 b. ~~Members with respect to members~~ who are instructional
854 personnel employed by the Florida School for the Deaf and the
855 Blind and who are authorized ~~have received authorization~~ by the
856 Board of Trustees of the Florida School for the Deaf and the
857 Blind ~~to participate in the DROP beyond 60 months, or who are~~
858 instructional personnel as defined in s. 1012.01(2) (a)-(d) in
859 grades K-12 and who are authorized ~~have received authorization~~
860 by the district school superintendent ~~to participate in the DROP~~
861 ~~beyond 60 calendar months, or who are instructional personnel as~~

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862 defined in s. 1012.01(2)(a)-(d) employed by a developmental
863 research school and who are authorized by the school's director,
864 or if the school has no director, by the school's principal, to
865 participate in DROP beyond the original 60-month period, for up
866 to 36 ~~96~~ calendar months immediately following the DROP
867 termination date selected for participation in sub-subparagraph
868 a. date on which the member first reaches his or her normal
869 ~~retirement date or the date to which he or she is eligible to~~
870 ~~defer his or her election to participate as provided in~~
871 ~~subparagraph (a)2. However, a member who has reached normal~~
872 ~~retirement date prior to the effective date of the DROP shall be~~
873 ~~eligible to participate in the DROP for a period of time not to~~
874 ~~exceed 60 calendar months or, with respect to members who are~~
875 ~~instructional personnel employed by the Florida School for the~~
876 ~~Deaf and the Blind and who have received authorization by the~~
877 ~~Board of Trustees of the Florida School for the Deaf and the~~
878 ~~Blind to participate in the DROP beyond 60 months, or who are~~
879 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
880 ~~grades K-12 and who have received authorization by the district~~
881 ~~school superintendent to participate in the DROP beyond 60~~
882 ~~calendar months, 96 calendar months immediately following the~~
883 ~~effective date of the DROP, except a member of the Special Risk~~
884 ~~Class who has reached normal retirement date prior to the~~
885 ~~effective date of the DROP and whose total accrued value exceeds~~
886 ~~75 percent of average final compensation as of his or her~~
887 ~~effective date of retirement shall be eligible to participate in~~
888 ~~the DROP for no more than 36 calendar months immediately~~
889 ~~following the effective date of the DROP.~~

890 2. Upon deciding to participate in ~~the~~ DROP, the member
 891 shall submit, on forms required by the division:
 892 a. A written election to participate in ~~the~~ DROP;
 893 b. Selection of ~~the~~ DROP participation and termination
 894 dates, which satisfy the limitations stated in paragraph (a) and
 895 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a
 896 binding letter of resignation to ~~with~~ the employer, establishing
 897 a deferred termination date. The member may change the
 898 termination date within the limitations of subparagraph 1., but
 899 only with the written approval of the ~~his or her~~ employer;
 900 c. A properly completed DROP application for service
 901 retirement as provided in this section; and
 902 d. Any other information required by the division.
 903 3. The DROP participant is ~~shall be~~ a retiree under the
 904 Florida Retirement System for all purposes, except for paragraph
 905 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
 906 and 121.122. DROP participation is final and cannot be canceled
 907 by the participant after the first payment is credited during
 908 the DROP participation period. However, participation in ~~the~~
 909 DROP does not alter the participant's employment status and the
 910 member is ~~such employee shall not be~~ deemed retired from
 911 employment until his or her deferred resignation is effective
 912 and termination occurs as provided in s. 121.021(39).
 913 4. Elected officers are ~~shall be~~ eligible to participate
 914 in ~~the~~ DROP subject to the following:
 915 a. An elected officer who reaches normal retirement date
 916 during a term of office may defer the election to participate in
 917 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~

918 | elected officer who exercises this option may participate in ~~the~~
 919 | DROP for up to 60 calendar months or a period of no longer than
 920 | the ~~such~~ succeeding term of office, whichever is less.

921 | b. An elected or a nonelected participant may run for a
 922 | term of office while participating in DROP and, if elected,
 923 | extend the DROP termination date accordingly, except, however,
 924 | if such additional term of office exceeds the 60-month
 925 | limitation established in subparagraph 1., and the officer does
 926 | not resign from office within such 60-month limitation, the
 927 | retirement and the participant's DROP is ~~shall be~~ null and void
 928 | as provided in sub-subparagraph (c)5.d.

929 | c. (I) For DROP participation ending before January 1,
 930 | 2010, an elected officer who is dually employed and elects to
 931 | participate in DROP must ~~shall be required to~~ satisfy the
 932 | definition of termination within the original 60-month period or
 933 | maximum participation, ~~with respect to members who are~~
 934 | ~~instructional personnel employed by the Florida School for the~~
 935 | ~~Deaf and the Blind and who have received authorization by the~~
 936 | ~~Board of Trustees of the Florida School for the Deaf and the~~
 937 | ~~Blind to participate in the DROP beyond 60 months, or who are~~
 938 | ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
 939 | ~~grades K-12 and who have received authorization by the district~~
 940 | ~~school superintendent to participate in the DROP beyond 60~~
 941 | ~~months, the 96-month limitation~~ period as provided in
 942 | subparagraph 1. for the nonelected position and may continue
 943 | employment as an elected officer as provided in s. 121.053. The
 944 | elected officer shall ~~will~~ be enrolled as a renewed member in
 945 | the Elected Officers' Class or the Regular Class, as provided in

946 ss. 121.053 and 121.122, on the first day of the month after
 947 termination of employment in the nonelected position and
 948 termination of DROP. Distribution of ~~the~~ DROP benefits shall be
 949 made as provided in paragraph (c).

950 (II) For DROP participation ending on or after January 1,
 951 2010, an elected officer who is dually employed and elects to
 952 participate in DROP must satisfy the definition of termination
 953 in s. 121.021(39) within the original 60-month period or maximum
 954 period as provided in subparagraph 1.

955 (c) Benefits payable under ~~the~~ DROP.--

956 1. Effective on ~~with~~ the date of DROP participation, the
 957 member's initial normal monthly benefit, including creditable
 958 service, optional form of payment, and average final
 959 compensation, and the effective date of retirement are ~~shall be~~
 960 fixed. The beneficiary established under the Florida Retirement
 961 System shall be the beneficiary eligible to receive any DROP
 962 benefits payable if the DROP participant dies prior to the
 963 completion of the period of DROP participation. If ~~In the event~~
 964 a joint annuitant predeceases the member, the member may name a
 965 beneficiary to receive accumulated DROP benefits payable. The
 966 ~~Such~~ retirement benefit, the annual cost of living adjustments
 967 provided in s. 121.101, and interest shall accrue monthly in the
 968 System Trust Fund. The ~~Such~~ interest shall accrue at an
 969 effective annual rate of 6.5 percent compounded monthly, on the
 970 prior month's accumulated ending balance, up to the month of
 971 termination or death.

972 2. Each employee who elects to participate in ~~the~~ DROP may
 973 ~~shall be allowed to~~ elect to receive a lump-sum payment for

974 accrued annual leave earned in accordance with agency policy
 975 upon beginning participation in ~~the~~ DROP. The ~~Such~~ accumulated
 976 leave payment certified to the division upon commencement of
 977 DROP shall be included in the calculation of the member's
 978 average final compensation. The employee electing the ~~such~~ lump-
 979 sum payment is ~~upon beginning participation in~~ DROP will not be
 980 eligible to receive a second lump-sum payment upon termination,
 981 except to the extent the employee has earned additional annual
 982 leave which combined with the original payment does not exceed
 983 the maximum lump-sum payment allowed by the employing agency's
 984 policy or rules. An ~~Such~~ early lump-sum payment shall be based
 985 on the hourly wage of the employee at the time he or she begins
 986 participation in ~~the~~ DROP. If the member elects to wait and
 987 receive such lump-sum payment upon termination of DROP and
 988 termination of employment with the employer, any accumulated
 989 leave payment made at that time may not ~~cannot~~ be included in
 990 the member's retirement benefit, which was determined and fixed
 991 by law when the employee elected to participate in ~~the~~ DROP.

992 3. The effective date of DROP participation and the
 993 effective date of retirement of a DROP participant shall be the
 994 first day of the month selected by the member to begin
 995 participation in ~~the~~ DROP, provided such date is properly
 996 established, with the written confirmation of the employer, and
 997 the approval of the division, on forms required by the division.

998 4. Normal retirement benefits and any interest ~~thereon~~
 999 shall continue to accrue in ~~the~~ DROP until the established
 1000 termination date of ~~the~~ DROP, or until the participant
 1001 terminates employment or dies prior to such date. Although

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1002 individual DROP accounts shall not be established, a separate
1003 accounting of each participant's accrued benefits under ~~the~~ DROP
1004 shall be calculated and provided to participants.

1005 5. At the conclusion of the participant's DROP, the
1006 division shall distribute the participant's total accumulated
1007 DROP benefits, subject to the following provisions:

1008 a. The division shall receive verification by the
1009 participant's employer or employers that the ~~such~~ participant
1010 has terminated employment as provided in s. 121.021(39)(b).

1011 b. The terminated DROP participant or, if deceased, the
1012 ~~such~~ participant's named beneficiary, shall elect on forms
1013 provided by the division to receive payment of the DROP benefits
1014 in accordance with one of the options listed below. If ~~For~~ a
1015 participant or beneficiary ~~who~~ fails to elect a method of
1016 payment within 60 days of termination of ~~the~~ DROP, the division
1017 shall ~~will~~ pay a lump sum as provided in sub-sub-subparagraph
1018 (I).

1019 (I) Lump sum.--All accrued DROP benefits, plus interest,
1020 less withholding taxes remitted to the Internal Revenue Service,
1021 shall be paid to the DROP participant or surviving beneficiary.

1022 (II) Direct rollover.--All accrued DROP benefits, plus
1023 interest, shall be paid from ~~the~~ DROP directly to the custodian
1024 of an eligible retirement plan as defined in s. 402(c)(8)(B) of
1025 the Internal Revenue Code. However, in the case of an eligible
1026 rollover distribution to the surviving spouse of a deceased
1027 participant, an eligible retirement plan is an individual
1028 retirement account or an individual retirement annuity as
1029 described in s. 402(c)(9) of the Internal Revenue Code.

1030 (III) Partial lump sum.--A portion of the accrued DROP
 1031 benefits shall be paid to the DROP participant or surviving
 1032 spouse, less withholding taxes remitted to the Internal Revenue
 1033 Service, and the remaining DROP benefits shall be transferred
 1034 directly to the custodian of an eligible retirement plan as
 1035 defined in s. 402(c)(8)(B) of the Internal Revenue Code.
 1036 However, in the case of an eligible rollover distribution to the
 1037 surviving spouse of a deceased participant, an eligible
 1038 retirement plan is an individual retirement account or an
 1039 individual retirement annuity as described in s. 402(c)(9) of
 1040 the Internal Revenue Code. The proportions shall be specified by
 1041 the DROP participant or surviving beneficiary.

1042 c. The form of payment selected by the DROP participant or
 1043 surviving beneficiary must comply ~~complies~~ with the minimum
 1044 distribution requirements of the Internal Revenue Code.

1045 d. A DROP participant who fails to terminate employment as
 1046 defined in s. 121.021(39)(b) shall be deemed not to be retired,
 1047 and the DROP election is ~~shall be~~ null and void. Florida
 1048 Retirement System membership shall be reestablished
 1049 retroactively to the date of the commencement of ~~the~~ DROP, and
 1050 each employer with whom the participant continues employment
 1051 must ~~shall be required to~~ pay to the Florida Retirement System
 1052 Trust Fund the difference between the DROP contributions paid in
 1053 paragraph (i) and the contributions required for the applicable
 1054 Florida Retirement System class of membership during the period
 1055 the member participated in ~~the~~ DROP, plus 6.5 percent interest
 1056 compounded annually.

1057 6. The retirement benefits of any DROP participant who
 1058 meets the definition of termination in s. 121.021(39)(b), but is
 1059 in violation of the reemployment provisions as provided in
 1060 subsection (9), shall be suspended during those months in which
 1061 the member is in violation. Any member employed in violation of
 1062 this subparagraph and any employing agency that knowingly
 1063 employs or appoints such member without notifying the Division
 1064 of Retirement to suspend retirement benefits are jointly and
 1065 severally liable for any benefits paid during the reemployment
 1066 limitation period. To avoid liability, the employing agency must
 1067 have a written statement from the retiree that he or she is not
 1068 retired from a state-administered retirement system. Any
 1069 retirement benefits received by a retired member while employed
 1070 in violation of the reemployment limitations during the first 12
 1071 months after meeting termination must be repaid to the Florida
 1072 Retirement System Trust Fund, and his or her retirement benefits
 1073 shall remain suspended until payment is made. Benefits suspended
 1074 beyond the end of the retired member's first 12 calendar months
 1075 after meeting the definition of termination in s. 121.021(39)(b)
 1076 shall apply toward repayment of benefits received in violation
 1077 of the reemployment limitations.

1078 ~~7.6.~~ The accrued benefits of any DROP participant, and any
 1079 contributions accumulated under the ~~such~~ program, are ~~shall~~ not
 1080 ~~be~~ subject to assignment, execution, attachment, or to any legal
 1081 process whatsoever, except for qualified domestic relations
 1082 orders by a court of competent jurisdiction, income deduction
 1083 orders as provided in s. 61.1301, and federal income tax levies.

1084 8.7. DROP participants are ~~shall~~ not be eligible for
 1085 disability retirement benefits as provided in subsection (4).

1086 (d) Death benefits under ~~the~~ DROP.--

1087 1. Upon the death of a DROP participant, the named
 1088 beneficiary shall be entitled to apply for and receive the
 1089 accrued benefits in ~~the~~ DROP as provided in sub-subparagraph
 1090 (c)5.b.

1091 2. The normal retirement benefit accrued to ~~the~~ DROP
 1092 during the month of a participant's death shall be the final
 1093 monthly benefit credited for such DROP participant.

1094 3. Eligibility to participate in ~~the~~ DROP terminates upon
 1095 death of the participant. If the participant dies on or after
 1096 the effective date of enrollment in ~~the~~ DROP, but prior to the
 1097 first monthly benefit being credited to ~~the~~ DROP, Florida
 1098 Retirement System benefits shall be paid in accordance with
 1099 subparagraph (7) (c)1. or subparagraph 2.

1100 4. A DROP participants' survivors shall not be eligible to
 1101 receive Florida Retirement System death benefits as provided in
 1102 paragraph (7) (d).

1103 (e) Cost-of-living adjustment.--On each July 1, the
 1104 participants' normal retirement benefit shall be increased as
 1105 provided in s. 121.101.

1106 (f) Retiree health insurance subsidy.--DROP participants
 1107 are not eligible to apply for the retiree health insurance
 1108 subsidy payments as provided in s. 112.363 until such
 1109 participants have terminated employment and participation in ~~the~~
 1110 DROP.

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1111 (g) Renewed membership.--DROP participants must meet the
1112 definition of termination in s. 121.021(39)(b) and must meet
1113 eligibility requirements ~~shall not be eligible~~ for renewed
1114 membership in the Florida Retirement System under ss. 121.053
1115 and 121.122 ~~until termination of employment is effectuated as~~
1116 ~~provided in s. 121.021(39)(b).~~

1117 (h) Employment limitation after DROP participation.--Upon
1118 satisfying the definition of termination of employment as
1119 provided in s. 121.021(39)(b), DROP participants shall be
1120 subject to such reemployment limitations as other retirees.
1121 Reemployment restrictions applicable to retirees as provided in
1122 subsection (9) shall not apply to DROP participants until their
1123 employment and participation in ~~the~~ DROP are terminated.

1124 (i) Contributions.--

1125 1. All employers paying the salary of a DROP participant
1126 filling a regularly established position shall contribute 8.0
1127 percent of such participant's gross compensation for the period
1128 of July 1, 2002, through June 30, 2003, and 11.56 percent of
1129 such compensation thereafter, which shall constitute the entire
1130 employer DROP contribution with respect to such participant.
1131 Such contributions, payable to the System Trust Fund in the same
1132 manner as required in s. 121.071, shall be made as appropriate
1133 for each pay period and are in addition to contributions
1134 required for social security and the Retiree Health Insurance
1135 Subsidy Trust Fund. Such employer, social security, and health
1136 insurance subsidy contributions are not included in ~~the~~ DROP.

1137 2. The employer shall, in addition to subparagraph 1.,
1138 also withhold one-half of the entire social security

1139 contribution required for the participant. Contributions for
 1140 social security by each participant and each employer, in the
 1141 amount required for social security coverage as now or hereafter
 1142 provided by the federal Social Security Act, shall be in
 1143 addition to contributions specified in subparagraph 1.

1144 3. All employers paying the salary of a DROP participant
 1145 filling a regularly established position shall contribute the
 1146 percent of such participant's gross compensation required in s.
 1147 121.071(4), which shall constitute the employer's health
 1148 insurance subsidy contribution with respect to such participant.
 1149 Such contributions shall be deposited by the administrator in
 1150 the Retiree Health Insurance Subsidy Trust Fund.

1151 (j) Forfeiture of retirement benefits.--Nothing in this
 1152 section shall be construed to remove DROP participants from the
 1153 scope of s. 8(d), Art. II of the State Constitution, s.
 1154 112.3173, and paragraph (5)(f). DROP participants who commit a
 1155 specified felony offense while employed will be subject to
 1156 forfeiture of all retirement benefits, including DROP benefits,
 1157 pursuant to those provisions of law.

1158 (k) Administration of program.--The division shall make
 1159 such rules as are necessary for the effective and efficient
 1160 administration of this subsection. The division shall not be
 1161 required to advise members of the federal tax consequences of an
 1162 election related to ~~the~~ DROP but may advise members to seek
 1163 independent advice.

1164 (14) PAYMENT OF BENEFITS.--This subsection applies to the
 1165 payment of benefits to a payee (retiree or beneficiary) under
 1166 the Florida Retirement System:

1167 (a) Federal income tax shall be withheld in accordance
 1168 with federal law, unless the payee elects otherwise on Form W-
 1169 4P. The division shall prepare and distribute to each recipient
 1170 of monthly retirement benefits an appropriate income tax form
 1171 that reflects the recipient's income and federal income tax
 1172 withheld for the calendar year just ended.

1173 (b) Subject to approval by the division in accordance with
 1174 rule 60S-4.015, Florida Administrative Code, a payee receiving
 1175 retirement benefits under the ~~Florida Retirement~~ system may also
 1176 have the following payments deducted from his or her monthly
 1177 benefit:

1178 1. Premiums for life and health-related insurance policies
 1179 from approved companies.

1180 2. Life insurance premiums for the State Group Life
 1181 Insurance Plan, if authorized in writing by the payee and by the
 1182 department ~~of Management Services~~.

1183 3. Repayment of overpayments from the Florida Retirement
 1184 System Trust Fund, the State Employees' Health Insurance Trust
 1185 Fund, or the State Employees' Life Insurance Trust Fund, upon
 1186 notification of the payee.

1187 4. Payments to an alternate payee for alimony or child
 1188 support pursuant to an income deduction order under s. 61.1301,
 1189 or division of marital assets pursuant to a qualified domestic
 1190 relations order under s. 222.21 ~~or an income deduction order~~
 1191 ~~under s. 61.1301.~~

1192 5. Payments to the Internal Revenue Service for federal
 1193 income tax levies, upon notification of the division by the
 1194 Internal Revenue Service.

1195 (c) A payee must ~~shall~~ notify the division of any change
 1196 in his or her address. The division may suspend benefit payments
 1197 to a payee if correspondence sent to the payee's mailing address
 1198 is returned due to an incorrect address. Benefit payments shall
 1199 be resumed upon notification to the division of the payee's new
 1200 address.

1201 (d) A payee whose retirement benefits are reduced by the
 1202 application of maximum benefit limits under s. 415(b) of the
 1203 Internal Revenue Code, as specified in s. 121.30(5), shall have
 1204 the portion of his or her calculated benefit in the Florida
 1205 Retirement System defined benefit plan which exceeds such
 1206 federal limitation paid through the Florida Retirement System
 1207 Preservation of Benefits Plan, as provided in s. 121.1001.

1208 (e) The division may issue retirement benefits payable for
 1209 division of marital assets pursuant to a qualified domestic
 1210 relations order directly to the alternate payee, any court order
 1211 to the contrary notwithstanding, in order to meet Internal
 1212 Revenue Code requirements.

1213 (f)-(e) A ~~No~~ benefit may not be reduced for the purpose of
 1214 preserving the member's eligibility for a federal program.

1215 (g)-(f) The division shall adopt rules establishing
 1216 procedures for determining that ~~the~~ persons to whom benefits are
 1217 being paid are still living. The division shall suspend the
 1218 benefits being paid to any payee if ~~when~~ it is unable to contact
 1219 such payee and to confirm that he or she is still living.

1220 Section 5. Sections 121.093 and 121.094, Florida Statutes,
 1221 are repealed.

1222 Section 6. Section 121.122, Florida Statutes, is amended
 1223 to read:

1224 121.122 Renewed membership in system.--

1225 (1) Any retiree of a state-administered retirement system
 1226 who is initially reemployed on or after January 1, 2010, shall
 1227 not be eligible for renewed membership.

1228 (2) Except as provided in s. 121.053, effective July 1,
 1229 1991, through December 31, 2009, any retiree of a state-
 1230 administered retirement system who is initially reemployed
 1231 ~~employed~~ in a regularly established position with a covered
 1232 employer shall be enrolled as a compulsory member of the Regular
 1233 Class of the Florida Retirement System or, effective July 1,
 1234 1997, through December 31, 2009, any retiree of a state-
 1235 administered retirement system who is initially reemployed
 1236 ~~employed~~ in a position included in the Senior Management Service
 1237 Class shall be enrolled as a compulsory member of the Senior
 1238 Management Service Class of the Florida Retirement System as
 1239 provided in s. 121.055, and shall be entitled to receive an
 1240 additional retirement benefit, subject to the following
 1241 conditions:

1242 ~~(1)~~ (a) Such member shall resatisfy the age and service
 1243 requirements as provided in this chapter for initial membership
 1244 under the system, unless such member elects to participate in
 1245 the Senior Management Service Optional Annuity Program in lieu
 1246 of the Senior Management Service Class, as provided in s.
 1247 121.055(6).

1248 (b) Such member shall not be entitled to disability
 1249 benefits as provided in s. 121.091(4).

1250 (c) Such member must meet the reemployment after
 1251 retirement limitations as provided in s. 121.091(9), as
 1252 applicable.

1253 (3)~~(2)~~ Upon renewed membership or reemployment of a
 1254 retiree, the employer of such member shall pay the applicable
 1255 employer contributions as required by ss. 121.71, 121.74,
 1256 121.76, and 112.363 ~~121.055(3) and 121.071(1)(a) and (4)~~.

1257 (4)~~(3)~~ The retiree of a state-administered retirement
 1258 system who is initially reemployed before January 1, 2010, Such
 1259 ~~member~~ shall be entitled to purchase additional retirement
 1260 credit in the Regular Class or the Senior Management Service
 1261 Class, as applicable, for any postretirement service performed
 1262 in a regularly established position as follows:

1263 (a) For regular class service prior to July 1, 1991, by
 1264 paying the Regular Class applicable employee and employer
 1265 contributions for the period being claimed, plus 4 percent
 1266 interest compounded annually from first year of service claimed
 1267 until July 1, 1975, and 6.5 percent interest compounded
 1268 thereafter, until full payment is made to the Florida Retirement
 1269 System Trust Fund; or

1270 (b) For Senior Management Service Class prior to June 1,
 1271 1997, as provided in s. 121.055(1)(j).

1272
 1273 The contribution for postretirement service between July 1,
 1274 1985, and July 1, 1991, for which the reemployed retiree
 1275 contribution was paid, shall be the difference between such
 1276 contribution and the total applicable contribution for the
 1277 period being claimed, plus interest. The employer of such member

1278 | may pay the applicable employer contribution in lieu of the
 1279 | member. If a member does not wish to claim credit for all of the
 1280 | postretirement service for which he or she is eligible, the
 1281 | service the member claims must be the most recent service.

1282 | (5)~~(4)~~ No creditable service for which credit was
 1283 | received, or which remained unclaimed, at retirement may be
 1284 | claimed or applied toward service credit earned following
 1285 | renewed membership. However, for retirees initially reemployed
 1286 | before January 1, 2010, service earned as an elected officer
 1287 | with renewed membership in the Elected Officers' Class may be
 1288 | used in conjunction with creditable service earned under this
 1289 | section, provided the applicable vesting requirements and other
 1290 | existing statutory conditions required by this chapter are met.

1291 | (6)~~(5)~~ Notwithstanding any other limitations provided in
 1292 | this section, a participant of the State University System
 1293 | Optional Retirement Program or the Senior Management Service
 1294 | Optional Annuity Program who terminated employment and received
 1295 | a distribution ~~commenced receiving an annuity~~ under the
 1296 | provisions of the optional program, who initially renews
 1297 | membership before January 1, 2010, ~~in the Regular Class~~ as
 1298 | required by this section upon reemployment after retirement, and
 1299 | who had previously earned creditable Florida Retirement System
 1300 | service that was not included in any retirement benefit may
 1301 | include such previous service toward vesting and service credit
 1302 | in the second career benefit provided under renewed membership.

1303 | (7)~~(6)~~ Any renewed member who is not receiving the maximum
 1304 | health insurance subsidy provided in s. 112.363 shall be
 1305 | entitled to earn additional credit toward the maximum health

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1306 insurance subsidy. Any additional subsidy due because of such
 1307 additional credit shall be received only at the time of payment
 1308 of the second career retirement benefit. In no case shall the
 1309 total health insurance subsidy received by a retiree receiving
 1310 benefits from initial and renewed membership exceed the maximum
 1311 allowed in s. 112.363.

1312 Section 7. Paragraph (e) of subsection (5) of section
 1313 121.35, Florida Statutes, is amended to read:

1314 121.35 Optional retirement program for the State
 1315 University System.--

1316 (5) BENEFITS.--

1317 (e) A participant who chooses to receive his or her
 1318 benefits upon termination of employment as defined in s.
 1319 121.021(39) shall have responsibility to notify the provider
 1320 company of the date on which he or she wishes benefits funded by
 1321 employer contributions to begin. Benefits may be deferred until
 1322 such time as the participant chooses to make such application.

1323 Section 8. Section 121.45, Florida Statutes, is repealed.

1324 Section 9. Paragraph (f) of subsection (2) of section
 1325 121.4501, Florida Statutes, is amended to read:

1326 121.4501 Public Employee Optional Retirement Program.--

1327 (2) DEFINITIONS.--As used in this part, the term:

1328 (f) "Eligible employee" means an officer or employee, as
 1329 defined in s. 121.021(11), who:

1330 1. Is a member of, or is eligible for membership in, the
 1331 Florida Retirement System, including any renewed member of the
 1332 Florida Retirement System initially enrolled before January 1,
 1333 2010; or

1334 2. Participates in, or is eligible to participate in, the
 1335 Senior Management Service Optional Annuity Program as
 1336 established under s. 121.055(6), the State Community College
 1337 System Optional Retirement Program as established under s.
 1338 121.051(2)(c), or the State University System Optional
 1339 Retirement Program established under s. 121.35.

1340
 1341 The term does not include any member participating in the
 1342 Deferred Retirement Option Program established under s.
 1343 121.091(13), a retiree of a state-administered retirement system
 1344 initially reemployed on or after January 1, 2010, or a mandatory
 1345 participant of the State University System Optional Retirement
 1346 Program established under s. 121.35.

1347 Section 10. Paragraph (b) of subsection (1) of section
 1348 121.591, Florida Statutes, is amended to read:

1349 121.591 Benefits payable under the Public Employee
 1350 Optional Retirement Program of the Florida Retirement
 1351 System.--Benefits may not be paid under this section unless the
 1352 member has terminated employment as provided in s.
 1353 121.021(39)(a) or is deceased and a proper application has been
 1354 filed in the manner prescribed by the state board or the
 1355 department. The state board or department, as appropriate, may
 1356 cancel an application for retirement benefits when the member or
 1357 beneficiary fails to timely provide the information and
 1358 documents required by this chapter and the rules of the state
 1359 board and department. In accordance with their respective
 1360 responsibilities as provided herein, the State Board of
 1361 Administration and the Department of Management Services shall

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1362 adopt rules establishing procedures for application for
1363 retirement benefits and for the cancellation of such application
1364 when the required information or documents are not received. The
1365 State Board of Administration and the Department of Management
1366 Services, as appropriate, are authorized to cash out a de
1367 minimis account of a participant who has been terminated from
1368 Florida Retirement System covered employment for a minimum of 6
1369 calendar months. A de minimis account is an account containing
1370 employer contributions and accumulated earnings of not more than
1371 \$5,000 made under the provisions of this chapter. Such cash-out
1372 must either be a complete lump-sum liquidation of the account
1373 balance, subject to the provisions of the Internal Revenue Code,
1374 or a lump-sum direct rollover distribution paid directly to the
1375 custodian of an eligible retirement plan, as defined by the
1376 Internal Revenue Code, on behalf of the participant. If any
1377 financial instrument issued for the payment of retirement
1378 benefits under this section is not presented for payment within
1379 180 days after the last day of the month in which it was
1380 originally issued, the third-party administrator or other duly
1381 authorized agent of the State Board of Administration shall
1382 cancel the instrument and credit the amount of the instrument to
1383 the suspense account of the Public Employee Optional Retirement
1384 Program Trust Fund authorized under s. 121.4501(6). Any such
1385 amounts transferred to the suspense account are payable upon a
1386 proper application, not to include earnings thereon, as provided
1387 in this section, within 10 years after the last day of the month
1388 in which the instrument was originally issued, after which time
1389 such amounts and any earnings thereon shall be forfeited. Any

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1390 such forfeited amounts are assets of the Public Employee
1391 Optional Retirement Program Trust Fund and are not subject to
1392 the provisions of chapter 717.

1393 (1) NORMAL BENEFITS.--Under the Public Employee Optional
1394 Retirement Program:

1395 (b) If a participant elects to receive his or her benefits
1396 upon termination of employment as defined in s. 121.021(39), the
1397 participant must submit a written application or an equivalent
1398 form to the third-party administrator indicating his or her
1399 preferred distribution date and selecting an authorized method
1400 of distribution as provided in paragraph (c). The participant
1401 may defer receipt of benefits until he or she chooses to make
1402 such application, subject to federal requirements.

1403 Section 11. This act shall take effect January 1, 2010.