

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to state-administered retirement  
3       systems; amending s. 121.091, F.S.; authorizing  
4       specified correctional officers to elect to  
5       participate in the Deferred Retirement Option Program  
6       for an additional 36 months; providing a declaration  
7       of important state interest; providing an effective  
8       date.

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

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

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

27       (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
28       subject to this section, the Deferred Retirement Option Program,  
29       hereinafter referred to as DROP, is a program under which an

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

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

47 1.a. Members who are instructional personnel employed by  
48 the Florida School for the Deaf and the Blind and authorized by  
49 the Board of Trustees of the Florida School for the Deaf and the  
50 Blind, who are instructional personnel as defined in s.  
51 1012.01(2)(a)-(d) in grades K-12 and authorized by the district  
52 school superintendent, or who are instructional personnel as  
53 defined in s. 1012.01(2)(a) employed by a developmental research  
54 school and authorized by the school's director, or if the school  
55 has no director, by the school's principal, may participate in  
56 DROP for up to 36 calendar months beyond the 60-month period.  
57 Effective July 1, 2018, instructional personnel who are  
58 authorized to extend DROP participation beyond the 60-month

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

69 b. Administrative personnel in grades K-12, as defined in  
70 s. 1012.01(3), who have a DROP termination date on or after July  
71 1, 2018, may be authorized to extend DROP participation beyond  
72 the initial 60 calendar month period if the administrative  
73 personnel's termination date is before the end of the school  
74 year. Such administrative personnel may have DROP participation  
75 extended until the last day of the last calendar month of the  
76 school year in which their original DROP termination date  
77 occurred if a date other than the last day of the last calendar  
78 month of the school year is designated. The employer shall  
79 notify the division of the change in termination date and the  
80 additional period of DROP participation for the affected  
81 administrative personnel.

82 c. Effective July 1, 2022, a member of the Special Risk  
83 Class who is a law enforcement officer who meets the criteria in  
84 s. 121.0515(3)(a) and who is a DROP participant on or after July  
85 1, 2022, or a correctional officer who meets the criteria in s.  
86 121.0515(3)(c) and who is a DROP participant on or after July 1,  
87 2023, may participate in DROP for up to 36 calendar months

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88 beyond the 60-month period if he or she enters DROP on or before  
89 June 30, 2028.

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

92 a. A written election to participate in DROP;

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

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

102 d. Any other information required by the division.

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

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

115 a. An elected officer who reaches normal retirement date  
116 during a term of office may defer the election to participate

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

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

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

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

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

145 Section 2. The Legislature finds that a proper and

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

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