



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

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**MEMORANDUM HR17-2022**

To: Agency Administrators  
From: Carolyn Horwich, Esq., Director of Human Resources  
Subject: Retirement Related Legislation  
Date: September 8, 2022

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During the 2022 Regular Legislative Session, legislation was passed that affects members and employers of the Florida Retirement System and other state-administered retirement plans. Legislative changes are summarized on the following pages and can also be found under Information Releases on the Employers page of the Division of Retirement's website at [www.frs.myflorida.com](http://www.frs.myflorida.com).

The Division of Retirement will notify state agencies as policies and procedures are established to implement the changes necessary to comply with the new legislation.



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**Ron DeSantis, Governor**  
Pedro Allende, Secretary

## Division of Retirement Information Release

Release # 2022-224

September 8, 2022

To: All FRS Agency Heads and Retirement Coordinators  
From: Andrea Simpson  
State Retirement Director  
Subject: 2022 Legislation

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During the 2022 Regular Legislative Session, legislation was passed that affects members and employers of the Florida Retirement System (FRS) and other state-administered retirement plans.

Legislative changes are summarized below by subject area. FRS employers will be notified as policies and procedures are established to implement the changes necessary to comply with new legislation.

### **Deferred Retirement Option Program (DROP) Participation**

#### **House Bill 5007 (Chapter 2022-159, Laws of Florida)**

DROP participants who meet the following criteria may be eligible to extend their DROP participation:

“Effective July 1, 2022, a member of the Special Risk Class who is a law enforcement officer who meets the criteria in s. 121.0515(3)(a) may participate in DROP for up to 36 calendar months beyond the 60-month period if he or she enters DROP on or before June 30, 2028.”

While the official application form is being adopted for extended DROP participation by law enforcement officers, an optional form for eligible DROP participants to submit to extend their DROP participation is located on the Forms page of the Division of Retirement's website at [www.frs.myflorida.com](http://www.frs.myflorida.com). Employers will receive a separate certification form for law enforcement officers extending DROP participation to complete until the official form is adopted.

A member must be employed in an eligible position to extend DROP participation and must remain employed in an eligible position for the entire period of extended DROP participation. If the member changes positions to a non-eligible position during the period of DROP extension, the member's retirement and DROP are voided. The member and the employer will be jointly and severally liable for any benefit overpayment to the member.

Employers should report the Special Risk Class position class code for members in Special Risk Class positions during DROP participation and, when applicable, during extended DROP participation. The Division of Retirement is developing additional reporting requirements for extended DROP participation by eligible law enforcement officers. Employers will be notified when these reporting requirements are completed.

### **Employer Contribution Rates**

#### **House Bill 5007 (Chapter 2022-159, Laws of Florida)**

The total employer contribution rates for the 2022-2023 fiscal year that must be paid beginning with payrolls dated on or after July 1, 2022. This information was provided separately in [Information Release 2022-221](#), dated June 3, 2022.

### **Presumption of In-Line-of-Duty Causation for Occupational Disease**

#### **House Bill 453 (Chapter 2022-114, Laws of Florida)**

The bill became effective on July 1, 2022 and provides officer and firefighter physical examination requirements, authorizes the use of a specified physical examination for a presumption, and requires the employing agency to retain records of physical examination for five years after the employee's separation date.

#### **House Bill 689 (Chapter 2022-148, Laws of Florida)**

Effective July 1, 2022, correctional officers are provided a presumption for post-traumatic stress disorder (PTSD) from specified causes as a compensable occupational disease. The workers compensation claim must be properly noticed within 52 weeks after the qualifying event or after the diagnosis, whichever is later.

Effective October 1, 2022, redefines the eligibility period to properly notice a workers compensation claim for PTSD by law enforcement officers, firefighters, emergency medical technicians, and paramedics to be within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

#### **Senate Bill 838 (Chapter 2022-131, Laws of Florida)**

Effective July 1, 2022, expands the definition of "firefighter" in section 112.1816, Florida Statutes, to include full time, Florida-certified fire investigators in the presumption for in-line-of-duty causation and treatment coverage upon diagnosis of one of the 21 specified cancers. If total and permanent disability or death results from one of the 21 specified cancers or treatment of the cancer, there is a presumption of in line of duty causation.

## **Senior Management Service Class Position Designation**

House Bill 7049 (Chapter 2022-103, Laws of Florida)

Effective January 1, 2023, the publishing requirements for legal notices in Chapter 50, Florida Statutes, are amended to include the option of publishing on certain publicly accessible websites under certain circumstances. Chapter 50, Florida Statutes, includes publishing notices for positions being designated for Senior Management Service Class participation by local agency employers.

If you have questions, email the Division of Retirement at [Enrollment@dms.fl.gov](mailto:Enrollment@dms.fl.gov).

AS/gg