

By Senator Clary

4-590-03

See HB 265

1 A bill to be entitled
2 An act relating to public school employment;
3 amending s. 121.021, F.S.; defining the term
4 "average final compensation" for public school
5 members for purposes of the Florida Retirement
6 System; revising retirement requirements for
7 public school members; defining the term
8 "public school member"; amending s. 121.091,
9 F.S.; revising the normal retirement benefit
10 for public school members; revising the early
11 retirement benefit for public school members;
12 expanding authority for reemploying certain
13 retired public school personnel; revising
14 Deferred Retirement Option Program
15 participation requirements for certain public
16 school personnel; providing legislative intent
17 relating to costs attributable to benefit
18 increases for public school members; requiring
19 the Division of Retirement to conduct an
20 actuarial analysis of reciprocal retirement
21 benefits and report to the Legislature;
22 amending s. 1001.43, F.S.; authorizing district
23 school boards to adopt comprehensive benefit
24 packages for school district personnel;
25 amending s. 1012.27, F.S.; authorizing
26 recommendation for reappointment of certain
27 instructional personnel; amending s. 1012.56,
28 F.S.; revising the time period during which
29 teachers holding a temporary certificate must
30 demonstrate mastery of general knowledge;
31 creating s. 1012.597, F.S.; creating executive

1 leadership certification for school principals;
2 amending s. 1012.61, F.S.; revising provisions
3 relating to payment for sick leave for school
4 district personnel; creating s. 1012.987, F.S.;
5 requiring a statewide professional development
6 program for school administrators; providing an
7 effective date.

8 WHEREAS, the Legislature recognizes that there is a
9 shortage of teachers in Florida, and

10 WHEREAS, the Legislature recognizes that to provide a
11 high- quality education to the students in this state, it is
12 necessary to recruit and retain qualified public school
13 instructional personnel and school-based school
14 administrators, and

15 WHEREAS, it is the intent of the Legislature to
16 encourage experienced and caring teachers to remain in the
17 classroom and to attract capable individuals to the education
18 profession, and

19 WHEREAS, it is the intent of the Legislature to provide
20 incentives that are critical to the successful recruitment and
21 retention of talented and effective education leaders, NOW,
22 THEREFORE,

23

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

25

26 Section 1. Subsection (24) of section 121.021, Florida
27 Statutes, is amended, paragraph (e) is added to subsection
28 (29), and subsection (62) is added to that section, to read:

29 121.021 Definitions.--The following words and phrases
30 as used in this chapter have the respective meanings set forth
31 unless a different meaning is plainly required by the context:

1 (24) "Average final compensation" means the average of
2 the 5 highest fiscal years of compensation for creditable
3 service prior to retirement, termination, or death. For
4 in-line-of-duty disability benefits, if less than 5 years of
5 creditable service have been completed, the term "average
6 final compensation" means the average annual compensation of
7 the total number of years of creditable service. With respect
8 to public school members, "average final compensation" means
9 the average of the 3 highest fiscal years of compensation for
10 creditable service prior to retirement, termination, or death.
11 For in-line-of-duty disability benefits, if less than 3 years
12 of creditable service have been completed, the term "average
13 final compensation" means the average annual compensation of
14 the total number of years of creditable service.Each year
15 used in the calculation of average final compensation shall
16 commence on July 1.

17 (a) The average final compensation shall include:
18 1. Accumulated annual leave payments, not to exceed
19 500 hours; and
20 2. All payments defined as compensation in subsection
21 (22).

22 (b) The average final compensation shall not include:
23 1. Compensation paid to professional persons for
24 special or particular services;
25 2. Payments for accumulated sick leave made due to
26 retirement or termination;
27 3. Payments for accumulated annual leave in excess of
28 500 hours;
29 4. Bonuses as defined in subsection (47);
30 5. Third party payments made on and after July 1,
31 1990; or

1 6. Fringe benefits (for example, automobile allowances
2 or housing allowances).

3 (29) "Normal retirement date" means the first day of
4 any month following the date a member attains one of the
5 following statuses:

6 (e) If a public school member, the member:

7 1. Completes 6 or more years of creditable service as
8 a public school member and attains age 55;

9 2. Completes 25 years of creditable service as a
10 public school member, regardless of age; or

11 3. Completes 25 years of creditable service and
12 attains age 55, which service may include a maximum of 4 years
13 of military service credit as long as such credit is not
14 claimed under any other system and the remaining years are
15 served as a public school member.

16

17 "Normal retirement age" is attained on the "normal retirement
18 date."

19 (62) "Public school member means a member of the
20 Florida Retirement System Regular Class who is employed by a
21 district school system, a public charter school, or the
22 Florida School for the Deaf and the Blind and who is
23 classified as instructional personnel as defined in s.
24 1012.01(2) or as a school-based school administrator as
25 defined in s. 1012.01(3)(c).

26 Section 2. Subsections (1) and (3), paragraph (b) of
27 subsection (9), and paragraph (a) of subsection (13) of
28 section 121.091, Florida Statutes, are amended to read:

29 121.091 Benefits payable under the system.--Benefits
30 may not be paid under this section unless the member has
31 terminated employment as provided in s. 121.021(39)(a) or

1 begun participation in the Deferred Retirement Option Program
2 as provided in subsection (13), and a proper application has
3 been filed in the manner prescribed by the department. The
4 department may cancel an application for retirement benefits
5 when the member or beneficiary fails to timely provide the
6 information and documents required by this chapter and the
7 department's rules. The department shall adopt rules
8 establishing procedures for application for retirement
9 benefits and for the cancellation of such application when the
10 required information or documents are not received.

11 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or
12 her normal retirement date, the member, upon application to
13 the administrator, shall receive a monthly benefit which shall
14 begin to accrue on the first day of the month of retirement
15 and be payable on the last day of that month and each month
16 thereafter during his or her lifetime. The normal retirement
17 benefit, including any past or additional retirement credit,
18 may not exceed 100 percent of the average final compensation.
19 The amount of monthly benefit shall be calculated as the
20 product of A and B, subject to the adjustment of C, if
21 applicable, as set forth below:

22 (a)1.a. For creditable years of Regular Class service,
23 A is 1.60 percent of the member's average final compensation,
24 up to the member's normal retirement date. Upon completion of
25 the first year after the normal retirement date, A is 1.63
26 percent of the member's average final compensation. Following
27 the second year after the normal retirement date, A is 1.65
28 percent of the member's average final compensation. Following
29 the third year after the normal retirement date, and for
30 subsequent years, A is 1.68 percent of the member's average
31 final compensation.

1 b. For creditable years of Regular Class service,
2 public school members shall have A determined under the
3 provisions of sub-subparagraph 1.a. for service up to the
4 "applicability date," and for service earned after the
5 "applicability date," A is 1.60 percent of the member's
6 average final compensation for the first 6 years of public
7 school service, A is 1.73 percent of the member's average
8 final compensation for the second 6 years of public school
9 service, A is 1.86 percent of the member's average final
10 compensation for the third 6 years of public school service,
11 and A is 2 percent of the member's average final compensation
12 for 19 or more years of public school service. As used in
13 this sub-subparagraph, the term "applicability date" means
14 July 1, 2003, adjusted as follows: for each year of creditable
15 service as a public school member earned after the
16 applicability date, 2 years will be subtracted from the
17 applicability date up to a maximum of 18 years.

18 2. For creditable years of special risk service, A is:

19 a. Two percent of the member's average final
20 compensation for all creditable years prior to October 1,
21 1974;

22 b. Three percent of the member's average final
23 compensation for all creditable years after September 30,
24 1974, and before October 1, 1978;

25 c. Two percent of the member's average final
26 compensation for all creditable years after September 30,
27 1978, and before January 1, 1989;

28 d. Two and two-tenths percent of the member's final
29 monthly compensation for all creditable years after December
30 31, 1988, and before January 1, 1990;

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1 e. Two and four-tenths percent of the member's average
2 final compensation for all creditable years after December 31,
3 1989, and before January 1, 1991;

4 f. Two and six-tenths percent of the member's average
5 final compensation for all creditable years after December 31,
6 1990, and before January 1, 1992;

7 g. Two and eight-tenths percent of the member's
8 average final compensation for all creditable years after
9 December 31, 1991, and before January 1, 1993;

10 h. Three percent of the member's average final
11 compensation for all creditable years after December 31, 1992;
12 and

13 i. Three percent of the member's average final
14 compensation for all creditable years of service after
15 September 30, 1978, and before January 1, 1993, for any
16 special risk member who retires after July 1, 2000, or any
17 member of the Special Risk Administrative Support Class
18 entitled to retain the special risk normal retirement date who
19 was a member of the Special Risk Class during the time period
20 and who retires after July 1, 2000.

21 3. For creditable years of Senior Management Service
22 Class service after January 31, 1987, A is 2 percent;

23 4. For creditable years of Elected Officers' Class
24 service as a Supreme Court Justice, district court of appeal
25 judge, circuit judge, or county court judge, A is $31/3$ percent
26 of the member's average final compensation, and for all other
27 creditable service in such class, A is 3 percent of average
28 final compensation;

29 (b) B is the number of the member's years and any
30 fractional part of a year of creditable service earned
31 subsequent to November 30, 1970; and

1 (c) C is the normal retirement benefit credit brought
2 forward as of November 30, 1970, by a former member of an
3 existing system. Such normal retirement benefit credit shall
4 be determined as the product of X and Y when X is the
5 percentage of average final compensation which the member
6 would have been eligible to receive if the member had attained
7 his or her normal retirement date as of November 30, 1970, all
8 in accordance with the existing system under which the member
9 is covered on November 30, 1970, and Y is average final
10 compensation as defined in s. 121.021(25). However, any member
11 of an existing retirement system who is eligible to retire and
12 who does retire, become disabled, or die prior to April 15,
13 1971, may have his or her retirement benefits calculated on
14 the basis of the best 5 of the last 10 years of service.

15 (d) A member's average final compensation shall be
16 determined by formula to obtain the coverage for the 5 highest
17 fiscal years' salaries, calculated as provided by rule.

18 (3) EARLY RETIREMENT BENEFIT.--Upon retirement on his
19 or her early retirement date, the member shall receive an
20 immediate monthly benefit that shall begin to accrue on the
21 first day of the month of the retirement date and be payable
22 on the last day of that month and each month thereafter during
23 his or her lifetime. Such benefit shall be calculated as
24 follows:

25 (a) The amount of each monthly payment shall be
26 computed in the same manner as for a normal retirement
27 benefit, in accordance with subsection (1), but shall be based
28 on the member's average monthly compensation and creditable
29 service as of the member's early retirement date. The benefit
30 so computed shall be reduced by five-twelfths of 1 percent for
31 each complete month by which the early retirement date

1 precedes the normal retirement date of age 62 for a member of
2 the Regular Class, Senior Management Service Class, or the
3 Elected Officers' Class, and age 55 for a public school member
4 or a member of the Special Risk Class, or age 52 if a public
5 school member or a Special Risk member has completed 25 years
6 of creditable service in accordance with s. 121.021(29)~~(b)3~~.

7 (b) If the employment of a member is terminated by
8 reason of death subsequent to the completion of 20 years of
9 creditable service, the monthly benefit payable to the
10 member's beneficiary shall be calculated in accordance with
11 subsection (1), but shall be based on average monthly
12 compensation and creditable service as of the date of death.
13 The benefit so computed shall be reduced by five-twelfths of 1
14 percent for each complete month by which death precedes the
15 normal retirement date specified above or the date on which
16 the member would have attained 30 years of creditable service
17 had he or she survived and continued his or her employment,
18 whichever provides a higher benefit.

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

20 (b)1. Any person who is retired under this chapter,
21 except under the disability retirement provisions of
22 subsection (4), may be reemployed by any private or public
23 employer after retirement and receive retirement benefits and
24 compensation from his or her employer without any limitations,
25 except that a person may not receive both a salary from
26 reemployment with any agency participating in the Florida
27 Retirement System and retirement benefits under this chapter
28 for a period of 12 months immediately subsequent to the date
29 of retirement. However, a DROP participant shall continue
30 employment and receive a salary during the period of

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1 participation in the Deferred Retirement Option Program, as
2 provided in subsection (13).

3 2. Any person to whom the limitation in subparagraph
4 1. applies who violates such reemployment limitation and who
5 is reemployed with any agency participating in the Florida
6 Retirement System before completion of the 12-month limitation
7 period shall give timely notice of this fact in writing to the
8 employer and to the division and shall have his or her
9 retirement benefits suspended for the balance of the 12-month
10 limitation period. Any person employed in violation of this
11 paragraph and any employing agency which knowingly employs or
12 appoints such person without notifying the Division of
13 Retirement to suspend retirement benefits shall be jointly and
14 severally liable for reimbursement to the retirement trust
15 fund of any benefits paid during the reemployment limitation
16 period. To avoid liability, such employing agency shall have a
17 written statement from the retiree that he or she is not
18 retired from a state-administered retirement system. Any
19 retirement benefits received while reemployed during this
20 reemployment limitation period shall be repaid to the
21 retirement trust fund, and retirement benefits shall remain
22 suspended until such repayment has been made. Benefits
23 suspended beyond the reemployment limitation shall apply
24 toward repayment of benefits received in violation of the
25 reemployment limitation.

26 3. A district school board may reemploy a retired
27 member as an ~~a substitute or hourly teacher,~~ education
28 paraprofessional, transportation assistant, bus driver, or
29 food service worker on a noncontractual basis after he or she
30 has been retired for 1 calendar month, in accordance with s.
31 121.021(39). A district school board may reemploy a retired

1 member as instructional personnel as defined in s.
2 1012.01(2)(a) or as a school-based school administrator as
3 defined in s. 1012.01(3)(c), on an annual contractual basis,
4 after he or she has been retired for 1 calendar month, in
5 accordance with s. 121.021(39).Any retired member who is
6 reemployed within 1 calendar month after retirement shall void
7 his or her application for retirement benefits. District
8 school boards reemploying such teachers, education
9 paraprofessionals, transportation assistants, bus drivers, or
10 food service workers are subject to the retirement
11 contribution required by subparagraph 7. ~~Reemployment of a~~
12 ~~retired member as a substitute or hourly teacher, education~~
13 ~~paraprofessional, transportation assistant, bus driver, or~~
14 ~~food service worker is limited to 780 hours during the first~~
15 ~~12 months of his or her retirement. Any retired member~~
16 ~~reemployed for more than 780 hours during his or her first 12~~
17 ~~months of retirement shall give timely notice in writing to~~
18 ~~the employer and to the division of the date he or she will~~
19 ~~exceed the limitation. The division shall suspend his or her~~
20 ~~retirement benefits for the remainder of the first 12 months~~
21 ~~of retirement. Any person employed in violation of this~~
22 ~~subparagraph and any employing agency which knowingly employs~~
23 ~~or appoints such person without notifying the Division of~~
24 ~~Retirement to suspend retirement benefits shall be jointly and~~
25 ~~severally liable for reimbursement to the retirement trust~~
26 ~~fund of any benefits paid during the reemployment limitation~~
27 ~~period. To avoid liability, such employing agency shall have a~~
28 ~~written statement from the retiree that he or she is not~~
29 ~~retired from a state-administered retirement system. Any~~
30 ~~retirement benefits received by a retired member while~~
31 ~~reemployed in excess of 780 hours during the first 12 months~~

1 ~~of retirement shall be repaid to the Retirement System Trust~~
2 ~~Fund, and his or her retirement benefits shall remain~~
3 ~~suspended until repayment is made. Benefits suspended beyond~~
4 ~~the end of the retired member's first 12 months of retirement~~
5 ~~shall apply toward repayment of benefits received in violation~~
6 ~~of the 780-hour reemployment limitation.~~

7 4. A community college board of trustees may reemploy
8 a retired member as an adjunct instructor, that is, an
9 instructor who is noncontractual and part-time, or as a
10 participant in a phased retirement program within the Florida
11 Community College System, after he or she has been retired for
12 1 calendar month, in accordance with s. 121.021(39). Any
13 retired member who is reemployed within 1 calendar month after
14 retirement shall void his or her application for retirement
15 benefits. Boards of trustees reemploying such instructors are
16 subject to the retirement contribution required in
17 subparagraph 7. A retired member may be reemployed as an
18 adjunct instructor for no more than 780 hours during the first
19 12 months of retirement. Any retired member reemployed for
20 more than 780 hours during the first 12 months of retirement
21 shall give timely notice in writing to the employer and to the
22 division of the date he or she will exceed the limitation. The
23 division shall suspend his or her retirement benefits for the
24 remainder of the first 12 months of retirement. Any person
25 employed in violation of this subparagraph and any employing
26 agency which knowingly employs or appoints such person without
27 notifying the Division of Retirement to suspend retirement
28 benefits shall be jointly and severally liable for
29 reimbursement to the retirement trust fund of any benefits
30 paid during the reemployment limitation period. To avoid
31 liability, such employing agency shall have a written

1 statement from the retiree that he or she is not retired from
2 a state-administered retirement system. Any retirement
3 benefits received by a retired member while reemployed in
4 excess of 780 hours during the first 12 months of retirement
5 shall be repaid to the Retirement System Trust Fund, and
6 retirement benefits shall remain suspended until repayment is
7 made. Benefits suspended beyond the end of the retired
8 member's first 12 months of retirement shall apply toward
9 repayment of benefits received in violation of the 780-hour
10 reemployment limitation.

11 5. The State University System may reemploy a retired
12 member as an adjunct faculty member or as a participant in a
13 phased retirement program within the State University System
14 after the retired member has been retired for 1 calendar
15 month, in accordance with s. 121.021(39). Any retired member
16 who is reemployed within 1 calendar month after retirement
17 shall void his or her application for retirement benefits. The
18 State University System is subject to the retired contribution
19 required in subparagraph 7., as appropriate. A retired member
20 may be reemployed as an adjunct faculty member or a
21 participant in a phased retirement program for no more than
22 780 hours during the first 12 months of his or her retirement.
23 Any retired member reemployed for more than 780 hours during
24 the first 12 months of retirement shall give timely notice in
25 writing to the employer and to the division of the date he or
26 she will exceed the limitation. The division shall suspend his
27 or her retirement benefits for the remainder of the first 12
28 months of retirement. Any person employed in violation of this
29 subparagraph and any employing agency which knowingly employs
30 or appoints such person without notifying the Division of
31 Retirement to suspend retirement benefits shall be jointly and

1 severally liable for reimbursement to the retirement trust
2 fund of any benefits paid during the reemployment limitation
3 period. To avoid liability, such employing agency shall have a
4 written statement from the retiree that he or she is not
5 retired from a state-administered retirement system. Any
6 retirement benefits received by a retired member while
7 reemployed in excess of 780 hours during the first 12 months
8 of retirement shall be repaid to the Retirement System Trust
9 Fund, and retirement benefits shall remain suspended until
10 repayment is made. Benefits suspended beyond the end of the
11 retired member's first 12 months of retirement shall apply
12 toward repayment of benefits received in violation of the
13 780-hour reemployment limitation.

14 6. The Board of Trustees of the Florida School for the
15 Deaf and the Blind may reemploy a retired member as a
16 substitute teacher, substitute residential instructor, or
17 substitute nurse on a noncontractual basis after he or she has
18 been retired for 1 calendar month, in accordance with s.
19 121.021(39). Any retired member who is reemployed within 1
20 calendar month after retirement shall void his or her
21 application for retirement benefits. The Board of Trustees of
22 the Florida School for the Deaf and the Blind reemploying such
23 teachers, residential instructors, or nurses is subject to the
24 retirement contribution required by subparagraph 7.
25 Reemployment of a retired member as a substitute teacher,
26 substitute residential instructor, or substitute nurse is
27 limited to 780 hours during the first 12 months of his or her
28 retirement. Any retired member reemployed for more than 780
29 hours during the first 12 months of retirement shall give
30 timely notice in writing to the employer and to the division
31 of the date he or she will exceed the limitation. The division

1 shall suspend his or her retirement benefits for the remainder
2 of the first 12 months of retirement. Any person employed in
3 violation of this subparagraph and any employing agency which
4 knowingly employs or appoints such person without notifying
5 the Division of Retirement to suspend retirement benefits
6 shall be jointly and severally liable for reimbursement to the
7 retirement trust fund of any benefits paid during the
8 reemployment limitation period. To avoid liability, such
9 employing agency shall have a written statement from the
10 retiree that he or she is not retired from a
11 state-administered retirement system. Any retirement benefits
12 received by a retired member while reemployed in excess of 780
13 hours during the first 12 months of retirement shall be repaid
14 to the Retirement System Trust Fund, and his or her retirement
15 benefits shall remain suspended until payment is made.
16 Benefits suspended beyond the end of the retired member's
17 first 12 months of retirement shall apply toward repayment of
18 benefits received in violation of the 780-hour reemployment
19 limitation.

20 7. The employment by an employer of any retiree or
21 DROP participant of any state-administered retirement system
22 shall have no effect on the average final compensation or
23 years of creditable service of the retiree or DROP
24 participant. Prior to July 1, 1991, upon employment of any
25 person, other than an elected officer as provided in s.
26 121.053, who has been retired under any state-administered
27 retirement program, the employer shall pay retirement
28 contributions in an amount equal to the unfunded actuarial
29 liability portion of the employer contribution which would be
30 required for regular members of the Florida Retirement System.
31 Effective July 1, 1991, contributions shall be made as

1 provided in s. 121.122 for retirees with renewed membership or
2 subsection (13) with respect to DROP participants.

3 8. Any person who has previously retired and who is
4 holding an elective public office or an appointment to an
5 elective public office eligible for the Elected Officers'
6 Class on or after July 1, 1990, shall be enrolled in the
7 Florida Retirement System as provided in s. 121.053(1)(b) or,
8 if holding an elective public office that does not qualify for
9 the Elected Officers' Class on or after July 1, 1991, shall be
10 enrolled in the Florida Retirement System as provided in s.
11 121.122, and shall continue to receive retirement benefits as
12 well as compensation for the elected officer's service for as
13 long as he or she remains in elective office. However, any
14 retired member who served in an elective office prior to July
15 1, 1990, suspended his or her retirement benefit, and had his
16 or her Florida Retirement System membership reinstated shall,
17 upon retirement from such office, have his or her retirement
18 benefit recalculated to include the additional service and
19 compensation earned.

20 9. Any person who is holding an elective public office
21 which is covered by the Florida Retirement System and who is
22 concurrently employed in nonelected covered employment may
23 elect to retire while continuing employment in the elective
24 public office, provided that he or she shall be required to
25 terminate his or her nonelected covered employment. Any person
26 who exercises this election shall receive his or her
27 retirement benefits in addition to the compensation of the
28 elective office without regard to the time limitations
29 otherwise provided in this subsection. No person who seeks to
30 exercise the provisions of this subparagraph, as the same
31 existed prior to May 3, 1984, shall be deemed to be retired

1 under those provisions, unless such person is eligible to
2 retire under the provisions of this subparagraph, as amended
3 by chapter 84-11, Laws of Florida.

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

8 11. An employing agency may reemploy a retired member
9 as a firefighter or paramedic after the retired member has
10 been retired for 1 calendar month, in accordance with s.
11 121.021(39). Any retired member who is reemployed within 1
12 calendar month after retirement shall void his or her
13 application for retirement benefits. The employing agency
14 reemploying such firefighter or paramedic is subject to the
15 retired contribution required in subparagraph 8. Reemployment
16 of a retired firefighter or paramedic is limited to no more
17 than 780 hours during the first 12 months of his or her
18 retirement. Any retired member reemployed for more than 780
19 hours during the first 12 months of retirement shall give
20 timely notice in writing to the employer and to the division
21 of the date he or she will exceed the limitation. The division
22 shall suspend his or her retirement benefits for the remainder
23 of the first 12 months of retirement. Any person employed in
24 violation of this subparagraph and any employing agency which
25 knowingly employs or appoints such person without notifying
26 the Division of Retirement to suspend retirement benefits
27 shall be jointly and severally liable for reimbursement to the
28 Retirement System Trust Fund of any benefits paid during the
29 reemployment limitation period. To avoid liability, such
30 employing agency shall have a written statement from the
31 retiree that he or she is not retired from a

1 state-administered retirement system. Any retirement benefits
2 received by a retired member while reemployed in excess of 780
3 hours during the first 12 months of retirement shall be repaid
4 to the Retirement System Trust Fund, and retirement benefits
5 shall remain suspended until repayment is made. Benefits
6 suspended beyond the end of the retired member's first 12
7 months of retirement shall apply toward repayment of benefits
8 received in violation of the 780-hour reemployment limitation.

9 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
10 and subject to the provisions of this section, the Deferred
11 Retirement Option Program, hereinafter referred to as the
12 DROP, is a program under which an eligible member of the
13 Florida Retirement System may elect to participate, deferring
14 receipt of retirement benefits while continuing employment
15 with his or her Florida Retirement System employer. The
16 deferred monthly benefits shall accrue in the System Trust
17 Fund on behalf of the participant, plus interest compounded
18 monthly, for the specified period of the DROP participation,
19 as provided in paragraph (c). Upon termination of employment,
20 the participant shall receive the total DROP benefits and
21 begin to receive the previously determined normal retirement
22 benefits. Participation in the DROP does not guarantee
23 employment for the specified period of DROP.

24 (a) Eligibility of member to participate in the
25 DROP.--All active Florida Retirement System members in a
26 regularly established position, and all active members of
27 either the Teachers' Retirement System established in chapter
28 238 or the State and County Officers' and Employees'
29 Retirement System established in chapter 122 which systems are
30 consolidated within the Florida Retirement System under s.

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1 121.011, are eligible to elect participation in the DROP
2 provided that:

3 1. The member is not a renewed member of the Florida
4 Retirement System under s. 121.122, or a member of the State
5 Community College System Optional Retirement Program under s.
6 121.051, the Senior Management Service Optional Annuity
7 Program under s. 121.055, or the optional retirement program
8 for the State University System under s. 121.35.

9 2. Except as provided in subparagraph 6., election to
10 participate is made within 12 months immediately following the
11 date on which the member first reaches normal retirement date,
12 or, for a member who reaches normal retirement date based on
13 service before he or she reaches age 62, or age 55 for Special
14 Risk Class members, election to participate may be deferred to
15 the 12 months immediately following the date the member
16 attains 57, or age 52 for Special Risk Class members. For a
17 member who first reached normal retirement date or the
18 deferred eligibility date described above prior to the
19 effective date of this section, election to participate shall
20 be made within 12 months after the effective date of this
21 section. A member who fails to make an election within such
22 12-month limitation period shall forfeit all rights to
23 participate in the DROP. The member shall advise his or her
24 employer and the division in writing of the date on which the
25 DROP shall begin. Such beginning date may be subsequent to the
26 12-month election period, but must be within the 60-month
27 limitation period as provided in subparagraph (b)1. When
28 establishing eligibility of the member to participate in the
29 DROP for the 60-month maximum participation period, the member
30 may elect to include or exclude any optional service credit
31 purchased by the member from the total service used to

1 establish the normal retirement date. A member with dual
2 normal retirement dates shall be eligible to elect to
3 participate in DROP within 12 months after attaining normal
4 retirement date in either class.

5 3. The employer of a member electing to participate in
6 the DROP, or employers if dually employed, shall acknowledge
7 in writing to the division the date the member's participation
8 in the DROP begins and the date the member's employment and
9 DROP participation will terminate.

10 4. Simultaneous employment of a participant by
11 additional Florida Retirement System employers subsequent to
12 the commencement of participation in the DROP shall be
13 permissible provided such employers acknowledge in writing a
14 DROP termination date no later than the participant's existing
15 termination date or the 60-month limitation period as provided
16 in subparagraph (b)1.

17 5. A DROP participant may change employers while
18 participating in the DROP, subject to the following:

19 a. A change of employment must take place without a
20 break in service so that the member receives salary for each
21 month of continuous DROP participation. If a member receives
22 no salary during a month, DROP participation shall cease
23 unless the employer verifies a continuation of the employment
24 relationship for such participant pursuant to s.
25 121.021(39)(b).

26 b. Such participant and new employer shall notify the
27 division on forms required by the division as to the identity
28 of the new employer.

29 c. The new employer shall acknowledge, in writing, the
30 participant's DROP termination date, which may be extended but
31 not beyond the original 60-month period provided in

1 subparagraph (b)1., shall acknowledge liability for any
2 additional retirement contributions and interest required if
3 the participant fails to timely terminate employment, and
4 shall be subject to the adjustment required in
5 sub-subparagraph (c)5.d.

6 6. Effective July 1, 2003 ~~2001~~, for instructional
7 personnel as defined in s. 1012.01(2) and school-based school
8 administrators as defined in s. 1012.01(3)(c), election to
9 participate in the DROP shall be made at any time following
10 the date on which the member completes 25 years of service as
11 a public school member of the Florida Retirement System first
12 ~~reaches normal retirement date~~. The member shall advise his or
13 her employer and the division in writing of the date on which
14 the Deferred Retirement Option Program shall begin.
15 Notwithstanding any other provision of this subsection,
16 instructional personnel and school-based school administrators
17 may continue to participate in the DROP beyond the 60-month
18 maximum participation period, as provided in subparagraph
19 (b)1., with the written consent of the employing district
20 school board.~~When establishing eligibility of the member to~~
21 ~~participate in the DROP for the 60-month maximum participation~~
22 ~~period, as provided in subparagraph (b)1.,~~The member may
23 elect to include or exclude any optional service credit
24 purchased by the member from the total service used to
25 establish the normal retirement date. A member with dual
26 normal retirement dates shall be eligible to elect to
27 participate in either class.

28 Section 3. It is the intent of the Legislature that
29 costs attributable to benefit increases for Regular Class
30 public school members shall be funded by recognition of lump
31

1 sums from the excess actuarial assets of the Florida
2 Retirement System Trust Fund as follows:

3 (1) For fiscal year 2003-2004, the lump sum to be
4 recognized shall be the lesser of:

5 (a) The amount available under the rate stabilization
6 mechanism described in section 121.031, Florida Statutes; or

7 (b) The amount needed to pay the annual cost
8 attributable to the increased benefit accrual rate for public
9 school members. The annual cost shall consist of the increase
10 in normal cost for public school members plus payment of the
11 30-year amortization amount of the increase in the actuarial
12 accrued liability attributable to the increase, equal to 2.51
13 percent of the public school member payroll or \$212 million
14 for fiscal year 2003-2004.

15
16 If, after the recognition of excess actuarial assets pursuant
17 to this subsection, there remains an unfunded cost, the
18 contribution rate applicable to public school members shall be
19 increased by the difference between the annual cost and the
20 amount provided by the excess actuarial assets, unless the
21 Legislature provides an alternative funding mechanism.

22 (2) For fiscal years 2004-2005 and thereafter, the
23 Legislature shall, as provided in subsection (1), continue to
24 fund on an ongoing basis the annual cost attributable to the
25 formula improvements.

26 Section 4. The Division of Retirement shall conduct an
27 actuarial analysis of the effect of authorizing personnel
28 classified pursuant to section 1012.01(2)(a) or (3)(c),
29 Florida Statutes, to transfer retirement benefits accrued
30 through the defined benefit component of the Florida
31 Retirement System to out-of-state governmental entities, as

1 well as the effect of authorizing such personnel to transfer
2 retirement benefits from out-of-state governmental entities to
3 the defined benefit component or the defined contribution
4 component, or both, of the Florida Retirement System. The
5 analysis shall include recommendations for statutory revision
6 to enable reciprocal transfer of retirement benefits, if
7 deemed to be feasible. The analysis must be transmitted to the
8 President of the Senate, the Speaker of the House of
9 Representatives, and the majority and minority leaders of the
10 Senate and the House of Representatives on or before December
11 31, 2003.

12 Section 5. Subsection (11) of section 1001.43, Florida
13 Statutes, is amended to read:

14 1001.43 Supplemental powers and duties of district
15 school board.--The district school board may exercise the
16 following supplemental powers and duties as authorized by this
17 code or State Board of Education rule.

18 (11) PERSONNEL.--The district school board may adopt
19 policies and procedures necessary for the management of all
20 personnel of the school system. The district school board may
21 adopt policies for the provision of comprehensive benefit
22 packages to personnel of the district school system.

23 Section 6. Subsection (1) of section 1012.27, Florida
24 Statutes, is amended to read:

25 1012.27 Public school personnel; powers and duties of
26 district school superintendent.--The district school
27 superintendent shall be responsible, as required herein, for
28 directing the work of the personnel, subject to the
29 requirements of this chapter, and in addition the district
30 school superintendent shall have the following duties:

31 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

1 (a) Recommend to the district school board duties and
2 responsibilities which need to be performed and positions
3 which need to be filled to make possible the development of an
4 adequate school program in the district.

5 (b) Recommend minimum qualifications of personnel for
6 these various positions, and nominate in writing persons to
7 fill such positions.

8
9 The district school superintendent's recommendations for
10 filling instructional positions at the school level must
11 consider nominations received from school principals of the
12 respective schools. Before transferring a teacher who holds a
13 professional teaching certificate from one school to another,
14 the district school superintendent shall consult with the
15 principal of the receiving school and allow the principal to
16 review the teacher's records and interview the teacher. If, in
17 the judgment of the principal, students would not benefit from
18 the placement, an alternative placement may be sought. A
19 district school superintendent may recommend district school
20 board reappointment of instructional personnel who do not meet
21 the requirements of s. 1012.56(3). Such recommendation must
22 be limited to instructional personnel whose students
23 demonstrate annual learning gains toward achieving the
24 Sunshine State Standards appropriate for the student's grade
25 level, who maintain appropriate classroom discipline, who
26 demonstrate adequate subject matter knowledge, who
27 successfully plan and deliver instruction that incorporates
28 the appropriate use of technology, who successfully evaluate
29 student instructional needs, and who foster positive
30 collaborative relationships with students' families to
31 increase the respective student's achievement.

1 Section 7. Subsection (6) of section 1012.56, Florida
2 Statutes, is amended to read:

3 1012.56 Educator certification requirements.--

4 (6) TYPES AND TERMS OF CERTIFICATION.--

5 (a) The Department of Education shall issue a
6 professional certificate for a period not to exceed 5 years to
7 any applicant who meets all the requirements outlined in
8 subsection (2).

9 (b) The department shall issue a temporary certificate
10 to any applicant who completes the requirements outlined in
11 paragraphs (2)(a)-(f) and completes the subject area content
12 requirements specified in state board rule or demonstrates
13 mastery of subject area knowledge pursuant to subsection (4)
14 and holds an accredited degree or a degree approved by the
15 Department of Education at the level required for the subject
16 area specialization in state board rule.

17 (c) The department shall issue one nonrenewable 2-year
18 temporary certificate and one nonrenewable 5-year professional
19 certificate to a qualified applicant who holds a bachelor's
20 degree in the area of speech-language impairment to allow for
21 completion of a master's degree program in speech-language
22 impairment.

23
24 Each temporary certificate is valid for 3 school fiscal years
25 and is nonrenewable. ~~However, the requirement in paragraph~~
26 ~~(2)(g) must be met within 1 calendar year of the date of~~
27 ~~employment under the temporary certificate. Individuals who~~
28 ~~are employed under contract at the end of the 1 calendar year~~
29 ~~time period may continue to be employed through the end of the~~
30 ~~school year in which they have been contracted. A school~~
31 ~~district shall not employ, or continue the employment of, an~~

1 ~~individual in a position for which a temporary certificate is~~
2 ~~required beyond this time period if the individual has not met~~
3 ~~the requirement of paragraph (2)(g).~~The State Board of
4 Education shall adopt rules to allow the department to extend
5 the validity period of a temporary certificate for 2 years
6 when the requirements for the professional certificate, ~~not~~
7 ~~including the requirement in paragraph (2)(g),~~were not
8 completed due to the serious illness or injury of the
9 applicant or other extraordinary extenuating circumstances.
10 The department shall reissue the temporary certificate for 2
11 additional years upon approval by the Commissioner of
12 Education. A written request for reissuance of the certificate
13 shall be submitted by the district school superintendent, the
14 governing authority of a university lab school, the governing
15 authority of a state-supported school, or the governing
16 authority of a private school.

17 Section 8. Section 1012.597, Florida Statutes, is
18 created to read:

19 1012.597 Executive leadership certification for school
20 principals.--The State Board of Education must adopt rules
21 through which school principals and assistant principals may
22 earn executive leadership certification. The foundation for
23 such certification must derive from performance on a statewide
24 leadership assessment instrument, customer satisfaction
25 inventories, and student achievement indicators.
26 Certification, including the statewide leadership assessment
27 instrument, must be developed in conjunction with school
28 principals, district school superintendents, and district
29 school board members. The State Board of Education must
30 designate incentives available to personnel who earn executive
31 leadership certification, including, but not limited to, merit

1 pay, expanded discretionary spending flexibility, relaxed
2 regulation or reporting requirements, additional professional
3 development resources, and public recognition.

4 Section 9. Paragraph (a) of subsection (2) of section
5 1012.61, Florida Statutes, is amended to read:

6 1012.61 Sick leave.--

7 (2) PROVISIONS GOVERNING SICK LEAVE.--The following
8 provisions shall govern sick leave:

9 (a) Extent of leave.--

10 1. Each member of the instructional staff employed on
11 a full-time basis is entitled to 4 days of sick leave as of
12 the first day of employment of each contract year and shall
13 thereafter earn 1 day of sick leave for each month of
14 employment, which shall be credited to the member at the end
15 of that month and which may not be used before it is earned
16 and credited to the member. Each other employee shall be
17 credited with 4 days of sick leave at the end of the first
18 month of employment of each contract year and shall thereafter
19 be credited for 1 day of sick leave for each month of
20 employment, which shall be credited to the employee at the end
21 of the month and which may not be used before it is earned and
22 credited to the employee. However, each member of the
23 instructional staff and each other employee is entitled to
24 earn no more than 1 day of sick leave times the number of
25 months of employment during the year of employment. If the
26 employee terminates his or her employment and has not accrued
27 the 4 days of sick leave available to him or her, the district
28 school board may withhold the average daily amount for the
29 days of sick leave used but unearned by the employee. Such
30 leave may be taken only when necessary because of sickness as
31 prescribed in this section. The sick leave shall be cumulative

1 from year to year. There shall be no limit on the number of
2 days of sick leave which a member of the instructional staff
3 or an educational support employee may accrue, except that at
4 least one-half of this cumulative leave must be established
5 within the district granting such leave.

6 2. A district school board may establish policies and
7 prescribe standards to permit an employee to be absent 6 days
8 each school year for personal reasons. However, such absences
9 for personal reasons must be charged only to accrued sick
10 leave, and leave for personal reasons is noncumulative.

11 3. District school boards may adopt rules permitting
12 the annual payment for accumulated sick leave that is earned
13 for that year and that is unused at the end of the school
14 year, based on the daily rate of pay of the employee
15 multiplied by up to 80 percent. Days for which such payment is
16 received shall be deducted from the accumulated leave balance.
17 ~~Such annual payment may apply only to instructional staff and~~
18 ~~educational support employees.~~

19 4. A district school board may establish policies to
20 provide terminal pay for accumulated sick leave to
21 instructional staff and educational support employees of the
22 district school board. If termination of employment is by
23 death of the employee, any terminal pay to which the employee
24 may have been entitled may be made to his or her beneficiary.
25 However, such terminal pay may not exceed an amount determined
26 as follows:

27 a. During the first 3 years of service, the daily rate
28 of pay multiplied by 35 percent times the number of days of
29 accumulated sick leave.

30
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1 b. During the next 3 years of service, the daily rate
2 of pay multiplied by 40 percent times the number of days of
3 accumulated sick leave.

4 c. During the next 3 years of service, the daily rate
5 of pay multiplied by 45 percent times the number of days of
6 accumulated sick leave.

7 d. During the next 3 years of service, the daily rate
8 of pay multiplied by 50 percent times the number of days of
9 accumulated sick leave.

10 e. During and after the 13th year of service, the
11 daily rate of pay multiplied by 100 percent times the number
12 of days of accumulated sick leave.

13 5. A district school board may establish policies to
14 provide terminal pay for accumulated sick leave to any
15 full-time employee of the district school board other than
16 instructional staff or educational support employees as
17 defined in this section. If termination of the employee is by
18 death of the employee, any terminal pay to which the employee
19 may have been entitled may be made to the employee's
20 beneficiary.

21 ~~a. Terminal pay may not exceed one-fourth of all~~
22 ~~unused sick leave accumulated on or after July 1, 2001, and~~
23 ~~may not exceed a maximum of 60 days of actual payment. This~~
24 ~~limit does not impair any contractual agreement established~~
25 ~~before July 1, 2001; however, a previously established~~
26 ~~contract renewed on or after July 1, 2001, constitutes a new~~
27 ~~contract.~~

28 ~~b. For unused sick leave accumulated before July 1,~~
29 ~~2001, terminal payment shall be made pursuant to a district~~
30 ~~school board's policies, contracts, or rules that are in~~
31 ~~effect on June 30, 2001.~~

1 ~~c. If an employee has an accumulated sick leave~~
2 ~~balance of 60 days of actual payment or more prior to July 1,~~
3 ~~2001, sick leave earned after that date may not be accumulated~~
4 ~~for terminal pay purposes until the accumulated leave balance~~
5 ~~for leave earned before July 1, 2001, is less than 60 days.~~

6 Section 10. Section 1012.987, Florida Statutes, is
7 created to read:

8 1012.987 Professional development for school
9 administrators.--The Department of Education must develop a
10 comprehensive, statewide program of continuing education for
11 school administrators. Such professional development program
12 must be available to school administrators through
13 professional development conferences and workshops, distance
14 instruction, mentorship activities with school administrators
15 who have earned executive leadership certification, and
16 approved postsecondary instruction. The professional
17 development program must include information related to best
18 administrative practices, the implications of statewide
19 initiatives for school administrators, resources available to
20 school administrators for the diagnosis of school performance
21 and corresponding strategic planning, and other issues
22 recommended by school principals and district school
23 superintendents. The Secretary of Education must establish an
24 advisory council composed primarily of school principals and
25 assistant principals representing elementary schools, middle
26 or junior high schools, and high schools to make
27 recommendations regarding the content and delivery of the
28 professional development program for school administrators.
29 The Secretary of Education must annually recommend specific
30 funding to implement statewide professional development for
31 school administrators.

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Section 11. This act shall take effect July 1, 2003.