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A bill to be entitled  
 An act relating to public school employment; amending s. 121.021, F.S.; defining the term "average final compensation" for public school members for purposes of the Florida Retirement System; revising retirement requirements for public school members; defining the term "public school member"; amending s. 121.091, F.S.; revising the normal retirement benefit for public school members; revising the early retirement benefit for public school members; expanding authority for reemploying certain retired public school personnel; revising Deferred Retirement Option Program participation requirements for certain public school personnel; providing legislative intent relating to costs attributable to benefit increases for public school members; requiring the Division of Retirement to conduct an actuarial analysis of reciprocal retirement benefits and report to the Legislature; amending s. 1001.43, F.S.; authorizing district school boards to adopt comprehensive benefit packages for school district personnel; amending s. 1012.27, F.S.; authorizing recommendation for reappointment of certain instructional personnel; amending s. 1012.56, F.S.; revising the time period during which teachers holding a temporary certificate must demonstrate mastery of general knowledge; creating s. 1012.597, F.S.; creating executive leadership certification for school principals; amending s. 1012.61, F.S.; revising provisions relating to payment for sick leave for school district personnel; creating s. 1012.987, F.S.; requiring a statewide professional development



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30 program for school administrators; providing an effective  
 31 date.

32  
 33 WHEREAS, the Legislature recognizes that there is a  
 34 shortage of teachers in Florida, and

35 WHEREAS, the Legislature recognizes that to provide a high-  
 36 quality education to the students in this state, it is necessary  
 37 to recruit and retain qualified public school instructional  
 38 personnel and school-based school administrators, and

39 WHEREAS, it is the intent of the Legislature to encourage  
 40 experienced and caring teachers to remain in the classroom and  
 41 to attract capable individuals to the education profession, and

42 WHEREAS, it is the intent of the Legislature to provide  
 43 incentives that are critical to the successful recruitment and  
 44 retention of talented and effective education leaders, NOW,  
 45 THEREFORE,

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. Subsection (24) of section 121.021, Florida  
 50 Statutes, is amended, paragraph (e) is added to subsection (29),  
 51 and subsection (62) is added to said section, to read:

52 121.021 Definitions.--The following words and phrases as  
 53 used in this chapter have the respective meanings set forth  
 54 unless a different meaning is plainly required by the context:

55 (24) "Average final compensation" means the average of the  
 56 5 highest fiscal years of compensation for creditable service  
 57 prior to retirement, termination, or death. For in-line-of-duty  
 58 disability benefits, if less than 5 years of creditable service  
 59 have been completed, the term "average final compensation" means



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60 the average annual compensation of the total number of years of  
61 creditable service. With respect to public school members,  
62 "average final compensation" means the average of the 3 highest  
63 fiscal years of compensation for creditable service prior to  
64 retirement, termination, or death. For in-line-of-duty  
65 disability benefits, if less than 3 years of creditable service  
66 have been completed, the term "average final compensation" means  
67 the average annual compensation of the total number of years of  
68 creditable service. Each year used in the calculation of average  
69 final compensation shall commence on July 1.

70 (a) The average final compensation shall include:

71 1. Accumulated annual leave payments, not to exceed 500  
72 hours; and

73 2. All payments defined as compensation in subsection  
74 (22).

75 (b) The average final compensation shall not include:

76 1. Compensation paid to professional persons for special  
77 or particular services;

78 2. Payments for accumulated sick leave made due to  
79 retirement or termination;

80 3. Payments for accumulated annual leave in excess of 500  
81 hours;

82 4. Bonuses as defined in subsection (47);

83 5. Third party payments made on and after July 1, 1990; or

84 6. Fringe benefits (for example, automobile allowances or  
85 housing allowances).

86 (29) "Normal retirement date" means the first day of any  
87 month following the date a member attains one of the following  
88 statuses:

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



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

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

94 3. Completes 25 years of creditable service and attains  
 95 age 55, which service may include a maximum of 4 years of  
 96 military service credit as long as such credit is not claimed  
 97 under any other system and the remaining years are served as a  
 98 public school member.

99  
 100 "Normal retirement age" is attained on the "normal retirement  
 101 date."

102 (62) "Public school member" means a member of the Florida  
 103 Retirement System Regular Class who is employed by a district  
 104 school system, a public charter school, or the Florida School  
 105 for the Deaf and the Blind and who is classified as  
 106 instructional personnel as defined in s. 1012.01(2) or as a  
 107 school-based school administrator as defined in s.  
 108 1012.01(3)(c).

109 Section 2. Subsections (1) and (3), paragraph (b) of  
 110 subsection (9), and paragraph (a) of subsection (13) of section  
 111 121.091, Florida Statutes, are amended to read:

112 121.091 Benefits payable under the system.--Benefits may  
 113 not be paid under this section unless the member has terminated  
 114 employment as provided in s. 121.021(39)(a) or begun  
 115 participation in the Deferred Retirement Option Program as  
 116 provided in subsection (13), and a proper application has been  
 117 filed in the manner prescribed by the department. The department  
 118 may cancel an application for retirement benefits when the  
 119 member or beneficiary fails to timely provide the information



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120 and documents required by this chapter and the department's  
121 rules. The department shall adopt rules establishing procedures  
122 for application for retirement benefits and for the cancellation  
123 of such application when the required information or documents  
124 are not received.

125 (1) NORMAL RETIREMENT BENEFIT.--Upon attaining his or her  
126 normal retirement date, the member, upon application to the  
127 administrator, shall receive a monthly benefit which shall begin  
128 to accrue on the first day of the month of retirement and be  
129 payable on the last day of that month and each month thereafter  
130 during his or her lifetime. The normal retirement benefit,  
131 including any past or additional retirement credit, may not  
132 exceed 100 percent of the average final compensation. The amount  
133 of monthly benefit shall be calculated as the product of A and  
134 B, subject to the adjustment of C, if applicable, as set forth  
135 below:

136 (a) 1.a. For creditable years of Regular Class service, A  
137 is 1.60 percent of the member's average final compensation, up  
138 to the member's normal retirement date. Upon completion of the  
139 first year after the normal retirement date, A is 1.63 percent  
140 of the member's average final compensation. Following the second  
141 year after the normal retirement date, A is 1.65 percent of the  
142 member's average final compensation. Following the third year  
143 after the normal retirement date, and for subsequent years, A is  
144 1.68 percent of the member's average final compensation.

145 b. For creditable years of Regular Class service, public  
146 school members shall have A determined under the provisions of  
147 sub-subparagraph 1.a. for service up to the "applicability  
148 date," and for service earned after the "applicability date," A  
149 is 1.60 percent of the member's average final compensation for



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150 the first 6 years of public school service, A is 1.73 percent of  
 151 the member's average final compensation for the second 6 years  
 152 of public school service, A is 1.86 percent of the member's  
 153 average final compensation for the third 6 years of public  
 154 school service, and A is 2 percent of the member's average final  
 155 compensation for 19 or more years of public school service. As  
 156 used in this sub-subparagraph, the term "applicability date"  
 157 means July 1, 2003, adjusted as follows: for each year of  
 158 creditable service as a public school member earned after the  
 159 applicability date, 2 years will be subtracted from the  
 160 applicability date up to a maximum of 18 years.

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

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

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

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

170 d. Two and two-tenths percent of the member's final  
 171 monthly compensation for all creditable years after December 31,  
 172 1988, and before January 1, 1990;

173 e. Two and four-tenths percent of the member's average  
 174 final compensation for all creditable years after December 31,  
 175 1989, and before January 1, 1991;

176 f. Two and six-tenths percent of the member's average  
 177 final compensation for all creditable years after December 31,  
 178 1990, and before January 1, 1992;



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179 g. Two and eight-tenths percent of the member's average  
180 final compensation for all creditable years after December 31,  
181 1991, and before January 1, 1993;

182 h. Three percent of the member's average final  
183 compensation for all creditable years after December 31, 1992;  
184 and

185 i. Three percent of the member's average final  
186 compensation for all creditable years of service after September  
187 30, 1978, and before January 1, 1993, for any special risk  
188 member who retires after July 1, 2000, or any member of the  
189 Special Risk Administrative Support Class entitled to retain the  
190 special risk normal retirement date who was a member of the  
191 Special Risk Class during the time period and who retires after  
192 July 1, 2000.

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

195 4. For creditable years of Elected Officers' Class service  
196 as a Supreme Court Justice, district court of appeal judge,  
197 circuit judge, or county court judge, A is  $3\frac{1}{3}$  percent of the  
198 member's average final compensation, and for all other  
199 creditable service in such class, A is 3 percent of average  
200 final compensation;

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

204 (c) C is the normal retirement benefit credit brought  
205 forward as of November 30, 1970, by a former member of an  
206 existing system. Such normal retirement benefit credit shall be  
207 determined as the product of X and Y when X is the percentage of  
208 average final compensation which the member would have been



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209 eligible to receive if the member had attained his or her normal  
210 retirement date as of November 30, 1970, all in accordance with  
211 the existing system under which the member is covered on  
212 November 30, 1970, and Y is average final compensation as  
213 defined in s. 121.021(25). However, any member of an existing  
214 retirement system who is eligible to retire and who does retire,  
215 become disabled, or die prior to April 15, 1971, may have his or  
216 her retirement benefits calculated on the basis of the best 5 of  
217 the last 10 years of service.

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

221 (3) EARLY RETIREMENT BENEFIT.--Upon retirement on his or  
222 her early retirement date, the member shall receive an immediate  
223 monthly benefit that shall begin to accrue on the first day of  
224 the month of the retirement date and be payable on the last day  
225 of that month and each month thereafter during his or her  
226 lifetime. Such benefit shall be calculated as follows:

227 (a) The amount of each monthly payment shall be computed  
228 in the same manner as for a normal retirement benefit, in  
229 accordance with subsection (1), but shall be based on the  
230 member's average monthly compensation and creditable service as  
231 of the member's early retirement date. The benefit so computed  
232 shall be reduced by five-twelfths of 1 percent for each complete  
233 month by which the early retirement date precedes the normal  
234 retirement date of age 62 for a member of the Regular Class,  
235 Senior Management Service Class, or the Elected Officers' Class,  
236 and age 55 for a public school member or a member of the Special  
237 Risk Class, or age 52 if a public school member or a Special





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238 Risk member has completed 25 years of creditable service in  
239 accordance with s. 121.021(29) ~~(b)~~3.

240 (b) If the employment of a member is terminated by reason  
241 of death subsequent to the completion of 20 years of creditable  
242 service, the monthly benefit payable to the member's beneficiary  
243 shall be calculated in accordance with subsection (1), but shall  
244 be based on average monthly compensation and creditable service  
245 as of the date of death. The benefit so computed shall be  
246 reduced by five-twelfths of 1 percent for each complete month by  
247 which death precedes the normal retirement date specified above  
248 or the date on which the member would have attained 30 years of  
249 creditable service had he or she survived and continued his or  
250 her employment, whichever provides a higher benefit.

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

252 (b)1. Any person who is retired under this chapter, except  
253 under the disability retirement provisions of subsection (4),  
254 may be reemployed by any private or public employer after  
255 retirement and receive retirement benefits and compensation from  
256 his or her employer without any limitations, except that a  
257 person may not receive both a salary from reemployment with any  
258 agency participating in the Florida Retirement System and  
259 retirement benefits under this chapter for a period of 12 months  
260 immediately subsequent to the date of retirement. However, a  
261 DROP participant shall continue employment and receive a salary  
262 during the period of participation in the Deferred Retirement  
263 Option Program, as provided in subsection (13).

264 2. Any person to whom the limitation in subparagraph 1.  
265 applies who violates such reemployment limitation and who is  
266 reemployed with any agency participating in the Florida  
267 Retirement System before completion of the 12-month limitation



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268 period shall give timely notice of this fact in writing to the  
 269 employer and to the division and shall have his or her  
 270 retirement benefits suspended for the balance of the 12-month  
 271 limitation period. Any person employed in violation of this  
 272 paragraph and any employing agency which knowingly employs or  
 273 appoints such person without notifying the Division of  
 274 Retirement to suspend retirement benefits shall be jointly and  
 275 severally liable for reimbursement to the retirement trust fund  
 276 of any benefits paid during the reemployment limitation period.  
 277 To avoid liability, such employing agency shall have a written  
 278 statement from the retiree that he or she is not retired from a  
 279 state-administered retirement system. Any retirement benefits  
 280 received while reemployed during this reemployment limitation  
 281 period shall be repaid to the retirement trust fund, and  
 282 retirement benefits shall remain suspended until such repayment  
 283 has been made. Benefits suspended beyond the reemployment  
 284 limitation shall apply toward repayment of benefits received in  
 285 violation of the reemployment limitation.

286 3. A district school board may reemploy a retired member  
 287 as an ~~a substitute or hourly teacher,~~ education  
 288 paraprofessional, transportation assistant, bus driver, or food  
 289 service worker on a noncontractual basis after he or she has  
 290 been retired for 1 calendar month, in accordance with s.  
 291 121.021(39). A district school board may reemploy a retired  
 292 member as instructional personnel as defined in s. 1012.01(2)(a)  
 293 or as a school-based school administrator as defined in s.  
 294 1012.01(3)(c), on an annual contractual basis, after he or she  
 295 has been retired for 1 calendar month, in accordance with s.  
 296 121.021(39). Any retired member who is reemployed within 1  
 297 calendar month after retirement shall void his or her



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298 application for retirement benefits. District school boards  
299 reemploying such teachers, education paraprofessionals,  
300 transportation assistants, bus drivers, or food service workers  
301 are subject to the retirement contribution required by  
302 subparagraph 7. ~~Reemployment of a retired member as a substitute~~  
303 ~~or hourly teacher, education paraprofessional, transportation~~  
304 ~~assistant, bus driver, or food service worker is limited to 780~~  
305 ~~hours during the first 12 months of his or her retirement. Any~~  
306 ~~retired member reemployed for more than 780 hours during his or~~  
307 ~~her first 12 months of retirement shall give timely notice in~~  
308 ~~writing to the employer and to the division of the date he or~~  
309 ~~she will exceed the limitation. The division shall suspend his~~  
310 ~~or her retirement benefits for the remainder of the first 12~~  
311 ~~months of retirement. Any person employed in violation of this~~  
312 ~~subparagraph and any employing agency which knowingly employs or~~  
313 ~~appoints such person without notifying the Division of~~  
314 ~~Retirement to suspend retirement benefits shall be jointly and~~  
315 ~~severally liable for reimbursement to the retirement trust fund~~  
316 ~~of any benefits paid during the reemployment limitation period.~~  
317 ~~To avoid liability, such employing agency shall have a written~~  
318 ~~statement from the retiree that he or she is not retired from a~~  
319 ~~state-administered retirement system. Any retirement benefits~~  
320 ~~received by a retired member while reemployed in excess of 780~~  
321 ~~hours during the first 12 months of retirement shall be repaid~~  
322 ~~to the Retirement System Trust Fund, and his or her retirement~~  
323 ~~benefits shall remain suspended until repayment is made.~~  
324 ~~Benefits suspended beyond the end of the retired member's first~~  
325 ~~12 months of retirement shall apply toward repayment of benefits~~  
326 ~~received in violation of the 780-hour reemployment limitation.~~



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327 4. A community college board of trustees may reemploy a  
328 retired member as an adjunct instructor, that is, an instructor  
329 who is noncontractual and part-time, or as a participant in a  
330 phased retirement program within the Florida Community College  
331 System, after he or she has been retired for 1 calendar month,  
332 in accordance with s. 121.021(39). Any retired member who is  
333 reemployed within 1 calendar month after retirement shall void  
334 his or her application for retirement benefits. Boards of  
335 trustees reemploying such instructors are subject to the  
336 retirement contribution required in subparagraph 7. A retired  
337 member may be reemployed as an adjunct instructor for no more  
338 than 780 hours during the first 12 months of retirement. Any  
339 retired member reemployed for more than 780 hours during the  
340 first 12 months of retirement shall give timely notice in  
341 writing to the employer and to the division of the date he or  
342 she will exceed the limitation. The division shall suspend his  
343 or her retirement benefits for the remainder of the first 12  
344 months of retirement. Any person employed in violation of this  
345 subparagraph and any employing agency which knowingly employs or  
346 appoints such person without notifying the Division of  
347 Retirement to suspend retirement benefits shall be jointly and  
348 severally liable for reimbursement to the retirement trust fund  
349 of any benefits paid during the reemployment limitation period.  
350 To avoid liability, such employing agency shall have a written  
351 statement from the retiree that he or she is not retired from a  
352 state-administered retirement system. Any retirement benefits  
353 received by a retired member while reemployed in excess of 780  
354 hours during the first 12 months of retirement shall be repaid  
355 to the Retirement System Trust Fund, and retirement benefits  
356 shall remain suspended until repayment is made. Benefits



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357 suspended beyond the end of the retired member's first 12 months  
358 of retirement shall apply toward repayment of benefits received  
359 in violation of the 780-hour reemployment limitation.

360 5. The State University System may reemploy a retired  
361 member as an adjunct faculty member or as a participant in a  
362 phased retirement program within the State University System  
363 after the retired member has been retired for 1 calendar month,  
364 in accordance with s. 121.021(39). Any retired member who is  
365 reemployed within 1 calendar month after retirement shall void  
366 his or her application for retirement benefits. The State  
367 University System is subject to the retired contribution  
368 required in subparagraph 7., as appropriate. A retired member  
369 may be reemployed as an adjunct faculty member or a participant  
370 in a phased retirement program for no more than 780 hours during  
371 the first 12 months of his or her retirement. Any retired member  
372 reemployed for more than 780 hours during the first 12 months of  
373 retirement shall give timely notice in writing to the employer  
374 and to the division of the date he or she will exceed the  
375 limitation. The division shall suspend his or her retirement  
376 benefits for the remainder of the first 12 months of retirement.  
377 Any person employed in violation of this subparagraph and any  
378 employing agency which knowingly employs or appoints such person  
379 without notifying the Division of Retirement to suspend  
380 retirement benefits shall be jointly and severally liable for  
381 reimbursement to the retirement trust fund of any benefits paid  
382 during the reemployment limitation period. To avoid liability,  
383 such employing agency shall have a written statement from the  
384 retiree that he or she is not retired from a state-administered  
385 retirement system. Any retirement benefits received by a retired  
386 member while reemployed in excess of 780 hours during the first



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387 12 months of retirement shall be repaid to the Retirement System  
388 Trust Fund, and retirement benefits shall remain suspended until  
389 repayment is made. Benefits suspended beyond the end of the  
390 retired member's first 12 months of retirement shall apply  
391 toward repayment of benefits received in violation of the 780-  
392 hour reemployment limitation.

393 6. The Board of Trustees of the Florida School for the  
394 Deaf and the Blind may reemploy a retired member as a substitute  
395 teacher, substitute residential instructor, or substitute nurse  
396 on a noncontractual basis after he or she has been retired for 1  
397 calendar month, in accordance with s. 121.021(39). Any retired  
398 member who is reemployed within 1 calendar month after  
399 retirement shall void his or her application for retirement  
400 benefits. The Board of Trustees of the Florida School for the  
401 Deaf and the Blind reemploying such teachers, residential  
402 instructors, or nurses is subject to the retirement contribution  
403 required by subparagraph 7. Reemployment of a retired member as  
404 a substitute teacher, substitute residential instructor, or  
405 substitute nurse is limited to 780 hours during the first 12  
406 months of his or her retirement. Any retired member reemployed  
407 for more than 780 hours during the first 12 months of retirement  
408 shall give timely notice in writing to the employer and to the  
409 division of the date he or she will exceed the limitation. The  
410 division shall suspend his or her retirement benefits for the  
411 remainder of the first 12 months of retirement. Any person  
412 employed in violation of this subparagraph and any employing  
413 agency which knowingly employs or appoints such person without  
414 notifying the Division of Retirement to suspend retirement  
415 benefits shall be jointly and severally liable for reimbursement  
416 to the retirement trust fund of any benefits paid during the



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417 reemployment limitation period. To avoid liability, such  
418 employing agency shall have a written statement from the retiree  
419 that he or she is not retired from a state-administered  
420 retirement system. Any retirement benefits received by a retired  
421 member while reemployed in excess of 780 hours during the first  
422 12 months of retirement shall be repaid to the Retirement System  
423 Trust Fund, and his or her retirement benefits shall remain  
424 suspended until payment is made. Benefits suspended beyond the  
425 end of the retired member's first 12 months of retirement shall  
426 apply toward repayment of benefits received in violation of the  
427 780-hour reemployment limitation.

428 7. The employment by an employer of any retiree or DROP  
429 participant of any state-administered retirement system shall  
430 have no effect on the average final compensation or years of  
431 creditable service of the retiree or DROP participant. Prior to  
432 July 1, 1991, upon employment of any person, other than an  
433 elected officer as provided in s. 121.053, who has been retired  
434 under any state-administered retirement program, the employer  
435 shall pay retirement contributions in an amount equal to the  
436 unfunded actuarial liability portion of the employer  
437 contribution which would be required for regular members of the  
438 Florida Retirement System. Effective July 1, 1991, contributions  
439 shall be made as provided in s. 121.122 for retirees with  
440 renewed membership or subsection (13) with respect to DROP  
441 participants.

442 8. Any person who has previously retired and who is  
443 holding an elective public office or an appointment to an  
444 elective public office eligible for the Elected Officers' Class  
445 on or after July 1, 1990, shall be enrolled in the Florida  
446 Retirement System as provided in s. 121.053(1)(b) or, if holding



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447 an elective public office that does not qualify for the Elected  
 448 Officers' Class on or after July 1, 1991, shall be enrolled in  
 449 the Florida Retirement System as provided in s. 121.122, and  
 450 shall continue to receive retirement benefits as well as  
 451 compensation for the elected officer's service for as long as he  
 452 or she remains in elective office. However, any retired member  
 453 who served in an elective office prior to July 1, 1990,  
 454 suspended his or her retirement benefit, and had his or her  
 455 Florida Retirement System membership reinstated shall, upon  
 456 retirement from such office, have his or her retirement benefit  
 457 recalculated to include the additional service and compensation  
 458 earned.

459 9. Any person who is holding an elective public office  
 460 which is covered by the Florida Retirement System and who is  
 461 concurrently employed in nonelected covered employment may elect  
 462 to retire while continuing employment in the elective public  
 463 office, provided that he or she shall be required to terminate  
 464 his or her nonelected covered employment. Any person who  
 465 exercises this election shall receive his or her retirement  
 466 benefits in addition to the compensation of the elective office  
 467 without regard to the time limitations otherwise provided in  
 468 this subsection. No person who seeks to exercise the provisions  
 469 of this subparagraph, as the same existed prior to May 3, 1984,  
 470 shall be deemed to be retired under those provisions, unless  
 471 such person is eligible to retire under the provisions of this  
 472 subparagraph, as amended by chapter 84-11, Laws of Florida.

473 10. The limitations of this paragraph apply to  
 474 reemployment in any capacity with an "employer" as defined in s.  
 475 121.021(10), irrespective of the category of funds from which  
 476 the person is compensated.





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477 11. An employing agency may reemploy a retired member as a  
478 firefighter or paramedic after the retired member has been  
479 retired for 1 calendar month, in accordance with s. 121.021(39).  
480 Any retired member who is reemployed within 1 calendar month  
481 after retirement shall void his or her application for  
482 retirement benefits. The employing agency reemploying such  
483 firefighter or paramedic is subject to the retired contribution  
484 required in subparagraph 8. Reemployment of a retired  
485 firefighter or paramedic is limited to no more than 780 hours  
486 during the first 12 months of his or her retirement. Any retired  
487 member reemployed for more than 780 hours during the first 12  
488 months of retirement shall give timely notice in writing to the  
489 employer and to the division of the date he or she will exceed  
490 the limitation. The division shall suspend his or her retirement  
491 benefits for the remainder of the first 12 months of retirement.  
492 Any person employed in violation of this subparagraph and any  
493 employing agency which knowingly employs or appoints such person  
494 without notifying the Division of Retirement to suspend  
495 retirement benefits shall be jointly and severally liable for  
496 reimbursement to the Retirement System Trust Fund of any  
497 benefits paid during the reemployment limitation period. To  
498 avoid liability, such employing agency shall have a written  
499 statement from the retiree that he or she is not retired from a  
500 state-administered retirement system. Any retirement benefits  
501 received by a retired member while reemployed in excess of 780  
502 hours during the first 12 months of retirement shall be repaid  
503 to the Retirement System Trust Fund, and retirement benefits  
504 shall remain suspended until repayment is made. Benefits  
505 suspended beyond the end of the retired member's first 12 months



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506 of retirement shall apply toward repayment of benefits received  
507 in violation of the 780-hour reemployment limitation.

508 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and  
509 subject to the provisions of this section, the Deferred  
510 Retirement Option Program, hereinafter referred to as the DROP,  
511 is a program under which an eligible member of the Florida  
512 Retirement System may elect to participate, deferring receipt of  
513 retirement benefits while continuing employment with his or her  
514 Florida Retirement System employer. The deferred monthly  
515 benefits shall accrue in the System Trust Fund on behalf of the  
516 participant, plus interest compounded monthly, for the specified  
517 period of the DROP participation, as provided in paragraph (c).  
518 Upon termination of employment, the participant shall receive  
519 the total DROP benefits and begin to receive the previously  
520 determined normal retirement benefits. Participation in the DROP  
521 does not guarantee employment for the specified period of DROP.

522 (a) Eligibility of member to participate in the DROP.--All  
523 active Florida Retirement System members in a regularly  
524 established position, and all active members of either the  
525 Teachers' Retirement System established in chapter 238 or the  
526 State and County Officers' and Employees' Retirement System  
527 established in chapter 122 which systems are consolidated within  
528 the Florida Retirement System under s. 121.011, are eligible to  
529 elect participation in the DROP provided that:

530 1. The member is not a renewed member of the Florida  
531 Retirement System under s. 121.122, or a member of the State  
532 Community College System Optional Retirement Program under s.  
533 121.051, the Senior Management Service Optional Annuity Program  
534 under s. 121.055, or the optional retirement program for the  
535 State University System under s. 121.35.



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536           2. Except as provided in subparagraph 6., election to  
537 participate is made within 12 months immediately following the  
538 date on which the member first reaches normal retirement date,  
539 or, for a member who reaches normal retirement date based on  
540 service before he or she reaches age 62, or age 55 for Special  
541 Risk Class members, election to participate may be deferred to  
542 the 12 months immediately following the date the member attains  
543 57, or age 52 for Special Risk Class members. For a member who  
544 first reached normal retirement date or the deferred eligibility  
545 date described above prior to the effective date of this  
546 section, election to participate shall be made within 12 months  
547 after the effective date of this section. A member who fails to  
548 make an election within such 12-month limitation period shall  
549 forfeit all rights to participate in the DROP. The member shall  
550 advise his or her employer and the division in writing of the  
551 date on which the DROP shall begin. Such beginning date may be  
552 subsequent to the 12-month election period, but must be within  
553 the 60-month limitation period as provided in subparagraph (b)1.  
554 When establishing eligibility of the member to participate in  
555 the DROP for the 60-month maximum participation period, the  
556 member may elect to include or exclude any optional service  
557 credit purchased by the member from the total service used to  
558 establish the normal retirement date. A member with dual normal  
559 retirement dates shall be eligible to elect to participate in  
560 DROP within 12 months after attaining normal retirement date in  
561 either class.

562           3. The employer of a member electing to participate in the  
563 DROP, or employers if dually employed, shall acknowledge in  
564 writing to the division the date the member's participation in



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565 the DROP begins and the date the member's employment and DROP  
566 participation will terminate.

567 4. Simultaneous employment of a participant by additional  
568 Florida Retirement System employers subsequent to the  
569 commencement of participation in the DROP shall be permissible  
570 provided such employers acknowledge in writing a DROP  
571 termination date no later than the participant's existing  
572 termination date or the 60-month limitation period as provided  
573 in subparagraph (b)1.

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

576 a. A change of employment must take place without a break  
577 in service so that the member receives salary for each month of  
578 continuous DROP participation. If a member receives no salary  
579 during a month, DROP participation shall cease unless the  
580 employer verifies a continuation of the employment relationship  
581 for such participant pursuant to s. 121.021(39)(b).

582 b. Such participant and new employer shall notify the  
583 division on forms required by the division as to the identity of  
584 the new employer.

585 c. The new employer shall acknowledge, in writing, the  
586 participant's DROP termination date, which may be extended but  
587 not beyond the original 60-month period provided in subparagraph  
588 (b)1., shall acknowledge liability for any additional retirement  
589 contributions and interest required if the participant fails to  
590 timely terminate employment, and shall be subject to the  
591 adjustment required in sub-subparagraph (c)5.d.

592 6. Effective July 1, 2003 ~~2001~~, for instructional  
593 personnel as defined in s. 1012.01(2) and school-based school  
594 administrators as defined in s. 1012.01(3)(c), election to



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595 participate in the DROP shall be made at any time following the  
596 date on which the member completes 25 years of service as a  
597 public school member of the Florida Retirement System ~~first~~  
598 ~~reaches normal retirement date~~. The member shall advise his or  
599 her employer and the division in writing of the date on which  
600 the Deferred Retirement Option Program shall begin.  
601 Notwithstanding any other provision of this subsection,  
602 instructional personnel and school-based school administrators  
603 may continue to participate in the DROP beyond the 60-month  
604 maximum participation period, as provided in subparagraph (b)1.,  
605 with the written consent of the employing district school board.  
606 ~~When establishing eligibility of the member to participate in~~  
607 ~~the DROP for the 60-month maximum participation period, as~~  
608 ~~provided in subparagraph (b)1.,~~ The member may elect to include  
609 or exclude any optional service credit purchased by the member  
610 from the total service used to establish the normal retirement  
611 date. A member with dual normal retirement dates shall be  
612 eligible to elect to participate in either class.

613 Section 3. It is the intent of the Legislature that costs  
614 attributable to benefit increases for Regular Class public  
615 school members shall be funded by recognition of lump sums from  
616 the excess actuarial assets of the Florida Retirement System  
617 Trust Fund as follows:

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

620 (a) The amount available under the rate stabilization  
621 mechanism described in s. 121.031, Florida Statutes; or

622 (b) The amount needed to pay the annual cost attributable  
623 to the increased benefit accrual rate for public school members.

624 The annual cost shall consist of the increase in normal cost for



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625 public school members plus payment of the 30-year amortization  
626 amount of the increase in the actuarial accrued liability  
627 attributable to the increase, equal to 2.51 percent of the  
628 public school member payroll or \$212 million for fiscal year  
629 2003-2004.

630

631 If, after the recognition of excess actuarial assets pursuant to  
632 this subsection, there remains an unfunded cost, the  
633 contribution rate applicable to public school members shall be  
634 increased by the difference between the annual cost and the  
635 amount provided by the excess actuarial assets, unless the  
636 Legislature provides an alternative funding mechanism.

637

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

641

641 Section 4. The Division of Retirement shall conduct an  
642 actuarial analysis of the effect of authorizing personnel  
643 classified pursuant to s. 1012.01(2)(a) or (3)(c), Florida  
644 Statutes, to transfer retirement benefits accrued through the  
645 defined benefit component of the Florida Retirement System to  
646 out-of-state governmental entities, as well as the effect of  
647 authorizing such personnel to transfer retirement benefits from  
648 out-of-state governmental entities to the defined benefit  
649 component or the defined contribution component, or both, of the  
650 Florida Retirement System. The analysis shall include  
651 recommendations for statutory revision to enable reciprocal  
652 transfer of retirement benefits, if deemed to be feasible. The  
653 analysis must be transmitted to the President of the Senate, the  
654 Speaker of the House of Representatives, and the majority and



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655 minority leaders of the Senate and the House of Representatives  
 656 on or before December 31, 2003.

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

659 1001.43 Supplemental powers and duties of district school  
 660 board.--The district school board may exercise the following  
 661 supplemental powers and duties as authorized by this code or  
 662 State Board of Education rule.

663 (11) PERSONNEL.--The district school board may adopt  
 664 policies and procedures necessary for the management of all  
 665 personnel of the school system. The district school board may  
 666 adopt policies for the provision of comprehensive benefit  
 667 packages to personnel of the district school system.

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

670 1012.27 Public school personnel; powers and duties of  
 671 district school superintendent.--The district school  
 672 superintendent shall be responsible, as required herein, for  
 673 directing the work of the personnel, subject to the requirements  
 674 of this chapter, and in addition the district school  
 675 superintendent shall have the following duties:

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

677 (a) Recommend to the district school board duties and  
 678 responsibilities which need to be performed and positions which  
 679 need to be filled to make possible the development of an  
 680 adequate school program in the district.

681 (b) Recommend minimum qualifications of personnel for  
 682 these various positions, and nominate in writing persons to fill  
 683 such positions.

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685 The district school superintendent's recommendations for filling  
686 instructional positions at the school level must consider  
687 nominations received from school principals of the respective  
688 schools. Before transferring a teacher who holds a professional  
689 teaching certificate from one school to another, the district  
690 school superintendent shall consult with the principal of the  
691 receiving school and allow the principal to review the teacher's  
692 records and interview the teacher. If, in the judgment of the  
693 principal, students would not benefit from the placement, an  
694 alternative placement may be sought. A district school  
695 superintendent may recommend district school board reappointment  
696 of instructional personnel who do not meet the requirements of  
697 s. 1012.56(3). Such recommendation must be limited to  
698 instructional personnel whose students demonstrate annual  
699 learning gains toward achieving the Sunshine State Standards  
700 appropriate for the student's grade level, who maintain  
701 appropriate classroom discipline, who demonstrate adequate  
702 subject matter knowledge, who successfully plan and deliver  
703 instruction that incorporates the appropriate use of technology,  
704 who successfully evaluate student instructional needs, and who  
705 foster positive collaborative relationships with students'  
706 families to increase the respective students' achievement.

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

709 1012.56 Educator certification requirements.--

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

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





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714 (b) The department shall issue a temporary certificate to  
715 any applicant who completes the requirements outlined in  
716 paragraphs (2) (a)-(f) and completes the subject area content  
717 requirements specified in state board rule or demonstrates  
718 mastery of subject area knowledge pursuant to subsection (4) and  
719 holds an accredited degree or a degree approved by the  
720 Department of Education at the level required for the subject  
721 area specialization in state board rule.

722 (c) The department shall issue one nonrenewable 2-year  
723 temporary certificate and one nonrenewable 5-year professional  
724 certificate to a qualified applicant who holds a bachelor's  
725 degree in the area of speech-language impairment to allow for  
726 completion of a master's degree program in speech-language  
727 impairment.

728  
729 Each temporary certificate is valid for 3 school fiscal years  
730 and is nonrenewable. ~~However, the requirement in paragraph~~  
731 ~~(2) (g) must be met within 1 calendar year of the date of~~  
732 ~~employment under the temporary certificate. Individuals who are~~  
733 ~~employed under contract at the end of the 1 calendar year time~~  
734 ~~period may continue to be employed through the end of the school~~  
735 ~~year in which they have been contracted. A school district shall~~  
736 ~~not employ, or continue the employment of, an individual in a~~  
737 ~~position for which a temporary certificate is required beyond~~  
738 ~~this time period if the individual has not met the requirement~~  
739 ~~of paragraph (2) (g).~~ The State Board of Education shall adopt  
740 rules to allow the department to extend the validity period of a  
741 temporary certificate for 2 years when the requirements for the  
742 professional certificate, ~~not including the requirement in~~  
743 ~~paragraph (2) (g),~~ were not completed due to the serious illness



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744 or injury of the applicant or other extraordinary extenuating  
745 circumstances. The department shall reissue the temporary  
746 certificate for 2 additional years upon approval by the  
747 Commissioner of Education. A written request for reissuance of  
748 the certificate shall be submitted by the district school  
749 superintendent, the governing authority of a university lab  
750 school, the governing authority of a state-supported school, or  
751 the governing authority of a private school.

752 Section 8. Section 1012.597, Florida Statutes, is created  
753 to read:

754 1012.597 Executive leadership certification for school  
755 principals.--The State Board of Education must adopt rules  
756 through which school principals and assistant principals may  
757 earn executive leadership certification. The foundation for such  
758 certification must derive from performance on a statewide  
759 leadership assessment instrument, customer satisfaction  
760 inventories, and student achievement indicators. Certification,  
761 including the statewide leadership assessment instrument, must  
762 be developed in conjunction with school principals, district  
763 school superintendents, and district school board members. The  
764 State Board of Education must designate incentives available to  
765 personnel who earn executive leadership certification,  
766 including, but not limited to, merit pay, expanded discretionary  
767 spending flexibility, relaxed regulation or reporting  
768 requirements, additional professional development resources, and  
769 public recognition.

770 Section 9. Paragraph (a) of subsection (2) of section  
771 1012.61, Florida Statutes, is amended to read:

772 1012.61 Sick leave.--



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

775 (a) Extent of leave.--

776 1. Each member of the instructional staff employed on a  
777 full-time basis is entitled to 4 days of sick leave as of the  
778 first day of employment of each contract year and shall  
779 thereafter earn 1 day of sick leave for each month of  
780 employment, which shall be credited to the member at the end of  
781 that month and which may not be used before it is earned and  
782 credited to the member. Each other employee shall be credited  
783 with 4 days of sick leave at the end of the first month of  
784 employment of each contract year and shall thereafter be  
785 credited for 1 day of sick leave for each month of employment,  
786 which shall be credited to the employee at the end of the month  
787 and which may not be used before it is earned and credited to  
788 the employee. However, each member of the instructional staff  
789 and each other employee is entitled to earn no more than 1 day  
790 of sick leave times the number of months of employment during  
791 the year of employment. If the employee terminates his or her  
792 employment and has not accrued the 4 days of sick leave  
793 available to him or her, the district school board may withhold  
794 the average daily amount for the days of sick leave used but  
795 unearned by the employee. Such leave may be taken only when  
796 necessary because of sickness as prescribed in this section. The  
797 sick leave shall be cumulative from year to year. There shall be  
798 no limit on the number of days of sick leave which a member of  
799 the instructional staff or an educational support employee may  
800 accrue, except that at least one-half of this cumulative leave  
801 must be established within the district granting such leave.



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

807           3. District school boards may adopt rules permitting the  
808 annual payment for accumulated sick leave that is earned for  
809 that year and that is unused at the end of the school year,  
810 based on the daily rate of pay of the employee multiplied by up  
811 to 80 percent. Days for which such payment is received shall be  
812 deducted from the accumulated leave balance. ~~Such annual payment~~  
813 ~~may apply only to instructional staff and educational support~~  
814 ~~employees.~~

815           4. A district school board may establish policies to  
816 provide terminal pay for accumulated sick leave to instructional  
817 staff and educational support employees of the district school  
818 board. If termination of employment is by death of the employee,  
819 any terminal pay to which the employee may have been entitled  
820 may be made to his or her beneficiary. However, such terminal  
821 pay may not exceed an amount determined as follows:

822           a. During the first 3 years of service, the daily rate of  
823 pay multiplied by 35 percent times the number of days of  
824 accumulated sick leave.

825           b. During the next 3 years of service, the daily rate of  
826 pay multiplied by 40 percent times the number of days of  
827 accumulated sick leave.

828           c. During the next 3 years of service, the daily rate of  
829 pay multiplied by 45 percent times the number of days of  
830 accumulated sick leave.



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831 d. During the next 3 years of service, the daily rate of  
832 pay multiplied by 50 percent times the number of days of  
833 accumulated sick leave.

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

837 5. A district school board may establish policies to  
838 provide terminal pay for accumulated sick leave to any full-time  
839 employee of the district school board other than instructional  
840 staff or educational support employees as defined in this  
841 section. If termination of the employee is by death of the  
842 employee, any terminal pay to which the employee may have been  
843 entitled may be made to the employee's beneficiary.

844 ~~a. Terminal pay may not exceed one-fourth of all unused~~  
845 ~~sick leave accumulated on or after July 1, 2001, and may not~~  
846 ~~exceed a maximum of 60 days of actual payment. This limit does~~  
847 ~~not impair any contractual agreement established before July 1,~~  
848 ~~2001; however, a previously established contract renewed on or~~  
849 ~~after July 1, 2001, constitutes a new contract.~~

850 ~~b. For unused sick leave accumulated before July 1, 2001,~~  
851 ~~terminal payment shall be made pursuant to a district school~~  
852 ~~board's policies, contracts, or rules that are in effect on June~~  
853 ~~30, 2001.~~

854 ~~e. If an employee has an accumulated sick leave balance of~~  
855 ~~60 days of actual payment or more prior to July 1, 2001, sick~~  
856 ~~leave earned after that date may not be accumulated for terminal~~  
857 ~~pay purposes until the accumulated leave balance for leave~~  
858 ~~earned before July 1, 2001, is less than 60 days.~~

859 Section 10. Section 1012.987, Florida Statutes, is created  
860 to read:



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861       1012.987 Professional development for school  
862 administrators.--The Department of Education must develop a  
863 comprehensive, statewide program of continuing education for  
864 school administrators. Such professional development program  
865 must be available to school administrators through professional  
866 development conferences and workshops, distance instruction,  
867 mentorship activities with school administrators who have earned  
868 executive leadership certification, and approved postsecondary  
869 instruction. The professional development program must include  
870 information related to best administrative practices, the  
871 implications of statewide initiatives for school administrators,  
872 resources available to school administrators for the diagnosis  
873 of school performance and corresponding strategic planning, and  
874 other issues recommended by school principals and district  
875 school superintendents. The Secretary of Education must  
876 establish an advisory council composed primarily of school  
877 principals and assistant principals representing elementary  
878 schools, middle or junior high schools, and high schools to make  
879 recommendations regarding the content and delivery of the  
880 professional development program for school administrators. The  
881 Secretary of Education must annually recommend specific funding  
882 to implement statewide professional development for school  
883 administrators.

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

885