

Scott B. Clark, Risk and Benefits Officer
Human Resources, Evaluation and Technology

**SUBJECT: PROPOSED REPEAL OF SCHOOL BOARD RULE:
 FINAL READING 6Gx13- 4D-1.081, TAX
 SHELTERED INVESTMENT PLAN – POLICY**

**PROPOSED PROMULGATION OF NEW SCHOOL
BOARD RULE: FINAL READING 6Gx13- 4D-1.103,
SUPPLEMENTAL RETIREMENT INVESTMENT
PROGRAMS**

**COMMITTEE: INNOVATION, EFFICIENCY AND
 GOVERNMENTAL RELATIONS**

**LINK TO DISTRICT
STRATEGIC PLAN: GENERAL OPERATIONS**

The School Board of Miami-Dade County, Florida announced on October 15, 2008, its intention to repeal School Board Rule 6Gx13- 4D-1.081, Tax Sheltered Investment Plan – Policy, and the document, Tax Sheltered Investment Plan Rules and Guidelines, which is incorporated by reference and part of this rule, and to promulgate new School Board Rule 6Gx13- 4D-1.103, Supplemental Retirement Investment Programs, at its meeting of November 18, 2008. The proposed new Board Rule is necessary in order to accomplish four strategic goals which include:

1. **Compliance of the District's Tax Sheltered Annuity Investment Program IRC §403(b), with new Federal Regulations which become effective January 1, 2009**

These regulations require institutions to create and approve an official plan document for The School Board of Miami-Dade County, Florida as the plan sponsor of the District's Tax Sheltered Annuity Investment Program IRC §403(b), hereafter referred to as "TSA Investment Program". The new Federal regulations require this plan document to incorporate specific information regarding the investment options offered by the District for its employees and requires the Board to assume responsibility for plan compliance with Internal Revenue Service (IRS) regulations such as starts, stops, increases, decreases, distributions and loans.

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2. Investment Options for District Employees which include financially sound companies offering investment choices with the lowest fee structures available in the marketplace

In anticipation of Florida School Districts having to comply with the new Federal Regulations for IRC §403(b) programs, the Independent Benefits Council (IBC), consisting of representatives from the Florida Educational Association (FEA); Florida Association of School Administrators (FASA); Florida School Boards Association (FSBA); and the Florida Association of District School Superintendents (FADSS), issued a Request For Proposals (RFP) to select an Employee Benefits Administrator to assist them in creating a statewide "Model Plan". Following the issuance of a Request For Information (RFI) by Gallagher Benefits, the IBC's selected benefits administrator, the IBC interviewed and selected five companies to offer investment programs in three investment platforms. This Model Plan has been created for districts to use as their basis for selection of investment companies, having undergone intensive scrutiny and due diligence to identify them as "best in class" for their investment offerings.

Staff is recommending that the Model Plan be introduced as the base for the District's plan offerings, including the provision that any new providers added to the District's plan offerings in the future be incorporated as part of the Model Plan, as recommended by the IBC. Providers will be classified into one of three categories, as follows:

"Run Off Provider" – This category includes any Plan investment provider that is restricted to receiving and/or changing contribution amounts from employees with current contributions as of November 18, 2008.

Those employees may continue to direct contributions to the Run Off Provider, and may change contribution amounts and investment allocations. However, a Run Off Provider may not accept contributions or rollovers from any Plan Participant that does not have a Plan account with the Run Off Provider as of November 18, 2008.

"IBC Approved Provider" - This category includes those investment providers listed in the Model Plan as recommended by the IBC.

"Grandfathered Provider" – This category includes any investment provider receiving employee contributions as of November 18, 2008, that is not classified as either a Run Off Provider or as an IBC Approved Provider.

Both IBC Approved Providers and Grandfathered Providers will continue their current eligibility to add new participants, as well as make any and all necessary changes including, but not limited to starts, stops, changes, distributions, etc.

Run Off Providers, IBC Approved Providers and Grandfathered Providers shall be responsible to complete all necessary due diligence with the School Board to be in complete compliance with all Internal Revenue Code (IRC) § 403(b) requirements which become effective January 1, 2008 and beyond. In particular, each of the above Providers will be required to complete an Information Sharing Agreement (ISA). In the event an ISA is not in place for a particular Provider, restrictions will be imposed on that Provider in accordance with the IRC and the regulations thereunder.

3. Choice, Compliance, and Source of Revenue for districts who select the Model Plan, in conjunction with “grandfathering” of existing providers as the platform for companies offering IRC § 403(b) Plans

The new Federal guidelines require that effective January 1, 2009, Miami-Dade Schools as a component of the Adopted Plan Document, to monitor a host of transactions including starts, stops, increases, decreases, distributions and loans. These transactions were previously handled directly between district employees and the companies providing the investments, except for payroll changes.

With over 3600 transactions occurring during calendar year 2007 and over 3000 having been processed so far in calendar year 2008, this additional responsibility to monitor transactions to assure IRC compliance will result in a significant increase in the workload for the administration of this program. Adopting the IBC Model Plan, in conjunction with permitting existing investment providers to continue to offer investment choices under the Plan will provide employees with a wide variety of investment choices and will help to ensure that the District complies with all IRC § 403(b) regulations.

Additionally, a component of the Model Plan provides for revenue to Districts (currently \$12/employee/year) to offset District administrative costs. The current Board Rule which was implemented 10 years ago provides a revenue source of \$5/employee/year to offset administrative expenses. Staff is recommending the Board continue to collect the existing \$5/employee/year, in addition to the amount negotiated by the IBC of \$12/employee/year to be paid by all investment providers other than Run Off Providers. Currently, over 60 of the 67 School Districts in the State of Florida utilize Third Party Administrators to assist districts in the administration of their IRC §403(b) plans. These funds may be used in the future to fund the cost of third party administrative services, including using such administrator as a common remitter for all employee funds, should the Board seek such services.

4. **Document in Board Rule the existence of the other two Board approved supplemental retirement plan programs currently in existence which include the District's IRC §457 and §401(k) plans**

- a. The District's IRC §457 Plan was originally established in 1999 as the Miami-Dade County School Board's Money Purchase Plan, in the form of the International City Management Association Retirement Corporation (ICMA) Governmental Money Purchase Plan and Trust. This plan was established for eligible Board members, pursuant to the guidelines established for the elected State and County Officers' Class (ESCOC) under the Florida Retirement System (FRS). As a result of the changes made by The Economic Growth and Tax Relief Reconciliation Act (EGTRRA) of 2001, as well as The Job Creation and Worker Assistance Act (JCWAA) of 2002, employees became eligible to defer additional income through the IRC §457 in addition to deferring income through the IRC § 403(b) and 401(k) plans. The Board adopted this plan for employees at the Board meeting of June 19, 2002. The plan administrator is the International City Management Association Retirement Corporation (ICMA).
- b. The District's IRC §401(k) plan, known as the VISTA 401(k) Plan, became effective January 1, 1985, amended in 1986, and was amended and restated effective January 1, 1994. Effective in 1986, governmental entities no longer had the ability to establish IRC§ 401(k) plans; however, being that the plan had been established prior to the law change, the VISTA 401(k) Plan was "grandfathered in".

The Plan Sponsors for the VISTA 401(k) Plan include Miami-Dade County Public Schools, Monroe County Public Schools, Charlotte County Public Schools and Pasco County Pubic Schools. The Plan Administrator is Vista Management Company.

The Notices of Intended Action were published in the *Miami Daily Business Review* on October 20, 2008, posed in various places for public information, and mailed to various organizations representing persons affected by the repealed rules and the new rule, and to individuals requesting notification.

The time to request a hearing or to protest the adoption of these rules has elapsed.

In accordance with the provisions of the Administrative Procedures Act, these rules are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rules in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notices of Intended Action, the proposed repeal of the School Board Rule and document, and the proposed new School Board Rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt:

1. repealed School Board Rule 6Gx13- 4D-1.081, Tax Sheltered Investment Plan – Policy, and the document, Tax Sheltered Investment Plan Rules and Guidelines, which is incorporated by reference and made part of this rule; and
2. promulgated new School Board Rule 6Gx13- 4D-1.103, Supplemental Retirement Investment Programs.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 15, 2008, its intention to repeal School Board Rule 6Gx13- 4D-1.081, Tax Sheltered Investment Plan – Policy, and the document, Tax Sheltered Investment Plan Rules and Guidelines, which is incorporated by reference and part of this rule, at its meeting of November 18, 2008.

PURPOSE AND EFFECT: To repeal the existing Board Rule and incorporate the new Federal Guidelines for IRC§ 403(b) Programs into a proposed new rule, in conjunction with the creation of eligibility guidelines for companies to participate in offering such products to District employees.

SUMMARY: To repeal School Board Rule 6Gx13- 4D-1.081, Tax Sheltered Investment Plan – Policy, and include the provisions of the new Federal regulations of such plans along with the adoption of the Independent Benefit Council's (IBC) "Model Plan", in conjunction with incorporating existing providers as part of the plan document, in the new Rule 6Gx13- 4D-1.103, Supplemental Retirement Investment Programs, which incorporates all supplemental investment plans offered to district employees.

} Revised Pursuant to Board Direction on 10/15/08

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22 (2) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.03; 230.22 (1) and (5), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF November 18, 2008, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.54(1), F.S., must do so in writing by November 10, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WISHING TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED REPEALED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Scott B. Clark
Date: October 16, 2008 } Revised Subsequent to Initial Reading on 10/15/08

Compensation and Related Benefits

TAX SHELTERED INVESTMENT PLAN -- POLICY

The document, **Tax Sheltered Investment Plan Rules and Guidelines**, which is incorporated by reference and is a part of this Board Rule, formulates the framework under which the Tax Sheltered Annuity Program will function. It consists of the following:

- A. Company Qualification Requirements;
- B. Recruitment and/or Solicitation Procedures;
- C. Determination of Eligible Employees Participation;
- D. Factors for Consideration;
- E. Permissible Transactions;
- F. Required Forms;
- G. Internal Processing Procedures;
- H. Company Billing or Premium Notices;
- I. Company Notification to Employees;
- J. Appendix.

The document, **Tax Sheltered Investment Plan Rules and Guidelines**, is on file in the Board Office, in the Citizen Information Center, and in the Office of the School Board Clerk.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.03; 230.22(1) and (5) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 5-8-91

Amended: 8-26-98

TAX SHELTERED INVESTMENT PLAN

RULES AND GUIDELINES

RULE 6Gx13-4D-1.081

FINAL READING:

August 26, 1998

REPEAL



PERSONNEL MANAGEMENT AND SERVICES
OFFICE OF RISK AND BENEFITS MANAGEMENT

MIAMI-DADE COUNTY SCHOOL BOARD

Dr. Solomon C. Stinson, Chair
Mr. Demetrio Perez, Jr., Vice Chair
Mr. G. Holmes Braddock
Mr. Renier Diaz de la Portilla
Ms. Perla Tabares Hantman
Ms. Betsy H. Kaplan
Dr. Michael M. Krop
Mrs. Manty Sabates Morse
Dr. Frederica S. Wilson

Roger C. Cuevas
Superintendent of Schools

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GLOSSARY

Company	A Life Insurance Company or a Broker/Dealer Company
Active Company	A company that has the ability to initiate all transactions. The agent(s) can start new annuitants; re-start existing inactive annuitants; increase or decrease existing annuitant contributions; transfer and/or exchange existing annuitant contributions.
De-activated Company	The agent of the company has the ability to initiate only transactions that increase and or decrease the contributions of existing participants.
Designated Agent	The responsible party who has been selected by an officer of the company to be the controlling party for all transactions and activities of the company's agents selling products to the Board's employees.
Annuity Rate	The rate of interest which a company will pay out should the annuitant choose an option that distributes the accumulated values over time.
Guaranteed Rate	This is the rate of interest that the company guarantees to pay as an absolute minimum return on an investment.
Surrender Rate	This is the rate of interest actually earned on the funds invested when the employee's participation ends.
Surrender Charge	Penalty for withdrawing accumulated funds from the program or for transferring invested funds from the company to another company.

Credit Risk	The risk that the company holding the investor's money will not pay the interest or dividends owed, or the principal amount when it falls due.
Market Risk	The risk that the value (share price) of investment will decline.
Inflation Risk	The risk that the dollar received when the investment is sold will buy less than the dollar invested.
Maximum Sales Load on Purchases	The commission or sales charge some funds levy when shares are bought. The legal maximum sales load is 8.5% of the amount invested.
Sales Load on Re-Investment	The sales charge imposed when dividends are automatically reinvested in additional fund shares.
Contingent Deferred Sales Charges	Also called "deferred sales loads" "back-end loads" "redemption fees" and "exit fees".
Exchange Fees	Administrative fees when money is switched from one fund to another in the same fund group.
Management Fees	These are paid to the company that manages the fund's investments as compensation for its services.
12b-1 Fees	This a Securities and Exchange Commission regulation that lets funds use some of their shareholders money each year to pay certain marketing expenses.
Other Expenses	These include legal and accounting fees, printing and posting costs, custodian and transfer agent fees and other fund expenses.

MIAMI-DADE COUNTY PUBLIC SCHOOLS TAX SHELTERED INVESTMENT PLAN RULES AND GUIDELINES

On September 16, 1964, The School Board of Miami-Dade County, Florida approved a resolution making available to Board employees, through voluntary means, the opportunity to purchase a tax sheltered contract from a company made available by the Board. In 1979, the program was revised for the inclusion of Mutual funds into the plan.

Effective June 1, 1991, the Board approved a revision of the program that set forth new requirements for the companies and their agents in the solicitation of tax sheltered annuity products with the Board's employees. The qualifications, procedures and guidelines of the operation of this program have been revised from time to time. These revisions allow for the implementation of other plans permitted by the Internal Revenue Service, such as annuities with incidental life and/or disability insurance, a second plan, mutual funds, and the privilege of transferring and/or exchanging current plan(s) to another plan. The program now has specific requirements of the companies and agents as well as revised forms and procedures to allow for greater disclosure to the employees.

Effective September 1, 1998 the Board approved a revision of the program that set forth revised requirements for the companies and their agents in the solicitation of tax sheltered annuity products with the Board's employees. This revision incorporates changes to the Internal Revenue Service regulations that now allow multiple changes in contributions per year. Secondly, changes will streamline the processing of transactions and elevate the disclosure of product information to the employees. Additional requirements in the calculation of limits on contributions will ensure compliance with the law.

I. COMPANY QUALIFICATION

- A. All companies must agree to the requirements established by The School Board of Miami-Dade County, Florida, before an application submitted on behalf of an employee will be accepted and processed.
- B. A **QUALIFICATION AND HOLD HARMLESS AGREEMENT** must be completed and signed by the president and secretary of the company, the corporate seal affixed and the Agreement returned to:

THE SCHOOL BOARD OF MIAMI- DADE COUNTY, FLORIDA
1500 Biscayne Boulevard, Suite 127
Miami, Florida 33132

Attention: Office of Risk and Benefits Management

Companies meeting or exceeding the following criteria will be considered eligible for acceptance into the program:

Insurance Companies that are **A.M. Best** rating "A"; and Insurance Companies that are **A.M. Best** Financial Size Class "VII";
Broker/Dealer Companies that are **insured by the Securities Investor Protection Corporation (SIPC)**.

All companies entering the program after September 1, 1998 must also meet or exceed two of the next three requirements:

Standard and Poor's rating of "A+"
Moody's rating of "A+"
Duff & Phelps rating of "A+"

As part of the qualification requirements, the company agrees to remit an **annual payment to the Board of \$5.00 per participant** to cover the Board's costs of administering the program. The total amount will be determined by the Board utilizing the number of participants for each company as of June 30 of each year.

As part of the qualification process, the company will be placed on the Board's probationary list of new companies for a **twelve month** (one year) period.

During this time period, the company must secure **50** new applications, to be submitted at one time to the Insurance Department, Office of Risk and Benefits Management. Should the company not achieve this required goal, then the company will not be activated in the program and none of the applications will be processed.

Once the qualification requirements are satisfied, the company will be placed on the Board's list of approved companies for dissemination to the employees. The company will be sent a copy of the signed Agreement and assigned an internal code number.

- C. Require that the Designated Agent (DA) have an established place of business in Miami-Dade, Broward or Palm Beach County from which to operate. Agents outside Miami-Dade County, **must** provide a Miami-Dade telephone number or an 800 number, for easy access by the employees. DA's should be responsive to the needs of the Board and provide guidance to other TSA agents as to the rules and guidelines of the program at Miami-Dade County Schools.

All agents **must be licensed to market tax sheltered investment products in the State of Florida** and should maintain the highest level of professional conduct and be readily accessible to the public.

- D. At this point, the company's designated agent or broker/dealer may receive a supply of Board forms and may begin solicitation of tax sheltered plans within the guidelines issued herein and agreed to by the company. The company is responsible for advising its designated agent or broker/dealer of the contents of the Qualification and Hold Harmless Agreement and Board rules.
- E. Once the company is qualified, it must maintain an active group of at least fifty(50) participants. On an annual basis, the level of participation will be reviewed. Companies with less than (50) participants will be de-activated from the program so that no new applications could be submitted. Further, **de-activated** companies have to re-qualify and could not do so for a period of twelve months.
- F. It will be deemed that sufficient notification of any regulation revisions subsequently made from the date the company receives a copy of the fully executed Qualification and Hold Harmless Agreement, will have been met by mailing such notification to the address listed on the agreement, unless written notice of address change has been received by the Office of Risk and Benefits Management.

- G. Require that for all transactions submitted other than cancellations and decreases, the Maximum Exclusion Allowance (MEA) be **accurately calculated by the agent**. A copy of the MEA form signed by the employee and the agent, must be mandatorily included as the part of the documents submitted to initiate a transaction.
- H. The Office of Risk and Benefits Management has the authorization to deactivate a company and its agents upon breach of these rules and guidelines.
- I. Require that on a minimum of an annual basis, the Company perform Maximum Exclusion Allowance calculations to ensure that employee contributions do not exceed the applicable limits.
- J. Require that the company notify the Board of any approved financial hardship distributions so that all elective contributions can be suspended (*§401(k) rules applied for financial hardship*)
- K. Require that for transactions involving an exchange of funds from one company to another, existing funds will not be transferred until the effective date of the transaction.

II. **RECRUITMENT AND/OR SOLICITATION**

- A. Recruitment and/or solicitation for the selling of tax sheltered contracts by a company and/or any designated agent or broker/dealer is **NOT permissible at any time on School Board property except pursuant to School Board Rule 6Gx13-3C-1.07.**
- B. A list of the companies that have met the Board's eligibility requirements is published periodically in the Office of Risk and Benefits Management showing the type of plans for which the company has met the requirements. The selection of the company for the purpose of purchasing a tax sheltered plan is the sole responsibility of the employee. The School Board of Miami-Dade County, Florida, its employees and agents, undertake no obligation by making available a salary reduction agreement through payroll deduction to make contributions to any tax deferred Section 403(b) plan. **The School Board is in no way responsible for the employee's selection of a company or the product marketed by the company, recommends no particular company or product and has no responsibility for investment results, company fees, loads or surrender time limits.**

III. ELIGIBLE EMPLOYEES

All active full-time employees appointed to an established position and paid on a daily rate, whether or not on contract, are eligible for a tax sheltered investment plan through payroll deductions. Full-time employees will have a fixed dollar amount to be reduced from their salary on a per-payroll basis. Under State Law and pursuant to IRS code regulations, elected officers of the Board are not permitted to participate in §403(b) plans.

As a result of recent tax reforms, all **part-time** employees paid on an hourly rate are eligible for a tax sheltered investment plan through payroll deductions. Part-time employees will have a **percentage** value to be reduced from their salary on a per payroll basis.

When full-time employees go to a part-time status, their fixed dollar amount taken on a per payroll basis for a tax sheltered annuity will be stopped. When part-time employees go to a full-time status, their percentage value taken on a per payroll basis for a tax sheltered annuity will be stopped. A **restart** transaction must be initiated to continue contributions.

IV. FACTORS FOR CONSIDERATION

- A. A Maximum Exclusion Allowance worksheet is included in this manual. This form must be used as required for the applicable transaction. Companies that have certified software for the MEA calculation may use forms generated by their systems. A company statement guaranteeing the accuracy of the calculation must appear on the forms generated by the computer. No other **manually** calculated forms will be accepted.
- B. Salary information should be obtained from the employee's pay stub.
- C. Current contributions to other §403(b), §403(b)(7) and §401(k) plans must be taken into consideration in the calculation of the Exclusion Allowance.
- D. Past contributions to §403(b) and §401(k) plans.

V. PERMISSIBLE TRANSACTIONS

A. Transactions which must be handled through the employee's agent or broker/dealer are:

1. **Two CHANGES IN AMOUNT, which include a START, RESTART, INCREASE or DECREASE may be accomplished during a calendar year, AS PROVIDED UNDER IRS GUIDELINES.** Applications will be accepted to effect a change at any time throughout the year according to cut-off schedules available from the Office of Risk and Benefits Management.
2. The start of a new tax sheltered investment plan may be accomplished at any time throughout the year. Applications will be accepted according to cut-off schedules available from the Office of Risk and Benefits Management.
3. A **restart** of an existing tax sheltered investment plan may be accomplished at any time throughout the year. Applications will be accepted according to cut-off schedules available from the Office of Risk and Benefits Management. If an employee, who had a payroll status change (i.e. full time to part-time or part-time to full-time) wishes to exercise the option of restarting contributions to the same plan, this can be done in the same calendar year and not counted as a change **ONLY IF THE AMOUNT TO BE CONTRIBUTED PER PAYROLL DOES NOT DIFFER SUBSTANTIALLY FROM THE PREVIOUS CONTRIBUTIONS.**
4. The addition of a second company is permitted, but is treated as an **"increase"** or a change in AMOUNT allowed by the Internal Revenue Service each calendar year. Applications to start a second company will be accepted throughout the year according to cut-off schedules, provided there has been not more than one change in amount during the calendar year.
5. Two transfers and/or exchanges of companies may be accomplished during a calendar year if the employee desires to exercise this option. Applications will be accepted to effect a transfer and/or exchange throughout the year according to cut-off schedules, **except that two cut-off periods will be required and provided there has been no more than one other such transaction during the calendar year.**
6. Change of the biweekly reduction amount because of a change of

payroll status (10 to 12-month) where total annual amendment to salary is NOT to be changed, can be requested by the employee by use of a form available through the Office of Risk and Benefits Management.

7. When an employee retires, he/she may exercise the option of deferring the value of some of their accrued sick and/or vacation time into a tax deferred annuity plan as authorized by the Internal Revenue Service. The number of days that can be deferred is limited only to those accrued within the last twelve months prior to the retirement date. Applications will be accepted by the Office of Risk and Benefits Management **only if they are signed prior to the date of retirement.**

All transactions handled through the employee's agent must be submitted within seventy two (72) hours of the amendment to employment contract being signed and dated by the employee.

B. Transactions which must be handled by the employee:

1. Cancellation of existing plan(s) may be accomplished at any time, however, at least 30 days notice is required before cancellation can take effect, to allow for adequate notice to the affected company of the employee's intent to cancel.

VI. **REQUIRED FORMS**

- A. Forms which must be completed by the company's agent or broker/dealer and signed by the employee, are available from the Office of Risk and Benefits Management. All forms necessary for a transaction must be submitted by the agent at the same time. The **UNIFORM DISCLOSURE PROPOSAL** is now designed specifically for fixed annuity products (FM - 2610A) and for Variable Annuities and Mutual Funds (FM - 2610B). Only the Board approved forms and the specific company forms will be accepted. *Distribution of the copies will be made by the Office of Risk and Benefits Management, after processing is complete.*

1. **FOR NEW APPLICATIONS AND RE-STARTS (EITHER FIRST OR SECOND COMPANY)**

- a. **403(b) TAX SHELTERED INVESTMENT PLAN AMENDMENT TO EMPLOYMENT CONTRACT.** (FM-2609,)

All employees, whether on contract or not, must sign this form (and any other required form) before a tax sheltered investment plan will be instituted. The original **CLEARLY AND LEGIBLY PRINTED** form must be submitted.
(NO CHANGES ALLOWED ON THIS FORM)

- b. **CONTROL FORMS** (FM-0625)

A **TYPED** two-part control form is required for each transaction. Signature of agent or broker/dealer is required on the form.

- c. **UNIFORM DISCLOSURE PROPOSAL.** (FM-2610A or FM-2610B)

A **TYPED COMPLETED** set of copies must be submitted (as indicated on the form), both signed by the employee and the agent or broker/dealer. (The original must be left with the employee at the time the Amendment to Employment Contract is signed).

d. ***COMPANY MAXIMUM EXCLUSION ALLOWANCE FORM***

Proof of the calculation of the Maximum Exclusion Allowance must be submitted with all transactions initiated by the agent and or broker/dealer. **This form must be signed and dated by the employee and the agent or broker/dealer.**

e. ***COMPANY APPLICATION FORM***

A duplicate of the company's own application form as well as all specific fund application forms, signed by the employee and the agent or broker/dealer, is required. Application form(s) will be retained in the employee's file.

2. FOR INCREASES (EITHER FIRST OR SECOND COMPANY)

a. ***TAX SHELTERED INVESTMENT PLAN AMENDMENT TO EMPLOYMENT CONTRACT (FM-2609)***

All employees, whether on contract or not, must sign this form (and any other required form) before a tax sheltered investment plan will be instituted. The original **CLEARLY AND LEGIBLY PRINTED** form must be submitted. **(NO CHANGES ALLOWED ON THIS FORM)**

b. ***CONTROL FORMS (FM-0625)***

A **TYPED** two-part control form is required for each transaction. Signature of agent or broker/dealer is required on the form.

c. ***COMPANY MAXIMUM EXCLUSION ALLOWANCE FORM***

Proof of the calculation of the Maximum Exclusion Allowance must be submitted with all transactions initiated by the agent and or broker/dealer. **This form must be signed and dated by the employee and the agent or broker/dealer.**

3. **FOR DECREASES (EITHER FIRST OR SECOND COMPANY)**

a. ***TAX SHELTERED INVESTMENT PLAN AMENDMENT TO EMPLOYMENT CONTRACT*** (FM-2609)

All employees, whether on contract or not, must sign this form (and any other required form) before a tax sheltered investment plan will be instituted. The original **CLEARLY AND LEGIBLY PRINTED** form must be submitted. **(NO CHANGES ALLOWED ON THIS FORM)**

b. ***CONTROL FORMS*** (FM-0625)

A **TYPED** two-part control form is required for each transaction. Signature of agent or broker/dealer is required on the form.

4. **FOR TRANSFER AND/OR EXCHANGE OF COMPANIES**

a. ***ADDENDUM TO THE 403(b) AMENDMENT TO EMPLOYMENT CONTRACT*** (FM-3756)

All employees, whether on contract or not, must sign this form (and any other required forms) before a transfer and/or exchange will be effected. The original **CLEARLY AND LEGIBLY PRINTED** form must be submitted. **(NO CHANGES ALLOWED ON THIS FORM)**

b. ***CONTROL FORMS***. (FM-0625)

A **TYPED** two-part control form is required for each transaction. Signature of agent or broker/dealer is required on the form.

c. ***UNIFORM DISCLOSURE PROPOSAL***. (FM-2610A or FM-2610B)

A **TYPED COMPLETED** set of copies must be submitted (as indicated on the form), both signed by the employee and the agent or broker/dealer. (The original must be left with the employee at the time the Amendment to Employment Contract is signed).

d. ***COMPANY MAXIMUM EXCLUSION ALLOWANCE FORM***

Proof of the calculation of the Maximum Exclusion Allowance must be submitted with all transactions initiated by the agent and or broker/dealer. This form must be signed and dated by the employee and the designated agent or broker/dealer.

e. ***COMPANY APPLICATION FORM***

A duplicate of the company's own application form as well as all specific fund application forms, signed by the employee and the agent or broker/dealer, is required. Application form(s) will be retained in the employee's file

TRANSFERS/EXCHANGES may vary in type in that a participant can transfer from one company to another; from two companies to one; from one company to two, and from two companies to two other companies. **If the total dollar amount contributed to the company(ies) does not change, then these forms are sufficient, one set for each company the participant is changing to. If however, the total dollar amount contributed to the company(ies) changes, then the following form is also required:**

f. ***TAX SHELTERED INVESTMENT PLAN AMENDMENT TO EMPLOYMENT CONTRACT (FM-2609)***

All employees, whether on contract or not, must sign this form (and any other required form) before a tax sheltered investment plan will be instituted. The original **CLEARLY AND LEGIBLY PRINTED** form must be submitted. **(NO CHANGES ALLOWED ON THIS FORM)**

SAMPLE TRANSFERS WITH NO CHANGE IN AMOUNT:

Two companies to one company:

Required forms: 2 Addendum to the §403(b) Amendment
1 Company Application
1 Control Form
1 or 2 Uniform Disclosures as applicable
1 Maximum Exclusion Allowance Calculation

One company to two companies:

Required forms: 1 Addendum to the §403(b) Amendment
2 Company Application
2 Control Form
2 or more Uniform Disclosures as applicable
1 Maximum Exclusion Allowance Calculation

SAMPLE TRANSFERS WITH A CHANGE IN AMOUNT:

Two companies to one company:

Required forms: 2 Addendum to the §403(b) Amendment
1 Company Application
1 Control Form
1 or 2 Uniform Disclosures as applicable
1 Maximum Exclusion Allowance Calculation
1 Amendment to Employment Contract

One company to two companies:

Required forms: 1 Addendum to the §403(b) Amendment
2 Company Applications
2 Control Forms
2 or more Uniform Disclosures as applicable
1 Maximum Exclusion Allowance Calculation
2 Amendment to Employment Contracts

B. Forms which must be **completed, signed and submitted by the employee** are available from the Office of Risk and Benefits Management.

1. FOR CANCELLATION OF AN EXISTING PROGRAM

a. ***TAX SHELTERED PLAN CANCELLATION REQUEST (FM-3529)***

An employee is entitled to cancel an Amendment to Employment Contract at any time by submitting three signed copies of this form to the Office of Risk and Benefits Management; however, at least 30 days notice is required before the cancellation can take effect to allow for adequate notice to the affected company of the employee's intent to cancel. This is to allow the company time to advise the employee of any possible financial loss.

If the employee does not rescind the request in writing, the cancellation will be processed.

VII. PROCESSING

A. STARTS, RESTARTS, INCREASES AND DECREASES (EITHER FIRST OR SECOND COMPANY)

1. Applications that are procedurally correct and include all completed and required forms with appropriate signatures will be processed. Those that are deficient will be returned to the agent or broker/dealer designated on the Control Forms. Incomplete forms submitted will cause a delay in processing and the agent should notify the employee of the delay.
2. Written notification that a complete application package has been received, will be sent to the employee, using information furnished on the application and Control Form for verification.
 - a. If the employee returns the notification with a signed request to withdraw the application, the company will be notified.
 - b. If the employee does not respond prior to the deadline date the application will be processed.
 - (1) At this point the transaction becomes official. The Control Form is sent to Deduction Control to initiate salary reductions beginning with the date requested.
 - (2) A copy of the documents submitted to initiate the transaction will be retained in files maintained by the Office of Risk and Benefits Management.

B. APPLICATIONS INVOLVING TRANSFER AND/OR EXCHANGE

1. Applications that are procedurally correct and include all completed and required forms with appropriate signatures will be processed. Those that are deficient will be returned to the agent or broker/dealer designated on the Control Forms. Incomplete forms submitted will cause a delay in processing and the agent should notify the employee of the delay.
2. Written notification that the complete application package has been

received will be sent to the employee using information furnished on the application Control Form. Notification(s) to the existing company(ies) will also be mailed.

- a. If the employee returns the notification with a signed request to withdraw the application, the company applying for the transfer and/or exchange will be advised.
- b. If the employee does not respond prior to the deadline date the application will be processed.
 - (1) At this point the transaction becomes official. The Control Form will be sent to Deduction Control to effect a change in contributions from the existing company to the new company.
 - (2) A copy of the documents submitted to initiate the transaction will be retained in files maintained by the School Board's Office of Risk and Benefits Management.

VIII. BILLING OR PREMIUM NOTICES

- A. **UNDER THE ESTABLISHED PROCEDURE USED BY THE SCHOOL BOARD IT IS UNNECESSARY FOR A COMPANY TO PRESENT A BILLING OF ANY KIND TO THE BOARD AND NO BILLINGS WILL BE UTILIZED OR RETURNED TO A COMPANY.**

- B. Reductions will be made from the payroll checks according to the Control Form on file for the employee. In the event that either the amount of earnings due the employee during any regular pay period is insufficient to pay the corresponding installment, or the Board fails because of error to make said reduction, then the amount of reduction provided for by the Amendment shall be reduced by the amount of said installment or installments not made to the company through insufficiency or through error. An itemized listing of the employees enrolled and the authorized amounts will be sent each company, together with a check for the total shown on the listing, on a biweekly basis.

IX. NOTICES TO EMPLOYEES

All dividend statements, loan interest notices, statements of contribution, and prescribed Internal Revenue forms indicating the amount of any contract that includes incidental life and/or waiver of premium insurance, and is thus taxable for the year, must be mailed to the employee at the home address the company has on file. In the event mail is returned as undeliverable, the Office of Risk and Benefits Management, will assist in securing a current address.

All distributions should be made after current contributions have been suspended. Distributions must be made payable to the participant. Form 1099r should be mailed to the employee reflecting the distribution.

APPENDIX

A

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
§403(b) TAX SHELTERED INVESTMENT PLAN
MAXIMUM EXCLUSION ALLOWANCE WORKSHEET

This worksheet is for calculating the Maximum Exclusion Allowance for employees making contributions to a 403(b) program for the purchase of tax-sheltered annuities (TSA's) under a salary reduction agreement. This Worksheet assumes there are no employer contributions to the 403(b) program. All items of Section I must be completed. Sections II and III should be completed for eligible employees.

Employee _____

Employer The School Board of Miami-Dade County, Florida

I. Maximum Exclusion Allowance

- | | | |
|---|--|----------|
| 1. Employee's annual gross salary: | | \$ _____ |
| 2. Employee's pre-tax contribution to qualified plans (e.g., STRS or PERS): | | \$ _____ |
| 3. Employee's pre-tax contribution to Section 125 cafeteria plan: | | \$ _____ |
| 4. Total annual salary less employee's pre-tax contributions: | | \$ _____ |
| _____ Minus _____ Minus _____ = | | \$ _____ |
| (Line 1) (Line 2) (Line 3) | | |
| 5. Years of service with current employer as of end of current taxable year
(Include fraction for partial year; enter "1" if less than one full year of service): | | _____ |
| 6. Prior tax-exempt contributions by employer to all plans on behalf of employee
(including employee and employer pre-tax contributions to a TSA, State Retirement Plan and other qualified plans). If actual amount of contributions to defined benefit plan is unavailable, see Section IV, Supplemental Defined Benefits Formula. | | \$ _____ |
| 7. _____ Times _____ = | | \$ _____ |
| (Line 4) (Line 5) | | |
| 8. _____ Times 5 = | | \$ _____ |
| (Line 6) | | |
| 9. _____ Minus _____ = | | \$ _____ |
| (Line 7) (Line 8) | | |
| 10. _____ Plus 5 = | | \$ _____ |
| (Line 5) | | |
| 11. _____ Divided by _____ = | | \$ _____ |
| (Line 9) (Line 10) | | |
| 12. Since the plan accepts only salary reduction contributions: | | \$ _____ |
| a) Enter \$10,000 if line 5 is less than 15; or | | |
| b) If line 5 is equal to or greater than 15, and if the employer is an educational organization, hospital, home health service agency, health and welfare service agency, or church, enter amount determined by Section III, IRS Section 402(g) Catch-Up Calculation. | | |
| 13. _____ Times 20% = | | \$ _____ |
| (Line 4) | | |
| If line 13 is less than line 11 and line 12, and if the Employer is an educational institution, hospital, home health service agency, health and welfare agency, or church organization, complete Section II, IRS Section 415 Catch-Up Options, and enter result at line 13. | | |
| 14. Maximum Exclusion Allowance is lesser of lines 11, 12 and 13: | | \$ _____ |

II. IRS §415 Catch-Up Options

Under Internal Revenue Code Section 415, employees of educational institutions, hospitals, home health agencies, health and welfare agencies, or church organizations may elect an alternative to the limitation amount of line 13. Eligible employees may make an irrevocable election to have the limitation of Option A, B, or C* apply. An employee electing one of these options may not elect another option in later years, but may return to the general limitation of 20 percent of includible compensation (line 13). The employee should exercise extreme care in electing to use the Option A, B, or C alternative limitation. Once one of these alternative limitations is elected, the others may never be used.

Option A

This option is available only during the year of separation of service. The "year of separation" option allows an employee to disregard the 20 percent limit on gross annual salary for the year of separation in order to allow an employee to carry forward into retirement a larger percentage of earnings from the one year just prior to separation, provided the employee has not sheltered large amounts during the 10-year period ending on the date of separation. If total years of service as described at line 5 is not more than 10 years, the limitation under this section will equal the general limitation at line 13. This option A may be used only once in a lifetime, even if the employee is employed by a different employer at a later time. If the employee's total years of service exceeds 10 years, the exclusion allowance will be determined as follows:

A-1.	Enter the amount from line 4		\$ _____
A-2	Tax-exempt contributions by employer to all plans on behalf of employee (Including employee and employer pre-tax contributions to a TSA, State Retirement Plan and other Qualified Plans) during preceding 10 years. If actual amount of contributions to defined benefit plan is unavailable, see Section IV, Supplemental Defined Benefits Formula.		\$ _____
A-3	_____ Times _____ = (Line A-1) (Years of Service up to 10)		\$ _____
A-4	_____ Times 5 = (Line A-2)		\$ _____
A-5	_____ Minus _____ = (Line A-3) (Line A-4)		\$ _____
A-6	_____ Plus 5 = (Years of Service up to 10)		\$ _____
A-7	_____ Divided by _____ = (Line A-5) (Line A-6)		\$ _____

Line A-7 is the Option A limit. If the employee elects to use the Option A limit, enter the total from Line A-7 at Line 13.

Option B

This option available during any year of service and allows an employee to shelter \$4,000 plus 25% of includible compensation.

- B-1 Enter amount from Line 4: \$ _____
- B-2 _____ Times .25 plus \$4,000 =
(Line B-1) \$ _____
- B-3 Enter amount from Line 11: \$ _____
- B-4 Enter \$15,000: \$ _____
- B-5 The Option B limit is the lesser of lines B-2, B-3 and B-4: \$ _____

If the employee elects to use the Option B limit, enter the amount from line B-5 at line 13.

*Option C is available during any year of service. Option C allows the employee to disregard the Maximum Exclusion Allowance calculated at line 11 in determining the maximum amount the employer can contribute to a 403(b) plan on a tax-deferred basis. However, generally Option C is not a favorable option and the calculation is not included in this worksheet.

III. IRS §402(g) Catch-Up Calculation

- A. _____ Times \$5,000 =
(Line 5) \$ _____
- B. Employee's prior salary reduction contributions to TSA \$ _____
- C. _____ Minus _____ =
(Line A) (Line B) \$ _____
- D. Catch-up amounts contributed in prior years under this option \$ _____
- E. \$15,000 minus _____ =
(Line D) \$ _____
- F. \$10,000 plus _____ =
(Line C) \$ _____
- G. \$10,000 plus _____ =
(Line E) \$ _____
- H. \$10,000 plus \$3,000 \$ _____

Enter the lesser of F,G, or H at Line 12.

IV. Supplemental Defined Benefits Formula

To determine past employer contributions to a Defined Benefit Plan for inclusion on line 6 of Section 1:

- 1. Enter expected annual retirement benefit at normal retirement age (as defined in the plan) from employer's pension plan (assuming continued employment at current salary): \$ _____

- 2. Enter Table A factor, based on normal retirement age: _____

- 3. _____ Times _____ = \$ _____
(Line 1) (Line 2)

- 4. Enter Table B factor, based on total years in plan, as of normal retirement age: _____

- 5. _____ Times _____ = \$ _____
(Line 3) (Line 4)

- 6. Years of past service with employer as of beginning of current year: _____

- 7. _____ Times _____ = \$ _____
(Line 5) (Line 6)

- 8. Enter total of employee's after-tax contributions to plan: _____

- 9. _____ Minus _____ = \$ _____
(Line 7) (Line 8)

- 10. Prior employer contributions to other plans (includes employer and employee before-tax contributions to TSA and other qualified plans): \$ _____

- 11. _____ Plus _____ = \$ _____
(Line 9) (Line 10)

Enter sum from Line 11 at line 6 of Section 1.

Signatures

The calculation of the Maximum Exclusion Allowance is based on the information you have provided. This form should not be construed as legal or tax advice. You should consult your tax professional or attorney if you have any questions.

Client's Signature _____ Date _____

Agent's Signature _____ Date _____

APPENDIX

B

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
§403(b) TAX SHELTERED INVESTMENT PLAN**

Office of Risk and Benefits Management
The School Board of Miami-Dade County, Florida
1500 Biscayne Boulevard, Suite 127
Miami, Florida 33132

CONTROL FORM

Employee Name (LAST)	(FIRST)	(INITIAL)	Employee No.	Social Security No.
Mailing Address: _____				
Address	City	State	Zip	Age
Work Location No.	School/Office	Job Position	Paycode	Annual Salary
Company or Fund Custodian				Fla. Dept. of Insurance ID #
Licensed Representative (Printed)				_____
Signature of Licensed Representative				Representative's Address

Type of Transaction

<p>New Application ()</p> <p>Restart ()</p> <p>Increase ()</p> <p>Decrease ()</p> <p>Co. Code #: _____ Amount: _____</p> <p>Date of 1st Deduction: _____</p>	<p>Transfer/Exchange</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">Co. Code</th> <th style="width:30%;">Amount</th> <th style="width:40%;"></th> </tr> </thead> <tbody> <tr> <td>Existing</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td colspan="3">Final Reduction Date: _____</td> </tr> <tr> <td>New Co.</td> <td>_____</td> <td>_____</td> </tr> <tr> <td colspan="3">New Co. 1st Ded. Date: _____</td> </tr> </tbody> </table>	Co. Code	Amount		Existing	_____	_____	_____	_____	_____	Final Reduction Date: _____			New Co.	_____	_____	New Co. 1st Ded. Date: _____			<p align="center">Retirement Only</p> <p>Sick Days _____</p> <p>Vacation Days _____</p>
Co. Code	Amount																			
Existing	_____	_____																		
_____	_____	_____																		
Final Reduction Date: _____																				
New Co.	_____	_____																		
New Co. 1st Ded. Date: _____																				

INTERNAL USE ONLY

<p>For Risk and Benefits Management</p> <p>1. Documents Received: _____</p> <p>2. Documents Approved: _____</p>	<p>For Deduction Control</p> <p>1. Current Contributions: _____</p> <p>2. Curr/YTD: _____</p> <p>3. New Contributions: _____</p> <p>4. Received Date: _____</p> <p>5. Date/Processed by: _____</p> <p>6. Date/Checked by: _____</p>
--	--

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
§403(b) TAX SHELTERED INVESTMENT PLAN AMENDMENT TO EMPLOYMENT CONTRACT

THIS AGREEMENT, Made and entered into this ____ day of ____, A.D., 19 ____, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, hereinafter referred to as the Board, and _____, hereinafter referred to as the Employee.

WITNESSETH

WHEREAS, the Board and the Employee wish to amend the contract of employment hereinbefore entered into between the Board and the Employee in order to make available to said employee a Tax Sheltered Investment Plan as provided by 403(b) of the Internal Revenue Code, as amended:

1. That this Amendment shall remain in force for the duration of this contract, provided that employment contract remains in effect.
2. Option 1 - Periodic Payroll Contributions
 - a. For a **full-time employee**, the Board shall reduce the present salary of the undersigned by \$ _____ for this calendar year, as calculated on the Maximum Exclusion Allowance Form, which is \$ _____ per pay period, for a full time employee.

For a **part-time employee**, the Board shall reduce the present salary of the undersigned by ____% per pay period, as calculated on the Maximum Exclusion Allowance Form.

These contributions shall be taken over the remaining _____ pay periods of this calendar year commencing on or after the payroll deduction date of _____ and continuing into subsequent years.
 - b. Option 2 - One Time Reduction Upon Retirement
That the Board shall reduce the value of accrued sick time by _____ days and defer \$ _____. Optionally, the Board shall reduce the value of the accrued vacation time by _____ days and defer \$ _____.
3. In consideration of the reduced salary, the Board will purchase from _____ Company a non-forfeitable contract equal to the amount of the salary reduction to provide retirement benefits to said Employee based on the provisions of 403(b) of the Internal Revenue Code, as amended.
4. This agreement shall be legally binding and irrevocable as to both parties hereto while employment continues, provided however, that either party may change or terminate this agreement by giving notice in writing and in accordance with Board procedures, rules and prescribed methods concerning said changes or terminations. Further, no more than two agreements for such salary reduction may be made within any taxable year of the undersigned employee except to the extent otherwise permitted under 403(B) of the Internal Revenue Code as amended. However, in the event the amount of earnings due the undersigned Employee during any regular pay period shall be insufficient to pay the corresponding installment (as prescribed in paragraph 2 of this agreement), or in the event the Board fails because of error to make said reduction, then the amount of reduction provided for in paragraph 2 of this agreement shall be reduced by the amount of said installment or installments not made to the company through insufficiency or through error as hereinabove provided.
5. That except as herein set forth the contract of employment of the Employee is not otherwise amended and shall remain in full force and effect.
6. The employee releases all rights, present and future, to receive payment in any other form of said sum except (1) the right of Employee's estate upon his/her death while in the Board's employ, or (2) the right personally upon termination of the Employee's amendment by reason other than his/her death, to receive all or part of the amount herein specified for which Employee has already rendered services but which has not been applied to the purchase of a Deferred Compensation Plan.

Effective Date of First Salary Reduction: _____

Social Security Number: _____ Employee Number: _____

Employee's Signature

IT IS AGREED AND UNDERSTOOD THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA UNDERTAKES NO OBLIGATION BY MAKING AVAILABLE A SALARY REDUCTION AGREEMENT THROUGH PAYROLL DEDUCTION TO MAKE CONTRIBUTIONS TO ANY 403(b) TAX SHELTERED INVESTMENT PLAN YOU HAVE SELECTED YOUR OWN INVESTMENTS AND THE SCHOOL BOARD HAS NO RESPONSIBILITY FOR INVESTMENT RESULTS.

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
ADDENDUM TO THE §403(b) AMENDMENT TO EMPLOYMENT CONTRACT**

This addendum, made and entered into this ____ day of ____, 19__ A.D. by and between the School Board of Miami-Dade County, Florida, hereinafter referred to as the Board and _____, hereinafter referred to as the Employee, is made as part of the previously executed agreement, and currently effective, Amendment to Employment Contract for the purpose of purchasing a non-forfeitable contract to provide retirement benefits to the Employee based on the previous §403(b) of the Internal Revenue Code, as amended.

Now, therefore, in consideration of the premises and mutual undertaking and agreements herein contained and assumed, The Board and the Employee hereby covenant and agree to amend the existing Amendment to Employment Contract as follows:

Option I: Transfer of the Annuity Plan(s)

Effective with the payroll reduction date of _____, discontinue the Deferrals

With _____ Company and optionally

With _____ Company and

INITIATE Deferrals into an account with _____ Company.

Option II: Exchange and Transfer of Annuity Plan(s)

Effective with the payroll reduction date of _____, discontinue the Deferrals

With _____ Company and optionally

With _____ Company and

INITIATE Deferrals into an account with _____ Company.

In addition, the values of the account(s) with _____

And optionally with _____

Company(ies) will be exchanged for an account with _____

Company as a single integrated transaction under the provisions of §1035 or §403(b)(8)(A) of the Internal Revenue Code, as amended whichever is applicable.

I understand that the Board requires at least 2 cut off periods before this transaction can take effect. These rules also require that the affected company be given adequate notice of this transfer and/or exchange prior to the effective date so that the company can notify me of the financial consequences.

I understand that if the company does not contact me that it is my responsibility to contact the company to apprise myself of all implications of this transaction. I further understand that any policy options are an employee/company matter.

Effective Date of First Salary Reduction: _____

Social Security Number: _____

Employee Number: _____

Employee's Signature

IT IS AGREED AND UNDERSTOOD THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA UNDERTAKES NO OBLIGATION BY MAKING AVAILABLE A SALARY REDUCTION AGREEMENT THROUGH PAYROLL DEDUCTION TO MAKE CONTRIBUTIONS TO ANY TAX DEFERRED §403(b) PLAN. YOU HAVE SELECTED YOUR OWN INVESTMENTS AND THE SCHOOL BOARD HAS NO RESPONSIBILITY FOR INVESTMENT RESULTS.

WHITE ORIGINAL - RISK AND BENEFITS MANAGEMENT
YELLOW COPY - EMPLOYEE
PINK COPY - REPLACED COMPANY
GOLD COPY - PROPOSED COMPANY

FM-3756 Rev. (06-98)

**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
TAX SHELTERED INVESTMENT §403(b) PLANS
UNIFORM DISCLOSURE PROPOSAL**

PREPARED FOR _____

EMPLOYEE # _____

THIS PROPOSAL FORM MUST BE FULLY COMPLETED, SIGNED AND GIVEN TO THE EMPLOYEE AT THE TIME A COMPANY'S REPRESENTATIVE MAKES A SALES PRESENTATION INVOLVING ANY TAX SHELTERED INVESTMENT PRODUCT, OTHER THAN LIFE INSURANCE. A COPY SIGNED BY THE COMPANY'S DESIGNATED AGENT OR REGISTERED REPRESENTATIVE AND THE EMPLOYEE MUST BE ATTACHED TO THE AMENDMENT TO EMPLOYMENT CONTRACT WHEN IT IS SUBMITTED TO THE INSURANCE DEPARTMENT, OFFICE OF RISK AND BENEFITS MANAGEMENT.

Name of Company

Name of Licensed Representative & Fla. Dept. Of Insurance ID #.

Home Office Address

Local Address

(_____) _____
Phone Number

(_____) _____
Phone Number

1a. What is the product name of the proposed contract? _____

1b. Type of contract: Fixed _____ Variable _____ Fixed with Life _____

2.

FINANCIAL DISCLOSURE ANNUITY PRODUCTS

(Complete All applicable information or indicate not applicable)

Minimum GUARANTEED interest rate _____

Current interest rate if annuitized _____

Current interest rate if surrendered _____

Policy Maintenance fee _____

Loans Available _____

Loans Guaranteed _____

Interest Rate for Loan _____

Interest rate earned on Borrowed Funds _____

Surrender charge _____

Other Charges _____

Percentage allocated to insurance _____

Whole Life or Universal Life

(W) _____

(L) _____

Earnings are credited by a: Portfolio Method () or Old Money/New Money () Old money interest rate _____

*The current rate is not guaranteed and may change in the future to reflect changes in the investment portfolio.

NOTICE: Save this disclosure proposal for future reference. If, in the future, anyone recommends that you replace the contract purchased as a result of this proposal, contact the agent of company whose name appears above. The current interest rate illustrated herein may change in the future. You owe it to yourself to see what your contract provides at the time of the proposed replacement before actual replacement is made.

It is agreed and understood that the School Board of Miami-Dade County, Florida undertakes no obligation by making available a salary reduction agreement through payroll deduction to make contributions to any Tax Deferred §403(b) plan. You have selected your own investment and the School Board has no responsibility for investment results.

Signature of Agent

Date

Signature of Employee

Date



**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
TAX SHELTERED INVESTMENT §403(b)(7) CUSTODIAL ACCOUNTS
UNIFORM DISCLOSURE PROPOSAL**

PREPARED FOR _____

EMPLOYEE # _____

THIS PROPOSAL FORM MUST BE FULLY COMPLETED, SIGNED AND A COPY GIVEN TO THE EMPLOYEE AT THE TIME A COMPANY'S REPRESENTATIVE MAKES A SALES PRESENTATION INVOLVING ANY TAX SHELTERED INVESTMENT PRODUCT OTHER THAN LIFE INSURANCE. A COPY SIGNED BY THE COMPANY'S DESIGNATED AGENT OR REGISTERED REPRESENTATIVE AND THE EMPLOYEE MUST BE ATTACHED TO THE AMENDMENT TO EMPLOYMENT CONTRACT WHEN IT IS SUBMITTED TO THE INSURANCE DEPARTMENT, OFFICE OF RISK AND BENEFITS MANAGEMENT.

Name of Company or Broker/Dealer

Name of Licensed Representative & Fla. Dept. Of Insurance ID #

Home Office Address

Local Address

() _____
Phone Number

() _____
Phone Number

1. Mutual Fund(s), Custodial Account:

Fund 1: _____	Investment Objective _____
Fund 2: _____	Investment Objective _____
Fund 3: _____	Investment Objective _____
Fund 4: _____	Investment Objective _____
Fund 5: _____	Investment Objective _____

2.

FINANCIAL DISCLOSURE MUTUAL FUNDS

(Complete All applicable information or indicate not applicable (N/A))

	Fund1	Fund2	Fund3	Fund4	Fund5
<u>Max. Sales Load on Purchases</u> (as a percentage of offering price)	_____	_____	_____	_____	_____
<u>Redemption Fee</u>	_____	_____	_____	_____	_____
<u>Max. Sales Load on Reinvested Dividend</u>	_____	_____	_____	_____	_____
<u>Exchange Fee</u>	_____	_____	_____	_____	_____
<u>ANNUAL FUND OPERATING EXPENSES</u> (as a percentage)	_____	_____	_____	_____	_____
<u>Management Fees</u>	_____	_____	_____	_____	_____
<u>12b-1 Fees</u>	_____	_____	_____	_____	_____
<u>Other Expenses</u>	_____	_____	_____	_____	_____
<u>Total Fund Operating Expenses</u>	_____	_____	_____	_____	_____

Example

You would pay the following expenses on a \$1,000 investment assuming (1) 5% annual return and (2) redemption at the end of each time period

	1 year	3 years	5 years	10 years
Fund 1: _____	_____	_____	_____	_____
Fund 2: _____	_____	_____	_____	_____
Fund 3: _____	_____	_____	_____	_____
Fund 4: _____	_____	_____	_____	_____
Fund 5: _____	_____	_____	_____	_____

NOTICE: Save this disclosure proposal for future reference. If, in the future, anyone recommends that you replace the contract purchased as a result of this proposal, contact the agent of company whose name appears above. The current interest rate illustrated herein may change in the future. You owe it to yourself to see what your contract provides at the time of the proposed replacement before actual replacement is made.

It is agreed and understood that the School Board of Miami-Dade County, Florida undertakes no obligation by making available a salary reduction agreement through payroll deduction to make contributions to any 403(b) plan. You have selected your own investment and the School Board has no responsibility for investment results.

Signature of Agent

Date

Signature of Employee

Date



**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 §403(b) & §403(b)(7) TAX-SHELTERED INVESTMENT PLAN
 CANCELLATION REQUEST**

Insurance Management
 Office of Risk and Benefits Management
 The School Board of Miami-Dade County, Florida
 1500 Biscayne Boulevard, Suite 127
 Miami, Florida 33132

Work Location 9112

Please honor my request to stop reduction of salary for the purchase of a tax sheltered investment plan with the company below by canceling my Amendment to Employment Contract. **I UNDERSTAND THE BOARD REQUIRES THAT AT LEAST 30 DAYS NOTICE BE GIVEN BEFORE CANCELLATION CAN TAKE EFFECT. THESE RULES ALSO REQUIRE THAT THE COMPANY SHOULD BE GIVEN ADEQUATE NOTICE OF THIS TERMINATION PRIOR TO THE EFFECTIVE DATE SO COMPANY CAN NOTIFY ME OF THE FINANCIAL CONSEQUENCES. A POSSIBLE FINANCIAL LOSS MAY RESULT FROM THE CANCELLATION.** For example, terminating some types of Tax Sheltered Investment Contracts, even one day before the contract anniversary date, could possibly result in the loss of that year's dividend and interest.

I understand that if the company does not contact me, that it is my responsibility to contact the company to apprise myself of all implications of this termination.

I further understand that any premium adjustments or policy options are a matter between myself and the company. I HAVE GIVEN CAREFUL CONSIDERATION TO ANY FINANCIAL LOSS THAT MAY RESULT FROM THE CANCELLATION OF THIS CONTRACT. I REALIZE THAT INCOME TAX AND POSSIBLY A TAX PENALTY MAY BE DUE ON ANY MONIES REFUNDED TO ME BY THE COMPANY.

 Employee's Signature

 Date Signed

CAUTION! AFTER THIS CANCELLATION REQUEST HAS BEEN SUBMITTED, IT MAY NOT BE RESCINDED EXCEPT BY A SIGNED WRITTEN REQUEST RECEIVED IN THE OFFICE OF RISK AND BENEFITS MANAGEMENT, PRIOR TO PROCESSING.

CANCELLATION CONTROL FORM

(LAST)	(FIRST)	(MI)	Employee No.	Social Security No.
Work Location No. School/Office		Job Position		Paycode
Name of Company or Fund Custodian				Company Code Number
Name of Agent or Broker/Dealer			Address	
Salary Reduction Each Paydate \$ _____		Last Reduction Date To Be _____		

For Insurance Management Only

For Deduction Control Only

1. Date signed forms received: _____
2. Date processed & initialed: _____

1. Date received: _____
2. Date processed: _____
3. Date of last deduction: _____

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978, prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D- 1.10 prohibit harassment and/or discrimination against an employee or student on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

REVISED 10/31/97

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 15, 2008, its intention to promulgate new School Board Rule 6Gx13-4D-1.103, Supplemental Retirement Investment Programs, at its meeting of November 18, 2008.

PURPOSE AND EFFECT: To promulgate a new Board Rule which will incorporate the new Federal Guidelines for IRC§ 403(b) plans into the District's Supplemental Retirement Investment Program, in conjunction with the creation of eligibility guidelines for companies to participate in offering such products to District employees.

SUMMARY: To promulgate School Board Rule 6Gx13- 4D-1.103, Supplemental Retirement Investment Programs which includes the provisions of the new Federal regulations of such plans along with the adoption of the Independent Benefit Council's (IBC) "Model Plan", in conjunction with incorporating existing providers as part of the plan document, and to identify all other supplemental investment plans offered to district employees. The proposed new rule replaces Board Rule 6Gx13- 4D-1.081, Tax Sheltered Investment Plan – Policy, and the document, Tax Sheltered Investment Plan Rules and Guidelines, which is incorporated by reference and part of this rule, proposed for repeal, upon adoption by the Board.

Revised Pursuant to Board Direction on 10/15/08

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(5); 1001.43(6), (11); 1012.23, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF November 18, 2008, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.54(1), F.S., must do so in writing by November 10, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WISHING TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED PROMULGATED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Scott B. Clark }
Date: October 16, 2008 } Revised Subsequent to Initial Reading on 10/15/08

Compensation and Related Benefits

SUPPLEMENTAL RETIREMENT INVESTMENT PROGRAMS

I. Goals

The goals of this rule are as follows:

a. Assure compliance of the District's Internal Revenue Code (IRC) § 403(b) Tax Sheltered Annuity Investment Program with Federal Regulations

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b. Adopt an official plan document for The School Board of Miami-Dade County, Florida as the plan sponsor of the District's IRC § 403(b) Tax Sheltered Annuity Investment Program, hereafter referred to as "TSA Investment Program" which can be amended, from time to time to assure adherence with all IRC regulations including approval of investment options and plan administration guidelines.

c. Adopt the Independent Benefits Council's (IBC) statewide "Model Plan" as the accepted platform for companies offering investments to District employees as part of the TSA Investment Program, including any newly added providers to be offered to District employees. Providers will be classified into one of three categories, as follows:

"Run Off Provider" – This category includes any Plan investment provider that is restricted to receiving and/or changing contribution amounts from employees with current contributions as of November 18, 2008. Those employees may continue to direct contributions to the Run Off Provider, and may change contribution amounts and investment allocations. However, a Run Off Provider may not accept contributions or rollovers from any Plan Participant that does not have a Plan account with the Run Off Provider as of November 18, 2008.

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"IBC Approved Provider" – This category includes those investment providers listed in the Model Plan as recommended by the IBC.

"Grandfathered Provider" – This category includes any investment provider receiving employee contributions as of November 18, 2008, that is not classified as either a Run Off Provider or as an IBC Approved Provider.

Both IBC Approved Providers and Grandfathered Providers will continue their current eligibility to add new participants, as well as make any and all necessary changes including, but not limited to starts, stops, changes, distributions, etc.

Run Off Providers, IBC Approved Providers and Grandfathered Providers shall be responsible to complete all necessary due diligence with the School Board to be in complete compliance with all Internal Revenue Code (IRC) § 403(b) requirements which become effective January 1, 2009 and beyond. In particular, each of the above providers will be required to complete an Information Sharing Agreement (ISA). In the event an ISA is not in place for a particular Provider, restrictions will be imposed on that Provider in accordance with the IRC and the regulations thereunder.

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- d. Create choice, compliance, and a source of revenue for the District in determining the number of providers offering investments to district employees, in conjunction with a per participant fee structure to be collected by the District from providers to offset administrative expenses, including the possibility in the future of seeking the services of a third party administrator to assist in the plan's administration with funds to pay the administrator to come from the revenue from participating companies
 - e. Document in Board Rule the existence of the District's IRC §457 and §401(k) plans
- II. The School Board of Miami-Dade County, Florida as the plan sponsor of the TSA Investment Program, sets forth the following requirements:
- a. All employees of the district are eligible to participate.
 - b. Employees' investments will be limited to maximums as determined by IRC §415(c) (1)(A) and §402(g)(1) limitations, or as to be determined in the future under the Internal Revenue Code.

c. Employees will have the opportunity to select from providers incorporated as part of the State of Florida Model Plan, as recommended by the Independent Benefits Council (IBC), and adopted by the District, which may change from time to time. All terms and conditions of such participation in the Model Plan are comprised of the Letters of Agreement between the IBC and selected companies agreeing to provide competitive rate structures to maximize potential returns on investments for employees and also agree to the fee structure as agreed upon by the IBC to offset district administrative expenses. Any newly added providers to the TSA Investment Program must be part of the Model Plan.

d. Employees will also have the opportunity select from providers which are receiving contributions as of November 18, 2008. Providers will be classified into one of three categories, as follows:

“Run Off Provider” – This category includes any Plan investment provider that is restricted to receiving and/or changing contribution amounts from employees with current contributions as of November 18, 2008. Those employees may continue to direct contributions to the Run Off Provider, and may change contribution amounts and investment allocations. However, a Run Off Provider may not accept contributions or rollovers from any Plan Participant that does not have a Plan account with the Run Off Provider as of November 18, 2008.

“IBC Approved Provider” – This category includes those investment providers listed in the Model Plan as recommended by the IBC.

“Grandfathered Provider” – This category includes any investment provider receiving employee contributions as of November 18, 2008, that is not classified as either a Run Off Provider or as an IBC Approved Provider.

Both IBC Approved Providers and Grandfathered Providers will continue their current eligibility to add new participants, as well as make any and all necessary changes including, but not limited to starts, stops, changes, distributions, etc.

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e. All such companies shall be responsible to complete all necessary due diligence with the School Board to be in complete compliance with all Internal Revenue Code (IRC) § 403(b) requirements which become effective January 1, 2009 and beyond. In particular, each of the above providers will be required to complete an Information Sharing Agreement (ISA). In the event an ISA is not in place for a particular Provider, restrictions will be imposed on that Provider in accordance with the IRC and the regulations thereunder.

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10/15/08

f. The District adopts the 403(b) Plan Document for Public Educational Organizations ("Plan Document") as modified by an Adoption Agreement which is incorporated herein by reference.

III. The District will collect fees in amounts determined by the Model Plan (currently \$12/participant/year) in addition to the existing \$5/participant/year to be paid by all investment providers other than Run Off Providers to offset administrative expenses for the Office of Risk and Benefits Management to manage the plan. These funds will continue to be used to offset administrative expenses within the Office of Risk and Benefits Management to administer the TSA Investment Program, including the possibility of using such funds to pay for a third party administrator, including using such administrator as a common remitter for all employee-funds.

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IV. The School Board of Miami-Dade County, Florida as the plan sponsor of the District's IRC §457 Plan which has been in place since 2001, sets forth the following requirements:

- a. All employees are eligible to participate.
- b. Employees' investments will be limited to maximums as determined by IRC §415(c) (1)(A) and §402(g)(1) limitations, or as to be determined by the Internal Revenue Code in the future.
- c. Employees will have the opportunity to select from investment options which are offered by the plan administrator which may change from time to time.
- d. The Plan Document is incorporated by reference to assure adherence with the Internal Revenue Code and its regulations, including approval of investment options and plan administration guidelines.

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V. The School Board of Miami-Dade County, Florida as the plan sponsor of the District's IRC § 401(k) Plan which has been in place since 1985 sets forth the following requirements:

- a. All full time employees are eligible to participate.
- b. Employees' investments will be limited to maximums as determined by IRC §415(c) (1)(A) and §402(g)(1) limitations, or as to be determined by the Internal Revenue Code in the future.
- c. Employees will have the opportunity to select from investment choices which are offered by the plan administrator which may change from time to time.
- d. The Plan Document is incorporated by reference to assure adherence with the Internal Revenue Code and its regulations, including approval of investment options and plan administration guidelines.

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Specific administrative criteria for all Supplemental Retirement Investment Programs regarding the processing of contribution changes including, but not limited to starts, stops, dollar contribution level changes, loans, and distributions will be made in accordance with applicable IRC regulations and will be recorded by the Office of Risk and Benefits Management in a handbook entitled "Procedures Manual for Supplemental Retirement Investment Programs."

Specific Authority: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.
Law Implemented, Interpreted, or Made Specific: 1001.42(5); 1001.43(6), (11);
1012.23, F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: