

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee
 3 Representative Porter offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (8) of section 1012.33, Florida
 8 Statutes, is amended to read:

9 1012.33 Contracts with instructional staff, supervisors,
 10 and school principals.—

11 (8) Notwithstanding any other law, a district school board
 12 may reemploy a retiree as instructional personnel, as defined in
 13 s. 1012.01(2)(a), under a 1-year probationary contract as
 14 defined in s. 1012.335(1). If the retiree successfully completes
 15 the probationary contract, the district school board may
 16 reemploy the retiree under an annual contract as defined in s.
 17 1012.335(1).

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18 (a) Neither this subsection nor any other law enacted
19 before the effective date of this act allows, or was intended to
20 allow, a retiree to be awarded a professional service contract.
21 The Legislature finds that the holding in Orange County School
22 Board v. Rachman and Schuman, 87 So. 3d 48 (Fla. 5th DCA 2012),
23 which found that retirees under s. 121.091(9)(b)1.a. and this
24 subsection as enacted before the effective date of this act were
25 entitled to a professional service contract, was contrary to
26 legislative intent at the time the statutes were enacted. The
27 Legislature finds that retirees under s. 121.091(9), regardless
28 of the retiree's date of retirement, and this subsection are not
29 eligible, and were never eligible, to receive a professional
30 service contract under this section or any other law. In a civil
31 action or administrative proceeding, if a classroom teacher was
32 formerly retired and then reemployed by the district school
33 board pursuant to s. 121.091(9) and this section as enacted
34 before the effective date of this act, the Legislature intends,
35 in accordance with the findings expressed in this subsection,
36 that a judgment be entered against that classroom teacher on any
37 claim or cause of action against the district school board, the
38 district school superintendent, or a district school board
39 employee for not awarding that teacher a professional service
40 contract.

41 (b) This subsection does not void and is not intended to
42 void or in any way impair any professional service contract
43 inadvertently awarded by a district school board to a retiree

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44 before the effective date of this act ~~Notwithstanding any other~~
45 ~~provision of law, a retired member may interrupt retirement and~~
46 ~~be reemployed in any public school. A member reemployed by the~~
47 ~~same district from which he or she retired may be employed on a~~
48 ~~probationary contractual basis as provided in subsection (1).~~

49 Section 2. The Division of Law Revision and Information is
50 directed to replace the phrase "the effective date of this act"
51 wherever it occurs in this act with such date.

52 Section 3. This act shall take effect upon becoming a law.
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57 **T I T L E A M E N D M E N T**

58 Remove everything before the enacting clause and insert:
59 An act relating to employment after retirement of school
60 district personnel; amending s. 1012.33, F.S.; revising
61 provisions relating to reemployment of retirees as instructional
62 personnel on a contract basis; providing legislative intent and
63 findings to clarify authorization to award contracts; providing
64 requirements for a judgment in certain civil actions or
65 administrative proceedings; providing a directive to the
66 Division of Law Revision and Information; providing an effective
67 date.