

By the Committee on Education/K-12 and Representative  
Dennis

1                                   A bill to be entitled  
2           An act relating to education paraprofessionals;  
3           amending ss. 228.041, 228.056, 230.23, 231.141,  
4           231.15, 231.3605, 231.40, 240.40685, and  
5           121.091, F.S.; replacing the term "teacher  
6           aide" with the term "education  
7           paraprofessional"; requiring the State Board of  
8           Education to classify school services and  
9           prescribe rules; creating s. 231.143, F.S.;  
10          authorizing school districts to adopt a program  
11          for the career development of education  
12          paraprofessionals; specifying levels of  
13          achievement that paraprofessionals can attain  
14          through the program; providing restrictions;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Paragraph (e) of subsection (9) and  
20           subsection (23) of section 228.041, Florida Statutes, 1996  
21           Supplement, are amended to read:

22           228.041 Definitions.--Specific definitions shall be as  
23           follows, and wherever such defined words or terms are used in  
24           the Florida School Code, they shall be used as follows:

25           (9) INSTRUCTIONAL PERSONNEL.--"Instructional  
26           personnel" means any staff member whose function includes the  
27           provision of direct instructional services to students.  
28           Instructional personnel also includes personnel whose  
29           functions provide direct support in the learning process of  
30           students. Included in the classification of instructional  
31           personnel are:

1           (e) Instructional paraprofessionals.--Instructional  
2 paraprofessionals ~~aides~~ are individuals who are under the  
3 direct supervision of an instructional staff member, aiding  
4 the instructional process. Included in this classification  
5 are classroom paraprofessionals ~~aides~~ in regular instruction,  
6 exceptional education paraprofessionals ~~aides~~, career  
7 education paraprofessionals ~~aides~~, adult education  
8 paraprofessionals ~~aides~~, library paraprofessionals ~~aides~~,  
9 physical education and playground paraprofessionals ~~aides~~, and  
10 other school-level ~~aides~~ and paraprofessionals.

11           (23) EDUCATION PARAPROFESSIONAL ~~TEACHER AIDE~~.--An  
12 education paraprofessional ~~A teacher aide~~ is any paid person  
13 appointed by a school board to assist members of the  
14 instructional staff in carrying out their instructional or  
15 professional duties and responsibilities.

16           Section 2. Paragraph (e) of subsection (12) of section  
17 228.056, Florida Statutes, 1996 Supplement, is amended to  
18 read:

19           228.056 Charter schools.--

20           (12) EMPLOYEES OF CHARTER SCHOOLS.--

21           (e) Teachers employed by or under contract to a  
22 charter school shall be certified as required by chapter 231.  
23 A charter school may employ or contract with skilled selected  
24 noncertified personnel to provide instructional services or to  
25 assist instructional staff members as education  
26 paraprofessionals ~~teacher aides~~ in the same manner as defined  
27 in chapter 231. A charter school may not employ an individual  
28 to provide instructional services or to serve as an education  
29 paraprofessional ~~a teacher aide~~ if the individual's  
30 certification or licensure as an educator is suspended or  
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1 revoked by this or any other state. The qualifications of  
2 teachers shall be disclosed to parents.

3 Section 3. Paragraph (p) of subsection (4) of section  
4 230.23, Florida Statutes, 1996 Supplement, is amended to read:

5 230.23 Powers and duties of school board.--The school  
6 board, acting as a board, shall exercise all powers and  
7 perform all duties listed below:

8 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
9 SCHOOLS.--Adopt and provide for the execution of plans for the  
10 establishment, organization, and operation of the schools of  
11 the district, as follows:

12 (p) Education paraprofessionals ~~Teacher~~  
13 ~~aides~~.--Appoint education paraprofessionals ~~teacher aides~~ to  
14 assist members of the instructional staff in the primary  
15 grades, kindergarten, and grades one through three, to the  
16 extent feasible as determined by the school board.

17 Section 4. Section 231.141, Florida Statutes, is  
18 amended to read:

19 231.141 Education paraprofessionals ~~Teacher aides~~.--A  
20 school board may appoint education paraprofessionals ~~teacher~~  
21 ~~aides~~ to assist members of the instructional staff in carrying  
22 out their duties and responsibilities. An education  
23 paraprofessional ~~A teacher aide~~ shall not be required to hold  
24 a teaching certificate. An education paraprofessional ~~A~~  
25 ~~teacher aide~~, while rendering services under the supervision  
26 of a certificated teacher, shall be accorded the same  
27 protection of laws as that accorded the certified teacher.  
28 Paid education paraprofessionals ~~teacher aides~~ employed by a  
29 school board shall be entitled to the same rights as those  
30 accorded noninstructional employees of the board.

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1           Section 5. Section 231.143, Florida Statutes, is  
2 created to read:

3           231.143 Education paraprofessional career  
4 development.--

5           (1) The Legislature recognizes that education  
6 paraprofessionals play an important role in educating school  
7 children and in assisting teachers. The Legislature further  
8 recognizes the increasing role of education paraprofessionals  
9 in the school system in light of teacher shortages. To  
10 achieve the goal of excellence for all persons who have an  
11 impact on student learning, it is the intent of the  
12 Legislature that education paraprofessionals be afforded  
13 career opportunities and economic incentives through a career  
14 development program.

15           (2)(a) Each school district may adopt a program for  
16 the career development of education paraprofessionals. The  
17 purpose of the program is to provide to education  
18 paraprofessionals a system of career development which is  
19 based upon education and training advancement, and to furnish  
20 economic incentives to encourage excellence among education  
21 paraprofessionals.

22           (b) The adoption of each program is subject to chapter  
23 447, and the implementation of a program is contingent upon  
24 the agreement and ratification of the program by both the  
25 employer and employees under s. 447.309.

26           (3) A district education paraprofessional career  
27 development program must include voluntary participation by  
28 paraprofessionals in five career development levels. The  
29 school board shall adopt a procedure for verifying the  
30 competency levels of all persons who participate in the career  
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- 1 development program and a procedure to determine the outcomes  
2 and results of the program and impact on student performance.
- 3 (4)(a) Level I.--To qualify for Level I, the person  
4 must meet:
- 5 1. The health requirement established for certified  
6 personnel.
- 7 2. The age requirements for certified personnel.  
8 3. The local school district requirements for  
9 employment.
- 10 (b) Level II.--To qualify for Level II, the person  
11 must:
- 12 1. Have earned a high school diploma or the  
13 equivalent.
- 14 2. Possess a clear understanding of state and district  
15 rules and policies relevant to paraprofessionals.
- 16 3. Possess knowledge of all state and district  
17 instructional practices and policies relevant to  
18 paraprofessionals.
- 19 4. Have maintained satisfactory job performance of  
20 appropriate skills and competencies for 1 year.
- 21 (c) Level III.--To qualify for Level III, the person  
22 must:
- 23 1. Have completed 30 college semester hours or the  
24 equivalent inservice hours.
- 25 2. Possess a clear understanding of state and district  
26 rules and policies relevant to paraprofessionals.
- 27 3. Possess knowledge of all state and district  
28 instructional practices and policies relevant to  
29 paraprofessionals.
- 30 4. Have maintained satisfactory job performance of  
31 appropriate skills and competencies for 2 years.

- 1           (d) Level IV.--To qualify for Level IV, the person  
2 must:
- 3           1. Have completed 60 college semester hours or the  
4 equivalent inservice hours.
- 5           2. Possess a clear understanding of state and district  
6 rules and policies relevant to paraprofessionals.
- 7           3. Possess knowledge of all state and district  
8 instructional practices and policies relevant to  
9 paraprofessionals.
- 10          4. Have maintained satisfactory job performance of  
11 appropriate skills and competencies for 2 years.
- 12          (e) Level V.--To qualify for Level V, the person must:
- 13          1. Have completed coursework to earn a bachelor of  
14 arts or bachelor of science degree from an accredited  
15 institution pursuant to s. 231.17(1)(c).
- 16          2. Possess a clear understanding of state and district  
17 rules and policies relevant to paraprofessionals.
- 18          3. Possess knowledge of all state and district  
19 instructional practices and policies relevant to  
20 paraprofessionals.
- 21          4. Have maintained satisfactory job performance of  
22 appropriate skills and competencies for 2 years.
- 23          (5) Paraprofessionals may not:
- 24          (a) Establish instructional objectives;
- 25          (b) Make decisions regarding the relevancy of certain  
26 activities or procedures to the attainment of instructional  
27 objectives;
- 28          (c) Make decisions regarding the appropriateness of  
29 certain teaching materials for accomplishing instructional  
30 objectives; or  
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1           (d) Make judgments regarding the attainment of  
2 instructional objectives unless these judgments are based upon  
3 clear and objective criteria, such as specific achievement  
4 standards on a true-false test.

5           Section 6. Subsection (1) of section 231.15, Florida  
6 Statutes, is amended to read:

7           231.15 Positions for which certificates required.--

8           (1) The State Board of Education shall ~~have authority~~  
9 ~~to~~ classify school services and ~~to~~ prescribe rules in  
10 accordance with which the professional, temporary, and  
11 part-time certificates shall be issued by the Department of  
12 Education to school employees who meet the standards  
13 prescribed by such rules for their class of service. Each  
14 person employed or occupying a position as school supervisor,  
15 principal, teacher, library media specialist, school  
16 counselor, athletic coach, or other position in which the  
17 employee serves in an instructional capacity, in any public  
18 school of any district of this state shall hold the  
19 certificate required by law and by rules of the state board in  
20 fulfilling the requirements of the law for the type of service  
21 rendered. However, the state board shall adopt rules  
22 authorizing school boards to employ selected noncertificated  
23 personnel to provide instructional services in the  
24 individuals' fields of specialty or to assist instructional  
25 staff members as education paraprofessionals ~~teacher aides~~.  
26 Each person who is employed and renders service as an athletic  
27 coach in any public school in any district of this state shall  
28 hold a valid part-time, temporary, or professional  
29 certificate. Each person employed as a school nurse shall hold  
30 a license to practice nursing in the state, and each person  
31 employed as a school physician shall hold a license to

1 practice medicine in the state. The provisions of this  
2 subsection shall not apply to any athletic coach who renders  
3 service in a voluntary capacity and who is not employed by any  
4 public school of any district in this state.

5 Section 7. Paragraph (a) of subsection (1) of section  
6 231.3605, Florida Statutes, is amended to read:

7 231.3605 Educational support employees.--

8 (1) As used in this section:

9 (a) "Educational support employee" means any person  
10 employed by a district school system who is ~~so~~ employed as a  
11 ~~teacher aide~~, a teacher assistant, an education  
12 paraprofessional, a member of the transportation department, a  
13 member of the operations department, a member of the  
14 maintenance department, a member of food service, a secretary,  
15 or a clerical employee, or any other person who by virtue of  
16 his or her position of employment is not required to be  
17 certified by the Department of Education or school board  
18 pursuant to s. 231.1725. This section does not apply to  
19 persons employed in confidential or management positions. This  
20 section applies to all employees who are not temporary or  
21 casual and whose duties require 20 or more hours in each  
22 normal working week.

23 Section 8. Paragraph (a) of subsection (1) of section  
24 231.40, Florida Statutes, is amended to read:

25 231.40 Sick leave.--

26 (1) DEFINITIONS.--As used in this section, unless the  
27 context otherwise requires, the term:

28 (a) "Educational support employee" means any person  
29 employed by a district school board as a ~~teacher aide~~, a  
30 teacher assistant; an education paraprofessional; a member of  
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1 the transportation, operations, maintenance, or food service  
2 department; or a secretary or a clerical employee.

3 Section 9. Section 240.40685, Florida Statutes, 1996  
4 Supplement, is amended to read:

5 240.40685 Certified Education Paraprofessional  
6 ~~Teacher-Aide~~ Welfare Transition Program.--

7 (1) There is created the Certified Education  
8 Paraprofessional ~~Teacher-Aide~~ Welfare Transition Program to  
9 provide education and employment for recipients of public  
10 assistance who are certified to work in schools that, because  
11 of the high proportion of economically disadvantaged children  
12 enrolled, are at risk of poor performance on traditional  
13 measures of achievement. The program is designed to enable  
14 such schools to increase the number of adults working with the  
15 school children. However, the increase in personnel working  
16 at certain schools is intended to supplement and not to  
17 supplant the school staff and should not affect current school  
18 board employment and staffing policies, including those  
19 contained in collective bargaining agreements. The program is  
20 intended to be supported by local, state, and federal program  
21 funds for which the participants may be eligible. Further,  
22 the program is designed to provide its participants not only  
23 with entry-level employment but also with a marketable  
24 credential, a career option, and encouragement to advance.

25 (2) The Commissioner of Education, the Executive  
26 Director of the State Board of Community Colleges, the  
27 secretary of the Department of Children and Family Services  
28 ~~Health and Rehabilitative Services~~, and the Secretary of Labor  
29 and Employment Security have joint responsibility for planning  
30 and conducting the program.

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1           (3) The agencies responsible may make recommendations  
2 to the State Board of Education and the Legislature if they  
3 find that implementation or operation of the program would  
4 benefit from the adoption or waiver of state or federal  
5 policy, rule, or law, including recommendations regarding  
6 program budgeting.

7           (4) The agencies shall complete an implementation plan  
8 that addresses at least the following recommended components  
9 of the program:

10           (a) A method of selecting participants. The method  
11 must not duplicate services provided by those assigned to  
12 screen participants of the WAGES Program, but must assure that  
13 screening personnel are trained to identify recipients of  
14 public assistance whose personal aptitudes and motivation make  
15 them most likely to succeed in the program and advance in a  
16 career related to the school community.

17           (b) A budget for use of incentive funding to provide  
18 motivation to participants to succeed and excel. The budget  
19 for incentive funding includes:

20           1. Funds allocated by the Legislature directly for the  
21 program.†

22           2. Funds that may be made available from the federal  
23 Job Training Partnership Act based on client eligibility or  
24 requested waivers to make the clients eligible.†

25           3. Funds made available by implementation strategies  
26 that would make maximum use of work supplementation funds  
27 authorized by federal law.†

28           4. Funds authorized by strategies to lengthen  
29 participants' eligibility for federal programs such as  
30 Medicaid, subsidized child care, and transportation.

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1 Incentives may include a stipend during periods of college  
2 classroom training, a bonus and recognition for a high  
3 grade-point average, child care and prekindergarten services  
4 for children of participants, and services to increase a  
5 participant's ability to advance to higher levels of  
6 employment. Nonfinancial incentives should include providing a  
7 mentor or tutor, and service incentives should continue and  
8 increase for any participant who plans to complete the  
9 baccalaureate degree and become a certified teacher. Services  
10 may be provided in accordance with family choice by community  
11 colleges and school district technical centers, through family  
12 service centers and full-service schools, or under contract  
13 with providers through central agencies.

14 (5) The agencies shall select Department of Children  
15 and Family Services ~~Health and Rehabilitative Services~~  
16 districts to participate in the program. A district that  
17 wishes to participate must demonstrate that a district school  
18 board, a community college board of trustees, an economic  
19 services program administrator, and a private industry council  
20 are willing to coordinate to provide the educational program,  
21 support services, employment opportunities, and incentives  
22 required to fulfill the intent of this section.

23 (6)(a) A community college or school district  
24 technical center is eligible to participate if it provides a  
25 technical certificate program in Child Development Early  
26 Intervention as approved by the Jobs and Education Partnership  
27 and it is participating in the Performance Based Incentive  
28 Funding program authorized in s. 239.249. Priority programs  
29 provide an option and incentives to articulate with an  
30 associate in science degree program or a baccalaureate degree  
31 program.

1           (b) A participating educational agency may earn funds  
2 appropriated for performance-based incentive funding for  
3 successful outcomes of enrollment and placement of recipients  
4 of public assistance who are in the program. In addition, an  
5 educational agency is eligible for an incentive award  
6 determined by the Jobs and Education Partnership for each  
7 recipient of public assistance who successfully completes a  
8 program leading to the award of a General Education  
9 Development credential.

10           (c) Historically black colleges or universities that  
11 have established programs that serve participants of the WAGES  
12 Program are eligible to participate in the Performance Based  
13 Incentive Funding Program and may earn an incentive award  
14 determined by the Jobs and Education Partnership for  
15 successful placement of program completers in jobs as  
16 education paraprofessionals ~~teacher aides~~ in at-risk schools.

17           (7)(a) A participating school district shall identify  
18 at-risk schools in which the program participants will work  
19 during the practicum part of their education. For purposes of  
20 this act, an at-risk school is a school with grades K-3 in  
21 which 50 percent or more of the students enrolled at the  
22 school are eligible for free lunches or reduced-price lunches.  
23 Priority schools are schools whose service zones include the  
24 participants' own communities.

25           (b) A participating school district may use funds  
26 appropriated by the Legislature from Job Training Partnership  
27 Act service delivery area allotments to provide at least 6  
28 months of on-the-job training to participants in the Certified  
29 Education Paraprofessional ~~Teacher Aide~~ Welfare Transition  
30 Program. Participating school districts may also use funds  
31 provided by grant diversion of funds from the WAGES Program

1 for the participants during the practicum portion of their  
2 training to earn the certificate required for their  
3 employment.

4 (8) The agencies shall give priority for funding to  
5 those programs that provide maximum security for the  
6 long-range employment and career opportunities of the program  
7 participants. Security is enhanced if employment is provided  
8 through a governmental or nongovernmental agency other than  
9 the school board, or if the plans assure in another way that  
10 the participants will supplement, rather than supplant, the  
11 workforce available to the school board. It is the intent of  
12 the Legislature that, when a program participant succeeds in  
13 becoming a certified education paraprofessional ~~teacher aide~~  
14 after working successfully in a school during the practicum or  
15 on-the-job training supported by the program, the participant  
16 shall have the opportunity to continue in full-time employment  
17 at the school that provided the training or at another school  
18 in the district.

19 Section 10. Paragraph (b) of subsection (9) of section  
20 121.091, Florida Statutes, 1996 Supplement, is amended to  
21 read:

22 121.091 Benefits payable under the system.--No  
23 benefits shall be paid under this section unless the member  
24 has terminated employment as provided in s. 121.021(39) and a  
25 proper application has been filed in the manner prescribed by  
26 the division.

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

28 (b)1. Any person who is retired under this chapter,  
29 except under the disability retirement provisions of  
30 subsection (4), may be reemployed by any private or public  
31 employer after retirement and receive retirement benefits and

1 compensation from his or her employer without any limitations,  
2 except that a person may not receive both a salary from  
3 reemployment with any agency participating in the Florida  
4 Retirement System and retirement benefits under this chapter  
5 for a period of 12 months immediately subsequent to the date  
6 of retirement.

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

30           3. A district school board may reemploy a retired  
31 member as a substitute or hourly teacher, education

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

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

6 4. A community college board of trustees may reemploy  
7 a retired member as an adjunct instructor, that is, an  
8 instructor who is noncontractual and part-time, or as a  
9 participant in a phased retirement program within the State  
10 Community College System, after he or she has been retired for  
11 1 calendar month, in accordance with s. 121.021(39). Any  
12 retired member who is reemployed within 1 calendar month after  
13 retirement shall void his or her application for retirement  
14 benefits. Boards of trustees reemploying such instructors are  
15 subject to the retirement contribution required in  
16 subparagraph 7. A retired member may be reemployed as an  
17 adjunct instructor for no more than 780 hours during the first  
18 12 months of retirement. Any retired member reemployed for  
19 more than 780 hours during the first 12 months of retirement  
20 shall give timely notice in writing to the employer and to the  
21 division of the date he or she will exceed the limitation.  
22 The division shall suspend his or her retirement benefits for  
23 the remainder of the first 12 months of retirement. Any  
24 person employed in violation of this subparagraph and any  
25 employing agency which knowingly employs or appoints such  
26 person without notifying the Division of Retirement to suspend  
27 retirement benefits shall be jointly and severally liable for  
28 reimbursement to the retirement trust fund of any benefits  
29 paid during the reemployment limitation period. To avoid  
30 liability, such employing agency shall have a written  
31 statement from the retiree that he or she is not retired from



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

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

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

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

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

20           7. The employment by an employer of any retiree of any  
21 state-administered retirement system shall have no effect on  
22 the average final compensation or years of creditable service  
23 of the retiree. Prior to July 1, 1991, upon employment of any  
24 person, other than an elected officer as provided in s.  
25 121.053, who has been retired under any state-administered  
26 retirement program, the employer shall pay retirement  
27 contributions in an amount equal to the unfunded actuarial  
28 accrued liability portion of the employer contribution which  
29 would be required for regular members of the Florida  
30 Retirement System. Effective July 1, 1991, contributions shall  
31 be made as provided in s. 121.122 for renewed membership.

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

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

1 retire under the provisions of this subparagraph, as amended  
2 by chapter 84-11, Laws of Florida.

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

7           Section 11. This act shall take effect July 1, 1997.

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