

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

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (e) of subsection (9) and
19 subsection (23) of section 228.041, Florida Statutes, are
20 amended to read:

21 228.041 Definitions.--Specific definitions shall be as
22 follows, and wherever such defined words or terms are used in
23 the Florida School Code, they shall be used as follows:

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

31

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

18 228.056 Charter schools.--

19 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

1 Section 3. Section 231.141, Florida Statutes, is
2 amended to read:

3 231.141 Education paraprofessionals ~~Teacher aides~~.--A
4 school board may appoint education paraprofessionals ~~teacher~~
5 ~~aides~~ to assist members of the instructional staff in carrying
6 out their duties and responsibilities. An education
7 paraprofessional ~~A teacher aide~~ shall not be required to hold
8 a teaching certificate. An education paraprofessional ~~A~~
9 ~~teacher aide~~, while rendering services under the supervision
10 of a certificated teacher, shall be accorded the same
11 protection of laws as that accorded the certified teacher.
12 Paid education paraprofessionals ~~teacher aides~~ employed by a
13 school board shall be entitled to the same rights as those
14 accorded noninstructional employees of the board.

15 Section 4. Section 231.143, Florida Statutes, is
16 created to read:

17 231.143 Education paraprofessional career
18 development.--

19 (1) The Legislature recognizes that education
20 paraprofessionals play an important role in educating school
21 children and in assisting teachers. The Legislature further
22 recognizes the increasing role of education paraprofessionals
23 in the school system in light of teacher shortages. To
24 achieve the goal of excellence for all persons who have an
25 impact on student learning, it is the intent of the
26 Legislature that education paraprofessionals be afforded
27 career opportunities and economic incentives through a career
28 development program.

29 (2)(a) Each school district may adopt a program for
30 the career development of education paraprofessionals. The
31 purpose of the program is to provide to education

1 paraprofessionals a system of career development which is
2 based upon education and training advancement, and to furnish
3 economic incentives to encourage excellence among education
4 paraprofessionals.

5 (b) The adoption of each program is subject to chapter
6 447, and the implementation of a program is contingent upon
7 the agreement and ratification of the program by both the
8 employer and employees under s. 447.309.

9 (3) A district education paraprofessional career
10 development program must include voluntary participation by
11 paraprofessionals in five career development levels. The
12 school board shall adopt a procedure for verifying the
13 competency levels of all persons who participate in the career
14 development program and a procedure to determine the outcomes
15 and results of the program and impact on student performance.

16 (4)(a) Level I.--To qualify for Level I, the person
17 must meet:

18 1. The health requirement established for certified
19 personnel.

20 2. The age requirements for certified personnel.

21 3. The local school district requirements for
22 employment.

23 (b) Level II.--To qualify for Level II, the person
24 must:

25 1. Have earned a high school diploma or the
26 equivalent.

27 2. Possess a clear understanding of state and district
28 rules and policies relevant to paraprofessionals.

29 3. Possess knowledge of all state and district
30 instructional practices and policies relevant to
31 paraprofessionals.

1 4. Have maintained satisfactory job performance of
2 appropriate skills and competencies for 1 year.

3 (c) Level III.--To qualify for Level III, the person
4 must:

5 1. Have completed 30 college semester hours or the
6 equivalent inservice hours.

7 2. Possess a clear understanding of state and district
8 rules and policies relevant to paraprofessionals.

9 3. Possess knowledge of all state and district
10 instructional practices and policies relevant to
11 paraprofessionals.

12 4. Have maintained satisfactory job performance of
13 appropriate skills and competencies for 2 years.

14 (d) Level IV.--To qualify for Level IV, the person
15 must:

16 1. Have completed 60 college semester hours or the
17 equivalent inservice hours.

18 2. Possess a clear understanding of state and district
19 rules and policies relevant to paraprofessionals.

20 3. Possess knowledge of all state and district
21 instructional practices and policies relevant to
22 paraprofessionals.

23 4. Have maintained satisfactory job performance of
24 appropriate skills and competencies for 2 years.

25 (e) Level V.--To qualify for Level V, the person must:

26 1. Have completed coursework to earn a bachelor of
27 arts or bachelor of science degree from an accredited
28 institution pursuant to s. 231.17(3)(c).

29 2. Possess a clear understanding of state and district
30 rules and policies relevant to paraprofessionals.

31

1 3. Possess knowledge of all state and district
2 instructional practices and policies relevant to
3 paraprofessionals.

4 4. Have maintained satisfactory job performance of
5 appropriate skills and competencies for 2 years.

6 (5) Paraprofessionals may not:

7 (a) Establish instructional objectives;

8 (b) Make decisions regarding the relevancy of certain
9 activities or procedures to the attainment of instructional
10 objectives;

11 (c) Make decisions regarding the appropriateness of
12 certain teaching materials for accomplishing instructional
13 objectives; or

14 (d) Make judgments regarding the attainment of
15 instructional objectives unless these judgments are based upon
16 clear and objective criteria, such as specific achievement
17 standards on a true-false test.

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

20 231.15 Positions for which certificates required.--

21 (1) The State Board of Education shall ~~have authority~~
22 ~~to~~ classify school services and ~~to~~ prescribe rules in
23 accordance with which the professional, temporary, and
24 part-time certificates shall be issued by the Department of
25 Education to school employees who meet the standards
26 prescribed by such rules for their class of service. Each
27 person employed or occupying a position as school supervisor,
28 principal, teacher, library media specialist, school
29 counselor, athletic coach, or other position in which the
30 employee serves in an instructional capacity, in any public
31 school of any district of this state shall hold the

1 certificate required by law and by rules of the state board in
2 fulfilling the requirements of the law for the type of service
3 rendered. However, the state board shall adopt rules
4 authorizing school boards to employ selected noncertificated
5 personnel to provide instructional services in the
6 individuals' fields of specialty or to assist instructional
7 staff members as education paraprofessionals ~~teacher-aides~~.
8 Each person who is employed and renders service as an athletic
9 coach in any public school in any district of this state shall
10 hold a valid part-time, temporary, or professional
11 certificate. Each person employed as a school nurse shall hold
12 a license to practice nursing in the state, and each person
13 employed as a school physician shall hold a license to
14 practice medicine in the state. The provisions of this
15 subsection shall not apply to any athletic coach who renders
16 service in a voluntary capacity and who is not employed by any
17 public school of any district in this state.

18 Section 6. Paragraph (a) of subsection (1) of section
19 231.3605, Florida Statutes, is amended to read:

20 231.3605 Educational support employees.--

21 (1) As used in this section:

22 (a) "Educational support employee" means any person
23 employed by a district school system who is ~~so~~ employed as a
24 ~~teacher aide~~, a teacher assistant, an education
25 paraprofessional, a member of the transportation department, a
26 member of the operations department, a member of the
27 maintenance department, a member of food service, a secretary,
28 or a clerical employee, or any other person who by virtue of
29 his or her position of employment is not required to be
30 certified by the Department of Education or school board
31 pursuant to s. 231.1725. This section does not apply to

1 persons employed in confidential or management positions. This
2 section applies to all employees who are not temporary or
3 casual and whose duties require 20 or more hours in each
4 normal working week.

5 Section 7. Paragraph (a) of subsection (1) of section
6 231.40, Florida Statutes, is amended to read:

7 231.40 Sick leave.--

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

10 (a) "Educational support employee" means any person
11 employed by a district school board as ~~a teacher aide~~ a
12 teacher assistant; an education paraprofessional; a member of
13 the transportation, operations, maintenance, or food service
14 department; or a secretary or a clerical employee.

15 Section 8. Section 240.40685, Florida Statutes, is
16 amended to read:

17 240.40685 Certified Education Paraprofessional
18 ~~Teacher-Aide~~ Welfare Transition Program.--

19 (1) There is created the Certified Education
20 Paraprofessional ~~Teacher-Aide~~ Welfare Transition Program to
21 provide education and employment for recipients of public
22 assistance who are certified to work in schools that, because
23 of the high proportion of economically disadvantaged children
24 enrolled, are at risk of poor performance on traditional
25 measures of achievement. The program is designed to enable
26 such schools to increase the number of adults working with the
27 school children. However, the increase in personnel working
28 at certain schools is intended to supplement and not to
29 supplant the school staff and should not affect current school
30 board employment and staffing policies, including those
31 contained in collective bargaining agreements. The program is

1 intended to be supported by local, state, and federal program
2 funds for which the participants may be eligible. Further,
3 the program is designed to provide its participants not only
4 with entry-level employment but also with a marketable
5 credential, a career option, and encouragement to advance.

6 (2) The Commissioner of Education, the Executive
7 Director of the State Board of Community Colleges, the
8 secretary of the Department of Children and Family Services
9 ~~Health and Rehabilitative Services~~, and the Secretary of Labor
10 and Employment Security have joint responsibility for planning
11 and conducting the program.

12 (3) The agencies responsible may make recommendations
13 to the State Board of Education and the Legislature if they
14 find that implementation or operation of the program would
15 benefit from the adoption or waiver of state or federal
16 policy, rule, or law, including recommendations regarding
17 program budgeting.

18 (4) The agencies shall complete an implementation plan
19 that addresses at least the following recommended components
20 of the program:

21 (a) A method of selecting participants. The method
22 must not duplicate services provided by those assigned to
23 screen participants of the WAGES Program, but must assure that
24 screening personnel are trained to identify recipients of
25 public assistance whose personal aptitudes and motivation make
26 them most likely to succeed in the program and advance in a
27 career related to the school community.

28 (b) A budget for use of incentive funding to provide
29 motivation to participants to succeed and excel. The budget
30 for incentive funding includes:

31

1 1. Funds allocated by the Legislature directly for the
2 program.†

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

6 3. Funds made available by implementation strategies
7 that would make maximum use of work supplementation funds
8 authorized by federal law.†

9 4. Funds authorized by strategies to lengthen
10 participants' eligibility for federal programs such as
11 Medicaid, subsidized child care, and transportation.

12
13 Incentives may include a stipend during periods of college
14 classroom training, a bonus and recognition for a high
15 grade-point average, child care and prekindergarten services
16 for children of participants, and services to increase a
17 participant's ability to advance to higher levels of
18 employment. Nonfinancial incentives should include providing a
19 mentor or tutor, and service incentives should continue and
20 increase for any participant who plans to complete the
21 baccalaureate degree and become a certified teacher. Services
22 may be provided in accordance with family choice by community
23 colleges and school district technical centers, through family
24 service centers and full-service schools, or under contract
25 with providers through central agencies.

26 (5) The agencies shall select Department of Children
27 and Family Services ~~Health and Rehabilitative Services~~
28 districts to participate in the program. A district that
29 wishes to participate must demonstrate that a district school
30 board, a community college board of trustees, an economic
31 services program administrator, and a private industry council

1 are willing to coordinate to provide the educational program,
2 support services, employment opportunities, and incentives
3 required to fulfill the intent of this section.

4 (6)(a) A community college or school district
5 technical center is eligible to participate if it provides a
6 technical certificate program in Child Development Early
7 Intervention as approved by the Jobs and Education Partnership
8 and it is participating in the Performance Based Incentive
9 Funding program authorized in s. 239.249. Priority programs
10 provide an option and incentives to articulate with an
11 associate in science degree program or a baccalaureate degree
12 program.

13 (b) A participating educational agency may earn funds
14 appropriated for performance-based incentive funding for
15 successful outcomes of enrollment and placement of recipients
16 of public assistance who are in the program. In addition, an
17 educational agency is eligible for an incentive award
18 determined by the Jobs and Education Partnership for each
19 recipient of public assistance who successfully completes a
20 program leading to the award of a General Education
21 Development credential.

22 (c) Historically black colleges or universities that
23 have established programs that serve participants of the WAGES
24 Program are eligible to participate in the Performance Based
25 Incentive Funding Program and may earn an incentive award
26 determined by the Jobs and Education Partnership for
27 successful placement of program completers in jobs as
28 education paraprofessionals ~~teacher aides~~ in at-risk schools.

29 (7)(a) A participating school district shall identify
30 at-risk schools in which the program participants will work
31 during the practicum part of their education. For purposes of

1 this act, an at-risk school is a school with grades K-3 in
2 which 50 percent or more of the students enrolled at the
3 school are eligible for free lunches or reduced-price lunches.
4 Priority schools are schools whose service zones include the
5 participants' own communities.

6 (b) A participating school district may use funds
7 appropriated by the Legislature from Job Training Partnership
8 Act service delivery area allotments to provide at least 6
9 months of on-the-job training to participants in the Certified
10 Education Paraprofessional ~~Teacher-Aide~~ Welfare Transition
11 Program. Participating school districts may also use funds
12 provided by grant diversion of funds from the WAGES Program
13 for the participants during the practicum portion of their
14 training to earn the certificate required for their
15 employment.

16 (8) The agencies shall give priority for funding to
17 those programs that provide maximum security for the
18 long-range employment and career opportunities of the program
19 participants. Security is enhanced if employment is provided
20 through a governmental or nongovernmental agency other than
21 the school board, or if the plans assure in another way that
22 the participants will supplement, rather than supplant, the
23 workforce available to the school board. It is the intent of
24 the Legislature that, when a program participant succeeds in
25 becoming a certified education paraprofessional ~~teacher-aide~~
26 after working successfully in a school during the practicum or
27 on-the-job training supported by the program, the participant
28 shall have the opportunity to continue in full-time employment
29 at the school that provided the training or at another school
30 in the district.

31

1 Section 9. Paragraph (b) of subsection (9) of section
2 121.091, Florida Statutes, is amended to read:

3 121.091 Benefits payable under the system.--No
4 benefits shall be paid under this section unless the member
5 has terminated employment as provided in s. 121.021(39)(a) or
6 begun participation in the Deferred Retirement Option Program
7 as provided in subsection (13), and a proper application has
8 been filed in the manner prescribed by the division.

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

10 (b)1. Any person who is retired under this chapter,
11 except under the disability retirement provisions of
12 subsection (4), may be reemployed by any private or public
13 employer after retirement and receive retirement benefits and
14 compensation from his or her employer without any limitations,
15 except that a person may not receive both a salary from
16 reemployment with any agency participating in the Florida
17 Retirement System and retirement benefits under this chapter
18 for a period of 12 months immediately subsequent to the date
19 of retirement. However, a DROP participant shall continue
20 employment and receive a salary during the period of
21 participation in the Deferred Retirement Option Program, as
22 provided in subsection (13).

23 2. Any person to whom the limitation in subparagraph
24 1. applies who violates such reemployment limitation and who
25 is reemployed with any agency participating in the Florida
26 Retirement System before completion of the 12-month limitation
27 period shall give timely notice of this fact in writing to the
28 employer and to the division and shall have his or her
29 retirement benefits suspended for the balance of the 12-month
30 limitation period. Any person employed in violation of this
31 paragraph and any employing agency which knowingly employs or

1 appoints such person without notifying the Division of
2 Retirement to suspend retirement benefits shall be jointly and
3 severally liable for reimbursement to the retirement trust
4 fund of any benefits paid during the reemployment limitation
5 period. To avoid liability, such employing agency shall have
6 a written statement from the retiree that he or she is not
7 retired from a state-administered retirement system. Any
8 retirement benefits received while reemployed during this
9 reemployment limitation period shall be repaid to the
10 retirement trust fund, and retirement benefits shall remain
11 suspended until such repayment has been made. Benefits
12 suspended beyond the reemployment limitation shall apply
13 toward repayment of benefits received in violation of the
14 reemployment limitation.

15 3. A district school board may reemploy a retired
16 member as a substitute or hourly teacher, education
17 paraprofessional ~~teacher aide~~, transportation assistant, bus
18 driver, or food service worker on a noncontractual basis after
19 he or she has been retired for 1 calendar month, in accordance
20 with s. 121.021(39). Any retired member who is reemployed
21 within 1 calendar month after retirement shall void his or her
22 application for retirement benefits. District school boards
23 reemploying such teachers, education paraprofessionals ~~teacher~~
24 ~~aides~~, transportation assistants, bus drivers, or food service
25 workers are subject to the retirement contribution required by
26 subparagraph 7. Reemployment of a retired member as a
27 substitute or hourly teacher, education paraprofessional
28 ~~teacher aide~~, transportation assistant, bus driver, or food
29 service worker is limited to 780 hours during the first 12
30 months of his or her retirement. Any retired member
31 reemployed for more than 780 hours during his or her first 12

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

22 4. A community college board of trustees may reemploy
23 a retired member as an adjunct instructor, that is, an
24 instructor who is noncontractual and part-time, or as a
25 participant in a phased retirement program within the State
26 Community College System, after he or she has been retired for
27 1 calendar month, in accordance with s. 121.021(39). Any
28 retired member who is reemployed within 1 calendar month after
29 retirement shall void his or her application for retirement
30 benefits. Boards of trustees reemploying such instructors are
31 subject to the retirement contribution required in

1 subparagraph 7. A retired member may be reemployed as an
2 adjunct instructor for no more than 780 hours during the first
3 12 months of retirement. Any retired member reemployed for
4 more than 780 hours during the first 12 months of retirement
5 shall give timely notice in writing to the employer and to the
6 division of the date he or she will exceed the limitation.
7 The division shall suspend his or her retirement benefits for
8 the remainder of the first 12 months of retirement. Any
9 person employed in violation of this subparagraph and any
10 employing agency which knowingly employs or appoints such
11 person without notifying the Division of Retirement to suspend
12 retirement benefits shall be jointly and severally liable for
13 reimbursement to the retirement trust fund of any benefits
14 paid during the reemployment limitation period. To avoid
15 liability, such employing agency shall have a written
16 statement from the retiree that he or she is not retired from
17 a state-administered retirement system. Any retirement
18 benefits received by a retired member while reemployed in
19 excess of 780 hours during the first 12 months of retirement
20 shall be repaid to the Retirement System Trust Fund, and
21 retirement benefits shall remain suspended until repayment is
22 made. Benefits suspended beyond the end of the retired
23 member's first 12 months of retirement shall apply toward
24 repayment of benefits received in violation of the 780-hour
25 reemployment limitation.

26 5. The State University System may reemploy a retired
27 member as an adjunct faculty member or as a participant in a
28 phased retirement program within the State University System
29 after the retired member has been retired for 1 calendar
30 month, in accordance with s. 121.021(39). Any retired member
31 who is reemployed within 1 calendar month after retirement

1 shall void his or her application for retirement benefits.
2 The State University System is subject to the retired
3 contribution required in subparagraph 7., as appropriate. A
4 retired member may be reemployed as an adjunct faculty member
5 or a participant in a phased retirement program for no more
6 than 780 hours during the first 12 months of his or her
7 retirement. Any retired member reemployed for more than 780
8 hours during the first 12 months of retirement shall give
9 timely notice in writing to the employer and to the division
10 of the date he or she will exceed the limitation. The
11 division shall suspend his or her retirement benefits for the
12 remainder of the first 12 months of retirement. Any person
13 employed in violation of this subparagraph and any employing
14 agency which knowingly employs or appoints such person without
15 notifying the Division of Retirement to suspend retirement
16 benefits shall be jointly and severally liable for
17 reimbursement to the retirement trust fund of any benefits
18 paid during the reemployment limitation period. To avoid
19 liability, such employing agency shall have a written
20 statement from the retiree that he or she is not retired from
21 a state-administered retirement system. Any retirement
22 benefits received by a retired member while reemployed in
23 excess of 780 hours during the first 12 months of retirement
24 shall be repaid to the Retirement System Trust Fund, and
25 retirement benefits shall remain suspended until repayment is
26 made. Benefits suspended beyond the end of the retired
27 member's first 12 months of retirement shall apply toward
28 repayment of benefits received in violation of the 780-hour
29 reemployment limitation.

30 6. The Board of Trustees of the Florida School for the
31 Deaf and the Blind may reemploy a retired member as a

1 substitute teacher, substitute residential instructor, or
2 substitute nurse on a noncontractual basis after he or she has
3 been retired for 1 calendar month, in accordance with s.
4 121.021(39). Any retired member who is reemployed within 1
5 calendar month after retirement shall void his or her
6 application for retirement benefits. The Board of Trustees of
7 the Florida School for the Deaf and the Blind reemploying such
8 teachers, residential instructors, or nurses is subject to the
9 retirement contribution required by subparagraph 7.

10 Reemployment of a retired member as a substitute teacher,
11 substitute residential instructor, or substitute nurse is
12 limited to 780 hours during the first 12 months of his or her
13 retirement. Any retired member reemployed for more than 780
14 hours during the first 12 months of retirement shall give
15 timely notice in writing to the employer and to the division
16 of the date he or she will exceed the limitation. The division
17 shall suspend his or her retirement benefits for the remainder
18 of the first 12 months of retirement. Any person employed in
19 violation of this subparagraph and any employing agency which
20 knowingly employs or appoints such person without notifying
21 the Division of Retirement to suspend retirement benefits
22 shall be jointly and severally liable for reimbursement to the
23 retirement trust fund of any benefits paid during the
24 reemployment limitation period. To avoid liability, such
25 employing agency shall have a written statement from the
26 retiree that he or she is not retired from a
27 state-administered retirement system. Any retirement benefits
28 received by a retired member while reemployed in excess of 780
29 hours during the first 12 months of retirement shall be repaid
30 to the Retirement System Trust Fund, and his or her retirement
31 benefits shall remain suspended until payment is made.

1 Benefits suspended beyond the end of the retired member's
2 first 12 months of retirement shall apply toward repayment of
3 benefits received in violation of the 780-hour reemployment
4 limitation.

5 7. The employment by an employer of any retiree or
6 DROP participant of any state-administered retirement system
7 shall have no effect on the average final compensation or
8 years of creditable service of the retiree or DROP
9 participant. Prior to July 1, 1991, upon employment of any
10 person, other than an elected officer as provided in s.
11 121.053, who has been retired under any state-administered
12 retirement program, the employer shall pay retirement
13 contributions in an amount equal to the unfunded actuarial
14 accrued liability portion of the employer contribution which
15 would be required for regular members of the Florida
16 Retirement System. Effective July 1, 1991, contributions shall
17 be made as provided in s. 121.122 for retirees with renewed
18 membership or subsection (13) with respect to DROP
19 participants.

20 8. Any person who has previously retired and who is
21 holding an elective public office or an appointment to an
22 elective public office eligible for the Elected State and
23 County Officers' Class on or after July 1, 1990, shall be
24 enrolled in the Florida Retirement System as provided in s.
25 121.053(1)(b) or, if holding an elective public office that
26 does not qualify for the Elected State and County Officers'
27 Class on or after July 1, 1991, shall be enrolled in the
28 Florida Retirement System as provided in s. 121.122, and shall
29 continue to receive retirement benefits as well as
30 compensation for the elected officer's service for as long as
31 he or she remains in elective office. However, any retired

1 member who served in an elective office prior to July 1, 1990,
2 suspended his or her retirement benefit, and had his or her
3 Florida Retirement System membership reinstated shall, upon
4 retirement from such office, have his or her retirement
5 benefit recalculated to include the additional service and
6 compensation earned.

7 9. Any person who is holding an elective public office
8 which is covered by the Florida Retirement System and who is
9 concurrently employed in nonelected covered employment may
10 elect to retire while continuing employment in the elective
11 public office, provided that he or she shall be required to
12 terminate his or her nonelected covered employment. Any
13 person who exercises this election shall receive his or her
14 retirement benefits in addition to the compensation of the
15 elective office without regard to the time limitations
16 otherwise provided in this subsection. No person who seeks to
17 exercise the provisions of this subparagraph, as the same
18 existed prior to May 3, 1984, shall be deemed to be retired
19 under those provisions, unless such person is eligible to
20 retire under the provisions of this subparagraph, as amended
21 by chapter 84-11, Laws of Florida.

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

26 11. From July 1, 1997, through December 31, 1998,
27 notwithstanding the limitations of this subsection, except
28 that any retiree who is reemployed within 1 calendar month
29 after retirement shall void his or her application for
30 retirement benefits, any retiree of the Florida Retirement
31 System may be reemployed by a covered employer during the 2nd

1 through 12th months of the reemployment limitation period
2 without suspending his or her retirement benefits, provided
3 that the reemployment is for the sole purpose of working on
4 the technical aspects of correcting or replacing the computer
5 systems and programs necessary to resolve the year 2000 date
6 problem for computing which confronts all public employers
7 covered by the Florida Retirement System.

8 Section 10. This act shall take effect July 1 of the
9 year in which enacted.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31