

HB 1025

2004

1 A bill to be entitled
 2 An act relating to reemployment after retirement; amending
 3 s. 238.181, F.S.; authorizing district school boards to
 4 reemploy certain retired teachers under certain
 5 circumstances; deleting certain reemployment criteria and
 6 limitations; providing legislative intent pertaining to
 7 funding and implementation; providing for retroactive
 8 applicability; providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Paragraph (c) of subsection (2) of section
 13 238.181, Florida Statutes, is amended to read:

14 238.181 Reemployment after retirement; conditions and
 15 limitations.--

16 (2)

17 (c) Effective July 1, 2003, after a retired member has
 18 been retired for 1 calendar month in accordance with s.
 19 121.021(39), a district school board may reemploy such a retired
 20 member as a substitute or hourly teacher on a noncontractual
 21 basis, or reemploy such retired member as instructional
 22 personnel, as defined in s. 1012.01(2)(a), on an annual
 23 contractual basis after he or she has been retired for 1
 24 calendar month, in accordance with s. 121.021(39). Any other
 25 retired member who is reemployed within 1 calendar month after
 26 retirement shall void his or her application for retirement
 27 benefits. All retirees reemployed under this paragraph shall
 28 become renewed members of the Florida Retirement System under s.
 29 121.122, and district school boards reemploying such retired

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30 members as described herein ~~teachers~~ are subject to the
 31 contributions as provided for renewed membership ~~retirement~~
 32 ~~contribution required by paragraph (g). Reemployment of a~~
 33 ~~retired member as a substitute or hourly teacher is limited to~~
 34 ~~780 hours during the first 12 months of his or her retirement.~~
 35 ~~Any retired member reemployed for more than 780 hours during his~~
 36 ~~or her first 12 months of retirement shall give timely notice in~~
 37 ~~writing to his or her employer and to the department of the date~~
 38 ~~he or she will exceed the limitation. The department shall~~
 39 ~~suspend his or her retirement benefits for the remainder of his~~
 40 ~~or her first 12 months of retirement. Any person employed in~~
 41 ~~violation of this paragraph and any employing agency which~~
 42 ~~knowingly employs or appoints such person without notifying the~~
 43 ~~department to suspend retirement benefits shall be jointly and~~
 44 ~~severally liable for reimbursement to the retirement trust fund~~
 45 ~~of any benefits paid during the reemployment limitation period.~~
 46 ~~To avoid liability, such employing agency shall have a written~~
 47 ~~statement from the retiree that he or she is not retired from a~~
 48 ~~state-administered retirement system. Any retirement benefits~~
 49 ~~received by a retired member while reemployed in excess of 780~~
 50 ~~hours during his or her first 12 months of retirement shall be~~
 51 ~~repaid to the Retirement System Trust Fund, and his or her~~
 52 ~~retirement benefits shall remain suspended until repayment is~~
 53 ~~made. Benefits suspended beyond the end of the retired member's~~
 54 ~~first 12 months of retirement shall apply toward repayment of~~
 55 ~~benefits received in violation of the 780-hour reemployment~~
 56 ~~limitation.~~

57 Section 2. The Legislature finds that the potential costs
 58 attributable to the modifications to the retirement laws by this

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59 act affecting the reemployment of retired members of the
60 Teachers' Retirement System is minimal. The Legislature further
61 finds that such costs are adequately funded by the provisions of
62 section 9 of chapter 2003-260, Laws of Florida, which provided
63 funding for equivalent provisions allowing for postretirement
64 reemployment of retired members of the Florida Retirement
65 System. By giving these provisions retroactive effect, it is the
66 intent of the Legislature that retired members of such system
67 who may have relied in error on the provisions of section 2 of
68 chapter 2003-260, Laws of Florida, should be financially whole.
69 Therefore, it is the intent of the Legislature that any retiree
70 of the Teachers' Retirement System who was reemployed by a
71 district school board in reliance on section 2 of chapter 2003-
72 260, Laws of Florida, and as a result was required to suspend or
73 repay benefits under s. 121.091(9)(b)2., Florida Statutes, will
74 receive a full refund for any such benefits suspended or
75 personally repaid between July 1, 2003, and the effective date
76 of this act, and that any employer held liable for such
77 repayment will receive a full refund for any such benefits paid
78 by the employer.

79 Section 3. This act shall take effect upon becoming a law
80 and shall apply retroactively to July 1, 2003.