

By Senator Constantine

22-1789-04

See HB 1025

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

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

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14           Section 1. Paragraph (c) of subsection (2) of section  
15 238.181, Florida Statutes, is amended to read:

16           238.181 Reemployment after retirement; conditions and  
17 limitations.--

18           (2)

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

1 retired members as described herein ~~teachers~~ are subject to  
2 the contributions as provided for renewed membership  
3 ~~retirement contribution required by paragraph (g).~~  
4 ~~Reemployment of a retired member as a substitute or hourly~~  
5 ~~teacher is limited to 780 hours during the first 12 months of~~  
6 ~~his or her retirement. Any retired member reemployed for more~~  
7 ~~than 780 hours during his or her first 12 months of retirement~~  
8 ~~shall give timely notice in writing to his or her employer and~~  
9 ~~to the department of the date he or she will exceed the~~  
10 ~~limitation. The department shall suspend his or her retirement~~  
11 ~~benefits for the remainder of his or her first 12 months of~~  
12 ~~retirement. Any person employed in violation of this paragraph~~  
13 ~~and any employing agency which knowingly employs or appoints~~  
14 ~~such person without notifying the department to suspend~~  
15 ~~retirement benefits shall be jointly and severally liable for~~  
16 ~~reimbursement to the retirement trust fund of any benefits~~  
17 ~~paid during the reemployment limitation period. To avoid~~  
18 ~~liability, such employing agency shall have a written~~  
19 ~~statement from the retiree that he or she is not retired from~~  
20 ~~a state-administered retirement system. Any retirement~~  
21 ~~benefits received by a retired member while reemployed in~~  
22 ~~excess of 780 hours during his or her first 12 months of~~  
23 ~~retirement shall be repaid to the Retirement System Trust~~  
24 ~~Fund, and his or her retirement benefits shall remain~~  
25 ~~suspended until repayment is made. Benefits suspended beyond~~  
26 ~~the end of the retired member's first 12 months of retirement~~  
27 ~~shall apply toward repayment of benefits received in violation~~  
28 ~~of the 780-hour reemployment limitation.~~

29       Section 2. The Legislature finds that the potential  
30 costs attributable to the modifications to the retirement laws  
31 by this act affecting the reemployment of retired members of

1 the Teachers' Retirement System is minimal. The Legislature  
2 further finds that such costs are adequately funded by the  
3 provisions of section 9 of chapter 2003-260, Laws of Florida,  
4 which provided funding for equivalent provisions allowing for  
5 postretirement reemployment of retired members of the Florida  
6 Retirement System. By giving these provisions retroactive  
7 effect, it is the intent of the Legislature that retired  
8 members of such system who may have relied in error on the  
9 provisions of section 2 of chapter 2003-260, Laws of Florida,  
10 should be financially whole. Therefore, it is the intent of  
11 the Legislature that any retiree of the Teachers' Retirement  
12 System who was reemployed by a district school board in  
13 reliance on section 2 of chapter 2003-260, Laws of Florida,  
14 and as a result was required to suspend or repay benefits  
15 under section 121.091(9)(b)2., Florida Statutes, will receive  
16 a full refund for any such benefits suspended or personally  
17 repaid between July 1, 2003, and the effective date of this  
18 act, and that any employer held liable for such repayment will  
19 receive a full refund for any such benefits paid by the  
20 employer.

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