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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 that certain
11 reemployment and retirement benefits are
12 available to instructional personnel employed
13 by developmental research schools and the
14 Florida School for the Deaf and the Blind;
15 authorizing the director or principal of
16 certain charter schools to reemploy certain
17 retired teachers under certain circumstances;
18 providing an effective date.

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

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22 Section 1. Paragraph (c) of subsection (2) of section
23 238.181, Florida Statutes, is amended to read:

24 238.181 Reemployment after retirement; conditions and
25 limitations.--

26 (2)

27 (c) Effective July 1, 2003, after a retired member has
28 been retired for 1 calendar month in accordance with s.
29 121.021(39), a district school board may reemploy ~~such a~~
30 retired member as a substitute or hourly teacher on a
31 noncontractual basis, or reemploy such retired member as

1 instructional personnel, as defined in s. 1012.01(2)(a), on an
2 annual contractual basis after he or she has been retired for
3 ~~1 calendar month, in accordance with s. 121.021(39).~~ Any other
4 retired member who is reemployed within 1 calendar month after
5 retirement shall void his or her application for retirement
6 benefits. All retirees reemployed under this paragraph shall
7 become renewed members of the Florida Retirement System under
8 s. 121.122, and district school boards reemploying such
9 retired members as described herein teachers are subject to
10 the contributions as provided for renewed membership
11 ~~retirement contribution required by paragraph (g).~~
12 ~~Reemployment of a retired member as a substitute or hourly~~
13 ~~teacher is limited to 780 hours during the first 12 months of~~
14 ~~his or her retirement. Any retired member reemployed for more~~
15 ~~than 780 hours during his or her first 12 months of retirement~~
16 ~~shall give timely notice in writing to his or her employer and~~
17 ~~to the department of the date he or she will exceed the~~
18 ~~limitation. The department shall suspend his or her retirement~~
19 ~~benefits for the remainder of his or her first 12 months of~~
20 ~~retirement. Any person employed in violation of this paragraph~~
21 ~~and any employing agency which knowingly employs or appoints~~
22 ~~such person without notifying the department to suspend~~
23 ~~retirement benefits shall be jointly and severally liable for~~
24 ~~reimbursement to the retirement trust fund of any benefits~~
25 ~~paid during the reemployment limitation period. To avoid~~
26 ~~liability, such employing agency shall have a written~~
27 ~~statement from the retiree that he or she is not retired from~~
28 ~~a state administered retirement system. Any retirement~~
29 ~~benefits received by a retired member while reemployed in~~
30 ~~excess of 780 hours during his or her first 12 months of~~
31 ~~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 Section 2. The Legislature finds that the potential
7 costs attributable to the modifications to the retirement laws
8 by this act affecting the reemployment of retired members of
9 the Teachers' Retirement System is minimal. The Legislature
10 further finds that such costs are adequately funded by the
11 provisions of section 9 of chapter 2003-260, Laws of Florida,
12 which provided funding for equivalent provisions allowing for
13 postretirement reemployment of retired members of the Florida
14 Retirement System. By giving these provisions retroactive
15 effect, it is the intent of the Legislature that retired
16 members of such system who may have relied in error on the
17 provisions of section 2 of chapter 2003-260, Laws of Florida,
18 should be financially whole. Therefore, it is the intent of
19 the Legislature that any retiree of the Teachers' Retirement
20 System who was reemployed by a district school board in
21 reliance on section 2 of chapter 2003-260, Laws of Florida,
22 and as a result was required to suspend or repay benefits
23 under section 121.091(9)(b)2., Florida Statutes, will receive
24 a full refund for any such benefits suspended or personally
25 repaid between July 1, 2003, and the effective date of this
26 act, and that any employer held liable for such repayment will
27 receive a full refund for any such benefits paid by the
28 employer.

29 Section 3. (1) Notwithstanding any other law,
30 instructional personnel, as defined in section 1012.01(2),
31 Florida Statutes, employed by a developmental research school

1 or the Florida School for the Deaf and the Blind are eligible
2 for reemployment after retirement in the same manner as
3 classroom teachers who are employed by the district school
4 boards, as described in sections 121.091(9)(b)3. and
5 238.181(2)(c), Florida Statutes.

6 (2) Instructional personnel, as defined in section
7 1012.01(2), Florida Statutes, employed by a developmental
8 research school and authorized by the school's director, or if
9 the school has no director, by the school's principal, are
10 eligible for the Deferred Retirement Option Program (DROP)
11 beyond 60 months in the same manner as the instructional
12 personnel who are employed by the district school boards and
13 authorized by the district school superintendent, as described
14 in section 121.091(13), Florida Statutes.

15 Section 4. Effective July 1, 2004, the director or
16 principal of a charter school participating in the Florida
17 Retirement System may reemploy a retired member as a
18 substitute or hourly teacher on a noncontractual basis, or
19 reemploy such retired member as instructional personnel, as
20 defined in section 1012.01(2)(a), Florida Statutes, on an
21 annual contractual basis, after he or she has been retired for
22 1 calendar month in accordance with section 121.021(39),
23 Florida Statutes.

24 Section 5. This act shall take effect upon becoming a
25 law and sections 1 and 2 of this act shall apply retroactively
26 to July 1, 2003.

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