

HB 1003

2016

1 A bill to be entitled
2 An act relating to employment after retirement of
3 school district personnel; amending s. 1012.33, F.S.;
4 revising provisions relating to reemployment of
5 retirees as instructional personnel on a contract
6 basis; providing legislative intent and findings to
7 clarify authorization to award contracts; providing
8 requirements for a judgment in certain civil actions
9 or administrative proceedings; providing a directive
10 to the Division of Law Revision and Information;
11 providing an effective date.

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

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15 Section 1. Subsection (8) of section 1012.33, Florida
16 Statutes, is amended to read:

17 1012.33 Contracts with instructional staff, supervisors,
18 and school principals.—

19 (8) Notwithstanding any other provision of law, a district
20 school board may reemploy a retiree as instructional personnel,
21 as defined in s. 1012.01(2)(a), under a 1-year probationary
22 contract, as defined in s. 1012.335(1). If the retiree
23 successfully completes the probationary contract, the district
24 school board may reemploy the retiree under an annual contract
25 as defined in s. 1012.335(1).

26 (a) Neither this subsection nor any other law enacted
27 before the effective date of this act allows, or was intended to
28 allow, a retiree to be awarded a professional service contract.
29 The Legislature finds that the holding in *Orange County School*
30 *Board v. Rachman and Schuman*, 87 So. 3d 48 (Fla. 5th DCA 2012),
31 which found that retirees under s. 121.091(9)(b)1.a. and this
32 subsection as enacted before the effective date of this act were
33 entitled to a professional service contract, was contrary to
34 legislative intent at the time the statutes were enacted. The
35 Legislature finds that retirees under s. 121.091(9), regardless
36 of the retiree's date of retirement, and this subsection are not
37 eligible, and were never eligible, to receive a professional
38 service contract under this section or any other law. In a civil
39 action or administrative proceeding, if a classroom teacher was
40 formerly retired and then reemployed by the district school
41 board pursuant to s. 121.091(9) and this section as enacted
42 before the effective date of this act, the Legislature intends,
43 in accordance with the findings expressed in this subsection,
44 that a judgment be entered against that classroom teacher on any
45 claim or cause of action against the district school board, the
46 district school superintendent, or a district school board
47 employee for not awarding that teacher a professional service
48 contract.

49 (b) This subsection does not void and is not intended to
50 void or in any way impair any professional service contract
51 inadvertently awarded by a district school board to a retiree

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52 before the effective date of this act ~~Notwithstanding any other~~
53 ~~provision of law, a retired member may interrupt retirement and~~
54 ~~be reemployed in any public school. A member reemployed by the~~
55 ~~same district from which he or she retired may be employed on a~~
56 ~~probationary contractual basis as provided in subsection (1).~~

57 Section 2. The Division of Law Revision and Information is
58 directed to replace the phrase "the effective date of this act"
59 wherever it occurs in this act with the date this act becomes a
60 law.

61 Section 3. This act shall take effect upon becoming a law.