

Senate Bill No. 3010

An act relating to reemployment after retirement; amending s. 238.181, F.S.; authorizing district school boards to reemploy certain retired teachers under certain circumstances; deleting certain reemployment criteria and limitations; providing legislative intent pertaining to funding and implementation; providing for retroactive applicability; providing that certain reemployment and retirement benefits are available to instructional personnel employed by developmental research schools and the Florida School for the Deaf and the Blind; authorizing the director or principal of certain charter schools to reemploy certain retired teachers under certain circumstances; providing an effective date.

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

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

238.181 Reemployment after retirement; conditions and limitations.—

(2)

(c) Effective July 1, 2003, after a retired member has been retired for 1 calendar month in accordance with s. 121.021(39), a district school board may reemploy such a retired member as a substitute or hourly teacher on a noncontractual basis, or reemploy such retired member as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any other retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. All retirees reemployed under this paragraph shall become renewed members of the Florida Retirement System under s. 121.122, and district school boards reemploying such retired members as described herein teachers are subject to the contributions as provided for renewed membership retirement contribution required by paragraph (g). Reemployment of a retired member as a substitute or hourly teacher is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during his or her first 12 months of retirement shall give timely notice in writing to his or her employer and to the department of the date he or she will exceed the limitation. The department shall suspend his or her retirement benefits for the remainder of his or her first 12 months of retirement. Any person employed in violation of this paragraph and any employing agency which knowingly employs or appoints such person without notifying the department to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his or her first 12 months of retirement

shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

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

Section 3. (1) Notwithstanding any other law, instructional personnel, as defined in section 1012.01(2), Florida Statutes, employed by a developmental research school or the Florida School for the Deaf and the Blind are eligible for reemployment after retirement in the same manner as classroom teachers who are employed by the district school boards, as described in sections 121.091(9)(b)3. and 238.181(2)(c), Florida Statutes.

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

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

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

Approved by the Governor June 23, 2004.

Filed in Office Secretary of State June 23, 2004.