



127046

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/26/2016	.	
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Appropriations Subcommittee on Education (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

(8) Notwithstanding any other provision of law, a retired member may interrupt retirement and be reemployed in any public



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11 school as instructional personnel under a 1-year probationary  
12 contract, as defined in s. 1012.335(1). If the retiree  
13 successfully completes the probationary contract, the district  
14 school board may reemploy the retiree under an annual contract  
15 as defined in s. 1012.335(1). The retiree is not eligible for a  
16 professional service contract ~~A member reemployed by the same~~  
17 ~~district from which he or she retired may be employed on a~~  
18 ~~probationary contractual basis as provided in subsection (1).~~

19 Section 2. The Legislature finds that the opinion of the  
20 Fifth District Court of Appeal in *Orange County School Board v.*  
21 *Rachman*, 87 So.3d 48 (Fla. 5th DCA 2012), interprets s. 1012.33  
22 and s. 121.091, Florida Statutes (2010), in a manner that is  
23 inconsistent with the intent of the Legislature. Those statutes  
24 were not intended to allow a retiree to qualify for a  
25 professional service contract.

26 Section 3. The amendment made to subsection (8) of s.  
27 1012.33, Florida Statutes, is remedial in nature, is intended to  
28 clarify existing law, and applies retroactively to retirees who  
29 have been reemployed as instructional personnel but who do not  
30 hold a professional service contract. Furthermore, this act does  
31 not provide a basis to void a professional service contract held  
32 before the effective date of this act.

33 Section 4. This act shall take effect upon becoming a law.

34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete everything before the enacting clause  
37 and insert:

38 A bill to be entitled

39 An act relating to employment after retirement of



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40 school district personnel; amending s. 1012.33, F.S.;

41 revising provisions relating to reemployment of

42 retirees as instructional personal on a contract

43 basis; providing legislative intent regarding a

44 judicial opinion relating to the eligibility of a

45 retiree for a professional service contract; providing

46 for the retroactive application of the act relating to

47 retirees who have not been awarded a professional

48 service contract; providing an effective date.