

By Senator Brandes

22-01074-16

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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
10 applicability; providing a directive to the Division
11 of Law Revision and Information; providing an
12 effective date.

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

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

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

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

27 (a) Neither this subsection nor any other law enacted
28 before the effective date of this act allows, or was intended to
29 allow, a retiree to be awarded a professional service contract.
30 The Legislature finds that the holding in Orange County School
31 Board v. Rachman and Schuman, 87 So. 3d 48 (Fla. 5th DCA 2012),
32 which found that retirees under s. 121.091(9)(b)1.a. and this

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33 subsection as enacted before the effective date of this act were
34 entitled to a professional service contract, was contrary to the
35 legislative intent at the time the statutes were enacted. The
36 Legislature finds that retirees under s. 121.091(9), regardless
37 of the retiree's date of retirement, and under this subsection
38 are not eligible, and were never eligible, to receive a
39 professional service contract under this section or any other
40 law. In a civil action or administrative proceeding, if a
41 classroom teacher was formerly retired and then reemployed by
42 the district school board pursuant to s. 121.091(9) and this
43 section as enacted before the effective date of this act, the
44 Legislature intends, in accordance with the findings expressed
45 in this subsection, that a judgment be entered against that
46 classroom teacher on any claim or cause of action against the
47 district school board, the district school superintendent, or a
48 district school board employee for not awarding that teacher a
49 professional service contract.

50 (b) This subsection does not void, is not intended to void,
51 and does not in any way impair any professional service contract
52 inadvertently awarded by a district school board to a retiree
53 before the effective date of this act ~~retired member may~~
54 ~~interrupt retirement and be reemployed in any public school. A~~
55 ~~member reemployed by the same district from which he or she~~
56 ~~retired may be employed on a probationary contractual basis as~~
57 ~~provided in subsection (1).~~

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

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