

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.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
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

CS/HB 295

2014

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 such date.

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