

By the Committee on General Education and Representatives
Arza, Atwater, Rubio, Paul, Melvin, Pickens, Baxley,
Alexander, Diaz de la Portilla and Fiorentino

1 A bill to be entitled
2 An act relating to education; amending s.
3 228.041, F.S.; revising the definition of
4 "other instructional staff" to include adjunct
5 educators; amending s. 230.23, F.S.; deleting
6 provisions relating to salary supplements
7 provided to teachers selected to teach at
8 certain low-performing schools; amending s.
9 231.15, F.S.; deleting provision of part-time
10 certificate for athletic coach; amending s.
11 231.17, F.S.; authorizing continued employment
12 under specified circumstances; authorizing the
13 use of an approved alternative certification
14 program by a school district other than the
15 school district that developed the program,
16 upon notification to the department and
17 approval of any modifications; creating s.
18 231.1726, F.S.; providing for certification of
19 adjunct educators; amending s. 231.262, F.S.;
20 requiring each district school board to develop
21 policies and procedures relating to the
22 reporting of complaints against teachers and
23 administrators; providing criteria for policies
24 and procedures; charging the superintendent of
25 schools with knowledge of such policies and
26 procedures; specifying conditions for penalty
27 against superintendent; authorizing the
28 temporary suspension of a teaching
29 certificateholder pending the completion of
30 proceedings in order to protect the health,
31 safety, and welfare of students; correcting

1 cross references to conform; amending s.
2 231.36, F.S.; including adjunct educators in
3 provisions relating to contracts with
4 instructional staff; requiring a school board,
5 subject to applicable collective bargaining
6 requirements, to recognize and accept years of
7 satisfactory performance for purposes of pay
8 and retirement; providing an exemption;
9 amending s. 231.625, F.S.; requiring the
10 Department of Education to develop and
11 implement a system for posting teaching
12 vacancies, establish a database of teacher
13 applicants, develop a long-range plan for
14 educator recruitment and retention, and
15 identify best practices for retaining
16 high-quality teachers; deleting requirements
17 that the department develop standardized
18 resumes for teacher applicant data and review
19 and recommend to the Legislature and school
20 districts incentives for attracting teachers to
21 Florida; amending s. 231.700, F.S.; revising
22 the Florida Mentor Teacher School Pilot Program
23 to conform terminology; clarifying requirements
24 for mentor teachers; amending s. 236.08106,
25 F.S.; clarifying requirements relating to the
26 amount of required mentoring or related
27 services for receipt of an Excellent Teaching
28 Program bonus; amending s. 231.261, F.S.;
29 correcting a cross reference; amending ss.
30 230.2305, 231.045, 231.1725, 231.471, and
31 232.435, F.S., relating to standards for staff

1 of prekindergarten early intervention programs,
2 periodic criminal history record checks, and
3 employment of specified teachers, part-time
4 teachers, and athletic trainers; revising
5 provisions to include adjunct educators;
6 providing an effective date.

7

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

9

10 Section 1. Paragraph (d) of subsection (9) of section
11 228.041, Florida Statutes, is amended to read:

12 228.041 Definitions.--Specific definitions shall be as
13 follows, and wherever such defined words or terms are used in
14 the Florida School Code, they shall be used as follows:

15 (9) INSTRUCTIONAL PERSONNEL.--"Instructional
16 personnel" means any staff member whose function includes the
17 provision of direct instructional services to students.
18 Instructional personnel also includes personnel whose
19 functions provide direct support in the learning process of
20 students. Included in the classification of instructional
21 personnel are:

22 (d) Other instructional staff.--Other instructional
23 staff are staff members who are part of the instructional
24 staff but are not classified in one of the categories
25 specified in paragraphs (a)-(c). Included in this
26 classification are primary specialists, learning resource
27 specialists, instructional trainers, adjunct educators
28 certified pursuant to s. 231.1726, and similar positions.

29 Section 2. Paragraph (a) of subsection (5) and
30 paragraph (c) of subsection (16) of section 230.23, Florida
31 Statutes, are amended to read:

1 230.23 Powers and duties of school board.--The school
2 board, acting as a board, shall exercise all powers and
3 perform all duties listed below:

4 (5) PERSONNEL.--Designate positions to be filled,
5 prescribe qualifications for those positions, and provide for
6 the appointment, compensation, promotion, suspension, and
7 dismissal of employees as follows, subject to the requirements
8 of chapter 231:

9 (a) Positions, qualifications, and appointments.--Act
10 upon written recommendations submitted by the superintendent
11 of schools for positions to be filled and for minimum
12 qualifications for personnel for the various positions and act
13 upon written nominations of persons to fill such positions.
14 The superintendent of schools' recommendations for filling
15 instructional ~~institutional~~ positions at the school level must
16 consider nominations received from school principals of the
17 respective schools. The district school board may reject for
18 good cause any employee nominated. If the third nomination by
19 the superintendent of schools for any position is rejected for
20 good cause, if the superintendent of schools fails to submit a
21 nomination for initial employment within a reasonable time as
22 prescribed by the district school board, or if the
23 superintendent of schools fails to submit a nomination for
24 reemployment within the time prescribed by law, the district
25 school board may proceed on its own motion to fill such
26 position. The district school board's decision to reject a
27 person's nomination does not give that person a right of
28 action to sue over the rejection and may not be used as a
29 cause of action by the nominated employee.

30 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
31 ACCOUNTABILITY.--Maintain a system of school improvement and

1 education accountability as provided by statute and State
2 Board of Education rule. This system of school improvement and
3 education accountability shall be consistent with, and
4 implemented through, the district's continuing system of
5 planning and budgeting required by this section and ss.
6 229.555 and 237.041. This system of school improvement and
7 education accountability shall include, but is not limited to,
8 the following:

9 (c) Assistance and intervention.--

10 1. Develop a 2-year plan of increasing individualized
11 assistance and intervention for each school in danger of not
12 meeting state standards or making adequate progress, as
13 defined pursuant to statute and State Board of Education rule,
14 toward meeting the goals and standards of its approved school
15 improvement plan.

16 2. A school that is identified as being in performance
17 grade category "D" pursuant to s. 229.57 is in danger of
18 failing and must be provided assistance and intervention.

19 ~~3.a.~~ Each district school board shall develop a plan
20 to encourage teachers with demonstrated mastery in improving
21 student performance to remain at or transfer to a school
22 designated as performance grade category "D" or "F" or to an
23 alternative school that serves disruptive or violent youths.
24 If a classroom teacher, as defined by s. 228.041(9)(a), who
25 meets the definition of teaching mastery developed according
26 to the provisions of this paragraph, requests assignment to a
27 school designated as performance grade category "D" or "F" or
28 to an alternative school that serves disruptive or violent
29 youths, the district school board shall make every practical
30 effort to grant the request.

31

1 ~~b. For initial implementation in 2000-2001 and until~~
2 ~~full implementation of an annual assessment of learning gains,~~
3 ~~a classroom teacher who is selected by the school principal~~
4 ~~based on his or her performance appraisal and student~~
5 ~~achievement data to teach at a school designated as~~
6 ~~performance grade category "D" or "F" or at an alternative~~
7 ~~that serves disruptive or violent youths shall receive a~~
8 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
9 ~~provided for annually in the General Appropriations Act, each~~
10 ~~year he or she teaches at a school designated as performance~~
11 ~~grade category "D" or "F" or at an alternative school that~~
12 ~~serves disruptive or violent youths.~~

13 ~~c. Beginning with the full implementation of an annual~~
14 ~~assessment of learning gains, a classroom teacher whose~~
15 ~~effectiveness has been proven based upon positive learning~~
16 ~~gains of his or her students as measured by annual FCAT~~
17 ~~assessments pursuant to s. 229.57, is eligible for an annual~~
18 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
19 ~~provided for annually in the General Appropriations Act, each~~
20 ~~year he or she teaches at a school designated as performance~~
21 ~~grade category "D" or "F" or at an alternative school that~~
22 ~~serves disruptive or violent youths.~~

23 ~~d. In the absence of an FCAT assessment, measurement~~
24 ~~of learning gains of students shall be as provided in s.~~
25 ~~229.57(12). The supplement received under this paragraph shall~~
26 ~~be in addition to any supplement or bonus received as a result~~
27 ~~of other local or state pay incentives based on performance.~~

28 ~~e. The Commissioner of Education shall adopt rules to~~
29 ~~determine the measures that define "teaching mastery" for~~
30 ~~purposes of this subparagraph.~~

31

1 4. District school boards are encouraged to prioritize
2 the expenditures of funds received from the supplemental
3 academic instruction categorical fund under s. 236.08104 to
4 improve student performance in schools that receive a
5 performance grade category designation of "D" or "F."

6 Section 3. Subsection (2) of section 231.15, Florida
7 Statutes, is amended to read:

8 231.15 Positions for which certificates required.--

9 (2) Each person who is employed and renders service as
10 an athletic coach in any public school in any district of this
11 state shall hold a valid ~~part-time, temporary, or~~ professional
12 certificate. The provisions of this subsection do not apply to
13 any athletic coach who voluntarily renders service and who is
14 not employed by any public school district of this state.

15 Section 4. Subsection (6) and paragraph (b) of
16 subsection (7) of section 231.17, Florida Statutes, are
17 amended to read:

18 231.17 Teacher certification requirements.--

19 (6) TYPES AND TERMS OF CERTIFICATION.--

20 (a) The Department of Education shall issue a
21 professional certificate for a period not to exceed 5 years to
22 any applicant who meets all the requirements outlined in
23 subsection (2).

24 (b) The department shall issue a temporary certificate
25 to any applicant who completes the requirements outlined in
26 paragraphs (2)(a)-(f) and:

27 1. Until July 1, 2002, completes the subject area
28 content requirements specified in state board rule.

29 2. Beginning July 1, 2002, completes the subject area
30 content requirements specified in state board rule or achieves
31

1 a passing score on the subject area examinations required by
2 state board rule.

3 (c) The department shall issue one nonrenewable 2-year
4 temporary certificate and one nonrenewable 5-year professional
5 certificate to a qualified applicant who holds a bachelor's
6 degree in the area of speech-language impairment to allow for
7 completion of a master's degree program in speech-language
8 impairment.

9
10 Each temporary certificate is valid for 3 school fiscal years
11 and is nonrenewable. However, the requirement in paragraph
12 (2)(g) must be met within 1 calendar year of the date of
13 employment under the temporary certificate. Individuals who
14 are employed under contract at the end of the 1 calendar year
15 time period may continue to be employed through the end of the
16 year in which they have been contracted.A school district
17 shall not employ, or continue the employment of, an individual
18 in a position for which a temporary certificate is required
19 beyond this the 1-calendar-year time period for satisfying who
20 has not met the requirement of paragraph (2)(g). The State
21 Board of Education shall adopt rules to allow the department
22 to extend the validity period of a temporary certificate for 2
23 years when the requirements for the professional certificate,
24 not including the requirement in paragraph (2)(g), were not
25 completed due to the serious illness or injury of the
26 applicant or other extraordinary extenuating circumstances.
27 The department shall reissue the temporary certificate for 2
28 additional years upon approval by the Commissioner of
29 Education. A written request for reissuance of the certificate
30 shall be submitted by the superintendent of schools, the
31 governing authority of a developmental research school, the

1 governing authority of a state-supported school, or the
2 governing authority of a nonpublic school.

3 (7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY
4 PROGRAM.--

5 (b) Until July 1, 2002, each school district may use
6 ~~develop and maintain~~ an alternative certification program by
7 which members of the district's instructional staff may
8 satisfy the professional education course requirements
9 specified in rules of the state board for issuance of a
10 professional certificate. The state board must adopt, by rule,
11 standards and guidelines for the approval of alternative
12 certification programs. Any program approved for use in a
13 school district may be adopted and implemented by a school
14 district other than the school district that developed the
15 program. A district school board choosing to adopt an
16 alternative certification program approved for another school
17 district shall provide written notification of such action to
18 the department. However, any modifications to an approved
19 program shall be submitted to the department for approval.
20 Each approved program must include methods for identifying
21 each applicant's entry-level teaching competencies and must
22 require each applicant to:

23 1. Have expertise in the subject and meet requirements
24 for specialization in a subject area for which a professional
25 certificate may be issued under this chapter and rules of the
26 state board.

27 2. Complete training in only those competency areas in
28 which deficiencies are identified.

29 3. Complete the program within 2 years after initial
30 employment as a member of the district's instructional staff.

31

1 4. Achieve passing scores on the professional
2 education competency examination required by state board rule.

3
4 Each district school board may expend educational training
5 funds provided under ss. 231.600 and 236.081 to implement the
6 provisions of this paragraph. The department must approve
7 programs and systems developed to demonstrate professional
8 preparation and education competence authorized by this
9 paragraph.

10 Section 5. Section 231.1726, Florida Statutes, is
11 created to read:

12 231.1726 Certification of adjunct educators.--

13 (1) Notwithstanding the provisions of ss. 231.02,
14 231.15, and 231.17, or any other provision of law or rule to
15 the contrary, district school boards may issue an adjunct
16 teaching certificate to any applicant who fulfills the
17 requirements of s. 231.17(2)(a)-(f) and who has expertise, as
18 determined by district school board policy, in the subject
19 area to be taught. The adjunct teaching certificate shall be
20 used for part-time teaching positions. District school boards
21 shall assign a peer teacher to assist the adjunct teaching
22 certificateholder during the certificateholder's first year of
23 teaching. District school boards shall provide the adjunct
24 teaching certificateholder an orientation in classroom
25 management prior to assigning the certificateholder to a
26 school. Each adjunct teaching certificate is valid for 5
27 school years and is renewable if:

28 (a) The applicant completes a minimum of 60 inservice
29 points or 3 semester hours of college credit. The earned
30 credits must include instruction in classroom management,
31 district school board procedures, school culture, and other

1 activities that enhance the professional teaching skills of
2 the certificateholder.

3 (b) The applicant has received satisfactory
4 performance evaluations during each year of teaching under
5 adjunct teaching certification.

6 (2) Individuals who are certified and employed
7 pursuant to this section shall have the same rights and
8 protection of laws as teachers certified pursuant to s.
9 231.17.

10 Section 6. Paragraphs (a) and (c) of subsection (1)
11 and subsection (4) of section 231.262, Florida Statutes, are
12 amended, a new subsection (5) is added to said section,
13 present subsection (5) of said section is renumbered and
14 amended, and present subsections (6) through (8) of said
15 section are renumbered as subsections (7) through (9),
16 respectively, to read:

17 231.262 Complaints against teachers and
18 administrators; procedure; penalties.--

19 (1)(a) The Department of Education shall cause to be
20 investigated expeditiously any complaint filed before it or
21 otherwise called to its attention which, if legally
22 sufficient, contains grounds for the revocation or suspension
23 of a certificate or any other appropriate penalty as set forth
24 in subsection ~~(7)~~(6). The complaint is legally sufficient if
25 it contains the ultimate facts which show a violation has
26 occurred as provided in s. 231.2615. The department may
27 investigate or continue to investigate and take appropriate
28 action in a complaint even though the original complainant
29 withdraws the complaint or otherwise indicates a desire not to
30 cause it to be investigated or prosecuted to completion. The
31 department may investigate or continue to investigate and take

1 action on a complaint filed against a person whose teaching
2 certificate has expired if the act or acts which are the basis
3 for the complaint were allegedly committed while that person
4 possessed a teaching certificate.

5 (c) Each school district shall file in writing with
6 the department all legally sufficient complaints within 30
7 days after the date on which subject matter of the complaint
8 comes to the attention of the school district. The school
9 district shall include all information relating to the
10 complaint which is known to the school district at the time of
11 filing. Each district school board shall develop policies and
12 procedures to comply with this reporting requirement. The
13 district school board policies and procedures shall include
14 appropriate penalties for all personnel of the district school
15 board for nonreporting and procedures for promptly informing
16 the superintendent of schools of each legally sufficient
17 complaint. The superintendent of schools is charged with
18 knowledge of these policies and procedures. If the
19 superintendent of schools has knowledge of a legally
20 sufficient complaint, or should have known and did not report
21 a legally sufficient complaint, or if the superintendent of
22 schools failed to enforce the policies and procedures of the
23 district school board, and fails to comply with the
24 requirements of this subsection, in addition to other actions
25 against certificateholders authorized by law, the
26 superintendent of schools shall be subject to penalties as
27 specified in s. 230.33(13). This paragraph does not limit or
28 restrict the power and duty of the department to investigate
29 complaints as provided in paragraphs (a) and (b), regardless
30 of the school district's untimely filing, or failure to file,
31 complaints and followup reports.

1 (4) The complaint and all information obtained
2 pursuant to the investigation by the department shall be
3 confidential and exempt from the provisions of s. 119.07(1)
4 until the conclusion of the preliminary investigation of the
5 complaint, until such time as the preliminary investigation
6 ceases to be active, or until such time as otherwise provided
7 by s. 231.263(6). However, the complaint and all material
8 assembled during the investigation may be inspected and copied
9 by the certificateholder under investigation, or the
10 certificateholder's designee, after the investigation is
11 concluded, but prior to the determination of probable cause by
12 the commissioner. If the preliminary investigation is
13 concluded with the finding that there is no probable cause to
14 proceed, the complaint and information shall be open
15 thereafter to inspection pursuant to s. 119.07(1). If the
16 preliminary investigation is concluded with the finding that
17 there is probable cause to proceed and a complaint is filed
18 pursuant to subsection~~(6)~~~~(5)~~, the complaint and information
19 shall be open thereafter to inspection pursuant to s.
20 119.97(1). If the preliminary investigation ceases to be
21 active, the complaint and all such material shall be open
22 thereafter to inspection pursuant to s. 119.07(1), except as
23 otherwise provided pursuant to s. 231.263(6)(d). For the
24 purpose of this subsection, a preliminary investigation shall
25 be considered active as long as it is continuing with a
26 reasonable, good faith anticipation that an administrative
27 finding will be made in the foreseeable future.

28 (5) When deemed necessary to protect the health,
29 safety, and welfare of a minor student, the superintendent of
30 schools in consultation with the school principal may, and
31 upon the request of the Commissioner of Education shall,

1 temporarily suspend a certificateholder from the
2 certificateholder's regularly assigned duties, with pay, and
3 reassign the suspended certificateholder to a position that
4 does not require direct contact with students in the district
5 school system. Such suspension shall continue until the
6 completion of the proceedings and the determination of
7 sanctions, if any, pursuant to this section and s. 231.2615.

8 (6)~~(5)~~ Upon the finding of probable cause, the
9 commissioner shall file a formal complaint and prosecute the
10 complaint pursuant to the provisions of chapter 120. An
11 administrative law judge shall be assigned by the Division of
12 Administrative Hearings of the Department of Management
13 Services to hear the complaint if there are disputed issues of
14 material fact. The administrative law judge shall make
15 recommendations in accordance with the provisions of
16 subsection (7)~~(6)~~ to the appropriate Education Practices
17 Commission panel which shall conduct a formal review of such
18 recommendations and other pertinent information and issue a
19 final order. The commission shall consult with its legal
20 counsel prior to issuance of a final order.

21 Section 7. Paragraph (a) of subsection (1) of section
22 231.36, Florida Statutes, is amended, and paragraph (g) is
23 added to subsection (3) of said section, to read:

24 231.36 Contracts with instructional staff,
25 supervisors, and principals.--

26 (1)(a) Each person employed as a member of the
27 instructional staff in any district school system shall be
28 properly certificated pursuant to s. 231.17 or s. 231.1726 or
29 employed pursuant to s. 231.1725 and shall be entitled to and
30 shall receive a written contract as specified in chapter 230.
31 All such contracts, except continuing contracts as specified

1 in subsection (4), shall contain provisions for dismissal
2 during the term of the contract only for just cause. Just
3 cause includes, but is not limited to, the following
4 instances, as defined by rule of the State Board of Education:
5 misconduct in office, incompetency, gross insubordination,
6 willful neglect of duty, or conviction of a crime involving
7 moral turpitude.

8 (3)

9 (g) Beginning July 1, 2001, for each employee who
10 enters into a written contract, pursuant to this section, in a
11 school district in which the employee was not employed as of
12 June 30, 2001, for purposes of pay and retirement a school
13 board must, subject to any applicable collective bargaining
14 requirements, recognize and accept each year of full-time
15 teaching service, as reported for purposes of the Florida
16 Retirement System, for which the employee received a
17 satisfactory performance evaluation. Instructional personnel
18 employed pursuant to s. 121.091(9)(b)3. are exempt from the
19 provisions of this paragraph.

20 Section 8. Subsection (2) of section 231.625, Florida
21 Statutes, is amended to read:

22 231.625 Teacher recruitment and retention.--

23 (2) The Department of Education shall:

24 (a) Develop and implement a system for posting
25 teaching vacancies and establish a database of teacher
26 applicants that is accessible within and outside the state
27 ~~Advertise teacher positions in targeted states.~~

28 (b) Advertise in major newspapers, national
29 professional publications, and other professional publications
30 and in schools of education.

31 (c) Utilize state and nationwide toll-free numbers.

- 1 ~~(d) Develop standardized resumes for teacher applicant~~
2 ~~data.~~
- 3 (d)~~(e)~~ Conduct periodic communications with district
4 personnel directors regarding applicants.
- 5 (e)~~(f)~~ Provide district access to the applicant
6 database by computer or telephone.
- 7 (f)~~(g)~~ Develop and distribute promotional materials
8 related to teaching as a career.
- 9 (g)~~(h)~~ Publish and distribute information pertaining
10 to employment opportunities, application procedures, teacher
11 certification, and teacher salaries.
- 12 (h)~~(i)~~ Provide information related to certification
13 procedures.
- 14 (i)~~(j)~~ Develop and sponsor the Florida Future Educator
15 of America Program throughout the state.
- 16 (j) Develop a long-range plan for educator recruitment
17 and retention.
- 18 (k) Identify best practices for retaining high-quality
19 teachers ~~Review and recommend to the Legislature and school~~
20 ~~districts incentives for attracting teachers to this state.~~
- 21 Section 9. Paragraphs (b) through (e) of subsection
22 (3) of section 231.700, Florida Statutes, are amended to read:
- 23 231.700 Florida Mentor Teacher School Pilot Program.--
24 (3) The five teacher career development positions and
25 minimum requirements are:
- 26 (b) Associate teacher.--An associate teacher must hold
27 a bachelor's degree from an institution of higher learning and
28 a valid Florida ~~professional~~ teaching certificate as provided
29 by s. 231.17.
- 30 (c) Teacher.--A teacher must hold a bachelor's degree
31 or higher from an institution of higher learning and a valid

1 Florida ~~professional~~ teaching certificate, have a minimum of 3
2 years' full-time teaching experience, document satisfactory
3 teaching performance, and document evidence of positive
4 student learning gains, when ~~that~~ data become ~~becomes~~
5 available.

6 (d) Lead teacher.--A lead teacher must hold a
7 bachelor's degree or higher from an institution of higher
8 learning and a valid Florida professional teaching
9 certificate, have a minimum of 3 years' full-time teaching
10 experience, document exemplary teaching performance, and
11 document evidence of significant positive student learning
12 gains, when ~~that~~ data become ~~becomes~~ available. A lead teacher
13 shall provide intensive support for associate teachers and
14 teachers.

15 (e) Mentor teacher.--A mentor teacher must:

16 1. Hold a bachelor's degree or higher from an
17 institution of higher learning and a valid Florida
18 professional teaching certificate.†

19 2. Have a minimum of 5 years' full-time teaching
20 experience.†

21 3. Document exemplary teaching performance.†

22 4. Document evidence of significant positive student
23 learning gains, when ~~that~~ data become ~~becomes~~ available.†

24 5. Hold a valid National Board for Professional
25 Teaching Standards certificate; have been selected as a
26 school, district, or state teacher of the year;~~†~~ or hold an
27 equivalent status as determined by the commissioner.†~~†~~ and

28 6. Demonstrate expertise as a staff developer.

29 Section 10. Paragraph (d) of subsection (2) of section
30 236.08106, Florida Statutes, is amended to read:

31 236.08106 Excellent Teaching Program.--

1 (2) The Excellent Teaching Program is created to
2 provide categorical funding for monetary incentives and
3 bonuses for teaching excellence. The Department of Education
4 shall distribute to each school district or to the NBPTS an
5 amount as prescribed annually by the Legislature for the
6 Excellent Teaching Program. For purposes of this section, the
7 Florida School for the Deaf and the Blind shall be considered
8 a school district. Unless otherwise provided in the General
9 Appropriations Act, each distribution shall be the sum of the
10 amounts earned for the following incentives and bonuses:

11 (d) An annual bonus equal to 10 percent of the prior
12 fiscal year's statewide average salary for classroom teachers
13 to be distributed to the school district to be paid to each
14 individual who meets the requirements of paragraph (c) and
15 agrees, in writing, to provide the equivalent of 12 workdays
16 of mentoring and related services to public school teachers
17 within the state who do not hold NBPTS certification. The
18 district school board shall distribute the annual bonus in a
19 single payment following the completion of all required
20 mentoring and related services for the year. It is not the
21 intent of the Legislature to remove excellent teachers from
22 their assigned classrooms; therefore, credit may not be
23 granted by a school district or public school for mentoring or
24 related services provided during student contact time ~~the~~
25 ~~regular school day or~~ during the 196 days of required service
26 for the school year.

27
28 A teacher for whom the state pays the certification fee and
29 who does not complete the certification program or does not
30 teach in a public school of this state for at least 1 year
31 after completing the certification program must repay the

1 amount of the certification fee to the state. However, a
2 teacher who completes the certification program but fails to
3 be awarded NBPTS certification is not required to repay the
4 amount of the certification fee if the teacher meets the
5 1-year teaching requirement. Repayment is not required of a
6 teacher who does not complete the certification program or
7 fails to fulfill the teaching requirement because of the
8 teacher's death or disability or because of other extenuating
9 circumstances as determined by the State Board of Education.

10 Section 11. Subsection (10) of section 231.261,
11 Florida Statutes, is amended to read:

12 231.261 Education Practices Commission;
13 organization.--

14 (10) The commission shall be financed from the
15 following: certification fees; fines, penalties, and costs
16 collected pursuant to s. 231.262(9)~~(8)~~; and general revenue.

17 Section 12. Paragraph (f) of subsection (3) of section
18 230.2305, Florida Statutes, is amended to read:

19 230.2305 Prekindergarten early intervention program.--

20 (3) STANDARDS.--

21 (f) All staff must meet the following minimum
22 requirements:

23 1. The minimum level of training is to be the
24 completion of a 30-clock-hour training course planned jointly
25 by the Department of Education and the Department of Children
26 and Family Services to include the following areas: state and
27 local rules that govern child care, health, safety, and
28 nutrition; identification and report of child abuse and
29 neglect; child growth and development; use of developmentally
30 appropriate early childhood curricula; and avoidance of
31 income-based, race-based, and gender-based stereotyping.

1 2. When individual classrooms are staffed by certified
2 teachers, those teachers must be certified for the appropriate
3 grade levels under s. 231.17 and State Board of Education
4 rules. Teachers who are not certified for the appropriate
5 grade levels must obtain proper certification within 2 years.
6 However, the commissioner may make an exception on an
7 individual basis when the requirements are not met because of
8 serious illness, injury, or other extraordinary, extenuating
9 circumstance.

10 3. When individual classrooms are staffed by
11 noncertified teachers, there must be a program director or
12 lead teacher who is eligible for certification or certified
13 for the appropriate grade levels pursuant to s. 231.17 and
14 State Board of Education rules in regularly scheduled direct
15 contact with each classroom. Notwithstanding s. 231.15, such
16 classrooms must be staffed by at least one person who has, at
17 a minimum, a child development associate credential (CDA) or
18 an amount of training determined by the commissioner to be
19 equivalent to or to exceed the minimum, such as an associate
20 in science degree in the area of early childhood education.

21 4. Principals and other school district administrative
22 and supervisory personnel with direct responsibility for the
23 program must demonstrate knowledge of prekindergarten
24 education programs that increase children's chances of
25 achieving future educational success and becoming productive
26 members of society in a manner established by the State Board
27 of Education by rule.

28 5. All personnel who are not certified under s. 231.17
29 or s. 231.1726 must comply with screening requirements under
30 s. 231.02.

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1 Section 13. Section 231.045, Florida Statutes, is
2 amended to read:

3 231.045 Periodic criminal history record checks.--In
4 cooperation with the Florida Department of Law Enforcement,
5 the department may periodically perform a criminal history
6 record check on individuals who hold a certificate pursuant to
7 s. 231.17 or s. 231.1726.

8 Section 14. Subsection (1) of section 231.1725,
9 Florida Statutes, is amended to read:

10 231.1725 Employment of substitute teachers, teachers
11 of adult education, nondegreed teachers of career education,
12 and career specialists; students performing clinical field
13 experience.--

14 (1) Notwithstanding ss. 231.02, 231.15, ~~and~~ 231.17,
15 and 231.1726, or any other provision of law or rule to the
16 contrary, each district school board shall establish the
17 minimal qualifications for:

18 (a) Substitute teachers to be employed pursuant to s.
19 231.47. The qualifications shall require the filing of a
20 complete set of fingerprints in the same manner as required by
21 s. 231.02.

22 (b) Part-time and full-time teachers in adult
23 education programs. The qualifications shall require the
24 filing of a complete set of fingerprints in the same manner as
25 required by s. 231.02. Faculty employed solely to conduct
26 postsecondary instruction may be exempted from this
27 requirement.

28 (c) Part-time and full-time nondegreed teachers of
29 vocational programs. Qualifications shall be established for
30 agriculture, business, health occupations, family and consumer
31 sciences, industrial, marketing, career specialist, and public

1 service education teachers, based primarily on successful
2 occupational experience rather than academic training. The
3 qualifications for such teachers shall require:

4 1. The filing of a complete set of fingerprints in the
5 same manner as required by s. 231.02. Faculty employed solely
6 to conduct postsecondary instruction may be exempted from this
7 requirement.

8 2. Documentation of education and successful
9 occupational experience including documentation of:

10 a. A high school diploma or the equivalent.

11 b. Completion of 6 years of full-time successful
12 occupational experience or the equivalent of part-time
13 experience in the teaching specialization area. Alternate
14 means of determining successful occupational experience may be
15 established by the district school board.

16 c. Completion of career education training conducted
17 through the local school district inservice master plan.

18 d. For full-time teachers, completion of professional
19 education training in teaching methods, course construction,
20 lesson planning and evaluation, and teaching special needs
21 students. This training may be completed through coursework
22 from a standard institution or an approved district teacher
23 education program.

24 e. Demonstration of successful teaching performance.

25 Section 15. Subsection (1) of section 231.471, Florida
26 Statutes, is amended to read:

27 231.471 Part-time teachers.--

28 (1) District school boards may hire certified and
29 qualified personnel as provided in ss. s-231.1725 and
30 231.1726 to teach a specified number of periods, which may be
31 less than a full school day or less than a full school year.

1 Section 16. Paragraph (a) of subsection (3) of section
2 232.435, Florida Statutes, is amended to read:

3 232.435 Extracurricular athletic activities; athletic
4 trainers.--

5 (3)(a) To the extent practicable, a school district
6 program should include the following employment classification
7 and advancement scheme:

8 1. Teacher apprentice trainer I.--To qualify as a
9 teacher apprentice trainer I, a person must possess a
10 professional, temporary, part-time, adjunct, or substitute
11 certificate pursuant to s. 231.17 or s. 231.1726, be certified
12 in first aid and cardiopulmonary resuscitation, and have
13 earned a minimum of 6 semester hours or the equivalent number
14 of inservice education points in the basic prevention and care
15 of athletic injuries.

16 2. Teacher apprentice trainer II.--To qualify as a
17 teacher apprentice trainer II, a person must meet the
18 requirements of teacher apprentice trainer I and also have
19 earned a minimum of 15 additional semester hours or the
20 equivalent number of inservice education points in such
21 courses as anatomy, physiology, use of modalities, nutrition,
22 counseling, and other courses approved by the Commissioner of
23 Education.

24 3. Teacher athletic trainer.--To qualify as a teacher
25 athletic trainer, a person must meet the requirements of
26 teacher apprentice trainer II, be certified by the Department
27 of Education or a nationally recognized athletic trainer
28 association, and perform one or more of the following
29 functions: preventing athletic injuries; recognizing,
30 evaluating, managing, treating, and rehabilitating athletic
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1 injuries; administering an athletic training program; and
2 educating and counseling athletes.
3 Section 17. This act shall take effect July 1, 2001.
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