

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

1 A bill to be entitled
2 An act relating to education; amending s.
3 121.091, F.S.; eliminating the requirement that
4 certain instructional personnel make an
5 election to participate in the Deferred
6 Retirement Option Program within 12 months
7 after reaching normal retirement date; amending
8 s. 228.041, F.S.; revising the definition of
9 "other instructional staff" to include adjunct
10 educators; amending s. 230.23, F.S.;
11 authorizing a review by a principal prior to
12 reassigning a teacher; deleting provisions
13 relating to salary supplements provided to
14 teachers selected to teach at certain
15 low-performing schools; amending s. 231.095,
16 F.S.; revising provisions relating to
17 assignment of teaching duties out-of-field;
18 amending s. 231.096, F.S.; requiring assistance
19 in accessing resources for teachers teaching
20 out-of-field; amending s. 231.15, F.S.;
21 deleting provision of part-time certificate for
22 athletic coach; creating an athletic coaching
23 certificate; amending s. 231.17, F.S.;
24 authorizing continued employment under
25 specified circumstances; authorizing the use of
26 an approved alternative certification program
27 by a school district other than the school
28 district that developed the program, upon
29 notification to the department and approval of
30 any modifications; creating s. 231.1726, F.S.;
31 providing for certification of adjunct

1 educators; amending s. 231.262, F.S.; requiring
2 each district school board to develop policies
3 and procedures relating to the reporting of
4 complaints against teachers and administrators;
5 providing criteria for policies and procedures;
6 charging the superintendent of schools with
7 knowledge of such policies and procedures;
8 specifying conditions for penalty against
9 superintendent; authorizing the temporary
10 suspension of a teaching certificateholder
11 pending the completion of proceedings in order
12 to protect the health, safety, and welfare of
13 students; correcting cross references to
14 conform; amending s. 231.36, F.S.; including
15 adjunct educators in provisions relating to
16 contracts with instructional staff; requiring a
17 school board to recognize and accept years of
18 satisfactory performance for purposes of pay;
19 providing an exemption; amending s. 231.6135,
20 F.S.; exempting regional educational consortia
21 from certain requirements to become eligible
22 for grants to create professional development
23 academies; amending s. 231.625, F.S.; requiring
24 the Department of Education to develop and
25 implement a system for posting teaching
26 vacancies, establish a database of teacher
27 applicants, develop a long-range plan for
28 educator recruitment and retention, and
29 identify best practices for retaining
30 high-quality teachers; deleting requirements
31 that the department develop standardized

1 resumes for teacher applicant data and review
2 and recommend to the Legislature and school
3 districts incentives for attracting teachers to
4 Florida; amending s. 231.700, F.S.; revising
5 the Florida Mentor Teacher School Pilot Program
6 to conform terminology; clarifying requirements
7 for mentor teachers; amending s. 236.08106,
8 F.S.; clarifying requirements relating to the
9 amount of required mentoring or related
10 services for receipt of an Excellent Teaching
11 Program bonus; amending s. 231.261, F.S.;
12 correcting a cross reference; amending ss.
13 230.2305, 231.045, 231.1725, 231.471, and
14 232.435, F.S., relating to standards for staff
15 of prekindergarten early intervention programs,
16 periodic criminal history record checks, and
17 employment of specified teachers, part-time
18 teachers, and athletic trainers; revising
19 provisions to include adjunct educators;
20 amending s. 240.529, F.S.; establishing teacher
21 education pilot programs for high-achieving
22 students; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (13) of section
27 121.091, Florida Statutes, is amended to read:

28 121.091 Benefits payable under the system.--Benefits
29 may not be paid under this section unless the member has
30 terminated employment as provided in s. 121.021(39)(a) or
31 begun participation in the Deferred Retirement Option Program

1 as provided in subsection (13), and a proper application has
2 been filed in the manner prescribed by the department. The
3 department may cancel an application for retirement benefits
4 when the member or beneficiary fails to timely provide the
5 information and documents required by this chapter and the
6 department's rules. The department shall adopt rules
7 establishing procedures for application for retirement
8 benefits and for the cancellation of such application when the
9 required information or documents are not received.

10 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
11 and subject to the provisions of this section, the Deferred
12 Retirement Option Program, hereinafter referred to as the
13 DROP, is a program under which an eligible member of the
14 Florida Retirement System may elect to participate, deferring
15 receipt of retirement benefits while continuing employment
16 with his or her Florida Retirement System employer. The
17 deferred monthly benefits shall accrue in the System Trust
18 Fund on behalf of the participant, plus interest compounded
19 monthly, for the specified period of the DROP participation,
20 as provided in paragraph (c). Upon termination of employment,
21 the participant shall receive the total DROP benefits and
22 begin to receive the previously determined normal retirement
23 benefits. Participation in the DROP does not guarantee
24 employment for the specified period of DROP.

25 (a) Eligibility of member to participate in the
26 DROP.--All active Florida Retirement System members in a
27 regularly established position, and all active members of
28 either the Teachers' Retirement System established in chapter
29 238 or the State and County Officers' and Employees'
30 Retirement System established in chapter 122 which systems are
31 consolidated within the Florida Retirement System under s.

1 121.011, are eligible to elect participation in the DROP
2 provided that:

3 1. The member is not a renewed member of the Florida
4 Retirement System under s. 121.122, or a member of the State
5 Community College System Optional Retirement Program under s.
6 121.051, the Senior Management Service Optional Annuity
7 Program under s. 121.055, or the optional retirement program
8 for the State University System under s. 121.35.

9 2. Except as provided in subparagraph 6., election to
10 participate is made within 12 months immediately following the
11 date on which the member first reaches normal retirement date,
12 or, for a member who reaches normal retirement date based on
13 service before he or she reaches age 62, or age 55 for Special
14 Risk Class members, election to participate may be deferred to
15 the 12 months immediately following the date the member
16 attains 57, or age 52 for Special Risk Class members. For a
17 member who first reached normal retirement date or the
18 deferred eligibility date described above prior to the
19 effective date of this section, election to participate shall
20 be made within 12 months after the effective date of this
21 section. A member who fails to make an election within such
22 12-month limitation period shall forfeit all rights to
23 participate in the DROP. The member shall advise his or her
24 employer and the division in writing of the date on which the
25 DROP shall begin. Such beginning date may be subsequent to the
26 12-month election period, but must be within the 60-month
27 limitation period as provided in subparagraph (b)1. When
28 establishing eligibility of the member to participate in the
29 DROP for ~~or~~ the 60-month maximum participation period, the
30 member may elect to include or exclude any optional service
31 credit purchased by the member from the total service used to

1 establish the normal retirement date. A member with dual
2 normal retirement dates shall be eligible to elect to
3 participate in DROP within 12 months after attaining normal
4 retirement date in either class.

5 3. The employer of a member electing to participate in
6 the DROP, or employers if dually employed, shall acknowledge
7 in writing to the division the date the member's participation
8 in the DROP begins and the date the member's employment and
9 DROP participation will terminate.

10 4. Simultaneous employment of a participant by
11 additional Florida Retirement System employers subsequent to
12 the commencement of participation in the DROP shall be
13 permissible provided such employers acknowledge in writing a
14 DROP termination date no later than the participant's existing
15 termination date or the 60-month limitation period as provided
16 in subparagraph (b)1.

17 5. A DROP participant may change employers while
18 participating in the DROP, subject to the following:

19 a. A change of employment must take place without a
20 break in service so that the member receives salary for each
21 month of continuous DROP participation. If a member receives
22 no salary during a month, DROP participation shall cease
23 unless the employer verifies a continuation of the employment
24 relationship for such participant pursuant to s.
25 121.021(39)(b).

26 b. Such participant and new employer shall notify the
27 division on forms required by the division as to the identity
28 of the new employer.

29 c. The new employer shall acknowledge, in writing, the
30 participant's DROP termination date, which may be extended but
31 not beyond the original 60-month period provided in

1 subparagraph (b)1., shall acknowledge liability for any
2 additional retirement contributions and interest required if
3 the participant fails to timely terminate employment, and
4 shall be subject to the adjustment required in
5 sub-subparagraph (c)5.d.

6 6. Effective July 1, 2001, for instructional personnel
7 as defined in s. 228.041(9)(a)-(d), election to participate in
8 the DROP shall be made at any time following the date on which
9 the member first reaches normal retirement date. The member
10 shall advise his or her employer and the division in writing
11 of the date on which the Deferred Retirement Option Program
12 shall begin. When establishing eligibility of the member to
13 participate in the DROP for the 60-month maximum participation
14 period, as provided in subparagraph (b)1., the member may
15 elect to include or exclude any optional service credit
16 purchased by the member from the total service used to
17 establish the normal retirement date. A member with dual
18 normal retirement dates shall be eligible to elect to
19 participate in either class.

20 Section 2. Paragraph (d) of subsection (9) of section
21 228.041, Florida Statutes, is amended to read:

22 228.041 Definitions.--Specific definitions shall be as
23 follows, and wherever such defined words or terms are used in
24 the Florida School Code, they shall be used as follows:

25 (9) INSTRUCTIONAL PERSONNEL.--"Instructional
26 personnel" means any staff member whose function includes the
27 provision of direct instructional services to students.
28 Instructional personnel also includes personnel whose
29 functions provide direct support in the learning process of
30 students. Included in the classification of instructional
31 personnel are:

1 (d) Other instructional staff.--Other instructional
2 staff are staff members who are part of the instructional
3 staff but are not classified in one of the categories
4 specified in paragraphs (a)-(c). Included in this
5 classification are primary specialists, learning resource
6 specialists, instructional trainers, adjunct educators
7 certified pursuant to s. 231.1726, and similar positions.

8 Section 3. Paragraph (a) of subsection (5) and
9 paragraph (c) of subsection (16) of section 230.23, Florida
10 Statutes, are amended to read:

11 230.23 Powers and duties of school board.--The school
12 board, acting as a board, shall exercise all powers and
13 perform all duties listed below:

14 (5) PERSONNEL.--Designate positions to be filled,
15 prescribe qualifications for those positions, and provide for
16 the appointment, compensation, promotion, suspension, and
17 dismissal of employees as follows, subject to the requirements
18 of chapter 231:

19 (a) Positions, qualifications, and appointments.--Act
20 upon written recommendations submitted by the superintendent
21 of schools for positions to be filled and for minimum
22 qualifications for personnel for the various positions and act
23 upon written nominations of persons to fill such positions.
24 The superintendent of schools' recommendations for filling
25 instructional ~~institutional~~ positions at the school level must
26 consider nominations received from school principals of the
27 respective schools. Before transferring a teacher who holds a
28 professional teaching certificate from one school to another,
29 the superintendent shall consult with the principal of the
30 receiving school and allow the principal to review the
31 teacher's records and interview the teacher. If, in the

1 judgment of the principal, students would not benefit from the
2 placement, an alternative placement may be sought.The
3 district school board may reject for good cause any employee
4 nominated. If the third nomination by the superintendent of
5 schools for any position is rejected for good cause, if the
6 superintendent of schools fails to submit a nomination for
7 initial employment within a reasonable time as prescribed by
8 the district school board, or if the superintendent of schools
9 fails to submit a nomination for reemployment within the time
10 prescribed by law, the district school board may proceed on
11 its own motion to fill such position. The district school
12 board's decision to reject a person's nomination does not give
13 that person a right of action to sue over the rejection and
14 may not be used as a cause of action by the nominated
15 employee.

16 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
17 ACCOUNTABILITY.--Maintain a system of school improvement and
18 education accountability as provided by statute and State
19 Board of Education rule. This system of school improvement and
20 education accountability shall be consistent with, and
21 implemented through, the district's continuing system of
22 planning and budgeting required by this section and ss.
23 229.555 and 237.041. This system of school improvement and
24 education accountability shall include, but is not limited to,
25 the following:

26 (c) Assistance and intervention.--

27 1. Develop a 2-year plan of increasing individualized
28 assistance and intervention for each school in danger of not
29 meeting state standards or making adequate progress, as
30 defined pursuant to statute and State Board of Education rule,
31

1 toward meeting the goals and standards of its approved school
2 improvement plan.

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

6 3.~~a~~. Each district school board shall develop a plan
7 to encourage teachers with demonstrated mastery in improving
8 student performance to remain at or transfer to a school
9 designated as performance grade category "D" or "F" or to an
10 alternative school that serves disruptive or violent youths.
11 If a classroom teacher, as defined by s. 228.041(9)(a), who
12 meets the definition of teaching mastery developed according
13 to the provisions of this paragraph, requests assignment to a
14 school designated as performance grade category "D" or "F" or
15 to an alternative school that serves disruptive or violent
16 youths, the district school board shall make every practical
17 effort to grant the request.

18 ~~b. For initial implementation in 2000-2001 and until~~
19 ~~full implementation of an annual assessment of learning gains,~~
20 ~~a classroom teacher who is selected by the school principal~~
21 ~~based on his or her performance appraisal and student~~
22 ~~achievement data to teach at a school designated as~~
23 ~~performance grade category "D" or "F" or at an alternative~~
24 ~~that serves disruptive or violent youths shall receive a~~
25 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
26 ~~provided for annually in the General Appropriations Act, each~~
27 ~~year he or she teaches at a school designated as performance~~
28 ~~grade category "D" or "F" or at an alternative school that~~
29 ~~serves disruptive or violent youths.~~

30 ~~c. Beginning with the full implementation of an annual~~
31 ~~assessment of learning gains, a classroom teacher whose~~

1 ~~effectiveness has been proven based upon positive learning~~
2 ~~gains of his or her students as measured by annual FCAT~~
3 ~~assessments pursuant to s. 229.57, is eligible for an annual~~
4 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
5 ~~provided for annually in the General Appropriations Act, each~~
6 ~~year he or she teaches at a school designated as performance~~
7 ~~grade category "D" or "F" or at an alternative school that~~
8 ~~serves disruptive or violent youths.~~

9 ~~d. In the absence of an FCAT assessment, measurement~~
10 ~~of learning gains of students shall be as provided in s.~~
11 ~~229.57(12). The supplement received under this paragraph shall~~
12 ~~be in addition to any supplement or bonus received as a result~~
13 ~~of other local or state pay incentives based on performance.~~

14 ~~e. The Commissioner of Education shall adopt rules to~~
15 ~~determine the measures that define "teaching mastery" for~~
16 ~~purposes of this subparagraph.~~

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

22 Section 4. Section 231.095, Florida Statutes, is
23 amended to read:

24 231.095 Teachers assigned teaching duties outside
25 field; notification requirements.--When a teacher in a
26 district school system is assigned teaching duties in a class
27 dealing with subject matter that is outside the field in which
28 the teacher is certified, outside the field that was the
29 applicant's minor field of study, or outside the field in
30 which the applicant has demonstrated sufficient subject area
31 expertise, as determined by district school board policy in

1 the subject area to be taught, the parents or guardians of all
2 students in the class shall be notified in writing of such
3 assignment.

4 Section 5. Section 231.096, Florida Statutes, is
5 amended to read:

6 231.096 Teacher teaching out-of-field;
7 assistance.--Each district school board shall adopt and
8 implement a plan to assist any teacher teaching out-of-field,
9 and priority consideration in professional development
10 activities shall be given to teachers who are teaching
11 out-of-field. The district school board shall require that
12 such teachers participate in a certification or staff
13 development program designed to provide the teacher with the
14 competencies required for the assigned duties. The
15 board-approved assistance plan must include duties of
16 administrative personnel and other instructional personnel to
17 provide students with high-quality instructional services.
18 Each district school board shall contact its regional
19 workforce board, created pursuant to s. 445.007, to identify
20 and access resources that may assist teachers who are teaching
21 out-of-field and who are pursuing certification.

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

24 231.15 Positions for which certificates required.--

25 (2) Each person who is employed and renders service as
26 an athletic coach in any public school in any district of this
27 state shall hold a valid ~~part-time, temporary, or professional~~
28 certificate or an athletic coaching certificate. The athletic
29 coaching certificate may be used for either part-time or
30 full-time positions. The provisions of this subsection do not
31 apply to any athletic coach who voluntarily renders service

1 and who is not employed by any public school district of this
2 state.

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

6 231.17 Teacher certification requirements.--

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

8 (a) The Department of Education shall issue a
9 professional certificate for a period not to exceed 5 years to
10 any applicant who meets all the requirements outlined in
11 subsection (2).

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

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

17 2. Beginning July 1, 2002, completes the subject area
18 content requirements specified in state board rule or achieves
19 a passing score on the subject area examinations required by
20 state board rule.

21 (c) The department shall issue one nonrenewable 2-year
22 temporary certificate and one nonrenewable 5-year professional
23 certificate to a qualified applicant who holds a bachelor's
24 degree in the area of speech-language impairment to allow for
25 completion of a master's degree program in speech-language
26 impairment.

27
28 Each temporary certificate is valid for 3 school fiscal years
29 and is nonrenewable. However, the requirement in paragraph
30 (2)(g) must be met within 1 calendar year of the date of
31 employment under the temporary certificate. Individuals who

1 are employed under contract at the end of the 1 calendar year
2 time period may continue to be employed through the end of the
3 school year in which they have been contracted.A school
4 district shall not employ, or continue the employment of, an
5 individual in a position for which a temporary certificate is
6 required beyond this the 1 calendar year time period if the
7 individual ~~who~~ has not met the requirement of paragraph
8 (2)(g). The State Board of Education shall adopt rules to
9 allow the department to extend the validity period of a
10 temporary certificate for 2 years when the requirements for
11 the professional certificate, not including the requirement in
12 paragraph (2)(g), were not completed due to the serious
13 illness or injury of the applicant or other extraordinary
14 extenuating circumstances. The department shall reissue the
15 temporary certificate for 2 additional years upon approval by
16 the Commissioner of Education. A written request for
17 reissuance of the certificate shall be submitted by the
18 superintendent of schools, the governing authority of a
19 developmental research school, the governing authority of a
20 state-supported school, or the governing authority of a
21 nonpublic school.

22 (7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY
23 PROGRAM.--

24 (b) Until July 1, 2002, each school district may use
25 ~~develop and maintain~~ an alternative certification program by
26 which members of the district's instructional staff may
27 satisfy the professional education course requirements
28 specified in rules of the state board for issuance of a
29 professional certificate. The state board must adopt, by rule,
30 standards and guidelines for the approval of alternative
31 certification programs. Any program approved for use in a

1 school district may be adopted and implemented by a school
2 district other than the school district that developed the
3 program. A district school board choosing to adopt an
4 alternative certification program approved for another school
5 district shall provide written notification of such action to
6 the department. However, any modifications to an approved
7 program shall be submitted to the department for approval.
8 Each approved program must include methods for identifying
9 each applicant's entry-level teaching competencies and must
10 require each applicant to:
11 1. Have expertise in the subject and meet requirements
12 for specialization in a subject area for which a professional
13 certificate may be issued under this chapter and rules of the
14 state board.
15 2. Complete training in only those competency areas in
16 which deficiencies are identified.
17 3. Complete the program within 2 years after initial
18 employment as a member of the district's instructional staff.
19 4. Achieve passing scores on the professional
20 education competency examination required by state board rule.
21
22 Each district school board may expend educational training
23 funds provided under ss. 231.600 and 236.081 to implement the
24 provisions of this paragraph. The department must approve
25 programs and systems developed to demonstrate professional
26 preparation and education competence authorized by this
27 paragraph.
28 Section 8. Section 231.1726, Florida Statutes, is
29 created to read:
30 231.1726 Certification of adjunct educators.--
31

1 (1) Notwithstanding the provisions of ss. 231.02,
2 231.15, and 231.17, or any other provision of law or rule to
3 the contrary, district school boards may issue an adjunct
4 teaching certificate to any applicant who fulfills the
5 requirements of s. 231.17(2)(a)-(f) and who has expertise in
6 the subject area to be taught. An applicant shall be
7 considered to have expertise in the subject area to be taught
8 if the applicant has at least a minor in the subject area or
9 demonstrates sufficient subject area mastery as determined by
10 school board policy. The adjunct teaching certificate shall be
11 used for part-time teaching positions. District school boards
12 shall assign a peer teacher to assist the adjunct teaching
13 certificateholder during the certificateholder's first year of
14 teaching. District school boards shall provide the adjunct
15 teaching certificateholder an orientation in classroom
16 management prior to assigning the certificateholder to a
17 school. Each adjunct teaching certificate is valid for 5
18 school years and is renewable if:

19 (a) The applicant completes a minimum of 60 inservice
20 points or 3 semester hours of college credit. The earned
21 credits must include instruction in classroom management,
22 district school board procedures, school culture, and other
23 activities that enhance the professional teaching skills of
24 the certificateholder.

25 (b) The applicant has received satisfactory
26 performance evaluations during each year of teaching under
27 adjunct teaching certification.

28 (2) Individuals who are certified and employed
29 pursuant to this section shall have the same rights and
30 protection of laws as teachers certified pursuant to s.
31 231.17.

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

8 231.262 Complaints against teachers and
9 administrators; procedure; penalties.--

10 (1)(a) The Department of Education shall cause to be
11 investigated expeditiously any complaint filed before it or
12 otherwise called to its attention which, if legally
13 sufficient, contains grounds for the revocation or suspension
14 of a certificate or any other appropriate penalty as set forth
15 in subsection~~(7)~~(6). The complaint is legally sufficient if
16 it contains the ultimate facts which show a violation has
17 occurred as provided in s. 231.2615. The department may
18 investigate or continue to investigate and take appropriate
19 action in a complaint even though the original complainant
20 withdraws the complaint or otherwise indicates a desire not to
21 cause it to be investigated or prosecuted to completion. The
22 department may investigate or continue to investigate and take
23 action on a complaint filed against a person whose teaching
24 certificate has expired if the act or acts which are the basis
25 for the complaint were allegedly committed while that person
26 possessed a teaching certificate.

27 (c) Each school district shall file in writing with
28 the department all legally sufficient complaints within 30
29 days after the date on which subject matter of the complaint
30 comes to the attention of the school district. The school
31 district shall include all information relating to the

1 complaint which is known to the school district at the time of
2 filing. Each district school board shall develop policies and
3 procedures to comply with this reporting requirement. The
4 district school board policies and procedures shall include
5 appropriate penalties for all personnel of the district school
6 board for nonreporting and procedures for promptly informing
7 the superintendent of schools of each legally sufficient
8 complaint. The superintendent of schools is charged with
9 knowledge of these policies and procedures. If the
10 superintendent of schools has knowledge of a legally
11 sufficient complaint and does not report the complaint, or
12 fails to enforce the policies and procedures of the district
13 school board, and fails to comply with the requirements of
14 this subsection, in addition to other actions against
15 certificateholders authorized by law, the superintendent of
16 schools shall be subject to penalties as specified in s.
17 230.33(13).This paragraph does not limit or restrict the
18 power and duty of the department to investigate complaints as
19 provided in paragraphs (a) and (b), regardless of the school
20 district's untimely filing, or failure to file, complaints and
21 followup reports.

22 (4) The complaint and all information obtained
23 pursuant to the investigation by the department shall be
24 confidential and exempt from the provisions of s. 119.07(1)
25 until the conclusion of the preliminary investigation of the
26 complaint, until such time as the preliminary investigation
27 ceases to be active, or until such time as otherwise provided
28 by s. 231.263(6). However, the complaint and all material
29 assembled during the investigation may be inspected and copied
30 by the certificateholder under investigation, or the
31 certificateholder's designee, after the investigation is

1 concluded, but prior to the determination of probable cause by
2 the commissioner. If the preliminary investigation is
3 concluded with the finding that there is no probable cause to
4 proceed, the complaint and information shall be open
5 thereafter to inspection pursuant to s. 119.07(1). If the
6 preliminary investigation is concluded with the finding that
7 there is probable cause to proceed and a complaint is filed
8 pursuant to subsection~~(6)~~~~(5)~~, the complaint and information
9 shall be open thereafter to inspection pursuant to s.
10 119.97(1). If the preliminary investigation ceases to be
11 active, the complaint and all such material shall be open
12 thereafter to inspection pursuant to s. 119.07(1), except as
13 otherwise provided pursuant to s. 231.263(6)(d). For the
14 purpose of this subsection, a preliminary investigation shall
15 be considered active as long as it is continuing with a
16 reasonable, good faith anticipation that an administrative
17 finding will be made in the foreseeable future.

18 (5) When deemed necessary to protect the health,
19 safety, and welfare of a minor student, the superintendent of
20 schools in consultation with the school principal may, and
21 upon the request of the Commissioner of Education shall,
22 temporarily suspend a certificateholder from the
23 certificateholder's regularly assigned duties, with pay, and
24 reassign the suspended certificateholder to a position that
25 does not require direct contact with students in the district
26 school system. Such suspension shall continue until the
27 completion of the proceedings and the determination of
28 sanctions, if any, pursuant to this section and s. 231.2615.

29 ~~(6)~~~~(5)~~ Upon the finding of probable cause, the
30 commissioner shall file a formal complaint and prosecute the
31 complaint pursuant to the provisions of chapter 120. An

1 administrative law judge shall be assigned by the Division of
2 Administrative Hearings of the Department of Management
3 Services to hear the complaint if there are disputed issues of
4 material fact. The administrative law judge shall make
5 recommendations in accordance with the provisions of
6 subsection ~~(7)~~(6) to the appropriate Education Practices
7 Commission panel which shall conduct a formal review of such
8 recommendations and other pertinent information and issue a
9 final order. The commission shall consult with its legal
10 counsel prior to issuance of a final order.

11 Section 10. Paragraph (a) of subsection (1) of section
12 231.36, Florida Statutes, is amended, and paragraph (g) is
13 added to subsection (3) of said section, to read:

14 231.36 Contracts with instructional staff,
15 supervisors, and principals.--

16 (1)(a) Each person employed as a member of the
17 instructional staff in any district school system shall be
18 properly certificated pursuant to s. 231.17 or s. 231.1726 or
19 employed pursuant to s. 231.1725 and shall be entitled to and
20 shall receive a written contract as specified in chapter 230.
21 All such contracts, except continuing contracts as specified
22 in subsection (4), shall contain provisions for dismissal
23 during the term of the contract only for just cause. Just
24 cause includes, but is not limited to, the following
25 instances, as defined by rule of the State Board of Education:
26 misconduct in office, incompetency, gross insubordination,
27 willful neglect of duty, or conviction of a crime involving
28 moral turpitude.

29 (3)

30 (g) Beginning July 1, 2001, for each employee who
31 enters into a written contract, pursuant to this section, in a

1 school district in which the employee was not employed as of
2 June 30, 2001, for purposes of pay a school board must
3 recognize and accept each year of full-time teaching service
4 for which the employee received a satisfactory performance
5 evaluation. This provision is not intended to interfere with
6 the operation of a collective bargaining agreement except to
7 the extent it requires the agreement to treat years of
8 teaching experience out of the district the same as years of
9 teaching experience within the district. Instructional
10 personnel employed pursuant to s. 121.091(9)(b)3. are exempt
11 from the provisions of this paragraph.

12 Section 11. Subsections (5) and (6) of section
13 231.6135, Florida Statutes, are amended to read:

14 231.6135 Statewide system for inservice professional
15 development.--The intent of this section is to establish a
16 statewide system of professional development that provides a
17 wide range of targeted inservice training to teachers,
18 managers, and administrative personnel designed to upgrade
19 skills and knowledge needed to reach world class standards in
20 education. The system shall consist of a network of
21 professional development academies in each region of the state
22 that are operated in partnership with area business partners
23 to develop and deliver high-quality training programs
24 purchased by school districts. The academies shall be
25 established to meet the human resource development needs of
26 professional educators, schools, and school districts. Funds
27 appropriated for the initiation of professional development
28 academies shall be allocated by the Commissioner of Education,
29 unless otherwise provided in an appropriations act. To be
30 eligible for startup funds, the academy must:

31

1 (5) Be operated under contract with its public
2 partners and governed by an independent board of directors,
3 which should include at least one superintendent of schools
4 and one district school board chair from the participating
5 school districts, the president of the collective bargaining
6 unit that represents the majority of the region's teachers,
7 and at least three individuals who are not employees or
8 elected or appointed officials of the participating school
9 districts. Regional educational consortia as defined in s.
10 228.0857 satisfy the requirements of this subsection.

11 (6) Be financed during the first year of operation by
12 an equal or greater match from private funding sources and
13 demonstrate the ability to be self-supporting within 1 year
14 after opening through fees for services, grants, or private
15 contributions. Regional educational consortia as defined in s.
16 228.0857 are exempt from the funding match required by this
17 subsection.

18 Section 12. Subsection (2) of section 231.625, Florida
19 Statutes, is amended to read:

20 231.625 Teacher recruitment and retention.--

21 (2) The Department of Education shall:

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

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

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

30 ~~(d) Develop standardized resumes for teacher applicant~~
31 ~~data.~~

- 1 (d)~~(e)~~ Conduct periodic communications with district
2 personnel directors regarding applicants.
- 3 (e)~~(f)~~ Provide district access to the applicant
4 database by computer or telephone.
- 5 (f)~~(g)~~ Develop and distribute promotional materials
6 related to teaching as a career.
- 7 (g)~~(h)~~ Publish and distribute information pertaining
8 to employment opportunities, application procedures, teacher
9 certification, and teacher salaries.
- 10 (h)~~(i)~~ Provide information related to certification
11 procedures.
- 12 (i)~~(j)~~ Develop and sponsor the Florida Future Educator
13 of America Program throughout the state.
- 14 (j) Develop, in consultation with school district
15 staff including, but not limited to, superintendents, school
16 board members, and district human resources personnel, a
17 long-range plan for educator recruitment and retention. The
18 plan shall be submitted to the Legislature, the Governor, and
19 school districts no later than August 1, 2001.
- 20 (k) Identify best practices for retaining high-quality
21 teachers ~~Review and recommend to the Legislature and school~~
22 ~~districts incentives for attracting teachers to this state.~~
- 23 Section 13. Paragraphs (b) through (e) of subsection
24 (3) of section 231.700, Florida Statutes, are amended to read:
- 25 231.700 Florida Mentor Teacher School Pilot Program.--
26 (3) The five teacher career development positions and
27 minimum requirements are:
- 28 (b) Associate teacher.--An associate teacher must hold
29 a bachelor's degree from an institution of higher learning and
30 a valid Florida ~~professional~~ teaching certificate as provided
31 by s. 231.17.

1 (c) Teacher.--A teacher must hold a bachelor's degree
2 or higher from an institution of higher learning and a valid
3 Florida ~~professional~~ teaching certificate, have a minimum of 3
4 years' full-time teaching experience, document satisfactory
5 teaching performance, and document evidence of positive
6 student learning gains, when ~~that~~ data become ~~becomes~~
7 available.

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

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

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

21 2. Have a minimum of 5 years' full-time teaching
22 experience.†

23 3. Document exemplary teaching performance.†

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

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

30 6. Demonstrate expertise as a staff developer.
31

1 Section 14. Paragraph (d) of subsection (2) of section
2 236.08106, Florida Statutes, is amended to read:

3 236.08106 Excellent Teaching Program.--

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

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

30
31

1 A teacher for whom the state pays the certification fee and
2 who does not complete the certification program or does not
3 teach in a public school of this state for at least 1 year
4 after completing the certification program must repay the
5 amount of the certification fee to the state. However, a
6 teacher who completes the certification program but fails to
7 be awarded NBPTS certification is not required to repay the
8 amount of the certification fee if the teacher meets the
9 1-year teaching requirement. Repayment is not required of a
10 teacher who does not complete the certification program or
11 fails to fulfill the teaching requirement because of the
12 teacher's death or disability or because of other extenuating
13 circumstances as determined by the State Board of Education.

14 Section 15. Subsection (10) of section 231.261,
15 Florida Statutes, is amended to read:

16 231.261 Education Practices Commission;
17 organization.--

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

21 Section 16. Paragraph (f) of subsection (3) of section
22 230.2305, Florida Statutes, is amended to read:

23 230.2305 Prekindergarten early intervention program.--

24 (3) STANDARDS.--

25 (f) All staff must meet the following minimum
26 requirements:

27 1. The minimum level of training is to be the
28 completion of a 30-clock-hour training course planned jointly
29 by the Department of Education and the Department of Children
30 and Family Services to include the following areas: state and
31 local rules that govern child care, health, safety, and

1 nutrition; identification and report of child abuse and
2 neglect; child growth and development; use of developmentally
3 appropriate early childhood curricula; and avoidance of
4 income-based, race-based, and gender-based stereotyping.

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

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

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

1 5. All personnel who are not certified under s. 231.17
2 or s. 231.1726 must comply with screening requirements under
3 s. 231.02.

4 Section 17. Section 231.045, Florida Statutes, is
5 amended to read:

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

11 Section 18. Subsection (1) of section 231.1725,
12 Florida Statutes, is amended to read:

13 231.1725 Employment of substitute teachers, teachers
14 of adult education, nondegreed teachers of career education,
15 and career specialists; students performing clinical field
16 experience.--

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

21 (a) Substitute teachers to be employed pursuant to s.
22 231.47. The qualifications shall require the filing of a
23 complete set of fingerprints in the same manner as required by
24 s. 231.02.

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

31

1 (c) Part-time and full-time nondegreed teachers of
2 vocational programs. Qualifications shall be established for
3 agriculture, business, health occupations, family and consumer
4 sciences, industrial, marketing, career specialist, and public
5 service education teachers, based primarily on successful
6 occupational experience rather than academic training. The
7 qualifications for such teachers shall require:

8 1. The filing of a complete set of fingerprints in the
9 same manner as required by s. 231.02. Faculty employed solely
10 to conduct postsecondary instruction may be exempted from this
11 requirement.

12 2. Documentation of education and successful
13 occupational experience including documentation of:

14 a. A high school diploma or the equivalent.

15 b. Completion of 6 years of full-time successful
16 occupational experience or the equivalent of part-time
17 experience in the teaching specialization area. Alternate
18 means of determining successful occupational experience may be
19 established by the district school board.

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

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

28 e. Demonstration of successful teaching performance.

29 Section 19. Subsection (1) of section 231.471, Florida
30 Statutes, is amended to read:

31 231.471 Part-time teachers.--

1 (1) District school boards may hire certified and
2 qualified personnel as provided in ~~ss.~~231.1725 and
3 231.1726 to teach a specified number of periods, which may be
4 less than a full school day or less than a full school year.

5 Section 20. Paragraph (a) of subsection (3) of section
6 232.435, Florida Statutes, is amended to read:

7 232.435 Extracurricular athletic activities; athletic
8 trainers.--

9 (3)(a) To the extent practicable, a school district
10 program should include the following employment classification
11 and advancement scheme:

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

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

28 3. Teacher athletic trainer.--To qualify as a teacher
29 athletic trainer, a person must meet the requirements of
30 teacher apprentice trainer II, be certified by the Department
31 of Education or a nationally recognized athletic trainer

1 association, and perform one or more of the following
2 functions: preventing athletic injuries; recognizing,
3 evaluating, managing, treating, and rehabilitating athletic
4 injuries; administering an athletic training program; and
5 educating and counseling athletes.

6 Section 21. Subsection (10) of section 240.529,
7 Florida Statutes, is renumbered as subsection (11) and a new
8 subsection (10) is added to said section to read:

9 240.529 Public accountability and state approval for
10 teacher preparation programs.--

11 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
12 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
13 shall be established at the University of Central Florida, the
14 University of North Florida, and the University of South
15 Florida. These programs shall include a year-long paid
16 teaching assignment and competency-based learning experiences
17 and shall be designed to encourage high-achieving students, as
18 identified by the institution, to pursue a career in
19 education. Students chosen to participate in the pilot
20 programs shall agree to teach for at least 1 year after they
21 receive their degrees. Criteria for identifying
22 high-achieving students shall be developed by the institution
23 and shall include, at a minimum, requirements that the student
24 have a 3.3 grade point average or above and that the student
25 has demonstrated mastery of general knowledge pursuant to s.
26 231.17(2)(g). The year-long paid teaching assignment shall
27 begin after completion of the equivalent of 3 years of the
28 university teacher preparation program.

29 (a) Each pilot program shall be designed to include:

30 1. A year-long paid teaching assignment at a specified
31 school site during the fourth year of the university teacher

1 preparation program, which includes intense supervision by a
2 support team trained in clinical education. The support team
3 shall include a university supervisor and experienced
4 school-based mentors. A mentor teacher shall be assigned to
5 each fourth year employed teacher to implement an
6 individualized learning plan. This mentor teacher will be
7 considered an adjunct professor for purposes of this program
8 and may receive credit for time spent as a mentor teacher in
9 the program. The mentor teacher must have a master's degree
10 or above, a minimum of 3 years of teaching experience, and
11 clinical education training or certification by the National
12 Board of Professional Teaching Standards. Experiences and
13 instruction may be delivered by other mentors, assigned
14 teachers, professors, individualized learning, and
15 demonstrations. Students in this paid teaching assignment
16 shall assume full responsibility of all teaching duties.

17 2. Professional education curriculum requirements that
18 address the educator-accomplished practices and other
19 competencies specified in state board rule.

20 3. A modified instructional delivery system that
21 provides onsite training during the paid teaching assignment
22 in the professional education areas and competencies specified
23 in this subsection. The institutions participating in this
24 pilot program shall be given a waiver to provide a modified
25 instructional delivery system meeting criteria that allows
26 earned credit through nontraditional approaches. The modified
27 system may provide for an initial evaluation of the
28 candidate's competencies to determine an appropriate
29 individualized professional development plan and may provide
30 for earned credit by:

31 a. Internet learning and competency acquisition.

1 b. Learning acquired by observing demonstrations and
2 being observed in application.

3 c. Independent study or instruction by mentor teachers
4 or adjunct teachers.

5 4. Satisfactory demonstration of the
6 educator-accomplished practices and content area competencies
7 for program completion.

8 5. For program completion, required achievement of
9 passing scores on all tests required for certification by
10 State Board of Education rules.

11 (b) Beginning in July 2003, each institution
12 participating in the pilot program shall submit to the
13 Commissioner of Education an annual report evaluating the
14 effectiveness of the program. The report shall include, but
15 shall not be limited to, the number of students selected for
16 the pilot program, the number of students successfully
17 completing the pilot program, the number of program
18 participants who passed all required examinations, the number
19 of program participants who successfully demonstrated all
20 required competencies, and a followup study to determine the
21 number of pilot program completers who were employed in a
22 teaching position and employers' satisfaction with the
23 performance of pilot program completers.

24 (c) This subsection shall be implemented to the extent
25 specifically funded in the General Appropriations Act.

26 Section 22. This act shall take effect July 1, 2001.