

Bill No. CS for SB 2986

Amendment No. 1 Barcode 935042

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.--The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record

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1 has applied for and received a certificate of eligibility for
2 expunction pursuant to subsection (2). A criminal history
3 record that relates to a violation of s. 787.025, chapter 794,
4 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,
5 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
6 893.135, or a violation enumerated in s. 907.041 may not be
7 expunged, without regard to whether adjudication was withheld,
8 if the defendant was found guilty of or pled guilty or nolo
9 contendere to the offense, or if the defendant, as a minor,
10 was found to have committed, or pled guilty or nolo contendere
11 to committing, the offense as a delinquent act. The court may
12 only order expunction of a criminal history record pertaining
13 to one arrest or one incident of alleged criminal activity,
14 except as provided in this section. The court may, at its sole
15 discretion, order the expunction of a criminal history record
16 pertaining to more than one arrest if the additional arrests
17 directly relate to the original arrest. If the court intends
18 to order the expunction of records pertaining to such
19 additional arrests, such intent must be specified in the
20 order. A criminal justice agency may not expunge any record
21 pertaining to such additional arrests if the order to expunge
22 does not articulate the intention of the court to expunge a
23 record pertaining to more than one arrest. This section does
24 not prevent the court from ordering the expunction of only a
25 portion of a criminal history record pertaining to one arrest
26 or one incident of alleged criminal activity. Notwithstanding
27 any law to the contrary, a criminal justice agency may comply
28 with laws, court orders, and official requests of other
29 jurisdictions relating to expunction, correction, or
30 confidential handling of criminal history records or
31 information derived therefrom. This section does not confer

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1 any right to the expunction of any criminal history record,
 2 and any request for expunction of a criminal history record
 3 may be denied at the sole discretion of the court.

4 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 5 criminal history record of a minor or an adult which is
 6 ordered expunged by a court of competent jurisdiction pursuant
 7 to this section must be physically destroyed or obliterated by
 8 any criminal justice agency having custody of such record;
 9 except that any criminal history record in the custody of the
 10 department must be retained in all cases. A criminal history
 11 record ordered expunged that is retained by the department is
 12 confidential and exempt from the provisions of s. 119.07(1)
 13 and s. 24(a), Art. I of the State Constitution and not
 14 available to any person or entity except upon order of a court
 15 of competent jurisdiction. A criminal justice agency may
 16 retain a notation indicating compliance with an order to
 17 expunge.

18 (a) The person who is the subject of a criminal
 19 history record that is expunged under this section or under
 20 other provisions of law, including former s. 893.14, former s.
 21 901.33, and former s. 943.058, may lawfully deny or fail to
 22 acknowledge the arrests covered by the expunged record, except
 23 when the subject of the record:

- 24 1. Is a candidate for employment with a criminal
 25 justice agency;
- 26 2. Is a defendant in a criminal prosecution;
- 27 3. Concurrently or subsequently petitions for relief
 28 under this section or s. 943.059;
- 29 4. Is a candidate for admission to The Florida Bar;
- 30 5. Is seeking to be employed or licensed by or to
 31 contract with the Department of Children and Family Services

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1 or the Department of Juvenile Justice or to be employed or
2 used by such contractor or licensee in a sensitive position
3 having direct contact with children, the developmentally
4 disabled, the aged, or the elderly as provided in s.
5 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
6 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
7 985.407, or chapter 400; or

8 6. Is seeking to be employed or licensed by ~~the Office~~
9 ~~of Teacher Education, Certification, Staff Development, and~~
10 ~~Professional Practices~~ of the Department of Education, any
11 district school board, any university laboratory school, any
12 charter school, any private or parochial school, or any local
13 governmental entity that licenses child care facilities.

14 (b) Subject to the exceptions in paragraph (a), a
15 person who has been granted an expunction under this section,
16 former s. 893.14, former s. 901.33, or former s. 943.058 may
17 not be held under any provision of law of this state to commit
18 perjury or to be otherwise liable for giving a false statement
19 by reason of such person's failure to recite or acknowledge an
20 expunged criminal history record.

21 (c) Information relating to the existence of an
22 expunged criminal history record which is provided in
23 accordance with paragraph (a) is confidential and exempt from
24 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
25 State Constitution, except that the department shall disclose
26 the existence of a criminal history record ordered expunged to
27 the entities set forth in subparagraphs (a)1., 4., 5., and 6.
28 for their respective licensing and employment purposes, and to
29 criminal justice agencies for their respective criminal
30 justice purposes. It is unlawful for any employee of an entity
31 set forth in subparagraph (a)1., subparagraph (a)4.,

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1 subparagraph (a)5., or subparagraph (a)6. to disclose
2 information relating to the existence of an expunged criminal
3 history record of a person seeking employment or licensure
4 with such entity or contractor, except to the person to whom
5 the criminal history record relates or to persons having
6 direct responsibility for employment or licensure decisions.
7 Any person who violates this paragraph commits a misdemeanor
8 of the first degree, punishable as provided in s. 775.082 or
9 s. 775.083.

10 Section 2. Subsection (4) of section 943.059, Florida
11 Statutes, is amended to read:

12 943.059 Court-ordered sealing of criminal history
13 records.--The courts of this state shall continue to have
14 jurisdiction over their own procedures, including the
15 maintenance, sealing, and correction of judicial records
16 containing criminal history information to the extent such
17 procedures are not inconsistent with the conditions,
18 responsibilities, and duties established by this section. Any
19 court of competent jurisdiction may order a criminal justice
20 agency to seal the criminal history record of a minor or an
21 adult who complies with the requirements of this section. The
22 court shall not order a criminal justice agency to seal a
23 criminal history record until the person seeking to seal a
24 criminal history record has applied for and received a
25 certificate of eligibility for sealing pursuant to subsection
26 (2). A criminal history record that relates to a violation of
27 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
28 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
29 s. 847.0145, s. 893.135, or a violation enumerated in s.
30 907.041 may not be sealed, without regard to whether
31 adjudication was withheld, if the defendant was found guilty

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1 of or pled guilty or nolo contendere to the offense, or if the
2 defendant, as a minor, was found to have committed or pled
3 guilty or nolo contendere to committing the offense as a
4 delinquent act. The court may only order sealing of a criminal
5 history record pertaining to one arrest or one incident of
6 alleged criminal activity, except as provided in this section.
7 The court may, at its sole discretion, order the sealing of a
8 criminal history record pertaining to more than one arrest if
9 the additional arrests directly relate to the original arrest.
10 If the court intends to order the sealing of records
11 pertaining to such additional arrests, such intent must be
12 specified in the order. A criminal justice agency may not seal
13 any record pertaining to such additional arrests if the order
14 to seal does not articulate the intention of the court to seal
15 records pertaining to more than one arrest. This section does
16 not prevent the court from ordering the sealing of only a
17 portion of a criminal history record pertaining to one arrest
18 or one incident of alleged criminal activity. Notwithstanding
19 any law to the contrary, a criminal justice agency may comply
20 with laws, court orders, and official requests of other
21 jurisdictions relating to sealing, correction, or confidential
22 handling of criminal history records or information derived
23 therefrom. This section does not confer any right to the
24 sealing of any criminal history record, and any request for
25 sealing a criminal history record may be denied at the sole
26 discretion of the court.

27 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
28 criminal history record of a minor or an adult which is
29 ordered sealed by a court of competent jurisdiction pursuant
30 to this section is confidential and exempt from the provisions
31 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution

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1 and is available only to the person who is the subject of the
2 record, to the subject's attorney, to criminal justice
3 agencies for their respective criminal justice purposes, or to
4 those entities set forth in subparagraphs (a)1., 4., 5., and
5 6. for their respective licensing and employment purposes.

6 (a) The subject of a criminal history record sealed
7 under this section or under other provisions of law, including
8 former s. 893.14, former s. 901.33, and former s. 943.058, may
9 lawfully deny or fail to acknowledge the arrests covered by
10 the sealed record, except when the subject of the record:

11 1. Is a candidate for employment with a criminal
12 justice agency;

13 2. Is a defendant in a criminal prosecution;

14 3. Concurrently or subsequently petitions for relief
15 under this section or s. 943.0585;

16 4. Is a candidate for admission to The Florida Bar;

17 5. Is seeking to be employed or licensed by or to
18 contract with the Department of Children and Family Services
19 or the Department of Juvenile Justice or to be employed or
20 used by such contractor or licensee in a sensitive position
21 having direct contact with children, the developmentally
22 disabled, the aged, or the elderly as provided in s.

23 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
24 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
25 415.103, s. 985.407, or chapter 400; or

26 6. Is seeking to be employed or licensed by ~~the Office~~
27 ~~of Teacher Education, Certification, Staff Development, and~~
28 ~~Professional Practices~~ of the Department of Education, any
29 district school board, any university laboratory school, any
30 charter school, any private or parochial school, or any local
31 governmental entity that ~~which~~ licenses child care facilities.

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1 (b) Subject to the exceptions in paragraph (a), a
2 person who has been granted a sealing under this section,
3 former s. 893.14, former s. 901.33, or former s. 943.058 may
4 not be held under any provision of law of this state to commit
5 perjury or to be otherwise liable for giving a false statement
6 by reason of such person's failure to recite or acknowledge a
7 sealed criminal history record.

8 (c) Information relating to the existence of a sealed
9 criminal record provided in accordance with the provisions of
10 paragraph (a) is confidential and exempt from the provisions
11 of s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution, except that the department shall disclose the
13 sealed criminal history record to the entities set forth in
14 subparagraphs (a)1., 4., 5., and 6. for their respective
15 licensing and employment purposes. It is unlawful for any
16 employee of an entity set forth in subparagraph (a)1.,
17 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.
18 to disclose information relating to the existence of a sealed
19 criminal history record of a person seeking employment or
20 licensure with such entity or contractor, except to the person
21 to whom the criminal history record relates or to persons
22 having direct responsibility for employment or licensure
23 decisions. Any person who violates the provisions of this
24 paragraph commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 Section 3. Paragraph (g) of subsection (12) of section
27 1002.33, Florida Statutes, is amended to read:

28 1002.33 Charter schools.--

29 (12) EMPLOYEES OF CHARTER SCHOOLS.--

30 (g) A charter school shall employ or contract with
31 employees who have undergone background screening ~~been~~

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1 ~~fingerprinted~~ as provided in s. 1012.32. Members of the
2 governing board of the charter school shall also undergo
3 background screening ~~be fingerprinted~~ in a manner similar to
4 that provided in s. 1012.32.

5 Section 4. Subsection (4) of section 1004.04, Florida
6 Statutes, is amended, subsections (10), (11), and (12) are
7 renumbered as subsections (11), (12), and (13), respectively,
8 and a new subsection (10) is added to that section, to read:

9 1004.04 Public accountability and state approval for
10 teacher preparation programs.--

11 (4) INITIAL STATE PROGRAM APPROVAL.--

12 (a) A program approval process based on standards
13 adopted pursuant to subsections (2) and (3) must be
14 established for postsecondary teacher preparation programs,
15 phased in according to timelines determined by the Department
16 of Education, and fully implemented for all teacher
17 preparation programs in the state. Each program shall be
18 approved by the department, consistent with the intent set
19 forth in subsection (1) and based primarily upon significant,
20 objective, and quantifiable graduate performance measures.

21 (b) Each teacher preparation program approved by the
22 Department of Education, as provided for by this section,
23 shall require students to meet the following as prerequisites
24 for admission into the program:

25 1. Have a grade point average of at least 2.5 on a 4.0
26 scale for the general education component of undergraduate
27 studies or have completed the requirements for a baccalaureate
28 degree with a minimum grade point average of 2.5 on a 4.0
29 scale from any college or university accredited by a regional
30 accrediting association as defined by State Board of Education
31 rule or any college or university otherwise approved pursuant

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1 to State Board of Education rule.

2 2. Demonstrate mastery of general knowledge, including
3 the ability to read, write, and compute, by passing the
4 General Knowledge Test of the Florida Teacher Certification
5 Examination, the College Level Academic Skills Test, a
6 corresponding component of the National Teachers Examination
7 series, or a similar test pursuant to rules of the State Board
8 of Education.

9
10 Each teacher preparation program may waive these admissions
11 requirements for up to 10 percent of the students admitted.
12 Programs shall implement strategies to ensure that students
13 admitted under a waiver receive assistance to demonstrate
14 competencies to successfully meet requirements for
15 certification.

16 (c) Each teacher preparation program approved by the
17 Department of Education, as provided for by this section,
18 shall provide a certification ombudsman to facilitate the
19 process and procedures required for graduates to obtain
20 educator professional or temporary certification pursuant to
21 s. 1012.56.

22 (10) SHORT-TERM EXPERIENCES AS TEACHER
23 ASSISTANTS.--Postsecondary institutions offering teacher
24 preparation programs and community colleges, in collaboration
25 with school districts, may develop and implement a program to
26 provide short-term experiences as teacher assistants prior to
27 beginning a teacher preparation program or alternative
28 certification program. The program shall serve individuals
29 with baccalaureate degrees who are interested in the teaching
30 profession. This experience may be accepted for use in teacher
31 preparation programs and competency-based alternative

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1 certification programs, where applicable.

2 Section 5. Section 1004.85, Florida Statutes, is
3 created to read:

4 1004.85 Postsecondary educator preparation
5 institutes.--

6 (1) As used in this section, "educator preparation
7 institute" means an institute created by a postsecondary
8 institution and approved by the Department of Education.

9 (2) Postsecondary institutions that are accredited or
10 approved as described in state board rule may seek approval
11 from the Department of Education to create educator
12 preparation institutes for the purpose of providing any or all
13 of the following:

14 (a) Professional development instruction to assist
15 teachers in improving classroom instruction and in meeting
16 certification or recertification requirements.

17 (b) Instruction to assist potential and existing
18 substitute teachers in performing their duties.

19 (c) Instruction to assist paraprofessionals in meeting
20 education and training requirements.

21 (d) Instruction for baccalaureate degree holders to
22 become certified teachers as provided in this section in order
23 to increase routes to the classroom for mid-career
24 professionals who hold a baccalaureate degree and college
25 graduates who were not education majors.

26 (3) Educator preparation institutes approved pursuant
27 to this section may offer alternative certification programs
28 specifically designed for noneducation major baccalaureate
29 degree holders to enable program participants to meet the
30 educator certification requirements of s. 1012.56. Such
31 programs shall be competency-based educator certification

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1 preparation programs that prepare educators through an
2 alternative route. An educator preparation institute choosing
3 to offer an alternative certification program pursuant to the
4 provisions of this section must implement a program previously
5 approved by the Department of Education for this purpose or a
6 program developed by the institute and approved by the
7 department for this purpose. Approved programs shall be
8 available for use by other approved educator preparation
9 institutes.

10 (a) Within 90 days after receipt of a request for
11 approval, the Department of Education shall approve an
12 alternative certification program or issue a statement of the
13 deficiencies in the request for approval. The department shall
14 approve an alternative certification program if the institute
15 provides sufficient evidence of the following:

16 1. Instruction must be provided in professional
17 knowledge and subject matter content that includes
18 educator-accomplished practices and competencies specified in
19 State Board of Education rule and meets subject matter content
20 requirements, professional competency testing requirements,
21 and competencies associated with teaching scientifically based
22 reading instruction and strategies that research has shown to
23 be successful in improving reading among low-performing
24 readers.

25 2. The program must provide field experience with
26 supervision from qualified educators.

27 3. The program must provide a certification ombudsman
28 to facilitate the process and procedures required for
29 participants who complete the program to meet any requirements
30 related to the background screening pursuant to s. 1012.32 and
31 educator professional or temporary certification pursuant to

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1 s. 1012.56.

2 (b) Each program participant must:

3 1. Meet certification requirements pursuant to s.

4 1012.56(1) by obtaining a statement of status of eligibility
5 and meet the requirements of s. 1012.56(2)(a)-(f).

6 2. Participate in field experience that is appropriate
7 to his or her educational plan.

8 3. Fully demonstrate his or her ability to teach the
9 subject area for which he or she is seeking certification and
10 demonstrate mastery of professional preparation and education
11 competence by achievement of a passing score on the
12 professional education competency examination required by
13 state board rule prior to completion of the program.

14 (c) Upon completion of an alternative certification
15 program approved pursuant to this subsection, a participant
16 shall receive a credential from the sponsoring institution
17 signifying satisfaction of the requirements of s. 1012.56(5)
18 relating to mastery of professional preparation and education
19 competence. A participant shall be eligible for educator
20 certification through the Department of Education upon
21 satisfaction of all requirements for certification set forth
22 in s. 1012.56(2), including demonstration of mastery of
23 general knowledge, subject area knowledge, and professional
24 preparation and education competence, through testing or other
25 statutorily authorized means.

26 (d) If an institution offers an alternative
27 certification program approved pursuant to this subsection,
28 such program may be used by the school district or districts
29 served by that institution in addition to the alternative
30 certification program as required in s. 1012.56(7).

31 (4) Each institute approved pursuant to this section

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1 shall submit to the Department of Education annual performance
2 evaluations that measure the effectiveness of the programs,
3 including the pass rates of participants on all examinations
4 required for teacher certification, employment rates,
5 longitudinal retention rates, and employer satisfaction
6 surveys. The employer satisfaction surveys must be designed to
7 measure the sufficient preparation of the educator to enter
8 the classroom. These evaluations shall be used by the
9 Department of Education for purposes of continued approval of
10 an educator preparation institute's alternative certification
11 program.

12 (5) Instructors for an alternative certification
13 program approved pursuant to this section must possess a
14 master's degree in education or a master's degree in an
15 appropriate related field and document teaching experience.

16 (6) Educator preparation institutes approved pursuant
17 to this section and providing approved instructional programs
18 for any of the purposes in subsection (2) are eligible for
19 funding from federal and state funds, as appropriated by the
20 Legislature.

21 (7) The State Board of Education may adopt rules
22 pursuant to ss. 120.536(1) and 120.54 to implement the
23 provisions of this section.

24 Section 6. Subsection (2) of section 1012.01, Florida
25 Statutes, is amended to read:

26 1012.01 Definitions.--Specific definitions shall be as
27 follows, and wherever such defined words or terms are used in
28 the Florida K-20 Education Code, they shall be used as
29 follows:

30 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
31 personnel" means any K-12 staff member whose function includes

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1 the provision of direct instructional services to students.
2 Instructional personnel also includes K-12 personnel whose
3 functions provide direct support in the learning process of
4 students. Included in the classification of instructional
5 personnel are the following K-12 personnel:

6 (a) Classroom teachers.--Classroom teachers are staff
7 members assigned the professional activity of instructing
8 students in courses in classroom situations, including basic
9 instruction, exceptional student education, career and
10 technical education, and adult education, including substitute
11 teachers.

12 (b) Student personnel services.--Student personnel
13 services include staff members responsible for: advising
14 students with regard to their abilities and aptitudes,
15 educational and occupational opportunities, and personal and
16 social adjustments; providing placement services; performing
17 educational evaluations; and similar functions. Included in
18 this classification are guidance counselors, social workers,
19 occupational/placement specialists, and school psychologists.

20 (c) Librarians/media specialists.--Librarians/media
21 specialists are staff members responsible for providing school
22 library media services. These employees are responsible for
23 evaluating, selecting, organizing, and managing media and
24 technology resources, equipment, and related systems;
25 facilitating access to information resources beyond the
26 school; working with teachers to make resources available in
27 the instructional programs; assisting teachers and students in
28 media productions; and instructing students in the location
29 and use of information resources.

30 (d) Other instructional staff.--Other instructional
31 staff are staff members who are part of the instructional

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1 staff but are not classified in one of the categories
2 specified in paragraphs (a)-(c). Included in this
3 classification are primary specialists, learning resource
4 specialists, instructional trainers, adjunct educators
5 certified pursuant to s. 1012.57, and similar positions.

6 (e) Education paraprofessionals.--Education
7 paraprofessionals are individuals who are under the direct
8 supervision of an instructional staff member, aiding the
9 instructional process. Included in this classification are
10 classroom paraprofessionals in regular instruction,
11 exceptional education paraprofessionals, career education
12 paraprofessionals, adult education paraprofessionals, library
13 paraprofessionals, physical education and playground
14 paraprofessionals, and other school-level paraprofessionals.

15 Section 7. Section 1012.05, Florida Statutes, is
16 amended to read:

17 1012.05 Teacher recruitment and retention.--

18 (1) The Department of Education, in cooperation with
19 teacher organizations, district personnel offices, and
20 schools, colleges, and departments of all public and nonpublic
21 postsecondary educational institutions, shall concentrate on
22 the recruitment and retention of qualified teachers.

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 (b) Advertise in major newspapers, national
28 professional publications, and other professional publications
29 and in public and nonpublic postsecondary educational
30 institutions.

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

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- 1 (d) Conduct periodic communications with district
2 personnel directors regarding applicants.
- 3 (e) Provide district access to the applicant database
4 by computer or telephone.
- 5 (f) Develop and distribute promotional materials
6 related to teaching as a career.
- 7 (g) Publish and distribute information pertaining to
8 employment opportunities, application procedures, and all
9 routes toward teacher certification in Florida, and teacher
10 salaries.
- 11 (h) Provide information related to certification
12 procedures.
- 13 (i) Develop and sponsor the Florida Future Educator of
14 America Program throughout the state.
- 15 (j) Develop, in consultation with school district
16 staff including, but not limited to, district school
17 superintendents, district school board members, and district
18 human resources personnel, a long-range plan for educator
19 recruitment and retention.
- 20 (k) Identify best practices for retaining high-quality
21 teachers.
- 22 (l) Develop, in consultation with Workforce Florida,
23 Inc., and the Agency for Workforce Innovation, created
24 pursuant to ss. 445.004 and 20.50, respectively, a plan for
25 accessing and identifying available resources in the state's
26 workforce system for the purpose of enhancing teacher
27 recruitment and retention.
- 28 (m) Create guidelines and identify best practices for
29 the mentors of first-time teachers and for new teacher-support
30 programs that focus on the professional assistance needed by
31 first-time teachers throughout the first year of teaching. The

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1 department shall consult with the Florida Center for Reading
2 Research and the Just Read, Florida! Office in developing the
3 guidelines.

4 (n)(m) Develop and implement a First Response Center
5 to provide educator candidates one-stop shopping for
6 information on teaching careers in Florida and establish the
7 Teacher Lifeline Network to provide online support to
8 beginning teachers and those needing assistance.

9 (o) Develop and implement an online Teacher Toolkit
10 that contains a menu of resources, based on the Sunshine State
11 Standards, that all teachers can use to enhance classroom
12 instruction and increase teacher effectiveness, thus resulting
13 in improved student achievement.

14 (p) Establish a week designated as Educator
15 Appreciation Week to recognize the significant contributions
16 made by educators to their students and school communities.

17 (q) The Department of Education shall notify each
18 teacher, via e-mail, of each item in the General
19 Appropriations Act and legislation that affects teachers,
20 including, but not limited to, the Excellent Teaching Program,
21 the Teachers Lead Program, liability insurance protection for
22 teachers, death benefits for teachers, substantive
23 legislation, rules of the State Board of Education, and issues
24 concerning student achievement.

25 (3)(a) Each school board shall adopt policies relating
26 to mentors and support for first-time teachers based upon
27 guidelines issued by the Department of Education.

28 (b) By September 15 and February 15 each school year,
29 each school district shall electronically submit accurate
30 public school e-mail addresses for all instructional and
31 administrative personnel, as identified in s. 1012.01(2) and

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1 | ~~(3)~~, to the Department of Education.

2 | ~~(4)(3)~~ The Department of Education, in cooperation
 3 | with district personnel offices, shall sponsor a job fair in a
 4 | central part of the state to match in-state educators and
 5 | potential educators and out-of-state educators and potential
 6 | educators with teaching opportunities in this state.

7 | ~~(5)(4)~~ Subject to proviso in the General
 8 | Appropriations Act, the Commissioner of Education may use
 9 | funds appropriated by the Legislature and funds from federal
 10 | grants and other sources to provide incentives for teacher
 11 | recruitment and preparation programs. The purpose of the use
 12 | of such funds is to recruit and prepare individuals who do not
 13 | graduate from state-approved teacher preparation programs to
 14 | teach in a Florida public school. The commissioner may
 15 | contract with entities other than, and including, approved
 16 | teacher preparation programs to provide intensive teacher
 17 | training leading to passage of the required certification
 18 | exams for the desired subject area or coverage. The
 19 | commissioner shall survey school districts to evaluate the
 20 | effectiveness of such programs.

21 | (6) The Commissioner of Education shall take steps
 22 | that provide flexibility and consistency in meeting the highly
 23 | qualified teacher criteria as defined in the No Child Left
 24 | Behind Act of 2001 through a High, Objective, Uniform State
 25 | Standard of Evaluation (HOUSSE).

26 | Section 8. Subsections (1) and (3) of section
 27 | 1012.231, Florida Statutes, are amended to read:

28 | 1012.231 BEST Florida Teaching salary career ladder
 29 | program; assignment of teachers.--

30 | (1) SALARY CAREER LADDER FOR CLASSROOM
 31 | TEACHERS.--Beginning with the 2005-2006 ~~2004-2005~~ academic

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1 year, each district school board shall implement a salary
2 career ladder for classroom teachers as defined in s.
3 1012.01(2)(a). Performance shall be defined as designated in
4 s. 1012.34(3)(a)1.-7. District school boards shall designate
5 categories of classroom teachers reflecting these salary
6 career ladder levels as follows:

7 (a) Associate teacher.--Classroom teachers in the
8 school district who have not yet received a professional
9 certificate or those with a professional certificate who are
10 evaluated as low-performing teachers.

11 (b) Professional teacher.--Classroom teachers in the
12 school district who have received a professional certificate.

13 (c) Lead teacher.--Classroom teachers in the school
14 district who are responsible for leading others in the school
15 as department chair, lead teacher, grade-level leader, intern
16 coordinator, or professional development coordinator. Lead
17 teachers must participate on a regular basis in the direct
18 instruction of students and serve as faculty for professional
19 development activities as determined by the State Board of
20 Education. To be eligible for designation as a lead teacher, a
21 teacher must demonstrate outstanding performance pursuant to
22 s. 1012.34(3)(a)1.-7. and must have been a "professional
23 teacher" pursuant to paragraph (b) for at least 1 year.

24 (d) Mentor teacher.--Classroom teachers in the school
25 district who serve as regular mentors to other teachers who
26 are either not performing satisfactorily or who strive to
27 become more proficient. Mentor teachers must serve as
28 faculty-based professional development coordinators and
29 regularly demonstrate and share their expertise with other
30 teachers in order to remain mentor teachers. Mentor teachers
31 must also participate on a regular basis in the direct

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1 instruction of low-performing students. To be eligible for
 2 designation as a mentor teacher, a teacher must demonstrate
 3 outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and
 4 must have been a "lead teacher" pursuant to paragraph (c) for
 5 at least 2 ~~two~~ years.

6
 7 Promotion of a teacher to a higher level on the salary career
 8 ladder shall be based upon prescribed performance criteria and
 9 not based upon length of service.

10 (3) STATE BOARD AND SCHOOL DISTRICT PLANS.--The State
 11 Board of Education shall develop a long-range plan to
 12 implement a differentiated pay model for teachers beginning in
 13 the 2005-2006 ~~2004-2005~~ academic year, based upon the
 14 differentiated classroom teacher categories in subsection (1).
 15 No later than December 1, 2003, the State Board of Education
 16 shall approve guidelines and criteria for the district plans.
 17 District school boards shall develop plans to implement the
 18 salary career ladder prescribed in this section and submit
 19 these plans to the State Board of Education by March 1, 2004.

20 Section 9. Section 1012.32, Florida Statutes, is
 21 amended, to read:

22 1012.32 Qualifications of personnel.--

23 (1) To be eligible for appointment in any position in
 24 any district school system, a person shall be of good moral
 25 character; shall have attained the age of 18 years, if he or
 26 she is to be employed in an instructional capacity; and shall,
 27 when required by law, hold a certificate or license issued
 28 under rules of the State Board of Education or the Department
 29 of Children and Family Services, except when employed pursuant
 30 to s. 1012.55 or under the emergency provisions of s. 1012.24.
 31 Previous residence in this state shall not be required in any

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1 school of the state as a prerequisite for any person holding a
2 valid Florida certificate or license to serve in an
3 instructional capacity.

4 (2)(a) Instructional and noninstructional personnel
5 who are hired or contracted to fill positions requiring direct
6 contact with students in any district school system or
7 university lab school shall, upon employment or engagement to
8 provide services, undergo background screening as required
9 under s. 1012.56 or s. 1012.465, whichever is applicable, file
10 a complete set of fingerprints taken by an authorized law
11 enforcement officer or an employee of the school or district
12 who is trained to take fingerprints.

13 (b) Instructional and noninstructional personnel who
14 are hired or contracted to fill positions in any charter
15 school and members of the governing board of any charter
16 school, in compliance with s. 1002.33(12)(g), shall, upon
17 employment, engagement of services, or appointment, undergo
18 background screening as required under s. 1012.56 or s.
19 1012.465, whichever is applicable, by filing with the district
20 school board for the school district in which the charter
21 school is located a complete set of fingerprints taken by an
22 authorized law enforcement agency or an employee of the school
23 or school district who is trained to take fingerprints.

24 (c) Instructional and noninstructional personnel who
25 are hired or contracted to fill positions requiring direct
26 contact with students in an alternative school that operates
27 under contract with a district school system shall, upon
28 employment or engagement to provide services, undergo
29 background screening as required under s. 1012.56 or s.
30 1012.465, whichever is applicable, by filing with the district
31 school board for the school district to which the alternative

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1 school is under contract a complete set of fingerprints taken
2 by an authorized law enforcement agency or an employee of the
3 school or school district who is trained to take fingerprints.

4 (d) Student teachers, persons participating in a
5 field experience pursuant to s. 1004.04(6) or s. 1004.85, and
6 persons participating in a short-term experience as a teacher
7 assistant pursuant to s. 1004.04(10) in any district school
8 system, lab school, or charter school shall, upon engagement
9 to provide services, undergo background screening as required
10 under s. 1012.56.

11

12 ~~These~~ Fingerprints shall be submitted to the Department of Law
13 Enforcement for state processing and to the Federal Bureau of
14 Investigation for federal processing. Persons subject to this
15 subsection ~~The new employees shall be on probationary status~~
16 ~~pending fingerprint processing and determination of compliance~~
17 ~~with standards of good moral character. Employees found~~
18 ~~through fingerprint processing to have been convicted of a~~
19 ~~crime involving moral turpitude shall not be employed, engaged~~
20 ~~to provide services, or serve in any position requiring direct~~
21 ~~contact with students. Probationary~~ persons subject to this
22 subsection ~~employees~~ terminated because of their criminal
23 record ~~shall~~ have the right to appeal such decisions. The cost
24 of the background screening fingerprint processing may be
25 borne by the district school board, the charter school, or the
26 employee, the contractor, or a person subject to this
27 subsection.

28 ~~(b) Personnel who have been fingerprinted or screened~~
29 ~~pursuant to this subsection and who have not been unemployed~~
30 ~~for more than 90 days shall not be required to be~~
31 ~~refingerprinted or rescreened in order to comply with the~~

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1 ~~requirements of this subsection.~~

2 (3)(a) Beginning July 1, 2004, all fingerprints
3 submitted to the Department of Law Enforcement as required by
4 subsection (2) shall be retained by the Department of Law
5 Enforcement in a manner provided by rule and entered in the
6 statewide automated fingerprint identification system
7 authorized by s. 943.05(2)(b). Such fingerprints shall
8 thereafter be available for all purposes and uses authorized
9 for arrest fingerprint cards entered in the statewide
10 automated fingerprint identification system pursuant to s.
11 943.051.

12 (b) Beginning December 15, 2004, the Department of Law
13 Enforcement shall search all arrest fingerprint cards received
14 under s. 943.051 against the fingerprints retained in the
15 statewide automated fingerprint identification system under
16 paragraph (a). Any arrest record that is identified with the
17 retained fingerprints of a person subject to the background
18 screening under this section shall be reported to the
19 employing or contracting school district or the school
20 district with which the person is affiliated. Each school
21 district is required to participate in this search process by
22 payment of an annual fee to the Department of Law Enforcement
23 and by informing the Department of Law Enforcement of any
24 change in the affiliation, employment, or contractual status
25 or place of affiliation, employment, or contracting of its
26 instructional and noninstructional personnel whose
27 fingerprints are retained under paragraph (a). The Department
28 of Law Enforcement shall adopt a rule setting the amount of
29 the annual fee to be imposed upon each school district for
30 performing these searches and establishing the procedures for
31 the retention of instructional and noninstructional personnel

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1 fingerprints and the dissemination of search results. The fee
2 may be borne by the district school board, the contractor, or
3 the person fingerprinted.

4 (c) Personnel whose fingerprints are not retained by
5 the Department of Law Enforcement under paragraphs (a) and (b)
6 are required to be refingerprinted and must meet level 2
7 screening requirements as described in this section upon
8 reemployment or reengagement to provide services in order to
9 comply with the requirements of this subsection.

10 Section 10. Paragraph (g) of subsection (3) of section
11 1012.33, Florida Statutes, is amended to read:

12 1012.33 Contracts with instructional staff,
13 supervisors, and school principals.--

14 (3)

15 (g) Beginning July 1, 2001, for each employee who
16 enters into a written contract, pursuant to this section, in a
17 school district in which the employee was not employed as of
18 June 30, 2001, or was employed as of June 30, 2001, but has
19 since broken employment with that district for 1 school year
20 or more, for purposes of pay, a district school board must
21 recognize and accept each year of full-time public school
22 teaching service earned in the State of Florida or outside the
23 state and for which the employee received a satisfactory
24 performance evaluation. Instructional personnel employed
25 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
26 of this paragraph.

27 Section 11. Section 1012.35, Florida Statutes, is
28 amended to read:

29 1012.35 Substitute teachers.--

30 (1) Each district school board shall adopt rules
31 prescribing the compensation of, and the procedure for

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1 employment of, substitute teachers.

2 (a) The ~~Such~~ procedure for employment ~~must~~ ~~shall~~
3 include, but is not limited to, the filing of a complete set
4 of fingerprints as required in s. 1012.32; documentation of a
5 minimum education level of a high school diploma or
6 equivalent; and completion of an initial orientation and
7 training program in district policies and procedures
8 addressing school safety and security procedures, educational
9 liability laws, professional responsibilities, and ethics.

10 (b) Candidates who have no prior teaching experience,
11 as determined by the employing school district, must complete
12 an additional training program that includes classroom
13 management skills and instructional strategies.

14 (c) The required training programs for substitute
15 teachers may be provided by community colleges, colleges of
16 education, district school boards, educational consortia, or
17 commercial vendors.

18 (d) It is recommended that ongoing training and access
19 to professional development offerings be made available to
20 substitute teachers by the employing district.

21 (2) The Department of Education shall develop
22 web-based resources to enhance district substitute orientation
23 programs.

24 (3) Districts shall develop performance appraisal
25 measures for assessing the quality of instruction delivered by
26 substitutes who provide instruction for 30 or more days in a
27 single classroom placement.

28 Section 12. Paragraph (a) of subsection (1) of section
29 1012.39, Florida Statutes, is amended to read:

30 1012.39 Employment of substitute teachers, teachers of
31 adult education, nondegreed teachers of career education, and

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1 career specialists; students performing clinical field
 2 experience.--

3 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
 4 1012.57, or any other provision of law or rule to the
 5 contrary, each district school board shall establish the
 6 minimal qualifications for:

7 (a) Substitute teachers to be employed pursuant to s.
 8 1012.35. The qualifications shall require the filing of a
 9 complete set of fingerprints in the same manner as required by
 10 s. 1012.32; documentation of a minimum education level of a
 11 high school diploma or equivalent; and completion of an
 12 initial orientation and training program in district policies
 13 and procedures addressing school safety and security
 14 procedures, educational liability laws, professional
 15 responsibilities, and ethics.

16 Section 13. Section 1012.465, Florida Statutes, is
 17 created to read:

18 1012.465 Background screening requirements for certain
 19 noninstructional school district employees and contractors.--

20 (1) Noninstructional school district employees or
 21 contractual personnel who have direct contact with students or
 22 have access to or control of school funds must meet level 2
 23 screening requirements as described in s. 1012.32.

24 (2) Every 5 years following employment or entry into a
 25 contract in a capacity described in subsection (1), each
 26 person who is so employed or under contract with the school
 27 district must meet level 2 screening requirements as described
 28 in s. 1012.32, at which time the school district shall request
 29 the Department of Law Enforcement to forward the fingerprints
 30 to the Federal Bureau of Investigation for the level 2
 31 screening. If, for any reason following employment or entry

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1 into a contract in a capacity described in subsection (1), the
2 fingerprints of a person who is so employed or under contract
3 with the school district are not retained by the Department of
4 Law Enforcement under s. 1012.32(3)(a) and (b), the person
5 must file a complete set of fingerprints with the district
6 school superintendent of the employing or contracting school
7 district. Upon submission of fingerprints for this purpose,
8 the school district shall request the Department of Law
9 Enforcement to forward the fingerprints to the Federal Bureau
10 of Investigation for the level 2 screening, and the
11 fingerprints shall be retained by the Department of Law
12 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
13 state and federal criminal history check required by level 2
14 screening may be borne by the district school board, the
15 contractor, or the person fingerprinted. Under penalty of
16 perjury, each person who is employed or under contract in a
17 capacity described in subsection (1) must agree to inform his
18 or her employer or the party with whom he or she is under
19 contract within 48 hours if convicted of any disqualifying
20 offense while he or she is employed or under contract in that
21 capacity.

22 (3) If it is found that a person who is employed or
23 under contract in a capacity described in subsection (1) does
24 not meet the level 2 requirements, the person shall be
25 immediately suspended from working in that capacity and shall
26 remain suspended until final resolution of any appeals.

27 Section 14. Subsections (1) and (4) of section
28 1012.55, Florida Statutes, are amended to read:

29 1012.55 Positions for which certificates required.--

30 (1) The State Board of Education shall classify school
31 services, designate the certification subject areas, establish

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1 | competencies, including the use of technology to enhance
2 | student learning, and certification requirements for all
3 | school-based personnel, and adopt rules in accordance with
4 | which the professional, temporary, and part-time certificates
5 | shall be issued by the Department of Education to applicants
6 | who meet the standards prescribed by such rules for their
7 | class of service. Each person employed or occupying a position
8 | as school supervisor, school principal, teacher, library media
9 | specialist, school counselor, athletic coach, or other
10 | position in which the employee serves in an instructional
11 | capacity, in any public school of any district of this state
12 | shall hold the certificate required by law and by rules of the
13 | State Board of Education in fulfilling the requirements of the
14 | law for the type of service rendered. The Department of
15 | Education shall identify appropriate educator certification
16 | for the instruction of specified courses in an annual
17 | publication of a directory of course code numbers for all
18 | programs and courses that are funded through the Florida
19 | Education Finance Program. However, the state board shall
20 | adopt rules authorizing district school boards to employ
21 | selected noncertificated personnel to provide instructional
22 | services in the individuals' fields of specialty or to assist
23 | instructional staff members as education paraprofessionals.

24 | (4) A commissioned or noncommissioned military officer
25 | who is an instructor of junior reserve officer training shall
26 | be exempt from requirements for teacher certification, except
27 | for the background screening ~~filing of fingerprints~~ pursuant
28 | to s. 1012.32, if he or she meets the following
29 | qualifications:

30 | (a) Is retired from active military duty, pursuant to
31 | chapter 102 of Title 10, U.S.C.

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1 (b) Satisfies criteria established by the appropriate
2 military service for certification by the service as a junior
3 reserve officer training instructor.

4 (c) Has an exemplary military record.
5

6 If such instructor is assigned instructional duties other than
7 junior reserve officer training, he or she shall hold the
8 certificate required by law and rules of the state board for
9 the type of service rendered.

10 Section 15. Subsection (1), paragraphs (b) and (d) of
11 subsection (2), and subsections (3), (4), and (5) of section
12 1012.56, Florida Statutes, are amended, present subsections
13 (9) through (15) of that section are renumbered as subsections
14 (10) through (16), respectively, and a new subsection (9) is
15 added to that section, to read:

16 1012.56 Educator certification requirements.--

17 (1) APPLICATION.--Each person seeking certification
18 pursuant to this chapter shall submit a completed application
19 containing the applicant's social security number to the
20 Department of Education and remit the fee required pursuant to
21 s. 1012.59 and rules of the State Board of Education. Pursuant
22 to the federal Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996, each party is required to provide
24 his or her social security number in accordance with this
25 section. Disclosure of social security numbers obtained
26 through this requirement is limited to the purpose of
27 administration of the Title IV-D program of the Social
28 Security Act for child support enforcement. Pursuant to s.
29 120.60, the department shall issue within 90 calendar days
30 after the stamped receipted date of the completed application:

31 (a) If the applicant meets the requirements, a

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1 professional certificate covering the classification, level,
 2 and area for which the applicant is deemed qualified and a
 3 document explaining the requirements for renewal of the
 4 professional certificate; or

5 (b) If the applicant meets the requirements and if
 6 requested by an employing school district or an employing
 7 private school with a professional education competence
 8 demonstration program pursuant to paragraphs (5)(f) and
 9 (7)(b), a temporary certificate covering the classification,
 10 level, and area for which the applicant is deemed qualified
 11 and an official statement of status of eligibility; or

12 (c)(b) If an applicant does not meet the requirements
 13 for either certificate, an official statement of status of
 14 eligibility.

15
 16 The statement of status of eligibility must advise the
 17 applicant of any qualifications that must be completed to
 18 qualify for certification. Each statement of status of
 19 eligibility is valid for 3 years after its date of issuance,
 20 except as provided in paragraph (2)(d).

21 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
 22 certification, a person must:

23 (b) File an affidavit ~~a written statement, under oath,~~
 24 that the applicant subscribes to and will uphold the
 25 principles incorporated in the Constitution of the United
 26 States and the Constitution of the State of Florida and that
 27 the information provided in the application is true, accurate,
 28 and complete. The affidavit shall be by original signature or
 29 by electronic authentication. The affidavit shall include
 30 substantially the following warning:

31

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1 WARNING: Giving false information in order to obtain or renew
2 a Florida educator's certificate is a criminal offense under
3 Florida law. Anyone giving false information on this affidavit
4 is subject to criminal prosecution as well as disciplinary
5 action by the Education Practices Commission.

6 (d) Submit to background screening in accordance with
7 subsection (9) a fingerprint check from the Department of Law
8 Enforcement and the Federal Bureau of Investigation pursuant
9 to s. 1012.32. If the background screening indicates
10 fingerprint reports indicate a criminal history or if the
11 applicant acknowledges a criminal history, the applicant's
12 records shall be referred to the investigative section in the
13 Department of Education Bureau of Educator Standards for
14 review and determination of eligibility for certification. If
15 the applicant fails to provide the necessary documentation
16 requested by the department Bureau of Educator Standards
17 within 90 days after the date of the receipt of the certified
18 mail request, the statement of eligibility and pending
19 application shall become invalid.

20 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
21 demonstrating mastery of general knowledge are:

22 (a) Achievement of passing scores on basic skills
23 examination required by state board rule;

24 (b) Achievement of passing scores on the College Level
25 Academic Skills Test earned prior to July 1, 2002;

26 (c) A valid professional standard teaching certificate
27 issued by another state;

28 (d) A valid certificate issued by the National Board
29 for Professional Teaching Standards or a national educator
30 credentialing board approved by the State Board of Education;

31 or

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1 (e) Documentation of two semesters of successful
2 teaching in a community college, state university, or private
3 college or university that awards an associate or higher
4 degree and is an accredited institution or an institution of
5 higher education identified by the Department of Education as
6 having a quality program.

7 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable
8 means of demonstrating mastery of subject area knowledge are:

9 (a) Achievement of passing scores on subject area
10 examinations required by state board rule;

11 (b) Completion of the subject area specialization
12 requirements specified in state board rule and verification of
13 the attainment of the essential subject matter competencies by
14 the district school superintendent of the employing school
15 district or chief administrative officer of the employing
16 state-supported or private school for a subject area for which
17 a subject area examination has not been developed and required
18 by state board rule;

19 (c) Completion of the subject area specialization
20 requirements specified in state board rule for a subject
21 coverage requiring a master's or higher degree and achievement
22 of a passing score on the subject area examination specified
23 in state board rule;

24 (d) A valid professional standard teaching certificate
25 issued by another state; or

26 (e) A valid certificate issued by the National Board
27 for Professional Teaching Standards or a national educator
28 credentialing board approved by the State Board of Education.

29 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
30 COMPETENCE.--Acceptable means of demonstrating mastery of
31 professional preparation and education competence are:

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1 (a) Completion of an approved teacher preparation
2 program at a postsecondary educational institution within this
3 state and achievement of a passing score on the professional
4 education competency examination required by state board rule;

5 (b) Completion of a teacher preparation program at a
6 postsecondary educational institution outside Florida and
7 achievement of a passing score on the professional education
8 competency examination required by state board rule;

9 (c) A valid professional standard teaching certificate
10 issued by another state;

11 (d) A valid certificate issued by the National Board
12 for Professional Teaching Standards or a national educator
13 credentialing board approved by the State Board of Education;

14 (e) Documentation of two semesters of successful
15 teaching in a community college, state university, or private
16 college or university that awards an associate or higher
17 degree and is an accredited institution or an institution of
18 higher education identified by the Department of Education as
19 having a quality program;

20 (f) Completion of professional preparation courses as
21 specified in state board rule, successful completion of a
22 professional education competence demonstration program
23 pursuant to paragraph (7)(b), and achievement of a passing
24 score on the professional education competency examination
25 required by state board rule; ~~or~~

26 (g) Successful completion of a professional
27 preparation alternative certification and education competency
28 program, outlined in paragraph (7)(a); or

29 (h) Successful completion of an alternative
30 certification program pursuant to s. 1004.85 and achievement
31 of a passing score on the professional education competency

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1 examination required by rule of the State Board of Education.

2 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
3 PERIODICALLY.--

4 (a) Each person who seeks certification under this
5 chapter must meet level 2 screening requirements as described
6 in s. 1012.32 unless a level 2 screening has been conducted by
7 a district school board or the Department of Education within
8 12 months before the date the person initially obtains
9 certification under this chapter, the results of which are
10 submitted to the district school board or to the Department of
11 Education.

12 (b) A person may not receive a certificate under this
13 chapter until the level 2 screening has been completed and the
14 results have been submitted to the Department of Education or
15 to the district school superintendent of the school district
16 that employs the person. Every 5 years after obtaining initial
17 certification, each person who is required to be certified
18 under this chapter must meet level 2 screening requirements as
19 described in s. 1012.32, at which time the school district
20 shall request the Department of Law Enforcement to forward the
21 fingerprints to the Federal Bureau of Investigation for the
22 level 2 screening. If, for any reason after obtaining initial
23 certification, the fingerprints of a person who is required to
24 be certified under this chapter are not retained by the
25 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
26 the person must file a complete set of fingerprints with the
27 district school superintendent of the employing school
28 district. Upon submission of fingerprints for this purpose,
29 the school district shall request the Department of Law
30 Enforcement to forward the fingerprints to the Federal Bureau
31 of Investigation for the level 2 screening, and the

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1 fingerprints shall be retained by the Department of Law
2 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
3 state and federal criminal history check required by level 2
4 screening may be borne by the district school board or the
5 employee. Under penalty of perjury, each person who is
6 certified under this chapter must agree to inform his or her
7 employer within 48 hours if convicted of any disqualifying
8 offense while he or she is employed in a position for which
9 such certification is required.

10 (c) If it is found under s. 1012.796 that a person who
11 is employed in a position requiring certification under this
12 chapter does not meet the level 2 screening requirements, the
13 person's certification shall be immediately revoked or
14 suspended and he or she shall be immediately suspended from
15 the position requiring certification.

16 Section 16. Section 1012.561, Florida Statutes, is
17 created to read:

18 1012.561 Address of record.--Each certified educator
19 or applicant for certification is solely responsible for
20 maintaining his or her current address with the Department of
21 Education and for notifying the department in writing of a
22 change of address. By January 1, 2005, each educator and
23 applicant for certification must have on file with the
24 department a current mailing address. Thereafter, a certified
25 educator or applicant for certification who is employed by a
26 district school board shall notify his or her employing school
27 district within 10 days after a change of address. At a
28 minimum, the employing district school board shall notify the
29 department monthly of the addresses of the certified educators
30 or applicants for certification in the manner prescribed by
31 the department. A certified educator or applicant for

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1 certification who is not employed by a district school board
2 shall personally notify the department in writing within 30
3 days after a change of address. The department shall permit
4 electronic notification; however, it is the responsibility of
5 the certified educator or applicant for certification to
6 ensure that the department has received the electronic
7 notification.

8 Section 17. Section 1012.57, Florida Statutes, is
9 amended to read:

10 1012.57 Certification of adjunct educators.--

11 (1) Notwithstanding the provisions of ss. 1012.32,
12 1012.55, and 1012.56, or any other provision of law or rule to
13 the contrary, district school boards shall adopt rules to
14 allow for the issuance of an adjunct teaching certificate to
15 any applicant who fulfills the requirements of s.

16 1012.56(2)(a)-(f) and (9) and who has expertise in the subject
17 area to be taught. An applicant shall be considered to have
18 expertise in the subject area to be taught if the applicant
19 demonstrates sufficient subject area mastery through passage
20 of a subject area test. The adjunct teaching certificate shall
21 be used for part-time teaching positions. The intent of this
22 provision is to allow school districts to tap the wealth of
23 talent and expertise represented in Florida's citizens who may
24 wish to teach part-time in a Florida public school by
25 permitting school districts to issue adjunct certificates to
26 qualified applicants. Adjunct certificateholders should be
27 used as a strategy to reduce the teacher shortage; thus,
28 adjunct certificateholders should supplement a school's
29 instructional staff, not supplant it. Each school principal
30 shall assign an experienced peer mentor to assist the adjunct
31 teaching certificateholder during the certificateholder's

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1 first year of teaching, and an adjunct certificateholder may
2 participate in a district's new teacher training program.
3 District school boards shall provide the adjunct teaching
4 certificateholder an orientation in classroom management prior
5 to assigning the certificateholder to a school. Each adjunct
6 teaching certificate is valid for 5 school years and is
7 renewable if the applicant has received satisfactory
8 performance evaluations during each year of teaching under
9 adjunct teaching certification.

10 (2) Individuals who are certified and employed under
11 ~~pursuant to~~ this section shall have the same rights and
12 protection of laws as teachers certified under ~~pursuant to~~ s.
13 1012.56.

14 Section 18. Paragraph (d) of subsection (3) of section
15 1012.585, Florida Statutes, is amended to read:

16 1012.585 Process for renewal of professional
17 certificates.--

18 (3) For the renewal of a professional certificate, the
19 following requirements must be met:

20 (d) The State Board of Education shall adopt rules for
21 the expanded use of training for renewal of the professional
22 certificate for educators who are required to complete
23 training in teaching students of limited English proficiency
24 and training in the teaching of reading as follows:

25 1. A teacher who holds a professional certificate may
26 use college credits or inservice points completed in
27 English-for-Speakers-of-Other-Languages training and training
28 in the teaching of reading in excess of 6 semester hours
29 during one certificate-validity period toward renewal of the
30 professional certificate during the subsequent validity
31 periods.

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1 2. A teacher who holds a temporary certificate may use
2 college credits or inservice points completed in
3 English-for-Speakers-of-Other-Languages training and training
4 in the teaching of reading toward renewal of the teacher's
5 first professional certificate. Such training must not have
6 been included within the degree program, and the teacher's
7 temporary and professional certificates must be issued for
8 consecutive school years.

9 Section 19. Subsection (8) of section 1012.79, Florida
10 Statutes, is amended to read:

11 1012.79 Education Practices Commission;
12 organization.--

13 (8)(a) The commission shall, from time to time,
14 designate members of the commission to serve on panels for the
15 purpose of reviewing and issuing final orders upon cases
16 presented to the commission. A case concerning a complaint
17 against a teacher shall be reviewed and a final order thereon
18 shall be entered by a panel composed of five ~~seven~~ commission
19 members, three ~~four~~ of whom shall be teachers. A case
20 concerning a complaint against an administrator shall be
21 reviewed and a final order thereon shall be entered by a panel
22 composed of five ~~seven~~ commission members, three ~~four~~ of whom
23 shall be administrators.

24 (b) A majority of a quorum of a panel of the
25 commission shall have final agency authority in all cases
26 involving the revocation, suspension, or other disciplining of
27 certificates of teachers and school administrators. A majority
28 of the membership of the panel shall constitute a quorum. The
29 district school board shall retain the authority to discipline
30 teachers and administrators pursuant to law.

31 Section 20. Subsections (1) and (6) of section

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1 1012.795, Florida Statutes, are amended to read:

2 1012.795 Education Practices Commission; authority to
3 discipline.--

4 (1) The Education Practices Commission may suspend the
5 educator certificate of any person as defined in s. 1012.01(2)
6 or (3) for a period of time not to exceed 5 3 years, thereby
7 denying that person the right to teach or otherwise be
8 employed by a district school board or public school in any
9 capacity requiring direct contact with students for that
10 period of time, after which the holder may return to teaching
11 as provided in subsection (4); may revoke the educator
12 certificate of any person, thereby denying that person the
13 right to teach or otherwise be employed by a district school
14 board or public school in any capacity requiring direct
15 contact with students for a period of time not to exceed 10
16 years, with reinstatement subject to the provisions of
17 subsection (4); may revoke permanently the educator
18 certificate of any person thereby denying that person the
19 right to teach or otherwise be employed by a district school
20 board or public school in any capacity requiring direct
21 contact with students; may suspend the educator certificate,
22 upon order of the court, of any person found to have a
23 delinquent child support obligation; or may impose any other
24 penalty provided by law, provided it can be shown that the
25 person:

26 (a) Obtained or attempted to obtain an ~~the~~ educator
27 certificate by fraudulent means.

28 (b) Has proved to be incompetent to teach or to
29 perform duties as an employee of the public school system or
30 to teach in or to operate a private school.

31 (c) Has been guilty of gross immorality or an act

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1 involving moral turpitude.

2 (d) Has had an educator certificate sanctioned by
 3 revocation, suspension, or surrender ~~revoked~~ in another state.

4 (e) Has been convicted of a misdemeanor, felony, or
 5 any other criminal charge, other than a minor traffic
 6 violation.

7 (f) Upon investigation, has been found guilty of
 8 personal conduct which seriously reduces that person's
 9 effectiveness as an employee of the district school board.

10 (g) Has breached a contract, as provided in s.
 11 1012.33(2).

12 (h) Has been the subject of a court order directing
 13 the Education Practices Commission to suspend the certificate
 14 as a result of a delinquent child support obligation.

15 (i) Has violated the Principles of Professional
 16 Conduct for the Education Profession prescribed by State Board
 17 of Education rules.

18 (j) Has otherwise violated the provisions of law, the
 19 penalty for which is the revocation of the educator
 20 certificate.

21 (k) Has violated any order of the Education Practices
 22 Commission.

23 (l) Has been the subject of a court order or plea
 24 agreement in any jurisdiction which requires the
 25 certificateholder to surrender or otherwise relinquish his or
 26 her educator's certificate. A surrender or relinquishment
 27 shall be for permanent revocation of the certificate. A person
 28 may not surrender or otherwise relinquish his or her
 29 certificate prior to a finding of probable cause by the
 30 commissioner as provided in s. 1012.796.

31 (6)(a) When an individual violates any provision of

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1 ~~the provisions of a settlement agreement enforced by a final~~
2 ~~order of the Education Practices Commission, the Department of~~
3 ~~Education may request an order to show cause ~~may~~ be issued by~~
4 ~~the clerk of the commission. The order shall require the~~
5 ~~individual to appear before the commission to show cause why~~
6 ~~further penalties should not be levied against the~~
7 ~~individual's certificate pursuant to the authority provided to~~
8 ~~the Education Practices Commission in subsection (1). The~~
9 ~~department may dismiss an order to show cause before the~~
10 ~~commission enters a final order. The Education Practices~~
11 ~~Commission may fashion further penalties under the authority~~
12 ~~of subsection (1) as it deems ~~deemed~~ appropriate when it~~
13 ~~considers the show cause order ~~is responded to by the~~~~
14 ~~individual.~~

15 (b) The Education Practices Commission shall adopt
16 rules requiring the issuance of ~~issue~~ a final order
17 permanently revoking an individual's Florida educator's
18 certificate if the individual has been the subject of
19 sanctions by the Education Practices Commission on two
20 previous occasions. However, an individual is not subject to
21 this provision if the only reason for sanctions on any
22 occasion was one or more administrative violations. For
23 purposes of this paragraph the term "administrative violation"
24 means the failure of the individual to submit annual
25 performance reports or the failure to pay a probation fee as
26 required by a final order of the Education Practices
27 Commission. Furthermore, any sanction levied by the Education
28 Practices Commission against an applicant for certification is
29 not subject to this provision, if the applicant was not
30 previously sanctioned by the Education Practices Commission.
31 ~~for a minimum of 1 year under the following circumstances:~~

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1 ~~1. If the individual:~~
2 ~~a. Has been found to have violated the provisions of~~
3 ~~this section, such that the Education Practices Commission has~~
4 ~~the authority to discipline the individual's Florida~~
5 ~~educator's certificate on two separate occasions;~~
6 ~~b. Has twice entered into a settlement agreement~~
7 ~~enforced by a final order of the Education Practices~~
8 ~~Commission; or~~
9 ~~c. Has been found to have violated the provisions of~~
10 ~~this section, such that the Education Practices Commission has~~
11 ~~the authority to discipline the individual's Florida~~
12 ~~educator's certificate on one occasion and entered into a~~
13 ~~settlement agreement enforced by a final order of the~~
14 ~~Education Practices Commission on one occasion; and~~
15 ~~2. A third finding of probable cause and a finding~~
16 ~~that the allegations are proven or admitted to is subsequently~~
17 ~~found by the Commissioner of Education.~~

18
19 ~~If, in the third instance, the individual enters into a~~
20 ~~settlement agreement with the Department of Education, that~~
21 ~~agreement shall also include a penalty revoking that~~
22 ~~individual's Florida educator's certificate for a minimum of 1~~
23 ~~year.~~

24 Section 21. Subsections (1), (7), and (8) of section
25 1012.796, Florida Statutes, are amended to read:

26 1012.796 Complaints against teachers and
27 administrators; procedure; penalties.--

28 (1)(a) The Department of Education shall cause to be
29 investigated expeditiously any complaint filed before it or
30 otherwise called to its attention which, if legally
31 sufficient, contains grounds for the revocation or suspension

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1 of a certificate or any other appropriate penalty as set forth
2 in subsection (7). The complaint is legally sufficient if it
3 contains the ultimate facts which show a violation has
4 occurred as provided in s. 1012.795. The department may
5 investigate or continue to investigate and take appropriate
6 action on a complaint even though the original complainant
7 withdraws the complaint or otherwise indicates a desire not to
8 cause it to be investigated or prosecuted to completion. The
9 department may investigate or continue to investigate and take
10 action on a complaint filed against a person whose educator
11 certificate has expired if the act or acts which are the basis
12 for the complaint were allegedly committed while that person
13 possessed an educator certificate.

14 (b) When an investigation is undertaken, the
15 department shall notify the certificateholder or applicant for
16 certification and the district school superintendent or the
17 university laboratory school, charter school, or private
18 school in which the certificateholder or applicant for
19 certification is employed or was employed at the time the
20 alleged offense occurred. In addition, the department in the
21 district in which the certificateholder is employed and shall
22 inform the certificateholder or applicant for certification of
23 the substance of any complaint which has been filed against
24 that certificateholder or applicant, unless the department
25 determines that such notification would be detrimental to the
26 investigation, in which case the department may withhold
27 notification.

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

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1 district shall include all information relating to the
2 complaint which is known to the school district at the time of
3 filing. Each district school board shall develop policies and
4 procedures to comply with this reporting requirement. The
5 district school board policies and procedures shall include
6 appropriate penalties for all personnel of the district school
7 board for nonreporting and procedures for promptly informing
8 the district school superintendent of each legally sufficient
9 complaint. The district school superintendent is charged with
10 knowledge of these policies and procedures. If the district
11 school superintendent has knowledge of a legally sufficient
12 complaint and does not report the complaint, or fails to
13 enforce the policies and procedures of the district school
14 board, and fails to comply with the requirements of this
15 subsection, in addition to other actions against
16 certificateholders authorized by law, the district school
17 superintendent shall be subject to penalties as specified in
18 s. 1001.51(12) ~~s. 1001.51(13)~~. This paragraph does not limit
19 or restrict the power and duty of the department to
20 investigate complaints as provided in paragraphs (a) and (b),
21 regardless of the school district's untimely filing, or
22 failure to file, complaints and followup reports.

23 (d) Notwithstanding any other law, all law enforcement
24 agencies, state attorneys, social service agencies, district
25 school boards, and the Division of Administrative Hearings
26 shall fully cooperate with and, upon request, shall provide
27 unredacted documents to the Department of Education to further
28 investigations and prosecutions conducted pursuant to this
29 section. Any document received pursuant to this paragraph may
30 not be redisclosed except as authorized by law.

31 (7) A panel of the commission shall enter a final

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1 order either dismissing the complaint or imposing one or more
2 of the following penalties:

3 (a) Denial of an application for a teaching
4 certificate or for an administrative or supervisory
5 endorsement on a teaching certificate. The denial may provide
6 that the applicant may not reapply for certification, and that
7 the department may refuse to consider that applicant's
8 application, for a specified period of time or permanently.

9 (b) Revocation or suspension of a certificate.

10 (c) Imposition of an administrative fine not to exceed
11 \$2,000 for each count or separate offense.

12 (d) Placement of the teacher, administrator, or
13 supervisor on probation for a period of time and subject to
14 such conditions as the commission may specify, including
15 requiring the certified teacher, administrator, or supervisor
16 to complete additional appropriate college courses or work
17 with another certified educator, with the administrative costs
18 of monitoring the probation assessed to the educator placed on
19 probation. An educator who has been placed on probation shall,
20 at a minimum:

21 1. Immediately notify the investigative office in the
22 Department of Education upon employment or termination of
23 employment in the state in any public or private position
24 requiring a Florida educator's certificate.

25 2. Have his or her immediate supervisor submit annual
26 performance reports to the investigative office in the
27 Department of Education.

28 3. Pay to the commission within the first 6 months of
29 each probation year the administrative costs of monitoring
30 probation assessed to the educator.

31 4. Violate no law and shall fully comply with all

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1 district school board policies, school rules, and State Board
 2 of Education rules.

3 5. Satisfactorily perform his or her assigned duties
 4 in a competent, professional manner.

5 6. Bear all costs of complying with the terms of a
 6 final order entered by the commission.

7 (e) Restriction of the authorized scope of practice of
 8 the teacher, administrator, or supervisor.

9 (f) Reprimand of the teacher, administrator, or
 10 supervisor in writing, with a copy to be placed in the
 11 certification file of such person.

12 (g) Imposition of an administrative sanction, upon a
 13 person whose teaching certificate has expired, for an act or
 14 acts committed while that person possessed a teaching
 15 certificate or an expired certificate subject to late renewal,
 16 which sanction bars that person from applying for a new
 17 certificate for a period of 10 years or less, or permanently.

18 (h) Refer the teacher, administrator, or supervisor to
 19 the recovery network program provided in s. 1012.798 under
 20 such terms and conditions as the commission may specify.

21 (8) Violations of the provisions of a final order
 22 ~~probation~~ shall result in an order to show cause issued by the
 23 clerk of the Education Practices Commission if requested by
 24 the Department of Education. Upon failure of the educator
 25 ~~probationer~~, at the time and place stated in the order, to
 26 show cause satisfactorily to the Education Practices
 27 Commission why a penalty for violating the provisions of a
 28 final order ~~probation~~ should not be imposed, the Education
 29 Practices Commission shall impose whatever penalty is
 30 appropriate as established in s. 1012.795(6). The Department
 31 of Education shall prosecute the individual ordered to show

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1 cause before the Education Practices Commission. The
 2 Department of Education and the individual may enter into a
 3 settlement agreement, which shall be presented to the
 4 Education Practices Commission for consideration. Any
 5 probation period will be tolled when an order to show cause
 6 has been issued until the issue is resolved by the Education
 7 Practices Commission; however, the other terms and conditions
 8 of the final order shall be in full force and effect until
 9 changed by the Education Practices Commission.

10 Section 22. Subsections (1), (3), (6), and (10) of
 11 section 1012.798, Florida Statutes, are amended to read:

12 1012.798 Recovery network program for educators.--

13 (1) RECOVERY NETWORK ESTABLISHED.--There is created
 14 within the Department of Education, a recovery network program
 15 to assist educators who are impaired as a result of alcohol
 16 abuse, drug abuse, or a mental condition to obtain treatment
 17 ~~in obtaining treatment to permit their continued contribution~~
 18 ~~to the education profession.~~ Any person who has applied for
 19 or holds certification issued by the department pursuant to s.
 20 1012.56 is eligible for the program assistance. The individual
 21 may access the program voluntarily or be directed to
 22 participate through a deferred prosecution agreement with the
 23 Commissioner of Education or a final order of the Education
 24 Practices Commission pursuant to s. 1012.796.

25 (3) PURPOSE.--The recovery network program shall
 26 assist educators in obtaining treatment and services from
 27 approved treatment providers, but each impaired educator must
 28 pay for his or her treatment under terms and conditions agreed
 29 upon by the impaired educator and the treatment provider. A
 30 person who is admitted to the recovery network program must
 31 contract with the treatment provider and the program. The

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1 treatment contract must prescribe the type of treatment and
2 the responsibilities of the impaired educator and of the
3 provider and must provide that the impaired educator's
4 progress will be monitored by the recovery network program.

5 (6) PARTICIPATION.--The recovery network program shall
6 operate independently of employee assistance programs operated
7 by local school districts, and the powers and duties of school
8 districts to make employment decisions, including disciplinary
9 decisions, is not affected except as provided in this section:

10 (a) A person who is not subject to investigation or
11 proceedings under ss. 1012.795 and 1012.796 may voluntarily
12 seek assistance through a local school district employee
13 assistance program for which he or she is eligible and through
14 the recovery network, regardless of action taken against him
15 or her by a school district. Voluntarily seeking assistance
16 alone does not subject a person to proceedings under ss.
17 1012.795 and 1012.796.

18 (b) A person who is subject to investigation or
19 proceedings under ss. 1012.795 and 1012.796 may be required to
20 participate in the program. The program may approve a local
21 employee assistance program as a treatment provider or as a
22 means of securing a treatment provider. The program and the
23 local school district shall cooperate so that the person may
24 obtain treatment without limiting the school district's
25 statutory powers and duties as an employer or the disciplinary
26 procedures under ss. 1012.795 and 1012.796.

27 (c) A person may be enrolled in a treatment program by
28 the recovery network program after an investigation pursuant
29 to s. 1012.796 has commenced, if the person ~~A person who has~~
30 ~~not previously been under investigation by the department may~~
31 ~~be enrolled in a treatment program by the recovery network~~

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1 ~~after an investigation has commenced, if the person:~~

2 1. Acknowledges his or her impairment.

3 2. Agrees to evaluation, as approved by the recovery
4 network.

5 3. Agrees to enroll in an appropriate treatment
6 program approved by the recovery network.

7 4. Executes releases for all medical and treatment
8 records regarding his or her impairment and participation in a
9 treatment program to the recovery network, pursuant to 42
10 U.S.C. s. 290dd-3 and the federal regulations adopted
11 thereunder.

12 5. Enters into a deferred prosecution agreement with
13 the commissioner, which provides that no prosecution shall be
14 instituted concerning the matters enumerated in the agreement
15 if the person is properly enrolled in the treatment program
16 and successfully completes the program as certified by the
17 recovery network. The commissioner is under no obligation to
18 enter into a deferred prosecution agreement with the educator
19 but may do so if he or she determines that it is in the best
20 interest of the educational program of the state and the
21 educator.

22 6. Has not previously entered a substance abuse
23 program.

24 7. Is not being investigated for any action involving
25 commission of a felony or violent act against another person.

26 8. Has not had multiple arrests for minor drug use,
27 possession, or abuse of alcohol.

28 (10) DECLARATION OF INELIGIBILITY.--

29 (a) A person may be declared ineligible for further
30 assistance from the recovery network program if he or she does
31 not progress satisfactorily in a treatment program or leaves a

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1 prescribed program or course of treatment without the approval
2 of the treatment provider.

3 (b) The determination of ineligibility must be made by
4 ~~the commissioner in cases referred to him or her by the~~
5 program administrator or designee after review of the
6 circumstances of the case. ~~Before referring a case to the~~
7 ~~commissioner, the administrator must discuss the circumstances~~
8 ~~with the treatment provider. The commissioner may direct the~~
9 ~~Office of Professional Practices Services to investigate the~~
10 ~~case and provide a report.~~

11 (c) If treatment through a treatment contract with the
12 program is a condition of a deferred prosecution agreement,
13 and the program administrator ~~commissioner~~ determines that the
14 person is ineligible for further assistance, the commissioner
15 may agree to modify the terms and conditions of the deferred
16 prosecution agreement or may issue an administrative
17 complaint, pursuant to s. 1012.796, alleging the charges
18 regarding which prosecution was deferred. The person may
19 dispute the determination as an affirmative defense to the
20 administrative complaint by including with his or her request
21 for hearing on the administrative complaint a written
22 statement setting forth the facts and circumstances that show
23 that the determination of ineligibility was erroneous. If
24 administrative proceedings regarding the administrative
25 complaint, pursuant to ss. 120.569 and 120.57, result in a
26 finding that the determination of ineligibility was erroneous,
27 the person is eligible to participate in the program. If the
28 determination of ineligibility was the only reason for setting
29 aside the deferred prosecution agreement and issuing the
30 administrative complaint and the administrative proceedings
31 result in a finding that the determination was erroneous, the

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1 | complaint shall be dismissed and the deferred prosecution
2 | agreement reinstated without prejudice to the commissioner's
3 | right to reissue the administrative complaint for other
4 | breaches of the agreement.

5 | (d) If treatment through ~~a treatment contract~~ with the
6 | program is a condition of a final order of the Education
7 | Practices Commission, the program administrator's
8 | ~~commissioner's~~ determination of ineligibility constitutes a
9 | finding of ~~probable cause~~ that the person failed to comply
10 | with the final order. Pursuant to ss. 1012.795 and 1012.796,
11 | upon the request of the Department of Education, the clerk of
12 | the Education Practices Commission shall issue to the educator
13 | an order to show cause, or the Commissioner of Education may
14 | issue an administrative complaint ~~The commissioner shall issue~~
15 | ~~an administrative complaint, and the case shall proceed under~~
16 | ~~ss. 1012.795 and 1012.796,~~ in the same manner as for cases
17 | based on a failure to comply with an order of the Education
18 | Practices Commission.

19 | (e) If the person voluntarily entered into a treatment
20 | contract with the program, the program administrator
21 | ~~commissioner~~ shall issue a written notice stating the reasons
22 | for the determination of ineligibility. Within 20 days after
23 | the date of such notice, the person may contest the
24 | determination of ineligibility pursuant to ss. 120.569 and
25 | 120.57.

26 | Section 23. For the purpose of incorporating the
27 | amendment made by this act to section 1012.01, Florida
28 | Statutes, in a reference thereto, paragraph (b) of subsection
29 | (1) of section 112.1915, Florida Statutes, is reenacted to
30 | read:

31 | 112.1915 Teachers and school administrators; death

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1 benefits.--Any other provision of law to the contrary
2 notwithstanding:

3 (1) As used in this section, the term:

4 (b) "Teacher" means any instructional staff personnel
5 as described in s. 1012.01(2).

6 Section 24. For the purpose of incorporating the
7 amendment made by this act to section 1012.01, Florida
8 Statutes, in a reference thereto, paragraph (b) of subsection
9 (9) and paragraph (a) of subsection (13) of section 121.091,
10 Florida Statutes, are reenacted to read:

11 121.091 Benefits payable under the system.--Benefits
12 may not be paid under this section unless the member has
13 terminated employment as provided in s. 121.021(39)(a) or
14 begun participation in the Deferred Retirement Option Program
15 as provided in subsection (13), and a proper application has
16 been filed in the manner prescribed by the department. The
17 department may cancel an application for retirement benefits
18 when the member or beneficiary fails to timely provide the
19 information and documents required by this chapter and the
20 department's rules. The department shall adopt rules
21 establishing procedures for application for retirement
22 benefits and for the cancellation of such application when the
23 required information or documents are not received.

24 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

25 (b)1. Any person who is retired under this chapter,
26 except under the disability retirement provisions of
27 subsection (4), may be reemployed by any private or public
28 employer after retirement and receive retirement benefits and
29 compensation from his or her employer without any limitations,
30 except that a person may not receive both a salary from
31 reemployment with any agency participating in the Florida

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1 Retirement System and retirement benefits under this chapter
2 for a period of 12 months immediately subsequent to the date
3 of retirement. However, a DROP participant shall continue
4 employment and receive a salary during the period of
5 participation in the Deferred Retirement Option Program, as
6 provided in subsection (13).

7 2. Any person to whom the limitation in subparagraph
8 1. applies who violates such reemployment limitation and who
9 is reemployed with any agency participating in the Florida
10 Retirement System before completion of the 12-month limitation
11 period shall give timely notice of this fact in writing to the
12 employer and to the division and shall have his or her
13 retirement benefits suspended for the balance of the 12-month
14 limitation period. Any person employed in violation of this
15 paragraph and any employing agency which knowingly employs or
16 appoints such person without notifying the Division of
17 Retirement to suspend retirement benefits shall be jointly and
18 severally liable for reimbursement to the retirement trust
19 fund of any benefits paid during the reemployment limitation
20 period. To avoid liability, such employing agency shall have
21 a written statement from the retiree that he or she is not
22 retired from a state-administered retirement system. Any
23 retirement benefits received while reemployed during this
24 reemployment limitation period shall be repaid to the
25 retirement trust fund, and retirement benefits shall remain
26 suspended until such repayment has been made. Benefits
27 suspended beyond the reemployment limitation shall apply
28 toward repayment of benefits received in violation of the
29 reemployment limitation.

30 3. A district school board may reemploy a retired
31 member as a substitute or hourly teacher, education

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1 | paraprofessional, transportation assistant, bus driver, or
2 | food service worker on a noncontractual basis after he or she
3 | has been retired for 1 calendar month, in accordance with s.
4 | 121.021(39). A district school board may reemploy a retired
5 | member as instructional personnel, as defined in s.
6 | 1012.01(2)(a), on an annual contractual basis after he or she
7 | has been retired for 1 calendar month, in accordance with s.
8 | 121.021(39). Any other retired member who is reemployed within
9 | 1 calendar month after retirement shall void his or her
10 | application for retirement benefits. District school boards
11 | reemploying such teachers, education paraprofessionals,
12 | transportation assistants, bus drivers, or food service
13 | workers are subject to the retirement contribution required by
14 | subparagraph 7.

15 | 4. A community college board of trustees may reemploy
16 | a retired member as an adjunct instructor, that is, an
17 | instructor who is noncontractual and part-time, or as a
18 | participant in a phased retirement program within the Florida
19 | Community College System, after he or she has been retired for
20 | 1 calendar month, in accordance with s. 121.021(39). Any
21 | retired member who is reemployed within 1 calendar month after
22 | retirement shall void his or her application for retirement
23 | benefits. Boards of trustees reemploying such instructors are
24 | subject to the retirement contribution required in
25 | subparagraph 7. A retired member may be reemployed as an
26 | adjunct instructor for no more than 780 hours during the first
27 | 12 months of retirement. Any retired member reemployed for
28 | more than 780 hours during the first 12 months of retirement
29 | shall give timely notice in writing to the employer and to the
30 | division of the date he or she will exceed the limitation.
31 | The division shall suspend his or her retirement benefits for

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1 the remainder of the first 12 months of retirement. Any
2 person employed in violation of this subparagraph and any
3 employing agency which knowingly employs or appoints such
4 person without notifying the Division of Retirement to suspend
5 retirement benefits shall be jointly and severally liable for
6 reimbursement to the retirement trust fund of any benefits
7 paid during the reemployment limitation period. To avoid
8 liability, such employing agency shall have a written
9 statement from the retiree that he or she is not retired from
10 a state-administered retirement system. Any retirement
11 benefits received by a retired member while reemployed in
12 excess of 780 hours during the first 12 months of retirement
13 shall be repaid to the Retirement System Trust Fund, and
14 retirement benefits shall remain suspended until repayment is
15 made. Benefits suspended beyond the end of the retired
16 member's first 12 months of retirement shall apply toward
17 repayment of benefits received in violation of the 780-hour
18 reemployment limitation.

19 5. The State University System may reemploy a retired
20 member as an adjunct faculty member or as a participant in a
21 phased retirement program within the State University System
22 after the retired member has been retired for 1 calendar
23 month, in accordance with s. 121.021(39). Any retired member
24 who is reemployed within 1 calendar month after retirement
25 shall void his or her application for retirement benefits.
26 The State University System is subject to the retired
27 contribution required in subparagraph 7., as appropriate. A
28 retired member may be reemployed as an adjunct faculty member
29 or a participant in a phased retirement program for no more
30 than 780 hours during the first 12 months of his or her
31 retirement. Any retired member reemployed for more than 780

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1 hours during the first 12 months of retirement shall give
2 timely notice in writing to the employer and to the division
3 of the date he or she will exceed the limitation. The
4 division shall suspend his or her retirement benefits for the
5 remainder of the first 12 months of retirement. Any person
6 employed in violation of this subparagraph and any employing
7 agency which knowingly employs or appoints such person without
8 notifying the Division of Retirement to suspend retirement
9 benefits shall be jointly and severally liable for
10 reimbursement to the retirement trust fund of any benefits
11 paid during the reemployment limitation period. To avoid
12 liability, such employing agency shall have a written
13 statement from the retiree that he or she is not retired from
14 a state-administered retirement system. Any retirement
15 benefits received by a retired member while reemployed in
16 excess of 780 hours during the first 12 months of retirement
17 shall be repaid to the Retirement System Trust Fund, and
18 retirement benefits shall remain suspended until repayment is
19 made. Benefits suspended beyond the end of the retired
20 member's first 12 months of retirement shall apply toward
21 repayment of benefits received in violation of the 780-hour
22 reemployment limitation.

23 6. The Board of Trustees of the Florida School for the
24 Deaf and the Blind may reemploy a retired member as a
25 substitute teacher, substitute residential instructor, or
26 substitute nurse on a noncontractual basis after he or she has
27 been retired for 1 calendar month, in accordance with s.
28 121.021(39). Any retired member who is reemployed within 1
29 calendar month after retirement shall void his or her
30 application for retirement benefits. The Board of Trustees of
31 the Florida School for the Deaf and the Blind reemploying such

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1 teachers, residential instructors, or nurses is subject to the
2 retirement contribution required by subparagraph 7.
3 Reemployment of a retired member as a substitute teacher,
4 substitute residential instructor, or substitute nurse is
5 limited to 780 hours during the first 12 months of his or her
6 retirement. Any retired member reemployed for more than 780
7 hours during the first 12 months of retirement shall give
8 timely notice in writing to the employer and to the division
9 of the date he or she will exceed the limitation. The division
10 shall suspend his or her retirement benefits for the remainder
11 of the first 12 months of retirement. Any person employed in
12 violation of this subparagraph and any employing agency which
13 knowingly employs or appoints such person without notifying
14 the Division of Retirement to suspend retirement benefits
15 shall be jointly and severally liable for reimbursement to the
16 retirement trust fund of any benefits paid during the
17 reemployment limitation period. To avoid liability, such
18 employing agency shall have a written statement from the
19 retiree that he or she is not retired from a
20 state-administered retirement system. Any retirement benefits
21 received by a retired member while reemployed in excess of 780
22 hours during the first 12 months of retirement shall be repaid
23 to the Retirement System Trust Fund, and his or her retirement
24 benefits shall remain suspended until payment is made.
25 Benefits suspended beyond the end of the retired member's
26 first 12 months of retirement shall apply toward repayment of
27 benefits received in violation of the 780-hour reemployment
28 limitation.

29 7. The employment by an employer of any retiree or
30 DROP participant of any state-administered retirement system
31 shall have no effect on the average final compensation or

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1 years of creditable service of the retiree or DROP
2 participant. Prior to July 1, 1991, upon employment of any
3 person, other than an elected officer as provided in s.
4 121.053, who has been retired under any state-administered
5 retirement program, the employer shall pay retirement
6 contributions in an amount equal to the unfunded actuarial
7 liability portion of the employer contribution which would be
8 required for regular members of the Florida Retirement System.
9 Effective July 1, 1991, contributions shall be made as
10 provided in s. 121.122 for retirees with renewed membership or
11 subsection (13) with respect to DROP participants.

12 8. Any person who has previously retired and who is
13 holding an elective public office or an appointment to an
14 elective public office eligible for the Elected Officers'
15 Class on or after July 1, 1990, shall be enrolled in the
16 Florida Retirement System as provided in s. 121.053(1)(b) or,
17 if holding an elective public office that does not qualify for
18 the Elected Officers' Class on or after July 1, 1991, shall be
19 enrolled in the Florida Retirement System as provided in s.
20 121.122, and shall continue to receive retirement benefits as
21 well as compensation for the elected officer's service for as
22 long as he or she remains in elective office. However, any
23 retired member who served in an elective office prior to July
24 1, 1990, suspended his or her retirement benefit, and had his
25 or her Florida Retirement System membership reinstated shall,
26 upon retirement from such office, have his or her retirement
27 benefit recalculated to include the additional service and
28 compensation earned.

29 9. Any person who is holding an elective public office
30 which is covered by the Florida Retirement System and who is
31 concurrently employed in nonelected covered employment may

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1 elect to retire while continuing employment in the elective
2 public office, provided that he or she shall be required to
3 terminate his or her nonelected covered employment. Any
4 person who exercises this election shall receive his or her
5 retirement benefits in addition to the compensation of the
6 elective office without regard to the time limitations
7 otherwise provided in this subsection. No person who seeks to
8 exercise the provisions of this subparagraph, as the same
9 existed prior to May 3, 1984, shall be deemed to be retired
10 under those provisions, unless such person is eligible to
11 retire under the provisions of this subparagraph, as amended
12 by chapter 84-11, Laws of Florida.

13 10. The limitations of this paragraph apply to
14 reemployment in any capacity with an "employer" as defined in
15 s. 121.021(10), irrespective of the category of funds from
16 which the person is compensated.

17 11. An employing agency may reemploy a retired member
18 as a firefighter or paramedic after the retired member has
19 been retired for 1 calendar month, in accordance with s.
20 121.021(39). Any retired member who is reemployed within 1
21 calendar month after retirement shall void his or her
22 application for retirement benefits. The employing agency
23 reemploying such firefighter or paramedic is subject to the
24 retired contribution required in subparagraph 8. Reemployment
25 of a retired firefighter or paramedic is limited to no more
26 than 780 hours during the first 12 months of his or her
27 retirement. Any retired member reemployed for more than 780
28 hours during the first 12 months of retirement shall give
29 timely notice in writing to the employer and to the division
30 of the date he or she will exceed the limitation. The division
31 shall suspend his or her retirement benefits for the remainder

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1 of the first 12 months of retirement. Any person employed in
2 violation of this subparagraph and any employing agency which
3 knowingly employs or appoints such person without notifying
4 the Division of Retirement to suspend retirement benefits
5 shall be jointly and severally liable for reimbursement to the
6 Retirement System Trust Fund of any benefits paid during the
7 reemployment limitation period. To avoid liability, such
8 employing agency shall have a written statement from the
9 retiree that he or she is not retired from a
10 state-administered retirement system. Any retirement benefits
11 received by a retired member while reemployed in excess of 780
12 hours during the first 12 months of retirement shall be repaid
13 to the Retirement System Trust Fund, and retirement benefits
14 shall remain suspended until repayment is made. Benefits
15 suspended beyond the end of the retired member's first 12
16 months of retirement shall apply toward repayment of benefits
17 received in violation of the 780-hour reemployment limitation.

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

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1 employment for the specified period of DROP. Participation in
2 the DROP by an eligible member beyond the initial 60-month
3 period as authorized in this subsection shall be on an annual
4 contractual basis for all participants.

5 (a) Eligibility of member to participate in the
6 DROP.--All active Florida Retirement System members in a
7 regularly established position, and all active members of
8 either the Teachers' Retirement System established in chapter
9 238 or the State and County Officers' and Employees'
10 Retirement System established in chapter 122 which systems are
11 consolidated within the Florida Retirement System under s.
12 121.011, are eligible to elect participation in the DROP
13 provided that:

14 1. The member is not a renewed member of the Florida
15 Retirement System under s. 121.122, or a member of the State
16 Community College System Optional Retirement Program under s.
17 121.051, the Senior Management Service Optional Annuity
18 Program under s. 121.055, or the optional retirement program
19 for the State University System under s. 121.35.

20 2. Except as provided in subparagraph 6., election to
21 participate is made within 12 months immediately following the
22 date on which the member first reaches normal retirement date,
23 or, for a member who reaches normal retirement date based on
24 service before he or she reaches age 62, or age 55 for Special
25 Risk Class members, election to participate may be deferred to
26 the 12 months immediately following the date the member
27 attains 57, or age 52 for Special Risk Class members. For a
28 member who first reached normal retirement date or the
29 deferred eligibility date described above prior to the
30 effective date of this section, election to participate shall
31 be made within 12 months after the effective date of this

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1 section. A member who fails to make an election within such
2 12-month limitation period shall forfeit all rights to
3 participate in the DROP. The member shall advise his or her
4 employer and the division in writing of the date on which the
5 DROP shall begin. Such beginning date may be subsequent to the
6 12-month election period, but must be within the 60-month or,
7 with respect to members who are instructional personnel
8 employed by the Florida School for the Deaf and the Blind and
9 who have received authorization by the Board of Trustees of
10 the Florida School for the Deaf and the Blind to participate
11 in the DROP beyond 60 months, or who are instructional
12 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12
13 and who have received authorization by the district school
14 superintendent to participate in the DROP beyond 60 months,
15 the 96-month limitation period as provided in subparagraph
16 (b)1. When establishing eligibility of the member to
17 participate in the DROP for the 60-month or, with respect to
18 members who are instructional personnel employed by the
19 Florida School for the Deaf and the Blind and who have
20 received authorization by the Board of Trustees of the Florida
21 School for the Deaf and the Blind to participate in the DROP
22 beyond 60 months, or who are instructional personnel as
23 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
24 received authorization by the district school superintendent
25 to participate in the DROP beyond 60 months, the 96-month
26 maximum participation period, the member may elect to include
27 or exclude any optional service credit purchased by the member
28 from the total service used to establish the normal retirement
29 date. A member with dual normal retirement dates shall be
30 eligible to elect to participate in DROP within 12 months
31 after attaining normal retirement date in either class.

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

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

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

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

22 b. Such participant and new employer shall notify the
23 division on forms required by the division as to the identity
24 of the new employer.

25 c. The new employer shall acknowledge, in writing, the
26 participant's DROP termination date, which may be extended but
27 not beyond the original 60-month or, with respect to members
28 who are instructional personnel employed by the Florida School
29 for the Deaf and the Blind and who have received authorization
30 by the Board of Trustees of the Florida School for the Deaf
31 and the Blind to participate in the DROP beyond 60 months, or

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1 who are instructional personnel as defined in s.
2 1012.01(2)(a)-(d) in grades K-12 and who have received
3 authorization by the district school superintendent to
4 participate in the DROP beyond 60 months, the 96-month period
5 provided in subparagraph (b)1., shall acknowledge liability
6 for any additional retirement contributions and interest
7 required if the participant fails to timely terminate
8 employment, and shall be subject to the adjustment required in
9 sub-subparagraph (c)5.d.

10 6. Effective July 1, 2001, for instructional personnel
11 as defined in s. 1012.01(2), election to participate in the
12 DROP shall be made at any time following the date on which the
13 member first reaches normal retirement date. The member shall
14 advise his or her employer and the division in writing of the
15 date on which the Deferred Retirement Option Program shall
16 begin. When establishing eligibility of the member to
17 participate in the DROP for the 60-month or, with respect to
18 members who are instructional personnel employed by the
19 Florida School for the Deaf and the Blind and who have
20 received authorization by the Board of Trustees of the Florida
21 School for the Deaf and the Blind to participate in the DROP
22 beyond 60 months, or who are instructional personnel as
23 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
24 received authorization by the district school superintendent
25 to participate in the DROP beyond 60 months, the 96-month
26 maximum participation period, as provided in subparagraph
27 (b)1., the member may elect to include or exclude any optional
28 service credit purchased by the member from the total service
29 used to establish the normal retirement date. A member with
30 dual normal retirement dates shall be eligible to elect to
31 participate in either class.

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1 Section 25. For the purpose of incorporating the
 2 amendment made by this act to section 1012.01, Florida
 3 Statutes, in a reference thereto, paragraph (b) of subsection
 4 (2) of section 1011.685, Florida Statutes, is reenacted to
 5 read:

6 1011.685 Class size reduction; operating categorical
 7 fund.--

8 (2) Class size reduction operating categorical funds
 9 shall be used by school districts for the following:

10 (b) For any lawful operating expenditure, if the
 11 district has met the constitutional maximums identified in s.
 12 1003.03(1) or the reduction of two students per year required
 13 by s. 1003.03(2); however, priority shall be given to increase
 14 salaries of classroom teachers as defined in s. 1012.01(2)(a)
 15 and to implement the salary career ladder defined in s.
 16 1012.231.

17 Section 26. For the purpose of incorporating the
 18 amendment made by this act to section 1012.01, Florida
 19 Statutes, in a reference thereto, paragraphs (a) and (b) of
 20 subsection (2) of section 1012.74, Florida Statutes, are
 21 reenacted to read:

22 1012.74 Florida educators professional liability
 23 insurance protection.--

24 (2)(a) Educator professional liability coverage for
 25 all instructional personnel, as defined by s. 1012.01(2), who
 26 are full-time personnel, as defined by the district school
 27 board policy, shall be provided by specific appropriations
 28 under the General Appropriations Act.

29 (b) Educator professional liability coverage shall be
 30 extended at cost to all instructional personnel, as defined by
 31 s. 1012.01(2), who are part-time personnel, as defined by the

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1 district school board policy, and choose to participate in the
2 state-provided program.

3 Section 27. This act shall take effect upon becoming a
4 law.

5

6

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

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

An act relating to education personnel;

14

amending s. 943.0585, F.S.; providing for the

15

expunging of criminal history records of

16

applicants for employment at certain schools;

17

amending s. 943.059, F.S.; providing an

18

exception to sealed records provisions for

19

applicants for employment at certain schools;

20

amending s. 1002.33, F.S.; requiring charter

21

school employees and governing board members to

22

undergo background screening; amending s.

23

1004.04, F.S.; revising certain criteria for

24

admission to approved teacher preparation

25

programs; requiring a certification ombudsman;

26

authorizing certain postsecondary institutions

27

to develop and implement short-term teacher

28

assistant experiences; creating s. 1004.85,

29

F.S.; providing a definition; providing for

30

postsecondary institutions to create educator

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preparation institutes; providing purpose of

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1 the institutes; authorizing institutes to offer
2 alternative educator certification programs;
3 requiring Department of Education response to a
4 request for approval; providing criteria for
5 alternative certification programs; providing
6 requirements for program participants;
7 providing for participants to receive a
8 credential signifying mastery of professional
9 preparation and education competence;
10 authorizing school districts to use an
11 alternative certification program at an
12 educator preparation institute to satisfy
13 certain requirements; requiring performance
14 evaluations; requiring certain criteria for
15 instructors; providing rulemaking authority;
16 amending s. 1012.01, F.S.; specifying that the
17 term "instructional personnel" includes K-12
18 personnel only; amending s. 1012.05, F.S.;
19 requiring guidelines for teacher mentors;
20 requiring electronic access to professional
21 resources for teachers; creating an Educator
22 Appreciation Week; requiring the Department of
23 Education to notify teachers of legislation and
24 rules that affect teachers; requiring school
25 districts to submit e-mail addresses of school
26 personnel to the Department of Education;
27 requiring action by the Commissioner of
28 Education in helping teachers meet highly
29 qualified teacher criteria; amending s.
30 1012.231, F.S.; requiring the BEST teacher
31 program to begin in 2005-2006; amending s.

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1 1012.32, F.S.; requiring background screening
2 for contractual personnel, charter school
3 personnel, and certain instructional and
4 noninstructional personnel; deleting provision
5 for probationary status for new employees
6 pending fingerprint processing; prohibiting
7 certain persons from providing services;
8 providing for appeals; providing for payment of
9 costs; deleting a refingerprinting requirement;
10 requiring the Department of Law Enforcement to
11 retain and enter fingerprints into the
12 statewide automated fingerprint identification
13 system; requiring the Department of Law
14 Enforcement to search arrest fingerprint cards
15 against retained fingerprints and to report
16 identified arrest records; providing school
17 district responsibilities and the imposition of
18 a fee; requiring refingerprinting for personnel
19 whose fingerprints are not retained; amending
20 s. 1012.33, F.S.; requiring district school
21 boards to recognize years of service of certain
22 employees; amending s. 1012.35, F.S.; providing
23 employment and training requirements for
24 substitute teachers; amending s. 1012.39, F.S.;
25 providing employment criteria for substitute
26 teachers; creating s. 1012.465, F.S.; requiring
27 background screening for certain
28 noninstructional personnel and contractors with
29 the school district; requiring such persons to
30 report conviction of a disqualifying offense;
31 providing for suspension of personnel who do

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1 not meet screening requirements; amending s.
2 1012.55, F.S.; providing departmental duties
3 relating to identification of appropriate
4 certification for certain instruction;
5 requiring background screening for certain
6 instructors; amending s. 1012.56, F.S.;
7 providing for the issuance of renewal
8 instructions and temporary certificates;
9 clarifying circumstances for issuance of a
10 status of eligibility statement; authorizing
11 the filing of an affidavit with the application
12 for a certificate; authorizing use of
13 alternative certificates for demonstrating
14 mastery of general knowledge, subject area
15 knowledge, and professional preparation and
16 education competence; authorizing an
17 alternative route for demonstrating mastery of
18 professional preparation and education
19 competence; requiring background screening for
20 educator certification; providing background
21 screening requirements; requiring reporting of
22 disqualifying offenses; providing for
23 suspension from a position and suspension or
24 revocation of certification; creating s.
25 1012.561, F.S.; requiring certified educators
26 and applicants for certification to maintain a
27 current address with the Department of
28 Education; amending s. 1012.57, F.S.; adding a
29 cross-reference to the background screening
30 requirements; amending s. 1012.585, F.S.;
31 requiring training in the teaching of reading

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1 for certified personnel who teach students who
2 have limited English proficiency; amending s.
3 1012.79, F.S.; reducing the membership of
4 Education Practice Commission review panels;
5 amending s. 1012.795, F.S.; increasing the
6 discipline options available to the Education
7 Practices Commission; amending s. 1012.796,
8 F.S.; revising the notice requirements and
9 other procedures concerning the investigation
10 of complaints against certified personnel and
11 applicants for certification; requiring other
12 state entities to provide information in
13 connection with investigations; providing the
14 conditions of probation; amending s. 1012.798,
15 F.S.; revising procedures for accessing the
16 recovery network program; reenacting ss.
17 112.1915(1)(b), 121.091(9)(b) and (13)(a),
18 1011.685(2)(b), and 1012.74(2)(a) and (b),
19 F.S., relating to death benefits, retirement
20 benefits, the operating categorical fund for
21 class size reduction, and educators
22 professional liability insurance protection, to
23 incorporate the amendment to s. 1012.01, F.S.,
24 in references thereto; providing an effective
25 date.

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