

By the Committee on Education; and Senator Constantine

304-2459-04

1                                   A bill to be entitled  
2           An act relating to education personnel;  
3           amending s. 943.0585, F.S.; providing for the  
4           expunging of criminal history records of  
5           applicants for employment at certain schools;  
6           amending s. 943.059, F.S.; providing an  
7           exception to sealed records provisions for  
8           applicants for employment at certain schools;  
9           amending s. 1002.33, F.S.; requiring charter  
10          school employees and governing board members to  
11          undergo background screening; amending s.  
12          1004.04, F.S.; revising certain criteria for  
13          admission to approved teacher preparation  
14          programs; requiring a certification ombudsman;  
15          authorizing certain postsecondary institutions  
16          to develop and implement short-term teacher  
17          assistant experiences; creating s. 1004.85,  
18          F.S.; providing a definition; providing for  
19          postsecondary institutions to create educator  
20          preparation institutes; providing purpose of  
21          the institutes; authorizing institutes to offer  
22          alternative educator certification programs;  
23          requiring Department of Education response to a  
24          request for approval; providing criteria for  
25          alternative certification programs; providing  
26          requirements for program participants;  
27          providing for participants to receive a  
28          credential signifying mastery of professional  
29          preparation and education competence;  
30          authorizing school districts to use an  
31          alternative certification program at an

1 educator preparation institute to satisfy  
2 certain requirements; requiring performance  
3 evaluations; requiring certain criteria for  
4 instructors; providing rulemaking authority;  
5 amending s. 1012.05, F.S.; requiring guidelines  
6 for teacher mentors; requiring electronic  
7 access to professional resources for teachers;  
8 creating an Education Appreciation Week;  
9 requiring action by the Commissioner of  
10 Education in helping teachers meet high-quality  
11 teacher criteria; amending s. 1012.32, F.S.;  
12 requiring background screening for contractual  
13 personnel, charter school personnel, and  
14 certain instructional and noninstructional  
15 personnel; deleting provision for probationary  
16 status for new employees pending fingerprint  
17 processing; prohibiting certain persons from  
18 providing services; providing for appeals;  
19 providing for payment of costs; deleting a  
20 refingerprinting requirement; requiring the  
21 Department of Law Enforcement to retain and  
22 enter fingerprints into the statewide automated  
23 fingerprint identification system; requiring  
24 the Department of Law Enforcement to search  
25 arrest fingerprint cards against retained  
26 fingerprints and to report identified arrest  
27 records; providing school district  
28 responsibilities and the imposition of a fee;  
29 requiring refingerprinting for personnel whose  
30 fingerprints are not retained; amending s.  
31 1012.35, F.S.; providing employment and

1 training requirements for substitute teachers;  
2 amending s. 1012.39, F.S.; providing employment  
3 criteria for substitute teachers; creating s.  
4 1012.465, F.S.; requiring background screening  
5 for certain noninstructional personnel and  
6 contractors with the school district; requiring  
7 such persons to report conviction of a  
8 disqualifying offense; providing for suspension  
9 of personnel who do not meet screening  
10 requirements; amending s. 1012.55, F.S.;  
11 providing departmental duties relating to  
12 identification of appropriate certification for  
13 certain instruction; requiring background  
14 screening for certain instructors; amending s.  
15 1012.56, F.S.; providing for the issuance of  
16 renewal instructions and temporary  
17 certificates; clarifying circumstances for  
18 issuance of a status of eligibility statement;  
19 authorizing the filing of an affidavit with the  
20 application for a certificate; requiring  
21 background screening for educator  
22 certification; providing background screening  
23 requirements; requiring reporting of  
24 disqualifying offenses; providing for  
25 suspension from a position and suspension or  
26 revocation of certification; creating s.  
27 1012.561, F.S.; requiring certified educators  
28 and applicants for certification to maintain a  
29 current address with the Department of  
30 Education; amending s. 1012.57, F.S.; adding a  
31 cross-reference to the background screening

1 requirements; amending s. 1012.585, F.S.;  
2 requiring training in the teaching of reading  
3 for certified personnel who teach students who  
4 have limited English proficiency; amending s.  
5 1012.79, F.S.; reducing the membership of  
6 Education Practice Commission review panels;  
7 amending s. 1012.795, F.S.; increasing the  
8 discipline options available to the Education  
9 Practices Commission; amending s. 1012.796,  
10 F.S.; revising the procedures for investigating  
11 complaints against certified personnel;  
12 providing the conditions of probation; amending  
13 s. 1012.798, F.S.; revising procedures for  
14 accessing the recovery network program;  
15 providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsection (4) of section 943.0585, Florida  
20 Statutes, is amended to read:

21 943.0585 Court-ordered expunction of criminal history  
22 records.--The courts of this state have jurisdiction over  
23 their own procedures, including the maintenance, expunction,  
24 and correction of judicial records containing criminal history  
25 information to the extent such procedures are not inconsistent  
26 with the conditions, responsibilities, and duties established  
27 by this section. Any court of competent jurisdiction may order  
28 a criminal justice agency to expunge the criminal history  
29 record of a minor or an adult who complies with the  
30 requirements of this section. The court shall not order a  
31 criminal justice agency to expunge a criminal history record

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

1 information derived therefrom. This section does not confer  
2 any right to the expunction of any criminal history record,  
3 and any request for expunction of a criminal history record  
4 may be denied at the sole discretion of the court.

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

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

- 25 1. Is a candidate for employment with a criminal  
26 justice agency;
- 27 2. Is a defendant in a criminal prosecution;
- 28 3. Concurrently or subsequently petitions for relief  
29 under this section or s. 943.059;
- 30 4. Is a candidate for admission to The Florida Bar;

31

1           5. Is seeking to be employed or licensed by or to  
2 contract with the Department of Children and Family Services  
3 or the Department of Juvenile Justice or to be employed or  
4 used by such contractor or licensee in a sensitive position  
5 having direct contact with children, the developmentally  
6 disabled, the aged, or the elderly as provided in s.  
7 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
8 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
9 985.407, or chapter 400; or

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

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

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

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

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

14 943.059 Court-ordered sealing of criminal history  
15 records.--The courts of this state shall continue to have  
16 jurisdiction over their own procedures, including the  
17 maintenance, sealing, and correction of judicial records  
18 containing criminal history information to the extent such  
19 procedures are not inconsistent with the conditions,  
20 responsibilities, and duties established by this section. Any  
21 court of competent jurisdiction may order a criminal justice  
22 agency to seal the criminal history record of a minor or an  
23 adult who complies with the requirements of this section. The  
24 court shall not order a criminal justice agency to seal a  
25 criminal history record until the person seeking to seal a  
26 criminal history record has applied for and received a  
27 certificate of eligibility for sealing pursuant to subsection  
28 (2). A criminal history record that relates to a violation of  
29 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.  
30 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
31 s. 847.0145, s. 893.135, or a violation enumerated in s.



1 907.041 may not be sealed, without regard to whether  
2 adjudication was withheld, if the defendant was found guilty  
3 of or pled guilty or nolo contendere to the offense, or if the  
4 defendant, as a minor, was found to have committed or pled  
5 guilty or nolo contendere to committing the offense as a  
6 delinquent act. The court may only order sealing of a criminal  
7 history record pertaining to one arrest or one incident of  
8 alleged criminal activity, except as provided in this section.  
9 The court may, at its sole discretion, order the sealing of a  
10 criminal history record pertaining to more than one arrest if  
11 the additional arrests directly relate to the original arrest.  
12 If the court intends to order the sealing of records  
13 pertaining to such additional arrests, such intent must be  
14 specified in the order. A criminal justice agency may not seal  
15 any record pertaining to such additional arrests if the order  
16 to seal does not articulate the intention of the court to seal  
17 records pertaining to more than one arrest. This section does  
18 not prevent the court from ordering the sealing of only a  
19 portion of a criminal history record pertaining to one arrest  
20 or one incident of alleged criminal activity. Notwithstanding  
21 any law to the contrary, a criminal justice agency may comply  
22 with laws, court orders, and official requests of other  
23 jurisdictions relating to sealing, correction, or confidential  
24 handling of criminal history records or information derived  
25 therefrom. This section does not confer any right to the  
26 sealing of any criminal history record, and any request for  
27 sealing a criminal history record may be denied at the sole  
28 discretion of the court.

29 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
30 criminal history record of a minor or an adult which is  
31 ordered sealed by a court of competent jurisdiction pursuant

1 to this section is confidential and exempt from the provisions  
2 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
3 and is available only to the person who is the subject of the  
4 record, to the subject's attorney, to criminal justice  
5 agencies for their respective criminal justice purposes, or to  
6 those entities set forth in subparagraphs (a)1., 4., 5., and  
7 6. for their respective licensing and employment purposes.

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

- 13 1. Is a candidate for employment with a criminal  
14 justice agency;
- 15 2. Is a defendant in a criminal prosecution;
- 16 3. Concurrently or subsequently petitions for relief  
17 under this section or s. 943.0585;
- 18 4. Is a candidate for admission to The Florida Bar;
- 19 5. Is seeking to be employed or licensed by or to  
20 contract with the Department of Children and Family Services  
21 or the Department of Juvenile Justice or to be employed or  
22 used by such contractor or licensee in a sensitive position  
23 having direct contact with children, the developmentally  
24 disabled, the aged, or the elderly as provided in s.  
25 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
26 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
27 415.103, s. 985.407, or chapter 400; or
- 28 6. Is seeking to be employed or licensed by ~~the Office~~  
29 ~~of Teacher Education, Certification, Staff Development, and~~  
30 ~~Professional Practices~~ of the Department of Education, any  
31 district school board, any university laboratory school, any

1 charter school, any private or parochial school, or any local  
2 governmental entity that ~~which~~ licenses child care facilities.

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

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

28 Section 3. Paragraph (g) of subsection (12) of section  
29 1002.33, Florida Statutes, is amended to read:

30 1002.33 Charter schools.--

31 (12) EMPLOYEES OF CHARTER SCHOOLS.--

1           (g) A charter school shall employ or contract with  
2 employees who have undergone background screening ~~been~~  
3 ~~fingerprinted~~ as provided in s. 1012.32. Members of the  
4 governing board of the charter school shall also undergo  
5 background screening ~~be fingerprinted~~ in a manner similar to  
6 that provided in s. 1012.32.

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

11           1004.04 Public accountability and state approval for  
12 teacher preparation programs.--

13           (4) INITIAL STATE PROGRAM APPROVAL.--

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

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

27           1. Have a grade point average of at least 2.5 on a 4.0  
28 scale for the general education component of undergraduate  
29 studies or have completed the requirements for a baccalaureate  
30 degree with a minimum grade point average of 2.5 on a 4.0  
31 scale from any college or university accredited by a regional

1 accrediting association as defined by State Board of Education  
2 rule or any college or university otherwise approved pursuant  
3 to State Board of Education rule.

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

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

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

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

1 profession. This experience may be accepted for use in teacher  
2 preparation programs and competency-based alternative  
3 certification programs, where applicable.

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

6 1004.85 Postsecondary educator preparation  
7 institutes.--

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

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

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

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

21 (c) Instruction to assist paraprofessionals in meeting  
22 education and training requirements.

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

28 (3) Educator preparation institutes approved pursuant  
29 to this section may offer alternative certification programs  
30 specifically designed for noneducation major baccalaureate  
31 degree holders to enable program participants to meet the

1 educator certification requirements of s. 1012.56. Such  
2 programs shall be competency-based educator certification  
3 preparation programs that prepare educators through an  
4 alternative route. An educator preparation institute choosing  
5 to offer an alternative certification program pursuant to the  
6 provisions of this section must implement a program previously  
7 approved by the Department of Education for this purpose or a  
8 program developed by the institute and approved by the  
9 department for this purpose. Approved programs shall be  
10 available for use by other approved educator preparation  
11 institutes.

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

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

27 2. The program must provide field experience with  
28 supervision from qualified educators.

29 3. The program must provide a certification ombudsman  
30 to facilitate the process and procedures required for  
31 participants who complete the program to meet any requirements

1 related to the background screening pursuant to s. 1012.32 and  
2 educator professional or temporary certification pursuant to  
3 s. 1012.56.

4 (b) Each program participant must:

5 1. Meet certification requirements pursuant to s.  
6 1012.56(1) by obtaining a statement of status of eligibility  
7 and meet the requirements of s. 1012.56(2)(a)-(f).

8 2. Participate in field experience that is appropriate  
9 to his or her educational plan.

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

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

28 (d) If an institution offers an alternative  
29 certification program approved pursuant to this subsection,  
30 such program may be used by the school district or districts  
31



1 served by that institution in addition to the alternative  
2 certification program as required in s. 1012.56(7).

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

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

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

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

27 Section 6. Section 1012.05, Florida Statutes, is  
28 amended to read:

29 1012.05 Teacher recruitment and retention.--

30 (1) The Department of Education, in cooperation with  
31 teacher organizations, district personnel offices, and

1 schools, colleges, and departments of all public and nonpublic  
2 postsecondary educational institutions, shall concentrate on  
3 the recruitment and retention of qualified teachers.

4 (2) The Department of Education shall:

5 (a) Develop and implement a system for posting  
6 teaching vacancies and establish a database of teacher  
7 applicants that is accessible within and outside the state.

8 (b) Advertise in major newspapers, national  
9 professional publications, and other professional publications  
10 and in public and nonpublic postsecondary educational  
11 institutions.

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

13 (d) Conduct periodic communications with district  
14 personnel directors regarding applicants.

15 (e) Provide district access to the applicant database  
16 by computer or telephone.

17 (f) Develop and distribute promotional materials  
18 related to teaching as a career.

19 (g) Publish and distribute information pertaining to  
20 employment opportunities, application procedures, and all  
21 routes toward teacher certification in Florida, and teacher  
22 salaries.

23 (h) Provide information related to certification  
24 procedures.

25 (i) Develop and sponsor the Florida Future Educator of  
26 America Program throughout the state.

27 (j) Develop, in consultation with school district  
28 staff including, but not limited to, district school  
29 superintendents, district school board members, and district  
30 human resources personnel, a long-range plan for educator  
31 recruitment and retention.

1           (k) Identify best practices for retaining high-quality  
2 teachers.

3           (l) Develop, in consultation with Workforce Florida,  
4 Inc., and the Agency for Workforce Innovation, created  
5 pursuant to ss. 445.004 and 20.50, respectively, a plan for  
6 accessing and identifying available resources in the state's  
7 workforce system for the purpose of enhancing teacher  
8 recruitment and retention.

9           (m) Create guidelines and identify best practices for  
10 the mentors of first-time teachers and for new teacher-support  
11 programs that focus on the professional assistance needed by  
12 first-time teachers throughout the first year of teaching. The  
13 department shall consult with the Florida Center for Reading  
14 Research and the Just Read, Florida! Office in developing the  
15 guidelines.

16           ~~(n)~~(m) Develop and implement a First Response Center  
17 to provide educator candidates one-stop shopping for  
18 information on teaching careers in Florida and establish the  
19 Teacher Lifeline Network to provide online support to  
20 beginning teachers and those needing assistance.

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

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

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

1           ~~(4)~~~~(3)~~ The Department of Education, in cooperation  
2 with district personnel offices, shall sponsor a job fair in a  
3 central part of the state to match in-state educators and  
4 potential educators and out-of-state educators and potential  
5 educators with teaching opportunities in this state.

6           ~~(5)~~~~(4)~~ Subject to proviso in the General  
7 Appropriations Act, the Commissioner of Education may use  
8 funds appropriated by the Legislature and funds from federal  
9 grants and other sources to provide incentives for teacher  
10 recruitment and preparation programs. The purpose of the use  
11 of such funds is to recruit and prepare individuals who do not  
12 graduate from state-approved teacher preparation programs to  
13 teach in a Florida public school. The commissioner may  
14 contract with entities other than, and including, approved  
15 teacher preparation programs to provide intensive teacher  
16 training leading to passage of the required certification  
17 exams for the desired subject area or coverage. The  
18 commissioner shall survey school districts to evaluate the  
19 effectiveness of such programs.

20           ~~(6)~~ The Commissioner of Education shall take steps  
21 that provide flexibility and consistency in meeting the  
22 high-quality teacher criteria as defined in the No Child Left  
23 Behind Act of 2001 through the high, objective, and uniform  
24 state system of evaluation.

25           Section 7. Section 1012.32, Florida Statutes, is  
26 amended, to read:

27           1012.32 Qualifications of personnel.--

28           (1) To be eligible for appointment in any position in  
29 any district school system, a person shall be of good moral  
30 character; shall have attained the age of 18 years, if he or  
31 she is to be employed in an instructional capacity; and shall,

1 when required by law, hold a certificate or license issued  
2 under rules of the State Board of Education or the Department  
3 of Children and Family Services, except when employed pursuant  
4 to s. 1012.55 or under the emergency provisions of s. 1012.24.  
5 Previous residence in this state shall not be required in any  
6 school of the state as a prerequisite for any person holding a  
7 valid Florida certificate or license to serve in an  
8 instructional capacity.

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

18 (b) Instructional and noninstructional personnel who  
19 are hired or contracted to fill positions in any charter  
20 school and members of the governing board of any charter  
21 school, in compliance with s. 1002.33(12)(g), shall, upon  
22 employment, engagement of services, or appointment, undergo  
23 background screening as required under s. 1012.56 or s.  
24 1012.465, whichever is applicable, by filing with the district  
25 school board for the school district in which the charter  
26 school is located a complete set of fingerprints taken by an  
27 authorized law enforcement agency or an employee of the school  
28 or school district who is trained to take fingerprints.

29 (c) Instructional and noninstructional personnel who  
30 are hired or contracted to fill positions requiring direct  
31 contact with students in an alternative school that operates

1 under contract with a district school system shall, upon  
2 employment or engagement to provide services, undergo  
3 background screening as required under s. 1012.56 or s.  
4 1012.465, whichever is applicable, by filing with the district  
5 school board for the school district to which the alternative  
6 school is under contract a complete set of fingerprints taken  
7 by an authorized law enforcement agency or an employee of the  
8 school or school district who is trained to take fingerprints.

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

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

31

1 employee, the contractor, or a person subject to this  
2 subsection.

3 ~~(b) Personnel who have been fingerprinted or screened~~  
4 ~~pursuant to this subsection and who have not been unemployed~~  
5 ~~for more than 90 days shall not be required to be~~  
6 ~~refingerprinted or rescreened in order to comply with the~~  
7 ~~requirements of this subsection.~~

8 (3)(a) Beginning July 1, 2004, all fingerprints  
9 submitted to the Department of Law Enforcement as required by  
10 subsection (2) shall be retained by the Department of Law  
11 Enforcement in a manner provided by rule and entered in the  
12 statewide automated fingerprint identification system  
13 authorized by s. 943.05(2)(b). Such fingerprints shall  
14 thereafter be available for all purposes and uses authorized  
15 for arrest fingerprint cards entered in the statewide  
16 automated fingerprint identification system pursuant to s.  
17 943.051.

18 (b) Beginning December 15, 2004, the Department of Law  
19 Enforcement shall search all arrest fingerprint cards received  
20 under s. 943.051 against the fingerprints retained in the  
21 statewide automated fingerprint identification system under  
22 paragraph (a). Any arrest record that is identified with the  
23 retained fingerprints of a person subject to the background  
24 screening under this section shall be reported to the  
25 employing or contracting school district or the school  
26 district with which the person is affiliated. Each school  
27 district is required to participate in this search process by  
28 payment of an annual fee to the Department of Law Enforcement  
29 and by informing the Department of Law Enforcement of any  
30 change in the affiliation, employment, or contractual status  
31 or place of affiliation, employment, or contracting of its

1 instructional and noninstructional personnel whose  
2 fingerprints are retained under paragraph (a). The Department  
3 of Law Enforcement shall adopt a rule setting the amount of  
4 the annual fee to be imposed upon each school district for  
5 performing these searches and establishing the procedures for  
6 the retention of instructional and noninstructional personnel  
7 fingerprints and the dissemination of search results. The fee  
8 may be borne by the district school board, the contractor, or  
9 the person fingerprinted.

10 (c) Personnel whose fingerprints are not retained by  
11 the Department of Law Enforcement under paragraphs (a) and (b)  
12 are required to be refingerprinted and must meet level 2  
13 screening requirements as described in s. 435.04, upon  
14 reemployment or reengagement to provide services, in order to  
15 comply with the requirements of this subsection.

16 Section 8. Section 1012.35, Florida Statutes, is  
17 amended to read:

18 1012.35 Substitute teachers.--

19 (1) Each district school board shall adopt rules  
20 prescribing the compensation of, and the procedure for  
21 employment of, substitute teachers.

22 (a) The ~~Such~~ procedure for employment ~~must shall~~  
23 include, but is not limited to, the filing of a complete set  
24 of fingerprints as required in s. 1012.32; documentation of a  
25 minimum education level of a high school diploma or  
26 equivalent; and completion of an initial orientation and  
27 training program in district policies and procedures  
28 addressing school safety and security procedures, educational  
29 liability laws, professional responsibilities, and ethics.

30 (b) Candidates who have no prior teaching experience,  
31 as determined by the employing school district, must complete



1 an additional training program that includes classroom  
2 management skills and instructional strategies.

3 (c) The required training programs for substitute  
4 teachers may be provided by community colleges, colleges of  
5 education, district school boards, educational consortia, or  
6 commercial vendors.

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

10 (2) The Department of Education shall develop  
11 web-based resources to enhance district substitute orientation  
12 programs.

13 (3) Districts shall develop performance appraisal  
14 measures for assessing the quality of instruction delivered by  
15 substitutes who provide instruction for 30 or more days in a  
16 single classroom placement.

17 Section 9. Paragraph (a) of subsection (1) of section  
18 1012.39, Florida Statutes, is amended to read:

19 1012.39 Employment of substitute teachers, teachers of  
20 adult education, nondegreed teachers of career education, and  
21 career specialists; students performing clinical field  
22 experience.--

23 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
24 1012.57, or any other provision of law or rule to the  
25 contrary, each district school board shall establish the  
26 minimal qualifications for:

27 (a) Substitute teachers to be employed pursuant to s.  
28 1012.35. The qualifications shall require the filing of a  
29 complete set of fingerprints in the same manner as required by  
30 s. 1012.32; documentation of a minimum education level of a  
31 high school diploma or equivalent; and completion of an

1 initial orientation and training program in district policies  
2 and procedures addressing school safety and security  
3 procedures, educational liability laws, professional  
4 responsibilities, and ethics.

5 Section 10. Section 1012.465, Florida Statutes, is  
6 created to read:

7 1012.465 Background screening requirements for certain  
8 noninstructional school district employees and contractors.--

9 (1) Noninstructional school district employees or  
10 contractual personnel who have direct contact with students or  
11 have access to or control of school funds must meet level 2  
12 screening requirements as described in s. 435.04.

13 (2) Every 5 years following employment or entry into a  
14 contract in a capacity described in subsection (1), each  
15 person who is so employed or under contract with the school  
16 district must meet level 2 screening requirements as described  
17 in s. 435.04, at which time the school district shall request  
18 the Department of Law Enforcement to forward the fingerprints  
19 to the Federal Bureau of Investigation for the level 2  
20 screening. If, for any reason following employment or entry  
21 into a contract in a capacity described in subsection (1), the  
22 fingerprints of a person who is so employed or under contract  
23 with the school district are not retained by the Department of  
24 Law Enforcement under s. 1012.32(3)(a) and (b), the person  
25 must file a complete set of fingerprints with the district  
26 school superintendent of the employing or contracting school  
27 district. Upon submission of fingerprints for this purpose,  
28 the school district shall request the Department of Law  
29 Enforcement to forward the fingerprints to the Federal Bureau  
30 of Investigation for the level 2 screening, and the  
31 fingerprints shall be retained by the Department of Law

1 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
2 state and federal criminal history check required by level 2  
3 screening may be borne by the district school board, the  
4 contractor, or the person fingerprinted. Under penalty of  
5 perjury, each person who is employed or under contract in a  
6 capacity described in subsection (1) must agree to inform his  
7 or her employer or the party with whom he or she is under  
8 contract within 48 hours if convicted of any disqualifying  
9 offense while he or she is employed or under contract in that  
10 capacity.

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

16 Section 11. Subsections (1) and (4) of section  
17 1012.55, Florida Statutes, are amended to read:

18 1012.55 Positions for which certificates required.--

19 (1) The State Board of Education shall classify school  
20 services, designate the certification subject areas, establish  
21 competencies, including the use of technology to enhance  
22 student learning, and certification requirements for all  
23 school-based personnel, and adopt rules in accordance with  
24 which the professional, temporary, and part-time certificates  
25 shall be issued by the Department of Education to applicants  
26 who meet the standards prescribed by such rules for their  
27 class of service. Each person employed or occupying a position  
28 as school supervisor, school principal, teacher, library media  
29 specialist, school counselor, athletic coach, or other  
30 position in which the employee serves in an instructional  
31 capacity, in any public school of any district of this state

1 shall hold the certificate required by law and by rules of the  
2 State Board of Education in fulfilling the requirements of the  
3 law for the type of service rendered. The Department of  
4 Education shall identify appropriate educator certification  
5 for the instruction of specified courses in an annual  
6 publication of a directory of course code numbers for all  
7 programs and courses that are funded through the Florida  
8 Education Finance Program. However, the state board shall  
9 adopt rules authorizing district school boards to employ  
10 selected noncertificated personnel to provide instructional  
11 services in the individuals' fields of specialty or to assist  
12 instructional staff members as education paraprofessionals.

13 (4) A commissioned or noncommissioned military officer  
14 who is an instructor of junior reserve officer training shall  
15 be exempt from requirements for teacher certification, except  
16 for the background screening ~~filing of fingerprints~~ pursuant  
17 to s. 1012.32, if he or she meets the following  
18 qualifications:

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

21 (b) Satisfies criteria established by the appropriate  
22 military service for certification by the service as a junior  
23 reserve officer training instructor.

24 (c) Has an exemplary military record.  
25

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

30 Section 12. Subsection (1) and paragraphs (b) and (d)  
31 of subsection (2) of section 1012.56, Florida Statutes, are

1 amended, present subsections (9) through (15) of that section  
2 are renumbered as subsections (10) through (16), respectively,  
3 and a new subsection (9) is added to that section, to read:

4 1012.56 Educator certification requirements.--

5 (1) APPLICATION.--Each person seeking certification  
6 pursuant to this chapter shall submit a completed application  
7 containing the applicant's social security number to the  
8 Department of Education and remit the fee required pursuant to  
9 s. 1012.59 and rules of the State Board of Education. Pursuant  
10 to the federal Personal Responsibility and Work Opportunity  
11 Reconciliation Act of 1996, each party is required to provide  
12 his or her social security number in accordance with this  
13 section. Disclosure of social security numbers obtained  
14 through this requirement is limited to the purpose of  
15 administration of the Title IV-D program of the Social  
16 Security Act for child support enforcement. Pursuant to s.  
17 120.60, the department shall issue within 90 calendar days  
18 after the stamped receipted date of the completed application:

19 (a) If the applicant meets the requirements, a  
20 professional certificate covering the classification, level,  
21 and area for which the applicant is deemed qualified and a  
22 document explaining the requirements for renewal of the  
23 professional certificate; ~~or~~

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

31

1           ~~(c)(b)~~ If an applicant does not meet the requirements  
2 for either certificate, an official statement of status of  
3 eligibility.

4  
5 The statement of status of eligibility must advise the  
6 applicant of any qualifications that must be completed to  
7 qualify for certification. Each statement of status of  
8 eligibility is valid for 3 years after its date of issuance,  
9 except as provided in paragraph (2)(d).

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

12           (b) File an affidavit ~~a written statement, under oath,~~  
13 that the applicant subscribes to and will uphold the  
14 principles incorporated in the Constitution of the United  
15 States and the Constitution of the State of Florida and that  
16 the information provided in the application is true, accurate,  
17 and complete. The affidavit shall be by original signature or  
18 by electronic authentication. The affidavit shall include  
19 substantially the following warning:

20  
21 WARNING: Giving false information in order to obtain or renew  
22 a Florida educator's certificate is a criminal offense under  
23 Florida law. Anyone giving false information on this affidavit  
24 is subject to criminal prosecution as well as disciplinary  
25 action by the Education Practices Commission.

26           (d) Submit to background screening in accordance with  
27 subsection (9) ~~a fingerprint check from the Department of Law~~  
28 ~~Enforcement and the Federal Bureau of Investigation pursuant~~  
29 ~~to s. 1012.32. If the background screening indicates~~  
30 ~~fingerprint reports indicate~~ a criminal history or if the  
31 applicant acknowledges a criminal history, the applicant's

1 records shall be referred to the investigative section in the  
2 Department of Education Bureau of Educator Standards for  
3 review and determination of eligibility for certification. If  
4 the applicant fails to provide the necessary documentation  
5 requested by the department Bureau of Educator Standards  
6 within 90 days after the date of the receipt of the certified  
7 mail request, the statement of eligibility and pending  
8 application shall become invalid.

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

11 (a) Each person who seeks certification under this  
12 chapter must meet level 2 screening requirements as described  
13 in s. 435.04 unless a level 2 screening has been conducted by  
14 a district school board or the Department of Education within  
15 12 months before the date the person initially obtains  
16 certification under this chapter, the results of which are  
17 submitted to the district school board or to the Department of  
18 Education.

19 (b) A person may not receive a certificate under this  
20 chapter until the level 2 screening has been completed and the  
21 results have been submitted to the Department of Education or  
22 to the district school superintendent of the school district  
23 that employs the person. Every 5 years after obtaining initial  
24 certification, each person who is required to be certified  
25 under this chapter must meet level 2 screening requirements as  
26 described in s. 435.04, at which time the school district  
27 shall request the Department of Law Enforcement to forward the  
28 fingerprints to the Federal Bureau of Investigation for the  
29 level 2 screening. If, for any reason after obtaining initial  
30 certification, the fingerprints of a person who is required to  
31 be certified under this chapter are not retained by the

1 Department of Law Enforcement under s. 1012.32(3)(a) and (b),  
2 the person must file a complete set of fingerprints with the  
3 district school superintendent of the employing school  
4 district. Upon submission of fingerprints for this purpose,  
5 the school district shall request the Department of Law  
6 Enforcement to forward the fingerprints to the Federal Bureau  
7 of Investigation for the level 2 screening, and the  
8 fingerprints shall be retained by the Department of Law  
9 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
10 state and federal criminal history check required by level 2  
11 screening may be borne by the district school board or the  
12 employee. Under penalty of perjury, each person who is  
13 certified under this chapter must agree to inform his or her  
14 employer within 48 hours if convicted of any disqualifying  
15 offense while he or she is employed in a position for which  
16 such certification is required.

17 (c) If it is found under s. 1012.796 that a person who  
18 is employed in a position requiring certification under this  
19 chapter does not meet the level 2 screening requirements, the  
20 person's certification shall be immediately revoked or  
21 suspended and he or she shall be immediately suspended from  
22 the position requiring certification.

23 Section 13. Section 1012.561, Florida Statutes, is  
24 created to read:

25 1012.561 Address of record.--Each certified educator  
26 or applicant for certification is solely responsible for  
27 maintaining his or her current address with the Department of  
28 Education and for notifying the department in writing of a  
29 change of address. By January 1, 2005, each educator and  
30 applicant for certification must have on file with the  
31 department a current mailing address. Thereafter, a certified



1 educator or applicant for certification who is employed by a  
2 district school board shall notify his or her employing school  
3 district within 10 days after a change of address. At a  
4 minimum, the employing district school board shall notify the  
5 department monthly of the addresses of the certified educators  
6 or applicants for certification in the manner prescribed by  
7 the department. A certified educator or applicant for  
8 certification who is not employed by a district school board  
9 shall personally notify the department in writing within 30  
10 days after a change of address. The department shall permit  
11 electronic notification; however, it is the responsibility of  
12 the certified educator or applicant for certification to  
13 ensure that the department has received the electronic  
14 notification.

15 Section 14. Section 1012.57, Florida Statutes, is  
16 amended to read:

17 1012.57 Certification of adjunct educators.--

18 (1) Notwithstanding the provisions of ss. 1012.32,  
19 1012.55, and 1012.56, or any other provision of law or rule to  
20 the contrary, district school boards shall adopt rules to  
21 allow for the issuance of an adjunct teaching certificate to  
22 any applicant who fulfills the requirements of s.

23 1012.56(2)(a)-(f) and (9)and who has expertise in the subject  
24 area to be taught. An applicant shall be considered to have  
25 expertise in the subject area to be taught if the applicant  
26 demonstrates sufficient subject area mastery through passage  
27 of a subject area test. The adjunct teaching certificate shall  
28 be used for part-time teaching positions. The intent of this  
29 provision is to allow school districts to tap the wealth of  
30 talent and expertise represented in Florida's citizens who may  
31 wish to teach part-time in a Florida public school by

1 permitting school districts to issue adjunct certificates to  
2 qualified applicants. Adjunct certificateholders should be  
3 used as a strategy to reduce the teacher shortage; thus,  
4 adjunct certificateholders should supplement a school's  
5 instructional staff, not supplant it. Each school principal  
6 shall assign an experienced peer mentor to assist the adjunct  
7 teaching certificateholder during the certificateholder's  
8 first year of teaching, and an adjunct certificateholder may  
9 participate in a district's new teacher training program.  
10 District school boards shall provide the adjunct teaching  
11 certificateholder an orientation in classroom management prior  
12 to assigning the certificateholder to a school. Each adjunct  
13 teaching certificate is valid for 5 school years and is  
14 renewable if the applicant has received satisfactory  
15 performance evaluations during each year of teaching under  
16 adjunct teaching certification.

17 (2) Individuals who are certified and employed under  
18 ~~pursuant to~~ this section shall have the same rights and  
19 protection of laws as teachers certified under ~~pursuant to~~ s.  
20 1012.56.

21 Section 15. Paragraph (d) of subsection (3) of section  
22 1012.585, Florida Statutes, is amended to read:

23 1012.585 Process for renewal of professional  
24 certificates.--

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

27 (d) The State Board of Education shall adopt rules for  
28 the expanded use of training for renewal of the professional  
29 certificate for educators who are required to complete  
30 training in teaching students of limited English proficiency  
31 and training in the teaching of reading as follows:

1           1. A teacher who holds a professional certificate may  
2 use college credits or inservice points completed in  
3 English-for-Speakers-of-Other-Languages training and training  
4 in the teaching of reading in excess of 6 semester hours  
5 during one certificate-validity period toward renewal of the  
6 professional certificate during the subsequent validity  
7 periods.

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

16           Section 16. Subsection (8) of section 1012.79, Florida  
17 Statutes, is amended to read:

18           1012.79 Education Practices Commission;  
19 organization.--

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

31

1 (b) A majority of a quorum of a panel of the  
2 commission shall have final agency authority in all cases  
3 involving the revocation, suspension, or other disciplining of  
4 certificates of teachers and school administrators. A majority  
5 of the membership of the panel shall constitute a quorum. The  
6 district school board shall retain the authority to discipline  
7 teachers and administrators pursuant to law.

8 Section 17. Subsections (1) and (6) of section  
9 1012.795, Florida Statutes, are amended to read:

10 1012.795 Education Practices Commission; authority to  
11 discipline.--

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

1 penalty provided by law, provided it can be shown that the  
2 person:

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

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

8 (c) Has been guilty of gross immorality or an act  
9 involving moral turpitude.

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

12 (e) Has been convicted of a misdemeanor, felony, or  
13 any other criminal charge, other than a minor traffic  
14 violation.

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

18 (g) Has breached a contract, as provided in s.  
19 1012.33(2).

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

23 (i) Has violated the Principles of Professional  
24 Conduct for the Education Profession prescribed by State Board  
25 of Education rules.

26 (j) Has otherwise violated the provisions of law, the  
27 penalty for which is the revocation of the educator  
28 certificate.

29 (k) Has violated any order of the Education Practices  
30 Commission.

31

1           (1) Has been the subject of a court order or plea  
2 agreement in any jurisdiction which requires the  
3 certificateholder to surrender or otherwise relinquish his or  
4 her educator's certificate. A surrender or relinquishment  
5 shall be for permanent revocation of the certificate. A person  
6 may not surrender or otherwise relinquish his or her  
7 certificate prior to a finding of probable cause by the  
8 commissioner as provided in s. 1012.796.

9           (6)(a) When an individual violates any provision of  
10 ~~the provisions of a settlement agreement enforced by a final~~  
11 ~~order of the Education Practices Commission, the Department of~~  
12 Education may request an order to show cause may be issued by  
13 the clerk of the commission. The order shall require the  
14 individual to appear before the commission to show cause why  
15 further penalties should not be levied against the  
16 individual's certificate pursuant to the authority provided to  
17 the Education Practices Commission in subsection (1). The  
18 department may dismiss an order to show cause before the  
19 commission enters a final order.The Education Practices  
20 Commission may fashion further penalties under the authority  
21 of subsection (1) as it deems ~~deemed~~ appropriate when it  
22 considers the show cause order ~~is responded to by the~~  
23 ~~individual.~~

24           (b) The Education Practices Commission shall adopt  
25 rules requiring the issuance of ~~issue~~ a final order  
26 permanently revoking an individual's Florida educator's  
27 certificate if the individual has been the subject of  
28 sanctions by the Education Practices Commission on two  
29 previous occasions. However, an individual is not subject to  
30 this provision if the only reason for sanctions on any  
31 occasion was one or more administrative violations. For

1 purposes of this paragraph the term "administrative violation"  
2 means the failure of the individual to submit annual  
3 performance reports or the failure to pay a probation fee as  
4 required by a final order of the Education Practices  
5 Commission. Furthermore, any sanction levied by the Education  
6 Practices Commission against an applicant for certification is  
7 not subject to this provision, if the applicant was not  
8 previously sanctioned by the Education Practices Commission.  
9 ~~for a minimum of 1 year under the following circumstances:~~  
10       1. ~~If the individual:~~  
11           a. ~~Has been found to have violated the provisions of~~  
12 ~~this section, such that the Education Practices Commission has~~  
13 ~~the authority to discipline the individual's Florida~~  
14 ~~educator's certificate on two separate occasions;~~  
15           b. ~~Has twice entered into a settlement agreement~~  
16 ~~enforced by a final order of the Education Practices~~  
17 ~~Commission; or~~  
18           c. ~~Has been found to have violated the provisions of~~  
19 ~~this section, such that the Education Practices Commission has~~  
20 ~~the authority to discipline the individual's Florida~~  
21 ~~educator's certificate on one occasion and entered into a~~  
22 ~~settlement agreement enforced by a final order of the~~  
23 ~~Education Practices Commission on one occasion; and~~  
24       2. ~~A third finding of probable cause and a finding~~  
25 ~~that the allegations are proven or admitted to is subsequently~~  
26 ~~found by the Commissioner of Education.~~  
27  
28 ~~If, in the third instance, the individual enters into a~~  
29 ~~settlement agreement with the Department of Education, that~~  
30 ~~agreement shall also include a penalty revoking that~~  
31

1 ~~individual's Florida educator's certificate for a minimum of 1~~  
2 ~~year.~~

3 Section 18. Subsections (1), (7), and (8) of section  
4 1012.796, Florida Statutes, are amended to read:

5 1012.796 Complaints against teachers and  
6 administrators; procedure; penalties.--

7 (1)(a) The Department of Education shall cause to be  
8 investigated expeditiously any complaint filed before it or  
9 otherwise called to its attention which, if legally  
10 sufficient, contains grounds for the revocation or suspension  
11 of a certificate or any other appropriate penalty as set forth  
12 in subsection (7). The complaint is legally sufficient if it  
13 contains the ultimate facts which show a violation has  
14 occurred as provided in s. 1012.795. The department may  
15 investigate or continue to investigate and take appropriate  
16 action on a complaint even though the original complainant  
17 withdraws the complaint or otherwise indicates a desire not to  
18 cause it to be investigated or prosecuted to completion. The  
19 department may investigate or continue to investigate and take  
20 action on a complaint filed against a person whose educator  
21 certificate has expired if the act or acts which are the basis  
22 for the complaint were allegedly committed while that person  
23 possessed an educator certificate.

24 (b) When an investigation is undertaken, the  
25 department shall notify the certificateholder or applicant for  
26 certification and the district school superintendent in the  
27 district in which the certificateholder is employed, or the  
28 university laboratory school, charter school, or private  
29 school in which the certificateholder or applicant for  
30 certification is employed or was employed at the time the  
31 alleged offense occurred. Further, the department and shall



1 | inform the certificateholder or applicant for certification of  
2 | the substance of any complaint which has been filed against  
3 | that certificateholder or applicant, unless the department  
4 | determines that such notification would be detrimental to the  
5 | investigation, in which case the department may withhold  
6 | notification.

7 |         (c) Each school district shall file in writing with  
8 | the department all legally sufficient complaints within 30  
9 | days after the date on which subject matter of the complaint  
10 | comes to the attention of the school district. The school  
11 | district shall include all information relating to the  
12 | complaint which is known to the school district at the time of  
13 | filing. Each district school board shall develop policies and  
14 | procedures to comply with this reporting requirement. The  
15 | district school board policies and procedures shall include  
16 | appropriate penalties for all personnel of the district school  
17 | board for nonreporting and procedures for promptly informing  
18 | the district school superintendent of each legally sufficient  
19 | complaint. The district school superintendent is charged with  
20 | knowledge of these policies and procedures. If the district  
21 | school superintendent has knowledge of a legally sufficient  
22 | complaint and does not report the complaint, or fails to  
23 | enforce the policies and procedures of the district school  
24 | board, and fails to comply with the requirements of this  
25 | subsection, in addition to other actions against  
26 | certificateholders authorized by law, the district school  
27 | superintendent shall be subject to penalties as specified in  
28 | s. 1001.51(12)~~s. 1001.51(13)~~. This paragraph does not limit  
29 | or restrict the power and duty of the department to  
30 | investigate complaints as provided in paragraphs (a) and (b),  
31 |

1 regardless of the school district's untimely filing, or  
2 failure to file, complaints and followup reports.

3 (d) Notwithstanding any other law, all law enforcement  
4 agencies, state attorneys, social service agencies, district  
5 school boards, and the Division of Administrative Hearings  
6 shall fully cooperate with and, upon request, shall provide  
7 unredacted documents to the Department of Education to further  
8 investigations and prosecutions conducted pursuant to this  
9 section. Any document received pursuant to this paragraph may  
10 not be redisclosed except as authorized by law.

11 (7) A panel of the commission shall enter a final  
12 order either dismissing the complaint or imposing one or more  
13 of the following penalties:

14 (a) Denial of an application for a teaching  
15 certificate or for an administrative or supervisory  
16 endorsement on a teaching certificate. The denial may provide  
17 that the applicant may not reapply for certification, and that  
18 the department may refuse to consider that applicant's  
19 application, for a specified period of time or permanently.

20 (b) Revocation or suspension of a certificate.

21 (c) Imposition of an administrative fine not to exceed  
22 \$2,000 for each count or separate offense.

23 (d) Placement of the teacher, administrator, or  
24 supervisor on probation for a period of time and subject to  
25 such conditions as the commission may specify, including  
26 requiring the certified teacher, administrator, or supervisor  
27 to complete additional appropriate college courses or work  
28 with another certified educator, with the administrative costs  
29 of monitoring the probation assessed to the educator placed on  
30 probation. An educator who has been placed on probation shall,  
31 at a minimum:

1           1. Immediately notify the investigative office in the  
2 Department of Education upon employment or termination of  
3 employment in the state in any public or private position  
4 requiring a Florida educator's certificate.

5           2. Have his or her immediate supervisor submit annual  
6 performance reports to the investigative officer in the  
7 Department of Education.

8           3. Pay to the commission within the first 6 months of  
9 each probation year the administrative costs of monitoring  
10 probation assessed to the educator.

11           4. Violate no law and shall fully comply with all  
12 district school board policies, school rules, and State Board  
13 of Education rules.

14           5. Satisfactorily perform his or her assigned duties  
15 in a competent, professional manner.

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

18           (e) Restriction of the authorized scope of practice of  
19 the teacher, administrator, or supervisor.

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

23           (g) Imposition of an administrative sanction, upon a  
24 person whose teaching certificate has expired, for an act or  
25 acts committed while that person possessed a teaching  
26 certificate or an expired certificate subject to late renewal,  
27 which sanction bars that person from applying for a new  
28 certificate for a period of 10 years or less, or permanently.

29           (h) Refer the teacher, administer, or supervisor to  
30 the recovery network program provided in s. 1012.798 under  
31 such terms and conditions as the commission may specify.

1           (8) Violations of the provisions of a final order  
2 ~~probation~~ shall result in an order to show cause issued by the  
3 clerk of the Education Practices Commission if requested by  
4 the Department of Education. Upon failure of the educator  
5 ~~probationer~~, at the time and place stated in the order, to  
6 show cause satisfactorily to the Education Practices  
7 Commission why a penalty for violating the provisions of a  
8 final order ~~probation~~ should not be imposed, the Education  
9 Practices Commission shall impose whatever penalty is  
10 appropriate as established in s. 1012.795(6). Any probation  
11 period will be tolled when an order to show cause has been  
12 issued until the issue is resolved by the Education Practices  
13 Commission; however, the other terms and conditions of the  
14 final order shall be in full force and effect until changed by  
15 the Education Practices Commission.

16           Section 19. Subsections (1), (3), (6), and (10) of  
17 section 1012.798, Florida Statutes, are amended to read:

18           1012.798 Recovery network program for educators.--

19           (1) RECOVERY NETWORK ESTABLISHED.--There is created  
20 within the Department of Education, a recovery network program  
21 to assist educators who are impaired as a result of alcohol  
22 abuse, drug abuse, or a mental condition to obtain treatment  
23 ~~in obtaining treatment to permit their continued contribution~~  
24 ~~to the education profession~~. Any person who has applied for  
25 or holds certification issued by the department pursuant to s.  
26 1012.56 is eligible for the program ~~assistance~~. The individual  
27 may access the program voluntarily or be directed to  
28 participate through a deferred prosecution agreement with the  
29 Commissioner of Education or a final order of the Education  
30 Practices Commission pursuant to s. 1012.796.

31

1           (3) PURPOSE.--The recovery network program shall  
2 assist educators in obtaining treatment and services from  
3 approved treatment providers, but each impaired educator must  
4 pay for his or her treatment under terms and conditions agreed  
5 upon by the impaired educator and the treatment provider. A  
6 person who is admitted to the recovery network program must  
7 contract with the treatment provider and the program. The  
8 treatment contract must prescribe the type of treatment and  
9 the responsibilities of the impaired educator and of the  
10 provider and must provide that the impaired educator's  
11 progress will be monitored by the recovery network program.

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

17           (a) A person who is not subject to investigation or  
18 proceedings under ss. 1012.795 and 1012.796 may voluntarily  
19 seek assistance through a local school district employee  
20 assistance program for which he or she is eligible and through  
21 the recovery network, regardless of action taken against him  
22 or her by a school district. Voluntarily seeking assistance  
23 alone does not subject a person to proceedings under ss.  
24 1012.795 and 1012.796.

25           (b) A person who is subject to investigation or  
26 proceedings under ss. 1012.795 and 1012.796 may be required to  
27 participate in the program. The program may approve a local  
28 employee assistance program as a treatment provider or as a  
29 means of securing a treatment provider. The program and the  
30 local school district shall cooperate so that the person may  
31 obtain treatment without limiting the school district's

1 statutory powers and duties as an employer or the disciplinary  
2 procedures under ss. 1012.795 and 1012.796.

3 (c) A person may be enrolled in a treatment program by  
4 the recovery network program after an investigation pursuant  
5 to s. 1012.796 has commenced, if the person ~~A person who has~~  
6 ~~not previously been under investigation by the department may~~  
7 ~~be enrolled in a treatment program by the recovery network~~  
8 ~~after an investigation has commenced, if the person:~~

9 1. Acknowledges his or her impairment.

10 2. Agrees to evaluation, as approved by the recovery  
11 network.

12 3. Agrees to enroll in an appropriate treatment  
13 program approved by the recovery network.

14 4. Executes releases for all medical and treatment  
15 records regarding his or her impairment and participation in a  
16 treatment program to the recovery network, pursuant to 42  
17 U.S.C. s. 290dd-3 and the federal regulations adopted  
18 thereunder.

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

29 ~~a.6.~~ Has not previously entered a substance abuse  
30 program.

31

1           **b.7.** Is not being investigated for any action  
2 involving commission of a felony or violent act against  
3 another person.

4           **c.8.** Has not had multiple arrests for minor drug use,  
5 possession, or abuse of alcohol.

6           (10) DECLARATION OF INELIGIBILITY.--

7           (a) A person may be declared ineligible for further  
8 assistance from the recovery network program if he or she does  
9 not progress satisfactorily in a treatment program or leaves a  
10 prescribed program or course of treatment without the approval  
11 of the treatment provider.

12           (b) The determination of ineligibility must be made by  
13 ~~the commissioner in cases referred to him or her by the~~  
14 ~~program administrator or designee after review of the~~  
15 ~~circumstances of the case. Before referring a case to the~~  
16 ~~commissioner, the administrator must discuss the circumstances~~  
17 ~~with the treatment provider. The commissioner may direct the~~  
18 ~~Office of Professional Practices Services to investigate the~~  
19 ~~case and provide a report.~~

20           (c) If treatment through ~~a treatment contract~~ with the  
21 program is a condition of a deferred prosecution agreement,  
22 and the program administrator ~~commissioner~~ determines that the  
23 person is ineligible for further assistance, the commissioner  
24 may agree to modify the terms and conditions of the deferred  
25 prosecution agreement or may issue an administrative  
26 complaint, pursuant to s. 1012.796, alleging the charges  
27 regarding which prosecution was deferred. The person may  
28 dispute the determination as an affirmative defense to the  
29 administrative complaint by including with his or her request  
30 for hearing on the administrative complaint a written  
31 statement setting forth the facts and circumstances that show

1 that the determination of ineligibility was erroneous. If  
2 administrative proceedings regarding the administrative  
3 complaint, pursuant to ss. 120.569 and 120.57, result in a  
4 finding that the determination of ineligibility was erroneous,  
5 the person is eligible to participate in the program. If the  
6 determination of ineligibility was the only reason for setting  
7 aside the deferred prosecution agreement and issuing the  
8 administrative complaint and the administrative proceedings  
9 result in a finding that the determination was erroneous, the  
10 complaint shall be dismissed and the deferred prosecution  
11 agreement reinstated without prejudice to the commissioner's  
12 right to reissue the administrative complaint for other  
13 breaches of the agreement.

14 (d) If treatment through ~~a treatment contract~~ with the  
15 program is a condition of a final order of the Education  
16 Practices Commission, the program administrator's  
17 ~~commissioner's~~ determination of ineligibility constitutes a  
18 ~~finding of probable cause~~ that the person failed to comply  
19 with the final order. Pursuant to ss. 1012.795 and 1012.796,  
20 upon the request of the Department of Education, the clerk of  
21 the Education Practices Commission shall issue to the educator  
22 an order to show cause, or the Commissioner of Education may  
23 issue an administrative complaint ~~The commissioner shall issue~~  
24 ~~an administrative complaint, and the case shall proceed under~~  
25 ~~ss. 1012.795 and 1012.796,~~ in the same manner as for cases  
26 based on a failure to comply with an order of the Education  
27 Practices Commission.

28 (e) If the person voluntarily entered into a treatment  
29 contract with the program, the program administrator  
30 ~~commissioner~~ shall issue a written notice stating the reasons  
31 for the determination of ineligibility. Within 20 days after



1 the date of such notice, the person may contest the  
2 determination of ineligibility pursuant to ss. 120.569 and  
3 120.57.

4 Section 20. This act shall take effect upon becoming a  
5 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2986

4 Requires teacher preparation programs provided by the DOE to  
5 provide a certification ombudsman to facilitate the  
6 certification process for students.

6 Removes the College Graduates to Classroom Teachers  
7 Alternative Certification Program from the bill, but  
8 authorizes different alternative certification and instruction  
9 programs, created by authorized postsecondary institutions and  
10 approved by the Department of Education, that could be formed  
11 for:

- 12           professional development instruction for teachers,
- 13           instruction for substitute teachers,
- 14           instruction for paraprofessionals, or
- 15           instruction that would permit college graduates who were  
16           not education majors to become teachers.

17 Provides that graduates of alternative certification and  
18 instruction programs would be eligible for educator  
19 certification if they satisfied all requirements for  
20 certification in s. 1012.56(2).

21 Requires that alternative certification and instruction  
22 programs submit annual performance evaluations of the  
23 program's effectiveness to the Department of Education,  
24 pursuant to specified criteria.

25 Provides that alternative certification and instruction  
26 programs would be eligible to receive federal and state  
27 funding.

28 Specifies approval criteria, program requirements, and  
29 instructor qualifications for alternative certification and  
30 instruction programs created under the bill.

31 Requires alternative certification and instruction programs to  
provide ombudsmen to facilitate certification for graduates.

Provides that alternative certification and instruction  
programs created under the section may be used by local school  
districts.

Provides rulemaking authority for the State Board of Education  
to implement alternative certification and instruction  
programs.

Requires the Commissioner of Education to take steps to help  
teachers meet the high quality teacher criteria of No Child  
Left Behind.

Requires level 2 background screening, at initial hire and  
periodically thereafter, for all personnel who are hired or  
contracted with to fill positions that require direct contact

1 with students, whether instructional or non-instructional, in  
2 the district school system, university laboratory schools,  
3 charter schools, and alternative schools.  
4 Requires teachers to submit to level 2 background screening in  
5 connection with certification and specifically requires level  
6 2 background screening of governing boards of charter schools,  
7 adjunct instructors, and commissioned or non-commissioned  
8 military officers who are instructors of R.O.T.C.  
9 Requires the Florida Department of Law Enforcement to retain  
10 fingerprint records of all personnel.  
11 Provides procedures and fees in connection with background  
12 screening and fingerprinting requirements.  
13 Revises provisions related to the suspension and revocation of  
14 educator certificates and suspension of employment in  
15 connection with background checks.  
16 Requires employees to inform employers or persons with whom  
17 they are under contract within 48 hours if they are convicted  
18 of any disqualifying offense.  
19 Requires the Department of Education to act within 90 days of  
20 receipt of a teacher certification application and specifies  
21 additional requirements for such action.  
22 Removes from the bill provisions permitting valid certificates  
23 issued by alternative national education credentialing boards  
24 to be used to demonstrate mastery of certain types of  
25 knowledge by educators.  
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