

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. 1012.01, F.S.; specifying that the
6 term "instructional personnel" includes K-12
7 personnel only; amending s. 1012.05, F.S.;
8 requiring guidelines for teacher mentors;
9 requiring electronic access to professional
10 resources for teachers; creating an Educator
11 Appreciation Week; requiring the Department of
12 Education to notify teachers of legislation and
13 rules that affect teachers; requiring school
14 districts to submit e-mail addresses of school
15 personnel to the Department of Education;
16 requiring action by the Commissioner of
17 Education in helping teachers meet highly
18 qualified teacher criteria; amending s.
19 1012.231, F.S.; requiring the BEST teacher
20 program to begin in 2005-2006; amending s.
21 1012.32, F.S.; requiring background screening
22 for contractual personnel, charter school
23 personnel, and certain instructional and
24 noninstructional personnel; deleting provision
25 for probationary status for new employees
26 pending fingerprint processing; prohibiting
27 certain persons from providing services;
28 providing for appeals; providing for payment of
29 costs; deleting a refingerprinting requirement;
30 requiring the Department of Law Enforcement to
31 retain and enter fingerprints into the

1 statewide automated fingerprint identification
2 system; requiring the Department of Law
3 Enforcement to search arrest fingerprint cards
4 against retained fingerprints and to report
5 identified arrest records; providing school
6 district responsibilities and the imposition of
7 a fee; requiring refingerprinting for personnel
8 whose fingerprints are not retained; amending
9 s. 1012.33, F.S.; requiring district school
10 boards to recognize years of service of certain
11 employees; amending s. 1012.34, F.S.; providing
12 additional reference to assessment criteria for
13 instructional personnel and school
14 administrators; amending s. 1012.35, F.S.;
15 providing employment and training requirements
16 for substitute teachers; amending s. 1012.39,
17 F.S.; providing employment criteria for
18 substitute teachers; creating s. 1012.465,
19 F.S.; requiring background screening for
20 certain noninstructional personnel and
21 contractors with the school district; requiring
22 such persons to report conviction of a
23 disqualifying offense; providing for suspension
24 of personnel who do not meet screening
25 requirements; amending s. 1012.55, F.S.;
26 providing departmental duties relating to
27 identification of appropriate certification for
28 certain instruction; requiring background
29 screening for certain instructors; amending s.
30 1012.56, F.S.; providing for the issuance of
31 renewal instructions and temporary

1 certificates; clarifying circumstances for
2 issuance of a status of eligibility statement;
3 authorizing the filing of an affidavit with the
4 application for a certificate; authorizing use
5 of alternative certificates for demonstrating
6 mastery of general knowledge, subject area
7 knowledge, and professional preparation and
8 education competence; authorizing an
9 alternative route for demonstrating mastery of
10 professional preparation and education
11 competence; requiring background screening for
12 educator certification; providing background
13 screening requirements; requiring reporting of
14 disqualifying offenses; providing for
15 suspension from a position and suspension or
16 revocation of certification; creating s.
17 1012.561, F.S.; requiring certified educators
18 and applicants for certification to maintain a
19 current address with the Department of
20 Education; amending s. 1012.57, F.S.; adding a
21 cross-reference to the background screening
22 requirements; amending s. 1012.585, F.S.;
23 requiring training in the teaching of reading
24 for certified personnel who teach students who
25 have limited English proficiency; amending s.
26 1012.79, F.S.; reducing the membership of
27 Education Practice Commission review panels;
28 amending s. 1012.795, F.S.; increasing the
29 discipline options available to the Education
30 Practices Commission; amending s. 1012.796,
31 F.S.; revising the notice requirements and

1 other procedures concerning the investigation
 2 of complaints against certified personnel and
 3 applicants for certification; requiring other
 4 state entities to provide information in
 5 connection with investigations; providing the
 6 conditions of probation; amending s. 1012.798,
 7 F.S.; revising procedures for accessing the
 8 recovery network program; reenacting ss.
 9 112.1915(1)(b), 121.091(9)(b) and (13)(a),
 10 1011.685(2)(b), and 1012.74(2)(a) and (b),
 11 F.S., relating to death benefits, retirement
 12 benefits, the operating categorical fund for
 13 class size reduction, and educators
 14 professional liability insurance protection, to
 15 incorporate the amendment to s. 1012.01, F.S.,
 16 in references thereto; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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

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

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

1 | jurisdictions relating to expunction, correction, or
2 | confidential handling of criminal history records or
3 | information derived therefrom. This section does not confer
4 | any right to the expunction of any criminal history record,
5 | and any request for expunction of a criminal history record
6 | may be denied at the sole discretion of the court.

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

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

- 27 | 1. Is a candidate for employment with a criminal
28 | justice agency;
29 | 2. Is a defendant in a criminal prosecution;
30 | 3. Concurrently or subsequently petitions for relief
31 | under this section or s. 943.059;

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

2 5. Is seeking to be employed or licensed by or to
3 contract with the Department of Children and Family Services
4 or the Department of Juvenile Justice or to be employed or
5 used by such contractor or licensee in a sensitive position
6 having direct contact with children, the developmentally
7 disabled, the aged, or the elderly as provided in s.
8 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
9 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
10 985.407, or chapter 400; or

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

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

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

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

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

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

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

30 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
31 criminal history record of a minor or an adult which is

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

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

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

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

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

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

29 Section 3. Paragraph (g) of subsection (12) of section
30 1002.33, Florida Statutes, is amended to read:

31 1002.33 Charter schools.--

1 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

14 (4) INITIAL STATE PROGRAM APPROVAL.--

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

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

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

1 scale from any college or university accredited by a regional
2 accrediting association as defined by State Board of Education
3 rule or any college or university otherwise approved pursuant
4 to State Board of Education rule.

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

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

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

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

1 with baccalaureate degrees who are interested in the teaching
2 profession. This experience may be accepted for use in teacher
3 preparation programs and competency-based alternative
4 certification programs, where applicable.

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

7 1004.85 Postsecondary educator preparation
8 institutes.--

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

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

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

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

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

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

29 (3) Educator preparation institutes approved pursuant
30 to this section may offer alternative certification programs
31 specifically designed for noneducation major baccalaureate

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

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

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

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

30 3. The program must provide a certification ombudsman
31 to facilitate the process and procedures required for

1 participants who complete the program to meet any requirements
2 related to the background screening pursuant to s. 1012.32 and
3 educator professional or temporary certification pursuant to
4 s. 1012.56.

5 (b) Each program participant must:

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

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

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

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

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

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. Subsection (2) of section 1012.01, Florida
28 Statutes, is amended to read:

29 1012.01 Definitions.--Specific definitions shall be as
30 follows, and wherever such defined words or terms are used in
31

1 the Florida K-20 Education Code, they shall be used as
2 follows:

3 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
4 personnel" means any K-12 staff member whose function includes
5 the provision of direct instructional services to students.
6 Instructional personnel also includes K-12 personnel whose
7 functions provide direct support in the learning process of
8 students. Included in the classification of instructional
9 personnel are the following K-12 personnel:

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

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

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

1 media productions; and instructing students in the location
2 and use of information resources.

3 (d) Other instructional staff.--Other instructional
4 staff are staff members who are part of the instructional
5 staff but are not classified in one of the categories
6 specified in paragraphs (a)-(c). Included in this
7 classification are primary specialists, learning resource
8 specialists, instructional trainers, adjunct educators
9 certified pursuant to s. 1012.57, and similar positions.

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

19 Section 7. Section 1012.05, Florida Statutes, is
20 amended to read:

21 1012.05 Teacher recruitment and retention.--

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

27 (2) The Department of Education shall:

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

31

1 (b) Advertise in major newspapers, national
2 professional publications, and other professional publications
3 and in public and nonpublic postsecondary educational
4 institutions.

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

6 (d) Conduct periodic communications with district
7 personnel directors regarding applicants.

8 (e) Provide district access to the applicant database
9 by computer or telephone.

10 (f) Develop and distribute promotional materials
11 related to teaching as a career.

12 (g) Publish and distribute information pertaining to
13 employment opportunities, application procedures, and all
14 routes toward teacher certification in Florida, and teacher
15 salaries.

16 (h) Provide information related to certification
17 procedures.

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

20 (j) Develop, in consultation with school district
21 staff including, but not limited to, district school
22 superintendents, district school board members, and district
23 human resources personnel, a long-range plan for educator
24 recruitment and retention.

25 (k) Identify best practices for retaining high-quality
26 teachers.

27 (l) Develop, in consultation with Workforce Florida,
28 Inc., and the Agency for Workforce Innovation, created
29 pursuant to ss. 445.004 and 20.50, respectively, a plan for
30 accessing and identifying available resources in the state's
31

1 workforce system for the purpose of enhancing teacher
2 recruitment and retention.

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

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

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

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

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

31

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

4 (b) By September 15 and February 15 each school year,
5 each school district shall electronically submit accurate
6 public school e-mail addresses for all instructional and
7 administrative personnel, as identified in s. 1012.01(2) and
8 (3), to the Department of Education.

9 ~~(4)(3)~~ The Department of Education, in cooperation
10 with district personnel offices, shall sponsor a job fair in a
11 central part of the state to match in-state educators and
12 potential educators and out-of-state educators and potential
13 educators with teaching opportunities in this state.

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

28 (6) The Commissioner of Education shall take steps
29 that provide flexibility and consistency in meeting the highly
30 qualified teacher criteria as defined in the No Child Left
31

1 Behind Act of 2001 through a High, Objective, Uniform State
 2 Standard of Evaluation (HOUSSE).

3 Section 8. Subsections (1) and (3) of section
 4 1012.231, Florida Statutes, are amended to read:

5 1012.231 BEST Florida Teaching salary career ladder
 6 program; assignment of teachers.--

7 (1) SALARY CAREER LADDER FOR CLASSROOM
 8 TEACHERS.--Beginning with the 2005-2006 ~~2004-2005~~ academic
 9 year, each district school board shall implement a salary
 10 career ladder for classroom teachers as defined in s.

11 1012.01(2)(a). Performance shall be defined as designated in
 12 s. 1012.34(3)(a)1.-7. District school boards shall designate
 13 categories of classroom teachers reflecting these salary
 14 career ladder levels as follows:

15 (a) Associate teacher.--Classroom teachers in the
 16 school district who have not yet received a professional
 17 certificate or those with a professional certificate who are
 18 evaluated as low-performing teachers.

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

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

1 (d) Mentor teacher.--Classroom teachers in the school
2 district who serve as regular mentors to other teachers who
3 are either not performing satisfactorily or who strive to
4 become more proficient. Mentor teachers must serve as
5 faculty-based professional development coordinators and
6 regularly demonstrate and share their expertise with other
7 teachers in order to remain mentor teachers. Mentor teachers
8 must also participate on a regular basis in the direct
9 instruction of low-performing students. To be eligible for
10 designation as a mentor teacher, a teacher must demonstrate
11 outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and
12 must have been a "lead teacher" pursuant to paragraph (c) for
13 at least 2 ~~two~~ years.

14
15 Promotion of a teacher to a higher level on the salary career
16 ladder shall be based upon prescribed performance criteria and
17 not based upon length of service.

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

28 Section 9. Section 1012.32, Florida Statutes, is
29 amended, to read:

30 1012.32 Qualifications of personnel.--
31

1 (1) To be eligible for appointment in any position in
2 any district school system, a person shall be of good moral
3 character; shall have attained the age of 18 years, if he or
4 she is to be employed in an instructional capacity; and shall,
5 when required by law, hold a certificate or license issued
6 under rules of the State Board of Education or the Department
7 of Children and Family Services, except when employed pursuant
8 to s. 1012.55 or under the emergency provisions of s. 1012.24.
9 Previous residence in this state shall not be required in any
10 school of the state as a prerequisite for any person holding a
11 valid Florida certificate or license to serve in an
12 instructional capacity.

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

22 (b) Instructional and noninstructional personnel who
23 are hired or contracted to fill positions in any charter
24 school and members of the governing board of any charter
25 school, in compliance with s. 1002.33(12)(g), shall, upon
26 employment, engagement of services, or appointment, undergo
27 background screening as required under s. 1012.56 or s.
28 1012.465, whichever is applicable, by filing with the district
29 school board for the school district in which the charter
30 school is located a complete set of fingerprints taken by an
31

1 authorized law enforcement agency or an employee of the school
2 or school district who is trained to take fingerprints.

3 (c) Instructional and noninstructional personnel who
4 are hired or contracted to fill positions requiring direct
5 contact with students in an alternative school that operates
6 under contract with a district school system shall, upon
7 employment or engagement to provide services, undergo
8 background screening as required under s. 1012.56 or s.
9 1012.465, whichever is applicable, by filing with the district
10 school board for the school district to which the alternative
11 school is under contract a complete set of fingerprints taken
12 by an authorized law enforcement agency or an employee of the
13 school or school district who is trained to take fingerprints.

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

21
22 ~~These~~ Fingerprints shall be submitted to the Department of Law
23 Enforcement for state processing and to the Federal Bureau of
24 Investigation for federal processing. Persons subject to this
25 subsection ~~The new employees shall be on probationary status~~
26 ~~pending fingerprint processing and determination of compliance~~
27 ~~with standards of good moral character. Employees found~~
28 through fingerprint processing to have been convicted of a
29 crime involving moral turpitude shall not be employed, engaged
30 to provide services, or serve in any position requiring direct
31 contact with students. Probationary persons subject to this

1 ~~subsection~~ ~~employees~~ terminated because of their criminal
2 record ~~shall~~ have the right to appeal such decisions. The cost
3 of the background screening fingerprint processing may be
4 borne by the district school board, the charter school, ~~or~~ the
5 employee, the contractor, or a person subject to this
6 subsection.

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

12 (3)(a) Beginning July 1, 2004, all fingerprints
13 submitted to the Department of Law Enforcement as required by
14 subsection (2) shall be retained by the Department of Law
15 Enforcement in a manner provided by rule and entered in the
16 statewide automated fingerprint identification system
17 authorized by s. 943.05(2)(b). Such fingerprints shall
18 thereafter be available for all purposes and uses authorized
19 for arrest fingerprint cards entered in the statewide
20 automated fingerprint identification system pursuant to s.
21 943.051.

22 (b) Beginning December 15, 2004, the Department of Law
23 Enforcement shall search all arrest fingerprint cards received
24 under s. 943.051 against the fingerprints retained in the
25 statewide automated fingerprint identification system under
26 paragraph (a). Any arrest record that is identified with the
27 retained fingerprints of a person subject to the background
28 screening under this section shall be reported to the
29 employing or contracting school district or the school
30 district with which the person is affiliated. Each school
31 district is required to participate in this search process by

1 payment of an annual fee to the Department of Law Enforcement
2 and by informing the Department of Law Enforcement of any
3 change in the affiliation, employment, or contractual status
4 or place of affiliation, employment, or contracting of its
5 instructional and noninstructional personnel whose
6 fingerprints are retained under paragraph (a). The Department
7 of Law Enforcement shall adopt a rule setting the amount of
8 the annual fee to be imposed upon each school district for
9 performing these searches and establishing the procedures for
10 the retention of instructional and noninstructional personnel
11 fingerprints and the dissemination of search results. The fee
12 may be borne by the district school board, the contractor, or
13 the person fingerprinted.

14 (c) Personnel whose fingerprints are not retained by
15 the Department of Law Enforcement under paragraphs (a) and (b)
16 are required to be reprinted and must meet level 2
17 screening requirements as described in this section upon
18 reemployment or reengagement to provide services in order to
19 comply with the requirements of this subsection.

20 Section 10. Paragraph (g) of subsection (3) of section
21 1012.33, Florida Statutes, is amended to read:

22 1012.33 Contracts with instructional staff,
23 supervisors, and school principals.--

24 (3)

25 (g) Beginning July 1, 2001, for each employee who
26 enters into a written contract, pursuant to this section, in a
27 school district in which the employee was not employed as of
28 June 30, 2001, or was employed as of June 30, 2001, but has
29 since broken employment with that district for 1 school year
30 or more, for purposes of pay, a district school board must
31 recognize and accept each year of full-time public school

1 teaching service earned in the State of Florida or outside the
2 state and for which the employee received a satisfactory
3 performance evaluation. Instructional personnel employed
4 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
5 of this paragraph.

6 Section 11. Subsection (3) of section 1012.34, Florida
7 Statutes, is amended to read:

8 1012.34 Assessment procedures and criteria.--

9 (3) The assessment procedure for instructional
10 personnel and school administrators must be primarily based on
11 the performance of students assigned to their classrooms or
12 schools, as appropriate. Pursuant to this section, a school
13 district's performance assessment is not limited to basing
14 unsatisfactory performance of instructional personnel and
15 school administrators upon student performance, but may
16 include other criteria approved to assess instructional
17 personnel and school administrators' performance, or any
18 combination of student performance and other approved
19 criteria. The procedures must comply with, but are not limited
20 to, the following requirements:

21 (a) An assessment must be conducted for each employee
22 at least once a year. The assessment must be based upon sound
23 educational principles and contemporary research in effective
24 educational practices. The assessment must primarily use data
25 and indicators of improvement in student performance assessed
26 annually as specified in s. 1008.22 and may consider results
27 of peer reviews in evaluating the employee's performance.
28 Student performance must be measured by state assessments
29 required under s. 1008.22 and by local assessments for
30 subjects and grade levels not measured by the state assessment
31

1 program. The assessment criteria must include, but are not
2 limited to, indicators that relate to the following:

- 3 1. Performance of students.
- 4 2. Ability to maintain appropriate discipline.
- 5 3. Knowledge of subject matter. The district school
6 board shall make special provisions for evaluating teachers
7 who are assigned to teach out-of-field.
- 8 4. Ability to plan and deliver instruction, including
9 the use of technology in the classroom.
- 10 5. Ability to evaluate instructional needs.
- 11 6. Ability to establish and maintain a positive
12 collaborative relationship with students' families to increase
13 student achievement.
- 14 7. Other professional competencies, responsibilities,
15 and requirements as established by rules of the State Board of
16 Education and policies of the district school board.

17 (b) All personnel must be fully informed of the
18 criteria and procedures associated with the assessment process
19 before the assessment takes place.

20 (c) The individual responsible for supervising the
21 employee must assess the employee's performance. The evaluator
22 must submit a written report of the assessment to the district
23 school superintendent for the purpose of reviewing the
24 employee's contract. The evaluator must submit the written
25 report to the employee no later than 10 days after the
26 assessment takes place. The evaluator must discuss the written
27 report of assessment with the employee. The employee shall
28 have the right to initiate a written response to the
29 assessment, and the response shall become a permanent
30 attachment to his or her personnel file.

31

1 (d) If an employee is not performing his or her duties
2 in a satisfactory manner, the evaluator shall notify the
3 employee in writing of such determination. The notice must
4 describe such unsatisfactory performance and include notice of
5 the following procedural requirements:

6 1. Upon delivery of a notice of unsatisfactory
7 performance, the evaluator must confer with the employee, make
8 recommendations with respect to specific areas of
9 unsatisfactory performance, and provide assistance in helping
10 to correct deficiencies within a prescribed period of time.

11 2.a. If the employee holds a professional service
12 contract as provided in s. 1012.33, the employee shall be
13 placed on performance probation and governed by the provisions
14 of this section for 90 calendar days following the receipt of
15 the notice of unsatisfactory performance to demonstrate
16 corrective action. School holidays and school vacation periods
17 are not counted when calculating the 90-calendar-day period.
18 During the 90 calendar days, the employee who holds a
19 professional service contract must be evaluated periodically
20 and apprised of progress achieved and must be provided
21 assistance and inservice training opportunities to help
22 correct the noted performance deficiencies. At any time during
23 the 90 calendar days, the employee who holds a professional
24 service contract may request a transfer to another appropriate
25 position with a different supervising administrator; however,
26 a transfer does not extend the period for correcting
27 performance deficiencies.

28 b. Within 14 days after the close of the 90 calendar
29 days, the evaluator must assess whether the performance
30 deficiencies have been corrected and forward a recommendation
31 to the district school superintendent. Within 14 days after

1 receiving the evaluator's recommendation, the district school
2 superintendent must notify the employee who holds a
3 professional service contract in writing whether the
4 performance deficiencies have been satisfactorily corrected
5 and whether the district school superintendent will recommend
6 that the district school board continue or terminate his or
7 her employment contract. If the employee wishes to contest the
8 district school superintendent's recommendation, the employee
9 must, within 15 days after receipt of the district school
10 superintendent's recommendation, submit a written request for
11 a hearing. The hearing shall be conducted at the district
12 school board's election in accordance with one of the
13 following procedures:

14 (I) A direct hearing conducted by the district school
15 board within 60 days after receipt of the written appeal. The
16 hearing shall be conducted in accordance with the provisions
17 of ss. 120.569 and 120.57. A majority vote of the membership
18 of the district school board shall be required to sustain the
19 district school superintendent's recommendation. The
20 determination of the district school board shall be final as
21 to the sufficiency or insufficiency of the grounds for
22 termination of employment; or

23 (II) A hearing conducted by an administrative law
24 judge assigned by the Division of Administrative Hearings of
25 the Department of Management Services. The hearing shall be
26 conducted within 60 days after receipt of the written appeal
27 in accordance with chapter 120. The recommendation of the
28 administrative law judge shall be made to the district school
29 board. A majority vote of the membership of the district
30 school board shall be required to sustain or change the
31 administrative law judge's recommendation. The determination

1 of the district school board shall be final as to the
2 sufficiency or insufficiency of the grounds for termination of
3 employment.

4 Section 12. Section 1012.35, Florida Statutes, is
5 amended to read:

6 1012.35 Substitute teachers.--

7 (1) Each district school board shall adopt rules
8 prescribing the compensation of, and the procedure for
9 employment of, substitute teachers.

10 (a) ~~The~~ ~~Such~~ procedure for employment ~~must~~ ~~shall~~
11 include, but is not limited to, the filing of a complete set
12 of fingerprints as required in s. 1012.32; documentation of a
13 minimum education level of a high school diploma or
14 equivalent; and completion of an initial orientation and
15 training program in district policies and procedures
16 addressing school safety and security procedures, educational
17 liability laws, professional responsibilities, and ethics.

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

22 (c) The required training programs for substitute
23 teachers may be provided by community colleges, colleges of
24 education, district school boards, educational consortia, or
25 commercial vendors.

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

29 (2) The Department of Education shall develop
30 web-based resources to enhance district substitute orientation
31 programs.

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

5 Section 13. Paragraph (a) of subsection (1) of section
6 1012.39, Florida Statutes, is amended to read:

7 1012.39 Employment of substitute teachers, teachers of
8 adult education, nondegreed teachers of career education, and
9 career specialists; students performing clinical field
10 experience.--

11 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
12 1012.57, or any other provision of law or rule to the
13 contrary, each district school board shall establish the
14 minimal qualifications for:

15 (a) Substitute teachers to be employed pursuant to s.
16 1012.35. The qualifications shall require the filing of a
17 complete set of fingerprints in the same manner as required by
18 s. 1012.32; documentation of a minimum education level of a
19 high school diploma or equivalent; and completion of an
20 initial orientation and training program in district policies
21 and procedures addressing school safety and security
22 procedures, educational liability laws, professional
23 responsibilities, and ethics.

24 Section 14. Section 1012.465, Florida Statutes, is
25 created to read:

26 1012.465 Background screening requirements for certain
27 noninstructional school district employees and contractors.--

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

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

30 (3) If it is found that a person who is employed or
31 under contract in a capacity described in subsection (1) does

1 not meet the level 2 requirements, the person shall be
2 immediately suspended from working in that capacity and shall
3 remain suspended until final resolution of any appeals.

4 Section 15. Subsections (1) and (4) of section
5 1012.55, Florida Statutes, are amended to read:

6 1012.55 Positions for which certificates required.--

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

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

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

9 (b) Satisfies criteria established by the appropriate
10 military service for certification by the service as a junior
11 reserve officer training instructor.

12 (c) Has an exemplary military record.

13

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

18 Section 16. Subsection (1), paragraphs (b) and (d) of
19 subsection (2), and subsections (3), (4), and (5) of section
20 1012.56, Florida Statutes, are amended, present subsections
21 (9) through (15) of that section are renumbered as subsections
22 (10) through (16), respectively, and a new subsection (9) is
23 added to that section, to read:

24 1012.56 Educator certification requirements.--

25 (1) APPLICATION.--Each person seeking certification
26 pursuant to this chapter shall submit a completed application
27 containing the applicant's social security number to the
28 Department of Education and remit the fee required pursuant to
29 s. 1012.59 and rules of the State Board of Education. Pursuant
30 to the federal Personal Responsibility and Work Opportunity
31 Reconciliation Act of 1996, each party is required to provide

1 his or her social security number in accordance with this
 2 section. Disclosure of social security numbers obtained
 3 through this requirement is limited to the purpose of
 4 administration of the Title IV-D program of the Social
 5 Security Act for child support enforcement. Pursuant to s.
 6 120.60, the department shall issue within 90 calendar days
 7 after the stamped receipted date of the completed application:

8 (a) If the applicant meets the requirements, a
 9 professional certificate covering the classification, level,
 10 and area for which the applicant is deemed qualified and a
 11 document explaining the requirements for renewal of the
 12 professional certificate; ~~or~~

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

20 (c)~~(b)~~ If an applicant does not meet the requirements
 21 for either certificate, an official statement of status of
 22 eligibility.

23
 24 The statement of status of eligibility must advise the
 25 applicant of any qualifications that must be completed to
 26 qualify for certification. Each statement of status of
 27 eligibility is valid for 3 years after its date of issuance,
 28 except as provided in paragraph (2)(d).

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

31

1 (b) File an affidavit ~~a written statement, under oath,~~
2 that the applicant subscribes to and will uphold the
3 principles incorporated in the Constitution of the United
4 States and the Constitution of the State of Florida and that
5 the information provided in the application is true, accurate,
6 and complete. The affidavit shall be by original signature or
7 by electronic authentication. The affidavit shall include
8 substantially the following warning:

9
10 WARNING: Giving false information in order to obtain or renew
11 a Florida educator's certificate is a criminal offense under
12 Florida law. Anyone giving false information on this affidavit
13 is subject to criminal prosecution as well as disciplinary
14 action by the Education Practices Commission.

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

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

31

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

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

5 (c) A valid professional standard teaching certificate
6 issued by another state;

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

10 or

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

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

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

21 (b) Completion of the subject area specialization
22 requirements specified in state board rule and verification of
23 the attainment of the essential subject matter competencies by
24 the district school superintendent of the employing school
25 district or chief administrative officer of the employing
26 state-supported or private school for a subject area for which
27 a subject area examination has not been developed and required
28 by state board rule;

29 (c) Completion of the subject area specialization
30 requirements specified in state board rule for a subject
31 coverage requiring a master's or higher degree and achievement

1 of a passing score on the subject area examination specified
2 in state board rule;

3 (d) A valid professional standard teaching certificate
4 issued by another state; or

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

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

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

15 (b) Completion of a teacher preparation program at a
16 postsecondary educational institution outside Florida and
17 achievement of a passing score on the professional education
18 competency examination required by state board rule;

19 (c) A valid professional standard teaching certificate
20 issued by another state;

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

24 (e) Documentation of two semesters of successful
25 teaching in a community college, state university, or private
26 college or university that awards an associate or higher
27 degree and is an accredited institution or an institution of
28 higher education identified by the Department of Education as
29 having a quality program;

30 (f) Completion of professional preparation courses as
31 specified in state board rule, successful completion of a

1 professional education competence demonstration program
2 pursuant to paragraph (7)(b), and achievement of a passing
3 score on the professional education competency examination
4 required by state board rule; ~~or~~

5 (g) Successful completion of a professional
6 preparation alternative certification and education competency
7 program, outlined in paragraph (7)(a); or-

8 (h) Successful completion of an alternative
9 certification program pursuant to s. 1004.85 and achievement
10 of a passing score on the professional education competency
11 examination required by rule of the State Board of Education.

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

14 (a) Each person who seeks certification under this
15 chapter must meet level 2 screening requirements as described
16 in s. 1012.32 unless a level 2 screening has been conducted by
17 a district school board or the Department of Education within
18 12 months before the date the person initially obtains
19 certification under this chapter, the results of which are
20 submitted to the district school board or to the Department of
21 Education.

22 (b) A person may not receive a certificate under this
23 chapter until the level 2 screening has been completed and the
24 results have been submitted to the Department of Education or
25 to the district school superintendent of the school district
26 that employs the person. Every 5 years after obtaining initial
27 certification, each person who is required to be certified
28 under this chapter must meet level 2 screening requirements as
29 described in s. 1012.32, at which time the school district
30 shall request the Department of Law Enforcement to forward the
31 fingerprints to the Federal Bureau of Investigation for the

1 level 2 screening. If, for any reason after obtaining initial
2 certification, the fingerprints of a person who is required to
3 be certified under this chapter are not retained by the
4 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
5 the person must file a complete set of fingerprints with the
6 district school superintendent of the employing 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 or the
15 employee. Under penalty of perjury, each person who is
16 certified under this chapter must agree to inform his or her
17 employer within 48 hours if convicted of any disqualifying
18 offense while he or she is employed in a position for which
19 such certification is required.

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

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

28 1012.561 Address of record.--Each certified educator
29 or applicant for certification is solely responsible for
30 maintaining his or her current address with the Department of
31 Education and for notifying the department in writing of a

1 change of address. By January 1, 2005, each educator and
2 applicant for certification must have on file with the
3 department a current mailing address. Thereafter, a certified
4 educator or applicant for certification who is employed by a
5 district school board shall notify his or her employing school
6 district within 10 days after a change of address. At a
7 minimum, the employing district school board shall notify the
8 department monthly of the addresses of the certified educators
9 or applicants for certification in the manner prescribed by
10 the department. A certified educator or applicant for
11 certification who is not employed by a district school board
12 shall personally notify the department in writing within 30
13 days after a change of address. The department shall permit
14 electronic notification; however, it is the responsibility of
15 the certified educator or applicant for certification to
16 ensure that the department has received the electronic
17 notification.

18 Section 18. Section 1012.57, Florida Statutes, is
19 amended to read:

20 1012.57 Certification of adjunct educators.--

21 (1) Notwithstanding the provisions of ss. 1012.32,
22 1012.55, and 1012.56, or any other provision of law or rule to
23 the contrary, district school boards shall adopt rules to
24 allow for the issuance of an adjunct teaching certificate to
25 any applicant who fulfills the requirements of s.
26 1012.56(2)(a)-(f) and (9) and who has expertise in the subject
27 area to be taught. An applicant shall be considered to have
28 expertise in the subject area to be taught if the applicant
29 demonstrates sufficient subject area mastery through passage
30 of a subject area test. The adjunct teaching certificate shall
31 be used for part-time teaching positions. The intent of this

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

20 (2) Individuals who are certified and employed under
21 ~~pursuant to~~ this section shall have the same rights and
22 protection of laws as teachers certified under ~~pursuant to~~ s.
23 1012.56.

24 Section 19. Paragraph (d) of subsection (3) of section
25 1012.585, Florida Statutes, is amended to read:

26 1012.585 Process for renewal of professional
27 certificates.--

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

30 (d) The State Board of Education shall adopt rules for
31 the expanded use of training for renewal of the professional

1 certificate for educators who are required to complete
2 training in teaching students of limited English proficiency
3 and training in the teaching of reading as follows:

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

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

19 Section 20. Subsection (8) of section 1012.79, Florida
20 Statutes, is amended to read:

21 1012.79 Education Practices Commission;
22 organization.--

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

1 composed of five ~~seven~~ commission members, three ~~four~~ of whom
2 shall be administrators.

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

10 Section 21. Subsections (1) and (6) of section
11 1012.795, Florida Statutes, are amended to read:

12 1012.795 Education Practices Commission; authority to
13 discipline.--

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

1 upon order of the court, of any person found to have a
2 delinquent child support obligation; or may impose any other
3 penalty provided by law, provided it can be shown that the
4 person:

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

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

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

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

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

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

20 (g) Has breached a contract, as provided in s.
21 1012.33(2).

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

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

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

31

1 (k) Has violated any order of the Education Practices
2 Commission.

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

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

26 (b) The Education Practices Commission shall adopt
27 rules requiring the issuance of ~~issue~~ a final order
28 permanently revoking an individual's Florida educator's
29 certificate if the individual has been the subject of
30 sanctions by the Education Practices Commission on two
31 previous occasions. However, an individual is not subject to

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

1 ~~agreement shall also include a penalty revoking that~~
2 ~~individual's Florida educator's certificate for a minimum of 1~~
3 ~~year.~~

4 Section 22. Subsections (1), (7), and (8) of section
5 1012.796, Florida Statutes, are amended to read:

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

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

25 (b) When an investigation is undertaken, the
26 department shall notify the certificateholder or applicant for
27 certification and the district school superintendent 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. In addition, the department in the

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

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

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 office 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, administrator, 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). The Department
 11 of Education shall prosecute the individual ordered to show
 12 cause before the Education Practices Commission. The
 13 Department of Education and the individual may enter into a
 14 settlement agreement, which shall be presented to the
 15 Education Practices Commission for consideration. Any
 16 probation period will be tolled when an order to show cause
 17 has been issued until the issue is resolved by the Education
 18 Practices Commission; however, the other terms and conditions
 19 of the final order shall be in full force and effect until
 20 changed by the Education Practices Commission.

21 Section 23. Subsections (1), (3), (6), and (10) of
 22 section 1012.798, Florida Statutes, are amended to read:

23 1012.798 Recovery network program for educators.--

24 (1) RECOVERY NETWORK ESTABLISHED.--There is created
 25 within the Department of Education, a recovery network program
 26 to assist educators who are impaired as a result of alcohol
 27 abuse, drug abuse, or a mental condition to obtain treatment
 28 ~~in obtaining treatment to permit their continued contribution~~
 29 ~~to the education profession. Any person who has applied for~~
 30 or holds certification issued by the department pursuant to s.
 31 1012.56 is eligible for the program ~~assistance~~. The individual

1 may access the program voluntarily or be directed to
2 participate through a deferred prosecution agreement with the
3 Commissioner of Education or a final order of the Education
4 Practices Commission pursuant to s. 1012.796.

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

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

21 (a) A person who is not subject to investigation or
22 proceedings under ss. 1012.795 and 1012.796 may voluntarily
23 seek assistance through a local school district employee
24 assistance program for which he or she is eligible and through
25 the recovery network, regardless of action taken against him
26 or her by a school district. Voluntarily seeking assistance
27 alone does not subject a person to proceedings under ss.
28 1012.795 and 1012.796.

29 (b) A person who is subject to investigation or
30 proceedings under ss. 1012.795 and 1012.796 may be required to
31 participate in the program. The program may approve a local

1 employee assistance program as a treatment provider or as a
2 means of securing a treatment provider. The program and the
3 local school district shall cooperate so that the person may
4 obtain treatment without limiting the school district's
5 statutory powers and duties as an employer or the disciplinary
6 procedures under ss. 1012.795 and 1012.796.

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

- 13 1. Acknowledges his or her impairment.
- 14 2. Agrees to evaluation, as approved by the recovery
15 network.
- 16 3. Agrees to enroll in an appropriate treatment
17 program approved by the recovery network.
- 18 4. Executes releases for all medical and treatment
19 records regarding his or her impairment and participation in a
20 treatment program to the recovery network, pursuant to 42
21 U.S.C. s. 290dd-3 and the federal regulations adopted
22 thereunder.
- 23 5. Enters into a deferred prosecution agreement with
24 the commissioner, which provides that no prosecution shall be
25 instituted concerning the matters enumerated in the agreement
26 if the person is properly enrolled in the treatment program
27 and successfully completes the program as certified by the
28 recovery network. The commissioner is under no obligation to
29 enter into a deferred prosecution agreement with the educator
30 but may do so if he or she determines that it is in the best
31

1 interest of the educational program of the state and the
2 educator.

3 6. Has not previously entered a substance abuse
4 program.

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

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

9 (10) DECLARATION OF INELIGIBILITY.--

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

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

23 (c) If treatment through ~~a treatment contract with the~~
24 program is a condition of a deferred prosecution agreement,
25 and the program administrator ~~commissioner~~ determines that the
26 person is ineligible for further assistance, the commissioner
27 may agree to modify the terms and conditions of the deferred
28 prosecution agreement or may issue an administrative
29 complaint, pursuant to s. 1012.796, alleging the charges
30 regarding which prosecution was deferred. The person may
31 dispute the determination as an affirmative defense to the

1 administrative complaint by including with his or her request
2 for hearing on the administrative complaint a written
3 statement setting forth the facts and circumstances that show
4 that the determination of ineligibility was erroneous. If
5 administrative proceedings regarding the administrative
6 complaint, pursuant to ss. 120.569 and 120.57, result in a
7 finding that the determination of ineligibility was erroneous,
8 the person is eligible to participate in the program. If the
9 determination of ineligibility was the only reason for setting
10 aside the deferred prosecution agreement and issuing the
11 administrative complaint and the administrative proceedings
12 result in a finding that the determination was erroneous, the
13 complaint shall be dismissed and the deferred prosecution
14 agreement reinstated without prejudice to the commissioner's
15 right to reissue the administrative complaint for other
16 breaches of the agreement.

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

31

1 (e) If the person voluntarily entered into a treatment
2 contract with the program, the program administrator
3 ~~commissioner~~ shall issue a written notice stating the reasons
4 for the determination of ineligibility. Within 20 days after
5 the date of such notice, the person may contest the
6 determination of ineligibility pursuant to ss. 120.569 and
7 120.57.

8 Section 24. For the purpose of incorporating the
9 amendment made by this act to section 1012.01, Florida
10 Statutes, in a reference thereto, paragraph (b) of subsection
11 (1) of section 112.1915, Florida Statutes, is reenacted to
12 read:

13 112.1915 Teachers and school administrators; death
14 benefits.--Any other provision of law to the contrary
15 notwithstanding:

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

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

19 Section 25. For the purpose of incorporating the
20 amendment made by this act to section 1012.01, Florida
21 Statutes, in a reference thereto, paragraph (b) of subsection
22 (9) and paragraph (a) of subsection (13) of section 121.091,
23 Florida Statutes, are reenacted to read:

24 121.091 Benefits payable under the system.--Benefits
25 may not be paid under this section unless the member has
26 terminated employment as provided in s. 121.021(39)(a) or
27 begun participation in the Deferred Retirement Option Program
28 as provided in subsection (13), and a proper application has
29 been filed in the manner prescribed by the department. The
30 department may cancel an application for retirement benefits
31 when the member or beneficiary fails to timely provide the

1 information and documents required by this chapter and the
2 department's rules. The department shall adopt rules
3 establishing procedures for application for retirement
4 benefits and for the cancellation of such application when the
5 required information or documents are not received.

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

7 (b)1. Any person who is retired under this chapter,
8 except under the disability retirement provisions of
9 subsection (4), may be reemployed by any private or public
10 employer after retirement and receive retirement benefits and
11 compensation from his or her employer without any limitations,
12 except that a person may not receive both a salary from
13 reemployment with any agency participating in the Florida
14 Retirement System and retirement benefits under this chapter
15 for a period of 12 months immediately subsequent to the date
16 of retirement. However, a DROP participant shall continue
17 employment and receive a salary during the period of
18 participation in the Deferred Retirement Option Program, as
19 provided in subsection (13).

20 2. Any person to whom the limitation in subparagraph
21 1. applies who violates such reemployment limitation and who
22 is reemployed with any agency participating in the Florida
23 Retirement System before completion of the 12-month limitation
24 period shall give timely notice of this fact in writing to the
25 employer and to the division and shall have his or her
26 retirement benefits suspended for the balance of the 12-month
27 limitation period. Any person employed in violation of this
28 paragraph and any employing agency which knowingly employs or
29 appoints such person without notifying the Division of
30 Retirement to suspend retirement benefits shall be jointly and
31 severally liable for reimbursement to the retirement trust

1 fund of any benefits paid during the reemployment limitation
2 period. To avoid liability, such employing agency shall have
3 a written statement from the retiree that he or she is not
4 retired from a state-administered retirement system. Any
5 retirement benefits received while reemployed during this
6 reemployment limitation period shall be repaid to the
7 retirement trust fund, and retirement benefits shall remain
8 suspended until such repayment has been made. Benefits
9 suspended beyond the reemployment limitation shall apply
10 toward repayment of benefits received in violation of the
11 reemployment limitation.

12 3. A district school board may reemploy a retired
13 member as a substitute or hourly teacher, education
14 paraprofessional, transportation assistant, bus driver, or
15 food service worker on a noncontractual basis after he or she
16 has been retired for 1 calendar month, in accordance with s.
17 121.021(39). A district school board may reemploy a retired
18 member as instructional personnel, as defined in s.
19 1012.01(2)(a), on an annual contractual basis after he or she
20 has been retired for 1 calendar month, in accordance with s.
21 121.021(39). Any other retired member who is reemployed within
22 1 calendar month after retirement shall void his or her
23 application for retirement benefits. District school boards
24 reemploying such teachers, education paraprofessionals,
25 transportation assistants, bus drivers, or food service
26 workers are subject to the retirement contribution required by
27 subparagraph 7.

28 4. A community college board of trustees may reemploy
29 a retired member as an adjunct instructor, that is, an
30 instructor who is noncontractual and part-time, or as a
31 participant in a phased retirement program within the Florida

1 Community College System, after he or she has been retired for
2 1 calendar month, in accordance with s. 121.021(39). Any
3 retired member who is reemployed within 1 calendar month after
4 retirement shall void his or her application for retirement
5 benefits. Boards of trustees reemploying such instructors are
6 subject to the retirement contribution required in
7 subparagraph 7. A retired member may be reemployed as an
8 adjunct instructor for no more than 780 hours during the first
9 12 months of retirement. Any retired member reemployed for
10 more than 780 hours during the first 12 months of retirement
11 shall give timely notice in writing to the employer and to the
12 division of the date he or she will exceed the limitation.
13 The division shall suspend his or her retirement benefits for
14 the remainder of the first 12 months of retirement. Any
15 person employed in violation of this subparagraph and any
16 employing agency which knowingly employs or appoints such
17 person without notifying the Division of Retirement to suspend
18 retirement benefits shall be jointly and severally liable for
19 reimbursement to the retirement trust fund of any benefits
20 paid during the reemployment limitation period. To avoid
21 liability, such employing agency shall have a written
22 statement from the retiree that he or she is not retired from
23 a state-administered retirement system. Any retirement
24 benefits received by a retired member while reemployed in
25 excess of 780 hours during the first 12 months of retirement
26 shall be repaid to the Retirement System Trust Fund, and
27 retirement benefits shall remain suspended until repayment is
28 made. Benefits suspended beyond the end of the retired
29 member's first 12 months of retirement shall apply toward
30 repayment of benefits received in violation of the 780-hour
31 reemployment limitation.

1 5. The State University System may reemploy a retired
2 member as an adjunct faculty member or as a participant in a
3 phased retirement program within the State University System
4 after the retired member has been retired for 1 calendar
5 month, in accordance with s. 121.021(39). Any retired member
6 who is reemployed within 1 calendar month after retirement
7 shall void his or her application for retirement benefits.
8 The State University System is subject to the retired
9 contribution required in subparagraph 7., as appropriate. A
10 retired member may be reemployed as an adjunct faculty member
11 or a participant in a phased retirement program for no more
12 than 780 hours during the first 12 months of his or her
13 retirement. Any retired member reemployed for more than 780
14 hours during the first 12 months of retirement shall give
15 timely notice in writing to the employer and to the division
16 of the date he or she will exceed the limitation. The
17 division shall suspend his or her retirement benefits for the
18 remainder of the first 12 months of retirement. Any person
19 employed in violation of this subparagraph and any employing
20 agency which knowingly employs or appoints such person without
21 notifying the Division of Retirement to suspend retirement
22 benefits shall be jointly and severally liable for
23 reimbursement to the retirement trust fund of any benefits
24 paid during the reemployment limitation period. To avoid
25 liability, such employing agency shall have a written
26 statement from the retiree that he or she is not retired from
27 a state-administered retirement system. Any retirement
28 benefits received by a retired member while reemployed in
29 excess of 780 hours during the first 12 months of retirement
30 shall be repaid to the Retirement System Trust Fund, and
31 retirement benefits shall remain suspended until repayment is

1 made. Benefits suspended beyond the end of the retired
2 member's first 12 months of retirement shall apply toward
3 repayment of benefits received in violation of the 780-hour
4 reemployment limitation.

5 6. The Board of Trustees of the Florida School for the
6 Deaf and the Blind may reemploy a retired member as a
7 substitute teacher, substitute residential instructor, or
8 substitute nurse on a noncontractual basis after he or she has
9 been retired for 1 calendar month, in accordance with s.
10 121.021(39). Any retired member who is reemployed within 1
11 calendar month after retirement shall void his or her
12 application for retirement benefits. The Board of Trustees of
13 the Florida School for the Deaf and the Blind reemploying such
14 teachers, residential instructors, or nurses is subject to the
15 retirement contribution required by subparagraph 7.
16 Reemployment of a retired member as a substitute teacher,
17 substitute residential instructor, or substitute nurse is
18 limited to 780 hours during the first 12 months of his or her
19 retirement. Any retired member reemployed for more than 780
20 hours during the first 12 months of retirement shall give
21 timely notice in writing to the employer and to the division
22 of the date he or she will exceed the limitation. The division
23 shall suspend his or her retirement benefits for the remainder
24 of the first 12 months of retirement. Any person employed in
25 violation of this subparagraph and any employing agency which
26 knowingly employs or appoints such person without notifying
27 the Division of Retirement to suspend retirement benefits
28 shall be jointly and severally liable for reimbursement to the
29 retirement trust fund of any benefits paid during the
30 reemployment limitation period. To avoid liability, such
31 employing agency shall have a written statement from the

1 retiree that he or she is not retired from a
2 state-administered retirement system. Any retirement benefits
3 received by a retired member while reemployed in excess of 780
4 hours during the first 12 months of retirement shall be repaid
5 to the Retirement System Trust Fund, and his or her retirement
6 benefits shall remain suspended until payment is made.
7 Benefits suspended beyond the end of the retired member's
8 first 12 months of retirement shall apply toward repayment of
9 benefits received in violation of the 780-hour reemployment
10 limitation.

11 7. The employment by an employer of any retiree or
12 DROP participant of any state-administered retirement system
13 shall have no effect on the average final compensation or
14 years of creditable service of the retiree or DROP
15 participant. Prior to July 1, 1991, upon employment of any
16 person, other than an elected officer as provided in s.
17 121.053, who has been retired under any state-administered
18 retirement program, the employer shall pay retirement
19 contributions in an amount equal to the unfunded actuarial
20 liability portion of the employer contribution which would be
21 required for regular members of the Florida Retirement System.
22 Effective July 1, 1991, contributions shall be made as
23 provided in s. 121.122 for retirees with renewed membership or
24 subsection (13) with respect to DROP participants.

25 8. Any person who has previously retired and who is
26 holding an elective public office or an appointment to an
27 elective public office eligible for the Elected Officers'
28 Class on or after July 1, 1990, shall be enrolled in the
29 Florida Retirement System as provided in s. 121.053(1)(b) or,
30 if holding an elective public office that does not qualify for
31 the Elected Officers' Class on or after July 1, 1991, shall be

1 enrolled in the Florida Retirement System as provided in s.
2 121.122, and shall continue to receive retirement benefits as
3 well as compensation for the elected officer's service for as
4 long as he or she remains in elective office. However, any
5 retired member who served in an elective office prior to July
6 1, 1990, suspended his or her retirement benefit, and had his
7 or her Florida Retirement System membership reinstated shall,
8 upon retirement from such office, have his or her retirement
9 benefit recalculated to include the additional service and
10 compensation earned.

11 9. Any person who is holding an elective public office
12 which is covered by the Florida Retirement System and who is
13 concurrently employed in nonelected covered employment may
14 elect to retire while continuing employment in the elective
15 public office, provided that he or she shall be required to
16 terminate his or her nonelected covered employment. Any
17 person who exercises this election shall receive his or her
18 retirement benefits in addition to the compensation of the
19 elective office without regard to the time limitations
20 otherwise provided in this subsection. No person who seeks to
21 exercise the provisions of this subparagraph, as the same
22 existed prior to May 3, 1984, shall be deemed to be retired
23 under those provisions, unless such person is eligible to
24 retire under the provisions of this subparagraph, as amended
25 by chapter 84-11, Laws of Florida.

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

30 11. An employing agency may reemploy a retired member
31 as a firefighter or paramedic after the retired member has

1 | been retired for 1 calendar month, in accordance with s.
2 | 121.021(39). Any retired member who is reemployed within 1
3 | calendar month after retirement shall void his or her
4 | application for retirement benefits. The employing agency
5 | reemploying such firefighter or paramedic is subject to the
6 | retired contribution required in subparagraph 8. Reemployment
7 | of a retired firefighter or paramedic is limited to no more
8 | than 780 hours during the first 12 months of his or her
9 | retirement. Any retired member reemployed for more than 780
10 | hours during the first 12 months of retirement shall give
11 | timely notice in writing to the employer and to the division
12 | of the date he or she will exceed the limitation. The division
13 | shall suspend his or her retirement benefits for the remainder
14 | of the first 12 months of retirement. Any person employed in
15 | violation of this subparagraph and any employing agency which
16 | knowingly employs or appoints such person without notifying
17 | the Division of Retirement to suspend retirement benefits
18 | shall be jointly and severally liable for reimbursement to the
19 | Retirement System Trust Fund of any benefits paid during the
20 | reemployment limitation period. To avoid liability, such
21 | employing agency shall have a written statement from the
22 | retiree that he or she is not retired from a
23 | state-administered retirement system. Any retirement benefits
24 | received by a retired member while reemployed in excess of 780
25 | hours during the first 12 months of retirement shall be repaid
26 | to the Retirement System Trust Fund, and retirement benefits
27 | shall remain suspended until repayment is made. Benefits
28 | suspended beyond the end of the retired member's first 12
29 | months of retirement shall apply toward repayment of benefits
30 | received in violation of the 780-hour reemployment limitation.
31 |

1 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
2 and subject to the provisions of this section, the Deferred
3 Retirement Option Program, hereinafter referred to as the
4 DROP, is a program under which an eligible member of the
5 Florida Retirement System may elect to participate, deferring
6 receipt of retirement benefits while continuing employment
7 with his or her Florida Retirement System employer. The
8 deferred monthly benefits shall accrue in the System Trust
9 Fund on behalf of the participant, plus interest compounded
10 monthly, for the specified period of the DROP participation,
11 as provided in paragraph (c). Upon termination of employment,
12 the participant shall receive the total DROP benefits and
13 begin to receive the previously determined normal retirement
14 benefits. Participation in the DROP does not guarantee
15 employment for the specified period of DROP. Participation in
16 the DROP by an eligible member beyond the initial 60-month
17 period as authorized in this subsection shall be on an annual
18 contractual basis for all participants.

19 (a) Eligibility of member to participate in the
20 DROP.--All active Florida Retirement System members in a
21 regularly established position, and all active members of
22 either the Teachers' Retirement System established in chapter
23 238 or the State and County Officers' and Employees'
24 Retirement System established in chapter 122 which systems are
25 consolidated within the Florida Retirement System under s.
26 121.011, are eligible to elect participation in the DROP
27 provided that:

28 1. The member is not a renewed member of the Florida
29 Retirement System under s. 121.122, or a member of the State
30 Community College System Optional Retirement Program under s.
31 121.051, the Senior Management Service Optional Annuity

1 Program under s. 121.055, or the optional retirement program
2 for the State University System under s. 121.35.

3 2. Except as provided in subparagraph 6., election to
4 participate is made within 12 months immediately following the
5 date on which the member first reaches normal retirement date,
6 or, for a member who reaches normal retirement date based on
7 service before he or she reaches age 62, or age 55 for Special
8 Risk Class members, election to participate may be deferred to
9 the 12 months immediately following the date the member
10 attains 57, or age 52 for Special Risk Class members. For a
11 member who first reached normal retirement date or the
12 deferred eligibility date described above prior to the
13 effective date of this section, election to participate shall
14 be made within 12 months after the effective date of this
15 section. A member who fails to make an election within such
16 12-month limitation period shall forfeit all rights to
17 participate in the DROP. The member shall advise his or her
18 employer and the division in writing of the date on which the
19 DROP shall begin. Such beginning date may be subsequent to the
20 12-month election period, but must be within the 60-month or,
21 with respect to members who are instructional personnel
22 employed by the Florida School for the Deaf and the Blind and
23 who have received authorization by the Board of Trustees of
24 the Florida School for the Deaf and the Blind to participate
25 in the DROP beyond 60 months, or who are instructional
26 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12
27 and who have received authorization by the district school
28 superintendent to participate in the DROP beyond 60 months,
29 the 96-month limitation period as provided in subparagraph
30 (b)1. When establishing eligibility of the member to
31 participate in the DROP for the 60-month or, with respect to

1 members who are instructional personnel employed by the
2 Florida School for the Deaf and the Blind and who have
3 received authorization by the Board of Trustees of the Florida
4 School for the Deaf and the Blind to participate in the DROP
5 beyond 60 months, or who are instructional personnel as
6 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
7 received authorization by the district school superintendent
8 to participate in the DROP beyond 60 months, the 96-month
9 maximum participation period, the member may elect to include
10 or exclude any optional service credit purchased by the member
11 from the total service used to establish the normal retirement
12 date. A member with dual normal retirement dates shall be
13 eligible to elect to participate in DROP within 12 months
14 after attaining normal retirement date in either class.

15 3. The employer of a member electing to participate in
16 the DROP, or employers if dually employed, shall acknowledge
17 in writing to the division the date the member's participation
18 in the DROP begins and the date the member's employment and
19 DROP participation will terminate.

20 4. Simultaneous employment of a participant by
21 additional Florida Retirement System employers subsequent to
22 the commencement of participation in the DROP shall be
23 permissible provided such employers acknowledge in writing a
24 DROP termination date no later than the participant's existing
25 termination date or the 60-month limitation period as provided
26 in subparagraph (b)1.

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

29 a. A change of employment must take place without a
30 break in service so that the member receives salary for each
31 month of continuous DROP participation. If a member receives

1 no salary during a month, DROP participation shall cease
2 unless the employer verifies a continuation of the employment
3 relationship for such participant pursuant to s.
4 121.021(39)(b).

5 b. Such participant and new employer shall notify the
6 division on forms required by the division as to the identity
7 of the new employer.

8 c. The new employer shall acknowledge, in writing, the
9 participant's DROP termination date, which may be extended but
10 not beyond the original 60-month or, with respect to members
11 who are instructional personnel employed by the Florida School
12 for the Deaf and the Blind and who have received authorization
13 by the Board of Trustees of the Florida School for the Deaf
14 and the Blind to participate in the DROP beyond 60 months, or
15 who are instructional personnel as defined in s.
16 1012.01(2)(a)-(d) in grades K-12 and who have received
17 authorization by the district school superintendent to
18 participate in the DROP beyond 60 months, the 96-month period
19 provided in subparagraph (b)1., shall acknowledge liability
20 for any additional retirement contributions and interest
21 required if the participant fails to timely terminate
22 employment, and shall be subject to the adjustment required in
23 sub-subparagraph (c)5.d.

24 6. Effective July 1, 2001, for instructional personnel
25 as defined in s. 1012.01(2), election to participate in the
26 DROP shall be made at any time following the date on which the
27 member first reaches normal retirement date. The member shall
28 advise his or her employer and the division in writing of the
29 date on which the Deferred Retirement Option Program shall
30 begin. When establishing eligibility of the member to
31 participate in the DROP for the 60-month or, with respect to

1 members who are instructional personnel employed by the
2 Florida School for the Deaf and the Blind and who have
3 received authorization by the Board of Trustees of the Florida
4 School for the Deaf and the Blind to participate in the DROP
5 beyond 60 months, or who are instructional personnel as
6 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
7 received authorization by the district school superintendent
8 to participate in the DROP beyond 60 months, the 96-month
9 maximum participation period, as provided in subparagraph
10 (b)1., the member may elect to include or exclude any optional
11 service credit purchased by the member from the total service
12 used to establish the normal retirement date. A member with
13 dual normal retirement dates shall be eligible to elect to
14 participate in either class.

15 Section 26. For the purpose of incorporating the
16 amendment made by this act to section 1012.01, Florida
17 Statutes, in a reference thereto, paragraph (b) of subsection
18 (2) of section 1011.685, Florida Statutes, is reenacted to
19 read:

20 1011.685 Class size reduction; operating categorical
21 fund.--

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

24 (b) For any lawful operating expenditure, if the
25 district has met the constitutional maximums identified in s.
26 1003.03(1) or the reduction of two students per year required
27 by s. 1003.03(2); however, priority shall be given to increase
28 salaries of classroom teachers as defined in s. 1012.01(2)(a)
29 and to implement the salary career ladder defined in s.
30 1012.231.

31

1 Section 27. For the purpose of incorporating the
2 amendment made by this act to section 1012.01, Florida
3 Statutes, in a reference thereto, paragraphs (a) and (b) of
4 subsection (2) of section 1012.74, Florida Statutes, are
5 reenacted to read:

6 1012.74 Florida educators professional liability
7 insurance protection.--

8 (2)(a) Educator professional liability coverage for
9 all instructional personnel, as defined by s. 1012.01(2), who
10 are full-time personnel, as defined by the district school
11 board policy, shall be provided by specific appropriations
12 under the General Appropriations Act.

13 (b) Educator professional liability coverage shall be
14 extended at cost to all instructional personnel, as defined by
15 s. 1012.01(2), who are part-time personnel, as defined by the
16 district school board policy, and choose to participate in the
17 state-provided program.

18 Section 28. This act shall take effect upon becoming a
19 law.

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