

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.

1 Representative Vana offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 81-82 and insert:

5 Section 2. Subsection (3) of section 1012.796, Florida
6 Statutes, is amended to read:

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

9 (3) (a) The department staff shall advise the commissioner
10 concerning the findings of the investigation. The department
11 general counsel or members of that staff shall review the
12 investigation and advise the commissioner concerning probable
13 cause or lack thereof. The determination of probable cause shall
14 be made by the commissioner. The commissioner shall provide an
15 opportunity for a conference, if requested, prior to determining
16 probable cause. The commissioner may enter into deferred
17 prosecution agreements in lieu of finding probable cause when in
339935

4/24/2006 1:17:13 PM

Amendment No. (for drafter's use only)

18 his or her judgment such agreements would be in the best
19 interests of the department, the certificateholder, and the
20 public. Such deferred prosecution agreements shall become
21 effective when filed with the clerk of the Education Practices
22 Commission. However, a deferred prosecution agreement shall not
23 be entered into where there is probable cause to believe that a
24 felony or an act of moral turpitude has occurred. Upon finding
25 no probable cause, the commissioner shall dismiss the complaint.

26 (b) When department staff assigned the responsibility of
27 investigating the complaint prepare an investigative report or
28 summary, regardless of form, the person preparing the report
29 shall, at the time the report is completed:

30 1. Verify pursuant to s. 92.525 that the contents of the
31 report are true and accurate based upon the person's personal
32 knowledge, information, and belief.

33 2. Include the following statement, sworn and subscribed
34 to pursuant to s. 92.525:

35 "I, the undersigned, do hereby swear, under penalty of
36 perjury, that, to the best of my personal knowledge,
37 information, and belief, I have not knowingly or willfully
38 deprived, or allowed another to deprive, the subject of the
39 investigation of any of the rights contained in s. 1012.796,
40 Florida Statutes."

41
42 The requirements of subparagraphs 1. and 2. shall be completed
43 prior to the determination as to whether to proceed with
44 disciplinary action or to file disciplinary charges.

45 (c) All statements, regardless of form, provided by any
46 person as defined in s. 1012.01(2) or (3) during the course of a
339935

4/24/2006 1:17:13 PM

Amendment No. (for drafter's use only)

47 complaint investigation of that person shall be made under oath
48 pursuant to s. 92.525. Knowingly false statements given by any
49 person as defined in s. 1012.01(2) or (3) under investigation
50 may subject the person to prosecution for perjury.

51

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

53

Remove line 12 and insert:

54

amending s. 1012.796, F.S.; requiring certain

55

investigative reports to include a statement relating

56

to compliance with specified provisions and to be

57

verified; requiring certain statements to be made

58

under oath and subject to prosecution for perjury;

59

providing an effective date.