

By Senator Wise

5-00864C-12

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1 A bill to be entitled
2 An act relating to teacher protection; providing a
3 short title; creating s. 16.0152, F.S.; authorizing
4 certain teachers who are made a party to a civil suit
5 to request representation by the Attorney General;
6 requiring the Attorney General to defend the teacher
7 if the Attorney General determines that the suit has
8 arisen out of an act that the teacher in good faith
9 believed was within the scope of his or her duties;
10 requiring annual notice to teachers of their options
11 under this provision; providing that certain
12 determinations by the Attorney General are not
13 admissible in evidence; providing construction;
14 amending s. 447.203, F.S.; excluding certain
15 professional teacher associations from the definition
16 of "employee organization" for purposes of provisions
17 relating to public employee organizations unless such
18 associations apply for registration under specified
19 provisions; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. This act may be cited as the "Teacher Protection
24 Act."

25 Section 2. Section 16.0152, Florida Statutes, is created to
26 read:

27 16.0152 Suits against K-12 classroom teachers; defense by
28 Attorney General.-

29 (1) A K-12 classroom teacher as defined in s.

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30 1012.01(2)(a), other than a substitute teacher, who is made a
31 party to a civil suit for enforcing discipline policies
32 developed under s. 1003.32 may request legal representation by
33 the Attorney General. Such request must be in writing and
34 submitted to the Attorney General as soon as possible, but no
35 later than 14 days after the teacher receives the complaint.

36 (2) The Attorney General shall defend the teacher
37 throughout the civil action if the Attorney General determines
38 that the suit has arisen out of an act that the teacher in good
39 faith believed was within the scope of the teacher's duties in
40 enforcing discipline policies developed under s. 1003.32.

41 (3) No later than August 15 of each year, the Attorney
42 General shall draft and the Commissioner of Education shall
43 disseminate a notice to each K-12 classroom teacher concerning
44 the teacher's options under this section.

45 (4) A determination made by the Attorney General not to
46 represent a teacher under this section is not admissible as
47 evidence in the trial of any such civil action.

48 (5) This section does not deprive any person of the
49 person's right to select counsel of the person's own choice at
50 the person's own expense.

51 Section 3. Subsection (11) of section 447.203, Florida
52 Statutes, is amended to read:

53 447.203 Definitions.—As used in this part:

54 (11) "Employee organization" or "organization" means any
55 labor organization, union, association, fraternal order,
56 occupational or professional society, or group, however
57 organized or constituted, which represents, or seeks to
58 represent, any public employee or group of public employees

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59 concerning any matters relating to their employment relationship
60 with a public employer, except that a "professional teacher
61 association" as defined in s. 1001.03(4) shall not be included
62 in this definition until it applies for registration pursuant to
63 s. 447.305.

64 Section 4. This act shall take effect July 1, 2012.