

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
 2 Representative Spano offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Present paragraphs (q) through (s) of
 7 subsection (2) of section 39.202, Florida Statutes, are
 8 redesignated as paragraphs (r) through (t), respectively, and a
 9 new paragraph (q) is added to that subsection, to read:

10 39.202 Confidentiality of reports and records in cases of
 11 child abuse or neglect.—

12 (2) Except as provided in subsection (4), access to such
 13 records, excluding the name of the reporter which shall be
 14 released only as provided in subsection (5), shall be granted
 15 only to the following persons, officials, and agencies:

16 (q) An employee or agent of the Department of Education

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17 who is responsible for the investigation or prosecution of
18 misconduct by a certified educator.

19 Section 2. Subsection (3) of section 1012.39, Florida
20 Statutes, is amended to read:

21 1012.39 Employment of substitute teachers, teachers of
22 adult education, nondegreed teachers of career education, and
23 career specialists; students performing clinical field
24 experience.—

25 (3) A student who is enrolled in a state-approved teacher
26 preparation program in a postsecondary educational institution
27 that is approved by rules of the State Board of Education and
28 who is jointly assigned by the postsecondary educational
29 institution and a district school board to perform a clinical
30 field experience under the direction of a regularly employed and
31 certified educator shall, while serving such supervised clinical
32 field experience, be accorded the same protection of law as that
33 accorded to the certified educator except for the right to
34 bargain collectively as an employee of the district school
35 board. The district school board providing the clinical field
36 experience shall notify the student electronically or in writing
37 regarding the availability of educator liability insurance under
38 s. 1012.75. A postsecondary educational institution or district
39 school board may not require a student enrolled in a state-
40 approved teacher preparation program to purchase liability
41 insurance as a condition of participation in any clinical field

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42 experience or related activity on the premises of an elementary
43 or secondary school.

44 Section 3. Subsection (3) is added to section 1012.75,
45 Florida Statutes, to read:

46 1012.75 Liability of teacher or principal; ~~excessive~~
47 ~~force.~~—

48 (3) Beginning with the 2015-2016 school year, the
49 Department of Education shall administer an educator liability
50 insurance program, as provided in the General Appropriation Act,
51 to protect full-time instructional personnel, as defined by the
52 district school board, from liability for monetary damages and
53 the cost of defense of actions resulting from claims made
54 against them arising out of occurrences in the course of
55 activities in their professional capacity. For purposes of this
56 subsection, the term "instructional personnel" has the same
57 meaning as in s. 1012.01(2).

58 (a) Liability coverage, in an amount not less than 2
59 million dollars, shall be provided to all full-time
60 instructional personnel, as defined by the district school
61 board. Liability coverage may be provided to the following
62 individuals who choose to participate in the program, at cost:
63 part-time instructional personnel, as defined by the district
64 school board; administrative personnel, as defined by the
65 district school board, and students, as described in 1012.39(3).

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66 (b) Each district school board shall annually notify
67 personnel specified in paragraph (a) regarding the liability
68 coverage provided pursuant to this section by August 1. The
69 department shall develop the form of the notice that shall be
70 used by each district school board. The notice shall be on an 8
71 ½" x. 5 ½" postcard and include the amount of coverage, a
72 general description of the nature of the coverage, and the
73 contact information for coverage and claims questions. The
74 notification shall be provided separately from any other
75 correspondence. Each district school board shall certify to the
76 department, by August 5 of each year, that the notification
77 required by this subsection has been provided.

78 (c) The department shall consult with the Department of
79 Financial Services to select the most economically prudent and
80 the cost-effective means of implementing the program through
81 self-insurance, a risk management program, or competitive
82 procurement.

83 Section 4. Subsection (1) of section 1012.79, Florida
84 Statutes, is amended to read:

85 1012.79 Education Practices Commission; organization.—

86 (1) The Education Practices Commission is composed
87 ~~consists~~ of the following 25 members: 10, including 8 teachers;
88 5 administrators, at least one of whom represents shall
89 ~~represent~~ a private or virtual school; 4 7 lay citizens who are,
90 ~~5 of whom shall be~~ parents of public school students and who are

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91 unrelated to public school employees; ~~and 2 of whom shall be~~
92 former charter school governing board or district school board
93 members or former superintendents, assistant superintendents, or
94 deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,
95 appointed by the State Board of Education from nominations by
96 the Commissioner of Education and subject to Senate
97 confirmation. Prior to making nominations, the commissioner
98 shall consult with teaching associations, parent organizations,
99 law enforcement agencies, and other involved associations in the
100 state. In making nominations, the commissioner shall attempt to
101 achieve equal geographical representation, as closely as
102 possible.

103 (a) A teacher member, in order to be qualified for
104 appointment:

105 1. Must be certified to teach in the state.

106 2. ~~Must be a resident of the state.~~

107 ~~3.~~ Must have practiced the profession in this state for at
108 least 5 years immediately preceding the appointment.

109 (b) A school administrator member, in order to be
110 qualified for appointment:

111 1. Must have an endorsement on the educator certificate in
112 the area of school administration or supervision.

113 2. ~~Must be a resident of the state.~~

114 ~~3.~~ Must have practiced the profession as an administrator
115 for at least 5 years immediately preceding the appointment.

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116 (c) ~~The lay members must be residents of the state.~~
117 ~~(d)~~ The law enforcement official members must have served
118 in the profession for at least 5 years immediately preceding
119 appointment and have background expertise in child safety.
120 (d) The Commissioner of Education, upon request or
121 recommendation from the commission, may also appoint up to 5
122 emeritus members from the commission's prior membership to serve
123 1-year terms. Notwithstanding any prior service on the
124 commission, an emeritus member may serve up to five 1-year
125 terms. An emeritus member serves as a voting member at a
126 discipline hearing and as a consulting but nonvoting member
127 during a business meeting.
128 (e) All members must be residents of the state.
129 Section 5. Section 3. Subsection (3) of section 1012.796,
130 Florida Statutes, is amended to read:
131 1012.796 Complaints against teachers and administrators;
132 procedure; penalties.—
133 (3) The department staff shall advise the commissioner
134 concerning the findings of the investigation. The department
135 general counsel or members of that staff shall review the
136 investigation and advise the commissioner concerning probable
137 cause or lack thereof. The determination of probable cause shall
138 be made by the commissioner. The commissioner shall provide an
139 opportunity for a conference, if requested, prior to determining
140 probable cause. The commissioner may enter into deferred

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141 prosecution agreements in lieu of finding probable cause if, in
142 his or her judgment, such agreements are in the best interests
143 of the department, the certificateholder, and the public. Such
144 deferred prosecution agreements shall become effective when
145 filed with the clerk of the Education Practices Commission.
146 However, a deferred prosecution agreement may ~~shall~~ not be
147 entered into if there is probable cause to believe that a felony
148 or an act of moral turpitude, as defined by rule of the State
149 Board of Education, has occurred. Upon finding no probable
150 cause, the commissioner shall dismiss the complaint and may
151 issue a letter of guidance to the certificateholder.

152 Section 6. This act shall take effect upon becoming law.
153

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155 **T I T L E A M E N D M E N T**

156 Remove everything before the enacting clause and insert:
157 An act relating to education personnel; amending s.
158 39.202, F.S.; authorizing certain employees or agents
159 of the Department of Education to have access to
160 certain reports and records; amending s. 1012.39,
161 F.S.; providing requirements regarding liability
162 insurance for students performing clinical field
163 experience; amending s. 1012.75, F.S.; requiring the
164 department to establish an educator liability
165 insurance program; specifying program administration

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166 and eligibility requirements; amending s. 1012.79,
167 F.S.; revising the membership of the Education
168 Practices Commission; authorizing the Commissioner of
169 Education to appoint emeritus members to the
170 commission; amending s. 1012.796, F.S.; authorizing
171 the commissioner to issue a letter of guidance in
172 response to a complaint against a certified teacher or
173 administrator; providing an effective date.
174