

HB 587

2015

1                   A bill to be entitled  
2           An act relating to educator professional practices;  
3           amending s. 39.202, F.S.; authorizing certain  
4           employees or agents of the Department of Education to  
5           have access to certain reports and records; amending  
6           s. 1012.79, F.S.; revising the membership of the  
7           Education Practices Commission; authorizing the  
8           Commissioner of Education to appoint emeritus members  
9           to the commission; amending s. 1012.796, F.S.;  
10          authorizing the commissioner to issue a letter of  
11          guidance in response to a complaint against a teacher  
12          or administrator in lieu of a probable cause  
13          determination; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:  
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17           Section 1. Present paragraphs (q) through (s) of  
18           subsection (2) of section 39.202, Florida Statutes, are  
19           redesignated as paragraphs (r) through (t), respectively, and a  
20           new paragraph (q) is added to that subsection, to read:

21           39.202 Confidentiality of reports and records in cases of  
22           child abuse or neglect.—

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

27 (q) An employee or agent of the Department of Education  
 28 who is responsible for the investigation or prosecution of  
 29 misconduct by a certified educator.

30 Section 2. Subsection (1) of section 1012.79, Florida  
 31 Statutes, is amended to read:

32 1012.79 Education Practices Commission; organization.—

33 (1) The Education Practices Commission is composed  
 34 ~~consists of the following 27~~ 25 members: ~~10, including 8~~  
 35 teachers; 5 administrators, at least one of whom represents  
 36 ~~shall represent~~ a private or virtual school; ~~6~~ 7 lay citizens  
 37 who are, ~~5 of whom shall be~~ parents of public school students  
 38 and who are unrelated to public school employees; ~~and 2 of whom~~  
 39 ~~shall be former~~ charter governing board or district school board  
 40 members or former superintendents, assistant superintendents, or  
 41 deputy superintendents; and ~~4~~ 5 sworn law enforcement officials,  
 42 appointed by the State Board of Education from nominations by  
 43 the Commissioner of Education and subject to Senate  
 44 confirmation. Prior to making nominations, the commissioner  
 45 shall consult with teaching associations, parent organizations,  
 46 law enforcement agencies, and other involved associations in the  
 47 state. In making nominations, the commissioner shall attempt to  
 48 achieve equal geographical representation, as closely as  
 49 possible.

50 (a) A teacher member, in order to be qualified for  
 51 appointment:

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

- 53           2. Must be a resident of the state.  
 54           3. Must have practiced the profession in this state for at  
 55 least 5 years immediately preceding the appointment.

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

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

60           2. Must be a resident of the state.

61           3. Must have practiced the profession as an administrator  
 62 for at least 5 years immediately preceding the appointment.

63           (c) All ~~The lay~~ members must be residents of the state.

64           (d) The law enforcement official members must have served  
 65 in the profession for at least 5 years immediately preceding  
 66 appointment and have background expertise in child safety.

67           (e) The Commissioner of Education, upon request or  
 68 recommendation from the commission, may also appoint up to 5  
 69 emeritus members from the commission's prior membership to serve  
 70 1-year terms. Notwithstanding any prior service on the  
 71 commission, an emeritus member may serve up to five 1-year  
 72 terms. An emeritus member serves as a voting member at a  
 73 discipline hearing and as a consulting but nonvoting member  
 74 during a business meeting.

75           Section 3. Subsection (3) of section 1012.796, Florida  
 76 Statutes, is amended to read:

77           1012.796 Complaints against teachers and administrators;  
 78 procedure; penalties.—

79           (3) The department staff shall advise the commissioner  
80 concerning the findings of the investigation. The department  
81 general counsel or members of that staff shall review the  
82 investigation and advise the commissioner concerning probable  
83 cause or lack thereof. The determination of probable cause shall  
84 be made by the commissioner. The commissioner shall provide an  
85 opportunity for a conference, if requested, prior to determining  
86 probable cause. The commissioner may enter into deferred  
87 prosecution agreements in lieu of finding probable cause if, in  
88 his or her judgment, such agreements are in the best interests  
89 of the department, the certificateholder, and the public. Such  
90 deferred prosecution agreements shall become effective when  
91 filed with the clerk of the Education Practices Commission.  
92 However, a deferred prosecution agreement may ~~shall~~ not be  
93 entered into if there is probable cause to believe that a felony  
94 or an act of moral turpitude, as defined by rule of the State  
95 Board of Education, has occurred. Upon finding no probable  
96 cause, the commissioner shall dismiss the complaint. In lieu of  
97 a finding of probable cause, the commissioner may also issue a  
98 letter of guidance to the educator.

99           Section 4. This act shall take effect July 1, 2015.