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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2015	.	
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The Committee on Fiscal Policy (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 29 and 30

insert:

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

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



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11 (3) A student who is enrolled in a state-approved teacher
12 preparation program in a postsecondary educational institution
13 that is approved by rules of the State Board of Education and
14 who is jointly assigned by the postsecondary educational
15 institution and a district school board to perform a clinical
16 field experience under the direction of a regularly employed and
17 certified educator shall, while serving such supervised clinical
18 field experience, be accorded the same protection of law as that
19 accorded to the certified educator except for the right to
20 bargain collectively as an employee of the district school
21 board. The district school board providing the clinical field
22 experience shall notify the student electronically or in writing
23 regarding the availability of educator liability insurance under
24 s. 1012.75. A postsecondary educational institution or district
25 school board may not require a student enrolled in a state-
26 approved teacher preparation program to purchase liability
27 insurance as a condition of participation in any clinical field
28 experience or related activity on the premises of an elementary
29 or secondary school.

30 Section 3. Section 1012.75, Florida Statutes, is amended to
31 read:

32 1012.75 Liability of teacher or principal; ~~excessive~~
33 ~~force.~~—

34 (1) Except in the case of excessive force or cruel and
35 unusual punishment, a teacher or other member of the
36 instructional staff, a principal or the principal's designated
37 representative, or a bus driver shall not be civilly or
38 criminally liable for any action carried out in conformity with
39 State Board of Education and district school board rules



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40 regarding the control, discipline, suspension, and expulsion of
41 students, including, but not limited to, any exercise of
42 authority under s. 1003.32 or s. 1006.09.

43 (2) The State Board of Education shall adopt rules that
44 outline administrative standards for the use of reasonable force
45 by school personnel to maintain a safe and orderly learning
46 environment. Such standards shall be distributed to each school
47 in the state and shall provide guidance to school personnel in
48 receiving the limitations on liability specified in this
49 section.

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

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

68 (b) Each district school board shall annually notify



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69 personnel specified in paragraph (a) regarding the liability
70 coverage provided pursuant to this section by August 1. The
71 department shall develop the form of the notice to be used by
72 each district school board. The notice shall be on an 8 1/2 by 5
73 1/2-inch postcard and include the amount of coverage, a general
74 description of the nature of the coverage, and the contact
75 information for coverage and claims questions. The notification
76 must be provided separately from any other correspondence. Each
77 district school board shall certify to the department by August
78 5 of each year that the notification required by this subsection
79 has been provided.

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

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete lines 2 - 5

89 and insert:

90 An act relating to education personnel; amending s.
91 39.202, F.S.; authorizing certain employees or agents
92 of the Department of Education to have access to
93 certain reports and records; amending s. 1012.39,
94 F.S.; providing requirements regarding liability
95 insurance for students participating in clinical field
96 experience; amending s. 1012.75, F.S.; requiring the
97 department to establish an educator liability



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insurance program; specifying program administration
and eligibility requirements; amending