

1 A bill to be entitled
 2 An act relating to contracts for instructional
 3 personnel; amending s. 1001.42, F.S.; deleting a
 4 prohibition on district school boards awarding annual
 5 contracts on the basis of unauthorized contingencies
 6 or conditions; deleting a prohibition on district
 7 school boards altering or limiting their authority to
 8 award or not award an annual contract; amending s.
 9 1012.335, F.S.; defining the term "extended contract";
 10 authorizing the district school board to award an
 11 extended contract to certain instructional personnel;
 12 providing how extended contracts may be awarded;
 13 providing a remedy for the violation of an extended
 14 contract; authorizing the suspension or dismissal of
 15 instructional personnel on an extended contract under
 16 certain circumstances; providing an effective date.

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

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 20 Section 1. Subsection (24) of section 1001.42, Florida
 21 Statutes, is amended to read:

22 1001.42 Powers and duties of district school board.—The
 23 district school board, acting as a board, shall exercise all
 24 powers and perform all duties listed below:

25 (24) EMPLOYMENT CONTRACTS.—

26 ~~(a)~~ If a school district enters into a contract or
 27 employment agreement, or renewal or renegotiation of an existing
 28 contract or employment agreement, with an officer, agent,
 29 employee, or contractor which contains a provision for severance
 30 pay, the contract or employment agreement must include the
 31 provisions of s. 215.425.

32 ~~(b) A district school board may not award an annual~~
 33 ~~contract on the basis of any contingency or condition not~~
 34 ~~expressly authorized in law by the Legislature or alter or limit~~
 35 ~~its authority to award or not award an annual contract as~~
 36 ~~provided in s. 1012.335. This paragraph applies only to a~~
 37 ~~collective bargaining agreement entered into or renewed by a~~
 38 ~~district school board on or after June 15, 2017.~~

39 Section 2. Subsections (1) through (4) of section
 40 1012.335, Florida Statutes, are amended to read:

41 1012.335 Contracts with instructional personnel hired on
 42 or after July 1, 2011.—

43 (1) DEFINITIONS.—As used in this section, the term:

44 (a) "Annual contract" means an employment contract for a
 45 period of no longer than 1 school year which the district school
 46 board may choose to award or not award without cause.

47 (b) "Extended contract" means an employment contract with
 48 the district school board for a period longer than 1 year, not
 49 to exceed 3 years.

50 (c) ~~(b)~~ "Instructional personnel" means instructional

51 personnel as defined in s. 1012.01(2)(a)-(d), excluding
52 substitute teachers.

53 ~~(d)-(e)~~ "Probationary contract" means an employment
54 contract for a period of 1 school year awarded to instructional
55 personnel upon initial employment in a school district.
56 Probationary contract employees may be dismissed without cause
57 or may resign without breach of contract. A district school
58 board may not award a probationary contract more than once to
59 the same employee unless the employee was rehired after a break
60 in service for which an authorized leave of absence was not
61 granted. A probationary contract shall be awarded regardless of
62 previous employment in another school district or state.

63 (2) EMPLOYMENT.—

64 (a) ~~Beginning July 1, 2011,~~ Each individual newly hired as
65 instructional personnel by the district school board shall be
66 awarded a probationary contract. Upon successful completion of
67 the probationary contract, the district school board may award
68 an annual contract pursuant to paragraph (c) or an extended
69 contract pursuant to paragraph (d).

70 (b) ~~Beginning July 1, 2011,~~ An annual contract may be
71 awarded pursuant to paragraph (c) or an extended contract may be
72 awarded pursuant to paragraph (d) for instructional personnel
73 who have successfully completed a probationary contract with the
74 district school board ~~and have received one or more annual~~
75 ~~contracts from the district school board.~~

76 (c) An annual contract may be awarded ~~only~~ if the
 77 employee:

78 1. Holds an active professional certificate or temporary
 79 certificate issued pursuant to s. 1012.56 and rules of the State
 80 Board of Education.

81 2. Has been recommended by the district school
 82 superintendent for the annual contract based upon the
 83 individual's evaluation under s. 1012.34 and approved by the
 84 district school board.

85 3. Has not received two consecutive annual performance
 86 evaluation ratings of unsatisfactory, two annual performance
 87 evaluation ratings of unsatisfactory within a 3-year period, or
 88 three consecutive annual performance evaluation ratings of needs
 89 improvement or a combination of needs improvement and
 90 unsatisfactory under s. 1012.34.

91 (d)1. An extended contract may be awarded if the employee:

92 a. Holds an active professional certificate issued
 93 pursuant to s. 1012.56 and the rules of the State Board of
 94 Education; and

95 b. Has received an annual performance evaluation rating of
 96 effective or highly effective and has not received a rating of
 97 unsatisfactory within a 3-year period.

98 2. The contract term shall be determined by the school
 99 district. A contract may exceed 1 year but may not exceed 3
 100 years.

101 3. Contract terms determined pursuant to this paragraph
102 are subject to approval by the district school superintendent or
103 his or her designee.

104 (3) VIOLATION OF ANNUAL OR EXTENDED CONTRACT.—

105 Instructional personnel who accept a written offer from the
106 district school board and who leave their positions without
107 prior release from the district school board are subject to the
108 jurisdiction of the Education Practices Commission.

109 (4) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON
110 ANNUAL CONTRACT OR ON EXTENDED CONTRACT.—Any instructional
111 personnel with an annual contract or extended contract may be
112 suspended or dismissed at any time during the term of the
113 contract for just cause as provided in subsection (5). The
114 district school board shall notify the employee in writing
115 whenever charges are made and may suspend such person without
116 pay. However, if the charges are not sustained, the employee
117 shall be immediately reinstated and his or her back pay shall be
118 paid. If the employee wishes to contest the charges, he or she
119 must, within 15 days after receipt of the written notice, submit
120 a written request for a hearing to the district school board. A
121 direct hearing shall be conducted by the district school board
122 or a subcommittee thereof within 60 days after receipt of the
123 written appeal. The hearing shall be conducted in accordance
124 with ss. 120.569 and 120.57. A majority vote of the membership
125 of the district school board shall be required to sustain the

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126 | district school superintendent's recommendation. The district
127 | school board's determination is final as to the sufficiency or
128 | insufficiency of the grounds for suspension without pay or
129 | dismissal. Any such decision adverse to the employee may be
130 | appealed by the employee pursuant to s. 120.68.

131 | Section 3. This act shall take effect July 1, 2021.