

By Senator Ausley

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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          personnel on an extended contract under certain  
16          circumstances; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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

3-01558A-21

20211782\_\_

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 1012.335,  
40 Florida Statutes, are amended to read:

41 1012.335 Contracts with instructional personnel hired on or  
42 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 contract  
54 for a period of 1 school year awarded to instructional personnel  
55 upon initial employment in a school district. Probationary  
56 contract employees may be dismissed without cause or may resign  
57 without breach of contract. A district school board may not  
58 award a probationary contract more than once to the same

3-01558A-21

20211782\_\_

59 employee unless the employee was rehired after a break in  
60 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 employee:

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

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

84 3. Has not received two consecutive annual performance  
85 evaluation ratings of unsatisfactory, two annual performance  
86 evaluation ratings of unsatisfactory within a 3-year period, or  
87 three consecutive annual performance evaluation ratings of needs

3-01558A-21

20211782\_\_

88 improvement or a combination of needs improvement and  
89 unsatisfactory under s. 1012.34.

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

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

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

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

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

102 (3) VIOLATION OF ANNUAL OR EXTENDED CONTRACT.—Instructional  
103 personnel who accept a written offer from the district school  
104 board and who leave their positions without prior release from  
105 the district school board are subject to the jurisdiction of the  
106 Education Practices Commission.

107 (4) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON  
108 ANNUAL CONTRACT OR ON EXTENDED CONTRACT.—Any instructional  
109 personnel with an annual contract or extended contract may be  
110 suspended or dismissed at any time during the term of the  
111 contract for just cause as provided in subsection (5). The  
112 district school board shall notify the employee in writing  
113 whenever charges are made and may suspend such person without  
114 pay. However, if the charges are not sustained, the employee  
115 shall be immediately reinstated and his or her back pay shall be  
116 paid. If the employee wishes to contest the charges, he or she

3-01558A-21

20211782\_\_

117 must, within 15 days after receipt of the written notice, submit  
118 a written request for a hearing to the district school board. A  
119 direct hearing shall be conducted by the district school board  
120 or a subcommittee thereof within 60 days after receipt of the  
121 written appeal. The hearing shall be conducted in accordance  
122 with ss. 120.569 and 120.57. A majority vote of the membership  
123 of the district school board shall be required to sustain the  
124 district school superintendent's recommendation. The district  
125 school board's determination is final as to the sufficiency or  
126 insufficiency of the grounds for suspension without pay or  
127 dismissal. Any such decision adverse to the employee may be  
128 appealed by the employee pursuant to s. 120.68.

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