

By Senator Berman

31-01189B-22

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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 the awarding of certain annual
5 contracts by district school boards on the basis of
6 unauthorized contingencies or conditions; amending s.
7 1012.335, F.S.; requiring that the annual contract of
8 instructional personnel who meet certain criteria be
9 renewed; providing an exception; providing
10 responsibilities for district school superintendents
11 who exercise certain authority; making technical
12 changes; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 1001.42 Powers and duties of district school board.—The
19 district school board, acting as a board, shall exercise all
20 powers and perform all duties listed below:

21 (24) EMPLOYMENT CONTRACTS.—

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

28 ~~(b) A district school board may not award an annual~~
29 ~~contract on the basis of any contingency or condition not~~

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30 ~~expressly authorized in law by the Legislature or alter or limit~~
31 ~~its authority to award or not award an annual contract as~~
32 ~~provided in s. 1012.335. This paragraph applies only to a~~
33 ~~collective bargaining agreement entered into or renewed by a~~
34 ~~district school board on or after June 15, 2017.~~

35 Section 2. Subsection (2) of section 1012.335, Florida
36 Statutes, is amended to read:

37 1012.335 Contracts with instructional personnel hired on or
38 after July 1, 2011.—

39 (2) EMPLOYMENT.—

40 (a) ~~Beginning July 1, 2011,~~ Each individual newly hired as
41 instructional personnel by the district school board shall be
42 awarded a probationary contract. Upon successful completion of
43 the probationary contract, the district school board may award
44 an annual contract pursuant to paragraph (c).

45 (b) ~~Beginning July 1, 2011,~~ An annual contract may be
46 awarded pursuant to paragraph (c) for instructional personnel
47 who have successfully completed a probationary contract with the
48 district school board ~~and have received one or more annual~~
49 ~~contracts from the district school board.~~

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

51 1. Holds an active professional certificate or temporary
52 certificate issued pursuant to s. 1012.56 and rules of the State
53 Board of Education.

54 2. Has been recommended by the district school
55 superintendent for the ~~annual~~ contract based upon the
56 individual's evaluation under s. 1012.34 and approved by the
57 district school board.

58 3. Has not received two consecutive annual performance

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59 evaluation ratings of unsatisfactory, two annual performance
60 evaluation ratings of unsatisfactory within a 3-year period, or
61 three consecutive annual performance evaluation ratings of needs
62 improvement or a combination of needs improvement and
63 unsatisfactory under s. 1012.34.

64 (d) Instructional personnel who receive an effective or
65 highly effective rating at the conclusion of a contract year and
66 are not the subject of any unresolved disciplinary action must
67 have their contract renewed for the following school year unless
68 the district school superintendent exercises his or her final
69 authority to make a determination that the contract be
70 nonrenewed, in which case the superintendent must provide in
71 writing to the nonrenewed individual the reason for the
72 nonrenewal.

73 Section 3. This act shall take effect July 1, 2022.