



1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.202, F.S.; authorizing certain employees or agents
4 of the Department of Education to have access to
5 certain reports and records; amending s. 1012.39,
6 F.S.; providing requirements regarding liability
7 insurance for students performing clinical field
8 experience; creating s. 1012.731, F.S.; providing
9 legislative intent; establishing the Florida Best and
10 Brightest Teacher Scholarship Program; providing
11 eligibility criteria; requiring a school district to
12 annually submit the number of eligible teachers to the
13 department; providing for funding and the disbursement
14 of funds; defining the term "school district" for
15 purposes of specified provisions; amending s. 1012.75,
16 F.S.; requiring the department to administer an
17 educator liability insurance program; specifying
18 program administration and eligibility requirements;
19 amending s. 1012.79, F.S.; revising Education
20 Practices Commission membership; authorizing the
21 Commissioner of Education to appoint emeritus members
22 to the commission; amending s. 1012.796, F.S.;
23 authorizing the commissioner to issue a letter of
24 guidance in response to a complaint against a
25 certified teacher or administrator; providing an
26 effective date.



27
 28 Be It Enacted by the Legislature of the State of Florida:

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 30 Section 1. Paragraphs (q) through (s) of subsection (2) of
 31 section 39.202, Florida Statutes, are redesignated as paragraphs
 32 (r) through (t), respectively, and a new paragraph (q) is added
 33 to that subsection, to read:

34 39.202 Confidentiality of reports and records in cases of
 35 child abuse or neglect.—

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

40 (q) An employee or agent of the Department of Education
 41 who is responsible for the investigation or prosecution of
 42 misconduct by a certified educator.

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

45 1012.39 Employment of substitute teachers, teachers of
 46 adult education, nondegreed teachers of career education, and
 47 career specialists; students performing clinical field
 48 experience.—

49 (3) A student who is enrolled in a state-approved teacher
 50 preparation program in a postsecondary educational institution
 51 that is approved by rules of the State Board of Education and
 52 who is jointly assigned by the postsecondary educational



53 institution and a district school board to perform a clinical
54 field experience under the direction of a regularly employed and
55 certified educator shall, while serving such supervised clinical
56 field experience, be accorded the same protection of law as that
57 accorded to the certified educator except for the right to
58 bargain collectively as an employee of the district school
59 board. The district school board providing the clinical field
60 experience shall notify the student electronically or in writing
61 of the availability of educator liability insurance under s.
62 1012.75. A postsecondary educational institution or district
63 school board may not require a student enrolled in a state-
64 approved teacher preparation program to purchase liability
65 insurance as a condition of participation in any clinical field
66 experience or related activity on the premises of an elementary
67 or secondary school.

68 Section 3. Section 1012.731, Florida Statutes, is created
69 to read:

70 1012.731 The Florida Best and Brightest Teacher
71 Scholarship Program.—

72 (1) The Legislature recognizes that, second only to
73 parents, teachers play the most critical role within schools in
74 preparing students to achieve a high level of academic
75 performance. The Legislature further recognizes that research
76 has linked student outcomes to a teacher's own academic
77 achievement. Therefore, it is the intent of the Legislature to
78 designate teachers who have achieved high academic standards



79 during their own education as Florida's best and brightest
80 teacher scholars.

81 (2) There is created the Florida Best and Brightest
82 Teacher Scholarship Program to be administered by the Department
83 of Education. Beginning in the 2015-2016 school year, the
84 scholarship program shall provide categorical funding for
85 scholarships to be awarded to teachers who have demonstrated a
86 high level of academic achievement.

87 (3) (a) To be eligible for a scholarship, a teacher:

88 1. Must have scored at or above the 80th percentile on
89 either the SAT or the ACT based upon the percentile ranks in
90 effect when the teacher took the assessment and have been
91 evaluated as highly effective pursuant to s. 1012.34; or

92 2. If the teacher is a first-year teacher who has not been
93 evaluated pursuant to s. 1012.34, must have scored at or above
94 the 80th percentile on either the SAT or the ACT based upon the
95 percentile ranks in effect when the teacher took the assessment.

96 (b) In order to demonstrate eligibility for an award, an
97 eligible teacher must submit to the school district, no later
98 than October 1, an official record of his or her SAT or ACT
99 score demonstrating that the teacher scored at or above the 80th
100 percentile based upon the percentile ranks in effect when the
101 teacher took the assessment. Once a teacher is deemed eligible
102 by the school district, the teacher shall remain eligible as
103 long as he or she is employed by the school district and
104 maintains or, if the teacher is a first-year teacher, earns the



105 evaluation designation of highly effective pursuant to s.
106 1012.34.

107 (4) Annually, by December 1, each school district shall
108 submit to the department the number of eligible teachers who
109 qualify for the scholarship.

110 (5) Annually, by February 1, the department shall disburse
111 scholarship funds, in an amount prescribed annually by the
112 Legislature in the General Appropriations Act, to each school
113 district for each eligible teacher to receive a scholarship. If
114 the number of eligible teachers exceeds the total appropriation
115 authorized in the General Appropriation Act, the department
116 shall prorate the per teacher scholarship amount.

117 (6) Annually, by April 1, each school district shall
118 provide payment of the scholarship to each eligible teacher.

119 (7) For purposes of this section, the term "school
120 district" includes the Florida School for the Deaf and the Blind
121 and charter school governing boards.

122 Section 4. Subsection (3) is added to section 1012.75,
123 Florida Statutes, to read:

124 1012.75 Liability of teacher or principal; ~~excessive~~
125 ~~force.~~

126 (3) Beginning with the 2015-2016 school year, the
127 Department of Education shall administer an educator liability
128 insurance program, as provided in the General Appropriation Act,
129 to protect full-time instructional personnel from liability for
130 monetary damages and the costs of defending actions resulting



131 from claims made against the instructional personnel arising out
132 of occurrences in the course of activities within the
133 instructional personnel's professional capacity. For purposes of
134 this subsection, the terms "full-time," "part-time," and
135 "administrative personnel" shall be defined by the individual
136 district school board. For purposes of this subsection, the term
137 "instructional personnel" has the same meaning as provided in s.
138 1012.01(2).

139 (a) Liability coverage of at least \$2 million shall be
140 provided to all full-time instructional personnel. Liability
141 coverage may be provided to the following individuals who choose
142 to participate in the program, at cost: part-time instructional
143 personnel, administrative personnel, and students enrolled in a
144 state-approved teacher preparation program pursuant to s.
145 1012.39(3).

146 (b) Annually, by August 1, each district school board
147 shall notify personnel specified in paragraph (a) of the
148 liability coverage provided pursuant to this subsection. The
149 department shall develop the form of the notice which shall be
150 used by each district school board. The notice shall be on an 8
151 1/2-inch by 5 1/2-inch postcard and include the amount of
152 coverage, a general description of the nature of the coverage,
153 and the contact information for coverage and claims questions.
154 The notification shall be provided separately from any other
155 correspondence. Each district school board shall certify to the
156 department, by August 5 of each year, that the notification



157 | required by this paragraph has been provided.

158 | (c) The department shall consult with the Department of
159 | Financial Services to select the most economically prudent and
160 | cost-effective means of implementing the program through self-
161 | insurance, a risk management program, or competitive
162 | procurement.

163 | Section 5. Subsection (1) of section 1012.79, Florida
164 | Statutes, is amended to read:

165 | 1012.79 Education Practices Commission; organization.—

166 | (1) The Education Practices Commission is composed
167 | ~~consists of the following 25 members: 10, including 8~~ teachers;
168 | 5 administrators, at least one of whom represents ~~shall~~
169 | ~~represent~~ a private or virtual school; 4 ~~7~~ lay citizens who are,
170 | ~~5 of whom shall be~~ parents of public school students and who are
171 | unrelated to public school employees; and 2 of whom shall be
172 | former charter school governing board or district school board
173 | members or former superintendents, assistant superintendents, or
174 | deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,
175 | appointed by the State Board of Education from nominations by
176 | the Commissioner of Education and subject to Senate
177 | confirmation. Prior to making nominations, the commissioner
178 | shall consult with teaching associations, parent organizations,
179 | law enforcement agencies, and other involved associations in the
180 | state. In making nominations, the commissioner shall attempt to
181 | achieve equal geographical representation, as closely as
182 | possible.



183 (a) A teacher member, in order to be qualified for
 184 appointment:
 185 1. Must be certified to teach in the state.
 186 ~~2. Must be a resident of the state.~~
 187 2.3. Must have practiced the profession in this state for
 188 at least 5 years immediately preceding the appointment.
 189 (b) A school administrator member, in order to be
 190 qualified for appointment:
 191 1. Must have an endorsement on the educator certificate in
 192 the area of school administration or supervision.
 193 ~~2. Must be a resident of the state.~~
 194 2.3. Must have practiced the profession as an
 195 administrator for at least 5 years immediately preceding the
 196 appointment.
 197 ~~(c) The lay members must be residents of the state.~~
 198 (c)-(d) The law enforcement official members must have
 199 served in the profession for at least 5 years immediately
 200 preceding appointment and have background expertise in child
 201 safety.
 202 (d) The Commissioner of Education, upon request or
 203 recommendation from the commission, may also appoint up to 5
 204 emeritus members from the commission's prior membership to serve
 205 1-year terms. Notwithstanding any prior service on the
 206 commission, an emeritus member may serve up to five 1-year
 207 terms. An emeritus member serves as a voting member at a



208 discipline hearing and as a consulting but nonvoting member
209 during a business meeting.

210 (e) All members must be residents of the state.

211 Section 6. Subsection (3) of section 1012.796, Florida
212 Statutes, is amended to read:

213 1012.796 Complaints against teachers and administrators;
214 procedure; penalties.—

215 (3) The department staff shall advise the commissioner
216 concerning the findings of the investigation. The department
217 general counsel or members of that staff shall review the
218 investigation and advise the commissioner concerning probable
219 cause or lack thereof. The determination of probable cause shall
220 be made by the commissioner. The commissioner shall provide an
221 opportunity for a conference, if requested, prior to determining
222 probable cause. The commissioner may enter into deferred
223 prosecution agreements in lieu of finding probable cause if, in
224 his or her judgment, such agreements are in the best interests
225 of the department, the certificateholder, and the public. Such
226 deferred prosecution agreements shall become effective when
227 filed with the clerk of the Education Practices Commission.
228 However, a deferred prosecution agreement may ~~shall~~ not be
229 entered into if there is probable cause to believe that a felony
230 or an act of moral turpitude, as defined by rule of the State
231 Board of Education, has occurred. Upon finding no probable
232 cause, the commissioner shall dismiss the complaint and may
233 issue a letter of guidance to the certificateholder.



CS/CS/HB 587, Engrossed 1

2015

234 | Section 7. This act shall take effect upon becoming a law. |