

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; amending s. 1012.75, F.S.; requiring the  
9           department to administer an educator liability  
10          insurance program; specifying program administration  
11          and eligibility requirements; amending s. 1012.79,  
12          F.S.; revising Education Practices Commission  
13          membership; authorizing the Commissioner of Education  
14          to appoint emeritus members to the commission;  
15          amending s. 1012.796, F.S.; authorizing the  
16          commissioner to issue a letter of guidance in response  
17          to a complaint against a certified teacher or  
18          administrator; providing an effective date.

19  
20   Be It Enacted by the Legislature of the State of Florida:

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

26           39.202 Confidentiality of reports and records in cases of

27 child abuse or neglect.—

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

32 (q) An employee or agent of the Department of Education  
33 who is responsible for the investigation or prosecution of  
34 misconduct by a certified educator.

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

37 1012.39 Employment of substitute teachers, teachers of  
38 adult education, nondegreed teachers of career education, and  
39 career specialists; students performing clinical field  
40 experience.—

41 (3) A student who is enrolled in a state-approved teacher  
42 preparation program in a postsecondary educational institution  
43 that is approved by rules of the State Board of Education and  
44 who is jointly assigned by the postsecondary educational  
45 institution and a district school board to perform a clinical  
46 field experience under the direction of a regularly employed and  
47 certified educator shall, while serving such supervised clinical  
48 field experience, be accorded the same protection of law as that  
49 accorded to the certified educator except for the right to  
50 bargain collectively as an employee of the district school  
51 board. The district school board providing the clinical field  
52 experience shall notify the student electronically or in writing

53 of the availability of educator liability insurance under s.  
54 1012.75. A postsecondary educational institution or district  
55 school board may not require a student enrolled in a state-  
56 approved teacher preparation program to purchase liability  
57 insurance as a condition of participation in any clinical field  
58 experience or related activity on the premises of an elementary  
59 or secondary school.

60 Section 3. Subsection (3) is added to section 1012.75,  
61 Florida Statutes, to read:

62 1012.75 Liability of teacher or principal; ~~excessive~~  
63 ~~force.~~—

64 (3) Beginning with the 2015-2016 school year, the  
65 Department of Education shall administer an educator liability  
66 insurance program, as provided in the General Appropriation Act,  
67 to protect full-time instructional personnel from liability for  
68 monetary damages and the costs of defending actions resulting  
69 from claims made against the instructional personnel arising out  
70 of occurrences in the course of activities within the  
71 instructional personnel's professional capacity. For purposes of  
72 this subsection, the terms "full-time," "part-time," and  
73 "administrative personnel" shall be defined by the individual  
74 district school board. For purposes of this subsection, the term  
75 "instructional personnel" has the same meaning as provided in s.  
76 1012.01(2).

77 (a) Liability coverage of at least \$2 million shall be  
78 provided to all full-time instructional personnel. Liability

79 coverage may be provided to the following individuals who choose  
80 to participate in the program, at cost: part-time instructional  
81 personnel, administrative personnel, and students enrolled in a  
82 state-approved teacher preparation program pursuant to s.  
83 1012.39(3).

84 (b) Annually, by August 1, each district school board  
85 shall notify personnel specified in paragraph (a) of the  
86 liability coverage provided pursuant to this subsection. The  
87 department shall develop the form of the notice which shall be  
88 used by each district school board. The notice shall be on an 8  
89 1/2-inch by 5 1/2-inch postcard and include the amount of  
90 coverage, a general description of the nature of the coverage,  
91 and the contact information for coverage and claims questions.  
92 The notification shall be provided separately from any other  
93 correspondence. Each district school board shall certify to the  
94 department, by August 5 of each year, that the notification  
95 required by this paragraph has been provided.

96 (c) The department shall consult with the Department of  
97 Financial Services to select the most economically prudent and  
98 cost-effective means of implementing the program through self-  
99 insurance, a risk management program, or competitive  
100 procurement.

101 Section 4. Subsection (1) of section 1012.79, Florida  
102 Statutes, is amended to read:

103 1012.79 Education Practices Commission; organization.—

104 (1) The Education Practices Commission is composed

105 ~~consists~~ of the following 25 members: ~~10, including 8~~ teachers;  
 106 5 administrators, at least one of whom represents ~~shall~~  
 107 ~~represent~~ a private or virtual school; ~~4~~ 7 lay citizens who are,  
 108 ~~5 of whom shall be~~ parents of public school students and who are  
 109 unrelated to public school employees; ~~and 2 of whom shall be~~  
 110 former charter school governing board or district school board  
 111 members or former superintendents, assistant superintendents, or  
 112 deputy superintendents; and ~~4~~ 5 sworn law enforcement officials,  
 113 appointed by the State Board of Education from nominations by  
 114 the Commissioner of Education and subject to Senate  
 115 confirmation. Prior to making nominations, the commissioner  
 116 shall consult with teaching associations, parent organizations,  
 117 law enforcement agencies, and other involved associations in the  
 118 state. In making nominations, the commissioner shall attempt to  
 119 achieve equal geographical representation, as closely as  
 120 possible.

121 (a) A teacher member, in order to be qualified for  
 122 appointment:

- 123 1. Must be certified to teach in the state.
- 124 ~~2. Must be a resident of the state.~~
- 125 ~~2.3.~~ Must have practiced the profession in this state for  
 126 at least 5 years immediately preceding the appointment.

127 (b) A school administrator member, in order to be  
 128 qualified for appointment:

- 129 1. Must have an endorsement on the educator certificate in  
 130 the area of school administration or supervision.

131           ~~2. Must be a resident of the state.~~

132           ~~2.3.~~ Must have practiced the profession as an

133 administrator for at least 5 years immediately preceding the

134 appointment.

135           ~~(c) The lay members must be residents of the state.~~

136           (c)~~(d)~~ The law enforcement official members must have

137 served in the profession for at least 5 years immediately

138 preceding appointment and have background expertise in child

139 safety.

140           (d) The Commissioner of Education, upon request or

141 recommendation from the commission, may also appoint up to 5

142 emeritus members from the commission's prior membership to serve

143 1-year terms. Notwithstanding any prior service on the

144 commission, an emeritus member may serve up to five 1-year

145 terms. An emeritus member serves as a voting member at a

146 discipline hearing and as a consulting but nonvoting member

147 during a business meeting.

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

149           Section 5. Subsection (3) of section 1012.796, Florida

150 Statutes, is amended to read:

151           1012.796 Complaints against teachers and administrators;

152 procedure; penalties.—

153           (3) The department staff shall advise the commissioner

154 concerning the findings of the investigation. The department

155 general counsel or members of that staff shall review the

156 investigation and advise the commissioner concerning probable

157 | cause or lack thereof. The determination of probable cause shall  
158 | be made by the commissioner. The commissioner shall provide an  
159 | opportunity for a conference, if requested, prior to determining  
160 | probable cause. The commissioner may enter into deferred  
161 | prosecution agreements in lieu of finding probable cause if, in  
162 | his or her judgment, such agreements are in the best interests  
163 | of the department, the certificateholder, and the public. Such  
164 | deferred prosecution agreements shall become effective when  
165 | filed with the clerk of the Education Practices Commission.  
166 | However, a deferred prosecution agreement may ~~shall~~ not be  
167 | entered into if there is probable cause to believe that a felony  
168 | or an act of moral turpitude, as defined by rule of the State  
169 | Board of Education, has occurred. Upon finding no probable  
170 | cause, the commissioner shall dismiss the complaint and may  
171 | issue a letter of guidance to the certificateholder.

172 |       Section 6. This act shall take effect upon becoming a law.