

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to quality of school personnel; amending
7 s. 1004.04, F.S.; revising criteria for admission to
8 teacher preparation programs; requiring a certification
9 ombudsman; authorizing certain postsecondary institutions
10 to develop and implement short-term teaching experiences;
11 creating s. 1004.85, F.S.; providing a definition;
12 providing for postsecondary institutions to create
13 educator preparation institutes; providing purpose of the
14 institutes; authorizing institutes to offer alternative
15 educator certification programs; requiring Department of
16 Education response to a request for approval; providing
17 criteria for alternative certification programs; providing
18 requirements for program participants; providing for
19 participants to receive a credential signifying mastery of
20 professional preparation and education competence;
21 authorizing school districts to use an alternative
22 certification program at an educator preparation institute
23 to satisfy certain requirements; requiring performance

24 | evaluations; requiring certain criteria for instructors;
25 | providing rulemaking authority; amending s. 1012.05, F.S.;
26 | requiring the department to concentrate on retention of
27 | teachers; requiring the department to provide certain
28 | resources for teachers and to establish an Educator
29 | Appreciation Week; requiring the department to notify
30 | teachers of items in the General Appropriations Act
31 | providing direct benefit to teachers; requiring district
32 | school boards to adopt policies for mentors and support
33 | for first-time teachers; requiring school districts to
34 | electronically submit certain public school e-mail
35 | addresses; providing duties of the Commissioner of
36 | Education; amending s. 1012.231, F.S.; authorizing a
37 | salary career ladder for certain classifications of
38 | instructional personnel; providing criteria for certain
39 | lead teachers; reenacting s. 1012.231(1), F.S., relating
40 | to the salary career ladder, to incorporate the amendment
41 | to s. 1012.01(2), F.S., in a reference thereto; amending
42 | s. 1012.32, F.S.; requiring background screening for
43 | contractual personnel, charter school personnel, and
44 | certain instructional and noninstructional personnel;
45 | deleting provision for probationary status for new
46 | employees pending fingerprint processing; prohibiting
47 | certain persons from providing services; providing for
48 | appeals; providing for payment of costs; deleting a
49 | refingerprinting requirement; requiring the Department of
50 | Law Enforcement to retain and enter fingerprints into the
51 | statewide automated fingerprint identification system;

52 requiring the Department of Law Enforcement to search
53 arrest fingerprint cards against retained fingerprints and
54 to report identified arrest records; providing school
55 district responsibilities and the imposition of a fee;
56 requiring refingerprinting for personnel whose
57 fingerprints are not retained; amending s. 1012.33, F.S.;
58 revising provisions relating to acceptance of teaching
59 service; amending s. 1012.35, F.S.; requiring background
60 screening and additional requirements for substitute
61 teachers; requiring the department to develop certain
62 resources and school districts to develop performance
63 appraisal measures; amending s. 1012.39, F.S.; requiring
64 background screening and qualifications for substitute
65 teachers; requiring background screening for teachers in
66 adult education programs and nondegreed teachers of career
67 and technical programs; creating s. 1012.465, F.S.;
68 requiring background screening for certain
69 noninstructional personnel and contractors with the school
70 district; requiring such persons to report conviction of a
71 disqualifying offense; providing for suspension of
72 personnel who do not meet screening requirements; amending
73 s. 1012.55, F.S.; providing department duties relating to
74 identification of appropriate certification for certain
75 instruction; requiring background screening for certain
76 instructors; amending s. 1012.56, F.S.; clarifying
77 required response of the department to applicants for
78 certification; revising eligibility criteria for
79 certification applicants; requiring an affidavit for

80 educator certification; requiring background screening for
81 educator certification; revising means of demonstrating
82 mastery of general knowledge, subject area knowledge, and
83 professional preparation and education competence;
84 providing background screening requirements; requiring
85 persons to report conviction of a disqualifying offense;
86 providing for suspension from position and revocation or
87 suspension of certification; creating s. 1012.561, F.S.;
88 providing requirements relating to notification of the
89 address of record of a certified educator or applicant for
90 certification; amending s. 1012.57, F.S.; requiring
91 background screening for adjunct educators; amending s.
92 1012.585, F.S.; providing requirements for training in the
93 teaching of reading for renewal of a professional
94 certificate; amending s. 1002.33, F.S.; requiring
95 background screening for employees and members of the
96 governing boards of charter schools; amending s. 1012.01,
97 F.S.; revising definition of the term "instructional
98 personnel"; reenacting s. 112.1915(1)(b), F.S., relating
99 to death benefits for teachers, to incorporate the
100 amendment to s. 1012.01(2), F.S., in a reference thereto;
101 amending s. 121.091, F.S.; authorizing the director or
102 principal of a developmental research school to authorize
103 instructional personnel to participate in the DROP;
104 reenacting s. 121.091(9)(b), F.S., relating to Florida
105 Retirement System benefits, s. 1011.685(2)(b), F.S.,
106 relating to class size reduction operating categorical
107 funds, and s. 1012.74(2)(a) and (b), F.S., relating to

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108 educator professional liability coverage, to incorporate
 109 the amendment to s. 1012.01(2), F.S., in references
 110 thereto; providing an effective date.

111

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

113

114 Section 1. Subsection (4) of section 1004.04, Florida
 115 Statutes, is amended, subsections (10), (11), and (12) are
 116 renumbered as subsections (11), (12), and (13), respectively,
 117 and a new subsection (10) is added to said section, to read:

118 1004.04 Public accountability and state approval for
 119 teacher preparation programs.--

120 (4) INITIAL STATE PROGRAM APPROVAL.--

121 (a) A program approval process based on standards adopted
 122 pursuant to subsections (2) and (3) must be established for
 123 postsecondary teacher preparation programs, phased in according
 124 to timelines determined by the Department of Education, and
 125 fully implemented for all teacher preparation programs in the
 126 state. Each program shall be approved by the department,
 127 consistent with the intent set forth in subsection (1) and based
 128 primarily upon significant, objective, and quantifiable graduate
 129 performance measures.

130 (b) Each teacher preparation program approved by the
 131 Department of Education, as provided for by this section, shall
 132 require students to meet the following as prerequisites for
 133 admission into the program:

134 1. Have a grade point average of at least 2.5 on a 4.0
 135 scale for the general education component of undergraduate

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136 studies or have completed the requirements for a baccalaureate
 137 degree with a minimum grade point average of 2.5 on a 4.0 scale
 138 from any college or university accredited by a regional
 139 accrediting association as defined by State Board of Education
 140 rule or any college or university otherwise approved pursuant to
 141 State Board of Education rule.

142 2. Demonstrate mastery of general knowledge, including the
 143 ability to read, write, and compute, by passing the General
 144 Knowledge Test of the Florida Teacher Certification Examination,
 145 the College Level Academic Skills Test, a corresponding
 146 component of the National Teachers Examination series, or a
 147 similar test pursuant to rules of the State Board of Education.

148
 149 Each teacher preparation program may waive these admissions
 150 requirements for up to 10 percent of the students admitted.
 151 Programs shall implement strategies to ensure that students
 152 admitted under a waiver receive assistance to demonstrate
 153 competencies to successfully meet requirements for
 154 certification.

155 (c) Each teacher preparation program approved by the
 156 Department of Education, as provided for by this section, shall
 157 provide a certification ombudsman to facilitate the process and
 158 procedures required for graduates to obtain educator
 159 professional or temporary certification pursuant to s. 1012.56.

160 (10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.--
 161 Postsecondary institutions offering teacher preparation programs
 162 and community colleges, in collaboration with school districts,
 163 may develop and implement a program to provide short-term

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164 experiences as teacher assistants prior to beginning a teacher
 165 preparation program or alternative certification program. The
 166 program shall serve individuals with baccalaureate degrees who
 167 are interested in the teaching profession. This experience may
 168 be accepted for use in teacher preparation programs and
 169 competency-based alternative certification programs, where
 170 applicable.

171 Section 2. Section 1004.85, Florida Statutes, is created
 172 to read:

173 1004.85 Postsecondary educator preparation institutes.--

174 (1) As used in this section, "educator preparation
 175 institute" means an institute created by a postsecondary
 176 institution and approved by the Department of Education.

177 (2) Postsecondary institutions may seek approval from the
 178 Department of Education to create educator preparation
 179 institutes for the purpose of providing any or all of the
 180 following:

181 (a) Professional development instruction to assist
 182 teachers in improving classroom instruction and in meeting
 183 certification or recertification requirements.

184 (b) Instruction to assist potential and existing
 185 substitute teachers in performing their duties.

186 (c) Instruction to assist paraprofessionals in meeting
 187 education and training requirements.

188 (d) Instruction for baccalaureate degree holders to become
 189 certified teachers as provided in this section in order to
 190 increase routes to the classroom for mid-career professionals

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191 who hold a baccalaureate degree and college graduates who were
 192 not education majors.

193 (3) Educator preparation institutes approved pursuant to
 194 this section may offer alternative certification programs
 195 specifically designed for noneducation major baccalaureate
 196 degree holders to enable program participants to meet the
 197 educator certification requirements of s. 1012.56. Such programs
 198 shall be competency-based educator certification preparation
 199 programs that prepare educators through an alternative route. An
 200 educator preparation institute choosing to offer an alternative
 201 certification program pursuant to the provisions of this section
 202 must implement a program previously approved by the Department
 203 of Education for this purpose or a program developed by the
 204 institute and approved by the department for this purpose.
 205 Approved programs shall be available for use by other approved
 206 educator preparation institutes.

207 (a) Within 90 days after receipt of a request for
 208 approval, the Department of Education shall approve an
 209 alternative certification program or issue a statement of the
 210 deficiencies in the request for approval. The department shall
 211 approve an alternative certification program if the institute
 212 provides sufficient evidence of the following:

213 1. Instruction must be provided in professional knowledge
 214 and subject matter content that includes educator-accomplished
 215 practices and competencies specified in State Board of Education
 216 rule; meets subject matter content requirements and professional
 217 competency testing requirements; and includes competencies
 218 associated with teaching scientifically based reading

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219 instruction and strategies that research has shown to be
 220 successful in improving reading among low-performing readers.
 221 2. The program must provide field experience with
 222 supervision from qualified educators.
 223 3. The program must provide a certification ombudsman to
 224 facilitate the process and procedures required for participants
 225 who complete the program to meet any requirements related to the
 226 background screening pursuant to s. 1012.32 and educator
 227 professional or temporary certification pursuant to s. 1012.56.
 228 (b) Each program participant must:
 229 1. Meet certification requirements pursuant to s.
 230 1012.56(1) by obtaining a statement of status of eligibility and
 231 meet the requirements of s. 1012.56(2)(a)-(f).
 232 2. Participate in field experience that is appropriate to
 233 his or her educational plan.
 234 3. Fully demonstrate his or her ability to teach the
 235 subject area for which he or she is seeking certification prior
 236 to completion of the program.
 237 (c) Upon completion of an alternative certification
 238 program approved pursuant to this subsection, a participant
 239 shall receive a credential from the sponsoring institution
 240 signifying satisfaction of the requirements of s. 1012.56(5)
 241 relating to mastery of professional preparation and education
 242 competence. A participant shall be eligible for educator
 243 certification through the Department of Education upon
 244 satisfaction of all requirements for certification set forth in
 245 s. 1012.56(2), including demonstration of mastery of general
 246 knowledge, subject area knowledge, and professional preparation

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247 and education competence, through testing or other statutorily
248 authorized means.

249 (d) If an institution offers an alternative certification
250 program approved pursuant to this subsection, such program may
251 be used by the school district or districts served by that
252 institution to fully satisfy the requirements for the provision
253 of a competency-based professional preparation alternative
254 certification program as required in s. 1012.56(7).

255 (4) Each institute approved pursuant to this section shall
256 submit to the Department of Education annual performance
257 evaluations that measure the effectiveness of the programs,
258 including the pass rates of participants on all examinations
259 required for teacher certification, employment rates,
260 longitudinal retention rates, and employer satisfaction surveys.
261 The employer satisfaction surveys must be designed to measure
262 the sufficient preparation of the educator to enter the
263 classroom.

264 (5) Instructors for an alternative certification program
265 approved pursuant to this section must possess a master's degree
266 in education or a master's degree in an appropriate related
267 field and document teaching experience.

268 (6) Educator preparation institutes approved pursuant to
269 this section and providing approved instructional programs for
270 any of the purposes in subsection (2) are eligible for funding
271 from federal and state funds, as appropriated by the
272 Legislature.

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273 (7) The State Board of Education may adopt rules pursuant
 274 to ss. 120.536(1) and 120.54 to implement the provisions of this
 275 section.

276 Section 3. Section 1012.05, Florida Statutes, is amended
 277 to read:

278 1012.05 Teacher recruitment and retention.--

279 (1) The Department of Education, in cooperation with
 280 teacher organizations, district personnel offices, and schools,
 281 colleges, and departments of all public and nonpublic
 282 postsecondary educational institutions, shall concentrate on the
 283 recruitment and retention of qualified teachers.

284 (2) The Department of Education shall:

285 (a) Develop and implement a system for posting teaching
 286 vacancies and establish a database of teacher applicants that is
 287 accessible within and outside the state.

288 (b) Advertise in major newspapers, national professional
 289 publications, and other professional publications and in public
 290 and nonpublic postsecondary educational institutions.

291 (c) Utilize state and nationwide toll-free numbers.

292 (d) Conduct periodic communications with district
 293 personnel directors regarding applicants.

294 (e) Provide district access to the applicant database by
 295 computer or telephone.

296 (f) Develop and distribute promotional materials related
 297 to the teaching profession as a career.

298 (g) Publish and distribute information pertaining to
 299 employment opportunities, application procedures, and all routes
 300 toward teacher certification in Florida, and teacher salaries.

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301 (h) Provide information related to certification
302 procedures.

303 (i) Develop and sponsor the Florida Future Educator of
304 America Program throughout the state.

305 (j) Develop, in consultation with school district staff
306 including, but not limited to, district school superintendents,
307 district school board members, and district human resources
308 personnel, a long-range plan for educator recruitment and
309 retention.

310 (k) Identify best practices for retaining high-quality
311 teachers.

312 (l) Develop, in consultation with Workforce Florida, Inc.,
313 and the Agency for Workforce Innovation, created pursuant to ss.
314 445.004 and 20.50, respectively, a plan for accessing and
315 identifying available resources in the state's workforce system
316 for the purpose of enhancing teacher recruitment and retention.

317 (m) In consultation with school districts, create
318 guidelines and identify best practices for mentors of first-time
319 teachers and for new teacher support programs that focus on the
320 professional assistance needed by first-time teachers throughout
321 the first year of teaching.

322 (n)~~(m)~~ Develop and implement a First Response Center to
323 provide educator candidates one-stop shopping for information on
324 teaching careers in Florida and establish the Teacher Lifeline
325 Network to provide online support to beginning teachers and
326 those needing assistance.

327 (o) Develop and implement an online teacher tool kit that
328 contains a menu of resources, based on the Sunshine State

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329 Standards, which all teachers can use to enhance classroom
 330 instruction and increase teacher effectiveness to improve
 331 student achievement.

332 (p) Establish an Educator Appreciation Week to recognize
 333 the significant contributions made by educators to their
 334 students and school communities.

335 (q) Notify each teacher, via e-mail, of each item in the
 336 General Appropriations Act that provides direct benefit to
 337 teachers, including, but not limited to, the Dale Hickam
 338 Excellent Teaching Program, the Florida Teachers Lead Program
 339 Stipend, teacher liability insurance protection, and teacher
 340 death benefits.

341 (3)(a) Each district school board shall adopt policies
 342 relating to mentors and support for first-time teachers based
 343 upon guidelines issued by the Department of Education.

344 (b) By September 15 and February 15 each school year, each
 345 school district shall electronically submit to the Department of
 346 Education accurate public school e-mail addresses for all
 347 instructional and administrative personnel as defined in s.
 348 1012.01(2) and (3).

349 (4)(3) The Department of Education, in cooperation with
 350 district personnel offices, shall sponsor a job fair in a
 351 central part of the state to match in-state educators and
 352 potential educators and out-of-state educators and potential
 353 educators with teaching opportunities in this state.

354 (5)(4) Subject to proviso in the General Appropriations
 355 Act, the Commissioner of Education may use funds appropriated by
 356 the Legislature and funds from federal grants and other sources

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357 | to provide incentives for teacher recruitment and preparation
 358 | programs. The purpose of the use of such funds is to recruit and
 359 | prepare individuals who do not graduate from state-approved
 360 | teacher preparation programs to teach in a Florida public
 361 | school. The commissioner may contract with entities other than,
 362 | and including, approved teacher preparation programs to provide
 363 | intensive teacher training leading to passage of the required
 364 | certification exams for the desired subject area or coverage.
 365 | The commissioner shall survey school districts to evaluate the
 366 | effectiveness of such programs.

367 | (6) The commissioner is directed to take steps that
 368 | provide flexibility and consistency in meeting the high-quality
 369 | teacher criteria defined in the federal No Child Left Behind Act
 370 | through a High, Objective, Uniform State Standard of Evaluation
 371 | (HOUSSE).

372 | Section 4. Subsections (2) and (3) of section 1012.231,
 373 | Florida Statutes, are renumbered as subsections (3) and (4),
 374 | respectively, a new subsection (2) is added to said section,
 375 | and, for the purpose of incorporating the amendment to section
 376 | 1012.01(2), Florida Statutes, in a reference thereto, subsection
 377 | (1) of said section is reenacted, to read:

378 | 1012.231 BEST Florida Teaching salary career ladder
 379 | program; assignment of teachers.--

380 | (1) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.--
 381 | Beginning with the 2004-2005 academic year, each district school
 382 | board shall implement a salary career ladder for classroom
 383 | teachers as defined in s. 1012.01(2)(a). Performance shall be
 384 | defined as designated in s. 1012.34(3)(a)1.-7. District school

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385 boards shall designate categories of classroom teachers
386 reflecting these salary career ladder levels as follows:

387 (a) *Associate teacher*.--Classroom teachers in the school
388 district who have not yet received a professional certificate or
389 those with a professional certificate who are evaluated as low-
390 performing teachers.

391 (b) *Professional teacher*.--Classroom teachers in the
392 school district who have received a professional certificate.

393 (c) *Lead teacher*.--Classroom teachers in the school
394 district who are responsible for leading others in the school as
395 department chair, lead teacher, grade-level leader, intern
396 coordinator, or professional development coordinator. Lead
397 teachers must participate on a regular basis in the direct
398 instruction of students and serve as faculty for professional
399 development activities as determined by the State Board of
400 Education. To be eligible for designation as a lead teacher, a
401 teacher must demonstrate outstanding performance pursuant to s.
402 1012.34(3)(a)1.-7. and must have been a "professional teacher"
403 pursuant to paragraph (b) for at least 1 year.

404 (d) *Mentor teacher*.--Classroom teachers in the school
405 district who serve as regular mentors to other teachers who are
406 either not performing satisfactorily or who strive to become
407 more proficient. Mentor teachers must serve as faculty-based
408 professional development coordinators and regularly demonstrate
409 and share their expertise with other teachers in order to remain
410 mentor teachers. Mentor teachers must also participate on a
411 regular basis in the direct instruction of low-performing
412 students. To be eligible for designation as a mentor teacher, a

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413 teacher must demonstrate outstanding performance pursuant to s.
414 1012.34(3)(a)1.-7. and must have been a "lead teacher" pursuant
415 to paragraph (c) for at least two years.

416
417 Promotion of a teacher to a higher level on the salary career
418 ladder shall be based upon prescribed performance criteria and
419 not based upon length of service.

420 (2) SALARY CAREER LADDER FOR CERTAIN CLASSIFICATIONS OF
421 INSTRUCTIONAL PERSONNEL.--Each school district may incorporate
422 one or more individuals into the district career ladder program
423 as lead teachers pursuant to paragraph (1)(c) for the following
424 classifications:

425 (a) Student personnel services as defined in s.
426 1012.01(2)(b).

427 (b) Librarians/media specialists as defined in s.
428 1012.01(2)(c).

429 (c) Other instructional staff as defined in s.
430 1012.01(2)(d).

431 (d) Teachers of English for Speakers of Other Languages
432 pursuant to s. 1003.56.

433
434 If a school district chooses to incorporate individuals
435 identified in this subsection into the district career ladder
436 program, a lead teacher designated pursuant to this subsection
437 shall serve as a team leader, intern coordinator, or
438 professional development coordinator; shall participate in
439 direct instruction of students throughout the school year; and
440 shall serve as faculty for professional development activities

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441 as determined by the State Board of Education. To be eligible
 442 for designation as a lead teacher, an educator must demonstrate
 443 outstanding performance pursuant to s. 1012.34(3)(a).

444 Section 5. Section 1012.32, Florida Statutes, is amended
 445 to read:

446 1012.32 Qualifications of personnel.--

447 (1) To be eligible for appointment in any position in any
 448 district school system, a person shall be of good moral
 449 character; shall have attained the age of 18 years, if he or she
 450 is to be employed in an instructional capacity; and shall, when
 451 required by law, hold a certificate or license issued under
 452 rules of the State Board of Education or the Department of
 453 Children and Family Services, except when employed pursuant to
 454 s. 1012.55 or under the emergency provisions of s. 1012.24.
 455 Previous residence in this state shall not be required in any
 456 school of the state as a prerequisite for any person holding a
 457 valid Florida certificate or license to serve in an
 458 instructional capacity.

459 (2)(a) Instructional and noninstructional personnel who
 460 are hired or contracted to fill positions requiring direct
 461 contact with students in any district school system or
 462 university lab school shall, upon employment or engagement to
 463 provide services, undergo background screening as required under
 464 s. 1012.56 or s. 1012.465, whichever is applicable, ~~file a~~
 465 ~~complete set of fingerprints taken by an authorized law~~
 466 ~~enforcement officer or an employee of the school or district who~~
 467 ~~is trained to take fingerprints.~~

468 (b) Instructional and noninstructional personnel who are
 469 hired or contracted to fill positions in any charter school and
 470 members of the governing board of any charter school, in
 471 compliance with s. 1002.33(12)(g), shall, upon employment,
 472 engagement of services, or appointment, undergo background
 473 screening as required under s. 1012.56 or s. 1012.465, whichever
 474 is applicable, by filing with the district school board for the
 475 school district in which the charter school is located a
 476 complete set of fingerprints taken by an authorized law
 477 enforcement agency or an employee of the school or school
 478 district who is trained to take fingerprints.

479 (c) Instructional and noninstructional personnel who are
 480 hired or contracted to fill positions requiring direct contact
 481 with students in an alternative school that operates under
 482 contract with a district school system shall, upon employment or
 483 engagement to provide services, undergo background screening as
 484 required under s. 1012.56 or s. 1012.465, whichever is
 485 applicable, by filing with the district school board for the
 486 school district to which the alternative school is under
 487 contract a complete set of fingerprints taken by an authorized
 488 law enforcement agency or an employee of the school or school
 489 district who is trained to take fingerprints.

490 (d) Student teachers, persons participating in a field
 491 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
 492 participating in a short-term experience as a teacher assistant
 493 pursuant to s. 1004.04(10) in any district school system, lab
 494 school, or charter school shall, upon engagement to provide

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495 services, undergo background screening as required under s.
496 1012.56.

497
498 ~~These Fingerprints shall be submitted to the Department of Law~~
499 ~~Enforcement for state processing and to the Federal Bureau of~~
500 ~~Investigation for federal processing. Persons subject to this~~
501 ~~subsection~~ ~~The new employees shall be on probationary status~~
502 ~~pending fingerprint processing and determination of compliance~~
503 ~~with standards of good moral character. Employees found through~~
504 ~~fingerprint processing to have been convicted of a crime~~
505 ~~involving moral turpitude shall not be employed, engaged to~~
506 ~~provide services, or serve in any position requiring direct~~
507 ~~contact with students. Probationary persons subject to this~~
508 ~~subsection~~ ~~employees terminated because of their criminal record~~
509 ~~shall have the right to appeal such decisions. The cost of the~~
510 ~~background screening fingerprint processing may be borne by the~~
511 ~~district school board, the charter school, or the employee, the~~
512 ~~contractor, or a person subject to this subsection.~~

513 ~~(b) Personnel who have been fingerprinted or screened~~
514 ~~pursuant to this subsection and who have not been unemployed for~~
515 ~~more than 90 days shall not be required to be refingerprinted or~~
516 ~~rescreened in order to comply with the requirements of this~~
517 ~~subsection.~~

518 (3)(a) Beginning July 1, 2004, all fingerprints submitted
519 to the Department of Law Enforcement as required by subsection
520 (2) shall be retained by the Department of Law Enforcement in a
521 manner provided by rule and entered in the statewide automated
522 fingerprint identification system authorized by s. 943.05(2)(b).

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523 Such fingerprints shall thereafter be available for all purposes
 524 and uses authorized for arrest fingerprint cards entered in the
 525 statewide automated fingerprint identification system pursuant
 526 to s. 943.051.

527 (b) Beginning December 15, 2004, the Department of Law
 528 Enforcement shall search all arrest fingerprint cards received
 529 under s. 943.051 against the fingerprints retained in the
 530 statewide automated fingerprint identification system under
 531 paragraph (a). Any arrest record that is identified with the
 532 retained fingerprints of a person subject to the background
 533 screening under this section shall be reported to the employing
 534 or contracting school district or the school district with which
 535 the person is affiliated. Each school district is required to
 536 participate in this search process by payment of an annual fee
 537 to the Department of Law Enforcement and by informing the
 538 Department of Law Enforcement of any change in the affiliation,
 539 employment, or contractual status or place of affiliation,
 540 employment, or contracting of its instructional and
 541 noninstructional personnel whose fingerprints are retained under
 542 paragraph (a). The Department of Law Enforcement shall adopt a
 543 rule setting the amount of the annual fee to be imposed upon
 544 each school district for performing these searches and
 545 establishing the procedures for the retention of instructional
 546 and noninstructional personnel fingerprints and the
 547 dissemination of search results. The fee may be borne by the
 548 district school board, the contractor, or the person
 549 fingerprinted.

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550 (c) Personnel whose fingerprints are not retained by the
 551 Department of Law Enforcement under paragraphs (a) and (b) are
 552 required to be refingerprinted and must meet state and federal
 553 background screening requirements as described in this section,
 554 upon reemployment or reengagement to provide services, in order
 555 to comply with the requirements of this subsection.

556 Section 6. Paragraph (g) of subsection (3) of section
 557 1012.33, Florida Statutes, is amended to read:

558 1012.33 Contracts with instructional staff, supervisors,
 559 and school principals.--

560 (3)

561 (g) ~~Beginning July 1, 2001,~~ For each employee who enters
 562 into a written contract, pursuant to this section, in a school
 563 district ~~in which the employee was not employed as of June 30,~~
 564 ~~2001,~~ for purposes of pay, a district school board must
 565 recognize and accept each year of full-time public school
 566 teaching service earned in the State of Florida or outside the
 567 state and for which the employee received a satisfactory
 568 performance evaluation. Instructional personnel employed
 569 pursuant to s. 121.091(9)(b)3. are exempt from the provisions of
 570 this paragraph.

571 Section 7. Section 1012.35, Florida Statutes, is amended
 572 to read:

573 1012.35 Substitute teachers.--

574 (1)(a) Each district school board shall adopt rules
 575 prescribing the compensation of, and the procedure for
 576 employment of, substitute teachers. Such procedure for
 577 employment shall include, but is not limited to, the background

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578 ~~screening filing of a complete set of fingerprints~~ as required
579 in s. 1012.32; documentation of a minimum education level of a
580 high school diploma or its equivalent; and completion of an
581 initial orientation/training program in school district policies
582 and procedures addressing school safety and security procedures,
583 educational liability laws, professional responsibilities, and
584 ethics.

585 (b) Candidates without prior teaching experience, as
586 determined by the employing school district, must complete an
587 additional training program that includes classroom management
588 skills and instructional strategies.

589 (c) The required training programs for substitute teachers
590 may be provided by educator preparation institutes established
591 pursuant to s. 1004.85, community colleges, colleges of
592 education, district school boards, educational consortia, or
593 commercial vendors.

594 (d) It is recommended that ongoing training and access to
595 professional development offerings be made available to
596 substitute teachers by the employing school district.

597 (2) The Department of Education shall develop web-based
598 resources to enhance school district substitute teacher
599 orientation programs and provide web-based training resources to
600 meet the required training pursuant to paragraph (1)(b).

601 (3) School districts shall develop performance appraisal
602 measures for assessing the quality of instruction delivered by
603 substitute teachers who provide instruction for 30 or more days
604 in a single classroom placement.

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605 Section 8. Subsection (1) of section 1012.39, Florida
606 Statutes, is amended to read:

607 1012.39 Employment of substitute teachers, teachers of
608 adult education, nondegreed teachers of career education, and
609 career specialists; students performing clinical field
610 experience.--

611 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
612 1012.57, or any other provision of law or rule to the contrary,
613 each district school board shall establish the minimal
614 qualifications for:

615 (a) Substitute teachers to be employed pursuant to s.
616 1012.35. The qualifications shall require the filing of a
617 background screening ~~complete set of fingerprints~~ in the same
618 manner as required by s. 1012.32; documentation of a minimum
619 education level of a high school diploma or its equivalent; and
620 completion of an initial orientation/training program in school
621 district policies and procedures addressing school safety and
622 security procedures, educational liability laws, professional
623 responsibilities, and ethics.

624 (b) Part-time and full-time teachers in adult education
625 programs. The qualifications shall require the filing of a
626 background screening ~~complete set of fingerprints~~ in the same
627 manner as required by s. 1012.32. Faculty employed solely to
628 conduct postsecondary instruction may be exempted from this
629 requirement.

630 (c) Part-time and full-time nondegreed teachers of career
631 and technical programs. Qualifications shall be established for
632 agriculture, business, health occupations, family and consumer

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633 sciences, industrial, marketing, career specialist, and public
 634 service education teachers, based primarily on successful
 635 occupational experience rather than academic training. The
 636 qualifications for such teachers shall require:

637 1. The filing of a background screening ~~complete set of~~
 638 ~~fingerprints~~ in the same manner as required by s. 1012.32.

639 Faculty employed solely to conduct postsecondary instruction may
 640 be exempted from this requirement.

641 2. Documentation of education and successful occupational
 642 experience including documentation of:

643 a. A high school diploma or the equivalent.

644 b. Completion of 6 years of full-time successful
 645 occupational experience or the equivalent of part-time
 646 experience in the teaching specialization area. Alternate means
 647 of determining successful occupational experience may be
 648 established by the district school board.

649 c. Completion of career education training conducted
 650 through the local school district inservice master plan.

651 d. For full-time teachers, completion of professional
 652 education training in teaching methods, course construction,
 653 lesson planning and evaluation, and teaching special needs
 654 students. This training may be completed through coursework from
 655 an accredited or approved institution or an approved district
 656 teacher education program.

657 e. Demonstration of successful teaching performance.

658 Section 9. Section 1012.465, Florida Statutes, is created
 659 to read:

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660 1012.465 Background screening requirements for certain
 661 noninstructional school district employees and contractors.--
 662 (1) Noninstructional school district employees or
 663 contractual personnel who have direct contact with students or
 664 have access to or control of school funds must meet background
 665 screening requirements as described in s. 1012.32.
 666 (2) Every 5 years following employment or entry into a
 667 contract in a capacity described in subsection (1), each person
 668 who is so employed or under contract with the school district
 669 must meet background screening requirements at which time the
 670 school district shall request the Department of Law Enforcement
 671 to forward the fingerprints to the Federal Bureau of
 672 Investigation for the federal background screening. If, for any
 673 reason following employment or entry into a contract in a
 674 capacity described in subsection (1), the fingerprints of a
 675 person who is so employed or under contract with the school
 676 district are not retained by the Department of Law Enforcement
 677 under s. 1012.32(3)(a) and (b), the person must file a complete
 678 set of fingerprints with the district school superintendent of
 679 the employing or contracting school district. Upon submission of
 680 fingerprints for this purpose, the school district shall request
 681 the Department of Law Enforcement to forward the fingerprints to
 682 the Federal Bureau of Investigation for federal background
 683 screening, and the fingerprints shall be retained by the
 684 Department of Law Enforcement under s. 1012.32(3)(a) and (b).
 685 The cost of the state and federal criminal history check may be
 686 borne by the district school board, the contractor, or the
 687 person fingerprinted. Under penalty of perjury, each person who

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688 is employed or under contract in a capacity described in
 689 subsection (1) must agree to inform his or her employer or the
 690 party with whom he or she is under contract within 48 hours if
 691 convicted of any disqualifying offense while he or she is
 692 employed or under contract in that capacity.

693 (3) If it is found that a person who is employed or under
 694 contract in a capacity described in subsection (1) does not meet
 695 the background screening requirements described in s. 1012.32,
 696 the person shall be immediately suspended from working in that
 697 capacity and shall remain suspended until final resolution of
 698 any appeals.

699 Section 10. Subsections (1) and (4) of section 1012.55,
 700 Florida Statutes, are amended to read:

701 1012.55 Positions for which certificates required.--

702 (1) The State Board of Education shall classify school
 703 services, designate the certification subject areas, establish
 704 competencies, including the use of technology to enhance student
 705 learning, and certification requirements for all school-based
 706 personnel, and adopt rules in accordance with which the
 707 professional, temporary, and part-time certificates shall be
 708 issued by the Department of Education to applicants who meet the
 709 standards prescribed by such rules for their class of service.
 710 Each person employed or occupying a position as school
 711 supervisor, school principal, teacher, library media specialist,
 712 school counselor, athletic coach, or other position in which the
 713 employee serves in an instructional capacity, in any public
 714 school of any district of this state shall hold the certificate
 715 required by law and by rules of the State Board of Education in

716 fulfilling the requirements of the law for the type of service
 717 rendered. The Department of Education shall identify appropriate
 718 educator certification for the instruction of specified courses
 719 in an annual publication of a directory of course code numbers
 720 for all programs and courses that are funded through the Florida
 721 Education Finance Program. However, the state board shall adopt
 722 rules authorizing district school boards to employ selected
 723 noncertificated personnel to provide instructional services in
 724 the individuals' fields of specialty or to assist instructional
 725 staff members as education paraprofessionals.

726 (4) A commissioned or noncommissioned military officer who
 727 is an instructor of junior reserve officer training shall be
 728 exempt from requirements for teacher certification, except for
 729 the background screening ~~filing of fingerprints~~ pursuant to s.
 730 1012.32, if he or she meets the following qualifications:

731 (a) Is retired from active military duty, pursuant to
 732 chapter 102 of Title 10, U.S.C.

733 (b) Satisfies criteria established by the appropriate
 734 military service for certification by the service as a junior
 735 reserve officer training instructor.

736 (c) Has an exemplary military record.

737
 738 If such instructor is assigned instructional duties other than
 739 junior reserve officer training, he or she shall hold the
 740 certificate required by law and rules of the state board for the
 741 type of service rendered.

742 Section 11. Subsection (1), paragraphs (b) and (d) of
 743 subsection (2), and subsections (3), (4), and (5) of section

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744 1012.56, Florida Statutes, are amended, subsections (9) through
745 (15) are renumbered as subsections (10) through (16),
746 respectively, and a new subsection (9) is added to said section,
747 to read:

748 1012.56 Educator certification requirements.--

749 (1) APPLICATION.--Each person seeking certification
750 pursuant to this chapter shall submit a completed application
751 containing the applicant's social security number to the
752 Department of Education and remit the fee required pursuant to
753 s. 1012.59 and rules of the State Board of Education. Pursuant
754 to the federal Personal Responsibility and Work Opportunity
755 Reconciliation Act of 1996, each party is required to provide
756 his or her social security number in accordance with this
757 section. Disclosure of social security numbers obtained through
758 this requirement is limited to the purpose of administration of
759 the Title IV-D program of the Social Security Act for child
760 support enforcement. Pursuant to s. 120.60, the department shall
761 issue within 90 calendar days after the stamped receipted date
762 of the completed application:

763 (a) If the applicant meets the requirements, a
764 professional certificate covering the classification, level, and
765 area for which the applicant is deemed qualified and a document
766 explaining the requirements for renewal of the professional
767 certificate; ~~or~~

768 (b) If the applicant meets the requirements and if
769 requested by an employing school district or an employing
770 private school with a professional education competence
771 demonstration program pursuant to paragraphs (5)(f) and (7)(b),

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772 a temporary certificate covering the classification, level, and
 773 area for which the applicant is deemed qualified and an official
 774 statement of status of eligibility; or

775 (c)~~(b)~~ If an applicant does not meet the requirements for
 776 either certificate, an official statement of status of
 777 eligibility.

778
 779 The statement of status of eligibility must advise the applicant
 780 of any qualifications that must be completed to qualify for
 781 certification. Each statement of status of eligibility is valid
 782 for 3 years after its date of issuance, except as provided in
 783 paragraph (2)(d).

784 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
 785 certification, a person must:

786 (b) File an affidavit ~~a written statement, under oath,~~
 787 that the applicant subscribes to and will uphold the principles
 788 incorporated in the Constitution of the United States and the
 789 Constitution of the State of Florida and that the information
 790 provided in the application is true, accurate, and complete. The
 791 affidavit shall be by original signature or by electronic
 792 authentication. The affidavit shall include substantially the
 793 following warning:

794
 795 WARNING: Giving false information in order to obtain or renew a
 796 Florida educator's certificate is a criminal offense under
 797 Florida law. Anyone giving false information on this affidavit
 798 is subject to criminal prosecution as well as disciplinary
 799 action by the Education Practices Commission.

800
 801 (d) Submit to background screening in accordance with
 802 subsection (9) a fingerprint check from the Department of Law
 803 Enforcement and the Federal Bureau of Investigation pursuant to
 804 s. 1012.32. If the background screening indicates fingerprint
 805 reports indicate a criminal history or if the applicant
 806 acknowledges a criminal history, the applicant's records shall
 807 be referred to the investigative section in the Department of
 808 Education Bureau of Educator Standards for review and
 809 determination of eligibility for certification. If the applicant
 810 fails to provide the necessary documentation requested by the
 811 department Bureau of Educator Standards within 90 days after the
 812 date of the receipt of the certified mail request, the statement
 813 of eligibility and pending application shall become invalid.

814 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
 815 demonstrating mastery of general knowledge are:

816 (a) Achievement of passing scores on basic skills
 817 examination required by state board rule;

818 (b) Achievement of passing scores on the College Level
 819 Academic Skills Test earned prior to July 1, 2002;

820 (c) A valid professional standard teaching certificate
 821 issued by another state;

822 (d) A valid certificate issued by the National Board for
 823 Professional Teaching Standards or a national educator
 824 credentialing board approved by the State Board of Education; or

825 (e) Documentation of two semesters of successful teaching
 826 in a community college, state university, or private college or
 827 university that awards an associate or higher degree and is an

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828 accredited institution or an institution of higher education
829 identified by the Department of Education as having a quality
830 program.

831 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
832 of demonstrating mastery of subject area knowledge are:

833 (a) Achievement of passing scores on subject area
834 examinations required by state board rule;

835 (b) Completion of the subject area specialization
836 requirements specified in state board rule and verification of
837 the attainment of the essential subject matter competencies by
838 the district school superintendent of the employing school
839 district or chief administrative officer of the employing state-
840 supported or private school for a subject area for which a
841 subject area examination has not been developed and required by
842 state board rule;

843 (c) Completion of the subject area specialization
844 requirements specified in state board rule for a subject
845 coverage requiring a master's or higher degree and achievement
846 of a passing score on the subject area examination specified in
847 state board rule;

848 (d) A valid professional standard teaching certificate
849 issued by another state; or

850 (e) A valid certificate issued by the National Board for
851 Professional Teaching Standards or a national educator
852 credentialing board approved by the State Board of Education.

853 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
854 COMPETENCE.--Acceptable means of demonstrating mastery of
855 professional preparation and education competence are:

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856 (a) Completion of an approved teacher preparation program
857 at a postsecondary educational institution within this state and
858 achievement of a passing score on the professional education
859 competency examination required by state board rule;

860 (b) Completion of a teacher preparation program at a
861 postsecondary educational institution outside Florida and
862 achievement of a passing score on the professional education
863 competency examination required by state board rule;

864 (c) A valid professional standard teaching certificate
865 issued by another state;

866 (d) A valid certificate issued by the National Board for
867 Professional Teaching Standards or a national educator
868 credentialing board approved by the State Board of Education;

869 (e) Documentation of two semesters of successful teaching
870 in a community college, state university, or private college or
871 university that awards an associate or higher degree and is an
872 accredited institution or an institution of higher education
873 identified by the Department of Education as having a quality
874 program;

875 (f) Completion of professional preparation courses as
876 specified in state board rule, successful completion of a
877 professional education competence demonstration program pursuant
878 to paragraph (7)(b), and achievement of a passing score on the
879 professional education competency examination required by state
880 board rule; ~~or~~

881 (g) Successful completion of a professional preparation
882 alternative certification and education competency program,
883 outlined in paragraph (7)(a); or

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884 (h) Successful completion of an alternative certification
 885 program pursuant to s. 1004.85 and achievement of a passing
 886 score on the professional education competency examination
 887 required by state board rule.

888 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 889 PERIODICALLY.--

890 (a) Each person who seeks certification under this chapter
 891 must meet the background screening requirements described in s.
 892 1012.32 unless state and federal background screening has been
 893 conducted by a district school board or the Department of
 894 Education within 12 months before the date the person initially
 895 obtains certification under this chapter, the results of which
 896 are submitted to the district school board or to the Department
 897 of Education.

898 (b) A person may not receive a certificate under this
 899 chapter until the background screening has been completed and
 900 the results have been submitted to the Department of Education
 901 or to the district school superintendent of the school district
 902 that employs the person. Every 5 years after obtaining initial
 903 certification, each person who is required to be certified under
 904 this chapter must meet background screening requirements as
 905 described in s. 1012.32 at which time the school district shall
 906 request the Department of Law Enforcement to forward the
 907 fingerprints to the Federal Bureau of Investigation for the
 908 federal background screening. If, for any reason after obtaining
 909 initial certification, the fingerprints of a person who is
 910 required to be certified under this chapter are not retained by
 911 the Department of Law Enforcement under s. 1012.32(3)(a) and

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912 (b), the person must file a complete set of fingerprints with
 913 the district school superintendent of the employing school
 914 district. Upon submission of fingerprints for this purpose, the
 915 school district shall request the Department of Law Enforcement
 916 to forward the fingerprints to the Federal Bureau of
 917 Investigation for federal background screening, and the
 918 fingerprints shall be retained by the Department of Law
 919 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
 920 state and federal criminal history check may be borne by the
 921 district school board or the employee. Under penalty of perjury,
 922 each person who is certified under this chapter must agree to
 923 inform his or her employer within 48 hours if convicted of any
 924 disqualifying offense while he or she is employed in a position
 925 for which such certification is required.

926 (c) If it is found under s. 1012.796 that a person who is
 927 employed in a position requiring certification under this
 928 chapter does not meet the background screening requirements, the
 929 person's certification shall be immediately revoked or suspended
 930 and he or she shall be immediately suspended from the position
 931 requiring certification.

932 Section 12. Section 1012.561, Florida Statutes, is created
 933 to read:

934 1012.561 Address of record.--Each certified educator or
 935 applicant for certification is responsible for maintaining his
 936 or her current address with the Department of Education and for
 937 notifying the department in writing of a change of address. By
 938 January 1, 2005, each educator and applicant for certification
 939 must have on file with the department a current mailing address.

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940 Thereafter, a certified educator or applicant for certification
 941 who is employed by a district school board shall notify his or
 942 her employing school district in writing within 10 days after a
 943 change of address. At a minimum, the employing district school
 944 board shall notify the department quarterly of the addresses of
 945 certified educators or applicants for certification in the
 946 manner prescribed by the department. A certified educator or
 947 applicant for certification not employed by a district school
 948 board shall personally notify the department in writing within
 949 30 days after a change of address. Electronic notification shall
 950 be permitted by the department; however, it shall be the
 951 responsibility of the certified educator or applicant for
 952 certification to ascertain that the electronic notification was
 953 received by the department.

954 Section 13. Section 1012.57, Florida Statutes, is amended
 955 to read:

956 1012.57 Certification of adjunct educators.--

957 (1) Notwithstanding the provisions of ss. 1012.32,
 958 1012.55, and 1012.56, or any other provision of law or rule to
 959 the contrary, district school boards shall adopt rules to allow
 960 for the issuance of an adjunct teaching certificate to any
 961 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)
 962 and (9) and who has expertise in the subject area to be taught.
 963 An applicant shall be considered to have expertise in the
 964 subject area to be taught if the applicant demonstrates
 965 sufficient subject area mastery through passage of a subject
 966 area test. The adjunct teaching certificate shall be used for
 967 part-time teaching positions. The intent of this provision is to

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968 allow school districts to tap the wealth of talent and expertise
 969 represented in Florida's citizens who may wish to teach part-
 970 time in a Florida public school by permitting school districts
 971 to issue adjunct certificates to qualified applicants. Adjunct
 972 certificateholders should be used as a strategy to reduce the
 973 teacher shortage; thus, adjunct certificateholders should
 974 supplement a school's instructional staff, not supplant it. Each
 975 school principal shall assign an experienced peer mentor to
 976 assist the adjunct teaching certificateholder during the
 977 certificateholder's first year of teaching, and an adjunct
 978 certificateholder may participate in a district's new teacher
 979 training program. District school boards shall provide the
 980 adjunct teaching certificateholder an orientation in classroom
 981 management prior to assigning the certificateholder to a school.
 982 Each adjunct teaching certificate is valid for 5 school years
 983 and is renewable if the applicant has received satisfactory
 984 performance evaluations during each year of teaching under
 985 adjunct teaching certification.

986 (2) Individuals who are certified and employed under
 987 ~~pursuant to~~ this section shall have the same rights and
 988 protection of laws as teachers certified under ~~pursuant to~~ s.
 989 1012.56.

990 Section 14. Paragraph (d) of subsection (3) of section
 991 1012.585, Florida Statutes, is amended to read:

992 1012.585 Process for renewal of professional
 993 certificates.--

994 (3) For the renewal of a professional certificate, the
 995 following requirements must be met:

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996 (d) The State Board of Education shall adopt rules for the
 997 expanded use of training for renewal of the professional
 998 certificate for educators who are required to complete training
 999 in teaching students of limited English proficiency and training
 1000 in the teaching of reading as follows:

1001 1. A teacher who holds a professional certificate may use
 1002 college credits or inservice points completed in English-for-
 1003 Speakers-of-Other-Languages training and training in the
 1004 teaching of reading in excess of 6 semester hours during one
 1005 certificate-validity period toward renewal of the professional
 1006 certificate during the subsequent validity periods.

1007 2. A teacher who holds a temporary certificate may use
 1008 college credits or inservice points completed in English-for-
 1009 Speakers-of-Other-Languages training and training in the
 1010 teaching of reading toward renewal of the teacher's first
 1011 professional certificate. Such training must not have been
 1012 included within the degree program, and the teacher's temporary
 1013 and professional certificates must be issued for consecutive
 1014 school years.

1015 Section 15. Paragraph (g) of subsection (12) of section
 1016 1002.33, Florida Statutes, is amended to read:

1017 1002.33 Charter schools.--

1018 (12) EMPLOYEES OF CHARTER SCHOOLS.--

1019 (g) A charter school shall employ or contract with
 1020 employees who have undergone background screening ~~been~~
 1021 ~~fingerprinted~~ as provided in s. 1012.32. Members of the
 1022 governing board of the charter school shall also undergo

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1023 | background screening ~~be fingerprinted~~ in a manner similar to
1024 | that provided in s. 1012.32.

1025 | Section 16. Subsection (2) of section 1012.01, Florida
1026 | Statutes, is amended to read:

1027 | 1012.01 Definitions.--Specific definitions shall be as
1028 | follows, and wherever such defined words or terms are used in
1029 | the Florida K-20 Education Code, they shall be used as follows:

1030 | (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
1031 | means any K-12 staff member whose function includes the
1032 | provision of direct instructional services to students.
1033 | Instructional personnel also includes K-12 personnel whose
1034 | functions provide direct support in the learning process of
1035 | students. Included in the classification of instructional
1036 | personnel are the following K-12 personnel:

1037 | (a) *Classroom teachers*.--Classroom teachers are staff
1038 | members assigned the professional activity of instructing
1039 | students in courses in classroom situations, including basic
1040 | instruction, exceptional student education, career and technical
1041 | education, and adult education, including substitute teachers.

1042 | (b) *Student personnel services*.--Student personnel
1043 | services include staff members responsible for: advising
1044 | students with regard to their abilities and aptitudes,
1045 | educational and occupational opportunities, and personal and
1046 | social adjustments; providing placement services; performing
1047 | educational evaluations; and similar functions. Included in this
1048 | classification are guidance counselors, social workers,
1049 | occupational/placement specialists, and school psychologists.

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1050 (c) *Librarians/media specialists.*--Librarians/media
 1051 specialists are staff members responsible for providing school
 1052 library media services. These employees are responsible for
 1053 evaluating, selecting, organizing, and managing media and
 1054 technology resources, equipment, and related systems;
 1055 facilitating access to information resources beyond the school;
 1056 working with teachers to make resources available in the
 1057 instructional programs; assisting teachers and students in media
 1058 productions; and instructing students in the location and use of
 1059 information resources.

1060 (d) *Other instructional staff.*--Other instructional staff
 1061 are staff members who are part of the instructional staff but
 1062 are not classified in one of the categories specified in
 1063 paragraphs (a)-(c). Included in this classification are primary
 1064 specialists, learning resource specialists, instructional
 1065 trainers, adjunct educators certified pursuant to s. 1012.57,
 1066 and similar positions.

1067 (e) *Education paraprofessionals.*--Education
 1068 paraprofessionals are individuals who are under the direct
 1069 supervision of an instructional staff member, aiding the
 1070 instructional process. Included in this classification are
 1071 classroom paraprofessionals in regular instruction, exceptional
 1072 education paraprofessionals, career education paraprofessionals,
 1073 adult education paraprofessionals, library paraprofessionals,
 1074 physical education and playground paraprofessionals, and other
 1075 school-level paraprofessionals.

1076 Section 17. For the purpose of incorporating the amendment
 1077 to section 1012.01(2), Florida Statutes, in a reference thereto,

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1078 paragraph (b) of subsection (1) of section 112.1915, Florida
1079 Statutes, is reenacted to read:

1080 112.1915 Teachers and school administrators; death
1081 benefits.--Any other provision of law to the contrary
1082 notwithstanding:

1083 (1) As used in this section, the term:

1084 (b) "Teacher" means any instructional staff personnel as
1085 described in s. 1012.01(2).

1086 Section 18. Paragraphs (a) and (b) of subsection (13) of
1087 section 121.091, Florida Statutes, are amended, and, for the
1088 purpose of incorporating the amendment to section 1012.01(2),
1089 Florida Statutes, in a reference thereto, paragraph (b) of
1090 subsection (9) of said section is reenacted, to read:

1091 121.091 Benefits payable under the system.--Benefits may
1092 not be paid under this section unless the member has terminated
1093 employment as provided in s. 121.021(39)(a) or begun
1094 participation in the Deferred Retirement Option Program as
1095 provided in subsection (13), and a proper application has been
1096 filed in the manner prescribed by the department. The department
1097 may cancel an application for retirement benefits when the
1098 member or beneficiary fails to timely provide the information
1099 and documents required by this chapter and the department's
1100 rules. The department shall adopt rules establishing procedures
1101 for application for retirement benefits and for the cancellation
1102 of such application when the required information or documents
1103 are not received.

1104 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

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1105 (b)1. Any person who is retired under this chapter, except
 1106 under the disability retirement provisions of subsection (4),
 1107 may be reemployed by any private or public employer after
 1108 retirement and receive retirement benefits and compensation from
 1109 his or her employer without any limitations, except that a
 1110 person may not receive both a salary from reemployment with any
 1111 agency participating in the Florida Retirement System and
 1112 retirement benefits under this chapter for a period of 12 months
 1113 immediately subsequent to the date of retirement. However, a
 1114 DROP participant shall continue employment and receive a salary
 1115 during the period of participation in the Deferred Retirement
 1116 Option Program, as provided in subsection (13).

1117 2. Any person to whom the limitation in subparagraph 1.
 1118 applies who violates such reemployment limitation and who is
 1119 reemployed with any agency participating in the Florida
 1120 Retirement System before completion of the 12-month limitation
 1121 period shall give timely notice of this fact in writing to the
 1122 employer and to the division and shall have his or her
 1123 retirement benefits suspended for the balance of the 12-month
 1124 limitation period. Any person employed in violation of this
 1125 paragraph and any employing agency which knowingly employs or
 1126 appoints such person without notifying the Division of
 1127 Retirement to suspend retirement benefits shall be jointly and
 1128 severally liable for reimbursement to the retirement trust fund
 1129 of any benefits paid during the reemployment limitation period.
 1130 To avoid liability, such employing agency shall have a written
 1131 statement from the retiree that he or she is not retired from a
 1132 state-administered retirement system. Any retirement benefits

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1133 received while reemployed during this reemployment limitation
 1134 period shall be repaid to the retirement trust fund, and
 1135 retirement benefits shall remain suspended until such repayment
 1136 has been made. Benefits suspended beyond the reemployment
 1137 limitation shall apply toward repayment of benefits received in
 1138 violation of the reemployment limitation.

1139 3. A district school board may reemploy a retired member
 1140 as a substitute or hourly teacher, education paraprofessional,
 1141 transportation assistant, bus driver, or food service worker on
 1142 a noncontractual basis after he or she has been retired for 1
 1143 calendar month, in accordance with s. 121.021(39). A district
 1144 school board may reemploy a retired member as instructional
 1145 personnel, as defined in s. 1012.01(2)(a), on an annual
 1146 contractual basis after he or she has been retired for 1
 1147 calendar month, in accordance with s. 121.021(39). Any other
 1148 retired member who is reemployed within 1 calendar month after
 1149 retirement shall void his or her application for retirement
 1150 benefits. District school boards reemploying such teachers,
 1151 education paraprofessionals, transportation assistants, bus
 1152 drivers, or food service workers are subject to the retirement
 1153 contribution required by subparagraph 7.

1154 4. A community college board of trustees may reemploy a
 1155 retired member as an adjunct instructor, that is, an instructor
 1156 who is noncontractual and part-time, or as a participant in a
 1157 phased retirement program within the Florida Community College
 1158 System, after he or she has been retired for 1 calendar month,
 1159 in accordance with s. 121.021(39). Any retired member who is
 1160 reemployed within 1 calendar month after retirement shall void

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1161 his or her application for retirement benefits. Boards of
1162 trustees reemploying such instructors are subject to the
1163 retirement contribution required in subparagraph 7. A retired
1164 member may be reemployed as an adjunct instructor for no more
1165 than 780 hours during the first 12 months of retirement. Any
1166 retired member reemployed for more than 780 hours during the
1167 first 12 months of retirement shall give timely notice in
1168 writing to the employer and to the division of the date he or
1169 she will exceed the limitation. The division shall suspend his
1170 or her retirement benefits for the remainder of the first 12
1171 months of retirement. Any person employed in violation of this
1172 subparagraph and any employing agency which knowingly employs or
1173 appoints such person without notifying the Division of
1174 Retirement to suspend retirement benefits shall be jointly and
1175 severally liable for reimbursement to the retirement trust fund
1176 of any benefits paid during the reemployment limitation period.
1177 To avoid liability, such employing agency shall have a written
1178 statement from the retiree that he or she is not retired from a
1179 state-administered retirement system. Any retirement benefits
1180 received by a retired member while reemployed in excess of 780
1181 hours during the first 12 months of retirement shall be repaid
1182 to the Retirement System Trust Fund, and retirement benefits
1183 shall remain suspended until repayment is made. Benefits
1184 suspended beyond the end of the retired member's first 12 months
1185 of retirement shall apply toward repayment of benefits received
1186 in violation of the 780-hour reemployment limitation.

1187 5. The State University System may reemploy a retired
1188 member as an adjunct faculty member or as a participant in a

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1189 | phased retirement program within the State University System
 1190 | after the retired member has been retired for 1 calendar month,
 1191 | in accordance with s. 121.021(39). Any retired member who is
 1192 | reemployed within 1 calendar month after retirement shall void
 1193 | his or her application for retirement benefits. The State
 1194 | University System is subject to the retired contribution
 1195 | required in subparagraph 7., as appropriate. A retired member
 1196 | may be reemployed as an adjunct faculty member or a participant
 1197 | in a phased retirement program for no more than 780 hours during
 1198 | the first 12 months of his or her retirement. Any retired member
 1199 | reemployed for more than 780 hours during the first 12 months of
 1200 | retirement shall give timely notice in writing to the employer
 1201 | and to the division of the date he or she will exceed the
 1202 | limitation. The division shall suspend his or her retirement
 1203 | benefits for the remainder of the first 12 months of retirement.
 1204 | Any person employed in violation of this subparagraph and any
 1205 | employing agency which knowingly employs or appoints such person
 1206 | without notifying the Division of Retirement to suspend
 1207 | retirement benefits shall be jointly and severally liable for
 1208 | reimbursement to the retirement trust fund of any benefits paid
 1209 | during the reemployment limitation period. To avoid liability,
 1210 | such employing agency shall have a written statement from the
 1211 | retiree that he or she is not retired from a state-administered
 1212 | retirement system. Any retirement benefits received by a retired
 1213 | member while reemployed in excess of 780 hours during the first
 1214 | 12 months of retirement shall be repaid to the Retirement System
 1215 | Trust Fund, and retirement benefits shall remain suspended until
 1216 | repayment is made. Benefits suspended beyond the end of the

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1217 | retired member's first 12 months of retirement shall apply
 1218 | toward repayment of benefits received in violation of the 780-
 1219 | hour reemployment limitation.

1220 | 6. The Board of Trustees of the Florida School for the
 1221 | Deaf and the Blind may reemploy a retired member as a substitute
 1222 | teacher, substitute residential instructor, or substitute nurse
 1223 | on a noncontractual basis after he or she has been retired for 1
 1224 | calendar month, in accordance with s. 121.021(39). Any retired
 1225 | member who is reemployed within 1 calendar month after
 1226 | retirement shall void his or her application for retirement
 1227 | benefits. The Board of Trustees of the Florida School for the
 1228 | Deaf and the Blind reemploying such teachers, residential
 1229 | instructors, or nurses is subject to the retirement contribution
 1230 | required by subparagraph 7. Reemployment of a retired member as
 1231 | a substitute teacher, substitute residential instructor, or
 1232 | substitute nurse is limited to 780 hours during the first 12
 1233 | months of his or her retirement. Any retired member reemployed
 1234 | for more than 780 hours during the first 12 months of retirement
 1235 | shall give timely notice in writing to the employer and to the
 1236 | division of the date he or she will exceed the limitation. The
 1237 | division shall suspend his or her retirement benefits for the
 1238 | remainder of the first 12 months of retirement. Any person
 1239 | employed in violation of this subparagraph and any employing
 1240 | agency which knowingly employs or appoints such person without
 1241 | notifying the Division of Retirement to suspend retirement
 1242 | benefits shall be jointly and severally liable for reimbursement
 1243 | to the retirement trust fund of any benefits paid during the
 1244 | reemployment limitation period. To avoid liability, such

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1245 | employing agency shall have a written statement from the retiree
 1246 | that he or she is not retired from a state-administered
 1247 | retirement system. Any retirement benefits received by a retired
 1248 | member while reemployed in excess of 780 hours during the first
 1249 | 12 months of retirement shall be repaid to the Retirement System
 1250 | Trust Fund, and his or her retirement benefits shall remain
 1251 | suspended until payment is made. Benefits suspended beyond the
 1252 | end of the retired member's first 12 months of retirement shall
 1253 | apply toward repayment of benefits received in violation of the
 1254 | 780-hour reemployment limitation.

1255 | 7. The employment by an employer of any retiree or DROP
 1256 | participant of any state-administered retirement system shall
 1257 | have no effect on the average final compensation or years of
 1258 | creditable service of the retiree or DROP participant. Prior to
 1259 | July 1, 1991, upon employment of any person, other than an
 1260 | elected officer as provided in s. 121.053, who has been retired
 1261 | under any state-administered retirement program, the employer
 1262 | shall pay retirement contributions in an amount equal to the
 1263 | unfunded actuarial liability portion of the employer
 1264 | contribution which would be required for regular members of the
 1265 | Florida Retirement System. Effective July 1, 1991, contributions
 1266 | shall be made as provided in s. 121.122 for retirees with
 1267 | renewed membership or subsection (13) with respect to DROP
 1268 | participants.

1269 | 8. Any person who has previously retired and who is
 1270 | holding an elective public office or an appointment to an
 1271 | elective public office eligible for the Elected Officers' Class
 1272 | on or after July 1, 1990, shall be enrolled in the Florida

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1273 Retirement System as provided in s. 121.053(1)(b) or, if holding
 1274 an elective public office that does not qualify for the Elected
 1275 Officers' Class on or after July 1, 1991, shall be enrolled in
 1276 the Florida Retirement System as provided in s. 121.122, and
 1277 shall continue to receive retirement benefits as well as
 1278 compensation for the elected officer's service for as long as he
 1279 or she remains in elective office. However, any retired member
 1280 who served in an elective office prior to July 1, 1990,
 1281 suspended his or her retirement benefit, and had his or her
 1282 Florida Retirement System membership reinstated shall, upon
 1283 retirement from such office, have his or her retirement benefit
 1284 recalculated to include the additional service and compensation
 1285 earned.

1286 9. Any person who is holding an elective public office
 1287 which is covered by the Florida Retirement System and who is
 1288 concurrently employed in nonelected covered employment may elect
 1289 to retire while continuing employment in the elective public
 1290 office, provided that he or she shall be required to terminate
 1291 his or her nonelected covered employment. Any person who
 1292 exercises this election shall receive his or her retirement
 1293 benefits in addition to the compensation of the elective office
 1294 without regard to the time limitations otherwise provided in
 1295 this subsection. No person who seeks to exercise the provisions
 1296 of this subparagraph, as the same existed prior to May 3, 1984,
 1297 shall be deemed to be retired under those provisions, unless
 1298 such person is eligible to retire under the provisions of this
 1299 subparagraph, as amended by chapter 84-11, Laws of Florida.

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1300 10. The limitations of this paragraph apply to
1301 reemployment in any capacity with an "employer" as defined in s.
1302 121.021(10), irrespective of the category of funds from which
1303 the person is compensated.

1304 11. An employing agency may reemploy a retired member as a
1305 firefighter or paramedic after the retired member has been
1306 retired for 1 calendar month, in accordance with s. 121.021(39).
1307 Any retired member who is reemployed within 1 calendar month
1308 after retirement shall void his or her application for
1309 retirement benefits. The employing agency reemploying such
1310 firefighter or paramedic is subject to the retired contribution
1311 required in subparagraph 8. Reemployment of a retired
1312 firefighter or paramedic is limited to no more than 780 hours
1313 during the first 12 months of his or her retirement. Any retired
1314 member reemployed for more than 780 hours during the first 12
1315 months of retirement shall give timely notice in writing to the
1316 employer and to the division of the date he or she will exceed
1317 the limitation. The division shall suspend his or her retirement
1318 benefits for the remainder of the first 12 months of retirement.
1319 Any person employed in violation of this subparagraph and any
1320 employing agency which knowingly employs or appoints such person
1321 without notifying the Division of Retirement to suspend
1322 retirement benefits shall be jointly and severally liable for
1323 reimbursement to the Retirement System Trust Fund of any
1324 benefits paid during the reemployment limitation period. To
1325 avoid liability, such employing agency shall have a written
1326 statement from the retiree that he or she is not retired from a
1327 state-administered retirement system. Any retirement benefits

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1328 received by a retired member while reemployed in excess of 780
 1329 hours during the first 12 months of retirement shall be repaid
 1330 to the Retirement System Trust Fund, and retirement benefits
 1331 shall remain suspended until repayment is made. Benefits
 1332 suspended beyond the end of the retired member's first 12 months
 1333 of retirement shall apply toward repayment of benefits received
 1334 in violation of the 780-hour reemployment limitation.

1335 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
 1336 subject to the provisions of this section, the Deferred
 1337 Retirement Option Program, hereinafter referred to as the DROP,
 1338 is a program under which an eligible member of the Florida
 1339 Retirement System may elect to participate, deferring receipt of
 1340 retirement benefits while continuing employment with his or her
 1341 Florida Retirement System employer. The deferred monthly
 1342 benefits shall accrue in the System Trust Fund on behalf of the
 1343 participant, plus interest compounded monthly, for the specified
 1344 period of the DROP participation, as provided in paragraph (c).
 1345 Upon termination of employment, the participant shall receive
 1346 the total DROP benefits and begin to receive the previously
 1347 determined normal retirement benefits. Participation in the DROP
 1348 does not guarantee employment for the specified period of DROP.
 1349 Participation in the DROP by an eligible member beyond the
 1350 initial 60-month period as authorized in this subsection shall
 1351 be on an annual contractual basis for all participants.

1352 (a) *Eligibility of member to participate in the DROP.*--All
 1353 active Florida Retirement System members in a regularly
 1354 established position, and all active members of either the
 1355 Teachers' Retirement System established in chapter 238 or the

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1356 State and County Officers' and Employees' Retirement System
 1357 established in chapter 122 which systems are consolidated within
 1358 the Florida Retirement System under s. 121.011, are eligible to
 1359 elect participation in the DROP provided that:

1360 1. The member is not a renewed member of the Florida
 1361 Retirement System under s. 121.122, or a member of the State
 1362 Community College System Optional Retirement Program under s.
 1363 121.051, the Senior Management Service Optional Annuity Program
 1364 under s. 121.055, or the optional retirement program for the
 1365 State University System under s. 121.35.

1366 2. Except as provided in subparagraph 6., election to
 1367 participate is made within 12 months immediately following the
 1368 date on which the member first reaches normal retirement date,
 1369 or, for a member who reaches normal retirement date based on
 1370 service before he or she reaches age 62, or age 55 for Special
 1371 Risk Class members, election to participate may be deferred to
 1372 the 12 months immediately following the date the member attains
 1373 57, or age 52 for Special Risk Class members. For a member who
 1374 first reached normal retirement date or the deferred eligibility
 1375 date described above prior to the effective date of this
 1376 section, election to participate shall be made within 12 months
 1377 after the effective date of this section. A member who fails to
 1378 make an election within such 12-month limitation period shall
 1379 forfeit all rights to participate in the DROP. The member shall
 1380 advise his or her employer and the division in writing of the
 1381 date on which the DROP shall begin. Such beginning date may be
 1382 subsequent to the 12-month election period, but must be within
 1383 the 60-month or, with respect to members who are instructional

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1384 personnel employed by the Florida School for the Deaf and the
1385 Blind and who have received authorization by the Board of
1386 Trustees of the Florida School for the Deaf and the Blind to
1387 participate in the DROP beyond 60 months, or who are
1388 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
1389 grades K-12 and who have received authorization by the district
1390 school superintendent or, effective June 1, 2004, by the
1391 director or principal of a developmental research school as
1392 described in s. 1002.32 to participate in the DROP beyond 60
1393 months, the 96-month limitation period as provided in
1394 subparagraph (b)1. When establishing eligibility of the member
1395 to participate in the DROP for the 60-month or, with respect to
1396 members who are instructional personnel employed by the Florida
1397 School for the Deaf and the Blind and who have received
1398 authorization by the Board of Trustees of the Florida School for
1399 the Deaf and the Blind to participate in the DROP beyond 60
1400 months, or who are instructional personnel as defined in s.
1401 1012.01(2)(a)-(d) in grades K-12 and who have received
1402 authorization by the district school superintendent or,
1403 effective June 1, 2004, by the director or principal of a
1404 developmental research school as described in s. 1002.32 to
1405 participate in the DROP beyond 60 months, the 96-month maximum
1406 participation period, the member may elect to include or exclude
1407 any optional service credit purchased by the member from the
1408 total service used to establish the normal retirement date. A
1409 member with dual normal retirement dates shall be eligible to
1410 elect to participate in DROP within 12 months after attaining
1411 normal retirement date in either class.

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1412 3. The employer of a member electing to participate in the
1413 DROP, or employers if dually employed, shall acknowledge in
1414 writing to the division the date the member's participation in
1415 the DROP begins and the date the member's employment and DROP
1416 participation will terminate.

1417 4. Simultaneous employment of a participant by additional
1418 Florida Retirement System employers subsequent to the
1419 commencement of participation in the DROP shall be permissible
1420 provided such employers acknowledge in writing a DROP
1421 termination date no later than the participant's existing
1422 termination date or the 60-month limitation period as provided
1423 in subparagraph (b)1.

1424 5. A DROP participant may change employers while
1425 participating in the DROP, subject to the following:

1426 a. A change of employment must take place without a break
1427 in service so that the member receives salary for each month of
1428 continuous DROP participation. If a member receives no salary
1429 during a month, DROP participation shall cease unless the
1430 employer verifies a continuation of the employment relationship
1431 for such participant pursuant to s. 121.021(39)(b).

1432 b. Such participant and new employer shall notify the
1433 division on forms required by the division as to the identity of
1434 the new employer.

1435 c. The new employer shall acknowledge, in writing, the
1436 participant's DROP termination date, which may be extended but
1437 not beyond the original 60-month or, with respect to members who
1438 are instructional personnel employed by the Florida School for
1439 the Deaf and the Blind and who have received authorization by

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1440 the Board of Trustees of the Florida School for the Deaf and the
 1441 Blind to participate in the DROP beyond 60 months, or who are
 1442 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 1443 grades K-12 and who have received authorization by the district
 1444 school superintendent or, effective June 1, 2004, by the
 1445 director or principal of a developmental research school as
 1446 described in s. 1002.32 to participate in the DROP beyond 60
 1447 months, the 96-month period provided in subparagraph (b)1.,
 1448 shall acknowledge liability for any additional retirement
 1449 contributions and interest required if the participant fails to
 1450 timely terminate employment, and shall be subject to the
 1451 adjustment required in sub-subparagraph (c)5.d.

1452 6. Effective July 1, 2001, for instructional personnel as
 1453 defined in s. 1012.01(2), election to participate in the DROP
 1454 shall be made at any time following the date on which the member
 1455 first reaches normal retirement date. The member shall advise
 1456 his or her employer and the division in writing of the date on
 1457 which the Deferred Retirement Option Program shall begin. When
 1458 establishing eligibility of the member to participate in the
 1459 DROP for the 60-month or, with respect to members who are
 1460 instructional personnel employed by the Florida School for the
 1461 Deaf and the Blind and who have received authorization by the
 1462 Board of Trustees of the Florida School for the Deaf and the
 1463 Blind to participate in the DROP beyond 60 months, or who are
 1464 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 1465 grades K-12 and who have received authorization by the district
 1466 school superintendent or, effective June 1, 2004, by the
 1467 director or principal of a developmental research school as

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1468 | described in s. 1002.32 to participate in the DROP beyond 60
 1469 | months, the 96-month maximum participation period, as provided
 1470 | in subparagraph (b)1., the member may elect to include or
 1471 | exclude any optional service credit purchased by the member from
 1472 | the total service used to establish the normal retirement date.
 1473 | A member with dual normal retirement dates shall be eligible to
 1474 | elect to participate in either class.

1475 | (b) *Participation in the DROP.--*

1476 | 1. An eligible member may elect to participate in the DROP
 1477 | for a period not to exceed a maximum of 60 calendar months or,
 1478 | with respect to members who are instructional personnel employed
 1479 | by the Florida School for the Deaf and the Blind and who have
 1480 | received authorization by the Board of Trustees of the Florida
 1481 | School for the Deaf and the Blind to participate in the DROP
 1482 | beyond 60 months, or who are instructional personnel as defined
 1483 | in s. 1012.01(2)(a)-(d) in grades K-12 and who have received
 1484 | authorization by the district school superintendent or,
 1485 | effective June 1, 2004, by the director or principal of a
 1486 | developmental research school as described in s. 1002.32 to
 1487 | participate in the DROP beyond 60 calendar months, 96 calendar
 1488 | months immediately following the date on which the member first
 1489 | reaches his or her normal retirement date or the date to which
 1490 | he or she is eligible to defer his or her election to
 1491 | participate as provided in subparagraph (a)2. However, a member
 1492 | who has reached normal retirement date prior to the effective
 1493 | date of the DROP shall be eligible to participate in the DROP
 1494 | for a period of time not to exceed 60 calendar months or, with
 1495 | respect to members who are instructional personnel employed by

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1496 | the Florida School for the Deaf and the Blind and who have
 1497 | received authorization by the Board of Trustees of the Florida
 1498 | School for the Deaf and the Blind to participate in the DROP
 1499 | beyond 60 months, or who are instructional personnel as defined
 1500 | in s. 1012.01(2)(a)-(d) in grades K-12 and who have received
 1501 | authorization by the district school superintendent or,
 1502 | effective June 1, 2004, by the director or principal of a
 1503 | developmental research school as described in s. 1002.32 to
 1504 | participate in the DROP beyond 60 calendar months, 96 calendar
 1505 | months immediately following the effective date of the DROP,
 1506 | except a member of the Special Risk Class who has reached normal
 1507 | retirement date prior to the effective date of the DROP and
 1508 | whose total accrued value exceeds 75 percent of average final
 1509 | compensation as of his or her effective date of retirement shall
 1510 | be eligible to participate in the DROP for no more than 36
 1511 | calendar months immediately following the effective date of the
 1512 | DROP.

1513 | 2. Upon deciding to participate in the DROP, the member
 1514 | shall submit, on forms required by the division:

1515 | a. A written election to participate in the DROP;

1516 | b. Selection of the DROP participation and termination
 1517 | dates, which satisfy the limitations stated in paragraph (a) and
 1518 | subparagraph 1. Such termination date shall be in a binding
 1519 | letter of resignation with the employer, establishing a deferred
 1520 | termination date. The member may change the termination date
 1521 | within the limitations of subparagraph 1., but only with the
 1522 | written approval of his or her employer;

1523 c. A properly completed DROP application for service
1524 retirement as provided in this section; and

1525 d. Any other information required by the division.

1526 3. The DROP participant shall be a retiree under the
1527 Florida Retirement System for all purposes, except for paragraph
1528 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
1529 and 121.122. However, participation in the DROP does not alter
1530 the participant's employment status and such employee shall not
1531 be deemed retired from employment until his or her deferred
1532 resignation is effective and termination occurs as provided in
1533 s. 121.021(39).

1534 4. Elected officers shall be eligible to participate in
1535 the DROP subject to the following:

1536 a. An elected officer who reaches normal retirement date
1537 during a term of office may defer the election to participate in
1538 the DROP until the next succeeding term in that office. Such
1539 elected officer who exercises this option may participate in the
1540 DROP for up to 60 calendar months or a period of no longer than
1541 such succeeding term of office, whichever is less.

1542 b. An elected or a nonelected participant may run for a
1543 term of office while participating in DROP and, if elected,
1544 extend the DROP termination date accordingly, except, however,
1545 if such additional term of office exceeds the 60-month
1546 limitation established in subparagraph 1., and the officer does
1547 not resign from office within such 60-month limitation, the
1548 retirement and the participant's DROP shall be null and void as
1549 provided in sub-subparagraph (c)5.d.

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1550 c. An elected officer who is dually employed and elects to
 1551 participate in DROP shall be required to satisfy the definition
 1552 of termination within the 60-month or, with respect to members
 1553 who are instructional personnel employed by the Florida School
 1554 for the Deaf and the Blind and who have received authorization
 1555 by the Board of Trustees of the Florida School for the Deaf and
 1556 the Blind to participate in the DROP beyond 60 months, or who
 1557 are instructional personnel as defined in s. 1012.01(2)(a)-(d)
 1558 in grades K-12 and who have received authorization by the
 1559 district school superintendent or, effective June 1, 2004, by
 1560 the director or principal of a developmental research school as
 1561 described in s. 1002.32 to participate in the DROP beyond 60
 1562 months, the 96-month limitation period as provided in
 1563 subparagraph 1. for the nonelected position and may continue
 1564 employment as an elected officer as provided in s. 121.053. The
 1565 elected officer will be enrolled as a renewed member in the
 1566 Elected Officers' Class or the Regular Class, as provided in ss.
 1567 121.053 and 121.22, on the first day of the month after
 1568 termination of employment in the nonelected position and
 1569 termination of DROP. Distribution of the DROP benefits shall be
 1570 made as provided in paragraph (c).

1571 Section 19. For the purpose of incorporating the amendment
 1572 to section 1012.01(2), Florida Statutes, in a reference thereto,
 1573 paragraph (b) of subsection (2) of section 1011.685, Florida
 1574 Statutes, is reenacted to read:

1575 1011.685 Class size reduction; operating categorical
 1576 fund.--

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1577 (2) Class size reduction operating categorical funds shall
1578 be used by school districts for the following:

1579 (b) For any lawful operating expenditure, if the district
1580 has met the constitutional maximums identified in s. 1003.03(1)
1581 or the reduction of two students per year required by s.
1582 1003.03(2); however, priority shall be given to increase
1583 salaries of classroom teachers as defined in s. 1012.01(2)(a)
1584 and to implement the salary career ladder defined in s.
1585 1012.231.

1586 Section 20. For the purpose of incorporating the amendment
1587 to section 1012.01(2), Florida Statutes, in references thereto,
1588 paragraphs (a) and (b) of subsection (2) of section 1012.74,
1589 Florida Statutes, are reenacted to read:

1590 1012.74 Florida educators professional liability insurance
1591 protection.--

1592 (2)(a) Educator professional liability coverage for all
1593 instructional personnel, as defined by s. 1012.01(2), who are
1594 full-time personnel, as defined by the district school board
1595 policy, shall be provided by specific appropriations under the
1596 General Appropriations Act.

1597 (b) Educator professional liability coverage shall be
1598 extended at cost to all instructional personnel, as defined by
1599 s. 1012.01(2), who are part-time personnel, as defined by the
1600 district school board policy, and choose to participate in the
1601 state-provided program.

1602 Section 21. This act shall take effect upon becoming a
1603 law.