

27 child abuse or neglect.—

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

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

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

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

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

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

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

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

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

75 (a) Liability coverage, in an amount not less than \$2
76 million, shall be provided to all full-time instructional
77 personnel, as defined by the district school board. Liability
78 coverage may be provided to the following individuals who choose

79 to participate in the program, at cost: part-time instructional
 80 personnel, as defined by the district school board,
 81 administrative personnel, as defined by the district school
 82 board, and students enrolled in a state-approved teacher
 83 preparation program pursuant to s. 1012.39(3).

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

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

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

103 1012.79 Education Practices Commission; organization.—

104 (1) The Education Practices Commission is composed

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

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

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

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

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

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

132 ~~2.3.~~ Must have practiced the profession as an
133 administrator for at least 5 years immediately preceding the
134 appointment.

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

136 (c)~~(d)~~ The law enforcement official members must have
137 served in the profession for at least 5 years immediately
138 preceding appointment and have background expertise in child
139 safety.

140 (d) The Commissioner of Education, upon request or
141 recommendation from the commission, may also appoint up to 5
142 emeritus members from the commission's prior membership to serve
143 1-year terms. Notwithstanding any prior service on the
144 commission, an emeritus member may serve up to five 1-year
145 terms. An emeritus member serves as a voting member at a
146 discipline hearing and as a consulting but nonvoting member
147 during a business meeting.

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

149 Section 5. Subsection (3) of section 1012.796, Florida
150 Statutes, is amended to read:

151 1012.796 Complaints against teachers and administrators;
152 procedure; penalties.—

153 (3) The department staff shall advise the commissioner
154 concerning the findings of the investigation. The department
155 general counsel or members of that staff shall review the
156 investigation and advise the commissioner concerning probable

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

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