

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

1
 2 An act relating to K-12 teachers; requiring the
 3 Commissioner of Education to take specified actions
 4 relating to classroom teacher training requirements by
 5 a specified date; amending s. 1001.20, F.S.;
 6 authorizing the Office of Inspector General within the
 7 Department of Education to investigate allegations and
 8 reports of suspected violations of certain persons'
 9 rights; amending s. 1003.32, F.S.; revising the
 10 disciplinary actions a principal may impose on a
 11 student; revising requirements for disciplinary
 12 actions a principal may impose; amending s. 1009.26,
 13 F.S.; revising the courses eligible for a fee waiver;
 14 creating s. 1009.31, F.S.; establishing the Dual
 15 Enrollment Educator Scholarship Program; providing
 16 requirements for the department and the Board of
 17 Governors in administering the program; providing
 18 eligibility criteria for applicants; requiring
 19 scholarship recipients to agree to specified
 20 conditions; providing what the scholarship funds must
 21 cover; providing that funding for the program is
 22 contingent upon appropriation; requiring the State
 23 Board of Education to adopt rules; creating s.
 24 1012.555, F.S.; establishing the Teacher
 25 Apprenticeship Program; providing eligibility

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

26 requirements for apprentice teachers; providing
27 requirements for mentor teachers; providing that a
28 mentor teacher may receive a bonus under specified
29 conditions; providing that an apprenticeship classroom
30 may exceed class size requirements up to a specified
31 limit; authorizing the state board to adopt rules;
32 amending s. 1012.56, F.S.; revising the validity
33 period for certain temporary certificates; amending s.
34 1012.59, F.S.; waiving specified certification
35 requirements for retired first responders; creating s.
36 1012.715, F.S.; establishing the Heroes in the
37 Classroom Bonus Program; providing that a retired
38 military veteran or first responder who becomes a
39 full-time classroom teacher may receive a one-time
40 bonus, subject to legislative appropriation; defining
41 the terms "retired first responder" and "veteran";
42 providing eligibility requirements for the bonus;
43 defining the term "disciplinary action"; providing
44 responsibilities for the department; providing
45 responsibilities for the school district; authorizing
46 the state board to adopt rules; creating ch. 1015,
47 F.S., to be entitled "Teachers' Bill of Rights";
48 creating s. 1015.01, F.S.; providing a short title;
49 creating s. 1015.02, F.S.; providing legislative
50 findings; creating s. 1015.03, F.S.; providing that

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

51 the right of certain employees to work may not be
 52 denied or abridged by specified actions; providing
 53 civil and criminal immunity for teachers under certain
 54 circumstances; requiring that teachers have access to
 55 certain liability coverage under certain
 56 circumstances; providing that teachers may receive
 57 reimbursement of certain expenses under certain
 58 circumstances; providing that certain persons have the
 59 right to be free from discrimination; providing that
 60 teachers must be provided multiple pathways to earn an
 61 educator certificate; creating s. 1015.04, F.S.;
 62 providing that teachers are guaranteed a coordinated
 63 system of professional development; providing that
 64 certain teachers may receive specified tuition and fee
 65 waivers; creating s. 1015.05, F.S.; authorizing
 66 teachers to control and discipline students in their
 67 classrooms and certain other places and to take
 68 specified actions; creating a rebuttable presumption
 69 for teachers under certain circumstances; creating s.
 70 1015.06, F.S.; providing that teachers have the right
 71 to direct their classroom instruction; authorizing
 72 teachers to bring actions against school districts and
 73 request the appointment of a special magistrate under
 74 certain circumstances; providing requirements and
 75 responsibilities for such magistrates; providing

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

76 requirements for the state board; providing that
 77 teachers have the right to receive certain data in a
 78 timely manner; providing an effective date.

79
 80 Be It Enacted by the Legislature of the State of Florida:

81
 82 Section 1. By December 31, 2023, the Commissioner of
 83 Education shall:

84 (1) Conduct a thorough and comprehensive review of all
 85 classroom teacher training requirements in federal and state law
 86 or rule and district policy.

87 (2) Assess all classroom teacher training requirements and
 88 identify any duplicate federal and state training requirements.

89 (3) Evaluate any potential negative impacts of eliminating
 90 certain classroom teacher training requirements in state law or
 91 rule or district policy.

92 (4) Review all available literature related to
 93 comprehensive reviews of classroom teacher training requirements
 94 in other states.

95 (5) Eliminate any classroom teacher training requirements
 96 not required by federal or state law.

97 (6) Provide recommendations to the Legislature for
 98 eliminating classroom teacher training requirements in state law
 99 or rule or district policy.

100 Section 2. Paragraph (e) of subsection (4) of section

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

101 1001.20, Florida Statutes, is amended to read:

102 1001.20 Department under direction of state board.—

103 (4) The Department of Education shall establish the
 104 following offices within the Office of the Commissioner of
 105 Education which shall coordinate their activities with all other
 106 divisions and offices:

107 (e) *Office of Inspector General.*—Organized using existing
 108 resources and funds and responsible for promoting
 109 accountability, efficiency, and effectiveness and detecting
 110 fraud and abuse within school districts, the Florida School for
 111 the Deaf and the Blind, and Florida College System institutions
 112 in Florida. If the Commissioner of Education determines that a
 113 district school board, the Board of Trustees for the Florida
 114 School for the Deaf and the Blind, or a Florida College System
 115 institution board of trustees is unwilling or unable to address
 116 substantiated allegations made by any person relating to waste,
 117 fraud, or financial mismanagement within the school district,
 118 the Florida School for the Deaf and the Blind, or the Florida
 119 College System institution, the office must ~~shall~~ conduct,
 120 coordinate, or request investigations into such substantiated
 121 allegations. The office shall investigate allegations or reports
 122 of possible fraud or abuse against a district school board made
 123 by any member of the Cabinet; the presiding officer of either
 124 house of the Legislature; a chair of a substantive or
 125 appropriations committee with jurisdiction; or a member of the

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

126 board for which an investigation is sought. The office may
 127 investigate allegations or reports of suspected violations of a
 128 student's, parent's, or teacher's rights. The office shall have
 129 access to all information and personnel necessary to perform its
 130 duties and shall have all of its current powers, duties, and
 131 responsibilities authorized in s. 20.055.

132 Section 3. Subsection (3) of section 1003.32, Florida
 133 Statutes, is amended to read:

134 1003.32 Authority of teacher; responsibility for control
 135 of students; district school board and principal duties.—Subject
 136 to law and to the rules of the district school board, each
 137 teacher or other member of the staff of any school shall have
 138 such authority for the control and discipline of students as may
 139 be assigned to him or her by the principal or the principal's
 140 designated representative and shall keep good order in the
 141 classroom and in other places in which he or she is assigned to
 142 be in charge of students.

143 (3) A teacher may send a student to the principal's office
 144 to maintain effective discipline in the classroom and may
 145 recommend an appropriate consequence consistent with the student
 146 code of conduct under s. 1006.07. After determining that the
 147 student has violated the student code of conduct, the principal
 148 shall respond either by employing the teacher's recommended
 149 consequence, or by imposing a more serious disciplinary action,
 150 if the student's overall behavioral history ~~of disruptive~~

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

151 ~~behavior~~ warrants it. If the principal determines that ~~a lesser~~
 152 disciplinary action other than that recommended by the teacher
 153 is appropriate, the principal should consult with the teacher
 154 before ~~prior to~~ taking disciplinary action. If the principal
 155 determines that the student has not violated the student code of
 156 conduct, the principal may not impose any discipline. The
 157 principal shall notify the teacher of any decision regarding
 158 discipline, or lack thereof, and interventions provided to a
 159 student to address the behavior. If the principal deviates in
 160 any way from the teacher's recommendation, the principal must
 161 provide the reasons for any such deviation in writing to the
 162 teacher.

163 Section 4. Subsection (18) of section 1009.26, Florida
 164 Statutes, is amended to read:

165 1009.26 Fee waivers.—

166 (18) (a) For every course in a Program of Strategic
 167 Emphasis, as identified in subparagraph 3., or a state-approved
 168 teacher preparation program, in which a student is enrolled, a
 169 state university shall waive 100 percent of the tuition and fees
 170 for an equivalent course in such program for a student who:

- 171 1. Is a resident for tuition purposes under s. 1009.21.
- 172 2. Has earned at least 60 semester credit hours towards a
 173 baccalaureate degree within 2 academic years after initial
 174 enrollment at a Florida public postsecondary institution.
- 175 3. Enrolls in one of 10 Programs of Strategic Emphasis as

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

176 adopted by the Board of Governors or a state-approved teacher
 177 preparation program. The Board of Governors shall adopt eight
 178 Programs of Strategic Emphasis in science, technology,
 179 engineering, or math and, beginning with the 2022-2023 academic
 180 year, two Programs of Strategic Emphasis in the critical
 181 workforce gap analysis category for which a student may be
 182 eligible to receive the tuition and fee waiver authorized by
 183 this subsection. The programs identified by the board must
 184 reflect the priorities of the state and be offered at a majority
 185 of state universities.

186 (b) A waiver granted under this subsection is applicable
 187 only for upper-level courses and up to 110 percent of the number
 188 of required credit hours of the baccalaureate degree program for
 189 which the student is enrolled.

190 (c) Upon enrollment in a Program of Strategic Emphasis or
 191 a state-approved teacher preparation program, the tuition and
 192 fees waived under this subsection must be reported for state
 193 funding purposes under ss. 1009.534 and 1009.535 and must be
 194 disbursed to the student. The amount disbursed to the student
 195 must ~~shall~~ be equal to the award amount the student has received
 196 under s. 1009.534(2) or s. 1009.535(2).

197 (d) Each state university shall report to the Board of
 198 Governors the number and value of all waivers granted annually
 199 under this subsection. A state university in compliance with
 200 this subsection may earn incentive funding, subject to

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

201 appropriation, in addition to the funding provided under s.
 202 1001.92.

203 (e) The Board of Governors shall adopt regulations to
 204 administer this subsection.

205 Section 5. Section 1009.31, Florida Statutes, is created
 206 to read:

207 1009.31 Dual Enrollment Educator Scholarship Program.—

208 (1) The Dual Enrollment Educator Scholarship Program is
 209 established to assist teachers of grades 9-12 in public schools
 210 in this state in obtaining the graduate degree and credentials
 211 necessary to provide dual enrollment coursework directly to
 212 students on the campuses of such schools.

213 (2) The Department of Education shall:

214 (a) Administer the scholarship program in accordance with
 215 rules adopted by the State Board of Education.

216 (b) In consultation with the Board of Governors, identify
 217 graduate-level degree programs offered at state universities
 218 which meet accrediting agency requirements for teaching general
 219 education core courses, as identified in s. 1007.25. The
 220 department shall provide the list of approved degree programs to
 221 school districts and post it on its website.

222 (c) In consultation with the Board of Governors, identify
 223 qualified degree programs that are available entirely online.

224 (d) Identify and prioritize districts for participation in
 225 the scholarship program based on each district's ratio of

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

226 students from low-income and moderate-income households, the
227 availability of dual enrollment courses in the district, and the
228 geographic proximity of high schools in the district to
229 participating postsecondary institutions.

230 (e) Prioritize scholarship program applicants who are
231 currently enrolled in an approved graduate program at a state
232 university.

233 (f) Identify school districts with the highest need for
234 teachers, as described in subsection (1), in which participants
235 completing the scholarship program may teach to satisfy the
236 requirement imposed by subparagraph (4)(a)3.

237 (3) A scholarship applicant must satisfy the following
238 eligibility criteria:

239 (a) Be a certified teacher of grades 9-12 in a public
240 school in this state.

241 (b) Be accepted into, or currently enrolled in, an
242 approved graduate program in a subject within his or her area of
243 certification, as identified pursuant to paragraph (2)(b).

244 (4)(a) As a condition of receiving a scholarship, the
245 recipient must agree to do all of the following:

246 1. Complete the graduate degree program and additional
247 required credentials within 3 academic years of the initial
248 award.

249 2. Upon completion of the degree, teach at least one
250 general education core course, as identified in s. 1007.25, per

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

251 semester at a public school mutually agreed upon by the school
252 district and the postsecondary institution. The recipient may
253 teach additional courses at the school upon the approval of the
254 school district and the postsecondary institution.

255 3. Remain in his or her district, or an eligible district
256 as identified by the Department of Education, as a certified
257 classroom teacher for at least 3 school years after completion
258 of his or her degree.

259 (b) A scholarship recipient who does not complete an
260 identified degree, or who does not complete at least 3 school
261 years of service after the completion of an identified degree,
262 must repay the amount of the scholarship to the Department of
263 Education on a schedule determined by the department. The
264 department may provide the teacher additional time to meet his
265 or her service requirement if the department finds that
266 circumstances beyond the control of the teacher caused or
267 contributed to his or her failure to complete the degree or meet
268 the service requirement.

269 (5) The scholarship must cover the full cost of tuition
270 and fees, including a book stipend each semester, required to
271 complete the teacher's program.

272 (6) Funding for the Dual Enrollment Educator Scholarship
273 Program is contingent upon the appropriation of funds in the
274 General Appropriations Act.

275 (7) The State Board of Education shall adopt rules to

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

276 implement this section.

277 Section 6. Section 1012.555, Florida Statutes, is created
278 to read:

279 1012.555 Teacher Apprenticeship Program.—

280 (1) The Teacher Apprenticeship Program is established to
281 create an alternative pathway for individuals to enter the
282 teaching profession. The Department of Education shall
283 administer the program in accordance with s. 446.011.

284 (2)(a) An individual must meet the following minimum
285 eligibility requirements to participate in the apprenticeship
286 program:

287 1. Have received an associate degree from an accredited
288 postsecondary institution.

289 2. Have earned a cumulative grade point average of 3.0 in
290 that degree program.

291 3. Have successfully passed a background screening as
292 provided in s. 1012.32.

293 4. Have received a temporary apprenticeship certificate as
294 provided in s. 1012.56(7)(d).

295 (b) As a condition of participating in the program, an
296 apprentice teacher must commit to spending the first 2 years in
297 the classroom of a mentor teacher using team teaching strategies
298 identified in s. 1003.03(5)(b) and fulfilling the on-the-job
299 training component of the registered apprenticeship and its
300 associated standards.

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

301 (c) An apprentice teacher must do both of the following:
 302 1. Complete 2 years in an apprenticeship before being
 303 eligible to apply for a professional certificate established in
 304 s. 1012.56(7)(a). Completion of the Teacher Apprenticeship
 305 Program does not exempt an apprentice teacher from the
 306 requirements of s. 1012.56(2)(c).

307 2. Receive related instruction as provided in s. 446.051.

308 (d) An apprentice teacher must be appointed by the
 309 district school board as an education paraprofessional and must
 310 be paid in accordance with s. 446.032 and rules adopted by the
 311 State Board of Education.

312 (e) An apprentice teacher may change schools or districts
 313 after the first year of his or her apprenticeship if the hiring
 314 school or district has agreed to fund the remaining year of the
 315 apprenticeship.

316 (3) A teacher who serves as a mentor in the apprenticeship
 317 program shall mentor his or her apprentice teacher using team
 318 teaching strategies and must, at a minimum, meet all of the
 319 following requirements:

320 (a) Have at least 7 years of teaching experience in this
 321 state.

322 (b) Have received an aggregate score of highly effective
 323 on the three most recent available value-added model (VAM)
 324 scores, as used by the department, or have received an aggregate
 325 score of highly effective on the three most recent available

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

326 performance evaluations if the teacher does not generate a state
 327 VAM score.

328 (c) Satisfy any other requirements established by the
 329 department.

330 (4) Subject to legislative appropriation, a teacher who
 331 serves as a mentor in the apprenticeship program may receive a
 332 bonus, as specified in this subsection. If such funding is
 333 available:

334 (a) The district school board must pay a teacher who
 335 serves as a mentor 50 percent of the bonus amount upon
 336 completion of the first year of the apprenticeship.

337 (b) The district school board must pay a teacher who
 338 serves as a mentor the remainder of the bonus at the conclusion
 339 of the apprenticeship if:

340 1. The teacher successfully guides his or her apprentice
 341 to completion of the apprenticeship program;

342 2. Upon completion of the apprenticeship program, his or
 343 her apprentice is hired by a school district or charter school
 344 in this state; and

345 3. The teacher meets any additional requirements imposed
 346 by state board rule.

347 (5) A class in which an apprenticeship is conducted may
 348 exceed the class size limitation imposed in s. 1003.03(1) up to
 349 1.5 times the allowable number of students under that
 350 subsection.

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

351 (6) The State Board of Education may adopt rules to
 352 implement this section.

353 Section 7. Paragraph (d) and present paragraph (e) of
 354 subsection (7) of section 1012.56, Florida Statutes, as amended
 355 by chapter 2023-16, Laws of Florida, are amended, and a new
 356 paragraph (e) and paragraph (f) are added to that subsection, to
 357 read:

358 1012.56 Educator certification requirements.—

359 (7) TYPES AND TERMS OF CERTIFICATION.—

360 (d) The department shall issue a temporary apprenticeship
 361 certificate to any applicant who:

362 1. Meets the requirements of paragraphs (2)(a), (b), (d),
 363 (e), and (f).

364 2. Completes the subject area content requirements
 365 specified in state board rule or demonstrates mastery of subject
 366 area knowledge as provided in subsection (5).

367 (e) A person who is issued a temporary certificate under
 368 paragraph (b) must be assigned a teacher mentor for a minimum of
 369 2 school years after commencing employment. Each teacher mentor
 370 selected by the school district, charter school, or charter
 371 management organization must:

372 1. Hold a valid professional certificate issued pursuant
 373 to this section;

374 2. Have earned at least 3 years of teaching experience in
 375 prekindergarten through grade 12; and

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

376 3. Have earned an effective or highly effective rating on
 377 the prior year's performance evaluation under s. 1012.34.

378 ~~(f)1.(e)~~ A temporary certificate issued under paragraph
 379 (b) is valid for 5 school fiscal years and is nonrenewable.

380 2. A temporary apprenticeship certificate issued under
 381 paragraph (d) is valid for 5 school years, may be issued only
 382 once, and is nonrenewable.

383
 384 At least 1 year before an individual's temporary certificate is
 385 set to expire, the department shall electronically notify the
 386 individual of the date on which his or her certificate will
 387 expire and provide a list of each method by which the
 388 qualifications for a professional certificate can be completed.
 389 The State Board of Education shall adopt rules to allow the
 390 department to extend the validity period of a temporary
 391 certificate for 2 years when the requirements for the
 392 professional certificate were not completed due to the serious
 393 illness or injury of the applicant, the military service of an
 394 applicant's spouse, other extraordinary extenuating
 395 circumstances, or if the certificateholder is rated highly
 396 effective in the immediate prior year's performance evaluation
 397 pursuant to s. 1012.34 or has completed a 2-year mentorship
 398 program pursuant to subsection (8). The department shall extend
 399 the temporary certificate upon approval by the Commissioner of
 400 Education. A written request for extension of the certificate

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

401 shall be submitted by the district school superintendent, the
 402 governing authority of a university lab school, the governing
 403 authority of a state-supported school, or the governing
 404 authority of a private school.

405 Section 8. Paragraph (d) is added to subsection (3) of
 406 section 1012.59, Florida Statutes, to read:

407 1012.59 Certification fees.—

408 (3) The State Board of Education shall waive initial
 409 general knowledge, professional education, and subject area
 410 examination fees and certification fees for:

411 (d) A retired first responder, which includes a law
 412 enforcement officer as defined in s. 943.10(1), a firefighter as
 413 defined in s. 633.102(9), or an emergency medical technician or
 414 paramedic as defined in s. 401.23.

415 Section 9. Section 1012.715, Florida Statutes, is created
 416 to read:

417 1012.715 Heroes in the Classroom Bonus Program.—

418 (1) PURPOSE.—Subject to legislative appropriation, the
 419 Department of Education must provide a one-time sign-on bonus,
 420 as provided in the General Appropriations Act, to retired first
 421 responders and veterans who commit to joining the teaching
 422 profession as a full-time classroom teacher. A retired first
 423 responder or veteran may receive an additional bonus for
 424 teaching a course in a critical teacher shortage area as defined
 425 in s. 1012.07.

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

426 (2) DEFINITIONS.—As used in this section, the term:
 427 (a) "Retired first responder" means an individual who can
 428 document his or her full retirement as a law enforcement officer
 429 as defined in s. 943.10(1), a firefighter as defined in s.
 430 633.102(9), or an emergency medical technician or paramedic as
 431 defined in s. 401.23.
 432 (b) "Veteran" has the same meaning as in s. 1.01(14).
 433 (3) ELIGIBILITY.—To be eligible to receive a bonus under
 434 this section, an individual must:
 435 (a) As applicable, document that he or she has not been
 436 the subject of any disciplinary action during the most recent 5
 437 years of his or her employment. For purposes of this paragraph,
 438 the term "disciplinary action" includes suspensions, dismissals,
 439 and involuntary demotions associated with disciplinary actions;
 440 (b) Document his or her honorable discharge from the
 441 military;
 442 (c) Document receipt of a professional certificate or
 443 temporary certificate under s. 1012.56(7)(a) and (b)1.,
 444 respectively; and
 445 (d) Commit to maintaining employment with the district or
 446 charter school for a minimum of 2 school years.
 447 (4) DEPARTMENT DUTIES.—The Department of Education shall
 448 administer the bonus program. At a minimum, the department
 449 shall:
 450 (a) Establish a method for determining the estimated

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

451 number of eligible military veterans and first responders hired
 452 in the applicable fiscal year.

453 (b) Establish additional minimum criteria necessary to
 454 receive the bonus.

455 (c) Establish an estimated cost to the department
 456 associated with developing and administering the program.

457 (d) Establish a method by which a teacher must reimburse
 458 the state if he or she receives the bonus payment under the
 459 program but fails to maintain continuous employment for the
 460 required 2-year school period.

461 (e) Identify critical teacher shortage areas in which a
 462 military veteran or retired first responder who teaches may be
 463 eligible for an additional bonus.

464 (5) DISTRICT DUTIES.—A school district that hires eligible
 465 participants must:

466 (a) Provide any necessary information requested by the
 467 department.

468 (b) Notify, in a manner established by the department,
 469 eligible employees for whom such employment may impact their
 470 pension from a previous position.

471 (6) RULES.—The State Board of Education may adopt rules to
 472 implement this section.

473 Section 10. Chapter 1015, Florida Statutes, consisting of
 474 ss. 1015.01-1015.06, Florida Statutes, is created and entitled
 475 "Teachers' Bill of Rights."

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

476 Section 11. Section 1015.01, Florida Statutes, is created
 477 to read:

478 1015.01 Short title.—This section and ss. 1015.02-1015.06
 479 may be cited as the "Teachers' Bill of Rights."

480 Section 12. Section 1015.02, Florida Statutes, is created
 481 to read:

482 1015.02 Legislative findings.—The Legislature finds that
 483 education is critically important in the development of children
 484 in this state. The Legislature additionally recognizes the
 485 supreme importance of having high-quality teachers in the
 486 classroom. Further, the Legislature finds it is necessary to
 487 establish a clear set of rights for teachers regarding their
 488 profession and classrooms.

489 Section 13. Section 1015.03, Florida Statutes, is created
 490 to read:

491 1015.03 Rights of employment.—

492 (1) Pursuant to s. 447.301 and s. 6., Art. I of the State
 493 Constitution, the right of public employees, including teachers,
 494 to work may not be denied or abridged on account of membership
 495 or nonmembership in any labor union.

496 (2)(a) A teacher, except in cases of excessive force or
 497 cruel and unusual punishment, may not be held civilly or
 498 criminally liable for actions carried out in conformity with
 499 State Board of Education rules. Pursuant to s. 1012.75, a
 500 teacher shall have access to liability coverage, subject to the

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

501 General Appropriations Act, through the educator liability
 502 insurance program.

503 (b) Pursuant to s. 1012.26, a teacher may receive a
 504 reimbursement of reasonable expenses for legal services from his
 505 or her school district if the teacher is charged with civil or
 506 criminal actions arising out of and in the course of the
 507 performance of assigned duties and responsibilities.

508 (3) All students and public K-20 educational institution
 509 employees, including teachers, have the right to be free from
 510 discrimination in public K-20 educational institutions.

511 (4) Pursuant to s. 1012.56, teachers must be provided
 512 multiple pathways to earn an educator certificate.

513 Section 14. Section 1015.04, Florida Statutes, is created
 514 to read:

515 1015.04 Right to continuing education.—

516 (1) Teachers are guaranteed a coordinated system of
 517 professional development with the goals of increasing student
 518 achievement, enhancing classroom instruction, and preparing
 519 students for continuing their education or joining the
 520 workforce. Pursuant to s. 1012.98, the Department of Education,
 521 public postsecondary educational institutions, public school
 522 districts, public schools, state education foundations,
 523 consortia, and professional organizations must work
 524 collaboratively to provide a coordinated system of professional
 525 development.

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

526 (2) Pursuant to s. 1009.26(10), teachers employed by a
 527 school district may receive a waiver for tuition and fees for up
 528 to 6 credit hours per term at a state university or Florida
 529 College System institution.

530 Section 15. Section 1015.05, Florida Statutes, is created
 531 to read:

532 1015.05 Right to control the classroom.—

533 (1) In accordance with state board rules and general law,
 534 a teacher has the authority to control and discipline students
 535 in his or her classroom and in other places in which the teacher
 536 is assigned to be in charge of students. Pursuant to s. 1003.32
 537 and in order to provide an orderly and safe learning environment
 538 for students, a teacher may:

539 (a) Establish classroom rules of conduct.

540 (b) Establish and implement consequences, which are
 541 designed to change behavior, for infractions of classroom rules
 542 of conduct.

543 (c) Have disobedient, disrespectful, violent, abusive,
 544 uncontrollable, or disruptive students removed from the
 545 classroom for behavior management intervention.

546 (d) Have violent, abusive, uncontrollable, or disruptive
 547 students directed to appropriate school or district school board
 548 personnel for information and assistance.

549 (e) Assist in enforcing school rules on school property,
 550 during school-sponsored transportation, and during school-

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

551 sponsored activities.

552 (f) Request and receive information relating to the
553 disposition of any referrals to administration for a violation
554 of classroom rules of conduct or school rules.

555 (g) Request and receive immediate assistance in classroom
556 management if a student becomes uncontrollable or in the case of
557 an emergency.

558 (h) Request and receive training and other assistance to
559 improve his or her skills in classroom management, violence
560 prevention, conflict resolution, and related areas.

561 (i) Press charges if there is a reason to believe that a
562 crime has been committed on school property, during school-
563 sponsored transportation, or during school-sponsored activities.

564 (j) Use reasonable force, according to standards adopted
565 by the State Board of Education, to protect himself or herself
566 or others from injury.

567 (2) For purposes of this section, in cases in which a
568 teacher faces litigation or professional practices sanctions for
569 an action taken pursuant to subsection (1), there is a
570 rebuttable presumption that a teacher was taking necessary
571 action to restore or maintain the safety or educational
572 atmosphere of his or her classroom.

573 Section 16. Section 1015.06, Florida Statutes, is created
574 to read:

575 1015.06 Right to direct classroom instruction.-

ENROLLED

CS/HB 1035, Engrossed 1

2023 Legislature

576 (1) (a) In accordance with general law and State Board of
577 Education rules, a teacher has the right to direct his or her
578 classroom instruction. If a teacher is directed by his or her
579 school district or school to violate general law or state board
580 rules, he or she may request the Commissioner of Education to
581 appoint a special magistrate who is a member of The Florida Bar
582 in good standing and who has at least 5 years' experience in
583 administrative law. The special magistrate shall determine facts
584 relating to the dispute over the school district procedure or
585 practice, consider information provided by the teacher and the
586 school district, and render a recommended decision for
587 resolution to the state board within 30 days after receipt of
588 the request by the teacher.

589 (b) The state board must approve or reject the special
590 magistrate's recommended decision at its next scheduled board
591 meeting. The costs of the special magistrate must be borne by
592 the school district.

593 (c) If the school district is found in violation of
594 general law or state board rules, the state board may withhold
595 the salary of the superintendent until the violation is
596 corrected.

597 (2) Pursuant to s. 1008.25, a teacher has the right to
598 receive student assessment data in a timely manner in order to
599 assist in instruction.

600 Section 17. This act shall take effect July 1, 2023.