

1 A bill to be entitled
 2 An act relating to contracts with personnel hired by a
 3 Florida College System institution board of trustees;
 4 amending s. 1007.33, F.S.; removing eligibility for
 5 certain faculty at St. Petersburg College to be awarded
 6 continuing contracts; amending s. 1012.83, F.S.; providing
 7 definitions; providing criteria for employment of
 8 personnel newly hired on or after July 1, 2011, by a
 9 Florida College System institution board of trustees;
 10 providing requirements for probationary and annual
 11 contracts for administrative, instructional, or
 12 educational support personnel; prohibiting the award of
 13 tenure, a multiyear contract, or a continuing contract;
 14 providing an exception; providing requirements relating to
 15 dismissal and retention of employees; requiring adoption
 16 of a performance evaluation policy; amending s. 1012.855,
 17 F.S.; removing a reference to State Board of Education
 18 rules regarding tenure; repealing State Board of Education
 19 rules relating to certain contracts, including multiyear
 20 and continuing contracts; revoking and prohibiting certain
 21 policies, practices, and procedures of a Florida College
 22 System institution; providing an effective date.

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

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 26 Section 1. Subsection (4) of section 1007.33, Florida
 27 Statutes, is amended to read:

28 1007.33 Site-determined baccalaureate degree access.—

29 (4) A Florida college may:

30 (a) Offer specified baccalaureate degree programs through

31 formal agreements between the Florida college and other

32 regionally accredited postsecondary educational institutions

33 pursuant to s. 1007.22.

34 (b) Offer baccalaureate degree programs that were

35 authorized by law prior to July 1, 2009.

36 (c) Beginning July 1, 2009, establish a first or

37 subsequent baccalaureate degree program for purposes of meeting

38 district, regional, or statewide workforce needs if approved by

39 the State Board of Education under this section.

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41 Beginning July 1, 2009, the Board of Trustees of the St.

42 Petersburg College is authorized to establish one or more

43 bachelor of applied science degree programs based on an analysis

44 of workforce needs in Pinellas, Pasco, and Hernando Counties and

45 other counties approved by the Department of Education. For each

46 program selected, St. Petersburg College must offer a related

47 associate in science or associate in applied science degree

48 program, and the baccalaureate degree level program must be

49 designed to articulate fully with at least one associate in

50 science degree program. The college is encouraged to develop

51 articulation agreements for enrollment of graduates of related

52 associate in applied science degree programs. The Board of

53 Trustees of the St. Petersburg College is authorized to

54 establish additional baccalaureate degree programs if it

55 determines a program is warranted and feasible based on each of

56 the factors in paragraph (5) (d). Prior to developing or

57 | proposing a new baccalaureate degree program, St. Petersburg
 58 | College shall engage in need, demand, and impact discussions
 59 | with the state university in its service district and other
 60 | local and regional, accredited postsecondary providers in its
 61 | region. Documentation, data, and other information from inter-
 62 | institutional discussions regarding program need, demand, and
 63 | impact shall be provided to the college's board of trustees to
 64 | inform the program approval process. Employment at St.
 65 | Petersburg College is governed by the same laws that govern
 66 | community colleges, ~~except that upper-division faculty are~~
 67 | ~~eligible for continuing contracts upon the completion of the~~
 68 | ~~fifth year of teaching.~~ Employee records for all personnel shall
 69 | be maintained as required by s. 1012.81.

70 | Section 2. Section 1012.83, Florida Statutes, is amended
 71 | to read:

72 | 1012.83 Contracts with personnel hired by a Florida
 73 | College System institution board of trustees ~~administrative and~~
 74 | ~~instructional staff.~~

75 | (1) DEFINITIONS.—The term:

76 | (a) "Administrative personnel" includes, but is not
 77 | limited to, an employee who performs management activities such
 78 | as developing broad policies for a Florida College System
 79 | institution and executing those policies through the direction
 80 | of personnel at all levels within the institution. In addition,
 81 | the term "administrative personnel" includes an employee who has
 82 | been assigned the responsibilities of systemwide or institution-
 83 | wide functions, including developing, coordinating, or
 84 | administering instructional and noninstructional activities of

85 the institution. The term "administrative personnel" does not
 86 include a Florida College System institution's president.

87 (b) "Annual contract" means an employment contract for a
 88 period of no longer than 365 days which a Florida College System
 89 institution board of trustees may award or not award without
 90 cause.

91 (c) "Educational support personnel" includes, but is not
 92 limited to, an employee hired as an education or administrative
 93 paraprofessional; a member of an operations, maintenance, or
 94 comparable department; or a secretary or clerical or comparable
 95 level support employee.

96 (d) "Instructional personnel" includes, but is not limited
 97 to, a teacher, faculty member, professor, or employee who
 98 provides any direct instructional services to students. In
 99 addition, the term "instructional personnel" includes an
 100 employee who provides direct support to students, including, but
 101 not limited to, an employee responsible for providing media
 102 services and technology resources; a counselor, adviser, or
 103 employee performing educational evaluations or placement
 104 services or similar functions; or an instructional specialist,
 105 librarian, resource specialist, instructional trainer, or
 106 adjunct educator.

107 (e) "President" means the president of a Florida College
 108 System institution appointed by the board of trustees pursuant
 109 to s. 1001.64(19).

110 (f) "Probationary contract" means an employment contract
 111 for a period of no longer than 365 days awarded to
 112 administrative, instructional, or educational support personnel

113 upon initial employment by a Florida College System institution
 114 board of trustees. Probationary contract employees may be
 115 dismissed without cause or may resign without breach of
 116 contract.

117 (2) EMPLOYMENT.—

118 (a) Notwithstanding any other provision of law to the
 119 contrary, all personnel newly hired on or after July 1, 2011, by
 120 a Florida College System institution board of trustees shall be
 121 classified as administrative, instructional, or educational
 122 support personnel and shall be awarded a probationary contract.
 123 A Florida College System institution board of trustees may not
 124 award a probationary contract more than once to the same
 125 employee unless the employee was rehired after a break in
 126 service for which an authorized leave of absence was not granted
 127 by the board of trustees. A probationary contract shall be
 128 awarded regardless of previous employment in another Florida
 129 College System institution or state. Upon successful completion
 130 of a probationary contract, the board of trustees may award an
 131 annual contract pursuant to paragraph (c).

132 (b) An annual contract may be awarded pursuant to
 133 paragraph (c) to newly hired administrative, instructional, or
 134 educational support personnel who have successfully completed a
 135 probationary contract or have received one or more annual
 136 contracts from a Florida College System institution board of
 137 trustees.

138 (c) An annual contract may be awarded only if:

- 139 1. A Florida College System institution president
 140 recommends employment to the board of trustees based upon the

141 individual's effective performance, educational and experiential
 142 qualifications, and capacity to meet the educational needs of
 143 the institution and the community; and

144 2. The board of trustees approves the recommendation of
 145 the president in accordance with policies and procedures adopted
 146 by the Florida College System institution.

147 (d)1. Notwithstanding any other provision of law to the
 148 contrary, on or after July 1, 2011, no personnel may be awarded
 149 tenure, a multiyear contract, or a continuing contract, except
 150 the president.

151 2. Tenure, a multiyear contract, or a continuing contract
 152 in effect prior to July 1, 2011, may not be renewed, extended,
 153 or readopted. Personnel without an annual contract are eligible
 154 to be awarded an annual contract pursuant to paragraph (c).

155 3. Personnel under a probationary contract as of July 1,
 156 2011, are eligible for an annual contract under paragraph (c).

157 4. Personnel who have obtained permanent or classified
 158 status as of July 1, 2011, may be awarded an annual contract
 159 under paragraph (c) on their employment anniversary date.

160 (e) A contract does not create an expectancy of employment
 161 beyond the term of the contract. Nonrenewal of a contract does
 162 not entitle the employee to an explanation or statement of the
 163 reasons for nonrenewal or to a hearing.

164 (f) A Florida College System institution board of trustees
 165 may dismiss an employee who has been awarded an annual contract,
 166 or who holds tenure, a multiyear contract, or a continuing
 167 contract, during the term of the contract based upon the
 168 recommendation of the Florida College System institution

169 president. The recommendation of the president may be based upon
 170 the factors enumerated in s. 1012.335(5), as defined in the
 171 State Board of Education rule, or the policies adopted by the
 172 board of trustees, or both. The president shall notify the
 173 employee in writing of the recommendation, and the board of
 174 trustees shall afford the employee the right to a hearing in
 175 accordance with the policies and procedures adopted by the board
 176 of trustees.

177 (g) If workforce reduction is needed, a Florida College
 178 System institution board of trustees must retain employees based
 179 upon educational and programmatic needs and the performance of
 180 employees within the affected program areas. Within the program
 181 areas requiring reduction, the employee with the lowest
 182 performance must be the first to be released; the employee with
 183 the next lowest performance must be the second to be released;
 184 and reductions shall continue in like manner until the needed
 185 number of reductions has occurred. A Florida College System
 186 institution board of trustees must adopt a performance
 187 evaluation policy that sets forth the criteria and process for
 188 evaluating performance and must make the policy readily
 189 available and accessible to all employees. A Florida College
 190 System institution board of trustees may not prioritize
 191 retention of employees based upon seniority or the type of
 192 contract an employee holds.

193 ~~(1) Each person employed in an administrative or~~
 194 ~~instructional capacity in a community college shall be entitled~~
 195 ~~to a contract as provided by rules of the State Board of~~
 196 ~~Education.~~

197 (3) ~~(2)~~ CONTRACT RESTRICTION.—A community college board of
 198 trustees may not enter into an employment contract that requires
 199 the community college to pay an employee an amount from
 200 appropriated state funds in excess of 1 year of the employee's
 201 annual salary for termination, buyout, or any other type of
 202 contract settlement. This subsection does not prohibit the
 203 payment of leave and benefits accrued by the employee in
 204 accordance with the community college's leave and benefits
 205 policies before the contract terminates.

206 Section 3. Paragraph (a) of subsection (1) of section
 207 1012.855, Florida Statutes, is amended to read:

208 1012.855 Employment of community college personnel;
 209 discrimination in granting salary prohibited.—

210 (1) (a) Employment of all personnel in each community
 211 college shall be upon recommendation of the Florida College
 212 System institution president, subject to approval ~~rejection~~ ~~for~~
 213 ~~cause~~ by the community college board of trustees; to the rules
 214 of the State Board of Education relative to certification,
 215 ~~tenure~~, leaves of absence of all types, including sabbaticals,
 216 remuneration, and such other conditions of employment as the
 217 State Board of Education deems necessary and proper; and to
 218 policies of the community college board of trustees not
 219 inconsistent with law.

220 Section 4. All rules implementing s. 1012.83(1), Florida
 221 Statutes 2010, including Rules 6A-14.041 and 6A-14.0411, Florida
 222 Administrative Code, adopted prior to July 1, 2011, shall stand
 223 repealed. All policies adopted by a Florida College System
 224 institution board of trustees and all policies, practices, and

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225 procedures followed by a Florida College System institution
226 which are contrary to or inconsistent with this act are revoked
227 and prohibited.

228 Section 5. This act shall take effect July 1, 2011.