

By Representatives Meador, Baxley, Kilmer, Andrews and Harrell

1 A bill to be entitled
2 An act relating to academic freedom and
3 responsibility; creating s. 228.506, F.S.;
4 requiring appointed board members to take an
5 oath of allegiance; creating s. 228.507, F.S.;
6 providing legislative findings regarding
7 academic freedom and responsibility; requiring
8 the Florida Board of Education to convene an
9 advisory board; amending s. 876.05, F.S.;
10 revising the oath required of persons employed
11 by school boards and districts of the free
12 public school system and public institutions of
13 higher learning; reenacting ss. 876.06, 876.07,
14 876.08, 876.09, and 876.10, F.S., relating to
15 discharge, qualification, penalty, scope, and
16 false oath, to incorporate the amendment to s.
17 876.05, F.S., in references thereto; providing
18 an effective date.

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20 WHEREAS, our public educational system is the genius of
21 our democracy, where the minds of our youth are developed and
22 the character of that development determines the future of our
23 land, and

24 WHEREAS, teachers have great influence in shaping the
25 attitude of young minds towards the society in which they
26 live, and the state has a vital concern that this influence is
27 exercised with the responsibility and integrity required by
28 the search for truth within an ordered and orderly society,
29 NOW, THEREFORE,

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

1 Section 1. Section 228.506, Florida Statutes, is
2 created to read:

3 228.506 Appointed board members; oath of
4 allegiance.--Each member of the Florida Board of Education,
5 each member of the university boards of trustees, and each
6 member of the community college district boards of trustees
7 shall, if he or she is a member of such board upon the
8 effective date of this act at the next regularly scheduled
9 meeting of the board of which he or she is a member and
10 otherwise before he or she enters upon the duties of a board
11 member, take the following oath:

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13 I do solemnly swear or affirm that I will support,
14 protect, and defend the Constitution and Government of the
15 United States and of the State of Florida; that I am duly
16 qualified to appointment as a member of the ...(name of
17 board)...; and that I will well and faithfully perform the
18 duties of a member of the ...(name of board)... on which I am
19 now about to enter. So help me God.

20 Section 2. Section 228.507, Florida Statutes, is
21 created to read:

22 228.507 Academic freedom and responsibility.--

23 (1) The Legislature finds that:

24 (a) The mission of K-20 public education is a mission
25 that must be conducted for the general public good and not to
26 further the interest or belief of any individual teacher or
27 public educational institution or agency.

28 (b) The general public good depends upon a free search
29 for truth and its free exposition.

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1 (c) Academic freedom is fundamental to seeking and
2 explaining truth but carries with it duties and
3 responsibilities correlative with rights.

4 (d) Teachers in our public educational institutions
5 are not only members of a learned profession but are also
6 representatives of the educational institution they serve and
7 recipients of public funds for the performance of their
8 duties.

9 (e) Teachers should be free from censorship, but their
10 special position imposes special obligations, including the
11 obligation at all times to seek to be accurate, exercise
12 appropriate restraint as scholars and educational officers,
13 and show respect for the opinions of others.

14 (2) Pursuant to s. 229.0072(4)(i), the Florida Board
15 of Education shall immediately convene an advisory board to
16 address the issue of academic freedom and responsibility
17 within the seamless K-20 education system. By January 1, 2002,
18 the advisory board shall make recommendations to the Florida
19 Board of Education regarding rules necessary to comply with
20 this act, including, but not limited to, rules that establish
21 just cause for dismissal from employment upon violation. By
22 February 1, 2002, the Florida Board of Education shall report
23 to the Legislature its recommendations for rules as well as
24 its recommendations for any statutory changes necessary to
25 support the recommended rules.

26 Section 3. Section 876.05, Florida Statutes, is
27 amended to read:

28 876.05 Public employees; oath.--

29 (1)(a) All persons who now or hereafter are employed
30 by or who now or hereafter are on the payroll of the state, or
31 any of its departments and agencies, subdivisions, counties,

1 ~~cities, school boards and districts of the free public school~~
2 ~~system of the state or counties, or institutions of higher~~
3 ~~learning,~~ and all candidates for public office, are required
4 to take an oath before any person duly authorized to take
5 acknowledgments of instruments for public record in the state
6 in the following form:

7
8 I,, a citizen of the State of Florida and of the
9 United States of America, and being employed by or an officer
10 of and a recipient of public funds as such employee or
11 officer, do hereby solemnly swear or affirm that I will
12 support the Constitution of the United States and of the State
13 of Florida.

14
15 ~~(b)(2)~~ Said oath shall be filed with the records of
16 the governing official or employing governmental agency prior
17 to the approval of any voucher for the payment of salary,
18 expenses, or other compensation.

19 (2)(a) All persons who now or hereafter are employed
20 by or who now or hereafter are on the payroll of school boards
21 and districts of the free public school system or public
22 institutions of higher learning are required to take an oath
23 before any person duly authorized to take acknowledgments of
24 instruments for public record in the state in the following
25 form:

26
27 I,, being employed by and a recipient of
28 public funds as such employee, do hereby solemnly swear or
29 affirm that I will support the Constitution of the United
30 States and of the State of Florida.

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1 (b) Said oath shall be filed with the records of the
2 employing governmental agency prior to the approval of any
3 voucher for the payment of salary, expenses, or other
4 compensation.

5 Section 4. For the purpose of incorporating the
6 amendment to section 876.05, Florida Statutes, in references
7 thereto, the sections or subdivisions of Florida Statutes set
8 forth below are reenacted to read:

9 876.06 Discharge for refusal to execute.--If any
10 person required by ss. 876.05-876.10 to take the oath herein
11 provided for fails to execute the same, the governing
12 authority under which such person is employed shall cause said
13 person to be immediately discharged, and his or her name
14 removed from the payroll, and such person shall not be
15 permitted to receive any payment as an employee or as an
16 officer where he or she was serving.

17 876.07 Oath as prerequisite to qualification for
18 public office.--Any person seeking to qualify for public
19 office who fails or refuses to file the oath required by this
20 act shall be held to have failed to qualify as a candidate for
21 public office, and the name of such person shall not be
22 printed on the ballot as a qualified candidate.

23 876.08 Penalty for not discharging.--Any governing
24 authority or person, under whom any employee is serving or by
25 whom employed who shall knowingly or carelessly permit any
26 such employee to continue in employment after failing to
27 comply with the provisions of ss. 876.05-876.10, shall be
28 guilty of a misdemeanor of the second degree, punishable as
29 provided in s. 775.082 or s. 775.083.

30 876.09 Scope of law.--
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1 (1) The provisions of ss. 876.05-876.10 shall apply to
2 all employees and elected officers of the state, including the
3 Governor and constitutional officers and all employees and
4 elected officers of all cities, towns, counties, and political
5 subdivisions, including the educational system.

6 (2) This act shall take precedence over all laws
7 relating to merit, and of civil service law.

8 876.10 False oath; penalty.--If any person required by
9 the provisions of ss. 876.05-876.10 to execute the oath herein
10 required executes such oath, and it is subsequently proven
11 that at the time of the execution of said oath said individual
12 was guilty of making a false statement in said oath, he or she
13 shall be guilty of perjury.

14 Section 5. This act shall take effect upon becoming a
15 law.

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18 HOUSE SUMMARY

19 Requires members of the Florida Board of Education,
20 university boards of trustees, and community college
21 district boards of trustees to take an oath of
22 allegiance. Requires the Florida Board of Education to
23 convene an advisory board to address the issue of
24 academic freedom and responsibility. Requires the
25 advisory board to make certain recommendations to the
26 Florida Board of Education. Revises the oath required of
27 persons employed by school boards and districts of the
28 free public school system and public institutions of
29 higher learning.
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