

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Policy & Budget Council offered the following:

2  
3 **Substitute Amendment for Amendment (907271) to Senate Bill**  
4 **(with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Ethics in  
7 Education Act."

8 Section 2. Paragraphs (c) and (d) of subsection (5) of  
9 section 24.121, Florida Statutes, are amended to read:

10 24.121 Allocation of revenues and expenditure of funds for  
11 public education.--

12 (5)

13 (c) A portion of such net revenues, as determined annually  
14 by the Legislature, shall be distributed to each school district  
15 and shall be made available to each public school in the  
16 district for enhancing school performance through development

130005

4/29/2008 7:36 PM

## HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

17 and implementation of a school improvement plan pursuant to s.  
18 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as  
19 determined annually in the General Appropriations Act, must be  
20 allocated to each school in an equal amount for each student  
21 enrolled. These moneys may be expended only on programs or  
22 projects selected by the school advisory council or by a parent  
23 advisory committee created pursuant to this paragraph. If a  
24 school does not have a school advisory council, the district  
25 advisory council must appoint a parent advisory committee  
26 composed of parents of students enrolled in that school, which  
27 ~~committee~~ is representative of the ethnic, racial, and economic  
28 community served by the school, to advise the school's principal  
29 on the programs or projects to be funded. Neither school  
30 district staff nor principals may override the recommendations  
31 of the school advisory council or the parent advisory committee.  
32 These moneys may not be used for capital improvements or, ~~nor~~  
33 ~~may they be used~~ for any project or program that has a duration  
34 of more than 1 year; however, a school advisory council or  
35 parent advisory committee may independently determine that a  
36 program or project formerly funded under this paragraph should  
37 receive funds in a subsequent year.

38 (d) No funds shall be released for any purpose from the  
39 Educational Enhancement Trust Fund to any school district in  
40 which one or more schools do not have an approved school  
41 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do  
42 not comply with school advisory council membership composition  
43 requirements pursuant to s. 1001.452(1). The Commissioner of  
44 Education shall withhold disbursements from the trust fund to

130005

4/29/2008 7:36 PM

Amendment No.

45 any school district that fails to adopt the performance-based  
46 salary schedule required by s. 1012.22(1).

47 Section 3. Paragraph (e) of subsection (2) of section  
48 112.3173, Florida Statutes, is amended to read:

49 112.3173 Felonies involving breach of public trust and  
50 other specified offenses by public officers and employees;  
51 forfeiture of retirement benefits.--

52 (2) DEFINITIONS.--As used in this section, unless the  
53 context otherwise requires, the term:

54 (e) "Specified offense" means:

55 1. The committing, aiding, or abetting of an embezzlement  
56 of public funds;

57 2. The committing, aiding, or abetting of any theft by a  
58 public officer or employee from his or her employer;

59 3. Bribery in connection with the employment of a public  
60 officer or employee;

61 4. Any felony specified in chapter 838, except ss. 838.15  
62 and 838.16;

63 5. The committing of an impeachable offense; ~~or~~

64 6. The committing of any felony by a public officer or  
65 employee who, willfully and with intent to defraud the public or  
66 the public agency for which the public officer or employee acts  
67 or in which he or she is employed of the right to receive the  
68 faithful performance of his or her duty as a public officer or  
69 employee, realizes or obtains, or attempts to realize or obtain,  
70 a profit, gain, or advantage for himself or herself or for some  
71 other person through the use or attempted use of the power,

130005

4/29/2008 7:36 PM

Amendment No.

72 rights, privileges, duties, or position of his or her public  
73 office or employment position; or-

74 7. The committing on or after October 1, 2008, of any  
75 felony defined in s. 800.04 against a victim younger than 16  
76 years of age, or any felony defined in chapter 794 against a  
77 victim younger than 18 years of age, by a public officer or  
78 employee through the use or attempted use of power, rights,  
79 privileges, duties, or position of his or her public office or  
80 employment position.

81 Section 4. Paragraph (i) of subsection (5) of section  
82 121.091, Florida Statutes, is redesignated as paragraph (j),  
83 present paragraph (j) is redesignated as paragraph (k) and  
84 amended, and a new paragraph (i) is added to that subsection, to  
85 read:

86 121.091 Benefits payable under the system.--Benefits may  
87 not be paid under this section unless the member has terminated  
88 employment as provided in s. 121.021(39)(a) or begun  
89 participation in the Deferred Retirement Option Program as  
90 provided in subsection (13), and a proper application has been  
91 filed in the manner prescribed by the department. The department  
92 may cancel an application for retirement benefits when the  
93 member or beneficiary fails to timely provide the information  
94 and documents required by this chapter and the department's  
95 rules. The department shall adopt rules establishing procedures  
96 for application for retirement benefits and for the cancellation  
97 of such application when the required information or documents  
98 are not received.

130005

4/29/2008 7:36 PM

Amendment No.

99           (5) TERMINATION BENEFITS.--A member whose employment is  
100 terminated prior to retirement retains membership rights to  
101 previously earned member-noncontributory service credit, and to  
102 member-contributory service credit, if the member leaves the  
103 member contributions on deposit in his or her retirement  
104 account. If a terminated member receives a refund of member  
105 contributions, such member may reinstate membership rights to  
106 the previously earned service credit represented by the refund  
107 by completing 1 year of creditable service and repaying the  
108 refunded member contributions, plus interest.

109           (i) The division may not pay benefits to any member  
110 convicted of a felony committed on or after October 1, 2008,  
111 defined in s. 800.04 against a victim younger than 16 years of  
112 age, or defined in chapter 794 against a victim younger than 18  
113 years of age, through the use or attempted use of power, rights,  
114 privileges, duties, or position of the member's public office or  
115 employment position. However, the division shall return the  
116 member's accumulated contributions, if any, that the member  
117 accumulated as of the date of conviction.

118           ~~(k)-(j)~~ Benefits shall not be paid by the division pending  
119 final resolution of such charges against a member or beneficiary  
120 if the resolution of such charges could require the forfeiture  
121 of benefits as provided in paragraph (f), paragraph (g),  
122 paragraph (h), ~~or~~ paragraph (i), or paragraph (j).

123           Section 5. Section 794.09, Florida Statutes, is created to  
124 read:

125           794.09 Forfeiture of retirement benefits.--The retirement  
126 benefits of a person convicted of a felony committed on or after

130005

4/29/2008 7:36 PM

Amendment No.

127 October 1, 2008, under this chapter are subject to forfeiture in  
128 accordance with s. 112.3173 or s. 121.091 if the person is a  
129 public officer or employee when the offense occurs; the person  
130 commits the offense through the use or attempted use of power,  
131 rights, privileges, duties, or position of the person's public  
132 office or employment position; and the victim is younger than 18  
133 years of age when the offense occurs.

134 Section 6. Section 800.05, Florida Statutes, is created  
135 to:

136 800.05 Forfeiture of retirement benefits for a felony  
137 defined in s. 800.04.--The retirement benefits of a person  
138 convicted of a felony committed on or after October 1, 2008,  
139 defined in s. 800.04 are subject to forfeiture in accordance  
140 with s. 112.3173 or s. 121.091 if the person is a public officer  
141 or employee when the offense occurs; the person commits the  
142 offense through the use or attempted use of power, rights,  
143 privileges, duties, or position of the person's public office or  
144 employment position; and the victim is younger than 16 years of  
145 age when the offense occurs.

146 Section 7. Subsection (4) of section 1001.10, Florida  
147 Statutes, is renumbered as subsection (6) and new subsections  
148 (4) and (5) are added to that section to read:

149 1001.10 Commissioner of Education; general powers and  
150 duties.--

151 (4) The Department of Education shall provide technical  
152 assistance to school districts, charter schools, the Florida  
153 School for the Deaf and the Blind, and private schools that  
154 accept scholarship students under s. 220.187 or s. 1002.39 in

130005

4/29/2008 7:36 PM

Amendment No.

155 the development of policies, procedures, and training related to  
156 employment practices and standards of ethical conduct for  
157 instructional personnel and school administrators, as defined in  
158 s. 1012.01.

159 (5) The Department of Education shall provide authorized  
160 staff of school districts, charter schools, the Florida School  
161 for the Deaf and the Blind, and private schools that accept  
162 scholarship students under s. 220.187 or s. 1002.39 with access  
163 to electronic verification of information from the following  
164 employment screening tools:

165 (a) The Professional Practices' Database of Disciplinary  
166 Actions Against Educators; and

167 (b) The Department of Education's Teacher Certification  
168 Database.

169  
170 This subsection does not require the department to provide these  
171 staff with unlimited access to the databases. However, the  
172 department shall provide the staff with access to the data  
173 necessary for performing employment history checks of the  
174 instructional personnel and school administrators included in  
175 the databases.

176 Section 8. Subsection (4) of section 1001.32, Florida  
177 Statutes, is amended to read:

178 1001.32 Management, control, operation, administration,  
179 and supervision.--The district school system must be managed,  
180 controlled, operated, administered, and supervised as follows:

181 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility  
182 for the administration of any school or schools at a given

130005

4/29/2008 7:36 PM

Amendment No.

183 school center, for the supervision of instruction therein, and  
184 for providing leadership in the development or revision and  
185 implementation of a school improvement plan required by s.  
186 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the  
187 school principal or head of the school or schools in accordance  
188 with rules established by the district school board.

189 Section 9. Subsections (6) through (23) of section  
190 1001.42, Florida Statutes, are renumbered as subsections (8)  
191 through (25), respectively, and new subsections (6) and (7) are  
192 added to that section to read:

193 1001.42 Powers and duties of district school board.--The  
194 district school board, acting as a board, shall exercise all  
195 powers and perform all duties listed below:

196 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL  
197 PERSONNEL AND SCHOOL ADMINISTRATORS.--Adopt policies  
198 establishing standards of ethical conduct for instructional  
199 personnel and school administrators. The policies must require  
200 all instructional personnel and school administrators, as  
201 defined in s. 1012.01, to complete training on the standards;  
202 establish the duty of instructional personnel and school  
203 administrators to report, and procedures for reporting, alleged  
204 misconduct by other instructional personnel and school  
205 administrators which affects the health, safety, or welfare of a  
206 student; and include an explanation of the liability protections  
207 provided under ss. 39.203 and 768.095. A district school board,  
208 or any of its employees, may not enter into a confidentiality  
209 agreement regarding terminated or dismissed instructional  
210 personnel or school administrators, or personnel or

130005

4/29/2008 7:36 PM



Amendment No.

211 administrators who resign in lieu of termination, based in whole  
212 or in part on misconduct that affects the health, safety, or  
213 welfare of a student, and may not provide instructional  
214 personnel or school administrators with employment references or  
215 discuss the personnel's or administrators' performance with  
216 prospective employers in another educational setting, without  
217 disclosing the personnel's or administrators' misconduct. Any  
218 part of an agreement or contract that has the purpose or effect  
219 of concealing misconduct by instructional personnel or school  
220 administrators which affects the health, safety, or welfare of a  
221 student is void, is contrary to public policy, and may not be  
222 enforced.

223 (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify  
224 instructional personnel and school administrators, as defined in  
225 s. 1012.01, from employment in any position that requires direct  
226 contact with students if the personnel or administrators are  
227 ineligible for such employment under s. 1012.315. An elected or  
228 appointed school board official forfeits his or her salary for 1  
229 year if:

230 (a) The school board official knowingly signs and  
231 transmits to any state official a report of alleged misconduct  
232 by instructional personnel or school administrators which  
233 affects the health, safety, or welfare of a student and the  
234 school board official knows the report to be false or incorrect;  
235 or

236 (b) The school board official knowingly fails to adopt  
237 policies that require instructional personnel and school  
238 administrators to report alleged misconduct by other

130005

4/29/2008 7:36 PM

Amendment No.

239 instructional personnel and school administrators, or that  
240 require the investigation of all reports of alleged misconduct  
241 by instructional personnel and school administrators, if the  
242 misconduct affects the health, safety, or welfare of a student.

243 Section 10. Paragraphs (a) and (c) of subsection (1) and  
244 subsection (2) of section 1001.452, Florida Statutes, are  
245 amended to read:

246 1001.452 District and school advisory councils.--

247 (1) ESTABLISHMENT.--

248 (a) The district school board shall establish an advisory  
249 council for each school in the district and shall develop  
250 procedures for the election and appointment of advisory council  
251 members. Each school advisory council shall include in its name  
252 the words "school advisory council." The school advisory council  
253 shall be the sole body responsible for final decisionmaking at  
254 the school relating to implementation of ss. 1001.42(18) ~~the~~  
255 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the  
256 members of each school advisory council must be persons who are  
257 not employed by the school. Each advisory council shall be  
258 composed of the principal and an appropriately balanced number  
259 of teachers, education support employees, students, parents, and  
260 other business and community citizens who are representative of  
261 the ethnic, racial, and economic community served by the school.  
262 Career center and high school advisory councils shall include  
263 students, and middle and junior high school advisory councils  
264 may include students. School advisory councils of career centers  
265 and adult education centers are not required to include parents  
266 as members. Council members representing teachers, education

130005

4/29/2008 7:36 PM

Amendment No.

267 support employees, students, and parents shall be elected by  
268 their respective peer groups at the school in a fair and  
269 equitable manner as follows:

- 270 1. Teachers shall be elected by teachers.
- 271 2. Education support employees shall be elected by  
272 education support employees.
- 273 3. Students shall be elected by students.
- 274 4. Parents shall be elected by parents.

275

276 The district school board shall establish procedures to be used  
277 ~~for use~~ by schools in selecting business and community members  
278 that include means of ensuring wide notice of vacancies and of  
279 taking input on possible members from local business, chambers  
280 of commerce, community and civic organizations and groups, and  
281 the public at large. The district school board shall review the  
282 membership composition of each advisory council. If the district  
283 school board determines that the membership elected by the  
284 school is not representative of the ethnic, racial, and economic  
285 community served by the school, the district school board shall  
286 appoint additional members to achieve proper representation. The  
287 commissioner shall determine if schools have maximized their  
288 efforts to include on their advisory councils minority persons  
289 and persons of lower socioeconomic status. Although schools are  
290 strongly encouraged to establish school advisory councils, the  
291 district school board of any school district that has a student  
292 population of 10,000 or fewer may establish a district advisory  
293 council which includes ~~shall include~~ at least one duly elected  
294 teacher from each school in the district. For the purposes of

130005

4/29/2008 7:36 PM

## HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

295 school advisory councils and district advisory councils, the  
296 term "teacher" includes ~~shall include~~ classroom teachers,  
297 certified student services personnel, and media specialists. For  
298 purposes of this paragraph, "education support employee" means  
299 any person employed by a school who is not defined as  
300 instructional or administrative personnel pursuant to s. 1012.01  
301 and whose duties require 20 or more hours in each normal working  
302 week.

303 (c) For those schools operating for the purpose of  
304 providing educational services to youth in Department of  
305 Juvenile Justice programs, district school boards may establish  
306 a district advisory council with appropriate representatives for  
307 the purpose of developing and monitoring a district school  
308 improvement plan that encompasses all such schools in the  
309 district, pursuant to s. 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

310 (2) DUTIES.--Each advisory council shall perform ~~such~~  
311 functions ~~as are~~ prescribed by regulations of the district  
312 school board; however, no advisory council shall have any of the  
313 powers and duties now reserved by law to the district school  
314 board. Each school advisory council shall assist in the  
315 preparation and evaluation of the school improvement plan  
316 required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With  
317 technical assistance from the Department of Education, each  
318 school advisory council shall assist in the preparation of the  
319 school's annual budget and plan as required by s. 1008.385(1). A  
320 portion of funds provided in the annual General Appropriations  
321 Act for use by school advisory councils must be used for  
322 implementing the school improvement plan.

130005

4/29/2008 7:36 PM

Amendment No.

323 Section 11. Subsection (12) of section 1001.51, Florida  
324 Statutes, is amended to read:

325 1001.51 Duties and responsibilities of district school  
326 superintendent.--The district school superintendent shall  
327 exercise all powers and perform all duties listed below and  
328 elsewhere in the law, provided that, in so doing, he or she  
329 shall advise and counsel with the district school board. The  
330 district school superintendent shall perform all tasks necessary  
331 to make sound recommendations, nominations, proposals, and  
332 reports required by law to be acted upon by the district school  
333 board. All such recommendations, nominations, proposals, and  
334 reports by the district school superintendent shall be either  
335 recorded in the minutes or shall be made in writing, noted in  
336 the minutes, and filed in the public records of the district  
337 school board. It shall be presumed that, in the absence of the  
338 record required in this section, the recommendations,  
339 nominations, and proposals required of the district school  
340 superintendent were not contrary to the action taken by the  
341 district school board in such matters.

342 (12) RECORDS AND REPORTS.--Recommend such records as  
343 should be kept in addition to those prescribed by rules of the  
344 State Board of Education; prepare forms for keeping such records  
345 as are approved by the district school board; ensure that such  
346 records are properly kept; and make all reports that are needed  
347 or required, as follows:

348 (a) Forms, blanks, and reports.--Require that all  
349 employees accurately keep all records and promptly make in  
350 proper form all reports required by the education code or by

130005

4/29/2008 7:36 PM

Amendment No.

351 rules of the State Board of Education; recommend the keeping of  
352 such additional records and the making of such additional  
353 reports as may be deemed necessary to provide data essential for  
354 the operation of the school system; and prepare such forms and  
355 blanks as may be required and ensure that these records and  
356 reports are properly prepared.

357 (b) Reports to the department.--Prepare, for the approval  
358 of the district school board, all reports ~~that may be~~ required  
359 by law or rules of the State Board of Education to be made to  
360 the department and transmit promptly all such reports, when  
361 approved, to the department, as required by law. If any ~~such~~  
362 reports are not transmitted at the time and in the manner  
363 prescribed by law or by State Board of Education rules, the  
364 salary of the district school superintendent must be withheld  
365 until the report has been properly submitted. Unless otherwise  
366 provided by rules of the State Board of Education, the annual  
367 report on attendance and personnel is due on or before July 1,  
368 and the annual school budget and the report on finance are due  
369 on the date prescribed by the commissioner.

370  
371 Any district school superintendent who knowingly signs and  
372 transmits to any state official a ~~false or incorrect~~ report that  
373 the superintendent knows to be false or incorrect; who knowingly  
374 fails to investigate any allegation of misconduct by  
375 instructional personnel or school administrators, as defined in  
376 s. 1012.01, which affects the health, safety, or welfare of a  
377 student; or who knowingly fails to report the alleged misconduct  
378 to the department as required in s. 1012.796, forfeits ~~shall~~

130005

4/29/2008 7:36 PM

Amendment No.

379 ~~forfeit his or her right to any salary for the period of 1 year~~  
380 following the from that date of such act or failure to act.

381 Section 12. Subsection (2) of section 1001.54, Florida  
382 Statutes, is amended to read:

383 1001.54 Duties of school principals.--

384 (2) Each school principal shall provide instructional  
385 leadership in the development, revision, and implementation of a  
386 school improvement plan pursuant to s. 1001.42(18) ~~s.~~  
387 ~~1001.42(16)~~.

388 Section 13. Paragraph (b) of subsection (11) of section  
389 1002.32, Florida Statutes, is amended to read:

390 1002.32 Developmental research (laboratory) schools.--

391 (11) EXCEPTIONS TO LAW.--To encourage innovative practices  
392 and facilitate the mission of the lab schools, in addition to  
393 the exceptions to law specified in s. 1001.23(2), the following  
394 exceptions shall be permitted for lab schools:

395 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~,  
396 s. 1001.42 shall be held in abeyance. Reference to district  
397 school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the  
398 president of the university or the president's designee.

399 Section 14. Paragraph (g) of subsection (12) of section  
400 1002.33, Florida Statutes, is amended to read:

401 1002.33 Charter schools.--

402 (12) EMPLOYEES OF CHARTER SCHOOLS.--

403 (g)1. A charter school shall employ or contract with  
404 employees who have undergone background screening as provided in  
405 s. 1012.32. Members of the governing board of the charter school

130005

4/29/2008 7:36 PM

Amendment No.

406 shall also undergo background screening in a manner similar to  
407 that provided in s. 1012.32.

408 2. A charter school shall disqualify instructional  
409 personnel and school administrators, as defined in s. 1012.01,  
410 from employment in any position that requires direct contact  
411 with students if the personnel or administrators are ineligible  
412 for such employment under s. 1012.315.

413 3. The governing board of a charter school shall adopt  
414 policies establishing standards of ethical conduct for  
415 instructional personnel and school administrators. The policies  
416 must require all instructional personnel and school  
417 administrators, as defined in s. 1012.01, to complete training  
418 on the standards; establish the duty of instructional personnel  
419 and school administrators to report, and procedures for  
420 reporting, alleged misconduct by other instructional personnel  
421 and school administrators which affects the health, safety, or  
422 welfare of a student; and include an explanation of the  
423 liability protections provided under ss. 39.203 and 768.095. A  
424 charter school, or any of its employees, may not enter into a  
425 confidentiality agreement regarding terminated or dismissed  
426 instructional personnel or school administrators, or personnel  
427 or administrators who resign in lieu of termination, based in  
428 whole or in part on misconduct that affects the health, safety,  
429 or welfare of a student, and may not provide instructional  
430 personnel or school administrators with employment references or  
431 discuss the personnel's or administrators' performance with  
432 prospective employers in another educational setting, without  
433 disclosing the personnel's or administrators' misconduct. Any

130005

4/29/2008 7:36 PM



Amendment No.

434 part of an agreement or contract that has the purpose or effect  
435 of concealing misconduct by instructional personnel or school  
436 administrators which affects the health, safety, or welfare of a  
437 student is void, is contrary to public policy, and may not be  
438 enforced.

439 4. Before employing instructional personnel or school  
440 administrators in any position that requires direct contact with  
441 students, a charter school shall conduct employment history  
442 checks of each of the personnel's or administrators' previous  
443 employer, screen the instructional personnel or school  
444 administrators through use of the educator screening tools  
445 described in s. 1001.10(5), and document the findings. If unable  
446 to contact a previous employer, the charter school must document  
447 efforts to contact the employer.

448 5. The sponsor of a charter school that knowingly fails to  
449 comply with this paragraph shall terminate the charter under  
450 subsection (8).

451 Section 15. Paragraph (g) is added to subsection (7) of  
452 section 1002.36, Florida Statutes, to read:

453 1002.36 Florida School for the Deaf and the Blind.--

454 (7) PERSONNEL SCREENING.--

455 (g) For purposes of protecting the health, safety, or  
456 welfare of students, the Florida School for the Deaf and the  
457 Blind is considered a school district and must, except as  
458 otherwise provided in this section, comply with ss. 1001.03,  
459 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
460 1012.56, 1012.795, and 1012.796.

130005

4/29/2008 7:36 PM

Amendment No.

461 Section 16. Subsections (4), (5), and (6) of section  
462 1002.421, Florida Statutes, are renumbered as subsections (5),  
463 (6), and (7), respectively, and a new subsection (4) is added to  
464 that section to read:

465 1002.421 Accountability of private schools participating  
466 in state school choice scholarship programs.--

467 (4) A private school that accepts scholarship students  
468 under s. 220.187 or s. 1002.39 must:

469 (a) Disqualify instructional personnel and school  
470 administrators, as defined in s. 1012.01, from employment in any  
471 position that requires direct contact with students if the  
472 personnel or administrators are ineligible for such employment  
473 under s. 1012.315.

474 (b) Adopt policies establishing standards of ethical  
475 conduct for instructional personnel and school administrators.  
476 The policies must require all instructional personnel and school  
477 administrators, as defined in s. 1012.01, to complete training  
478 on the standards; establish the duty of instructional personnel  
479 and school administrators to report, and procedures for  
480 reporting, alleged misconduct by other instructional personnel  
481 and school administrators which affects the health, safety, or  
482 welfare of a student; and include an explanation of the  
483 liability protections provided under ss. 39.203 and 768.095. A  
484 private school, or any of its employees, may not enter into a  
485 confidentiality agreement regarding terminated or dismissed  
486 instructional personnel or school administrators, or personnel  
487 or administrators who resign in lieu of termination, based in  
488 whole or in part on misconduct that affects the health, safety,

130005

4/29/2008 7:36 PM

Amendment No.

489 or welfare of a student, and may not provide the instructional  
490 personnel or school administrators with employment references or  
491 discuss the personnel's or administrators' performance with  
492 prospective employers in another educational setting, without  
493 disclosing the personnel's or administrators' misconduct. Any  
494 part of an agreement or contract that has the purpose or effect  
495 of concealing misconduct by instructional personnel or school  
496 administrators which affects the health, safety, or welfare of a  
497 student is void, is contrary to public policy, and may not be  
498 enforced.

499 (c) Before employing instructional personnel or school  
500 administrators in any position that requires direct contact with  
501 students, conduct employment history checks of each of the  
502 personnel's or administrators' previous employer, screen the  
503 personnel or administrators through use of the educator  
504 screening tools described in s. 1001.10(5), and document the  
505 findings. If unable to contact a previous employer, the private  
506 school must document efforts to contact the employer.

507  
508 The department shall suspend the payment of funds under ss.  
509 220.187 and 1002.39 to a private school that knowingly fails to  
510 comply with this subsection, and shall prohibit the school from  
511 enrolling new scholarship students, for 1 fiscal year and until  
512 the school complies.

513 Section 17. Subsection (2) of section 1003.413, Florida  
514 Statutes, is amended to read:

515 1003.413 Florida Secondary School Redesign Act.--

130005

4/29/2008 7:36 PM

Amendment No.

516 (2) The following guiding principles for secondary school  
517 redesign shall be used in the annual preparation of each  
518 secondary school's improvement plan required by s. 1001.42(18)  
519 ~~s. 1001.42(16)~~:

520 (a) Struggling students, especially those in failing  
521 schools, need the highest quality teachers and dramatically  
522 different, innovative approaches to teaching and learning.

523 (b) Every teacher must contribute to every student's  
524 reading improvement.

525 (c) Quality professional development provides teachers and  
526 principals with the tools they need to better serve students.

527 (d) Small learning communities allow teachers to  
528 personalize instruction to better address student learning  
529 styles, strengths, and weaknesses.

530 (e) Intensive intervention in reading and mathematics must  
531 occur early and through innovative delivery systems.

532 (f) Parents need access to tools they can use to monitor  
533 their child's progress in school, communicate with teachers, and  
534 act early on behalf of their child.

535 (g) Applied and integrated courses help students see the  
536 relationships between subjects and relevance to their futures.

537 (h) School is more relevant when students choose courses  
538 based on their goals, interests, and talents.

539 (i) Master schedules should not determine instruction and  
540 must be designed based on student needs, not adult or  
541 institutional needs.

Amendment No.

542 (j) Academic and career planning engages students in  
543 developing a personally meaningful course of study so they can  
544 achieve goals they have set for themselves.

545 Section 18. Paragraph (b) of subsection (2) of section  
546 1003.53, Florida Statutes, is amended to read:

547 1003.53 Dropout prevention and academic intervention.--

548 (2)

549 (b) Each school that establishes a dropout prevention and  
550 academic intervention program at that school site shall reflect  
551 that program in the school improvement plan as required under s.  
552 1001.42(18) ~~s. 1001.42(16)~~.

553 Section 19. Subsections (1) and (3) of section 1004.92,  
554 Florida Statutes, are amended to read:

555 1004.92 Purpose and responsibilities for career  
556 education.--

557 (1) The purpose of career education is to enable students  
558 who complete career programs to attain and sustain employment  
559 and realize economic self-sufficiency. The purpose of this  
560 section is to identify issues related to career education for  
561 which school boards and community college boards of trustees are  
562 accountable. It is the intent of the Legislature that the  
563 standards articulated in subsection (2) be considered in the  
564 development of accountability standards for public schools  
565 pursuant to ss. 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345  
566 and for community colleges pursuant to s. 1008.45.

567 (3) Each career center operated by a district school board  
568 shall establish a center advisory council pursuant to s.  
569 1001.452. The center advisory council shall assist in the

130005

4/29/2008 7:36 PM

Amendment No.

570 preparation and evaluation of center improvement plans required  
571 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide  
572 assistance, upon the request of the center director, in the  
573 preparation of the center's annual budget and plan as required  
574 by s. 1008.385(1).

575 Section 20. Section 1006.061, Florida Statutes, is amended  
576 to read:

577 1006.061 Child abuse, abandonment, and neglect  
578 policy.--Each district school board, charter school, and private  
579 school that accepts scholarship students under s. 220.187 or s.  
580 1002.39 shall:

581 (1) Post in a prominent place in each school a notice  
582 that, pursuant to chapter 39, all employees and agents of the  
583 district school board, charter school, or private school have an  
584 affirmative duty to report all actual or suspected cases of  
585 child abuse, abandonment, or neglect; have immunity from  
586 liability if they report such cases in good faith; and have a  
587 duty to comply with child protective investigations and all  
588 other provisions of law relating to child abuse, abandonment,  
589 and neglect. The notice shall also include the statewide toll-  
590 free telephone number of the central abuse hotline.

591 (2) Post in a prominent place at each school site and on  
592 each school's Internet website, if available, the policies and  
593 procedures for reporting alleged misconduct by instructional  
594 personnel or school administrators which affects the health,  
595 safety, or welfare of a student; the contact person to whom the  
596 report is made; and the penalties imposed on instructional  
597 personnel or school administrators who fail to report suspected

130005

4/29/2008 7:36 PM

Amendment No.

598 or actual child abuse or alleged misconduct by other  
599 instructional personnel or school administrators.

600 (3)-(2) Require the principal of the charter school or  
601 private school, or the district school superintendent, or the  
602 superintendent's designee, at the request of the Department of  
603 Children and Family Services, to act as a liaison to the  
604 Department of Children and Family Services and the child  
605 protection team, as defined in s. 39.01, when in a case of  
606 suspected child abuse, abandonment, or neglect or an unlawful  
607 sexual offense involving a child the case is referred to such a  
608 team; except that this does not relieve or restrict the  
609 Department of Children and Family Services from discharging its  
610 duty and responsibility under the law to investigate and report  
611 every suspected or actual case of child abuse, abandonment, or  
612 neglect or unlawful sexual offense involving a child.

613  
614 The Department of Education shall develop, and publish on the  
615 department's Internet website, sample notices suitable for  
616 posting in accordance with subsections (1) and (2).

617 Section 21. Subsection (4) of section 1008.33, Florida  
618 Statutes, is amended to read:

619 1008.33 Authority to enforce public school  
620 improvement.--It is the intent of the Legislature that all  
621 public schools be held accountable for students performing at  
622 acceptable levels. A system of school improvement and  
623 accountability that assesses student performance by school,  
624 identifies schools in which students are not making adequate  
625 progress toward state standards, institutes appropriate measures

130005

4/29/2008 7:36 PM

Amendment No.

626 for enforcing improvement, and provides rewards and sanctions  
627 based on performance shall be the responsibility of the State  
628 Board of Education.

629 (4) The State Board of Education may require the  
630 Department of Education or Chief Financial Officer to withhold  
631 any transfer of state funds to the school district if, within  
632 the timeframe specified in state board action, the school  
633 district has failed to comply with the action ordered to improve  
634 the district's low-performing schools. Withholding the transfer  
635 of funds shall occur only after all other recommended actions  
636 for school improvement have failed to improve performance. The  
637 State Board of Education may impose the same penalty on any  
638 district school board that fails to develop and implement a plan  
639 for assistance and intervention for low-performing schools as  
640 specified in s. 1001.42(18)(c) ~~s. 1001.42(16)(c)~~.

641 Section 22. Paragraph (c) of subsection (6) of section  
642 1008.345, Florida Statutes, is amended to read:

643 1008.345 Implementation of state system of school  
644 improvement and education accountability.--

645 (6)

646 (c) Pursuant to s. 24.121(5)(d), the department shall not  
647 release funds from the Educational Enhancement Trust Fund to any  
648 district in which a school, including schools operating for the  
649 purpose of providing educational services to youth in Department  
650 of Juvenile Justice programs, does not have an approved school  
651 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,  
652 after 1 full school year of planning and development, or does  
653 not comply with school advisory council membership composition

130005

4/29/2008 7:36 PM



Amendment No.

654 requirements pursuant to s. 1001.452. The department shall send  
655 a technical assistance team to each school without an approved  
656 plan to develop such school improvement plan or to each school  
657 without appropriate school advisory council membership  
658 composition to develop a strategy for corrective action. The  
659 department shall release the funds upon approval of the plan or  
660 upon establishment of a plan of corrective action. Notice shall  
661 be given to the public of the department's intervention and  
662 shall identify each school without a plan or without appropriate  
663 school advisory council membership composition.

664 Section 23. Subsection (5) of section 1010.215, Florida  
665 Statutes, is amended to read:

666 1010.215 Educational funding accountability.--

667 (5) The annual school public accountability report  
668 required by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must  
669 include a school financial report. The purpose of the school  
670 financial report is to better inform parents and the public  
671 concerning how funds were spent to operate the school during the  
672 prior fiscal year. Each school's financial report must follow a  
673 uniform, districtwide format that is easy to read and  
674 understand.

675 (a) Total revenue must be reported at the school,  
676 district, and state levels. The revenue sources that must be  
677 addressed are state and local funds, other than lottery funds;  
678 lottery funds; federal funds; and private donations.

679 (b) Expenditures must be reported as the total  
680 expenditures per unweighted full-time equivalent student at the  
681 school level and the average expenditures per full-time

130005

4/29/2008 7:36 PM

Amendment No.

682 equivalent student at the district and state levels in each of  
683 the following categories and subcategories:

684 1. Teachers, excluding substitute teachers, and education  
685 paraprofessionals who provide direct classroom instruction to  
686 students enrolled in programs classified by s. 1011.62 as:

- 687 a. Basic programs;
- 688 b. Students-at-risk programs;
- 689 c. Special programs for exceptional students;
- 690 d. Career education programs; and
- 691 e. Adult programs.

692 2. Substitute teachers.

693 3. Other instructional personnel, including school-based  
694 instructional specialists and their assistants.

695 4. Contracted instructional services, including training  
696 for instructional staff and other contracted instructional  
697 services.

698 5. School administration, including school-based  
699 administrative personnel and school-based education support  
700 personnel.

701 6. The following materials, supplies, and operating  
702 capital outlay:

- 703 a. Textbooks;
- 704 b. Computer hardware and software;
- 705 c. Other instructional materials;
- 706 d. Other materials and supplies; and
- 707 e. Library media materials.

708 7. Food services.

709 8. Other support services.

130005

4/29/2008 7:36 PM

Amendment No.

710 9. Operation and maintenance of the school plant.

711 (c) The school financial report must also identify the  
712 types of district-level expenditures that support the school's  
713 operations. The total amount of these district-level  
714 expenditures must be reported and expressed as total  
715 expenditures per full-time equivalent student.

716 Section 24. Paragraph (b) of subsection (6) of section  
717 1011.18, Florida Statutes, is amended to read:

718 1011.18 School depositories; payments into and withdrawals  
719 from depositories.--

720 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY  
721 ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

722 (b) The district school board may contract with an  
723 insurance company or professional administrator who holds a  
724 valid certificate of authority issued by the Office of Insurance  
725 Regulation of the Financial Services Commission to provide any  
726 ~~or all~~ services that a third-party administrator is authorized  
727 by law to perform. Pursuant to such contract, the district  
728 school board may advance or remit money to the administrator to  
729 be deposited in a designated special checking account for paying  
730 claims against the district school board under its self-  
731 insurance programs, and remitting premiums to the providers of  
732 insured benefits on behalf of the district school board and the  
733 participants in such programs, and otherwise fulfilling the  
734 obligations imposed upon the administrator by law and the  
735 contractual agreements between the district school board and the  
736 administrator. The special checking account shall be maintained  
737 in a designated district school depository. The district school  
130005

4/29/2008 7:36 PM

Amendment No.

738 board may replenish such account as often as necessary upon the  
739 presentation by the service organization of documentation for  
740 claims or premiums due paid equal to the amount of the requested  
741 reimbursement. Such replenishment shall be made by a warrant  
742 signed by the chair of the district school board and  
743 countersigned by the district school superintendent. Such  
744 replenishment may be made by electronic, telephonic, or other  
745 medium, and each transfer shall be confirmed in writing and  
746 signed by the district school superintendent or his or her  
747 designee. The provisions of strict accountability of all funds  
748 and an annual audit by an independent certified public  
749 accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~  
750 shall apply to this subsection.

751 Section 25. Subsection (6) of section 1012.27, Florida  
752 Statutes, is renumbered as subsection (7), and a new subsection  
753 (6) is added to that section to read:

754 1012.27 Public school personnel; powers and duties of  
755 district school superintendent.--The district school  
756 superintendent is responsible for directing the work of the  
757 personnel, subject to the requirements of this chapter, and in  
758 addition the district school superintendent shall perform the  
759 following:

760 (6) EMPLOYMENT HISTORY CHECKS.--Before employing  
761 instructional personnel and school administrators, as defined in  
762 s. 1012.01, in any position that requires direct contact with  
763 students, conduct employment history checks of each of the  
764 personnel's or administrators' previous employer, screen the  
765 personnel or administrators through use of the educator

130005

4/29/2008 7:36 PM

Amendment No.

766 screening tools described in s. 1001.10(5), and document the  
767 findings. If unable to contact a previous employer, the district  
768 school superintendent shall document efforts to contact the  
769 employer.

770 Section 26. Section 1012.315, Florida Statutes, is created  
771 to read:

772 1012.315 Disqualification from employment.--A person is  
773 ineligible for educator certification, and instructional  
774 personnel and school administrators, as defined in s. 1012.01,  
775 are ineligible for employment in any position that requires  
776 direct contact with students in a district school system,  
777 charter school, or private school that accepts scholarship  
778 students under s. 220.187 or s. 1002.39, if the person,  
779 instructional personnel, or school administrator has been  
780 convicted of:

781 (1) Any felony offense prohibited under any of the  
782 following statutes:

783 (a) Section 393.135, relating to sexual misconduct with  
784 certain developmentally disabled clients and reporting of such  
785 sexual misconduct.

786 (b) Section 394.4593, relating to sexual misconduct with  
787 certain mental health patients and reporting of such sexual  
788 misconduct.

789 (c) Section 415.111, relating to adult abuse, neglect, or  
790 exploitation of aged persons or disabled adults.

791 (d) Section 782.04, relating to murder.

792 (e) Section 782.07, relating to manslaughter, aggravated  
793 manslaughter of an elderly person or disabled adult, aggravated

130005

4/29/2008 7:36 PM

Amendment No.

794 manslaughter of a child, or aggravated manslaughter of an  
795 officer, a firefighter, an emergency medical technician, or a  
796 paramedic.

797 (f) Section 782.09, relating to killing of an unborn quick  
798 child by injury to the mother.

799 (g) Section 784.021, relating to aggravated assault.

800 (h) Section 784.045, relating to aggravated battery.

801 (i) Section 784.075, relating to battery on a detention or  
802 commitment facility staff member or a juvenile probation  
803 officer.

804 (j) Section 787.01, relating to kidnapping.

805 (k) Section 787.02, relating to false imprisonment.

806 (l) Section 787.025, relating to luring or enticing a  
807 child.

808 (m) Section 787.04(2), relating to leading, taking,  
809 enticing, or removing a minor beyond the state limits, or  
810 concealing the location of a minor, with criminal intent pending  
811 custody proceedings.

812 (n) Section 787.04(3), relating to leading, taking,  
813 enticing, or removing a minor beyond the state limits, or  
814 concealing the location of a minor, with criminal intent pending  
815 dependency proceedings or proceedings concerning alleged abuse  
816 or neglect of a minor.

817 (o) Section 790.115(1), relating to exhibiting firearms or  
818 weapons at a school-sponsored event, on school property, or  
819 within 1,000 feet of a school.

Amendment No.

820 (p) Section 790.115(2)(b), relating to possessing an  
821 electric weapon or device, destructive device, or other weapon  
822 at a school-sponsored event or on school property.

823 (q) Section 794.011, relating to sexual battery.

824 (r) Former s. 794.041, relating to sexual activity with or  
825 solicitation of a child by a person in familial or custodial  
826 authority.

827 (s) Section 794.05, relating to unlawful sexual activity  
828 with certain minors.

829 (t) Section 794.08, relating to female genital mutilation.

830 (u) Chapter 796, relating to prostitution.

831 (v) Chapter 800, relating to lewdness and indecent  
832 exposure.

833 (w) Section 806.01, relating to arson.

834 (x) Section 810.14, relating to voyeurism.

835 (y) Section 810.145, relating to video voyeurism.

836 (z) Section 812.014(6), relating to coordinating the  
837 commission of theft in excess of \$3,000.

838 (aa) Section 812.0145, relating to theft from persons 65  
839 years of age or older.

840 (bb) Section 812.019, relating to dealing in stolen  
841 property.

842 (cc) Section 812.13, relating to robbery.

843 (dd) Section 812.131, relating to robbery by sudden  
844 snatching.

845 (ee) Section 812.133, relating to carjacking.

846 (ff) Section 812.135, relating to home-invasion robbery.

Amendment No.

847 (gg) Section 817.563, relating to fraudulent sale of  
848 controlled substances.

849 (hh) Section 825.102, relating to abuse, aggravated abuse,  
850 or neglect of an elderly person or disabled adult.

851 (ii) Section 825.103, relating to exploitation of an  
852 elderly person or disabled adult.

853 (jj) Section 825.1025, relating to lewd or lascivious  
854 offenses committed upon or in the presence of an elderly person  
855 or disabled person.

856 (kk) Section 826.04, relating to incest.

857 (ll) Section 827.03, relating to child abuse, aggravated  
858 child abuse, or neglect of a child.

859 (mm) Section 827.04, relating to contributing to the  
860 delinquency or dependency of a child.

861 (nn) Section 827.071, relating to sexual performance by a  
862 child.

863 (oo) Section 843.01, relating to resisting arrest with  
864 violence.

865 (pp) Chapter 847, relating to obscenity.

866 (qq) Section 874.05, relating to causing, encouraging,  
867 soliciting, or recruiting another to join a criminal street  
868 gang.

869 (rr) Chapter 893, relating to drug abuse prevention and  
870 control, if the offense was a felony of the second degree or  
871 greater severity.

872 (ss) Section 916.1075, relating to sexual misconduct with  
873 certain forensic clients and reporting of such sexual  
874 misconduct.

130005

4/29/2008 7:36 PM



Amendment No.

875        (tt) Section 944.47, relating to introduction, removal, or  
876 possession of contraband at a correctional facility.

877        (uu) Section 985.701, relating to sexual misconduct in  
878 juvenile justice programs.

879        (vv) Section 985.711, relating to introduction, removal,  
880 or possession of contraband at a juvenile detention facility or  
881 commitment program.

882        (2) Any misdemeanor offense prohibited under any of the  
883 following statutes:

884        (a) Section 784.03, relating to battery, if the victim of  
885 the offense was a minor.

886        (b) Section 787.025, relating to luring or enticing a  
887 child.

888        (3) Any criminal act committed in another state or under  
889 federal law which, if committed in this state, constitutes an  
890 offense prohibited under any statute listed in subsection (1) or  
891 subsection (2).

892        (4) Any delinquent act committed in this state or any  
893 delinquent or criminal act committed in another state or under  
894 federal law which, if committed in this state, qualifies an  
895 individual for inclusion on the Registered Juvenile Sex Offender  
896 List under s. 943.0435(1)(a)1.d.

897        Section 27. Subsections (1) and (2) and paragraph (c) of  
898 subsection (3) of section 1012.32, Florida Statutes, are amended  
899 to read:

900        1012.32 Qualifications of personnel.--

901        (1) To be eligible for appointment in any position in any  
902 district school system, a person must ~~shall~~ be of good moral

130005

4/29/2008 7:36 PM

Amendment No.

903 character; must ~~shall~~ have attained the age of 18 years, if he  
904 or she is to be employed in an instructional capacity; must not  
905 be ineligible for such employment under s. 1012.315; and must  
906 ~~shall~~, when required by law, hold a certificate or license  
907 issued under rules of the State Board of Education or the  
908 Department of Children and Family Services, except when employed  
909 pursuant to s. 1012.55 or under the emergency provisions of s.  
910 1012.24. Previous residence in this state shall not be required  
911 in any school of the state as a prerequisite for any person  
912 holding a valid Florida certificate or license to serve in an  
913 instructional capacity.

914 (2) (a) Instructional and noninstructional personnel who  
915 are hired or contracted to fill positions that require ~~requiring~~  
916 direct contact with students in any district school system or  
917 university lab school must ~~shall~~, upon employment or engagement  
918 to provide services, undergo background screening as required  
919 under s. 1012.465 or s. 1012.56, whichever is applicable.

920 (b) Instructional and noninstructional personnel who are  
921 hired or contracted to fill positions in any charter school and  
922 members of the governing board of any charter school, in  
923 compliance with s. 1002.33(12)(g), must ~~shall~~, upon employment,  
924 engagement of services, or appointment, undergo background  
925 screening as required under s. 1012.465 or s. 1012.56, whichever  
926 is applicable, by filing with the district school board for the  
927 school district in which the charter school is located a  
928 complete set of fingerprints taken by an authorized law  
929 enforcement agency or an employee of the school or school  
930 district who is trained to take fingerprints.

130005

4/29/2008 7:36 PM

Amendment No.

931 (c) Instructional and noninstructional personnel who are  
932 hired or contracted to fill positions that require ~~requiring~~  
933 direct contact with students in an alternative school that  
934 operates under contract with a district school system must  
935 ~~shall~~, upon employment or engagement to provide services,  
936 undergo background screening as required under s. 1012.465 or s.  
937 1012.56, whichever is applicable, by filing with the district  
938 school board for the school district to which the alternative  
939 school is under contract a complete set of fingerprints taken by  
940 an authorized law enforcement agency or an employee of the  
941 school or school district who is trained to take fingerprints.

942 (d) Student teachers, persons participating in a field  
943 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons  
944 participating in a short-term experience as a teacher assistant  
945 pursuant to s. 1004.04(10) in any district school system, lab  
946 school, or charter school must ~~shall~~, upon engagement to provide  
947 services, undergo background screening as required under s.  
948 1012.56.

949  
950 Fingerprints shall be submitted to the Department of Law  
951 Enforcement for statewide criminal and juvenile records checks  
952 ~~state processing~~ and to the Federal Bureau of Investigation for  
953 federal criminal records checks ~~processing~~. A person ~~Persons~~  
954 subject to this subsection who is found ineligible for  
955 employment under s. 1012.315, or otherwise found through  
956 background screening fingerprint processing to have been  
957 convicted of any ~~a~~ crime involving moral turpitude as defined by  
958 rule of the State Board of Education, shall not be employed,

130005

4/29/2008 7:36 PM

Amendment No.

959 engaged to provide services, or serve in any position that  
960 requires ~~requiring~~ direct contact with students. Probationary  
961 persons subject to this subsection terminated because of their  
962 criminal record have the right to appeal such decisions. The  
963 cost of the background screening may be borne by the district  
964 school board, the charter school, the employee, the contractor,  
965 or a person subject to this subsection.

966 (3)

967 (c) Personnel whose fingerprints are not retained by the  
968 Department of Law Enforcement under paragraphs (a) and (b) must  
969 ~~are required to~~ be refingerprinted and rescreened in accordance  
970 with subsection (2) ~~must meet level 2 screening requirements as~~  
971 ~~described in this section~~ upon reemployment or reengagement to  
972 provide services in order to comply with the requirements of  
973 this subsection.

974 Section 28. Paragraph (a) of subsection (1), paragraph (c)  
975 of subsection (4), and paragraph (b) of subsection (6) of  
976 section 1012.33, Florida Statutes, are amended to read:

977 1012.33 Contracts with instructional staff, supervisors,  
978 and school principals.--

979 (1) (a) Each person employed as a member of the  
980 instructional staff in any district school system shall be  
981 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
982 employed pursuant to s. 1012.39 and shall be entitled to and  
983 shall receive a written contract as specified in this section.  
984 All such contracts, except continuing contracts as specified in  
985 subsection (4), shall contain provisions for dismissal during  
986 the term of the contract only for just cause. Just cause

130005

4/29/2008 7:36 PM

Amendment No.

987 includes, but is not limited to, the following instances, as  
988 defined by rule of the State Board of Education: immorality,  
989 misconduct in office, incompetency, gross insubordination,  
990 willful neglect of duty, or being convicted or found guilty of,  
991 or entering a plea of guilty to, regardless of adjudication of  
992 guilt, any ~~or conviction of a~~ crime involving moral turpitude.

993 (4)

994 (c) Any member of the district administrative or  
995 supervisory staff and any member of the instructional staff,  
996 including any school principal, who is under continuing contract  
997 may be suspended or dismissed at any time during the school  
998 year; however, the charges against him or her must be based on  
999 immorality, misconduct in office, incompetency, gross  
1000 insubordination, willful neglect of duty, drunkenness, or being  
1001 convicted or found guilty of, or entering a plea of guilty to,  
1002 regardless of adjudication of guilt, any ~~conviction of a~~ crime  
1003 involving moral turpitude, as these terms are defined by rule of  
1004 the State Board of Education. Whenever such charges are made  
1005 against an ~~any such~~ employee of the district school board, the  
1006 district school board may suspend such person without pay; but,  
1007 if the charges are not sustained, he or she shall be immediately  
1008 reinstated, and his or her back salary shall be paid. In cases  
1009 of suspension by the district school board or by the district  
1010 school superintendent, the district school board shall determine  
1011 upon the evidence submitted whether the charges have been  
1012 sustained and, if the charges are sustained, shall determine  
1013 either to dismiss the employee or fix the terms under which he  
1014 or she may be reinstated. If such charges are sustained by a

130005

4/29/2008 7:36 PM

Amendment No.

1015 majority vote of the full membership of the district school  
1016 board and the ~~such~~ employee is discharged, his or her contract  
1017 of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision  
1018 adverse to the employee may be appealed by the employee pursuant  
1019 to s. 120.68, provided the ~~such~~ appeal is filed within 30 days  
1020 after the decision of the district school board.

1021 (6)

1022 (b) Any member of the district administrative or  
1023 supervisory staff, including any principal but excluding an  
1024 employee specified in subsection (4), may be suspended or  
1025 dismissed at any time during the term of the contract; however,  
1026 the charges against him or her must be based on immorality,  
1027 misconduct in office, incompetency, gross insubordination,  
1028 willful neglect of duty, drunkenness, or being convicted or  
1029 found guilty of, or entering a plea of guilty, regardless of  
1030 adjudication of guilt, conviction of any crime involving moral  
1031 turpitude, as these terms are defined by rule of the State Board  
1032 of Education. Whenever such charges are made against an any such  
1033 employee of the district school board, the district school board  
1034 may suspend the employee without pay; but, if the charges are  
1035 not sustained, he or she shall be immediately reinstated, and  
1036 his or her back salary shall be paid. In cases of suspension by  
1037 the district school board or by the district school  
1038 superintendent, the district school board shall determine upon  
1039 the evidence submitted whether the charges have been sustained  
1040 and, if the charges are sustained, shall determine either to  
1041 dismiss the employee or fix the terms under which he or she may  
1042 be reinstated. If such charges are sustained by a majority vote

130005

4/29/2008 7:36 PM

Amendment No.

1043 of the full membership of the district school board and the ~~such~~  
1044 employee is discharged, his or her contract of employment shall  
1045 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee  
1046 may be appealed by him or her pursuant to s. 120.68, provided  
1047 such appeal is filed within 30 days after the decision of the  
1048 district school board.

1049 Section 29. Subsection (4) of section 1012.34, Florida  
1050 Statutes, is amended to read:

1051 1012.34 Assessment procedures and criteria.--

1052 (4) The district school superintendent shall notify the  
1053 department of any instructional personnel who receive two  
1054 consecutive unsatisfactory evaluations and who have been given  
1055 written notice by the district that their employment is being  
1056 terminated or is not being renewed or that the district school  
1057 board intends to terminate, or not renew, their employment. The  
1058 department shall conduct an investigation to determine whether  
1059 action shall be taken against the certificateholder pursuant to  
1060 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1061 Section 30. Subsections (9) and (14) of section 1012.56,  
1062 Florida Statutes, are amended to read:

1063 1012.56 Educator certification requirements.--

1064 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
1065 PERIODICALLY.--

1066 (a) Each person who seeks certification under this chapter  
1067 must be fingerprinted and screened ~~meet level 2 screening~~  
1068 ~~requirements as described in accordance with~~ s. 1012.32 and must  
1069 not be ineligible for such certification under s. 1012.315. A  
1070 person who has been screened in accordance with s. 1012.32

130005

4/29/2008 7:36 PM

Amendment No.

1071 ~~unless a level 2 screening has been conducted~~ by a district  
1072 school board or the Department of Education within 12 months  
1073 before the date the person initially obtains certification under  
1074 this chapter, the results of which are submitted to the district  
1075 school board or to the Department of Education, is not required  
1076 to repeat the screening under this paragraph.

1077 (b) A person may not receive a certificate under this  
1078 chapter until the person's level 2 screening under s. 1012.32 is  
1079 ~~has been~~ completed and the results have been submitted to the  
1080 Department of Education or to the district school superintendent  
1081 of the school district that employs the person. Every 5 years  
1082 after obtaining initial certification, each person who is  
1083 required to be certified under this chapter must be rescreened  
1084 ~~meet level 2 screening requirements as described in accordance~~  
1085 with s. 1012.32, at which time the school district shall request  
1086 the Department of Law Enforcement to forward the fingerprints to  
1087 the Federal Bureau of Investigation for federal criminal records  
1088 checks ~~the level 2 screening~~. If, for any reason after obtaining  
1089 initial certification, the fingerprints of a person who is  
1090 required to be certified under this chapter are not retained by  
1091 the Department of Law Enforcement under s. 1012.32(3)(a) and  
1092 (b), the person must file a complete set of fingerprints with  
1093 the district school superintendent of the employing school  
1094 district. Upon submission of fingerprints for this purpose, the  
1095 school district shall request the Department of Law Enforcement  
1096 to forward the fingerprints to the Federal Bureau of  
1097 Investigation for federal criminal records checks ~~the level 2~~  
1098 ~~screening~~, and the fingerprints shall be retained by the

130005

4/29/2008 7:36 PM



Amendment No.

1099 Department of Law Enforcement under s. 1012.32(3)(a) and (b).  
1100 The cost of the state and federal criminal history checks ~~check~~  
1101 required by paragraph (a) and this paragraph ~~level 2 screening~~  
1102 may be borne by the district school board or the employee. Under  
1103 penalty of perjury, each person who is certified under this  
1104 chapter must agree to inform his or her employer within 48 hours  
1105 if convicted of any disqualifying offense while he or she is  
1106 employed in a position for which such certification is required.

1107 (c) If it is found under s. 1012.796 that a person who is  
1108 employed in a position requiring certification under this  
1109 chapter has ~~does~~ not been screened in accordance with s.  
1110 1012.32, or is ineligible for such certification under s.  
1111 1012.315 ~~meet the level 2 screening requirements~~, the person's  
1112 certification shall be immediately revoked or suspended and he  
1113 or she shall be immediately suspended from the position  
1114 requiring certification.

1115 (14) PERSONNEL RECORDS.--The Department of Education shall  
1116 maintain an electronic database that includes, but need not be  
1117 limited to, a complete statement of the academic preparation,  
1118 professional training, and teaching experience of each person to  
1119 whom a certificate is issued. The applicant or the district  
1120 school superintendent shall furnish the information using a  
1121 format ~~or forms~~ provided by the department.

1122 Section 31. Subsection (1) and paragraph (a) of subsection  
1123 (8) of section 1012.79, Florida Statutes, are amended to read:

1124 1012.79 Education Practices Commission; organization.--

1125 (1) The Education Practices Commission consists of 25 ~~17~~  
1126 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one  
130005

4/29/2008 7:36 PM

Amendment No.

1127 | of whom shall represent a private school; 7 and 5 lay citizens,  
1128 | 5 (of whom shall be parents of public school students and who  
1129 | are unrelated to public school employees and 2 of whom shall be  
1130 | former district school board members;}, and 5 sworn law  
1131 | enforcement officials, appointed by the State Board of Education  
1132 | from nominations by the Commissioner of Education and subject to  
1133 | Senate confirmation. Prior to making nominations, the  
1134 | commissioner shall consult with ~~the~~ teaching associations,  
1135 | parent organizations, law enforcement agencies, and other  
1136 | involved associations in the state. In making nominations, the  
1137 | commissioner shall attempt to achieve equal geographical  
1138 | representation, as closely as possible.

1139 | (a) A teacher member, in order to be qualified for  
1140 | appointment:

- 1141 | 1. Must be certified to teach in the state.  
1142 | 2. Must be a resident of the state.  
1143 | 3. Must have practiced the profession in this state for at  
1144 | least 5 years immediately preceding the appointment.

1145 | (b) A school administrator member, in order to be  
1146 | qualified for appointment:

- 1147 | 1. Must have an endorsement on the educator certificate in  
1148 | the area of school administration or supervision.  
1149 | 2. Must be a resident of the state.  
1150 | 3. Must have practiced the profession as an administrator  
1151 | for at least 5 years immediately preceding the appointment.

1152 | (c) The lay members must be residents of the state.

130005

4/29/2008 7:36 PM

Amendment No.

1153 (d) The law enforcement official members must have served  
1154 in the profession for at least 5 years immediately preceding  
1155 appointment and have background expertise in child safety.

1156 (8) (a) The commission shall, from time to time, designate  
1157 members of the commission to serve on panels for the purpose of  
1158 reviewing and issuing final orders upon cases presented to the  
1159 commission. A case concerning a complaint against a teacher  
1160 shall be reviewed and a final order ~~thereon shall be~~ entered by  
1161 a panel composed of five commission members, at least one of  
1162 whom must be a parent or a sworn law enforcement officer and at  
1163 least three of whom must shall be teachers. A case concerning a  
1164 complaint against an administrator shall be reviewed and a final  
1165 order ~~thereon shall be~~ entered by a panel composed of five  
1166 commission members, at least one of whom must be a parent or a  
1167 sworn law enforcement officer and at least three of whom must  
1168 ~~shall~~ be administrators.

1169 Section 32. Subsection (1) of section 1012.795, Florida  
1170 Statutes, is amended to read:

1171 1012.795 Education Practices Commission; authority to  
1172 discipline.--

1173 (1) The Education Practices Commission may suspend the  
1174 educator certificate of any person as defined in s. 1012.01(2)  
1175 or (3) for a period of time not to exceed 5 years, thereby  
1176 denying that person the right to teach or otherwise be employed  
1177 by a district school board or public school in any capacity  
1178 requiring direct contact with students for that period of time,  
1179 after which the holder may return to teaching as provided in  
1180 subsection (4); may revoke the educator certificate of any

130005

4/29/2008 7:36 PM

Amendment No.

1181 person, thereby denying that person the right to teach or  
1182 otherwise be employed by a district school board or public  
1183 school in any capacity requiring direct contact with students  
1184 for a period of time not to exceed 10 years, with reinstatement  
1185 subject to the provisions of subsection (4); may revoke  
1186 permanently the educator certificate of any person thereby  
1187 denying that person the right to teach or otherwise be employed  
1188 by a district school board or public school in any capacity  
1189 requiring direct contact with students; may suspend the educator  
1190 certificate, upon order of the court, of any person found to  
1191 have a delinquent child support obligation; or may impose any  
1192 other penalty provided by law, if provided it can be shown that  
1193 the person:

1194 (a) Obtained or attempted to obtain an educator  
1195 certificate by fraudulent means.

1196 (b) Knowingly failed to report actual or suspected child  
1197 abuse as required in s. 1006.061 or report alleged misconduct by  
1198 instructional personnel or school administrators which affects  
1199 the health, safety, or welfare of a student as required in s.  
1200 1012.796.

1201 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform  
1202 duties as an employee of the public school system or to teach in  
1203 or to operate a private school.

1204 (d) ~~(e)~~ Has been guilty of gross immorality or an act  
1205 involving moral turpitude as defined by rule of the State Board  
1206 of Education.

1207 (e) ~~(d)~~ Has had an educator certificate sanctioned by  
1208 revocation, suspension, or surrender in another state.

130005

4/29/2008 7:36 PM

Amendment No.

1209        ~~(f)(e)~~ Has been convicted or found guilty of, or entered a  
1210 plea of guilty to, regardless of adjudication of guilt, a  
1211 misdemeanor, felony, or any other criminal charge, other than a  
1212 minor traffic violation.

1213        ~~(g)(f)~~ Upon investigation, has been found guilty of  
1214 personal conduct which seriously reduces that person's  
1215 effectiveness as an employee of the district school board.

1216        ~~(h)(g)~~ Has breached a contract, as provided in s.  
1217 1012.33(2).

1218        ~~(i)(h)~~ Has been the subject of a court order directing the  
1219 Education Practices Commission to suspend the certificate as a  
1220 result of a delinquent child support obligation.

1221        ~~(j)(i)~~ Has violated the Principles of Professional Conduct  
1222 for the Education Profession prescribed by State Board of  
1223 Education rules.

1224        ~~(k)(j)~~ Has otherwise violated the provisions of law, the  
1225 penalty for which is the revocation of the educator certificate.

1226        ~~(l)(k)~~ Has violated any order of the Education Practices  
1227 Commission.

1228        ~~(m)(l)~~ Has been the subject of a court order or plea  
1229 agreement in any jurisdiction which requires the  
1230 certificateholder to surrender or otherwise relinquish his or  
1231 her educator's certificate. A surrender or relinquishment shall  
1232 be for permanent revocation of the certificate. A person may not  
1233 surrender or otherwise relinquish his or her certificate prior  
1234 to a finding of probable cause by the commissioner as provided  
1235 in s. 1012.796.

130005

4/29/2008 7:36 PM

Amendment No.

1236        (n) Has been disqualified from educator certification  
1237 under s. 1012.315.

1238        Section 33. Subsections (1), (3), and (5) of section  
1239 1012.796, Florida Statutes, are amended to read:

1240        1012.796 Complaints against teachers and administrators;  
1241 procedure; penalties.--

1242        (1) (a) The Department of Education shall cause to be  
1243 investigated expeditiously any complaint filed before it or  
1244 otherwise called to its attention which, if legally sufficient,  
1245 contains grounds for the revocation or suspension of a  
1246 certificate or any other appropriate penalty as set forth in  
1247 subsection (7). The complaint is legally sufficient if it  
1248 contains the ultimate facts which show a violation has occurred  
1249 as provided in s. 1012.795 and defined by rule of the State  
1250 Board of Education. The department shall ~~may~~ investigate or  
1251 continue to investigate and take appropriate action on a  
1252 complaint even though the original complainant withdraws the  
1253 complaint or otherwise indicates a desire not to cause it to be  
1254 investigated or prosecuted to completion. The department may  
1255 investigate or continue to investigate and take action on a  
1256 complaint filed against a person whose educator certificate has  
1257 expired if the act or acts that ~~which~~ are the basis for the  
1258 complaint were allegedly committed while that person possessed  
1259 an educator certificate.

1260        (b) The department shall immediately investigate any  
1261 legally sufficient complaint that involves misconduct by any  
1262 certificated personnel which affects the health, safety, or  
1263 welfare of a student, giving the complaint priority over other

130005

4/29/2008 7:36 PM

Amendment No.

1264 pending complaints. The department must investigate or continue  
1265 to investigate and take action on such a complaint filed against  
1266 a person whose educator certificate has expired if the act or  
1267 acts that are the basis for the complaint were allegedly  
1268 committed while that person possessed an educator certificate.

1269 (c)~~(b)~~ When an investigation is undertaken, the department  
1270 shall notify the certificateholder or applicant for  
1271 certification and the district school superintendent or the  
1272 university laboratory school, charter school, or private school  
1273 in which the certificateholder or applicant for certification is  
1274 employed or was employed at the time the alleged offense  
1275 occurred. In addition, the department shall inform the  
1276 certificateholder or applicant for certification of the  
1277 substance of any complaint which has been filed against that  
1278 certificateholder or applicant, unless the department determines  
1279 that such notification would be detrimental to the  
1280 investigation, in which case the department may withhold  
1281 notification.

1282 (d)~~(e)~~ Each school district shall file in writing with the  
1283 department all legally sufficient complaints within 30 days  
1284 after the date on which subject matter of the complaint comes to  
1285 the attention of the school district. A complaint is legally  
1286 sufficient if it contains ultimate facts that show a violation  
1287 has occurred as provided in s. 1012.795 and defined by rule of  
1288 the State Board of Education. The school district shall include  
1289 all information relating to the complaint which is known to the  
1290 school district at the time of filing. Each district school  
1291 board shall develop and adopt policies and procedures to comply

130005

4/29/2008 7:36 PM

## HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1292 with this reporting requirement. School board policies and  
1293 procedures must include standards for screening, hiring, and  
1294 terminating instructional personnel and school administrators,  
1295 as defined in s. 1012.01; standards of ethical conduct for  
1296 instructional personnel and school administrators; the duties of  
1297 instructional personnel and school administrators for upholding  
1298 the standards; detailed procedures for reporting alleged  
1299 misconduct by instructional personnel and school administrators  
1300 which affects the health, safety, or welfare of a student;  
1301 requirements for the reassignment of instructional personnel or  
1302 school administrators pending the outcome of a misconduct  
1303 investigation; and penalties for failing to comply with s.  
1304 1001.51 or s. 1012.795. The district school board policies and  
1305 procedures shall include appropriate penalties for all personnel  
1306 of the district school board for nonreporting and procedures for  
1307 promptly informing the district school superintendent of each  
1308 legally sufficient complaint. The district school superintendent  
1309 is charged with knowledge of these policies and procedures and  
1310 is accountable for the training of all instructional personnel  
1311 and school administrators of the school district on the  
1312 standards of ethical conduct, policies, and procedures. If the  
1313 district school superintendent has knowledge of a legally  
1314 sufficient complaint and does not report the complaint, or fails  
1315 to enforce the policies and procedures of the district school  
1316 board, and fails to comply with the requirements of this  
1317 subsection, in addition to other actions against  
1318 certificateholders authorized by law, the district school  
1319 superintendent is ~~shall be~~ subject to penalties as specified in

130005

4/29/2008 7:36 PM



Amendment No.

1320 s. 1001.51(12). If the superintendent determines that misconduct  
1321 by instructional personnel or school administrators who hold an  
1322 educator certificate affects the health, safety, or welfare of a  
1323 student and the misconduct warrants termination, the  
1324 instructional personnel or school administrators may resign or  
1325 be terminated and the superintendent must report the misconduct  
1326 to the department in the format prescribed by the department.  
1327 The department shall maintain each report of misconduct as a  
1328 public record in the instructional personnel's or school  
1329 administrators' certification files. This paragraph does not  
1330 limit or restrict the power and duty of the department to  
1331 investigate complaints as provided in paragraphs (a) and (b),  
1332 regardless of the school district's untimely filing, or failure  
1333 to file, complaints and followup reports.

1334 (e) If allegations arise against an employee who is  
1335 certified under s. 1012.56 and employed in an educator-  
1336 certificated position in any public school, the school shall  
1337 file in writing with the department a legally sufficient  
1338 complaint within 30 days after the date on which the subject  
1339 matter of the complaint came to the attention of the school. A  
1340 complaint is legally sufficient if it contains ultimate facts  
1341 that show a violation has occurred as provided in s. 1012.795  
1342 and defined by rule of the State Board of Education. The school  
1343 shall include all known information relating to the complaint  
1344 with the filing of the complaint. This paragraph does not limit  
1345 or restrict the power and duty of the department to investigate  
1346 complaints, regardless of the school's untimely filing, or  
1347 failure to file, complaints and followup reports.

130005

4/29/2008 7:36 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1348        (f) ~~(d)~~ Notwithstanding any other law, all law enforcement  
1349 agencies, state attorneys, social service agencies, district  
1350 school boards, and the Division of Administrative Hearings shall  
1351 fully cooperate with and, upon request, shall provide unredacted  
1352 documents to the Department of Education to further  
1353 investigations and prosecutions conducted pursuant to this  
1354 section. Any document received ~~pursuant to this paragraph~~ may  
1355 not be redisclosed except as authorized by law.

1356        (3) The department staff shall advise the commissioner  
1357 concerning the findings of the investigation. The department  
1358 general counsel or members of that staff shall review the  
1359 investigation and advise the commissioner concerning probable  
1360 cause or lack thereof. The determination of probable cause shall  
1361 be made by the commissioner. The commissioner shall provide an  
1362 opportunity for a conference, if requested, prior to determining  
1363 probable cause. The commissioner may enter into deferred  
1364 prosecution agreements in lieu of finding probable cause if,  
1365 ~~when~~ in his or her judgment, such agreements are ~~would be~~ in the  
1366 best interests of the department, the certificateholder, and the  
1367 public. Such deferred prosecution agreements shall become  
1368 effective when filed with the clerk of the Education Practices  
1369 Commission. However, a deferred prosecution agreement shall not  
1370 be entered into if ~~where~~ there is probable cause to believe that  
1371 a felony or an act of moral turpitude, as defined by rule of the  
1372 State Board of Education, has occurred. Upon finding no probable  
1373 cause, the commissioner shall dismiss the complaint.

1374        (5) When an allegation of misconduct by instructional  
1375 personnel or school administrators, as defined in s. 1012.01, is

130005

4/29/2008 7:36 PM

Amendment No.

1376 received, if the alleged misconduct affects ~~deemed necessary to~~  
1377 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,  
1378 and there is reason to believe that the allegation is true, the  
1379 district school superintendent in consultation with the school  
1380 principal, or ~~may, and~~ upon the request of the Commissioner of  
1381 Education, must immediately ~~shall, temporarily~~ suspend the  
1382 instructional personnel or school administrators a  
1383 ~~certificateholder~~ from ~~the certificateholder's~~ regularly  
1384 assigned duties, with pay, and reassign the suspended personnel  
1385 or administrators ~~certificateholder~~ to positions ~~a position~~ that  
1386 do ~~does~~ not require direct contact with students in the district  
1387 school system. Such suspension shall continue until the  
1388 completion of the proceedings and the determination of  
1389 sanctions, if any, pursuant to this section and s. 1012.795.

1390 Section 34. Paragraph (b) of subsection (4) of section  
1391 1012.98, Florida Statutes, is amended to read:

1392 1012.98 School Community Professional Development Act.--

1393 (4) The Department of Education, school districts,  
1394 schools, community colleges, and state universities share the  
1395 responsibilities described in this section. These  
1396 responsibilities include the following:

1397 (b) Each school district shall develop a professional  
1398 development system as specified in subsection (3). The system  
1399 shall be developed in consultation with teachers, teacher-  
1400 educators of community colleges and state universities, business  
1401 and community representatives, and local education foundations,  
1402 consortia, and professional organizations. The professional  
1403 development system must:

130005

4/29/2008 7:36 PM

Amendment No.

1404 1. Be approved by the department. All substantial  
1405 revisions to the system shall be submitted to the department for  
1406 review for continued approval.

1407 2. Be based on analyses of student achievement data and  
1408 instructional strategies and methods that support rigorous,  
1409 relevant, and challenging curricula for all students. Schools  
1410 and districts, in developing and refining the professional  
1411 development system, shall also review and monitor school  
1412 discipline data; school environment surveys; assessments of  
1413 parental satisfaction; performance appraisal data of teachers,  
1414 managers, and administrative personnel; and other performance  
1415 indicators to identify school and student needs that can be met  
1416 by improved professional performance.

1417 3. Provide inservice activities coupled with followup  
1418 support appropriate to accomplish district-level and school-  
1419 level improvement goals and standards. The inservice activities  
1420 for instructional personnel shall focus on analysis of student  
1421 achievement data, ongoing formal and informal assessments of  
1422 student achievement, identification and use of enhanced and  
1423 differentiated instructional strategies that emphasize rigor,  
1424 relevance, and reading in the content areas, enhancement of  
1425 subject content expertise, integrated use of classroom  
1426 technology that enhances teaching and learning, classroom  
1427 management, parent involvement, and school safety.

1428 4. Include a master plan for inservice activities,  
1429 pursuant to rules of the State Board of Education, for all  
1430 district employees from all fund sources. The master plan shall  
1431 be updated annually by September 1, must be based on input from  
130005

4/29/2008 7:36 PM

Amendment No.

1432 teachers and district and school instructional leaders, and must  
1433 use the latest available student achievement data and research  
1434 to enhance rigor and relevance in the classroom. Each district  
1435 inservice plan must be aligned to and support the school-based  
1436 inservice plans and school improvement plans pursuant to s.  
1437 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by  
1438 the district school board annually in order to ensure compliance  
1439 with subsection (1) and to allow for dissemination of research-  
1440 based best practices to other districts. District school boards  
1441 must submit verification of their approval to the Commissioner  
1442 of Education no later than October 1, annually.

1443 5. Require each school principal to establish and maintain  
1444 an individual professional development plan for each  
1445 instructional employee assigned to the school as a seamless  
1446 component to the school improvement plans developed pursuant to  
1447 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional  
1448 development plan must:

1449 a. Be related to specific performance data for the  
1450 students to whom the teacher is assigned.

1451 b. Define the inservice objectives and specific measurable  
1452 improvements expected in student performance as a result of the  
1453 inservice activity.

1454 c. Include an evaluation component that determines the  
1455 effectiveness of the professional development plan.

1456 6. Include inservice activities for school administrative  
1457 personnel that address updated skills necessary for  
1458 instructional leadership and effective school management  
1459 pursuant to s. 1012.986.

130005

4/29/2008 7:36 PM

Amendment No.

1460           7. Provide for systematic consultation with regional and  
1461 state personnel designated to provide technical assistance and  
1462 evaluation of local professional development programs.

1463           8. Provide for delivery of professional development by  
1464 distance learning and other technology-based delivery systems to  
1465 reach more educators at lower costs.

1466           9. Provide for the continuous evaluation of the quality  
1467 and effectiveness of professional development programs in order  
1468 to eliminate ineffective programs and strategies and to expand  
1469 effective ones. Evaluations must consider the impact of such  
1470 activities on the performance of participating educators and  
1471 their students' achievement and behavior.

1472           Section 35. Subsection (4) of section 1013.03, Florida  
1473 Statutes, is amended to read:

1474           1013.03 Functions of the department and the Board of  
1475 Governors.--The functions of the Department of Education as it  
1476 pertains to educational facilities of school districts and  
1477 community colleges and of the Board of Governors as it pertains  
1478 to educational facilities of state universities shall include,  
1479 but not be limited to, the following:

1480           (4) Require each board and other appropriate agencies to  
1481 submit complete and accurate financial data as to the amounts of  
1482 funds from all sources that are available and spent for  
1483 construction and capital improvements. The commissioner shall  
1484 prescribe the format and the date for the submission of this  
1485 data and any other educational facilities data. If any district  
1486 does not submit the required educational facilities fiscal data  
1487 by the prescribed date, the Commissioner of Education shall

130005

4/29/2008 7:36 PM

Amendment No.

1488 notify the district school board of this fact and, if  
 1489 appropriate action is not taken to immediately submit the  
 1490 required report, the district school board shall be directed to  
 1491 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~  
 1492 ~~1001.42(11)(b)~~. If any community college or university does not  
 1493 submit the required educational facilities fiscal data by the  
 1494 prescribed date, the same policy prescribed in this subsection  
 1495 for school districts shall be implemented.

1496 Section 36. The sum of \$153,872 is appropriated from the  
 1497 Educational Certification and Services Trust Fund to the  
 1498 Department of Education for the 2008-2009 fiscal year, and two  
 1499 additional full-time equivalent positions and associated salary  
 1500 rate of 90,088 are authorized, for the purpose of implementing  
 1501 this act.

1502 Section 37. This act shall take effect July 1, 2008.

1503  
 1504

1505 -----

1506 **T I T L E A M E N D M E N T**

1507 Remove the entire title and insert:

1508 A bill to be entitled

1509 An act relating to ethics; providing a short title; amending s.  
 1510 24.121, F.S., relating to public school funding; conforming  
 1511 cross-references; amending s. 112.3173, F.S.; specifying certain  
 1512 felony offenses against a minor as additional offenses that  
 1513 constitute a breach of the public trust; requiring a person  
 1514 committing such an offense to forfeit benefits under certain  
 1515 public retirement systems; amending s. 121.091, F.S.;

130005

4/29/2008 7:36 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1516 prohibiting the Division of Retirement from paying benefits to a  
1517 member who commits certain felony offenses against a minor;  
1518 conforming a cross-reference; creating ss. 794.09 and 800.05,  
1519 F.S.; providing notice in the criminal statutes that certain  
1520 retirement benefits are subject to forfeiture for committing  
1521 certain felony offenses against a minor; amending s. 1001.10,  
1522 F.S.; requiring the Department of Education to assist school  
1523 districts, charter schools, the Florida School for the Deaf and  
1524 the Blind, and private schools that accept school choice  
1525 scholarship students in developing policies, procedures, and  
1526 training related to employment practices and standards of  
1527 ethical conduct; requiring the department to provide authorized  
1528 staff with access to certain databases for employment history  
1529 verification; amending s. 1001.32, F.S., relating to school  
1530 administration; conforming a cross-reference; amending s.  
1531 1001.42, F.S.; requiring each district school board to adopt  
1532 standards of ethical conduct and provide training for  
1533 instructional personnel and school administrators; prohibiting  
1534 confidentiality agreements regarding terminated or dismissed  
1535 instructional personnel and school administrators which have the  
1536 effect of concealing certain misconduct; prohibiting a school  
1537 district from providing employment references for specified  
1538 personnel and administrators except under certain circumstances;  
1539 requiring a person who committed certain crimes to be  
1540 disqualified from employment in certain positions in a district  
1541 school system under specified conditions; providing that a  
1542 district school board official who knowingly signs and transmits  
1543 a false or incorrect report, or fails to adopt certain policies,

130005

4/29/2008 7:36 PM



HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1544 forfeits his or her salary for a specified period; amending s.  
1545 1001.452, F.S., relating to district and school advisory  
1546 councils; conforming cross-references; amending s. 1001.51,  
1547 F.S.; providing that a district school superintendent forfeits  
1548 his or her salary for a specified period following failure to  
1549 investigate and report allegations of certain misconduct by  
1550 specified personnel or administrators; amending ss. 1001.54 and  
1551 1002.32, F.S., relating to duties of principals and laboratory  
1552 schools; conforming cross-references; amending s. 1002.33, F.S.;  
1553 requiring a person who committed certain crimes to be  
1554 disqualified from employment in certain positions in a charter  
1555 school under specified conditions; requiring charter schools to  
1556 adopt standards of ethical conduct and provide training for all  
1557 instructional personnel and school administrators; prohibiting  
1558 confidentiality agreements regarding terminated or dismissed  
1559 instructional personnel and school administrators which have the  
1560 effect of concealing certain misconduct; prohibiting a charter  
1561 school from providing employment references for specified  
1562 personnel and administrators except under certain circumstances;  
1563 requiring a charter school to contact the previous employer, and  
1564 verify the employment history against certain databases, of  
1565 persons seeking employment in certain positions; requiring a  
1566 charter school's sponsor to terminate the school's charter for  
1567 failing to comply with these requirements; amending s. 1002.36,  
1568 F.S.; requiring the Florida School for the Deaf and the Blind to  
1569 meet certain requirements governing the screening of personnel;  
1570 amending s. 1002.421, F.S.; requiring a person who committed  
1571 certain crimes to be disqualified from employment in certain

130005

4/29/2008 7:36 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1572 positions in a private school that accepts certain scholarship  
1573 students under specified conditions; requiring certain private  
1574 schools to adopt standards of ethical conduct and provide  
1575 training for all instructional personnel and school  
1576 administrators; prohibiting confidentiality agreements regarding  
1577 terminated or dismissed instructional personnel or school  
1578 administrators which have the effect of concealing certain  
1579 misconduct; prohibiting a private school from providing  
1580 employment references for specified personnel and administrators  
1581 except under certain circumstances; requiring a private school  
1582 to contact the previous employer, and verify the employment  
1583 history against certain databases, of persons seeking employment  
1584 in certain positions; requiring the Department of Education to  
1585 suspend enrollment of new students and the payment of funds to a  
1586 private school failing to comply with these requirements;  
1587 amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to  
1588 educational instruction and programs; conforming cross-  
1589 references; amending s. 1006.061, F.S.; requiring district  
1590 school boards, charter schools, and private schools that accept  
1591 certain scholarship students to post policies for reporting  
1592 child abuse and misconduct by specified personnel and  
1593 administrators; requiring the principal of such schools to act  
1594 as a liaison in suspected cases of child abuse; requiring the  
1595 Department of Education to publish sample notices; amending ss.  
1596 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to  
1597 accountability procedures; conforming cross-references; amending  
1598 s. 1012.27, F.S.; requiring the district school superintendent  
1599 to contact the previous employer, and verify the employment

130005

4/29/2008 7:36 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1600 history against certain databases, of persons seeking employment  
1601 in certain positions; creating s. 1012.315, F.S.; specifying  
1602 offenses that disqualify instructional personnel and school  
1603 administrators from employment in certain positions that require  
1604 direct contact with students; amending s. 1012.32, F.S.;  
1605 requiring specified personnel or administrators who committed  
1606 certain crimes to be disqualified from employment in certain  
1607 positions in a district school system or charter school under  
1608 specified conditions; amending s. 1012.33, F.S.; providing that  
1609 just cause for terminating instructional staff includes  
1610 immorality or commission of certain crimes; amending s. 1012.34,  
1611 F.S., relating to assessment procedures; conforming a cross-  
1612 reference; amending s. 1012.56, F.S., relating to certification  
1613 requirements for educators; revising requirements for conducting  
1614 state and federal criminal records checks of persons seeking  
1615 certification; requiring a person who committed certain crimes  
1616 to be ineligible for certification under specified conditions;  
1617 providing for the Department of Education to maintain educator  
1618 records in an electronic database; amending s. 1012.79, F.S.;  
1619 providing for additional members to be appointed to the  
1620 Education Practices Commission; revising the composition of  
1621 panels appointed to review complaints against teachers and  
1622 administrators; amending s. 1012.795, F.S.; providing for the  
1623 suspension of the educator certificate of a person who knowingly  
1624 fails to report child abuse or misconduct by specified personnel  
1625 or administrators; clarifying authority of the commission to  
1626 discipline educators who commit certain crimes; amending s.  
1627 1012.796, F.S.; requiring the Department of Education to

130005

4/29/2008 7:36 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1628 investigate each complaint involving misconduct by certificated  
1629 personnel; clarifying what constitutes a legally sufficient  
1630 complaint; providing requirements for school board policies and  
1631 procedures relating to standards of ethical conduct; providing  
1632 that the district school superintendent is accountable for  
1633 training of instructional personnel and school administrators on  
1634 the standards, policies, and procedures; requiring employers of  
1635 certificated personnel to report misconduct by such personnel to  
1636 the Department of Education; requiring that instructional  
1637 personnel or school administrators be immediately suspended and  
1638 reassigned under certain circumstances; amending ss. 1012.98 and  
1639 1013.03, F.S., relating to the School Community Professional  
1640 Development Act and functions of the Department of Education and  
1641 Board of Governors; conforming cross-references; providing an  
1642 appropriation and authorizing additional positions; providing an  
1643 effective date.

130005

4/29/2008 7:36 PM