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Proposed Committee Substitute by the Committee on Governmental Operations

1 A bill to be entitled
2 An act relating to ethics; providing a short title;
3 amending s. 24.121, F.S., relating to public school
4 funding; conforming cross-references; amending s.
5 112.3173, F.S.; specifying certain additional offenses
6 that constitute a breach of the public trust; amending s.
7 121.091, F.S.; prohibiting the Division of Retirement from
8 paying benefits to a member who has committed certain
9 felony offenses against a minor; amending s. 402.316,
10 F.S.; authorizing the Department of Children and Family
11 Services to adopt minimum standards for screening child
12 care personnel and for notification of termination of such
13 personnel; amending s. 435.04, F.S.; providing additional
14 criminal offenses for screening child care personnel;
15 amending s. 1001.10, F.S.; requiring the Department of
16 Education to assist school districts, charter schools, the
17 Florida School for the Deaf and the Blind, and certain
18 private schools and providers in developing policies and
19 procedures governing educator ethics and employment;
20 requiring the department to provide authorized staff with
21 access to or provide verification through certain
22 employment-screening tools; amending s. 1001.32, F.S.,
23 relating to school administration; conforming a cross-
24 reference; amending s. 1001.42, F.S.; requiring each
25 district school board to adopt ethical standards for all
26 employees; prohibiting confidentiality agreements
27 regarding terminated or dismissed employees which have the
28 effect of concealing certain conduct; providing that a



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29 | district school board official who knowingly signs or
30 | transmits a false report, fails to support policies that
31 | ensure the investigation of reports, or fails to report
32 | allegations of misconduct by instructional or
33 | administrative personnel forfeits his or her salary for a
34 | specified period; amending s. 1001.452, F.S., relating to
35 | district and school advisory councils; conforming cross-
36 | references; amending s. 1001.51, F.S.; providing that a
37 | district school superintendent or district school board
38 | member forfeits his or her salary for a specified period
39 | following failure to report allegations of misconduct by
40 | instructional or administrative personnel; amending ss.
41 | 1001.54 and 1002.32, F.S., relating to duties of
42 | principals and lab schools; conforming cross-references;
43 | amending s. 1002.33, F.S.; requiring charter schools to
44 | adopt ethical standards for all employees; prohibiting
45 | confidentiality agreements regarding terminated or
46 | dismissed employees which have the effect of concealing
47 | certain conduct; requiring the school to contact the prior
48 | employer and assess a candidate's ability to meet ethical
49 | standards; requiring the school to notify the Department
50 | of Education of dates of employment for instructional and
51 | administrative personnel; requiring the charter school
52 | sponsor to suspend the school's charter for failing to
53 | comply with these requirements; amending s. 1002.36, F.S.;
54 | requiring the Florida School for the Deaf and the Blind to
55 | meet certain requirements governing the screening of
56 | educators; amending ss. 1002.421 and 1002.55, F.S.;
57 | requiring owners of certain private schools and private
58 | prekindergarten providers to adopt ethical standards for



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59 | all employees; prohibiting confidentiality agreements
60 | regarding terminated or dismissed employees which have the
61 | effect of concealing certain conduct; requiring such
62 | owners and providers to contact the previous employer of
63 | each instructional or administrative candidate for
64 | employment and notify the Department of Education of dates
65 | of employment of an educator; amending ss. 1002.61,
66 | 1002.63, 1002.65, 1003.413, 1003.53, and 1004.92, F.S.;
67 | conforming cross-references; amending s. 1006.061, F.S.;
68 | requiring each district school board to post its policies
69 | and procedures for reporting misconduct by instructional
70 | or administrative personnel and the penalties imposed for
71 | failing to report suspected or actual child abuse;
72 | amending ss. 1007.21, 1007.23, 1008.33, 1008.345,
73 | 1010.215, and 1011.18, F.S.; conforming cross-references;
74 | amending s. 1012.27, F.S.; requiring the district school
75 | superintendent to contact the previous employer of each
76 | instructional or administrative candidate for employment,
77 | screen the candidate, and document findings; creating s.
78 | 1012.315, F.S.; specifying offenses that disqualify
79 | instructional and administrative personnel from employment
80 | in positions involving direct contact with students;
81 | amending s. 1012.32, F.S.; providing that instructional
82 | and administrative personnel who have been convicted of
83 | certain offenses are disqualified from employment in
84 | positions having direct contact with students; amending s.
85 | 1012.33, F.S.; providing that just cause for terminating
86 | instructional staff includes immorality or the commission
87 | of a criminal act; amending s. 1012.34, F.S., relating to
88 | assessment procedures; conforming a cross-reference;



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89 | amending s. 1012.56, F.S., relating to certification
90 | requirements for educators; revising the requirements for
91 | conducting state and national criminal history records
92 | checks of persons seeking certification; providing for the
93 | Department of Education to maintain personnel records on
94 | an electronic database; amending s. 1012.79, F.S.;
95 | providing for additional members to be appointed to the
96 | Education Practices Commission; revising the composition
97 | of the panel appointed to review complaints against
98 | teachers; amending s. 1012.795, F.S.; providing for
99 | suspending the educator certificate of a person who
100 | knowingly fails to report child abuse or suspected or
101 | actual misconduct by instructional personnel; amending s.
102 | 1012.796, F.S.; requiring the Department of Education to
103 | investigate each complaint involving misconduct by
104 | certificated personnel; clarifying what constitutes a
105 | legally sufficient complaint; providing requirements for
106 | school board policies and procedures relating to ethical
107 | standards; providing that the district school
108 | superintendent is accountable for communicating standards,
109 | policies, and procedures to district employees; requiring
110 | that an employee be immediately suspended and reassigned
111 | upon an allegation of misconduct affecting the health,
112 | safety, or welfare of a student; requiring employers of
113 | certified personnel to file complaints in writing to the
114 | Department of Education; amending ss. 1012.98 and 1013.03,
115 | F.S., relating to the School Community Professional
116 | Development Act and functions of the department and Board
117 | of Governors; conforming cross-references; providing an
118 | effective date.



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

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

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

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

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which ~~committee~~ is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements or, ~~nor may they~~



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149 ~~be used~~ for any project or program that has a duration of more
150 than 1 year; however, a school advisory council or parent
151 advisory committee may independently determine that a program or
152 project formerly funded under this paragraph should receive funds
153 in a subsequent year.

154 (d) No funds shall be released for any purpose from the
155 Educational Enhancement Trust Fund to any school district in
156 which one or more schools do not have an approved school
157 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do
158 not comply with school advisory council membership composition
159 requirements pursuant to s. 1001.452(1). The Commissioner of
160 Education shall withhold disbursements from the trust fund to any
161 school district that fails to adopt the performance-based salary
162 schedule required by s. 1012.22(1).

163 Section 3. Paragraph (e) of subsection (2) of section
164 112.3173, Florida Statutes, is amended to read:

165 112.3173 Felonies involving breach of public trust and
166 other specified offenses by public officers and employees;
167 forfeiture of retirement benefits.--

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

170 (e) "Specified offense" means:

171 1. The committing, aiding, or abetting of an embezzlement
172 of public funds;

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

175 3. Bribery in connection with the employment of a public
176 officer or employee;

177 4. Any felony specified in chapter 838, except ss. 838.15
178 and 838.16;



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179 | 5. The committing of an impeachable offense; ~~or~~

180 | 6. The committing of any felony by a public officer or
181 | employee who, willfully and with intent to defraud the public or
182 | the public agency for which the public officer or employee acts
183 | or in which he or she is employed of the right to receive the
184 | faithful performance of his or her duty as a public officer or
185 | employee, realizes or obtains, or attempts to realize or obtain,
186 | a profit, gain, or advantage for himself or herself or for some
187 | other person through the use or attempted use of the power,
188 | rights, privileges, duties, or position of his or her public
189 | office or employment position; or-

190 | 7. Effective October 1, 2008, the committing of any felony
191 | defined in s. 800.04 against a victim younger than 16 years of
192 | age or any felony defined in chapter 794, s. 800.02, or s. 800.03
193 | against a victim younger than 18 years of age by a public officer
194 | or employee through the use or attempted use of power, rights,
195 | privileges, duties, or position of his or her public office or
196 | employment position.

197 | Section 4. Present paragraphs (i) and (j) of subsection (5)
198 | of section 121.091, Florida Statutes, are redesignated as
199 | subsections (j) and (k), respectively, and a new paragraph (i) is
200 | added to that subsection, to read:

201 | 121.091 Benefits payable under the system.--Benefits may
202 | not be paid under this section unless the member has terminated
203 | employment as provided in s. 121.021(39) (a) or begun
204 | participation in the Deferred Retirement Option Program as
205 | provided in subsection (13), and a proper application has been
206 | filed in the manner prescribed by the department. The department
207 | may cancel an application for retirement benefits when the member
208 | or beneficiary fails to timely provide the information and



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209 documents required by this chapter and the department's rules.
210 The department shall adopt rules establishing procedures for
211 application for retirement benefits and for the cancellation of
212 such application when the required information or documents are
213 not received.

214 (5) TERMINATION BENEFITS.--A member whose employment is
215 terminated prior to retirement retains membership rights to
216 previously earned member-noncontributory service credit, and to
217 member-contributory service credit, if the member leaves the
218 member contributions on deposit in his or her retirement account.
219 If a terminated member receives a refund of member contributions,
220 such member may reinstate membership rights to the previously
221 earned service credit represented by the refund by completing 1
222 year of creditable service and repaying the refunded member
223 contributions, plus interest.

224 (i) Effective October 1, 2008, except for the return of the
225 member's accumulated contributions as of the date of conviction,
226 the division may not pay benefits to any member who has committed
227 any felony defined in s. 800.04 against a victim younger than 16
228 years of age or any felony defined in chapter 794, s. 800.02, or
229 s. 800.03 against a victim younger than 18 years of age through
230 the use or attempted use of power, rights, privileges, duties, or
231 position of his or her public office or employment position.

232 Section 5. Subsection (4) is added to section 402.316,
233 Florida Statutes, to read:

234 402.316 Exemptions.--

235 (4) The department shall adopt rules establishing minimum
236 standards for screening child care personnel and for providing
237 notification of employee termination to child care personnel.

238 Section 6. Paragraph (c) of subsection (4) is added to



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239 | section 435.04, Florida Statutes, to read:

240 | 435.04 Level 2 screening standards.--

241 | (4) Standards must also ensure that the person:

242 | (c) For child care personnel screened pursuant to s.

243 | 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has

244 | not been convicted of, or entered a plea of guilty or nolo

245 | contendere, regardless of adjudication, to offenses prohibited

246 | under any of the following statutes or under similar statutes of

247 | another jurisdiction:

248 | 1. Section 787.025, relating to luring or enticing a child.

249 | 2. Section 787.05, relating to unlawful sexual activity

250 | with certain minors.

251 | 3. Section 810.14, relating to voyeurism.

252 | 4. Section 810.145, relating to video voyeurism.

253 | 5. Any delinquent act that qualified or would have

254 | qualified an individual for inclusion on the Registered Juvenile

255 | Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

256 | Section 7. Present subsection (4) of section 1001.10,

257 | Florida Statutes, is redesignated as subsection (6), and new

258 | subsections (4) and (5) are added to that section, to read:

259 | 1001.10 Commissioner of Education; general powers and

260 | duties.--

261 | (4) The Department of Education shall provide technical

262 | assistance to local school districts, charter schools, the

263 | Florida School for the Deaf and the Blind, and private schools

264 | that accept scholarship students under chapter 1002 or s.

265 | 220.187, in the development of policies, procedures, and training

266 | related to educator ethics and employment practices.

267 | (5) The Department of Education shall provide authorized

268 | staff of local school districts, charter schools, the Florida



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269 School for the Deaf and the Blind, private schools that accept
270 scholarship students under chapter 1002 or s. 220.187, and
271 private providers pursuant to s. 1002.55 with secure access to or
272 provide electronic verification of information required to
273 effectively screen employees through the following employment-
274 screening tools:

275 (a) The Professional Practices' Database of Disciplinary
276 Actions Against Educators;

277 (b) The Department of Education's Teacher Certification
278 Database; and

279 (c) The Department of Education's Educator Employment
280 Information Database.

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

283 1001.32 Management, control, operation, administration, and
284 supervision.--The district school system must be managed,
285 controlled, operated, administered, and supervised as follows:

286 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
287 the administration of any school or schools at a given school
288 center, for the supervision of instruction therein, and for
289 providing leadership in the development or revision and
290 implementation of a school improvement plan required by s.
291 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
292 school principal or head of the school or schools in accordance
293 with rules established by the district school board.

294 Section 9. Present subsections (6) through (23) of section
295 1001.42, Florida Statutes, are redesignated as subsections (8)
296 through (25), respectively, and new subsections (6) and (7) are
297 added to that section, to read:

298 1001.42 Powers and duties of district school board.--The



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299 | district school board, acting as a board, shall exercise all
300 | powers and perform all duties listed below:

301 | (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
302 | policies and procedures setting forth ethical standards for all
303 | employees. The policies and procedures must include
304 | responsibilities and procedures for reporting suspected or actual
305 | misconduct by instructional personnel and school administrators,
306 | as defined in s. 1012.01, which affects the health, safety, or
307 | welfare of a student and an explanation of liability protections
308 | provided to students, parents, and employees under ss. 39.201,
309 | 39.202, and 768.095 who report suspected or actual misconduct. A
310 | district school board or any of its employees may not enter into
311 | a confidentiality agreement regarding a terminated or dismissed
312 | employee or an employee who resigns in lieu of termination based
313 | in whole or in part on unethical conduct that affects the health,
314 | safety, or welfare of a student and may not provide the employee
315 | with a favorable recommendation for employment in another
316 | educational setting. Any portion of an agreement or contract that
317 | has the purpose or effect of concealing the conduct of an
318 | educator regarding actions over which the Education Practices
319 | Commission has disciplinary jurisdiction is void, is contrary to
320 | public policy, and may not be enforced.

321 | (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from
322 | employment instructional personnel and school administrators, as
323 | defined in s. 1012.01, who have been convicted of a disqualifying
324 | offense as described in s. 1012.315. An elected or appointed
325 | school board official who knowingly signs and transmits to any
326 | state official a false or incorrect report or who fails to
327 | support the adoption of policies that ensure the investigation of
328 | all reports of suspected or actual misconduct by instructional



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329 personnel and school administrators, which affects the health,
330 safety, or welfare of a student and the reporting of allegations
331 of misconduct by such personnel which affects the health, safety,
332 or welfare of a student pursuant to s. 1012.796 forfeits his or
333 her salary for 1 year.

334 Section 10. Paragraphs (a) and (c) of subsection (1) and
335 subsection (2) of section 1001.452, Florida Statutes, are amended
336 to read:

337 1001.452 District and school advisory councils.--

338 (1) ESTABLISHMENT.--

339 (a) The district school board shall establish an advisory
340 council for each school in the district and shall develop
341 procedures for the election and appointment of advisory council
342 members. Each school advisory council shall include in its name
343 the words "school advisory council." The school advisory council
344 shall be the sole body responsible for final decisionmaking at
345 the school relating to implementation of ss. 1001.42(18) ~~the~~
346 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
347 members of each school advisory council must be persons who are
348 not employed by the school. Each advisory council shall be
349 composed of the principal and an appropriately balanced number of
350 teachers, education support employees, students, parents, and
351 other business and community citizens who are representative of
352 the ethnic, racial, and economic community served by the school.
353 Career center and high school advisory councils shall include
354 students, and middle and junior high school advisory councils may
355 include students. School advisory councils of career centers and
356 adult education centers are not required to include parents as
357 members. Council members representing teachers, education support
358 employees, students, and parents shall be elected by their



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359 | respective peer groups at the school in a fair and equitable
360 | manner as follows:

- 361 | 1. Teachers shall be elected by teachers.
362 | 2. Education support employees shall be elected by
363 | education support employees.
364 | 3. Students shall be elected by students.
365 | 4. Parents shall be elected by parents.

366 |

367 | The district school board shall establish procedures to be used
368 | ~~for use~~ by schools in selecting business and community members
369 | that include means of ensuring wide notice of vacancies and of
370 | taking input on possible members from local business, chambers of
371 | commerce, community and civic organizations and groups, and the
372 | public at large. The district school board shall review the
373 | membership composition of each advisory council. If the district
374 | school board determines that the membership elected by the school
375 | is not representative of the ethnic, racial, and economic
376 | community served by the school, the district school board shall
377 | appoint additional members to achieve proper representation. The
378 | commissioner shall determine if schools have maximized their
379 | efforts to include on their advisory councils minority persons
380 | and persons of lower socioeconomic status. Although schools are
381 | strongly encouraged to establish school advisory councils, the
382 | district school board of any school district that has a student
383 | population of 10,000 or fewer may establish a district advisory
384 | council which includes ~~shall include~~ at least one duly elected
385 | teacher from each school in the district. For the purposes of
386 | school advisory councils and district advisory councils, the term
387 | "teacher" includes ~~shall include~~ classroom teachers, certified
388 | student services personnel, and media specialists. For purposes



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389 of this paragraph, "education support employee" means any person
390 employed by a school who is not defined as instructional or
391 administrative personnel pursuant to s. 1012.01 and whose duties
392 require 20 or more hours in each normal working week.

393 (c) For those schools operating for the purpose of
394 providing educational services to youth in Department of Juvenile
395 Justice programs, district school boards may establish a district
396 advisory council with appropriate representatives for the purpose
397 of developing and monitoring a district school improvement plan
398 that encompasses all such schools in the district, pursuant to s.
399 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

400 (2) DUTIES.--Each advisory council shall perform ~~such~~
401 functions ~~as are~~ prescribed by regulations of the district school
402 board; however, no advisory council shall have any of the powers
403 and duties now reserved by law to the district school board. Each
404 school advisory council shall assist in the preparation and
405 evaluation of the school improvement plan required pursuant to s.
406 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
407 Department of Education, each school advisory council shall
408 assist in the preparation of the school's annual budget and plan
409 as required by s. 1008.385(1). A portion of funds provided in the
410 annual General Appropriations Act for use by school advisory
411 councils must be used for implementing the school improvement
412 plan.

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

415 1001.51 Duties and responsibilities of district school
416 superintendent.--The district school superintendent shall
417 exercise all powers and perform all duties listed below and
418 elsewhere in the law, provided that, in so doing, he or she shall



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419 | advise and counsel with the district school board. The district
420 | school superintendent shall perform all tasks necessary to make
421 | sound recommendations, nominations, proposals, and reports
422 | required by law to be acted upon by the district school board.
423 | All such recommendations, nominations, proposals, and reports by
424 | the district school superintendent shall be either recorded in
425 | the minutes or shall be made in writing, noted in the minutes,
426 | and filed in the public records of the district school board. It
427 | shall be presumed that, in the absence of the record required in
428 | this section, the recommendations, nominations, and proposals
429 | required of the district school superintendent were not contrary
430 | to the action taken by the district school board in such matters.

431 | (12) RECORDS AND REPORTS.--Recommend such records as should
432 | be kept in addition to those prescribed by rules of the State
433 | Board of Education; prepare forms for keeping such records as are
434 | approved by the district school board; ensure that such records
435 | are properly kept; and make all reports that are needed or
436 | required, as follows:

437 | (a) Forms, blanks, and reports.--Require that all employees
438 | accurately keep all records and promptly make in proper form all
439 | reports required by the education code or by rules of the State
440 | Board of Education; recommend the keeping of such additional
441 | records and the making of such additional reports as may be
442 | deemed necessary to provide data essential for the operation of
443 | the school system; and prepare such forms and blanks as may be
444 | required and ensure that these records and reports are properly
445 | prepared.

446 | (b) Reports to the department.--Prepare, for the approval
447 | of the district school board, all reports ~~that may be~~ required by
448 | law or rules of the State Board of Education to be made to the



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449 department and transmit promptly all such reports, when approved,
450 to the department, as required by law. If any ~~such~~ reports are
451 not transmitted at the time and in the manner prescribed by law
452 or by State Board of Education rules, the salary of the district
453 school superintendent must be withheld until the report has been
454 properly submitted. Unless otherwise provided by rules of the
455 State Board of Education, the annual report on attendance and
456 personnel is due on or before July 1, and the annual school
457 budget and the report on finance are due on the date prescribed
458 by the commissioner.

459
460 Any district school superintendent who knowingly signs and
461 transmits to any state official a false or incorrect report or
462 who knowingly fails to investigate all reports of suspected or
463 actual misconduct by instructional personnel and school
464 administrators, as defined in s. 1012.01, which affects the
465 health, safety, or welfare of a student or report allegations of
466 misconduct by such personnel which affects the health, safety, or
467 welfare of a student pursuant to s. 1012.796 forfeits ~~shall~~
468 ~~forfeit~~ his or her ~~right to any~~ salary for ~~the period of~~ 1 year
469 following the ~~from that~~ date of such act or failure to act.

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

472 1001.54 Duties of school principals.--

473 (2) Each school principal shall provide instructional
474 leadership in the development, revision, and implementation of a
475 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
476 ~~1001.42(16)~~.

477 Section 13. Paragraph (b) of subsection (11) of section
478 1002.32, Florida Statutes, is amended to read:



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479 | 1002.32 Developmental research (laboratory) schools.--

480 | (11) EXCEPTIONS TO LAW.--To encourage innovative practices
481 | and facilitate the mission of the lab schools, in addition to the
482 | exceptions to law specified in s. 1001.23(2), the following
483 | exceptions shall be permitted for lab schools:

484 | (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
485 | 1001.42 shall be held in abeyance. Reference to district school
486 | boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
487 | of the university or the president's designee.

488 | Section 14. Paragraph (g) of subsection (12) of section
489 | 1002.33, Florida Statutes, is amended to read:

490 | 1002.33 Charter schools.--

491 | (12) EMPLOYEES OF CHARTER SCHOOLS.--

492 | (g) In order to protect the health, safety, or welfare of
493 | students, a charter school governing board shall:

494 | 1. A charter school shall Employ or contract with employees
495 | who have undergone background screening as provided in s.
496 | 1012.32. Members of the governing board of the charter school
497 | shall also undergo background screening in a manner similar to
498 | that provided in s. 1012.32.

499 | 2. Disqualify any individual convicted of an offense
500 | pursuant to s. 1012.315 from employment in an instructional or
501 | school administrator position that involves direct contact with
502 | students.

503 | 3. Adopt and communicate policies and procedures setting
504 | forth ethical standards for all employees and include policies
505 | and procedures in professional development for all staff. The
506 | policies and procedures must include responsibilities and
507 | procedures for reporting suspected or actual misconduct by
508 | instructional personnel or a school administrator which affects



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509 | the health, safety, or welfare of a student and an explanation of
510 | liability protections provided to students, parents, and
511 | employees under ss. 39.201, 39.202, and 768.095 who report
512 | suspected or actual misconduct that affects the health, safety,
513 | or welfare of a student. A charter school or any of its employees
514 | may not enter into a confidentiality agreement regarding a
515 | terminated or dismissed employee or an employee who resigns in
516 | lieu of termination based in whole or in part on unethical
517 | conduct that affects the health, safety, or welfare of a student
518 | and may not provide the employee with a favorable recommendation
519 | for employment in another educational setting. Any portion of an
520 | agreement or contract that has the purpose or effect of
521 | concealing the conduct of an educator regarding actions over
522 | which the Education Practices Commission has disciplinary
523 | jurisdiction is void, is contrary to public policy, and may not
524 | be enforced.

525 | 4. Before appointing a candidate to an instructional or
526 | school administrator position that involves direct contact with
527 | students, contact the previous employer of the candidate to
528 | assess the candidate's ability to meet ethical standards for
529 | professional educators, screen the candidate through the use of
530 | educator screening tools described in s. 1001.10(5), and document
531 | the findings.

532 | 5. Report to the Department of Education the date of hire
533 | and, when applicable, the date employment is severed, for all
534 | instructional personnel and school administrators.

535 | 6. The sponsor of a charter school that fails to comply
536 | with this paragraph shall terminate the charter pursuant to
537 | subsection (8).

538 | Section 15. Paragraph (g) is added to subsection (7) of



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539 section 1002.36, Florida Statutes, to read:

540 1002.36 Florida School for the Deaf and the Blind.--

541 (7) PERSONNEL SCREENING.--

542 (g) For the purpose of protecting the health, safety, or
543 welfare of students and the ethical standards for professional
544 educators, the Florida School for the Deaf and the Blind shall be
545 considered a school district and shall meet the provisions of ss.
546 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32,
547 1012.56, 1012.33, 1012.795, and 1012.796.

548 Section 16. Present subsections (4), (5), and (6) of
549 section 1002.421, Florida Statutes, are redesignated as
550 subsections (5), (6), and (7), respectively, and a new subsection
551 (4) is added to that section, to read:

552 1002.421 Accountability of private schools participating in
553 state school choice scholarship programs.--

554 (4) A private school participating in a scholarship program
555 under this section shall:

556 (a) Disqualify from employment in an instructional or
557 school administrator position that involves direct contact with
558 students any individual convicted of a disqualifying offense
559 identified under s. 1012.315.

560 (b) Adopt and communicate policies and procedures setting
561 forth ethical standards for all employees and include policies
562 and procedures in professional development for all staff. The
563 policies and procedures must include responsibilities and
564 procedures for reporting suspected or actual misconduct by
565 instructional personnel or a school administrator which affects
566 the health, safety, or welfare of a student and an explanation of
567 liability protections provided to students, parents, and
568 employees under ss. 39.201, 39.202, and 768.095 who report



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569 suspected or actual misconduct that affects the health, safety,
570 or welfare of a student. A private school or any of its employees
571 may not enter into a confidentiality agreement regarding a
572 terminated or dismissed employee or an employee who resigns in
573 lieu of termination based in whole or in part on unethical
574 conduct that affects the health, safety, or welfare of a student
575 and may not provide the employee with a favorable recommendation
576 for employment in another educational setting. Any portion of an
577 agreement or contract that has the purpose or effect of
578 concealing the unethical conduct of an educator as described
579 under s. 1012.795 is void, is contrary to public policy, and may
580 not be enforced.

581 (c) Prior to appointing a candidate to an instructional or
582 school administrator position that involves direct contact with
583 students, contact the previous employer of the candidate to
584 assess the candidate's ability to meet ethical standards for
585 professional educators, screen the candidate through the use of
586 educator screening tools described in s. 1001.10(5), and document
587 the findings.

588 (d) Report to the Department of Education the date of hire
589 and, when applicable, the date employment is severed, for all
590 instructional personnel and school administrators.

591
592 The department shall prohibit a private school that accepts
593 scholarship students under chapter 1002 or s. 220.187, which
594 fails to comply with this subsection from accepting such
595 scholarship students and disqualify the private school from
596 accepting funds under those programs for a period of 1 calendar
597 year and until the private school complies with this subsection.

598 Section 17. Present subsections (2), (3), and (4) of



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599 | section 1002.55, Florida Statutes, are renumbered as subsections
600 | (3), (4), and (5), respectively, a new subsection (2) is added to
601 | that section, and present subsection (4) of that section is
602 | amended, to read:

603 | 1002.55 School-year prekindergarten program delivered by
604 | private prekindergarten providers.--

605 | (2) A private provider participating in the Voluntary
606 | Prekindergarten Education Program under this section must comply
607 | with the following:

608 | (a) The provider must complete ethics training that has
609 | been developed jointly by the Department of Children and Family
610 | Services, the Department of Education, and the Agency for
611 | Workforce Innovation. Such training shall include strategies on
612 | how to adopt and communicate policies, responsibilities, and
613 | procedures for reporting suspected or actual misconduct by a
614 | prekindergarten instructor or administrator which affects the
615 | health, safety, or welfare of a student, and an explanation of
616 | liability protections provided to students, parents, and
617 | employees under ss. 39.201, 39.202, and 768.095. Successful
618 | completion of training shall be documented on the child care
619 | personnel training transcript of the Department of Children and
620 | Family Services.

621 | (b) The provider must disqualify from employment any
622 | prekindergarten instructor or administrator who has been
623 | convicted of a disqualifying offense identified under s. 435.04.

624 | (c) Before appointing a candidate as a prekindergarten
625 | instructor or administrator, the provider must contact the
626 | candidate's previous employer pursuant to ss. 402.302(13) and
627 | 435.10 to assess the candidate's ability to meet ethical
628 | standards for professional educators, screen the candidate



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629 through the use of the educator screening tools described in s.
630 1001.10(5) and the Department of Children and Families'
631 electronic database, and document the findings.

632 (d) The provider may not enter into a confidentiality
633 agreement regarding a terminated or dismissed employee or an
634 employee who resigns in lieu of termination based in whole or in
635 part on unethical conduct that affects the health, safety, or
636 welfare of a student and may not provide the employee with a
637 favorable recommendation for employment in another educational
638 setting. A portion of an agreement or contract that has the
639 purpose or effect of concealing the unethical conduct of a
640 prekindergarten instructor or administrator as described under s.
641 1012.795 is void, is contrary to public policy, and may not be
642 enforced.

643 (e) The Agency for Workforce Innovation shall prohibit a
644 private provider that fails to comply with this subsection from
645 accepting funds under the Voluntary Prekindergarten Program for a
646 period of 1 calendar year and until the provider complies with
647 this subsection.

648 (5)-(4) A prekindergarten instructor, in lieu of the minimum
649 credentials and courses required under paragraph (4)(c) ~~(3)(e)~~,
650 may hold one of the following educational credentials:

651 (a) A bachelor's or higher degree in early childhood
652 education, prekindergarten or primary education, preschool
653 education, or family and consumer science;

654 (b) A bachelor's or higher degree in elementary education,
655 if the prekindergarten instructor has been certified to teach
656 children ~~any age~~ from birth through 6th grade, regardless of
657 whether the instructor's educator certificate is current, and if
658 the instructor is not ineligible to teach in a public school



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659 | because his or her educator certificate is suspended or revoked;

660 | (c) An associate's or higher degree in child development;

661 | (d) An associate's or higher degree in an unrelated field,

662 | at least 6 credit hours in early childhood education or child

663 | development, and at least 480 hours of experience in teaching or

664 | providing child care services for children ~~any age~~ from birth

665 | through 8 years of age; or

666 | (e) An educational credential approved by the department as

667 | being equivalent to or greater than an educational credential

668 | described in this subsection. The department may adopt criteria

669 | and procedures for approving equivalent educational credentials

670 | under this paragraph.

671 | Section 18. Subsections (4) and (6) of section 1002.61,

672 | Florida Statutes, are amended to read:

673 | 1002.61 Summer prekindergarten program delivered by public
674 | schools and private prekindergarten providers.--

675 | (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(e)1.~~ and

676 | 1002.63(5), each public school and private prekindergarten

677 | provider must have, for each prekindergarten class, at least one

678 | prekindergarten instructor who:

679 | (a) Is a certified teacher; or

680 | (b) Holds one of the educational credentials specified in

681 | s. 1002.55(4)(a) or (b).

682 |

683 | As used in this subsection, the term "certified teacher" means a
684 | teacher holding a valid Florida educator certificate under s.

685 | 1012.56 who has the qualifications required by the district

686 | school board to instruct students in the summer prekindergarten

687 | program. In selecting instructional staff for the summer

688 | prekindergarten program, each school district shall give priority



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689 to teachers who have experience or coursework in early childhood
690 education.

691 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
692 1002.63(7), each prekindergarten class in the summer
693 prekindergarten program, regardless of whether the class is a
694 public school's or private prekindergarten provider's class, must
695 have ~~be composed of~~ at least 4 students but may not exceed 10
696 students. In order to protect the health and safety of students,
697 each public school or private prekindergarten provider must also
698 provide appropriate adult supervision for students at all times.
699 This subsection does not supersede any requirement imposed on a
700 provider under ss. 402.301-402.319.

701 Section 19. Subsections (5) and (7) of section 1002.63,
702 Florida Statutes, are amended to read:

703 1002.63 School-year prekindergarten program delivered by
704 public schools.--

705 (5) Each public school must have, for each prekindergarten
706 class, at least one prekindergarten instructor who meets each
707 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(e)~~ for a
708 prekindergarten instructor of a private prekindergarten provider.

709 (7) Each prekindergarten class in a public school
710 delivering the school-year prekindergarten program must have ~~be~~
711 ~~composed of~~ at least 4 students but may not exceed 18 students.
712 In order to protect the health and safety of students, each
713 school must also provide appropriate adult supervision for
714 students at all times and, for each prekindergarten class
715 composed of 11 or more students, must have, in addition to a
716 prekindergarten instructor who meets the requirements of s.
717 1002.55(4)(c) ~~s. 1002.55(3)(e)~~, at least one adult
718 prekindergarten instructor who is not required to meet those



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719 requirements but who must meet each requirement of subsection
720 (6).

721 Section 20. Paragraph (a) of subsection (2) of section
722 1002.65, Florida Statutes, is amended to read:

723 1002.65 Professional credentials of prekindergarten
724 instructors; aspirational goals; legislative intent.--

725 (2) To improve these educational outcomes, the Legislature
726 intends that all prekindergarten instructors will continue to
727 improve their skills and preparation through education and
728 training, so that the following aspirational goals will be
729 achieved:

730 (a) By the 2010-2011 school year:

731 1. Each prekindergarten class will have at least one
732 prekindergarten instructor who holds an associate's or higher
733 degree in the field of early childhood education or child
734 development; and

735 2. For each prekindergarten class composed of 11 or more
736 students, in addition to a prekindergarten instructor who meets
737 the requirements of subparagraph 1., the class will have at least
738 one prekindergarten instructor who meets the requirements of s.
739 1002.55(4)(c) ~~s. 1002.55(3)(c)~~.

740 Section 21. Subsection (2) of section 1003.413, Florida
741 Statutes, is amended to read:

742 1003.413 Florida Secondary School Redesign Act.--

743 (2) The following guiding principles for secondary school
744 redesign shall be used in the annual preparation of each
745 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
746 ~~1001.42(16)~~:

747 (a) Struggling students, especially those in failing
748 schools, need the highest quality teachers and dramatically



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749 different, innovative approaches to teaching and learning.

750 (b) Every teacher must contribute to every student's
751 reading improvement.

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

754 (d) Small learning communities allow teachers to
755 personalize instruction to better address student learning
756 styles, strengths, and weaknesses.

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

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

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

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

766 (i) Master schedules should not determine instruction and
767 must be designed based on student needs, not adult or
768 institutional needs.

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

772 Section 22. Paragraph (b) of subsection (2) of section
773 1003.53, Florida Statutes, is amended to read:

774 1003.53 Dropout prevention and academic intervention.--

775 (2)

776 (b) Each school that establishes a dropout prevention and
777 academic intervention program at that school site shall reflect
778 that program in the school improvement plan as required under s.



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779 | 1001.42(18) ~~s. 1001.42(16)~~.

780 | Section 23. Subsections (1) and (3) of section 1004.92,
781 | Florida Statutes, are amended to read:

782 | 1004.92 Purpose and responsibilities for career
783 | education.--

784 | (1) The purpose of career education is to enable students
785 | who complete career programs to attain and sustain employment and
786 | realize economic self-sufficiency. The purpose of this section is
787 | to identify issues related to career education for which school
788 | boards and community college boards of trustees are accountable.
789 | It is the intent of the Legislature that the standards
790 | articulated in subsection (2) be considered in the development of
791 | accountability standards for public schools pursuant to ss.
792 | 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
793 | colleges pursuant to s. 1008.45.

794 | (3) Each career center operated by a district school board
795 | shall establish a center advisory council pursuant to s.
796 | 1001.452. The center advisory council shall assist in the
797 | preparation and evaluation of center improvement plans required
798 | pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
799 | assistance, upon the request of the center director, in the
800 | preparation of the center's annual budget and plan as required by
801 | s. 1008.385(1).

802 | Section 24. Present subsection (2) of section 1006.061,
803 | Florida Statutes, is redesignated as subsection (3), and a new
804 | subsection (2) is added to that section, to read:

805 | 1006.061 Child abuse, abandonment, and neglect
806 | policy.--Each district school board shall:

807 | (2) Post in a prominent place in each school district site
808 | and on each school website, the school board policies and



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809 | procedures for reporting suspected or actual misconduct by
810 | instructional personnel and school administrators, as defined in
811 | s. 1012.01, which affects the health, safety, or welfare of a
812 | student, the district contact person to whom the report should be
813 | made, and the penalties imposed against such personnel for
814 | failing to report suspected or actual child abuse pursuant to s.
815 | 1006.061 or misconduct by instructional personnel or school
816 | administrators, which affects the health, safety, or welfare of a
817 | student.

818 | Section 25. Paragraph (c) of subsection (2) of section
819 | 1007.21, Florida Statutes, is amended to read:

820 | 1007.21 Readiness for postsecondary education and the
821 | workplace.--

822 | (2)

823 | (c) The common placement test authorized in ss. 1001.03(11)
824 | ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
825 | all high school second semester sophomores who have chosen one of
826 | the four destinations. The results of the placement test shall be
827 | used to target additional instructional needs in reading,
828 | writing, and mathematics prior to graduation.

829 | Section 26. Subsection (5) of section 1007.23, Florida
830 | Statutes, is amended to read:

831 | 1007.23 Statewide articulation agreement.--

832 | (5) The articulation agreement must guarantee the
833 | articulation of 9 credit hours toward a postsecondary degree in
834 | early childhood education for programs approved by the State
835 | Board of Education and the Board of Governors which:

836 | (a) Award a child development associate credential issued
837 | by the National Credentialing Program of the Council for
838 | Professional Recognition or award a credential approved under s.



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839 | 1002.55(4)(c)1.b. ~~s. 1002.55(3)(c)1.b.~~ or s. 402.305(3)(c) as
840 | being equivalent to the child development associate credential;
841 | and

842 | (b) Include training in emergent literacy which meets or
843 | exceeds the minimum standards for training courses for
844 | prekindergarten instructors of the Voluntary Prekindergarten
845 | Education Program in s. 1002.59.

846 | Section 27. Subsection (4) of section 1008.33, Florida
847 | Statutes, is amended to read:

848 | 1008.33 Authority to enforce public school improvement.--It
849 | is the intent of the Legislature that all public schools be held
850 | accountable for students performing at acceptable levels. A
851 | system of school improvement and accountability that assesses
852 | student performance by school, identifies schools in which
853 | students are not making adequate progress toward state standards,
854 | institutes appropriate measures for enforcing improvement, and
855 | provides rewards and sanctions based on performance shall be the
856 | responsibility of the State Board of Education.

857 | (4) The State Board of Education may require the Department
858 | of Education or Chief Financial Officer to withhold any transfer
859 | of state funds to the school district if, within the timeframe
860 | specified in state board action, the school district has failed
861 | to comply with the action ordered to improve the district's low-
862 | performing schools. Withholding the transfer of funds shall occur
863 | only after all other recommended actions for school improvement
864 | have failed to improve performance. The State Board of Education
865 | may impose the same penalty on any district school board that
866 | fails to develop and implement a plan for assistance and
867 | intervention for low-performing schools as specified in s.
868 | 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.



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869 Section 28. Paragraph (c) of subsection (6) of section
870 1008.345, Florida Statutes, is amended to read:

871 1008.345 Implementation of state system of school
872 improvement and education accountability.--

873 (6)

874 (c) Pursuant to s. 24.121(5)(d), the department shall not
875 release funds from the Educational Enhancement Trust Fund to any
876 district in which a school, including schools operating for the
877 purpose of providing educational services to youth in Department
878 of Juvenile Justice programs, does not have an approved school
879 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
880 after 1 full school year of planning and development, or does not
881 comply with school advisory council membership composition
882 requirements pursuant to s. 1001.452. The department shall send a
883 technical assistance team to each school without an approved plan
884 to develop such school improvement plan or to each school without
885 appropriate school advisory council membership composition to
886 develop a strategy for corrective action. The department shall
887 release the funds upon approval of the plan or upon establishment
888 of a plan of corrective action. Notice shall be given to the
889 public of the department's intervention and shall identify each
890 school without a plan or without appropriate school advisory
891 council membership composition.

892 Section 29. Subsection (5) of section 1010.215, Florida
893 Statutes, is amended to read:

894 1010.215 Educational funding accountability.--

895 (5) The annual school public accountability report required
896 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
897 financial report. The purpose of the school financial report is
898 to better inform parents and the public concerning how funds were



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899 | spent to operate the school during the prior fiscal year. Each
900 | school's financial report must follow a uniform, districtwide
901 | format that is easy to read and understand.

902 | (a) Total revenue must be reported at the school, district,
903 | and state levels. The revenue sources that must be addressed are
904 | state and local funds, other than lottery funds; lottery funds;
905 | federal funds; and private donations.

906 | (b) Expenditures must be reported as the total expenditures
907 | per unweighted full-time equivalent student at the school level
908 | and the average expenditures per full-time equivalent student at
909 | the district and state levels in each of the following categories
910 | and subcategories:

911 | 1. Teachers, excluding substitute teachers, and education
912 | paraprofessionals who provide direct classroom instruction to
913 | students enrolled in programs classified by s. 1011.62 as:

- 914 | a. Basic programs;
- 915 | b. Students-at-risk programs;
- 916 | c. Special programs for exceptional students;
- 917 | d. Career education programs; and
- 918 | e. Adult programs.

919 | 2. Substitute teachers.

920 | 3. Other instructional personnel, including school-based
921 | instructional specialists and their assistants.

922 | 4. Contracted instructional services, including training
923 | for instructional staff and other contracted instructional
924 | services.

925 | 5. School administration, including school-based
926 | administrative personnel and school-based education support
927 | personnel.

928 | 6. The following materials, supplies, and operating capital



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929 outlay:

930 a. Textbooks;

931 b. Computer hardware and software;

932 c. Other instructional materials;

933 d. Other materials and supplies; and

934 e. Library media materials.

935 7. Food services.

936 8. Other support services.

937 9. Operation and maintenance of the school plant.

938 (c) The school financial report must also identify the

939 types of district-level expenditures that support the school's

940 operations. The total amount of these district-level expenditures

941 must be reported and expressed as total expenditures per full-

942 time equivalent student.

943 Section 30. Paragraph (b) of subsection (6) of section

944 1011.18, Florida Statutes, is amended to read:

945 1011.18 School depositories; payments into and withdrawals

946 from depositories.--

947 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY

948 ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

949 (b) The district school board may contract with an

950 insurance company or professional administrator who holds a valid

951 certificate of authority issued by the Office of Insurance

952 Regulation of the Financial Services Commission to provide any ~~or~~

953 ~~all~~ services that a third-party administrator is authorized by

954 law to perform. Pursuant to such contract, the district school

955 board may advance or remit money to the administrator to be

956 deposited in a designated special checking account for paying

957 claims against the district school board under its self-insurance

958 programs, and remitting premiums to the providers of insured



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959 | benefits on behalf of the district school board and the
960 | participants in such programs, and otherwise fulfilling the
961 | obligations imposed upon the administrator by law and the
962 | contractual agreements between the district school board and the
963 | administrator. The special checking account shall be maintained
964 | in a designated district school depository. The district school
965 | board may replenish such account as often as necessary upon the
966 | presentation by the service organization of documentation for
967 | claims or premiums due paid equal to the amount of the requested
968 | reimbursement. Such replenishment shall be made by a warrant
969 | signed by the chair of the district school board and
970 | countersigned by the district school superintendent. Such
971 | replenishment may be made by electronic, telephonic, or other
972 | medium, and each transfer shall be confirmed in writing and
973 | signed by the district school superintendent or his or her
974 | designee. The provisions of strict accountability of all funds
975 | and an annual audit by an independent certified public accountant
976 | as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
977 | this subsection.

978 | Section 31. Present subsection (6) of section 1012.27,
979 | Florida Statutes, is redesignated as subsection (7), and a new
980 | subsection (6) is added to that section, to read:

981 | 1012.27 Public school personnel; powers and duties of
982 | district school superintendent.--The district school
983 | superintendent is responsible for directing the work of the
984 | personnel, subject to the requirements of this chapter, and in
985 | addition the district school superintendent shall perform the
986 | following:

987 | (6) Before appointing a candidate to an instructional or
988 | school administrator position that involves direct contact with



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989 students, contact the candidate's previous employer to assess the
990 candidate's ability to meet state and local ethical standards for
991 professional educators, screen the candidate using the screening
992 tools as described in s. 1001.10(5), and document the findings.

993 Section 32. Section 1012.315, Florida Statutes, is created
994 to read:

995 1012.315 Disqualification from employment.--

996 (1) Any instructional personnel or school administrators,
997 as defined in s. 1012.01, are ineligible for employment in any
998 position that involves direct contact with students if convicted
999 of the following disqualifying offenses:

1000 (a) Any offense listed in s. 435.04;

1001 (b) Section 787.025, relating to luring or enticing a
1002 child;

1003 (c) Section 794.05, relating to unlawful sexual activity
1004 with certain minors;

1005 (d) Section 810.14, relating to voyeurism;

1006 (e) Section 810.145, relating to video voyeurism;

1007 (f) Conviction of a crime involving moral turpitude; or

1008 (g) Any delinquent act that qualified or would have
1009 qualified an individual for inclusion on the Registered Juvenile
1010 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

1011 (2) A criminal act committed in another state or under
1012 federal law, the elements of which constitute a criminal act as
1013 described in subsection (1) shall, for purposes of
1014 disqualification, be considered as if the act was committed in
1015 this state.

1016 Section 33. Subsection (1) of section 1012.32, Florida
1017 Statutes, is amended to read:

1018 1012.32 Qualifications of personnel.--



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1019 (1) (a) To be eligible for appointment in any position in
1020 any district school system, a person shall be of good moral
1021 character; shall have attained the age of 18 years, if he or she
1022 is to be employed in an instructional capacity; and shall, when
1023 required by law, hold a certificate or license issued under rules
1024 of the State Board of Education or the Department of Children and
1025 Family Services, except when employed pursuant to s. 1012.55 or
1026 under the emergency provisions of s. 1012.24. Previous residence
1027 in this state shall not be required in any school of the state as
1028 a prerequisite for any person holding a valid Florida certificate
1029 or license to serve in an instructional capacity.

1030 (b) Any instructional personnel or school administrators,
1031 as defined in s. 1012.01, are disqualified from employment in any
1032 position having direct contact with students if convicted of a
1033 disqualifying offense as described in s. 1012.315.

1034 Section 34. Paragraph (a) of subsection (1), paragraph (c)
1035 of subsection (4), and paragraph (b) of subsection (6) of section
1036 1012.33, Florida Statutes, are amended to read:

1037 1012.33 Contracts with instructional staff, supervisors,
1038 and school principals.--

1039 (1) (a) Each person employed as a member of the
1040 instructional staff in any district school system shall be
1041 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1042 employed pursuant to s. 1012.39 and shall be entitled to and
1043 shall receive a written contract as specified in this section.
1044 All such contracts, except continuing contracts as specified in
1045 subsection (4), shall contain provisions for dismissal during the
1046 term of the contract only for just cause. Just cause includes,
1047 but is not limited to, the following instances, as defined by
1048 rule of the State Board of Education: immorality, misconduct in



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1049 office, incompetency, gross insubordination, willful neglect of
1050 duty, the commission of a criminal act, regardless of
1051 adjudication, or crimes ~~or conviction of a crime~~ involving moral
1052 turpitude.

1053 (4)

1054 (c) Any member of the district administrative or
1055 supervisory staff and any member of the instructional staff,
1056 including any school principal, who is under continuing contract
1057 may be suspended or dismissed at any time during the school year;
1058 however, the charges against him or her must be based on
1059 immorality, misconduct in office, incompetency, gross
1060 insubordination, willful neglect of duty, drunkenness, crimes ~~or~~
1061 ~~conviction of a crime~~ involving moral turpitude, as these terms
1062 are defined by rule of the State Board of Education, or the
1063 commission of a criminal act, regardless of adjudication.

1064 Whenever such charges are made against an ~~any such~~ employee of
1065 the district school board, the district school board may suspend
1066 such person without pay; but, if the charges are not sustained,
1067 he or she shall be immediately reinstated, and his or her back
1068 salary shall be paid. In cases of suspension by the district
1069 school board or by the district school superintendent, the
1070 district school board shall determine upon the evidence submitted
1071 whether the charges have been sustained and, if the charges are
1072 sustained, shall determine either to dismiss the employee or fix
1073 the terms under which he or she may be reinstated. If such
1074 charges are sustained by a majority vote of the full membership
1075 of the district school board and the ~~such~~ employee is discharged,
1076 his or her contract of employment shall be ~~thereby~~ canceled. Any
1077 ~~such~~ decision adverse to the employee may be appealed by the
1078 employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed



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1079 | within 30 days after the decision of the district school board.

1080 | (6)

1081 | (b) Any member of the district administrative or
1082 | supervisory staff, including any principal but excluding an
1083 | employee specified in subsection (4), may be suspended or
1084 | dismissed at any time during the term of the contract; however,
1085 | the charges against him or her must be based on immorality,
1086 | misconduct in office, incompetency, gross insubordination,
1087 | willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
1088 | ~~crime~~ involving moral turpitude, as these terms are defined by
1089 | rule of the State Board of Education. Whenever such charges are
1090 | made against an ~~any such~~ employee of the district school board,
1091 | the district school board may suspend the employee without pay;
1092 | but, if the charges are not sustained, he or she shall be
1093 | immediately reinstated, and his or her back salary shall be paid.
1094 | In cases of suspension by the district school board or by the
1095 | district school superintendent, the district school board shall
1096 | determine upon the evidence submitted whether the charges have
1097 | been sustained and, if the charges are sustained, shall determine
1098 | either to dismiss the employee or fix the terms under which he or
1099 | she may be reinstated. If such charges are sustained by a
1100 | majority vote of the full membership of the district school board
1101 | and the ~~such~~ employee is discharged, his or her contract of
1102 | employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse
1103 | to the employee may be appealed by him or her pursuant to s.
1104 | 120.68, provided such appeal is filed within 30 days after the
1105 | decision of the district school board.

1106 | Section 35. Subsection (4) of section 1012.34, Florida
1107 | Statutes, is amended to read:

1108 | 1012.34 Assessment procedures and criteria.--



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1109 (4) The district school superintendent shall notify the
1110 department of any instructional personnel who receive two
1111 consecutive unsatisfactory evaluations and who have been given
1112 written notice by the district that their employment is being
1113 terminated or is not being renewed or that the district school
1114 board intends to terminate, or not renew, their employment. The
1115 department shall conduct an investigation to determine whether
1116 action shall be taken against the certificateholder pursuant to
1117 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1118 Section 36. Subsections (9) and (14) of section 1012.56,
1119 Florida Statutes, are amended to read:

1120 1012.56 Educator certification requirements.--

1121 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1122 PERIODICALLY.--

1123 (a) Each person who seeks certification under this chapter
1124 must undergo state and national criminal history records checks
1125 pursuant to s. 435.04 and may not have been convicted of any
1126 disqualifying offense under s. 1012.315. An individual is exempt
1127 from undergoing an additional state and national criminal history
1128 records checks if the checks have ~~meet level 2 screening~~
1129 ~~requirements as described in s. 1012.32 unless a level 2~~
1130 ~~screening has~~ been conducted by a district school board or the
1131 Department of Education within 12 months before the date the
1132 person initially obtains certification under this chapter, the
1133 results of which are submitted to the district school board or to
1134 the Department of Education.

1135 (b) A person may not receive a certificate under this
1136 chapter until the person undergoes state and national criminal
1137 history records checks pursuant to s. 435.04 verifying that the
1138 person has not been convicted of a disqualifying offense as



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1139 | described in s. 1012.315, ~~level 2 screening has been completed~~
1140 | and the results have been submitted to the Department of
1141 | Education or to the district school superintendent of the school
1142 | district that employs the person. Every 5 years after obtaining
1143 | initial certification, each person who is required to be
1144 | certified under this chapter must meet the level 2 screening
1145 | requirements as described in paragraph (a) s. 1012.32, at which
1146 | time the school district shall request the Department of Law
1147 | Enforcement to forward the fingerprints to the Federal Bureau of
1148 | Investigation for national processing ~~the level 2 screening~~. If,
1149 | for any reason after obtaining initial certification, the
1150 | fingerprints of a person who is required to be certified under
1151 | this chapter are not retained by the Department of Law
1152 | Enforcement under s. 1012.32(3)(a) and (b), the person must file
1153 | a complete set of fingerprints with the district school
1154 | superintendent of the employing school district. Upon submission
1155 | of fingerprints for this purpose, the school district shall
1156 | request the Department of Law Enforcement to forward the
1157 | fingerprints to the Federal Bureau of Investigation for national
1158 | processing ~~the level 2 screening~~, and the fingerprints shall be
1159 | retained by the Department of Law Enforcement under s.
1160 | 1012.32(3)(a) and (b). The cost of the state and federal criminal
1161 | history check required by paragraph (a) and this paragraph ~~level~~
1162 | ~~2 screening~~ may be borne by the district school board or the
1163 | employee. Under penalty of perjury, each person who is certified
1164 | under this chapter must agree to inform his or her employer
1165 | within 48 hours if convicted of any disqualifying offense while
1166 | he or she is employed in a position for which such certification
1167 | is required.

1168 | (c) If it is found under s. 1012.796 that a person who is



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1169 employed in a position requiring certification under this chapter
1170 is ineligible for employment under s. 1012.315 ~~does not meet the~~
1171 ~~level 2 screening requirements~~, the person's certification shall
1172 be immediately revoked or suspended and he or she shall be
1173 immediately suspended from the position requiring certification.

1174 (14) PERSONNEL RECORDS.--The Department of Education shall
1175 maintain an electronic database that includes, but need not be
1176 limited to, a complete statement of the academic preparation,
1177 professional training, and teaching experience of each person to
1178 whom a certificate is issued. The applicant or the district
1179 school superintendent shall furnish the information using a
1180 format ~~or forms~~ provided by the department.

1181 Section 37. Subsection (1) and paragraph (a) of subsection
1182 (8) of section 1012.79, Florida Statutes, are amended to read:

1183 1012.79 Education Practices Commission; organization.--

1184 (1) The Education Practices Commission consists of 25 ~~17~~
1185 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1186 of whom shall represent a private school; 7 and 5 lay citizens,
1187 ~~(of whom 5 shall be parents of public school students and who are~~
1188 unrelated to public school employees and 2 shall be current or
1189 former district school board members; 7 and 5 sworn law
1190 enforcement officials, appointed by the State Board of Education
1191 from nominations by the Commissioner of Education and subject to
1192 Senate confirmation. Before ~~Prior~~ to making nominations, the
1193 commissioner shall consult with ~~the~~ teaching associations, parent
1194 organizations, law enforcement agencies, and other involved
1195 associations in the state. In making nominations, the
1196 commissioner shall attempt to achieve equal geographical
1197 representation, as closely as possible.

1198 (a) A teacher member, in order to be qualified for



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1199 appointment:

1200 1. Must be certified to teach in the state.

1201 2. Must be a resident of the state.

1202 3. Must have practiced the profession in this state for at
1203 least 5 years immediately preceding the appointment.

1204 (b) A school administrator member, in order to be qualified
1205 for appointment:

1206 1. Must have an endorsement on the educator certificate in
1207 the area of school administration or supervision.

1208 2. Must be a resident of the state.

1209 3. Must have practiced the profession as an administrator
1210 for at least 5 years immediately preceding the appointment.

1211 (c) The lay members must be residents of the state.

1212 (d) The members who are law enforcement officials must have
1213 served in the profession for at least 5 years immediately
1214 preceding appointment and have background expertise in child
1215 safety.

1216 (8) (a) The commission shall, from time to time, designate
1217 members of the commission to serve on panels for the purpose of
1218 reviewing and issuing final orders upon cases presented to the
1219 commission. A case concerning a complaint against a teacher shall
1220 be reviewed and a final order ~~thereon shall be~~ entered by a panel
1221 composed of five commission members, at least one of whom must be
1222 a parent, one of whom must be a sworn law enforcement officer,
1223 and three of whom must shall be teachers. A case concerning a
1224 complaint against an administrator shall be reviewed and a final
1225 order ~~thereon shall be~~ entered by a panel composed of five
1226 commission members, at least one of whom must be a parent, one of
1227 whom must be a sworn law enforcement officer, and three of whom
1228 shall be administrators.



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1229 Section 38. Subsection (1) of section 1012.795, Florida
1230 Statutes, is amended to read:

1231 1012.795 Education Practices Commission; authority to
1232 discipline.--

1233 (1) The Education Practices Commission may suspend the
1234 educator certificate of any person as defined in s. 1012.01(2) or
1235 (3) for a period of time not to exceed 5 years, thereby denying
1236 that person the right to teach or otherwise be employed by a
1237 district school board or public school in any capacity requiring
1238 direct contact with students for that period of time, after which
1239 the holder may return to teaching as provided in subsection (4);
1240 may revoke the educator certificate of any person, thereby
1241 denying that person the right to teach or otherwise be employed
1242 by a district school board or public school in any capacity
1243 requiring direct contact with students for a period of time not
1244 to exceed 10 years, with reinstatement subject to the provisions
1245 of subsection (4); may revoke permanently the educator
1246 certificate of any person thereby denying that person the right
1247 to teach or otherwise be employed by a district school board or
1248 public school in any capacity requiring direct contact with
1249 students; may suspend the educator certificate, upon order of the
1250 court, of any person found to have a delinquent child support
1251 obligation; or may impose any other penalty provided by law, if
1252 ~~provided it can be shown that~~ the person:

1253 (a) Obtained or attempted to obtain an educator certificate
1254 by fraudulent means.

1255 (b) Knowingly failed to report any suspected or actual
1256 child abuse pursuant to s. 1006.061 or misconduct by
1257 instructional personnel or school administrators under s.
1258 1012.795, which affects the health, safety, or welfare of a



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1259 | student.
1260 | ~~(c)-(b)~~ Has proved to be incompetent to teach or to perform
1261 | duties as an employee of the public school system or to teach in
1262 | or to operate a private school.
1263 | ~~(d)-(e)~~ Has been guilty of gross immorality or an act
1264 | involving moral turpitude as defined by rules of the State Board
1265 | of Education.
1266 | ~~(e)-(d)~~ Has had an educator certificate sanctioned by
1267 | revocation, suspension, or surrender in another state.
1268 | ~~(f)-(e)~~ Has been convicted of a misdemeanor, felony, or any
1269 | other criminal charge, other than a minor traffic violation.
1270 | ~~(g)-(f)~~ Upon investigation, has been found guilty of
1271 | personal conduct which seriously reduces that person's
1272 | effectiveness as an employee of the district school board.
1273 | ~~(h)-(g)~~ Has breached a contract, as provided in s.
1274 | 1012.33(2).
1275 | ~~(i)-(h)~~ Has been the subject of a court order directing the
1276 | Education Practices Commission to suspend the certificate as a
1277 | result of a delinquent child support obligation.
1278 | ~~(j)-(i)~~ Has violated the Principles of Professional Conduct
1279 | for the Education Profession prescribed by State Board of
1280 | Education rules.
1281 | ~~(k)-(j)~~ Has otherwise violated the provisions of law, the
1282 | penalty for which is the revocation of the educator certificate.
1283 | ~~(l)-(k)~~ Has violated any order of the Education Practices
1284 | Commission.
1285 | ~~(m)-(l)~~ Has been the subject of a court order or plea
1286 | agreement in any jurisdiction which requires the
1287 | certificateholder to surrender or otherwise relinquish his or her
1288 | educator's certificate. A surrender or relinquishment shall be



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1289 for permanent revocation of the certificate. A person may not
1290 surrender or otherwise relinquish his or her certificate prior to
1291 a finding of probable cause by the commissioner as provided in s.
1292 1012.796.

1293 Section 39. Subsections (1), (3), and (5) of section
1294 1012.796, Florida Statutes, are amended to read:

1295 1012.796 Complaints against teachers and administrators;
1296 procedure; penalties.--

1297 (1) (a) The Department of Education shall cause to be
1298 investigated expeditiously any complaint filed before it or
1299 otherwise called to its attention which, if legally sufficient,
1300 contains grounds for the revocation or suspension of a
1301 certificate or any other appropriate penalty as set forth in
1302 subsection (7). The complaint is legally sufficient if it
1303 contains the ultimate facts which show a violation has occurred
1304 as provided in s. 1012.795 and defined by rule. The department
1305 shall ~~may~~ investigate or continue to investigate and take
1306 appropriate action on a complaint even though the original
1307 complainant withdraws the complaint or otherwise indicates a
1308 desire not to cause it to be investigated or prosecuted to
1309 completion. The department may investigate or continue to
1310 investigate and take action on a complaint filed against a person
1311 whose educator certificate has expired if the act or acts that
1312 ~~which~~ are the basis for the complaint were allegedly committed
1313 while that person possessed an educator certificate.

1314 (b) The Department of Education shall investigate
1315 immediately any complaint filed before it or otherwise called to
1316 its attention which involves misconduct by any certificated
1317 personnel which affects the health, safety, or welfare of a
1318 student. The department must investigate or continue to



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1319 investigate and take action on such a complaint filed against a
1320 person whose educator certificate has expired if the act or acts
1321 that are the basis for the complaint were allegedly committed
1322 while that person possessed an educator certificate.

1323 (c)~~(b)~~ When an investigation is undertaken, the department
1324 shall notify the certificateholder or applicant for certification
1325 and the district school superintendent or the university
1326 laboratory school, charter school, or private school in which the
1327 certificateholder or applicant for certification is employed or
1328 was employed at the time the alleged offense occurred. In
1329 addition, the department shall inform the certificateholder or
1330 applicant for certification of the substance of any complaint
1331 which has been filed against that certificateholder or applicant,
1332 unless the department determines that such notification would be
1333 detrimental to the investigation, in which case the department
1334 may withhold notification.

1335 (d)~~(e)~~ Each school district shall file in writing with the
1336 department all legally sufficient complaints within 30 days after
1337 the date on which subject matter of the complaint comes to the
1338 attention of the school district. A complaint is legally
1339 sufficient if it contains ultimate facts that show a violation
1340 has occurred as provided in s. 1012.795 and defined by rule. The
1341 school district shall include all information relating to the
1342 complaint which is known to the school district at the time of
1343 filing. Each district school board shall develop and adopt
1344 policies and procedures to comply with this reporting
1345 requirement. School board policies and procedures must include
1346 standards for screening, hiring, and terminating employees,
1347 ethical standards for all employees, responsibilities of
1348 educators to uphold the standards, detailed steps to be followed



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1349 | in reporting suspected or actual misconduct by instructional
1350 | personnel or a school administrator which affects the health,
1351 | safety, or welfare of a student, requirements for the
1352 | reassignment of an employee pending the outcome of a misconduct
1353 | investigation, and penalties for failing to comply pursuant to
1354 | ss. 1001.51 and 1012.795. The district school board policies and
1355 | procedures shall include appropriate penalties for all personnel
1356 | of the district school board for nonreporting and procedures for
1357 | promptly informing the district school superintendent of each
1358 | legally sufficient complaint. The district school superintendent
1359 | is charged with knowledge of these policies and procedures and is
1360 | accountable for communicating the ethical standards, policies,
1361 | and procedures, to be provided through professional development
1362 | for all staff. If the district school superintendent has
1363 | knowledge of a legally sufficient complaint and does not report
1364 | the complaint, or fails to enforce the policies and procedures of
1365 | the district school board, and fails to comply with the
1366 | requirements of this subsection, in addition to other actions
1367 | against certificateholders authorized by law, the district school
1368 | superintendent is shall be subject to penalties as specified in
1369 | s. 1001.51(12). If the superintendent determines that misconduct
1370 | affecting the health, safety, or welfare of a student has
1371 | occurred which warrants termination, the employee may resign or
1372 | be terminated and a record, including information relating to the
1373 | misconduct that resulted in the severance from employment, shall
1374 | be reported to the Department of Education and maintained in the
1375 | employee's public personnel file. This paragraph does not limit
1376 | or restrict the power and duty of the department to investigate
1377 | complaints as provided in paragraphs (a) and (c) ~~(b)~~, regardless
1378 | of the school district's untimely filing, or failure to file,



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1379 | complaints and followup reports.

1380 | (e) If allegations arise against an employee who is
1381 | certified under s. 1012.56, and employed in an educator-
1382 | certificated position by any school or provider in the state,
1383 | such school or provider, or governing body thereof, shall file in
1384 | writing with the department a legally sufficient complaint within
1385 | 30 days after the date on which the subject matter of the
1386 | complaint came to the attention of the school or provider. A
1387 | complaint is legally sufficient if it contains ultimate facts
1388 | that show a violation has occurred as provided in s. 1012.795.
1389 | The school or provider shall include all known information
1390 | relating to the complaint with the filing of the complaint. This
1391 | paragraph does not limit or restrict the power and duty of the
1392 | department to investigate complaints as provided in paragraphs
1393 | (a) and (c) regardless of the school's or provider's untimely
1394 | filing, or failure to file, complaints and followup reports.

1395 | (f)~~(d)~~ Notwithstanding any other law, all law enforcement
1396 | agencies, state attorneys, social service agencies, district
1397 | school boards, and the Division of Administrative Hearings shall
1398 | fully cooperate with and, upon request, shall provide unredacted
1399 | documents to the Department of Education to further
1400 | investigations and prosecutions conducted pursuant to this
1401 | section. Any document received ~~pursuant to this paragraph~~ may not
1402 | be redisclosed except as authorized by law.

1403 | (3) The department staff shall advise the commissioner
1404 | concerning the findings of the investigation. The department
1405 | general counsel or members of that staff shall review the
1406 | investigation and advise the commissioner concerning probable
1407 | cause or lack thereof. The determination of probable cause shall
1408 | be made by the commissioner. The commissioner shall provide an



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1409 opportunity for a conference, if requested, prior to determining
1410 probable cause. The commissioner may enter into deferred
1411 prosecution agreements in lieu of finding probable cause if, when
1412 in his or her judgment, such agreements are ~~would be~~ in the best
1413 interests of the department, the certificateholder, and the
1414 public. Such deferred prosecution agreements shall become
1415 effective when filed with the clerk of the Education Practices
1416 Commission. However, a deferred prosecution agreement shall not
1417 be entered into if ~~where~~ there is probable cause to believe that
1418 a felony or an act of moral turpitude, as defined in rule, has
1419 occurred. Upon finding no probable cause, the commissioner shall
1420 dismiss the complaint.

1421 (5) When an allegation of misconduct with a student by
1422 instructional personnel or a school administrator, as defined in
1423 s. 1012.01, occurs ~~deemed necessary to protect the health,~~
1424 ~~safety, and welfare of a minor student,~~ the district school
1425 superintendent in consultation with the school principal, or may,
1426 ~~and~~ upon the request of the Commissioner of Education, must
1427 immediately ~~shall, temporarily~~ suspend the employee a
1428 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned
1429 duties, with pay, and reassign the suspended instructor or
1430 administrator ~~certificateholder~~ to a position that does not
1431 require direct contact with students in the district school
1432 system. Such suspension shall continue until the completion of
1433 the proceedings and the determination of sanctions, if any,
1434 pursuant to this section and s. 1012.795.

1435 Section 40. Paragraph (b) of subsection (4) of section
1436 1012.98, Florida Statutes, is amended to read:

1437 1012.98 School Community Professional Development Act.--

1438 (4) The Department of Education, school districts, schools,



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1439 community colleges, and state universities share the
1440 responsibilities described in this section. These
1441 responsibilities include the following:

1442 (b) Each school district shall develop a professional
1443 development system as specified in subsection (3). The system
1444 shall be developed in consultation with teachers, teacher-
1445 educators of community colleges and state universities, business
1446 and community representatives, and local education foundations,
1447 consortia, and professional organizations. The professional
1448 development system must:

1449 1. Be approved by the department. All substantial revisions
1450 to the system shall be submitted to the department for review for
1451 continued approval.

1452 2. Be based on analyses of student achievement data and
1453 instructional strategies and methods that support rigorous,
1454 relevant, and challenging curricula for all students. Schools and
1455 districts, in developing and refining the professional
1456 development system, shall also review and monitor school
1457 discipline data; school environment surveys; assessments of
1458 parental satisfaction; performance appraisal data of teachers,
1459 managers, and administrative personnel; and other performance
1460 indicators to identify school and student needs that can be met
1461 by improved professional performance.

1462 3. Provide inservice activities coupled with followup
1463 support appropriate to accomplish district-level and school-level
1464 improvement goals and standards. The inservice activities for
1465 instructional personnel shall focus on analysis of student
1466 achievement data, ongoing formal and informal assessments of
1467 student achievement, identification and use of enhanced and
1468 differentiated instructional strategies that emphasize rigor,



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1469 | relevance, and reading in the content areas, enhancement of
1470 | subject content expertise, integrated use of classroom technology
1471 | that enhances teaching and learning, classroom management, parent
1472 | involvement, and school safety.

1473 | 4. Include a master plan for inservice activities, pursuant
1474 | to rules of the State Board of Education, for all district
1475 | employees from all fund sources. The master plan shall be updated
1476 | annually by September 1, must be based on input from teachers and
1477 | district and school instructional leaders, and must use the
1478 | latest available student achievement data and research to enhance
1479 | rigor and relevance in the classroom. Each district inservice
1480 | plan must be aligned to and support the school-based inservice
1481 | plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1482 | ~~1001.42(16)~~. District plans must be approved by the district
1483 | school board annually in order to ensure compliance with
1484 | subsection (1) and to allow for dissemination of research-based
1485 | best practices to other districts. District school boards must
1486 | submit verification of their approval to the Commissioner of
1487 | Education no later than October 1, annually.

1488 | 5. Require each school principal to establish and maintain
1489 | an individual professional development plan for each
1490 | instructional employee assigned to the school as a seamless
1491 | component to the school improvement plans developed pursuant to
1492 | s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1493 | development plan must:

1494 | a. Be related to specific performance data for the students
1495 | to whom the teacher is assigned.

1496 | b. Define the inservice objectives and specific measurable
1497 | improvements expected in student performance as a result of the
1498 | inservice activity.



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1499 | c. Include an evaluation component that determines the
1500 | effectiveness of the professional development plan.

1501 | 6. Include inservice activities for school administrative
1502 | personnel that address updated skills necessary for instructional
1503 | leadership and effective school management pursuant to s.
1504 | 1012.986.

1505 | 7. Provide for systematic consultation with regional and
1506 | state personnel designated to provide technical assistance and
1507 | evaluation of local professional development programs.

1508 | 8. Provide for delivery of professional development by
1509 | distance learning and other technology-based delivery systems to
1510 | reach more educators at lower costs.

1511 | 9. Provide for the continuous evaluation of the quality and
1512 | effectiveness of professional development programs in order to
1513 | eliminate ineffective programs and strategies and to expand
1514 | effective ones. Evaluations must consider the impact of such
1515 | activities on the performance of participating educators and
1516 | their students' achievement and behavior.

1517 | Section 41. Subsection (4) of section 1013.03, Florida
1518 | Statutes, is amended to read:

1519 | 1013.03 Functions of the department and the Board of
1520 | Governors.--The functions of the Department of Education as it
1521 | pertains to educational facilities of school districts and
1522 | community colleges and of the Board of Governors as it pertains
1523 | to educational facilities of state universities shall include,
1524 | but not be limited to, the following:

1525 | (4) Require each board and other appropriate agencies to
1526 | submit complete and accurate financial data as to the amounts of
1527 | funds from all sources that are available and spent for
1528 | construction and capital improvements. The commissioner shall



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1529 | prescribe the format and the date for the submission of this data
1530 | and any other educational facilities data. If any district does
1531 | not submit the required educational facilities fiscal data by the
1532 | prescribed date, the Commissioner of Education shall notify the
1533 | district school board of this fact and, if appropriate action is
1534 | not taken to immediately submit the required report, the district
1535 | school board shall be directed to proceed pursuant to s.
1536 | 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1537 | community college or university does not submit the required
1538 | educational facilities fiscal data by the prescribed date, the
1539 | same policy prescribed in this subsection for school districts
1540 | shall be implemented.
1541 | Section 42. This act shall take effect July 1, 2008.