

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Policy & Budget Council offered the following:

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

5 Remove everything after the enacting clause and insert:

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

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

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

12 (5)

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

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

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

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

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

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

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

54 (e) "Specified offense" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

246 1001.452 District and school advisory councils.--

247 (1) ESTABLISHMENT.--

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

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

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

275

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

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

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

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

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

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

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

348 (a) Forms, blanks, and reports.--Require that all
349 employees accurately keep all records and promptly make in
350 proper form all reports required by the education code or by
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351 rules of the State Board of Education; recommend the keeping of
352 such additional records and the making of such additional
353 reports as may be deemed necessary to provide data essential for
354 the operation of the school system; and prepare such forms and
355 blanks as may be required and ensure that these records and
356 reports are properly prepared.

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

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

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

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

383 1001.54 Duties of school principals.--

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

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

390 1002.32 Developmental research (laboratory) schools.--

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

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

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

401 1002.33 Charter schools.--

402 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

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

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

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

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

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

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

454 (7) PERSONNEL SCREENING.--

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

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

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

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

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

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

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

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

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

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

515 1003.413 Florida Secondary School Redesign Act.--

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

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

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

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

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

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

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

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

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

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

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

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

547 1003.53 Dropout prevention and academic intervention.--

548 (2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

645 (6)

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

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

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

666 1010.215 Educational funding accountability.--

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

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

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

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

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

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

692 2. Substitute teachers.

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

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

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

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

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

708 7. Food services.

709 8. Other support services.

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710 9. Operation and maintenance of the school plant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

790 (4) Section 782.04, relating to murder.

791 (5) Section 782.07, relating to manslaughter, aggravated
792 manslaughter of an elderly person or disabled adult, aggravated
793 manslaughter of a child, or aggravated manslaughter of an

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794 officer, a firefighter, an emergency medical technician, or a
795 paramedic.

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

798 (7) Section 784.021, relating to aggravated assault.

799 (8) Section 784.045, relating to aggravated battery.

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

803 (10) Section 787.01, relating to kidnapping.

804 (11) Section 787.02, relating to false imprisonment.

805 (12) Section 787.025, relating to luring or enticing a
806 child.

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

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

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

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

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- 822 (17) Section 794.011, relating to sexual battery.
- 823 (18) Section 794.05, relating to unlawful sexual activity
824 with certain minors.
- 825 (19) Section 794.08, relating to female genital
826 mutilation.
- 827 (20) Chapter 796, relating to prostitution.
- 828 (21) Chapter 800, relating to lewdness and indecent
829 exposure.
- 830 (22) Section 806.01, relating to arson.
- 831 (23) Section 810.14, relating to voyeurism.
- 832 (24) Section 810.145, relating to video voyeurism.
- 833 (25) Section 812.014(6), relating to coordinating the
834 commission of theft in excess of \$3,000.
- 835 (26) Section 812.0145, relating to theft from persons 65
836 years of age or older.
- 837 (27) Section 812.019, relating to dealing in stolen
838 property.
- 839 (28) Section 812.13, relating to robbery.
- 840 (29) Section 812.131, relating to robbery by sudden
841 snatching.
- 842 (30) Section 812.133, relating to carjacking.
- 843 (31) Section 812.135, relating to home-invasion robbery.
- 844 (32) Section 817.563, relating to fraudulent sale of
845 controlled substances.
- 846 (33) Section 825.102, relating to abuse, aggravated abuse,
847 or neglect of an elderly person or disabled adult.
- 848 (34) Section 825.103, relating to exploitation of an
849 elderly person or disabled adult.

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850 (35) Section 825.1025, relating to lewd or lascivious
851 offenses committed upon or in the presence of an elderly person
852 or disabled person.

853 (36) Section 826.04, relating to incest.

854 (37) Section 827.03, relating to child abuse, aggravated
855 child abuse, or neglect of a child.

856 (38) Section 827.04, relating to contributing to the
857 delinquency or dependency of a child.

858 (39) Section 827.071, relating to sexual performance by a
859 child.

860 (40) Section 843.01, relating to resisting arrest with
861 violence.

862 (41) Chapter 847, relating to obscenity.

863 (42) Section 874.05(1), relating to causing, encouraging,
864 soliciting, or recruiting another to join a criminal street
865 gang.

866 (43) Chapter 893, relating to drug abuse prevention and
867 control, if the offense was a felony of the second degree or
868 greater severity.

869 (44) Section 916.1075, relating to sexual misconduct with
870 certain forensic clients and reporting of such sexual
871 misconduct.

872 (45) Section 944.47, relating to introduction, removal, or
873 possession of contraband at a correctional facility.

874 (46) Section 985.701, relating to sexual misconduct in
875 juvenile justice programs.

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876 (47) Section 985.711, relating to introduction, removal,
877 or possession of contraband at a juvenile detention facility or
878 commitment program.

879 (48) Any criminal act committed in another state or under
880 federal law which, if committed in this state, constitutes an
881 offense prohibited under any statute listed in subsections (1)-
882 (47).

883 (49) Any delinquent act committed in this state or any
884 delinquent or criminal act committed in another state or under
885 federal law which, if committed in this state, qualifies an
886 individual for inclusion on the Registered Juvenile Sex Offender
887 List under s. 943.0435(1)(a)1.d.

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

891 1012.32 Qualifications of personnel.--

892 (1) To be eligible for appointment in any position in any
893 district school system, a person must ~~shall~~ be of good moral
894 character; must ~~shall~~ have attained the age of 18 years, if he
895 or she is to be employed in an instructional capacity; must not
896 be ineligible for such employment under s. 1012.315; and must
897 ~~shall~~, when required by law, hold a certificate or license
898 issued under rules of the State Board of Education or the
899 Department of Children and Family Services, except when employed
900 pursuant to s. 1012.55 or under the emergency provisions of s.
901 1012.24. Previous residence in this state shall not be required
902 in any school of the state as a prerequisite for any person

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903 holding a valid Florida certificate or license to serve in an
904 instructional capacity.

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

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

922 (c) Instructional and noninstructional personnel who are
923 hired or contracted to fill positions that require ~~requiring~~
924 direct contact with students in an alternative school that
925 operates under contract with a district school system must
926 ~~shall~~, upon employment or engagement to provide services,
927 undergo background screening as required under s. 1012.465 or s.
928 1012.56, whichever is applicable, by filing with the district
929 school board for the school district to which the alternative
930 school is under contract a complete set of fingerprints taken by

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931 an authorized law enforcement agency or an employee of the
932 school or school district who is trained to take fingerprints.

933 (d) Student teachers, persons participating in a field
934 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
935 participating in a short-term experience as a teacher assistant
936 pursuant to s. 1004.04(10) in any district school system, lab
937 school, or charter school must ~~shall~~, upon engagement to provide
938 services, undergo background screening as required under s.
939 1012.56.

940
941 Fingerprints shall be submitted to the Department of Law
942 Enforcement for statewide criminal and juvenile records checks
943 ~~state processing~~ and to the Federal Bureau of Investigation for
944 federal criminal records checks ~~processing~~. ~~A person~~ Persons
945 subject to this subsection who is found ineligible for
946 employment under s. 1012.315, or otherwise found through
947 background screening ~~fingerprint processing~~ to have been
948 convicted of any a crime involving moral turpitude as defined by
949 rule of the State Board of Education, shall not be employed,
950 engaged to provide services, or serve in any position that
951 requires ~~requiring~~ direct contact with students. Probationary
952 persons subject to this subsection terminated because of their
953 criminal record have the right to appeal such decisions. The
954 cost of the background screening may be borne by the district
955 school board, the charter school, the employee, the contractor,
956 or a person subject to this subsection.

957 (3)

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958 (c) Personnel whose fingerprints are not retained by the
959 Department of Law Enforcement under paragraphs (a) and (b) must
960 ~~are required to~~ be refingerprinted and rescreened in accordance
961 with subsection (2) ~~must meet level 2 screening requirements as~~
962 ~~described in this section~~ upon reemployment or reengagement to
963 provide services in order to comply with the requirements of
964 this subsection.

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

968 1012.33 Contracts with instructional staff, supervisors,
969 and school principals.--

970 (1) (a) Each person employed as a member of the
971 instructional staff in any district school system shall be
972 properly certified pursuant to s. 1012.56 or s. 1012.57 or
973 employed pursuant to s. 1012.39 and shall be entitled to and
974 shall receive a written contract as specified in this section.
975 All such contracts, except continuing contracts as specified in
976 subsection (4), shall contain provisions for dismissal during
977 the term of the contract only for just cause. Just cause
978 includes, but is not limited to, the following instances, as
979 defined by rule of the State Board of Education: immorality,
980 misconduct in office, incompetency, gross insubordination,
981 willful neglect of duty, or being convicted or found guilty of,
982 or entering a plea of guilty to, regardless of adjudication of
983 guilt, any or conviction of a crime involving moral turpitude.

984 (4)

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985 (c) Any member of the district administrative or
986 supervisory staff and any member of the instructional staff,
987 including any school principal, who is under continuing contract
988 may be suspended or dismissed at any time during the school
989 year; however, the charges against him or her must be based on
990 immorality, misconduct in office, incompetency, gross
991 insubordination, willful neglect of duty, drunkenness, or being
992 convicted or found guilty of, or entering a plea of guilty to,
993 regardless of adjudication of guilt, any conviction of a crime
994 involving moral turpitude, as these terms are defined by rule of
995 the State Board of Education. Whenever such charges are made
996 against an ~~any such~~ employee of the district school board, the
997 district school board may suspend such person without pay; but,
998 if the charges are not sustained, he or she shall be immediately
999 reinstated, and his or her back salary shall be paid. In cases
1000 of suspension by the district school board or by the district
1001 school superintendent, the district school board shall determine
1002 upon the evidence submitted whether the charges have been
1003 sustained and, if the charges are sustained, shall determine
1004 either to dismiss the employee or fix the terms under which he
1005 or she may be reinstated. If such charges are sustained by a
1006 majority vote of the full membership of the district school
1007 board and the ~~such~~ employee is discharged, his or her contract
1008 of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision
1009 adverse to the employee may be appealed by the employee pursuant
1010 to s. 120.68, provided the ~~such~~ appeal is filed within 30 days
1011 after the decision of the district school board.

1012 (6)

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1013 (b) Any member of the district administrative or
1014 supervisory staff, including any principal but excluding an
1015 employee specified in subsection (4), may be suspended or
1016 dismissed at any time during the term of the contract; however,
1017 the charges against him or her must be based on immorality,
1018 misconduct in office, incompetency, gross insubordination,
1019 willful neglect of duty, drunkenness, or being convicted or
1020 found guilty of, or entering a plea of guilty, regardless of
1021 adjudication of guilt, conviction of any crime involving moral
1022 turpitude, as these terms are defined by rule of the State Board
1023 of Education. Whenever such charges are made against an ~~any such~~
1024 employee of the district school board, the district school board
1025 may suspend the employee without pay; but, if the charges are
1026 not sustained, he or she shall be immediately reinstated, and
1027 his or her back salary shall be paid. In cases of suspension by
1028 the district school board or by the district school
1029 superintendent, the district school board shall determine upon
1030 the evidence submitted whether the charges have been sustained
1031 and, if the charges are sustained, shall determine either to
1032 dismiss the employee or fix the terms under which he or she may
1033 be reinstated. If such charges are sustained by a majority vote
1034 of the full membership of the district school board and the ~~such~~
1035 employee is discharged, his or her contract of employment shall
1036 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
1037 may be appealed by him or her pursuant to s. 120.68, provided
1038 such appeal is filed within 30 days after the decision of the
1039 district school board.

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1040 Section 29. Subsection (4) of section 1012.34, Florida
1041 Statutes, is amended to read:

1042 1012.34 Assessment procedures and criteria.--

1043 (4) The district school superintendent shall notify the
1044 department of any instructional personnel who receive two
1045 consecutive unsatisfactory evaluations and who have been given
1046 written notice by the district that their employment is being
1047 terminated or is not being renewed or that the district school
1048 board intends to terminate, or not renew, their employment. The
1049 department shall conduct an investigation to determine whether
1050 action shall be taken against the certificateholder pursuant to
1051 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1052 Section 30. Subsections (9) and (14) of section 1012.56,
1053 Florida Statutes, are amended to read:

1054 1012.56 Educator certification requirements.--

1055 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1056 PERIODICALLY.--

1057 (a) Each person who seeks certification under this chapter
1058 must be fingerprinted and screened ~~meet level 2 screening~~
1059 ~~requirements as described~~ in accordance with s. 1012.32 and must
1060 not be ineligible for such certification under s. 1012.315. A
1061 person who has been screened in accordance with s. 1012.32
1062 ~~unless a level 2 screening has been conducted~~ by a district
1063 school board or the Department of Education within 12 months
1064 before the date the person initially obtains certification under
1065 this chapter, the results of which are submitted to the district
1066 school board or to the Department of Education, is not required
1067 to repeat the screening under this paragraph.

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1068 (b) A person may not receive a certificate under this
1069 chapter until the person's level-2 screening under s. 1012.32 is
1070 ~~has been~~ completed and the results have been submitted to the
1071 Department of Education or to the district school superintendent
1072 of the school district that employs the person. Every 5 years
1073 after obtaining initial certification, each person who is
1074 required to be certified under this chapter must be rescreened
1075 ~~meet level-2 screening requirements as described in accordance~~
1076 with s. 1012.32, at which time the school district shall request
1077 the Department of Law Enforcement to forward the fingerprints to
1078 the Federal Bureau of Investigation for federal criminal records
1079 checks ~~the level-2 screening~~. If, for any reason after obtaining
1080 initial certification, the fingerprints of a person who is
1081 required to be certified under this chapter are not retained by
1082 the Department of Law Enforcement under s. 1012.32(3)(a) and
1083 (b), the person must file a complete set of fingerprints with
1084 the district school superintendent of the employing school
1085 district. Upon submission of fingerprints for this purpose, the
1086 school district shall request the Department of Law Enforcement
1087 to forward the fingerprints to the Federal Bureau of
1088 Investigation for federal criminal records checks ~~the level-2~~
1089 ~~screening~~, and the fingerprints shall be retained by the
1090 Department of Law Enforcement under s. 1012.32(3)(a) and (b).
1091 The cost of the state and federal criminal history checks ~~check~~
1092 required by paragraph (a) and this paragraph level-2 screening
1093 may be borne by the district school board or the employee. Under
1094 penalty of perjury, each person who is certified under this
1095 chapter must agree to inform his or her employer within 48 hours

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1096 if convicted of any disqualifying offense while he or she is
1097 employed in a position for which such certification is required.

1098 (c) If it is found under s. 1012.796 that a person who is
1099 employed in a position requiring certification under this
1100 chapter ~~has does~~ not been screened in accordance with s.
1101 1012.32, or is ineligible for such certification under s.
1102 1012.315 meet the level 2 screening requirements, the person's
1103 certification shall be immediately revoked or suspended and he
1104 or she shall be immediately suspended from the position
1105 requiring certification.

1106 (14) PERSONNEL RECORDS.--The Department of Education shall
1107 maintain an electronic database that includes, but need not be
1108 limited to, a complete statement of the academic preparation,
1109 professional training, and teaching experience of each person to
1110 whom a certificate is issued. The applicant or the district
1111 school superintendent shall furnish the information using a
1112 format ~~or forms~~ provided by the department.

1113 Section 31. Subsection (1) and paragraph (a) of subsection
1114 (8) of section 1012.79, Florida Statutes, are amended to read:

1115 1012.79 Education Practices Commission; organization.--

1116 (1) The Education Practices Commission consists of 25 ~~17~~
1117 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1118 of whom shall represent a private school; 7 and 5 lay citizens,
1119 5 ~~of whom shall be parents of public school students and who~~
1120 are unrelated to public school employees and 2 of whom shall be
1121 former district school board members; ~~7~~ and 5 sworn law
1122 enforcement officials, appointed by the State Board of Education
1123 from nominations by the Commissioner of Education and subject to
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1124 Senate confirmation. Prior to making nominations, the
1125 commissioner shall consult with ~~the~~ teaching associations,
1126 parent organizations, law enforcement agencies, and other
1127 involved associations in the state. In making nominations, the
1128 commissioner shall attempt to achieve equal geographical
1129 representation, as closely as possible.

1130 (a) A teacher member, in order to be qualified for
1131 appointment:

- 1132 1. Must be certified to teach in the state.
- 1133 2. Must be a resident of the state.
- 1134 3. Must have practiced the profession in this state for at
1135 least 5 years immediately preceding the appointment.

1136 (b) A school administrator member, in order to be
1137 qualified for appointment:

- 1138 1. Must have an endorsement on the educator certificate in
1139 the area of school administration or supervision.
- 1140 2. Must be a resident of the state.
- 1141 3. Must have practiced the profession as an administrator
1142 for at least 5 years immediately preceding the appointment.

1143 (c) The lay members must be residents of the state.

1144 (d) The law enforcement official members must have served
1145 in the profession for at least 5 years immediately preceding
1146 appointment and have background expertise in child safety.

1147 (8) (a) The commission shall, from time to time, designate
1148 members of the commission to serve on panels for the purpose of
1149 reviewing and issuing final orders upon cases presented to the
1150 commission. A case concerning a complaint against a teacher
1151 shall be reviewed and a final order ~~thereon shall be~~ entered by

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1152 a panel composed of five commission members, at least one of
1153 whom must be a parent or a sworn law enforcement officer and at
1154 least three of whom must ~~shall~~ be teachers. A case concerning a
1155 complaint against an administrator shall be reviewed and a final
1156 order ~~thereon shall be~~ entered by a panel composed of five
1157 commission members, at least one of whom must be a parent or a
1158 sworn law enforcement officer and at least three of whom must
1159 ~~shall~~ be administrators.

1160 Section 32. Subsection (1) of section 1012.795, Florida
1161 Statutes, is amended to read:

1162 1012.795 Education Practices Commission; authority to
1163 discipline.--

1164 (1) The Education Practices Commission may suspend the
1165 educator certificate of any person as defined in s. 1012.01(2)
1166 or (3) for a period of time not to exceed 5 years, thereby
1167 denying that person the right to teach or otherwise be employed
1168 by a district school board or public school in any capacity
1169 requiring direct contact with students for that period of time,
1170 after which the holder may return to teaching as provided in
1171 subsection (4); may revoke the educator certificate of any
1172 person, thereby denying that person the right to teach or
1173 otherwise be employed by a district school board or public
1174 school in any capacity requiring direct contact with students
1175 for a period of time not to exceed 10 years, with reinstatement
1176 subject to the provisions of subsection (4); may revoke
1177 permanently the educator certificate of any person thereby
1178 denying that person the right to teach or otherwise be employed
1179 by a district school board or public school in any capacity

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1180 requiring direct contact with students; may suspend the educator
1181 certificate, upon order of the court, of any person found to
1182 have a delinquent child support obligation; or may impose any
1183 other penalty provided by law, if provided it can be shown that
1184 the person:

1185 (a) Obtained or attempted to obtain an educator
1186 certificate by fraudulent means.

1187 (b) Knowingly failed to report actual or suspected child
1188 abuse as required in s. 1006.061 or report alleged misconduct by
1189 instructional personnel or school administrators which affects
1190 the health, safety, or welfare of a student as required in s.
1191 1012.796.

1192 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
1193 duties as an employee of the public school system or to teach in
1194 or to operate a private school.

1195 (d) ~~(e)~~ Has been guilty of gross immorality or an act
1196 involving moral turpitude as defined by rule of the State Board
1197 of Education.

1198 (e) ~~(d)~~ Has had an educator certificate sanctioned by
1199 revocation, suspension, or surrender in another state.

1200 (f) ~~(e)~~ Has been convicted or found guilty of, or entered a
1201 plea of guilty to, regardless of adjudication of guilt, a
1202 misdemeanor, felony, or any other criminal charge, other than a
1203 minor traffic violation.

1204 (g) ~~(f)~~ Upon investigation, has been found guilty of
1205 personal conduct which seriously reduces that person's
1206 effectiveness as an employee of the district school board.

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1207 ~~(h)~~~~(g)~~ Has breached a contract, as provided in s.

1208 1012.33(2).

1209 ~~(i)~~~~(h)~~ Has been the subject of a court order directing the
1210 Education Practices Commission to suspend the certificate as a
1211 result of a delinquent child support obligation.

1212 ~~(j)~~~~(i)~~ Has violated the Principles of Professional Conduct
1213 for the Education Profession prescribed by State Board of
1214 Education rules.

1215 ~~(k)~~~~(j)~~ Has otherwise violated the provisions of law, the
1216 penalty for which is the revocation of the educator certificate.

1217 ~~(l)~~~~(k)~~ Has violated any order of the Education Practices
1218 Commission.

1219 ~~(m)~~~~(l)~~ Has been the subject of a court order or plea
1220 agreement in any jurisdiction which requires the
1221 certificateholder to surrender or otherwise relinquish his or
1222 her educator's certificate. A surrender or relinquishment shall
1223 be for permanent revocation of the certificate. A person may not
1224 surrender or otherwise relinquish his or her certificate prior
1225 to a finding of probable cause by the commissioner as provided
1226 in s. 1012.796.

1227 (n) Has been disqualified from educator certification
1228 under s. 1012.315.

1229 Section 33. Subsections (1), (3), and (5) of section
1230 1012.796, Florida Statutes, are amended to read:

1231 1012.796 Complaints against teachers and administrators;
1232 procedure; penalties.--

1233 (1) (a) The Department of Education shall cause to be
1234 investigated expeditiously any complaint filed before it or
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1235 otherwise called to its attention which, if legally sufficient,
1236 contains grounds for the revocation or suspension of a
1237 certificate or any other appropriate penalty as set forth in
1238 subsection (7). The complaint is legally sufficient if it
1239 contains the ultimate facts which show a violation has occurred
1240 as provided in s. 1012.795 and defined by rule of the State
1241 Board of Education. The department shall ~~may~~ investigate or
1242 continue to investigate and take appropriate action on a
1243 complaint even though the original complainant withdraws the
1244 complaint or otherwise indicates a desire not to cause it to be
1245 investigated or prosecuted to completion. The department may
1246 investigate or continue to investigate and take action on a
1247 complaint filed against a person whose educator certificate has
1248 expired if the act or acts that ~~which~~ are the basis for the
1249 complaint were allegedly committed while that person possessed
1250 an educator certificate.

1251 (b) The department shall immediately investigate any
1252 legally sufficient complaint that involves misconduct by any
1253 certificated personnel which affects the health, safety, or
1254 welfare of a student, giving the complaint priority over other
1255 pending complaints. The department must investigate or continue
1256 to investigate and take action on such a complaint filed against
1257 a person whose educator certificate has expired if the act or
1258 acts that are the basis for the complaint were allegedly
1259 committed while that person possessed an educator certificate.

1260 (c) ~~(b)~~ When an investigation is undertaken, the department
1261 shall notify the certificateholder or applicant for
1262 certification and the district school superintendent or the
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1263 university laboratory school, charter school, or private school
1264 in which the certificateholder or applicant for certification is
1265 employed or was employed at the time the alleged offense
1266 occurred. In addition, the department shall inform the
1267 certificateholder or applicant for certification of the
1268 substance of any complaint which has been filed against that
1269 certificateholder or applicant, unless the department determines
1270 that such notification would be detrimental to the
1271 investigation, in which case the department may withhold
1272 notification.

1273 (d)~~(e)~~ Each school district shall file in writing with the
1274 department all legally sufficient complaints within 30 days
1275 after the date on which subject matter of the complaint comes to
1276 the attention of the school district. A complaint is legally
1277 sufficient if it contains ultimate facts that show a violation
1278 has occurred as provided in s. 1012.795 and defined by rule of
1279 the State Board of Education. The school district shall include
1280 all information relating to the complaint which is known to the
1281 school district at the time of filing. Each district school
1282 board shall develop and adopt policies and procedures to comply
1283 with this reporting requirement. School board policies and
1284 procedures must include standards for screening, hiring, and
1285 terminating instructional personnel and school administrators,
1286 as defined in s. 1012.01; standards of ethical conduct for
1287 instructional personnel and school administrators; the duties of
1288 instructional personnel and school administrators for upholding
1289 the standards; detailed procedures for reporting alleged
1290 misconduct by instructional personnel and school administrators

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1291 which affects the health, safety, or welfare of a student;
1292 requirements for the reassignment of instructional personnel or
1293 school administrators pending the outcome of a misconduct
1294 investigation; and penalties for failing to comply with s.
1295 1001.51 or s. 1012.795. The district school board policies and
1296 procedures shall include appropriate penalties for all personnel
1297 of the district school board for nonreporting and procedures for
1298 promptly informing the district school superintendent of each
1299 legally sufficient complaint. The district school superintendent
1300 is charged with knowledge of these policies and procedures and
1301 is accountable for the training of all instructional personnel
1302 and school administrators of the school district on the
1303 standards of ethical conduct, policies, and procedures. If the
1304 district school superintendent has knowledge of a legally
1305 sufficient complaint and does not report the complaint, or fails
1306 to enforce the policies and procedures of the district school
1307 board, and fails to comply with the requirements of this
1308 subsection, in addition to other actions against
1309 certificateholders authorized by law, the district school
1310 superintendent is shall be subject to penalties as specified in
1311 s. 1001.51(12). If the superintendent determines that misconduct
1312 by instructional personnel or school administrators who hold an
1313 educator certificate affects the health, safety, or welfare of a
1314 student and the misconduct warrants termination, the
1315 instructional personnel or school administrators may resign or
1316 be terminated and the superintendent must report the misconduct
1317 to the department in the format prescribed by the department.
1318 The department shall maintain each report of misconduct as a

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1319 public record in the instructional personnel's or school
1320 administrators' certification files. This paragraph does not
1321 limit or restrict the power and duty of the department to
1322 investigate complaints ~~as provided in paragraphs (a) and (b),~~
1323 regardless of the school district's untimely filing, or failure
1324 to file, complaints and followup reports.

1325 (e) If allegations arise against an employee who is
1326 certified under s. 1012.56 and employed in an educator-
1327 certificated position in any public school, the school shall
1328 file in writing with the department a legally sufficient
1329 complaint within 30 days after the date on which the subject
1330 matter of the complaint came to the attention of the school. A
1331 complaint is legally sufficient if it contains ultimate facts
1332 that show a violation has occurred as provided in s. 1012.795
1333 and defined by rule of the State Board of Education. The school
1334 shall include all known information relating to the complaint
1335 with the filing of the complaint. This paragraph does not limit
1336 or restrict the power and duty of the department to investigate
1337 complaints, regardless of the school's untimely filing, or
1338 failure to file, complaints and followup reports.

1339 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1340 agencies, state attorneys, social service agencies, district
1341 school boards, and the Division of Administrative Hearings shall
1342 fully cooperate with and, upon request, shall provide unredacted
1343 documents to the Department of Education to further
1344 investigations and prosecutions conducted pursuant to this
1345 section. Any document received ~~pursuant to this paragraph~~ may
1346 not be redisclosed except as authorized by law.

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1347 (3) The department staff shall advise the commissioner
1348 concerning the findings of the investigation. The department
1349 general counsel or members of that staff shall review the
1350 investigation and advise the commissioner concerning probable
1351 cause or lack thereof. The determination of probable cause shall
1352 be made by the commissioner. The commissioner shall provide an
1353 opportunity for a conference, if requested, prior to determining
1354 probable cause. The commissioner may enter into deferred
1355 prosecution agreements in lieu of finding probable cause if,
1356 ~~when~~ in his or her judgment, such agreements are ~~would be~~ in the
1357 best interests of the department, the certificateholder, and the
1358 public. Such deferred prosecution agreements shall become
1359 effective when filed with the clerk of the Education Practices
1360 Commission. However, a deferred prosecution agreement shall not
1361 be entered into if ~~where~~ there is probable cause to believe that
1362 a felony or an act of moral turpitude, as defined by rule of the
1363 State Board of Education, has occurred. Upon finding no probable
1364 cause, the commissioner shall dismiss the complaint.

1365 (5) When an allegation of misconduct by instructional
1366 personnel or school administrators, as defined in s. 1012.01, is
1367 received, if the alleged misconduct affects ~~deemed necessary to~~
1368 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,
1369 and there is reason to believe that the allegation is true, the
1370 district school superintendent in consultation with the school
1371 principal, or ~~may, and~~ upon the request of the Commissioner of
1372 Education, must immediately ~~shall, temporarily~~ suspend the
1373 instructional personnel or school administrators a
1374 ~~certificateholder from the certificateholder's~~ regularly

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1375 assigned duties, with pay, and reassign the suspended personnel
1376 or administrators certificateholder to positions ~~a position~~ that
1377 do ~~does~~ not require direct contact with students in the district
1378 school system. Such suspension shall continue until the
1379 completion of the proceedings and the determination of
1380 sanctions, if any, pursuant to this section and s. 1012.795.

1381 Section 34. Paragraph (b) of subsection (4) of section
1382 1012.98, Florida Statutes, is amended to read:

1383 1012.98 School Community Professional Development Act.--

1384 (4) The Department of Education, school districts,
1385 schools, community colleges, and state universities share the
1386 responsibilities described in this section. These
1387 responsibilities include the following:

1388 (b) Each school district shall develop a professional
1389 development system as specified in subsection (3). The system
1390 shall be developed in consultation with teachers, teacher-
1391 educators of community colleges and state universities, business
1392 and community representatives, and local education foundations,
1393 consortia, and professional organizations. The professional
1394 development system must:

1395 1. Be approved by the department. All substantial
1396 revisions to the system shall be submitted to the department for
1397 review for continued approval.

1398 2. Be based on analyses of student achievement data and
1399 instructional strategies and methods that support rigorous,
1400 relevant, and challenging curricula for all students. Schools
1401 and districts, in developing and refining the professional
1402 development system, shall also review and monitor school

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1403 discipline data; school environment surveys; assessments of
1404 parental satisfaction; performance appraisal data of teachers,
1405 managers, and administrative personnel; and other performance
1406 indicators to identify school and student needs that can be met
1407 by improved professional performance.

1408 3. Provide inservice activities coupled with followup
1409 support appropriate to accomplish district-level and school-
1410 level improvement goals and standards. The inservice activities
1411 for instructional personnel shall focus on analysis of student
1412 achievement data, ongoing formal and informal assessments of
1413 student achievement, identification and use of enhanced and
1414 differentiated instructional strategies that emphasize rigor,
1415 relevance, and reading in the content areas, enhancement of
1416 subject content expertise, integrated use of classroom
1417 technology that enhances teaching and learning, classroom
1418 management, parent involvement, and school safety.

1419 4. Include a master plan for inservice activities,
1420 pursuant to rules of the State Board of Education, for all
1421 district employees from all fund sources. The master plan shall
1422 be updated annually by September 1, must be based on input from
1423 teachers and district and school instructional leaders, and must
1424 use the latest available student achievement data and research
1425 to enhance rigor and relevance in the classroom. Each district
1426 inservice plan must be aligned to and support the school-based
1427 inservice plans and school improvement plans pursuant to s.
1428 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by
1429 the district school board annually in order to ensure compliance
1430 with subsection (1) and to allow for dissemination of research-

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1431 based best practices to other districts. District school boards
1432 must submit verification of their approval to the Commissioner
1433 of Education no later than October 1, annually.

1434 5. Require each school principal to establish and maintain
1435 an individual professional development plan for each
1436 instructional employee assigned to the school as a seamless
1437 component to the school improvement plans developed pursuant to
1438 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1439 development plan must:

1440 a. Be related to specific performance data for the
1441 students to whom the teacher is assigned.

1442 b. Define the inservice objectives and specific measurable
1443 improvements expected in student performance as a result of the
1444 inservice activity.

1445 c. Include an evaluation component that determines the
1446 effectiveness of the professional development plan.

1447 6. Include inservice activities for school administrative
1448 personnel that address updated skills necessary for
1449 instructional leadership and effective school management
1450 pursuant to s. 1012.986.

1451 7. Provide for systematic consultation with regional and
1452 state personnel designated to provide technical assistance and
1453 evaluation of local professional development programs.

1454 8. Provide for delivery of professional development by
1455 distance learning and other technology-based delivery systems to
1456 reach more educators at lower costs.

1457 9. Provide for the continuous evaluation of the quality
1458 and effectiveness of professional development programs in order

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1459 to eliminate ineffective programs and strategies and to expand
1460 effective ones. Evaluations must consider the impact of such
1461 activities on the performance of participating educators and
1462 their students' achievement and behavior.

1463 Section 35. Subsection (4) of section 1013.03, Florida
1464 Statutes, is amended to read:

1465 1013.03 Functions of the department and the Board of
1466 Governors.--The functions of the Department of Education as it
1467 pertains to educational facilities of school districts and
1468 community colleges and of the Board of Governors as it pertains
1469 to educational facilities of state universities shall include,
1470 but not be limited to, the following:

1471 (4) Require each board and other appropriate agencies to
1472 submit complete and accurate financial data as to the amounts of
1473 funds from all sources that are available and spent for
1474 construction and capital improvements. The commissioner shall
1475 prescribe the format and the date for the submission of this
1476 data and any other educational facilities data. If any district
1477 does not submit the required educational facilities fiscal data
1478 by the prescribed date, the Commissioner of Education shall
1479 notify the district school board of this fact and, if
1480 appropriate action is not taken to immediately submit the
1481 required report, the district school board shall be directed to
1482 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~
1483 ~~1001.42(11)(b)~~. If any community college or university does not
1484 submit the required educational facilities fiscal data by the
1485 prescribed date, the same policy prescribed in this subsection
1486 for school districts shall be implemented.

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

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

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

Remove the entire title and insert:

A bill to be entitled

An act relating to ethics; providing a short title; amending s. 24.121, F.S., relating to public school funding; conforming cross-references; amending s. 112.3173, F.S.; specifying certain felony offenses against a minor as additional offenses that constitute a breach of the public trust; requiring a person committing such an offense to forfeit benefits under certain public retirement systems; amending s. 121.091, F.S.; prohibiting the Division of Retirement from paying benefits to a member who commits certain felony offenses against a minor; conforming a cross-reference; creating ss. 794.09 and 800.05, F.S.; providing notice in the criminal statutes that certain retirement benefits are subject to forfeiture for committing certain felony offenses against a minor; amending s. 1001.10, F.S.; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and

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1515 the Blind, and private schools that accept school choice
1516 scholarship students in developing policies, procedures, and
1517 training related to employment practices and standards of
1518 ethical conduct; requiring the department to provide authorized
1519 staff with access to certain databases for employment history
1520 verification; amending s. 1001.32, F.S., relating to school
1521 administration; conforming a cross-reference; amending s.
1522 1001.42, F.S.; requiring each district school board to adopt
1523 standards of ethical conduct and provide training for
1524 instructional personnel and school administrators; prohibiting
1525 confidentiality agreements regarding terminated or dismissed
1526 instructional personnel and school administrators which have the
1527 effect of concealing certain misconduct; prohibiting a school
1528 district from providing employment references for specified
1529 personnel and administrators except under certain circumstances;
1530 requiring a person who committed certain crimes to be
1531 disqualified from employment in certain positions in a district
1532 school system under specified conditions; providing that a
1533 district school board official who knowingly signs and transmits
1534 a false or incorrect report, or fails to adopt certain policies,
1535 forfeits his or her salary for a specified period; amending s.
1536 1001.452, F.S., relating to district and school advisory
1537 councils; conforming cross-references; amending s. 1001.51,
1538 F.S.; providing that a district school superintendent forfeits
1539 his or her salary for a specified period following failure to
1540 investigate and report allegations of certain misconduct by
1541 specified personnel or administrators; amending ss. 1001.54 and
1542 1002.32, F.S., relating to duties of principals and laboratory
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1543 schools; conforming cross-references; amending s. 1002.33, F.S.;
1544 requiring a person who committed certain crimes to be
1545 disqualified from employment in certain positions in a charter
1546 school under specified conditions; requiring charter schools to
1547 adopt standards of ethical conduct and provide training for all
1548 instructional personnel and school administrators; prohibiting
1549 confidentiality agreements regarding terminated or dismissed
1550 instructional personnel and school administrators which have the
1551 effect of concealing certain misconduct; prohibiting a charter
1552 school from providing employment references for specified
1553 personnel and administrators except under certain circumstances;
1554 requiring a charter school to contact the previous employer, and
1555 verify the employment history against certain databases, of
1556 persons seeking employment in certain positions; requiring a
1557 charter school's sponsor to terminate the school's charter for
1558 failing to comply with these requirements; amending s. 1002.36,
1559 F.S.; requiring the Florida School for the Deaf and the Blind to
1560 meet certain requirements governing the screening of personnel;
1561 amending s. 1002.421, F.S.; requiring a person who committed
1562 certain crimes to be disqualified from employment in certain
1563 positions in a private school that accepts certain scholarship
1564 students under specified conditions; requiring certain private
1565 schools to adopt standards of ethical conduct and provide
1566 training for all instructional personnel and school
1567 administrators; prohibiting confidentiality agreements regarding
1568 terminated or dismissed instructional personnel or school
1569 administrators which have the effect of concealing certain
1570 misconduct; prohibiting a private school from providing

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1571 employment references for specified personnel and administrators
1572 except under certain circumstances; requiring a private school
1573 to contact the previous employer, and verify the employment
1574 history against certain databases, of persons seeking employment
1575 in certain positions; requiring the Department of Education to
1576 suspend enrollment of new students and the payment of funds to a
1577 private school failing to comply with these requirements;
1578 amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to
1579 educational instruction and programs; conforming cross-
1580 references; amending s. 1006.061, F.S.; requiring district
1581 school boards, charter schools, and private schools that accept
1582 certain scholarship students to post policies for reporting
1583 child abuse and misconduct by specified personnel and
1584 administrators; requiring the principal of such schools to act
1585 as a liaison in suspected cases of child abuse; requiring the
1586 Department of Education to publish sample notices; amending ss.
1587 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to
1588 accountability procedures; conforming cross-references; amending
1589 s. 1012.27, F.S.; requiring the district school superintendent
1590 to contact the previous employer, and verify the employment
1591 history against certain databases, of persons seeking employment
1592 in certain positions; creating s. 1012.315, F.S.; specifying
1593 offenses that disqualify instructional personnel and school
1594 administrators from employment in certain positions that require
1595 direct contact with students; amending s. 1012.32, F.S.;

1596 requiring specified personnel or administrators who committed
1597 certain crimes to be disqualified from employment in certain
1598 positions in a district school system or charter school under
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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1599 specified conditions; amending s. 1012.33, F.S.; providing that
1600 just cause for terminating instructional staff includes
1601 immorality or commission of certain crimes; amending s. 1012.34,
1602 F.S., relating to assessment procedures; conforming a cross-
1603 reference; amending s. 1012.56, F.S., relating to certification
1604 requirements for educators; revising requirements for conducting
1605 state and federal criminal records checks of persons seeking
1606 certification; requiring a person who committed certain crimes
1607 to be ineligible for certification under specified conditions;
1608 providing for the Department of Education to maintain educator
1609 records in an electronic database; amending s. 1012.79, F.S.;
1610 providing for additional members to be appointed to the
1611 Education Practices Commission; revising the composition of
1612 panels appointed to review complaints against teachers and
1613 administrators; amending s. 1012.795, F.S.; providing for the
1614 suspension of the educator certificate of a person who knowingly
1615 fails to report child abuse or misconduct by specified personnel
1616 or administrators; clarifying authority of the commission to
1617 discipline educators who commit certain crimes; amending s.
1618 1012.796, F.S.; requiring the Department of Education to
1619 investigate each complaint involving misconduct by certificated
1620 personnel; clarifying what constitutes a legally sufficient
1621 complaint; providing requirements for school board policies and
1622 procedures relating to standards of ethical conduct; providing
1623 that the district school superintendent is accountable for
1624 training of instructional personnel and school administrators on
1625 the standards, policies, and procedures; requiring employers of
1626 certificated personnel to report misconduct by such personnel to

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1627 the Department of Education; requiring that instructional
1628 personnel or school administrators be immediately suspended and
1629 reassigned under certain circumstances; amending ss. 1012.98 and
1630 1013.03, F.S., relating to the School Community Professional
1631 Development Act and functions of the Department of Education and
1632 Board of Governors; conforming cross-references; providing an
1633 appropriation and authorizing additional positions; providing an
1634 effective date.

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