

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:

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

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

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

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

791 (d) Section 782.04, relating to murder.

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

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

797 (f) Section 784.021, relating to aggravated assault.

798 (g) Section 784.045, relating to aggravated battery.

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

802 (i) Section 787.01, relating to kidnapping.

803 (j) Section 787.02, relating to false imprisonment.

804 (k) Section 787.025, relating to luring or enticing a
805 child.

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

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

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

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

821 (p) Section 794.011, relating to sexual battery.

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

825 (r) Section 794.05, relating to unlawful sexual activity
826 with certain minors.

827 (s) Section 794.08, relating to female genital mutilation.

828 (t) Chapter 796, relating to prostitution.

829 (u) Chapter 800, relating to lewdness and indecent
830 exposure.

831 (v) Section 806.01, relating to arson.

832 (w) Section 810.14, relating to voyeurism.

833 (x) Section 810.145, relating to video voyeurism.

834 (y) Section 812.014(6), relating to coordinating the
835 commission of theft in excess of \$3,000.

836 (z) Section 812.0145, relating to theft from persons 65
837 years of age or older.

838 (aa) Section 812.019, relating to dealing in stolen
839 property.

840 (bb) Section 812.13, relating to robbery.

841 (cc) Section 812.131, relating to robbery by sudden
842 snatching.

843 (dd) Section 812.133, relating to carjacking.

844 (ee) Section 812.135, relating to home-invasion robbery.

845 (ff) Section 817.563, relating to fraudulent sale of
846 controlled substances.

847 (gg) Section 825.102, relating to abuse, aggravated abuse,
848 or neglect of an elderly person or disabled adult.

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849 (hh) Section 825.103, relating to exploitation of an
850 elderly person or disabled adult.

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

854 (jj) Section 826.04, relating to incest.

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

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

859 (mm) Section 827.071, relating to sexual performance by a
860 child.

861 (nn) Section 843.01, relating to resisting arrest with
862 violence.

863 (oo) Chapter 847, relating to obscenity.

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

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

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

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

875 (tt) Section 985.701, relating to sexual misconduct in
876 juvenile justice programs.

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

880 (2) Any misdemeanor offense prohibited under any of the
881 following statutes:

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

884 (b) Section 787.025, relating to luring or enticing a
885 child.

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

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

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

898 1012.32 Qualifications of personnel.--

899 (1) To be eligible for appointment in any position in any
900 district school system, a person must ~~shall~~ be of good moral
901 character; must ~~shall~~ have attained the age of 18 years, if he
902 or she is to be employed in an instructional capacity; must not
903 be ineligible for such employment under s. 1012.315; and must
904 ~~shall~~, when required by law, hold a certificate or license

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905 issued under rules of the State Board of Education or the
906 Department of Children and Family Services, except when employed
907 pursuant to s. 1012.55 or under the emergency provisions of s.
908 1012.24. Previous residence in this state shall not be required
909 in any school of the state as a prerequisite for any person
910 holding a valid Florida certificate or license to serve in an
911 instructional capacity.

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

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

929 (c) Instructional and noninstructional personnel who are
930 hired or contracted to fill positions that require ~~requiring~~
931 direct contact with students in an alternative school that
932 operates under contract with a district school system must

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933 ~~shall~~, upon employment or engagement to provide services,
934 undergo background screening as required under s. 1012.465 or s.
935 1012.56, whichever is applicable, by filing with the district
936 school board for the school district to which the alternative
937 school is under contract a complete set of fingerprints taken by
938 an authorized law enforcement agency or an employee of the
939 school or school district who is trained to take fingerprints.

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

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

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961 cost of the background screening may be borne by the district
962 school board, the charter school, the employee, the contractor,
963 or a person subject to this subsection.

964 (3)

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

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

975 1012.33 Contracts with instructional staff, supervisors,
976 and school principals.--

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

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989 or entering a plea of guilty to, regardless of adjudication of
990 guilt, any ~~or conviction of a~~ crime involving moral turpitude.

991 (4)

992 (c) Any member of the district administrative or
993 supervisory staff and any member of the instructional staff,
994 including any school principal, who is under continuing contract
995 may be suspended or dismissed at any time during the school
996 year; however, the charges against him or her must be based on
997 immorality, misconduct in office, incompetency, gross
998 insubordination, willful neglect of duty, drunkenness, or being
999 convicted or found guilty of, or entering a plea of guilty to,
1000 regardless of adjudication of guilt, any ~~conviction of a~~ crime
1001 involving moral turpitude, as these terms are defined by rule of
1002 the State Board of Education. Whenever such charges are made
1003 against ~~an any such~~ employee of the district school board, the
1004 district school board may suspend such person without pay; but,
1005 if the charges are not sustained, he or she shall be immediately
1006 reinstated, and his or her back salary shall be paid. In cases
1007 of suspension by the district school board or by the district
1008 school superintendent, the district school board shall determine
1009 upon the evidence submitted whether the charges have been
1010 sustained and, if the charges are sustained, shall determine
1011 either to dismiss the employee or fix the terms under which he
1012 or she may be reinstated. If such charges are sustained by a
1013 majority vote of the full membership of the district school
1014 board and ~~the such~~ employee is discharged, his or her contract
1015 of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision
1016 adverse to the employee may be appealed by the employee pursuant

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HOUSE AMENDMENT

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1017 to s. 120.68, provided the ~~such~~ appeal is filed within 30 days
1018 after the decision of the district school board.

1019 (6)

1020 (b) Any member of the district administrative or
1021 supervisory staff, including any principal but excluding an
1022 employee specified in subsection (4), may be suspended or
1023 dismissed at any time during the term of the contract; however,
1024 the charges against him or her must be based on immorality,
1025 misconduct in office, incompetency, gross insubordination,
1026 willful neglect of duty, drunkenness, or being convicted or
1027 found guilty of, or entering a plea of guilty, regardless of
1028 adjudication of guilt, conviction of any crime involving moral
1029 turpitude, as these terms are defined by rule of the State Board
1030 of Education. Whenever such charges are made against an ~~any such~~
1031 employee of the district school board, the district school board
1032 may suspend the employee without pay; but, if the charges are
1033 not sustained, he or she shall be immediately reinstated, and
1034 his or her back salary shall be paid. In cases of suspension by
1035 the district school board or by the district school
1036 superintendent, the district school board shall determine upon
1037 the evidence submitted whether the charges have been sustained
1038 and, if the charges are sustained, shall determine either to
1039 dismiss the employee or fix the terms under which he or she may
1040 be reinstated. If such charges are sustained by a majority vote
1041 of the full membership of the district school board and the ~~such~~
1042 employee is discharged, his or her contract of employment shall
1043 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
1044 may be appealed by him or her pursuant to s. 120.68, provided

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1045 such appeal is filed within 30 days after the decision of the
1046 district school board.

1047 Section 29. Subsection (4) of section 1012.34, Florida
1048 Statutes, is amended to read:

1049 1012.34 Assessment procedures and criteria.--

1050 (4) The district school superintendent shall notify the
1051 department of any instructional personnel who receive two
1052 consecutive unsatisfactory evaluations and who have been given
1053 written notice by the district that their employment is being
1054 terminated or is not being renewed or that the district school
1055 board intends to terminate, or not renew, their employment. The
1056 department shall conduct an investigation to determine whether
1057 action shall be taken against the certificateholder pursuant to
1058 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1059 Section 30. Subsections (9) and (14) of section 1012.56,
1060 Florida Statutes, are amended to read:

1061 1012.56 Educator certification requirements.--

1062 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1063 PERIODICALLY.--

1064 (a) Each person who seeks certification under this chapter
1065 must be fingerprinted and screened ~~meet level 2 screening~~
1066 ~~requirements as described in accordance with~~ s. 1012.32 and must
1067 not be ineligible for such certification under s. 1012.315. A
1068 person who has been screened in accordance with s. 1012.32
1069 ~~unless a level 2 screening has been conducted~~ by a district
1070 school board or the Department of Education within 12 months
1071 before the date the person initially obtains certification under
1072 this chapter, the results of which are submitted to the district

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1073 school board or to the Department of Education, is not required
1074 to repeat the screening under this paragraph.

1075 (b) A person may not receive a certificate under this
1076 chapter until the person's level-2 screening under s. 1012.32 is
1077 ~~has been~~ completed and the results have been submitted to the
1078 Department of Education or to the district school superintendent
1079 of the school district that employs the person. Every 5 years
1080 after obtaining initial certification, each person who is
1081 required to be certified under this chapter must be rescreened
1082 ~~meet level-2 screening requirements as described in accordance~~
1083 with s. 1012.32, at which time the school district shall request
1084 the Department of Law Enforcement to forward the fingerprints to
1085 the Federal Bureau of Investigation for federal criminal records
1086 checks ~~the level-2 screening~~. If, for any reason after obtaining
1087 initial certification, the fingerprints of a person who is
1088 required to be certified under this chapter are not retained by
1089 the Department of Law Enforcement under s. 1012.32(3)(a) and
1090 (b), the person must file a complete set of fingerprints with
1091 the district school superintendent of the employing school
1092 district. Upon submission of fingerprints for this purpose, the
1093 school district shall request the Department of Law Enforcement
1094 to forward the fingerprints to the Federal Bureau of
1095 Investigation for federal criminal records checks ~~the level-2~~
1096 ~~sreening~~, and the fingerprints shall be retained by the
1097 Department of Law Enforcement under s. 1012.32(3)(a) and (b).
1098 The cost of the state and federal criminal history checks ~~check~~
1099 required by paragraph (a) and this paragraph ~~level-2 screening~~
1100 may be borne by the district school board or the employee. Under

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1101 penalty of perjury, each person who is certified under this
1102 chapter must agree to inform his or her employer within 48 hours
1103 if convicted of any disqualifying offense while he or she is
1104 employed in a position for which such certification is required.

1105 (c) If it is found under s. 1012.796 that a person who is
1106 employed in a position requiring certification under this
1107 chapter has does not been screened in accordance with s.
1108 1012.32, or is ineligible for such certification under s.
1109 1012.315 meet the level 2 screening requirements, the person's
1110 certification shall be immediately revoked or suspended and he
1111 or she shall be immediately suspended from the position
1112 requiring certification.

1113 (14) PERSONNEL RECORDS.--The Department of Education shall
1114 maintain an electronic database that includes, but need not be
1115 limited to, a complete statement of the academic preparation,
1116 professional training, and teaching experience of each person to
1117 whom a certificate is issued. The applicant or the district
1118 school superintendent shall furnish the information using a
1119 format ~~or forms~~ provided by the department.

1120 Section 31. Subsection (1) and paragraph (a) of subsection
1121 (8) of section 1012.79, Florida Statutes, are amended to read:

1122 1012.79 Education Practices Commission; organization.--

1123 (1) The Education Practices Commission consists of 25 ~~17~~
1124 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1125 of whom shall represent a private school; 7 and 5 lay citizens,
1126 5 of whom shall be parents of public school students and who
1127 are unrelated to public school employees and 2 of whom shall be
1128 former district school board members; ~~7~~ and 5 sworn law

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1129 enforcement officials, appointed by the State Board of Education
1130 from nominations by the Commissioner of Education and subject to
1131 Senate confirmation. Prior to making nominations, the
1132 commissioner shall consult with ~~the~~ teaching associations,
1133 parent organizations, law enforcement agencies, and other
1134 involved associations in the state. In making nominations, the
1135 commissioner shall attempt to achieve equal geographical
1136 representation, as closely as possible.

1137 (a) A teacher member, in order to be qualified for
1138 appointment:

- 1139 1. Must be certified to teach in the state.
- 1140 2. Must be a resident of the state.
- 1141 3. Must have practiced the profession in this state for at
1142 least 5 years immediately preceding the appointment.

1143 (b) A school administrator member, in order to be
1144 qualified for appointment:

- 1145 1. Must have an endorsement on the educator certificate in
1146 the area of school administration or supervision.
- 1147 2. Must be a resident of the state.
- 1148 3. Must have practiced the profession as an administrator
1149 for at least 5 years immediately preceding the appointment.

1150 (c) The lay members must be residents of the state.

1151 (d) The law enforcement official members must have served
1152 in the profession for at least 5 years immediately preceding
1153 appointment and have background expertise in child safety.

1154 (8) (a) The commission shall, from time to time, designate
1155 members of the commission to serve on panels for the purpose of
1156 reviewing and issuing final orders upon cases presented to the

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1157 commission. A case concerning a complaint against a teacher
1158 shall be reviewed and a final order ~~thereon shall be~~ entered by
1159 a panel composed of five commission members, at least one of
1160 whom must be a parent or a sworn law enforcement officer and at
1161 least three of whom must ~~shall~~ be teachers. A case concerning a
1162 complaint against an administrator shall be reviewed and a final
1163 order ~~thereon shall be~~ entered by a panel composed of five
1164 commission members, at least one of whom must be a parent or a
1165 sworn law enforcement officer and at least three of whom must
1166 ~~shall~~ be administrators.

1167 Section 32. Subsection (1) of section 1012.795, Florida
1168 Statutes, is amended to read:

1169 1012.795 Education Practices Commission; authority to
1170 discipline.--

1171 (1) The Education Practices Commission may suspend the
1172 educator certificate of any person as defined in s. 1012.01(2)
1173 or (3) for a period of time not to exceed 5 years, thereby
1174 denying that person the right to teach or otherwise be employed
1175 by a district school board or public school in any capacity
1176 requiring direct contact with students for that period of time,
1177 after which the holder may return to teaching as provided in
1178 subsection (4); may revoke the educator certificate of any
1179 person, thereby denying that person the right to teach or
1180 otherwise be employed by a district school board or public
1181 school in any capacity requiring direct contact with students
1182 for a period of time not to exceed 10 years, with reinstatement
1183 subject to the provisions of subsection (4); may revoke
1184 permanently the educator certificate of any person thereby

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1185 denying that person the right to teach or otherwise be employed
1186 by a district school board or public school in any capacity
1187 requiring direct contact with students; may suspend the educator
1188 certificate, upon order of the court, of any person found to
1189 have a delinquent child support obligation; or may impose any
1190 other penalty provided by law, ~~if provided it can be shown that~~
1191 the person:

1192 (a) Obtained or attempted to obtain an educator
1193 certificate by fraudulent means.

1194 (b) Knowingly failed to report actual or suspected child
1195 abuse as required in s. 1006.061 or report alleged misconduct by
1196 instructional personnel or school administrators which affects
1197 the health, safety, or welfare of a student as required in s.
1198 1012.796.

1199 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
1200 duties as an employee of the public school system or to teach in
1201 or to operate a private school.

1202 (d) ~~(e)~~ Has been guilty of gross immorality or an act
1203 involving moral turpitude as defined by rule of the State Board
1204 of Education.

1205 (e) ~~(d)~~ Has had an educator certificate sanctioned by
1206 revocation, suspension, or surrender in another state.

1207 (f) ~~(e)~~ Has been convicted or found guilty of, or entered a
1208 plea of guilty to, regardless of adjudication of guilt, a
1209 misdemeanor, felony, or any other criminal charge, other than a
1210 minor traffic violation.

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1211 (g)~~(f)~~ Upon investigation, has been found guilty of
1212 personal conduct which seriously reduces that person's
1213 effectiveness as an employee of the district school board.

1214 (h)~~(g)~~ Has breached a contract, as provided in s.
1215 1012.33(2).

1216 (i)~~(h)~~ Has been the subject of a court order directing the
1217 Education Practices Commission to suspend the certificate as a
1218 result of a delinquent child support obligation.

1219 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1220 for the Education Profession prescribed by State Board of
1221 Education rules.

1222 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1223 penalty for which is the revocation of the educator certificate.

1224 (l)~~(k)~~ Has violated any order of the Education Practices
1225 Commission.

1226 (m)~~(l)~~ Has been the subject of a court order or plea
1227 agreement in any jurisdiction which requires the
1228 certificateholder to surrender or otherwise relinquish his or
1229 her educator's certificate. A surrender or relinquishment shall
1230 be for permanent revocation of the certificate. A person may not
1231 surrender or otherwise relinquish his or her certificate prior
1232 to a finding of probable cause by the commissioner as provided
1233 in s. 1012.796.

1234 (n) Has been disqualified from educator certification
1235 under s. 1012.315.

1236 Section 33. Subsections (1), (3), and (5) of section
1237 1012.796, Florida Statutes, are amended to read:

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1238 1012.796 Complaints against teachers and administrators;
1239 procedure; penalties.--

1240 (1) (a) The Department of Education shall cause to be
1241 investigated expeditiously any complaint filed before it or
1242 otherwise called to its attention which, if legally sufficient,
1243 contains grounds for the revocation or suspension of a
1244 certificate or any other appropriate penalty as set forth in
1245 subsection (7). The complaint is legally sufficient if it
1246 contains the ultimate facts which show a violation has occurred
1247 as provided in s. 1012.795 and defined by rule of the State
1248 Board of Education. The department shall ~~may~~ investigate or
1249 continue to investigate and take appropriate action on a
1250 complaint even though the original complainant withdraws the
1251 complaint or otherwise indicates a desire not to cause it to be
1252 investigated or prosecuted to completion. The department may
1253 investigate or continue to investigate and take action on a
1254 complaint filed against a person whose educator certificate has
1255 expired if the act or acts that ~~which~~ are the basis for the
1256 complaint were allegedly committed while that person possessed
1257 an educator certificate.

1258 (b) The department shall immediately investigate any
1259 legally sufficient complaint that involves misconduct by any
1260 certificated personnel which affects the health, safety, or
1261 welfare of a student, giving the complaint priority over other
1262 pending complaints. The department must investigate or continue
1263 to investigate and take action on such a complaint filed against
1264 a person whose educator certificate has expired if the act or

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1265 acts that are the basis for the complaint were allegedly
1266 committed while that person possessed an educator certificate.

1267 (c)-(b) When an investigation is undertaken, the department
1268 shall notify the certificateholder or applicant for
1269 certification and the district school superintendent or the
1270 university laboratory school, charter school, or private school
1271 in which the certificateholder or applicant for certification is
1272 employed or was employed at the time the alleged offense
1273 occurred. In addition, the department shall inform the
1274 certificateholder or applicant for certification of the
1275 substance of any complaint which has been filed against that
1276 certificateholder or applicant, unless the department determines
1277 that such notification would be detrimental to the
1278 investigation, in which case the department may withhold
1279 notification.

1280 (d)-(e) Each school district shall file in writing with the
1281 department all legally sufficient complaints within 30 days
1282 after the date on which subject matter of the complaint comes to
1283 the attention of the school district. A complaint is legally
1284 sufficient if it contains ultimate facts that show a violation
1285 has occurred as provided in s. 1012.795 and defined by rule of
1286 the State Board of Education. The school district shall include
1287 all information relating to the complaint which is known to the
1288 school district at the time of filing. Each district school
1289 board shall develop and adopt policies and procedures to comply
1290 with this reporting requirement. School board policies and
1291 procedures must include standards for screening, hiring, and
1292 terminating instructional personnel and school administrators,

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1293 as defined in s. 1012.01; standards of ethical conduct for
1294 instructional personnel and school administrators; the duties of
1295 instructional personnel and school administrators for upholding
1296 the standards; detailed procedures for reporting alleged
1297 misconduct by instructional personnel and school administrators
1298 which affects the health, safety, or welfare of a student;
1299 requirements for the reassignment of instructional personnel or
1300 school administrators pending the outcome of a misconduct
1301 investigation; and penalties for failing to comply with s.
1302 1001.51 or s. 1012.795. The district school board policies and
1303 procedures shall include appropriate penalties for all personnel
1304 of the district school board for nonreporting and procedures for
1305 promptly informing the district school superintendent of each
1306 legally sufficient complaint. The district school superintendent
1307 is charged with knowledge of these policies and procedures and
1308 is accountable for the training of all instructional personnel
1309 and school administrators of the school district on the
1310 standards of ethical conduct, policies, and procedures. If the
1311 district school superintendent has knowledge of a legally
1312 sufficient complaint and does not report the complaint, or fails
1313 to enforce the policies and procedures of the district school
1314 board, and fails to comply with the requirements of this
1315 subsection, in addition to other actions against
1316 certificateholders authorized by law, the district school
1317 superintendent ~~is shall be~~ subject to penalties as specified in
1318 s. 1001.51(12). If the superintendent determines that misconduct
1319 by instructional personnel or school administrators who hold an
1320 educator certificate affects the health, safety, or welfare of a

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

1332 (e) If allegations arise against an employee who is
1333 certified under s. 1012.56 and employed in an educator-
1334 certificated position in any public school, charter school or
1335 governing board thereof, or private school that accepts
1336 scholarship students under s. 220.187 or s. 1002.39, the school
1337 shall file in writing with the department a legally sufficient
1338 complaint within 30 days after the date on which the subject
1339 matter of the complaint came to the attention of the school. A
1340 complaint is legally sufficient if it contains ultimate facts
1341 that show a violation has occurred as provided in s. 1012.795
1342 and defined by rule of the State Board of Education. The school
1343 shall include all known information relating to the complaint
1344 with the filing of the complaint. This paragraph does not limit
1345 or restrict the power and duty of the department to investigate
1346 complaints, regardless of the school's untimely filing, or
1347 failure to file, complaints and followup reports.

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

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

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

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

1389 Section 34. Paragraph (b) of subsection (4) of section
1390 1012.98, Florida Statutes, is amended to read:

1391 1012.98 School Community Professional Development Act.--

1392 (4) The Department of Education, school districts,
1393 schools, community colleges, and state universities share the
1394 responsibilities described in this section. These
1395 responsibilities include the following:

1396 (b) Each school district shall develop a professional
1397 development system as specified in subsection (3). The system
1398 shall be developed in consultation with teachers, teacher-
1399 educators of community colleges and state universities, business
1400 and community representatives, and local education foundations,
1401 consortia, and professional organizations. The professional
1402 development system must:

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1403 1. Be approved by the department. All substantial
1404 revisions to the system shall be submitted to the department for
1405 review for continued approval.

1406 2. Be based on analyses of student achievement data and
1407 instructional strategies and methods that support rigorous,
1408 relevant, and challenging curricula for all students. Schools
1409 and districts, in developing and refining the professional
1410 development system, shall also review and monitor school
1411 discipline data; school environment surveys; assessments of
1412 parental satisfaction; performance appraisal data of teachers,
1413 managers, and administrative personnel; and other performance
1414 indicators to identify school and student needs that can be met
1415 by improved professional performance.

1416 3. Provide inservice activities coupled with followup
1417 support appropriate to accomplish district-level and school-
1418 level improvement goals and standards. The inservice activities
1419 for instructional personnel shall focus on analysis of student
1420 achievement data, ongoing formal and informal assessments of
1421 student achievement, identification and use of enhanced and
1422 differentiated instructional strategies that emphasize rigor,
1423 relevance, and reading in the content areas, enhancement of
1424 subject content expertise, integrated use of classroom
1425 technology that enhances teaching and learning, classroom
1426 management, parent involvement, and school safety.

1427 4. Include a master plan for inservice activities,
1428 pursuant to rules of the State Board of Education, for all
1429 district employees from all fund sources. The master plan shall
1430 be updated annually by September 1, must be based on input from

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1431 teachers and district and school instructional leaders, and must
1432 use the latest available student achievement data and research
1433 to enhance rigor and relevance in the classroom. Each district
1434 inservice plan must be aligned to and support the school-based
1435 inservice plans and school improvement plans pursuant to s.
1436 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by
1437 the district school board annually in order to ensure compliance
1438 with subsection (1) and to allow for dissemination of research-
1439 based best practices to other districts. District school boards
1440 must submit verification of their approval to the Commissioner
1441 of Education no later than October 1, annually.

1442 5. Require each school principal to establish and maintain
1443 an individual professional development plan for each
1444 instructional employee assigned to the school as a seamless
1445 component to the school improvement plans developed pursuant to
1446 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1447 development plan must:

1448 a. Be related to specific performance data for the
1449 students to whom the teacher is assigned.

1450 b. Define the inservice objectives and specific measurable
1451 improvements expected in student performance as a result of the
1452 inservice activity.

1453 c. Include an evaluation component that determines the
1454 effectiveness of the professional development plan.

1455 6. Include inservice activities for school administrative
1456 personnel that address updated skills necessary for
1457 instructional leadership and effective school management
1458 pursuant to s. 1012.986.

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1459 7. Provide for systematic consultation with regional and
1460 state personnel designated to provide technical assistance and
1461 evaluation of local professional development programs.

1462 8. Provide for delivery of professional development by
1463 distance learning and other technology-based delivery systems to
1464 reach more educators at lower costs.

1465 9. Provide for the continuous evaluation of the quality
1466 and effectiveness of professional development programs in order
1467 to eliminate ineffective programs and strategies and to expand
1468 effective ones. Evaluations must consider the impact of such
1469 activities on the performance of participating educators and
1470 their students' achievement and behavior.

1471 Section 35. Subsection (4) of section 1013.03, Florida
1472 Statutes, is amended to read:

1473 1013.03 Functions of the department and the Board of
1474 Governors.--The functions of the Department of Education as it
1475 pertains to educational facilities of school districts and
1476 community colleges and of the Board of Governors as it pertains
1477 to educational facilities of state universities shall include,
1478 but not be limited to, the following:

1479 (4) Require each board and other appropriate agencies to
1480 submit complete and accurate financial data as to the amounts of
1481 funds from all sources that are available and spent for
1482 construction and capital improvements. The commissioner shall
1483 prescribe the format and the date for the submission of this
1484 data and any other educational facilities data. If any district
1485 does not submit the required educational facilities fiscal data
1486 by the prescribed date, the Commissioner of Education shall

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1487 notify the district school board of this fact and, if
 1488 appropriate action is not taken to immediately submit the
 1489 required report, the district school board shall be directed to
 1490 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~
 1491 ~~1001.42(11)(b)~~. If any community college or university does not
 1492 submit the required educational facilities fiscal data by the
 1493 prescribed date, the same policy prescribed in this subsection
 1494 for school districts shall be implemented.

1495 Section 36. The sum of \$153,872 is appropriated from the
 1496 Educational Certification and Services Trust Fund to the
 1497 Department of Education for the 2008-2009 fiscal year, and two
 1498 additional full-time equivalent positions and associated salary
 1499 rate of 90,088 are authorized, for the purpose of implementing
 1500 this act.

1501 Section 37. This act shall take effect July 1, 2008.

1502
 1503

1504 -----

1505 **T I T L E A M E N D M E N T**

1506 Remove the entire title and insert:

1507 A bill to be entitled

1508 An act relating to ethics; providing a short title; amending s.
 1509 24.121, F.S., relating to public school funding; conforming
 1510 cross-references; amending s. 112.3173, F.S.; specifying certain
 1511 felony offenses against a minor as additional offenses that
 1512 constitute a breach of the public trust; requiring a person
 1513 committing such an offense to forfeit benefits under certain
 1514 public retirement systems; amending s. 121.091, F.S.;

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1515 prohibiting the Division of Retirement from paying benefits to a
1516 member who commits certain felony offenses against a minor;
1517 conforming a cross-reference; creating ss. 794.09 and 800.05,
1518 F.S.; providing notice in the criminal statutes that certain
1519 retirement benefits are subject to forfeiture for committing
1520 certain felony offenses against a minor; amending s. 1001.10,
1521 F.S.; requiring the Department of Education to assist school
1522 districts, charter schools, the Florida School for the Deaf and
1523 the Blind, and private schools that accept school choice
1524 scholarship students in developing policies, procedures, and
1525 training related to employment practices and standards of
1526 ethical conduct; requiring the department to provide authorized
1527 staff with access to certain databases for employment history
1528 verification; amending s. 1001.32, F.S., relating to school
1529 administration; conforming a cross-reference; amending s.
1530 1001.42, F.S.; requiring each district school board to adopt
1531 standards of ethical conduct and provide training for
1532 instructional personnel and school administrators; prohibiting
1533 confidentiality agreements regarding terminated or dismissed
1534 instructional personnel and school administrators which have the
1535 effect of concealing certain misconduct; prohibiting a school
1536 district from providing employment references for specified
1537 personnel and administrators except under certain circumstances;
1538 requiring a person who committed certain crimes to be
1539 disqualified from employment in certain positions in a district
1540 school system under specified conditions; providing that a
1541 district school board official who knowingly signs and transmits
1542 a false or incorrect report, or fails to adopt certain policies,

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1543 forfeits his or her salary for a specified period; amending s.
1544 1001.452, F.S., relating to district and school advisory
1545 councils; conforming cross-references; amending s. 1001.51,
1546 F.S.; providing that a district school superintendent forfeits
1547 his or her salary for a specified period following failure to
1548 investigate and report allegations of certain misconduct by
1549 specified personnel or administrators; amending ss. 1001.54 and
1550 1002.32, F.S., relating to duties of principals and laboratory
1551 schools; conforming cross-references; amending s. 1002.33, F.S.;
1552 requiring a person who committed certain crimes to be
1553 disqualified from employment in certain positions in a charter
1554 school under specified conditions; requiring charter schools to
1555 adopt standards of ethical conduct and provide training for all
1556 instructional personnel and school administrators; prohibiting
1557 confidentiality agreements regarding terminated or dismissed
1558 instructional personnel and school administrators which have the
1559 effect of concealing certain misconduct; prohibiting a charter
1560 school from providing employment references for specified
1561 personnel and administrators except under certain circumstances;
1562 requiring a charter school to contact the previous employer, and
1563 verify the employment history against certain databases, of
1564 persons seeking employment in certain positions; requiring a
1565 charter school's sponsor to terminate the school's charter for
1566 failing to comply with these requirements; amending s. 1002.36,
1567 F.S.; requiring the Florida School for the Deaf and the Blind to
1568 meet certain requirements governing the screening of personnel;
1569 amending s. 1002.421, F.S.; requiring a person who committed
1570 certain crimes to be disqualified from employment in certain

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1571 positions in a private school that accepts certain scholarship
1572 students under specified conditions; requiring certain private
1573 schools to adopt standards of ethical conduct and provide
1574 training for all instructional personnel and school
1575 administrators; prohibiting confidentiality agreements regarding
1576 terminated or dismissed instructional personnel or school
1577 administrators which have the effect of concealing certain
1578 misconduct; prohibiting a private school from providing
1579 employment references for specified personnel and administrators
1580 except under certain circumstances; requiring a private school
1581 to contact the previous employer, and verify the employment
1582 history against certain databases, of persons seeking employment
1583 in certain positions; requiring the Department of Education to
1584 suspend enrollment of new students and the payment of funds to a
1585 private school failing to comply with these requirements;
1586 amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to
1587 educational instruction and programs; conforming cross-
1588 references; amending s. 1006.061, F.S.; requiring district
1589 school boards, charter schools, and private schools that accept
1590 certain scholarship students to post policies for reporting
1591 child abuse and misconduct by specified personnel and
1592 administrators; requiring the principal of such schools to act
1593 as a liaison in suspected cases of child abuse; requiring the
1594 Department of Education to publish sample notices; amending ss.
1595 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to
1596 accountability procedures; conforming cross-references; amending
1597 s. 1012.27, F.S.; requiring the district school superintendent
1598 to contact the previous employer, and verify the employment

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1712

Amendment No.

1599 history against certain databases, of persons seeking employment
1600 in certain positions; creating s. 1012.315, F.S.; specifying
1601 offenses that disqualify instructional personnel and school
1602 administrators from employment in certain positions that require
1603 direct contact with students; amending s. 1012.32, F.S.;
1604 requiring specified personnel or administrators who committed
1605 certain crimes to be disqualified from employment in certain
1606 positions in a district school system or charter school under
1607 specified conditions; amending s. 1012.33, F.S.; providing that
1608 just cause for terminating instructional staff includes
1609 immorality or commission of certain crimes; amending s. 1012.34,
1610 F.S., relating to assessment procedures; conforming a cross-
1611 reference; amending s. 1012.56, F.S., relating to certification
1612 requirements for educators; revising requirements for conducting
1613 state and federal criminal records checks of persons seeking
1614 certification; requiring a person who committed certain crimes
1615 to be ineligible for certification under specified conditions;
1616 providing for the Department of Education to maintain educator
1617 records in an electronic database; amending s. 1012.79, F.S.;
1618 providing for additional members to be appointed to the
1619 Education Practices Commission; revising the composition of
1620 panels appointed to review complaints against teachers and
1621 administrators; amending s. 1012.795, F.S.; providing for the
1622 suspension of the educator certificate of a person who knowingly
1623 fails to report child abuse or misconduct by specified personnel
1624 or administrators; clarifying authority of the commission to
1625 discipline educators who commit certain crimes; amending s.
1626 1012.796, F.S.; requiring the Department of Education to

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HOUSE AMENDMENT

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Amendment No.

1627 investigate each complaint involving misconduct by certificated
1628 personnel; clarifying what constitutes a legally sufficient
1629 complaint; providing requirements for school board policies and
1630 procedures relating to standards of ethical conduct; providing
1631 that the district school superintendent is accountable for
1632 training of instructional personnel and school administrators on
1633 the standards, policies, and procedures; requiring employers of
1634 certificated personnel to report misconduct by such personnel to
1635 the Department of Education; requiring that instructional
1636 personnel or school administrators be immediately suspended and
1637 reassigned under certain circumstances; amending ss. 1012.98 and
1638 1013.03, F.S., relating to the School Community Professional
1639 Development Act and functions of the Department of Education and
1640 Board of Governors; conforming cross-references; providing an
1641 appropriation and authorizing additional positions; providing an
1642 effective date.

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