



898494

581-04322A-08

Proposed Committee Substitute by the Committee on Education Pre-K
- 12

1 A bill to be entitled
2 An act relating to ethics; providing a short title;
3 amending s. 24.121, F.S., relating to public school
4 funding; conforming cross-references; amending s.
5 112.3173, F.S.; specifying certain additional offenses
6 that constitute a breach of the public trust; amending s.
7 121.091, F.S.; prohibiting the Division of Retirement from
8 paying benefits to a member who has committed certain
9 felony offenses against a minor; amending s. 1001.03,
10 F.S.; requiring the State Board of Education to adopt by
11 rule a list of specified criminal acts that disqualify a
12 person from acquiring or retaining a teaching certificate;
13 amending s. 1001.10, F.S.; requiring the Commissioner of
14 Education to assist school districts, charter schools, the
15 Florida School for the Deaf and the Blind, and private
16 schools and providers in developing policies and
17 procedures governing educator ethics and employment;
18 amending s. 1001.32, F.S., relating to school
19 administration; conforming a cross-reference; amending s.
20 1001.42, F.S.; requiring each district school board to
21 adopt ethical standards for all employees; prohibiting
22 confidentiality agreements regarding terminated or
23 dismissed employees which have the effect of concealing
24 certain conduct; requiring each district school board to
25 adopt a list of criminal acts that disqualify a person
26 having direct contact with students from employment;
27 providing that a district school board official that



898494

581-04322A-08

28 | knowingly signs or transmits a false report, fails to
29 | support policies which ensure investigation of reports, or
30 | fails to report allegations of educator misconduct
31 | forfeits his or her salary for a specified period;
32 | amending s. 1001.452, F.S., relating to district and
33 | school advisory councils; conforming cross-references;
34 | amending s. 1001.51, F.S.; providing that a district
35 | school superintendent or district school board member
36 | forfeits his or her salary for a specified period
37 | following failure to report allegations of misconduct by
38 | an educator; amending ss. 1001.54 and 1002.32, F.S.,
39 | relating to duties of principals and lab schools;
40 | conforming cross-references; amending s. 1002.33, F.S.;
41 | requiring charter schools to adopt a list of criminal acts
42 | that disqualify a person having direct contact with
43 | students from employment; requiring charter schools to
44 | adopt ethical standards for all employees; prohibiting
45 | confidentiality agreements regarding terminated or
46 | dismissed employees which have the effect of concealing
47 | certain conduct; requiring the school to contact the prior
48 | employer and assess a candidate's ability to meet ethical
49 | standards; requiring the immediate suspension of an
50 | employee upon an allegation of misconduct; requiring the
51 | school to contact the previous employer of each candidate
52 | for employment and notify the Department of Education of
53 | the termination of an employee, regardless of cause;
54 | requiring the charter school sponsor to suspend the
55 | school's charter for failing to comply with these
56 | requirements; amending s. 1002.36, F.S.; requiring the
57 | Florida School for the Deaf and the Blind to meet certain



898494

581-04322A-08

58 requirements governing the screen of educators; amending
59 ss. 1002.421 and 1002.55, F.S.; requiring owners of
60 certain private schools and private prekindergarten
61 providers to adopt a list of criminal acts that disqualify
62 a person having direct contact with students from
63 employment; requiring such owners and providers to adopt
64 ethical standards for all employees; prohibiting
65 confidentiality agreements regarding terminated or
66 dismissed employees which have the effect of concealing
67 certain conduct; requiring such owners and providers to
68 contact the previous employer of each candidate for
69 employment and notify the Department of Education of the
70 termination of an employee, regardless of cause; amending
71 ss. 1002.61, 1002.63, 1002.65, 1003.413, 1003.53, and
72 1004.92, F.S., relating to prekindergarten programs and
73 instructors, the Florida Secondary School Redesign Act,
74 dropout prevention, and career education; conforming
75 cross-references; amending s. 1006.061, F.S.; requiring
76 each district school board to post its policies and
77 procedures for reporting misconduct by educators and the
78 penalties imposed for failing to report suspected or
79 actual child abuse; amending ss. 1007.21, 1007.23,
80 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating
81 to readiness for postsecondary education and the
82 workplace, the statewide articulation agreement, public
83 school improvement and educator accountability, funding
84 accountability, and school depositories; conforming cross-
85 references; amending s. 1012.27, F.S.; requiring the
86 district school superintendent to contact the previous
87 employer of each candidate for employment and notify the



898494

581-04322A-08

88 Department of Education of the termination of an employee,
89 regardless of cause; amending s. 1012.33, F.S.; providing
90 that just cause for terminating instructional staff
91 includes immorality or the commission of a criminal act;
92 amending s. 1012.34, F.S., relating to assessment
93 procedures; conforming a cross-reference; amending s.
94 1012.56, F.S., relating to certification requirements for
95 educators; providing for the Department of Education to
96 maintain personnel records on an electronic database;
97 amending s. 1012.79, F.S.; providing for additional
98 members to be appointed to the Education Practices
99 Commission; revising the composition of the panel
100 appointed to review complaints against teachers; amending
101 s. 1012.795, F.S.; providing for suspending the educator
102 certificate of a person who knowingly fails to report
103 child abuse or suspected or actual misconduct by an
104 educator; requiring each district school superintendent
105 and the governing authority of certain schools to report
106 to the department the names of employees dismissed for any
107 reason; providing sanctions for failing to make such
108 reports; amending s. 1012.796, F.S.; requiring that the
109 Department of Education investigate each complaint;
110 clarifying what constitutes a legally sufficient
111 complaint; providing requirements for adopted school board
112 policies and procedures; providing that the district
113 school superintendent is accountable for communicating
114 standards, policies, and procedures to district employees;
115 requiring that an educator be immediately suspended and
116 reassigned upon an allegation of educator misconduct;
117 amending ss. 1012.98 and 1013.03, F.S., relating to the



898494

581-04322A-08

118 School Community Professional Development Act and
119 functions of the department and Board of Governors;
120 conforming cross-references; providing an effective date.
121

122 Be It Enacted by the Legislature of the State of Florida:
123

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

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

128 24.121 Allocation of revenues and expenditure of funds for
129 public education.--

130 (5)

131 (c) A portion of such net revenues, as determined annually
132 by the Legislature, shall be distributed to each school district
133 and shall be made available to each public school in the district
134 for enhancing school performance through development and
135 implementation of a school improvement plan pursuant to s.
136 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
137 determined annually in the General Appropriations Act, must be
138 allocated to each school in an equal amount for each student
139 enrolled. These moneys may be expended only on programs or
140 projects selected by the school advisory council or by a parent
141 advisory committee created pursuant to this paragraph. If a
142 school does not have a school advisory council, the district
143 advisory council must appoint a parent advisory committee
144 composed of parents of students enrolled in that school, which
145 ~~committee~~ is representative of the ethnic, racial, and economic
146 community served by the school, to advise the school's principal
147 on the programs or projects to be funded. Neither school district



898494

581-04322A-08

148 staff nor principals may override the recommendations of the
149 school advisory council or the parent advisory committee. These
150 moneys may not be used for capital improvements or, ~~nor may they~~
151 ~~be used~~ for any project or program that has a duration of more
152 than 1 year; however, a school advisory council or parent
153 advisory committee may independently determine that a program or
154 project formerly funded under this paragraph should receive funds
155 in a subsequent year.

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

165 Section 3. Paragraph (e) of subsection (2) of section
166 112.3173, Florida Statutes, is amended to read:

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

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

172 (e) "Specified offense" means:

173 1. The committing, aiding, or abetting of an embezzlement
174 of public funds;

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



898494

581-04322A-08

177 | 3. Bribery in connection with the employment of a public
178 | officer or employee;

179 | 4. Any felony specified in chapter 838, except ss. 838.15
180 | and 838.16;

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

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

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

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

203 | 121.091 Benefits payable under the system.--Benefits may
204 | not be paid under this section unless the member has terminated
205 | employment as provided in s. 121.021(39) (a) or begun
206 | participation in the Deferred Retirement Option Program as



898494

581-04322A-08

207 provided in subsection (13), and a proper application has been
208 filed in the manner prescribed by the department. The department
209 may cancel an application for retirement benefits when the member
210 or beneficiary fails to timely provide the information and
211 documents required by this chapter and the department's rules.
212 The department shall adopt rules establishing procedures for
213 application for retirement benefits and for the cancellation of
214 such application when the required information or documents are
215 not received.

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

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

234 Section 5. Present subsections (3) through (15) of section
235 1001.03, Florida Statutes, are redesignated as subsections (4)



898494

581-04322A-08

236 through (16), respectively, and a new subsection (3) is added to
237 that section, to read:

238 1001.03 Specific powers of State Board of Education.--

239 (3) ESTABLISH CRIMINAL ACTS DISQUALIFYING A PERSON FROM
240 ACQUIRING OR RETAINING A FLORIDA EDUCATOR CERTIFICATE.--The State
241 Board of Education shall establish and adopt by rule a list of
242 criminal acts that disqualify a person from acquiring or
243 retaining a Florida Educator Certificate when a court of
244 competent jurisdiction has entered a judgment of conviction. The
245 board shall review the list annually and amend the list as
246 necessary. A criminal act committed in another state or under
247 federal law, the elements of which constitute a criminal act in
248 this state, shall be considered for purposes of disqualification
249 as if the act was committed in this state. The list of criminal
250 acts must include, at minimum, offenses included in s. 435.04,
251 crimes involving moral turpitude, and the following:

252 (a) Section 787.025, relating to luring or enticing a
253 child.

254 (b) Section 794.05, relating to unlawful sexual activity
255 with certain minors.

256 (c) Section 810.14, relating to voyeurism.

257 (d) Section 810.145, relating to video voyeurism.

258 (e) Any delinquent act that qualified or would have
259 qualified an individual for inclusion on the Registered Juvenile
260 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

261 Section 6. Present subsection (4) of section 1001.10,
262 Florida Statutes, is redesignated as subsection (5), and a new
263 subsection (4) is added to that section, to read:

264 1001.10 Commissioner of Education; general powers and
265 duties.--



898494

581-04322A-08

266 (4) The Commissioner of Education shall provide technical
267 assistance and support to local school districts, charter
268 schools, the Florida School for the Deaf and the Blind, private
269 schools that accept scholarship students under chapter 1002 or s.
270 220.187, and private providers pursuant to s. 1002.55 in the
271 development of policies, procedures, and training related to
272 educator ethics and employment practices.

273 Section 7. Subsection (4) of section 1001.32, Florida
274 Statutes, is amended to read:

275 1001.32 Management, control, operation, administration, and
276 supervision.--The district school system must be managed,
277 controlled, operated, administered, and supervised as follows:

278 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
279 the administration of any school or schools at a given school
280 center, for the supervision of instruction therein, and for
281 providing leadership in the development or revision and
282 implementation of a school improvement plan required by s.
283 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
284 school principal or head of the school or schools in accordance
285 with rules established by the district school board.

286 Section 8. Present subsections (6) through (23) of section
287 1001.42, Florida Statutes, are redesignated as subsections (8)
288 through (25), respectively, and new subsections (6) and (7) are
289 added to that section, to read:

290 1001.42 Powers and duties of district school board.--The
291 district school board, acting as a board, shall exercise all
292 powers and perform all duties listed below:

293 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
294 policies and procedures setting forth ethical standards for all
295 employees. The policies and procedures must include



898494

581-04322A-08

296 responsibilities and procedures for reporting suspected or actual
297 misconduct by an educator which affects the health, safety, or
298 welfare of a student and an explanation of liability protections
299 provided to students, parents, and employees under ss. 39.201,
300 39.202, and 768.095 who report the suspected or actual
301 misconduct. A district school board or any of its employees may
302 not enter into a confidentiality agreement regarding a terminated
303 or dismissed employee or an employee who resigns in lieu of
304 termination based on unethical conduct that affects the health,
305 safety, or welfare of a student and may not provide the employee
306 with a favorable recommendation for employment in another
307 educational setting. Any portion of an agreement or contract that
308 has the purpose or effect of concealing the conduct of an
309 educator regarding actions over which the Education Practices
310 Commission has disciplinary jurisdiction is void, is contrary to
311 public policy, and may not be enforced.

312 (7) ESTABLISH CRIMINAL ACTS DISQUALIFYING A PERSON FROM
313 EMPLOYMENT.--Establish and adopt a list of criminal acts that
314 disqualify a person from employment in a position that involves
315 direct contact with students. The list must include, at minimum,
316 criminal acts identified pursuant to s. 1001.03(3). The district
317 school board shall review the list annually and amend the list as
318 necessary. A criminal act committed in another state or under
319 federal law, the elements of which constitute a criminal act in
320 this state, shall be considered for purposes of disqualification
321 as if the act was committed in this state. An elected or
322 appointed school board official who knowingly signs and transmits
323 to any state official a false or incorrect report or who fails to
324 support the adoption of policies that ensure the investigation of
325 all reports of suspected or actual misconduct by an educator



898494

581-04322A-08

326 which affects the health, safety, or welfare of a student and the
327 reporting of allegations of misconduct by an educator which
328 affects the health, safety, or welfare of a student pursuant to
329 s. 1012.796 forfeits his or her salary for 1 year.

330 Section 9. Paragraphs (a) and (c) of subsection (1) and
331 subsection (2) of section 1001.452, Florida Statutes, are amended
332 to read:

333 1001.452 District and school advisory councils.--

334 (1) ESTABLISHMENT.--

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



898494

581-04322A-08

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

- 357 | 1. Teachers shall be elected by teachers.
358 | 2. Education support employees shall be elected by
359 | education support employees.
360 | 3. Students shall be elected by students.
361 | 4. Parents shall be elected by parents.

362 |

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



898494

581-04322A-08

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

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

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

409 Section 10. Subsection (12) of section 1001.51, Florida
410 Statutes, is amended to read:

411 1001.51 Duties and responsibilities of district school
412 superintendent.--The district school superintendent shall
413 exercise all powers and perform all duties listed below and
414 elsewhere in the law, provided that, in so doing, he or she shall



898494

581-04322A-08

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

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

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

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



898494

581-04322A-08

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

455
456 Any district school superintendent who knowingly signs and
457 transmits to any state official a false or incorrect report or
458 who fails to investigate all reports of suspected or actual
459 misconduct by an educator which affects the health, safety, or
460 welfare of a student or report allegations of misconduct by an
461 educator which affects the health, safety, or welfare of a
462 student pursuant to s. 1012.796 forfeits ~~shall forfeit~~ his or her
463 right to any salary for the period of 1 year following the ~~from~~
464 that date of such act or failure to act.

465 Section 11. Subsection (2) of section 1001.54, Florida
466 Statutes, is amended to read:

467 1001.54 Duties of school principals.--

468 (2) Each school principal shall provide instructional
469 leadership in the development, revision, and implementation of a
470 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
471 ~~1001.42(16)~~.

472 Section 12. Paragraph (b) of subsection (11) of section
473 1002.32, Florida Statutes, is amended to read:

474 1002.32 Developmental research (laboratory) schools.--



898494

581-04322A-08

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

479 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
480 1001.42 shall be held in abeyance. Reference to district school
481 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
482 of the university or the president's designee.

483 Section 13. Paragraph (g) of subsection (12) of section
484 1002.33, Florida Statutes, is amended to read:

485 1002.33 Charter schools.--

486 (12) EMPLOYEES OF CHARTER SCHOOLS.--

487 (g) In order to protect the health, safety, or welfare of
488 students, a charter school board shall:

489 1. ~~A charter school shall~~ Employ or contract with employees
490 who have undergone background screening as provided in s.
491 1012.32. Members of the governing board of the charter school
492 shall also undergo background screening in a manner similar to
493 that provided in s. 1012.32.

494 2. Establish and adopt a list of criminal acts that
495 disqualify a person from employment in a position that involves
496 direct contact with students. The list must, at minimum, include
497 criminal acts identified pursuant to s. 1001.03(3). The charter
498 school board shall review the list annually and amend the list as
499 necessary. A criminal act committed in another state or under
500 federal law, the elements of which constitute a criminal act in
501 this state shall, for purposes of disqualification, be considered
502 as if the act was committed in this state.

503 3. Adopt and communicate policies and procedures setting
504 forth ethical standards for all employees and include policies



898494

581-04322A-08

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

524 4. Before appointing a candidate to any position, contact
525 the previous employer of the candidate to assess the candidate's
526 ability to meet ethical standards for professional educators,
527 screen the candidate through the use of educator screening tools
528 provided by the Department of Education, and document findings.

529 5. Immediately suspend an educator from his or her
530 regularly assigned duties and reassign the suspended educator to
531 a position that does not require direct contact with students if
532 an allegation of educator misconduct is made about that educator
533 which affects the health, safety, or welfare of a student. Such
534 suspension shall continue until the completion of an



898494

581-04322A-08

535 investigation by a local law enforcement agency or the Department
536 of Education and the determination of sanctions, if any, pursuant
537 to ss. 1012.795 and 1012.796.

538 6. Report to the Department of Education the name of any
539 person who has been dismissed or severed from employment for any
540 reason, regardless of cause. The Department of Education shall
541 include termination information on a secure website for use by
542 authorized school district and charter school personnel, private
543 schools that accept scholarship students pursuant to chapter 1002
544 or s. 220.187, or private providers pursuant to s. 1002.55.

545 7. The sponsor of a charter school that fails to comply
546 with this paragraph shall terminate the charter pursuant to
547 subsection (8).

548 Section 14. Paragraph (g) is added to subsection (7) of
549 section 1002.36, Florida Statutes, to read:

550 1002.36 Florida School for the Deaf and the Blind.--

551 (7) PERSONNEL SCREENING.--

552 (g) For the purpose of protecting the health, safety, or
553 welfare of students and the ethical standards for professional
554 educators, the Florida School for the Deaf and the Blind shall be
555 considered a school district and shall meet the provisions of ss.
556 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.33, 1012.795,
557 and 1012.796.

558 Section 15. Present subsections (4), (5), and (6) of
559 section 1002.421, Florida Statutes, are redesignated as
560 subsections (5), (6), and (7), respectively, and a new subsection
561 (4) is added to that section, to read:

562 1002.421 Accountability of private schools participating in
563 state school choice scholarship programs.--

564 (4) A private school participating in a scholarship program



898494

581-04322A-08

565 under this section shall:

566 (a) Establish and adopt a list of criminal acts that
567 disqualify a person from employment in a position that involves
568 direct contact with students. The list must, at minimum, include
569 criminal acts identified pursuant to s. 1001.03(3). The private
570 school shall review the list annually and amend the list as
571 necessary. A criminal act committed in another state or under
572 federal law, the elements of which constitute a criminal act in
573 this state, shall be considered for purposes of disqualification
574 as if the act was committed in this state.

575 (b) Adopt and communicate policies and procedures setting
576 forth ethical standards for all employees and include policies
577 and procedures in professional development for all staff. The
578 policies and procedures must include responsibilities and
579 procedures for reporting suspected or actual misconduct by an
580 educator which affects the health, safety, or welfare of a
581 student and an explanation of liability protections provided to
582 students, parents, and employees under ss. 39.201, 39.202, and
583 768.095 who report suspected or actual misconduct that affects
584 the health, safety, or welfare of a student. A private school or
585 any of its employees may not enter into a confidentiality
586 agreement regarding a terminated or dismissed employee or an
587 employee who resigns in lieu of termination based on unethical
588 conduct that affects the health, safety, or welfare of a student
589 and may not provide the employee with a favorable recommendation
590 for employment in another educational setting. Any portion of an
591 agreement or contract that has the purpose or effect of
592 concealing the conduct of an educator regarding actions over
593 which the Education Practices Commission has disciplinary
594 jurisdiction is void, is contrary to public policy, and may not



898494

581-04322A-08

595 be enforced.

596 (c) Prior to appointing a candidate to any position,
597 contact the previous employer of the candidate to assess the
598 candidate's ability to meet ethical standards for professional
599 educators, screen the candidate through the use of educator
600 screening tools provided by the Department of Education, and
601 document findings.

602 (d) Immediately suspend an educator from his or her
603 regularly assigned duties and reassign the suspended educator to
604 a position that does not require direct contact with students if
605 an allegation of educator misconduct is made affects the health,
606 safety, or welfare of a student which involves that educator.
607 Such suspension shall continue until the completion of an
608 investigation by a local law enforcement agency or the Department
609 of Education and the determination of sanctions, if any, pursuant
610 to ss. 1012.795 and 1012.796.

611 (e) Report to the Department of Education the name of any
612 person who has been dismissed or severed from employment for any
613 reason, regardless of cause. The Department of Education shall
614 include termination information on a secure website for use by
615 authorized school district and charter school personnel, private
616 schools that accept scholarship students pursuant to chapter 1002
617 or s. 220.187, or private providers pursuant to s. 1002.55.

618 (f) The department shall prohibit a private school that
619 accepts educational scholarships under chapter 1002 or s.
620 220.187, or a private provider pursuant to s. 1002.55 which fails
621 to comply with this subsection from accepting students and
622 disqualify the private school from accepting state funds for a
623 period of 1 calendar year and until the private school complies
624 with this subsection. The Education Practices Commission shall



898494

581-04322A-08

625 impose applicable certification sanctions pursuant to s.
626 1012.795.

627 Section 16. Present subsections (2), (3), and (4) of
628 section 1002.55, Florida Statutes, are renumbered as subsections
629 (3), (4), and (5), respectively, a new subsection (2) is added to
630 that section, and present subsection (4) of that section is
631 amended, to read:

632 1002.55 School-year prekindergarten program delivered by
633 private prekindergarten providers.--

634 (2) A private provider participating in the Voluntary
635 Prekindergarten Education Program under this section shall:

636 (a) Establish and adopt a list of criminal acts that
637 disqualify a person from employment in a position that involves
638 direct contact with students. The list must, at a minimum,
639 include criminal acts identified pursuant to s. 1001.03(3). The
640 private provider shall review the list annually and amend the
641 list as necessary. A criminal act committed in another state or
642 under federal law, the elements of which constitute a criminal
643 act in this state, shall be considered for purposes of
644 disqualification as if the act was committed in this state.

645 (b) Adopt and communicate policies and procedures setting
646 forth ethical standards for all employees and include such
647 policies and procedures in professional development for all
648 staff. The policies and procedures must include responsibilities
649 and procedures for reporting suspected or actual misconduct by an
650 educator which affects the health, safety, or welfare of a
651 student and an explanation of liability protections provided to
652 students, parents, and employees under ss. 39.201, 39.202, and
653 768.095 who report suspected or actual misconduct that affects
654 the health, safety, or welfare of a student. A private provider



898494

581-04322A-08

655 or any of its employees may not enter into a confidentiality
656 agreement regarding a terminated or dismissed employee or an
657 employee who resigns in lieu of termination based on unethical
658 conduct that affects the health, safety, or welfare of a student
659 and may not provide the employee with a favorable recommendation
660 for employment in another educational setting. A portion of an
661 agreement or contract that has the purpose or effect of
662 concealing the conduct of an educator regarding actions over
663 which the Education Practices Commission has disciplinary
664 jurisdiction is void, is contrary to public policy, and may not
665 be enforced.

666 (c) Prior to appointing a candidate to any position,
667 contact the previous employer of the candidate to assess the
668 candidate's ability to meet ethical standards for professional
669 educators, screen the candidate through the use of educator
670 screening tools provided by the Department of Education, and
671 document findings.

672 (d) Immediately suspend an educator from his or her
673 regularly assigned duties and reassign the suspended educator to
674 a position that does not require direct contact with students
675 when an allegation of educator misconduct is made which affects
676 the health, safety, or welfare of a student and which involves
677 that educator. Such suspension shall continue until the
678 completion of an investigation by a local law enforcement agency
679 or the Department of Education and the determination of
680 sanctions, if any, pursuant to ss. 1012.795 and 1012.796.

681 (e) Report to the Department of Education the name of any
682 person who has been dismissed or severed from employment for any
683 reason, regardless of cause. The Department of Education shall
684 include termination information on a secure website for use by



898494

581-04322A-08

685 authorized school district and charter school personnel, private
686 schools that accept scholarship students pursuant to chapter 1002
687 or s. 220.187, or private providers pursuant to s. 1002.55.

688 (f) The department shall prohibit a private provider that
689 fails to comply with this subsection from accepting students and
690 disqualify the private provider from accepting state funds for a
691 period of 1 calendar year and until the provider complies with
692 this subsection. The Education Practices Commission shall impose
693 applicable certification sanctions pursuant to s. 1012.795.

694 (5)-(4) A prekindergarten instructor, in lieu of the minimum
695 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,
696 may hold one of the following educational credentials:

697 (a) A bachelor's or higher degree in early childhood
698 education, prekindergarten or primary education, preschool
699 education, or family and consumer science;

700 (b) A bachelor's or higher degree in elementary education,
701 if the prekindergarten instructor has been certified to teach
702 children ~~any age~~ from birth through 6th grade, regardless of
703 whether the instructor's educator certificate is current, and if
704 the instructor is not ineligible to teach in a public school
705 because his or her educator certificate is suspended or revoked;

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

707 (d) An associate's or higher degree in an unrelated field,
708 at least 6 credit hours in early childhood education or child
709 development, and at least 480 hours of experience in teaching or
710 providing child care services for children ~~any age~~ from birth
711 through 8 years of age; or

712 (e) An educational credential approved by the department as
713 being equivalent to or greater than an educational credential
714 described in this subsection. The department may adopt criteria



898494

581-04322A-08

715 and procedures for approving equivalent educational credentials
716 under this paragraph.

717 Section 17. Subsections (4) and (6) of section 1002.61,
718 Florida Statutes, are amended to read:

719 1002.61 Summer prekindergarten program delivered by public
720 schools and private prekindergarten providers.--

721 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(e)1.~~ and
722 1002.63(5), each public school and private prekindergarten
723 provider must have, for each prekindergarten class, at least one
724 prekindergarten instructor who:

725 (a) Is a certified teacher; or

726 (b) Holds one of the educational credentials specified in
727 s. 1002.55(4)(a) or (b).
728

729 As used in this subsection, the term "certified teacher" means a
730 teacher holding a valid Florida educator certificate under s.
731 1012.56 who has the qualifications required by the district
732 school board to instruct students in the summer prekindergarten
733 program. In selecting instructional staff for the summer
734 prekindergarten program, each school district shall give priority
735 to teachers who have experience or coursework in early childhood
736 education.

737 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
738 1002.63(7), each prekindergarten class in the summer
739 prekindergarten program, regardless of whether the class is a
740 public school's or private prekindergarten provider's class, must
741 have ~~be composed of~~ at least 4 students but may not exceed 10
742 students. In order to protect the health and safety of students,
743 each public school or private prekindergarten provider must also
744 provide appropriate adult supervision for students at all times.



898494

581-04322A-08

745 This subsection does not supersede any requirement imposed on a
746 provider under ss. 402.301-402.319.

747 Section 18. Subsections (5) and (7) of section 1002.63,
748 Florida Statutes, are amended to read:

749 1002.63 School-year prekindergarten program delivered by
750 public schools.--

751 (5) Each public school must have, for each prekindergarten
752 class, at least one prekindergarten instructor who meets each
753 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(c)~~ for a
754 prekindergarten instructor of a private prekindergarten provider.

755 (7) Each prekindergarten class in a public school
756 delivering the school-year prekindergarten program must have ~~be~~
757 ~~composed of~~ at least 4 students but may not exceed 18 students.
758 In order to protect the health and safety of students, each
759 school must also provide appropriate adult supervision for
760 students at all times and, for each prekindergarten class
761 composed of 11 or more students, must have, in addition to a
762 prekindergarten instructor who meets the requirements of s.
763 1002.55(4)(c) ~~s. 1002.55(3)(c)~~, at least one adult
764 prekindergarten instructor who is not required to meet those
765 requirements but who must meet each requirement of subsection
766 (6).

767 Section 19. Paragraph (a) of subsection (2) of section
768 1002.65, Florida Statutes, is amended to read:

769 1002.65 Professional credentials of prekindergarten
770 instructors; aspirational goals; legislative intent.--

771 (2) To improve these educational outcomes, the Legislature
772 intends that all prekindergarten instructors will continue to
773 improve their skills and preparation through education and



898494

581-04322A-08

774 training, so that the following aspirational goals will be
775 achieved:

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

777 1. Each prekindergarten class must ~~will~~ have at least one
778 prekindergarten instructor who holds an associate's or higher
779 degree in the field of early childhood education or child
780 development; and

781 2. For each prekindergarten class composed of 11 or more
782 students, in addition to a prekindergarten instructor who meets
783 the requirements of subparagraph 1., the class must ~~will~~ have at
784 least one prekindergarten instructor who meets the requirements
785 of s. 1002.55(4)(c) ~~s. 1002.55(3)(e)~~.

786 Section 20. Subsection (2) of section 1003.413, Florida
787 Statutes, is amended to read:

788 1003.413 Florida Secondary School Redesign Act.--

789 (2) The following guiding principles for secondary school
790 redesign shall be used in the annual preparation of each
791 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
792 ~~1001.42(16)~~:

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

796 (b) Every teacher must contribute to every student's
797 reading improvement.

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

800 (d) Small learning communities allow teachers to
801 personalize instruction to better address student learning
802 styles, strengths, and weaknesses.



898494

581-04322A-08

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

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

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

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

812 (i) Master schedules should not determine instruction and
813 must be designed based on student needs, not adult or
814 institutional needs.

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

818 Section 21. Paragraph (b) of subsection (2) of section
819 1003.53, Florida Statutes, is amended to read:

820 1003.53 Dropout prevention and academic intervention.--

821 (2)

822 (b) Each school that establishes a dropout prevention and
823 academic intervention program at that school site shall reflect
824 that program in the school improvement plan as required under s.
825 1001.42(18) ~~s. 1001.42(16)~~.

826 Section 22. Subsections (1) and (3) of section 1004.92,
827 Florida Statutes, are amended to read:

828 1004.92 Purpose and responsibilities for career
829 education.--

830 (1) The purpose of career education is to enable students
831 who complete career programs to attain and sustain employment and
832 realize economic self-sufficiency. The purpose of this section is



898494

581-04322A-08

833 to identify issues related to career education for which school
834 boards and community college boards of trustees are accountable.
835 It is the intent of the Legislature that the standards
836 articulated in subsection (2) be considered in the development of
837 accountability standards for public schools pursuant to ss.
838 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
839 colleges pursuant to s. 1008.45.

840 (3) Each career center operated by a district school board
841 shall establish a center advisory council pursuant to s.
842 1001.452. The center advisory council shall assist in the
843 preparation and evaluation of center improvement plans required
844 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
845 assistance, upon the request of the center director, in the
846 preparation of the center's annual budget and plan as required by
847 s. 1008.385(1).

848 Section 23. Present subsection (2) of section 1006.061,
849 Florida Statutes, is redesignated as subsection (3), and a new
850 subsection (2) is added to that section, to read:

851 1006.061 Child abuse, abandonment, and neglect
852 policy.--Each district school board shall:

853 (2) Post in a prominent place in each school district site
854 and on each school website, the school board policies and
855 procedures for reporting suspected or actual misconduct by an
856 educator which affects the health, safety, or welfare of a
857 student, the district contact person to whom the report should be
858 made, and the penalties imposed against an educator for failing
859 to report suspected or actual child abuse pursuant to s. 1006.061
860 or educator misconduct, pursuant to s. 1012.795, which affects
861 the health, safety, or welfare of a student.



898494

581-04322A-08

862 Section 24. Paragraph (c) of subsection (2) of section
863 1007.21, Florida Statutes, is amended to read:

864 1007.21 Readiness for postsecondary education and the
865 workplace.--

866 (2)

867 (c) The common placement test authorized in ss. 1001.03(11)
868 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
869 all high school second semester sophomores who have chosen one of
870 the four destinations. The results of the placement test shall be
871 used to target additional instructional needs in reading,
872 writing, and mathematics prior to graduation.

873 Section 25. Subsection (5) of section 1007.23, Florida
874 Statutes, is amended to read:

875 1007.23 Statewide articulation agreement.--

876 (5) The articulation agreement must guarantee the
877 articulation of 9 credit hours toward a postsecondary degree in
878 early childhood education for programs approved by the State
879 Board of Education and the Board of Governors which:

880 (a) Award a child development associate credential issued
881 by the National Credentialing Program of the Council for
882 Professional Recognition or award a credential approved under s.
883 1002.55(4)(c)1.b. ~~s. 1002.55(3)(e)1.b.~~ or s. 402.305(3)(c) as
884 being equivalent to the child development associate credential;
885 and

886 (b) Include training in emergent literacy which meets or
887 exceeds the minimum standards for training courses for
888 prekindergarten instructors of the Voluntary Prekindergarten
889 Education Program in s. 1002.59.

890 Section 26. Subsection (4) of section 1008.33, Florida
891 Statutes, is amended to read:



898494

581-04322A-08

892 1008.33 Authority to enforce public school improvement.--It
893 is the intent of the Legislature that all public schools be held
894 accountable for students performing at acceptable levels. A
895 system of school improvement and accountability that assesses
896 student performance by school, identifies schools in which
897 students are not making adequate progress toward state standards,
898 institutes appropriate measures for enforcing improvement, and
899 provides rewards and sanctions based on performance shall be the
900 responsibility of the State Board of Education.

901 (4) The State Board of Education may require the Department
902 of Education or Chief Financial Officer to withhold any transfer
903 of state funds to the school district if, within the timeframe
904 specified in state board action, the school district has failed
905 to comply with the action ordered to improve the district's low-
906 performing schools. Withholding the transfer of funds shall occur
907 only after all other recommended actions for school improvement
908 have failed to improve performance. The State Board of Education
909 may impose the same penalty on any district school board that
910 fails to develop and implement a plan for assistance and
911 intervention for low-performing schools as specified in s.
912 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

913 Section 27. Paragraph (c) of subsection (6) of section
914 1008.345, Florida Statutes, is amended to read:

915 1008.345 Implementation of state system of school
916 improvement and education accountability.--

917 (6)

918 (c) Pursuant to s. 24.121(5)(d), the department shall not
919 release funds from the Educational Enhancement Trust Fund to any
920 district in which a school, including schools operating for the
921 purpose of providing educational services to youth in Department



898494

581-04322A-08

922 of Juvenile Justice programs, does not have an approved school
923 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
924 after 1 full school year of planning and development, or does not
925 comply with school advisory council membership composition
926 requirements pursuant to s. 1001.452. The department shall send a
927 technical assistance team to each school without an approved plan
928 to develop such school improvement plan or to each school without
929 appropriate school advisory council membership composition to
930 develop a strategy for corrective action. The department shall
931 release the funds upon approval of the plan or upon establishment
932 of a plan of corrective action. Notice shall be given to the
933 public of the department's intervention and shall identify each
934 school without a plan or without appropriate school advisory
935 council membership composition.

936 Section 28. Subsection (5) of section 1010.215, Florida
937 Statutes, is amended to read:

938 1010.215 Educational funding accountability.--

939 (5) The annual school public accountability report required
940 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
941 financial report. The purpose of the school financial report is
942 to better inform parents and the public concerning how funds were
943 spent to operate the school during the prior fiscal year. Each
944 school's financial report must follow a uniform, districtwide
945 format that is easy to read and understand.

946 (a) Total revenue must be reported at the school, district,
947 and state levels. The revenue sources that must be addressed are
948 state and local funds, other than lottery funds; lottery funds;
949 federal funds; and private donations.

950 (b) Expenditures must be reported as the total expenditures
951 per unweighted full-time equivalent student at the school level



898494

581-04322A-08

952 | and the average expenditures per full-time equivalent student at
953 | the district and state levels in each of the following categories
954 | and subcategories:

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

- 958 | a. Basic programs;
- 959 | b. Students-at-risk programs;
- 960 | c. Special programs for exceptional students;
- 961 | d. Career education programs; and
- 962 | e. Adult programs.

963 | 2. Substitute teachers.

964 | 3. Other instructional personnel, including school-based
965 | instructional specialists and their assistants.

966 | 4. Contracted instructional services, including training
967 | for instructional staff and other contracted instructional
968 | services.

969 | 5. School administration, including school-based
970 | administrative personnel and school-based education support
971 | personnel.

972 | 6. The following materials, supplies, and operating capital
973 | outlay:

- 974 | a. Textbooks;
- 975 | b. Computer hardware and software;
- 976 | c. Other instructional materials;
- 977 | d. Other materials and supplies; and
- 978 | e. Library media materials.
- 979 | 7. Food services.
- 980 | 8. Other support services.
- 981 | 9. Operation and maintenance of the school plant.



898494

581-04322A-08

982 (c) The school financial report must also identify the
983 types of district-level expenditures that support the school's
984 operations. The total amount of these district-level expenditures
985 must be reported and expressed as total expenditures per full-
986 time equivalent student.

987 Section 29. Paragraph (b) of subsection (6) of section
988 1011.18, Florida Statutes, is amended to read:

989 1011.18 School depositories; payments into and withdrawals
990 from depositories.--

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

993 (b) The district school board may contract with an
994 insurance company or professional administrator who holds a valid
995 certificate of authority issued by the Office of Insurance
996 Regulation of the Financial Services Commission to provide any ~~or~~
997 ~~all~~ services that a third-party administrator is authorized by
998 law to perform. Pursuant to such contract, the district school
999 board may advance or remit money to the administrator to be
1000 deposited in a designated special checking account for paying
1001 claims against the district school board under its self-insurance
1002 programs, and remitting premiums to the providers of insured
1003 benefits on behalf of the district school board and the
1004 participants in such programs, and otherwise fulfilling the
1005 obligations imposed upon the administrator by law and the
1006 contractual agreements between the district school board and the
1007 administrator. The special checking account shall be maintained
1008 in a designated district school depository. The district school
1009 board may replenish such account as often as necessary upon the
1010 presentation by the service organization of documentation for
1011 claims or premiums due paid equal to the amount of the requested



898494

581-04322A-08

1012 reimbursement. Such replenishment shall be made by a warrant
1013 signed by the chair of the district school board and
1014 countersigned by the district school superintendent. Such
1015 replenishment may be made by electronic, telephonic, or other
1016 medium, and each transfer shall be confirmed in writing and
1017 signed by the district school superintendent or his or her
1018 designee. The provisions of strict accountability of all funds
1019 and an annual audit by an independent certified public accountant
1020 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
1021 this subsection.

1022 Section 30. Present subsection (6) of section 1012.27,
1023 Florida Statutes, is redesignated as subsection (7), and a new
1024 subsection (6) is added to that section, to read:

1025 1012.27 Public school personnel; powers and duties of
1026 district school superintendent.--The district school
1027 superintendent is responsible for directing the work of the
1028 personnel, subject to the requirements of this chapter, and in
1029 addition the district school superintendent shall perform the
1030 following:

1031 (6) Before appointing a candidate to any position in the
1032 district school system, contact the candidate's previous employer
1033 to assess the candidate's ability to meet state and local ethical
1034 standards for professional educators, screen the candidate
1035 through the use of educator screening tools provided by the
1036 Department of Education, and document findings. The school
1037 superintendent shall report to the Department of Education the
1038 termination of any employee, regardless of cause, and the
1039 Department of Education shall include termination information on
1040 a secure website for use by authorized school district and
1041 charter school personnel, private schools that accept scholarship



898494

581-04322A-08

1042 students pursuant to chapter 1002 or s. 220.187, or private
1043 providers pursuant to s. 1002.55.

1044 Section 31. Paragraph (a) of subsection (1), paragraph (c)
1045 of subsection (4), and paragraph (b) of subsection (6) of section
1046 1012.33, Florida Statutes, are amended to read:

1047 1012.33 Contracts with instructional staff, supervisors,
1048 and school principals.--

1049 (1) (a) Each person employed as a member of the
1050 instructional staff in any district school system shall be
1051 ~~properly~~ certified pursuant to s. 1012.56 or s. 1012.57 or
1052 employed pursuant to s. 1012.39 and shall be entitled to and
1053 shall receive a written contract as specified in this section.
1054 All such contracts, except continuing contracts as specified in
1055 subsection (4), shall contain provisions for dismissal during the
1056 term of the contract only for just cause. Just cause includes,
1057 but is not limited to, the following instances, as defined by
1058 rule of the State Board of Education: immorality, misconduct in
1059 office, incompetency, gross insubordination, willful neglect of
1060 duty, ~~or the commission of a criminal act, regardless of~~
1061 adjudication, or crimes conviction of a crime involving moral
1062 turpitude.

1063 (4)

1064 (c) Any member of the district administrative or
1065 supervisory staff and any member of the instructional staff,
1066 including any school principal, who is under continuing contract
1067 may be suspended or dismissed at any time during the school year;
1068 however, the charges against him or her must be based on
1069 immorality, misconduct in office, incompetency, gross
1070 insubordination, willful neglect of duty, drunkenness, ~~or crimes~~
1071 conviction of a crime involving moral turpitude, as these terms



898494

581-04322A-08

1072 are defined by rule of the State Board of Education, or the
1073 commission of a criminal act, regardless of adjudication.
1074 Whenever such charges are made against an ~~any such~~ employee of
1075 the district school board, the district school board may suspend
1076 such person without pay; but, if the charges are not sustained,
1077 he or she shall be immediately reinstated, and his or her back
1078 salary shall be paid. In cases of suspension by the district
1079 school board or by the district school superintendent, the
1080 district school board shall determine upon the evidence submitted
1081 whether the charges have been sustained and, if the charges are
1082 sustained, shall determine either to dismiss the employee or fix
1083 the terms under which he or she may be reinstated. If ~~such~~
1084 charges are sustained by a majority vote of the full membership
1085 of the district school board and the ~~such~~ employee is discharged,
1086 his or her contract of employment shall be ~~thereby~~ canceled. Any
1087 ~~such~~ decision adverse to the employee may be appealed by the
1088 employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed
1089 within 30 days after the decision of the district school board.

1090 (6)

1091 (b) Any member of the district administrative or
1092 supervisory staff, including any principal but excluding an
1093 employee specified in subsection (4), may be suspended or
1094 dismissed at any time during the term of the contract; however,
1095 the charges against him or her must be based on immorality,
1096 misconduct in office, incompetency, gross insubordination,
1097 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
1098 ~~crime~~ involving moral turpitude, as these terms are defined by
1099 rule of the State Board of Education. Whenever such charges are
1100 made against an ~~any such~~ employee of the district school board,
1101 the district school board may suspend the employee without pay;



898494

581-04322A-08

1102 | but, if the charges are not sustained, he or she shall be
1103 | immediately reinstated, and his or her back salary shall be paid.
1104 | In cases of suspension by the district school board or by the
1105 | district school superintendent, the district school board shall
1106 | determine upon the evidence submitted whether the charges have
1107 | been sustained and, if the charges are sustained, shall determine
1108 | either to dismiss the employee or fix the terms under which he or
1109 | she may be reinstated. If such charges are sustained by a
1110 | majority vote of the full membership of the district school board
1111 | and the ~~such~~ employee is discharged, his or her contract of
1112 | employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse
1113 | to the employee may be appealed by him or her pursuant to s.
1114 | 120.68, provided such appeal is filed within 30 days after the
1115 | decision of the district school board.

1116 | Section 32. Subsection (4) of section 1012.34, Florida
1117 | Statutes, is amended to read:

1118 | 1012.34 Assessment procedures and criteria.--

1119 | (4) The district school superintendent shall notify the
1120 | department of any instructional personnel who receive two
1121 | consecutive unsatisfactory evaluations and who have been given
1122 | written notice by the district that their employment is being
1123 | terminated or is not being renewed or that the district school
1124 | board intends to terminate, or not renew, their employment. The
1125 | department shall conduct an investigation to determine whether
1126 | action shall be taken against the certificateholder pursuant to
1127 | s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1128 | Section 33. Subsection (14) of section 1012.56, Florida
1129 | Statutes, is amended to read:

1130 | 1012.56 Educator certification requirements.--



898494

581-04322A-08

1131 (14) PERSONNEL RECORDS.--The Department of Education shall
1132 maintain an electronic database that includes, but need not be
1133 limited to, a complete statement of the academic preparation,
1134 professional training, and teaching experience of each person to
1135 whom a certificate is issued. The applicant or the district
1136 school superintendent shall furnish the information using a
1137 format ~~or forms~~ provided by the department.

1138 Section 34. Subsection (1) and paragraph (a) of subsection
1139 (8) of section 1012.79, Florida Statutes, are amended to read:

1140 1012.79 Education Practices Commission; organization.--

1141 (1) The Education Practices Commission consists of 25 ~~17~~
1142 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1143 of whom shall represent a private school; and 7 ~~5~~ lay citizens,
1144 ~~of whom 5 shall be parents of public school students and who are~~
1145 unrelated to public school employees and 2 shall be current or
1146 former district school board members; ~~7~~ and 5 sworn law
1147 enforcement officials, appointed by the State Board of Education
1148 from nominations by the Commissioner of Education and subject to
1149 Senate confirmation. Before ~~Prior~~ to making nominations, the
1150 commissioner shall consult with ~~the~~ teaching associations, parent
1151 organizations, law enforcement agencies, and other involved
1152 associations in the state. In making nominations, the
1153 commissioner shall attempt to achieve equal geographical
1154 representation, as closely as possible.

1155 (a) A teacher member, in order to be qualified for
1156 appointment:

- 1157 1. Must be certified to teach in the state.
- 1158 2. Must be a resident of the state.
- 1159 3. Must have practiced the profession in this state for at
1160 least 5 years immediately preceding the appointment.



898494

581-04322A-08

1161 (b) A school administrator member, in order to be qualified
1162 for appointment:

1163 1. Must have an endorsement on the educator certificate in
1164 the area of school administration or supervision.

1165 2. Must be a resident of the state.

1166 3. Must have practiced the profession as an administrator
1167 for at least 5 years immediately preceding the appointment.

1168 (c) The lay members must be residents of the state.

1169 (d) The members who are law enforcement officials must have
1170 served in the profession for at least 5 years immediately
1171 preceding appointment and have background expertise in child
1172 safety.

1173 (8) (a) The commission shall, from time to time, designate
1174 members of the commission to serve on panels for the purpose of
1175 reviewing and issuing final orders upon cases presented to the
1176 commission. A case concerning a complaint against a teacher shall
1177 be reviewed and a final order ~~thereon shall be~~ entered by a panel
1178 composed of five commission members, at least one of whom must be
1179 a parent, one of whom must be a sworn law enforcement officer,
1180 and three of whom must ~~shall~~ be teachers. A case concerning a
1181 complaint against an administrator shall be reviewed and a final
1182 order ~~thereon shall be~~ entered by a panel composed of five
1183 commission members, at least one of whom must be a parent, one of
1184 whom must be a sworn law enforcement officer, and three of whom
1185 shall be administrators.

1186 Section 35. Subsection (1) of section 1012.795, Florida
1187 Statutes, is amended to read:

1188 1012.795 Education Practices Commission; authority to
1189 discipline.--



898494

581-04322A-08

1190 (1) The Education Practices Commission may suspend the
1191 educator certificate of any person as defined in s. 1012.01(2) or
1192 (3) for up to ~~a period of time not to exceed~~ 5 years, thereby
1193 denying that person the right to teach or otherwise be employed
1194 by a district school board or public school in any capacity
1195 requiring direct contact with students for that period of time,
1196 after which the holder may return to teaching as provided in
1197 subsection (4); may revoke the educator certificate of any
1198 person, thereby denying that person the right to teach or
1199 otherwise be employed by a district school board or public school
1200 in any capacity requiring direct contact with students for up to
1201 ~~a period of time not to exceed~~ 10 years, with reinstatement
1202 subject to the provisions of subsection (4); may revoke
1203 permanently the educator certificate of any person thereby
1204 denying that person the right to teach or otherwise be employed
1205 by a district school board or public school in any capacity
1206 requiring direct contact with students; may suspend the educator
1207 certificate, upon order of the court, of any person found to have
1208 a delinquent child support obligation; or may impose any other
1209 penalty provided by law, if provided it can be shown that the
1210 person:

1211 (a) Obtained or attempted to obtain an educator certificate
1212 by fraudulent means.

1213 (b) Knowingly failed to report any suspected or actual
1214 child abuse pursuant to s. 1006.061 or misconduct by an educator,
1215 pursuant to s. 1012.795, which affects the health, safety, or
1216 welfare of a student. Failure to report shall result in
1217 prohibition to accept scholarship students under chapter 1002 or
1218 s. 220.187, or private providers pursuant to s. 1002.55; the



898494

581-04322A-08

1219 imposition of financial penalties pursuant to s. 1001.51; and
1220 certification sanctions pursuant to this section.

1221 (c)~~(b)~~ Has proved to be incompetent to teach or to perform
1222 duties as an employee of the public school system or to teach in
1223 or to operate a private school.

1224 (d)~~(e)~~ Has been guilty of gross immorality or an act
1225 involving moral turpitude as defined by rules of the State Board
1226 of Education.

1227 (e)~~(d)~~ Has had an educator certificate sanctioned by
1228 revocation, suspension, or surrender in another state.

1229 (f)~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1230 other criminal charge, other than a minor traffic violation.

1231 (g)~~(f)~~ Upon investigation, has been found guilty of
1232 personal conduct which seriously reduces that person's
1233 effectiveness as an employee of the district school board.

1234 (h)~~(g)~~ Has breached a contract, as provided in s.
1235 1012.33(2).

1236 (i)~~(h)~~ Has been the subject of a court order directing the
1237 Education Practices Commission to suspend the certificate as a
1238 result of a delinquent child support obligation.

1239 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1240 for the Education Profession prescribed by State Board of
1241 Education rules.

1242 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1243 penalty for which is the revocation of the educator certificate.

1244 (l)~~(k)~~ Has violated any order of the Education Practices
1245 Commission.

1246 (m)~~(l)~~ Has been the subject of a court order or plea
1247 agreement in any jurisdiction which requires the
1248 certificateholder to surrender or otherwise relinquish his or her



898494

581-04322A-08

1249 educator's certificate. A surrender or relinquishment shall be
1250 for permanent revocation of the certificate. A person may not
1251 surrender or otherwise relinquish his or her certificate prior to
1252 a finding of probable cause by the commissioner as provided in s.
1253 1012.796.

1254 Section 36. Subsections (1), (3), and (5) of section
1255 1012.796, Florida Statutes, are amended to read:

1256 1012.796 Complaints against teachers and administrators;
1257 procedure; penalties.--

1258 (1) (a) The Department of Education shall cause to be
1259 investigated expeditiously any complaint filed before it or
1260 otherwise called to its attention which, if legally sufficient,
1261 contains grounds for the revocation or suspension of a
1262 certificate or any other appropriate penalty as set forth in
1263 subsection (7). The complaint is legally sufficient if it
1264 contains the ultimate facts which show a violation has occurred
1265 as provided in s. 1012.795 and defined by rule. The department
1266 shall ~~may~~ investigate or continue to investigate and take
1267 appropriate action on a complaint even though the original
1268 complainant withdraws the complaint or otherwise indicates a
1269 desire not to cause it to be investigated or prosecuted to
1270 completion. The department may investigate or continue to
1271 investigate and take action on a complaint filed against a person
1272 whose educator certificate has expired if the act or acts that
1273 ~~which~~ are the basis for the complaint were allegedly committed
1274 while that person possessed an educator certificate.

1275 (b) The Department of Education shall investigate
1276 immediately any complaint filed before it or otherwise called to
1277 its attention which involves misconduct by an educator and which
1278 affects the health, safety, or welfare of a student. The



898494

581-04322A-08

1279 department must investigate or continue to investigate and take
1280 action on such a complaint filed against a person whose educator
1281 certificate has expired if the act or acts that are the basis for
1282 the complaint were allegedly committed while that person
1283 possessed an educator certificate.

1284 (c)~~(b)~~ When an investigation is undertaken, the department
1285 shall notify the certificateholder or applicant for certification
1286 and the district school superintendent or the university
1287 laboratory school, charter school, or private school in which the
1288 certificateholder or applicant for certification is employed or
1289 was employed at the time the alleged offense occurred. In
1290 addition, the department shall inform the certificateholder or
1291 applicant for certification of the substance of any complaint
1292 which has been filed against that certificateholder or applicant,
1293 unless the department determines that such notification would be
1294 detrimental to the investigation, in which case the department
1295 may withhold notification.

1296 (d)~~(e)~~ Each school district shall file in writing with the
1297 department all legally sufficient complaints within 30 days after
1298 the date on which subject matter of the complaint comes to the
1299 attention of the school district. A complaint is legally
1300 sufficient if it contains ultimate facts that show a violation
1301 has occurred as provided in s. 1012.795 and defined by rule. The
1302 school district shall include all information relating to the
1303 complaint which is known to the school district at the time of
1304 filing. Each district school board shall develop and adopt
1305 policies and procedures to comply with this reporting
1306 requirement. School board policies and procedures must include
1307 standards for screening, hiring, and terminating employees,
1308 ethical standards for all employees, responsibilities of



898494

581-04322A-08

1309 | educators to uphold the standards, detailed steps to be followed
1310 | in reporting suspected or actual misconduct by an educator which
1311 | affects the health, safety, or welfare of a student, requirements
1312 | for the reassignment of an employee pending the outcome of a
1313 | misconduct investigation, and penalties for failing to comply
1314 | pursuant to ss. 1001.51 and 1012.795. The district school board
1315 | policies and procedures shall include appropriate penalties for
1316 | all personnel of the district school board for nonreporting and
1317 | procedures for promptly informing the district school
1318 | superintendent of each legally sufficient complaint. The district
1319 | school superintendent is charged with knowledge of these policies
1320 | and procedures and is accountable for communicating the ethical
1321 | standards, policies, and procedures, to be provided through
1322 | professional development for all staff. If the district school
1323 | superintendent has knowledge of a legally sufficient complaint
1324 | and does not report the complaint, or fails to enforce the
1325 | policies and procedures of the district school board, and fails
1326 | to comply with the requirements of this subsection, in addition
1327 | to other actions against certificateholders authorized by law,
1328 | the district school superintendent is shall be subject to
1329 | penalties as specified in s. 1001.51(12). If the superintendent
1330 | determines that misconduct has occurred which warrants
1331 | termination, the employee may not resign but must be terminated
1332 | and a record, including the cause of the termination, shall be
1333 | reported to the Department of Education and maintained in the
1334 | employee's public personnel file. This paragraph does not limit
1335 | or restrict the power and duty of the department to investigate
1336 | complaints as provided in paragraphs (a) and (c) ~~(b)~~, regardless
1337 | of the school district's untimely filing, or failure to file,
1338 | complaints and followup reports.



898494

581-04322A-08

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

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

1365 (5) In order ~~When deemed necessary~~ to protect the health,
1366 safety, and welfare of a ~~minor~~ student, when an allegation of
1367 educator misconduct with a student occurs, the district school
1368 superintendent in consultation with the school principal, or ~~may,~~



898494

581-04322A-08

1369 ~~and~~ upon the request of the Commissioner of Education, must
1370 immediately shall, temporarily suspend the educator a
1371 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned
1372 duties, with pay, and reassign the suspended educator
1373 ~~certificateholder~~ to a position that does not require direct
1374 contact with students in the district school system. Such
1375 suspension shall continue until the completion of the proceedings
1376 and the determination of sanctions, if any, pursuant to this
1377 section and s. 1012.795.

1378 Section 37. Paragraph (b) of subsection (4) of section
1379 1012.98, Florida Statutes, is amended to read:

1380 1012.98 School Community Professional Development Act.--

1381 (4) The Department of Education, school districts, schools,
1382 community colleges, and state universities share the
1383 responsibilities described in this section. These
1384 responsibilities include the following:

1385 (b) Each school district shall develop a professional
1386 development system as specified in subsection (3). The system
1387 shall be developed in consultation with teachers, teacher-
1388 educators of community colleges and state universities, business
1389 and community representatives, and local education foundations,
1390 consortia, and professional organizations. The professional
1391 development system must:

1392 1. Be approved by the department. All substantial revisions
1393 to the system shall be submitted to the department for review for
1394 continued approval.

1395 2. Be based on analyses of student achievement data and
1396 instructional strategies and methods that support rigorous,
1397 relevant, and challenging curricula for all students. Schools and
1398 districts, in developing and refining the professional



898494

581-04322A-08

1399 | development system, shall also review and monitor school
1400 | discipline data; school environment surveys; assessments of
1401 | parental satisfaction; performance appraisal data of teachers,
1402 | managers, and administrative personnel; and other performance
1403 | indicators to identify school and student needs that can be met
1404 | by improved professional performance.

1405 | 3. Provide inservice activities coupled with followup
1406 | support appropriate to accomplish district-level and school-level
1407 | improvement goals and standards. The inservice activities for
1408 | instructional personnel shall focus on analysis of student
1409 | achievement data, ongoing formal and informal assessments of
1410 | student achievement, identification and use of enhanced and
1411 | differentiated instructional strategies that emphasize rigor,
1412 | relevance, and reading in the content areas, enhancement of
1413 | subject content expertise, integrated use of classroom technology
1414 | that enhances teaching and learning, classroom management, parent
1415 | involvement, and school safety.

1416 | 4. Include a master plan for inservice activities, pursuant
1417 | to rules of the State Board of Education, for all district
1418 | employees from all fund sources. The master plan shall be updated
1419 | annually by September 1, must be based on input from teachers and
1420 | district and school instructional leaders, and must use the
1421 | latest available student achievement data and research to enhance
1422 | rigor and relevance in the classroom. Each district inservice
1423 | plan must be aligned to and support the school-based inservice
1424 | plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1425 | ~~1001.42(16)~~. District plans must be approved by the district
1426 | school board annually in order to ensure compliance with
1427 | subsection (1) and to allow for dissemination of research-based
1428 | best practices to other districts. District school boards must



898494

581-04322A-08

1429 submit verification of their approval to the Commissioner of
1430 Education no later than October 1, annually.

1431 5. Require each school principal to establish and maintain
1432 an individual professional development plan for each
1433 instructional employee assigned to the school as a seamless
1434 component to the school improvement plans developed pursuant to
1435 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1436 development plan must:

1437 a. Be related to specific performance data for the students
1438 to whom the teacher is assigned.

1439 b. Define the inservice objectives and specific measurable
1440 improvements expected in student performance as a result of the
1441 inservice activity.

1442 c. Include an evaluation component that determines the
1443 effectiveness of the professional development plan.

1444 6. Include inservice activities for school administrative
1445 personnel that address updated skills necessary for instructional
1446 leadership and effective school management pursuant to s.
1447 1012.986.

1448 7. Provide for systematic consultation with regional and
1449 state personnel designated to provide technical assistance and
1450 evaluation of local professional development programs.

1451 8. Provide for delivery of professional development by
1452 distance learning and other technology-based delivery systems to
1453 reach more educators at lower costs.

1454 9. Provide for the continuous evaluation of the quality and
1455 effectiveness of professional development programs in order to
1456 eliminate ineffective programs and strategies and to expand
1457 effective ones. Evaluations must consider the impact of such



898494

581-04322A-08

1458 activities on the performance of participating educators and
1459 their students' achievement and behavior.

1460 Section 38. Subsection (4) of section 1013.03, Florida
1461 Statutes, is amended to read:

1462 1013.03 Functions of the department and the Board of
1463 Governors.--The functions of the Department of Education as it
1464 pertains to educational facilities of school districts and
1465 community colleges and of the Board of Governors as it pertains
1466 to educational facilities of state universities shall include,
1467 but not be limited to, the following:

1468 (4) Require each board and other appropriate agencies to
1469 submit complete and accurate financial data as to the amounts of
1470 funds from all sources that are available and spent for
1471 construction and capital improvements. The commissioner shall
1472 prescribe the format and the date for the submission of this data
1473 and any other educational facilities data. If any district does
1474 not submit the required educational facilities fiscal data by the
1475 prescribed date, the Commissioner of Education shall notify the
1476 district school board of this fact and, if appropriate action is
1477 not taken to immediately submit the required report, the district
1478 school board shall be directed to proceed pursuant to s.
1479 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1480 community college or university does not submit the required
1481 educational facilities fiscal data by the prescribed date, the
1482 same policy prescribed in this subsection for school districts
1483 shall be implemented.

1484 Section 39. This act shall take effect July 1, 2008.