

Amendment No.

CHAMBER ACTION

Senate

House

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1 Schools & Learning Council offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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

9 24.121 Allocation of revenues and expenditure of funds for
10 public education.--

11 (5)

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

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

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

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

48 112.3173 Felonies involving breach of public trust and
49 other specified offenses by public officers and employees;
50 forfeiture of retirement benefits.--

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

53 (e) "Specified offense" means:

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

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

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

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

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

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

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

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

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

85 121.091 Benefits payable under the system.--Benefits may
86 not be paid under this section unless the member has terminated
87 employment as provided in s. 121.021(39)(a) or begun
88 participation in the Deferred Retirement Option Program as
89 provided in subsection (13), and a proper application has been
90 filed in the manner prescribed by the department. The department
91 may cancel an application for retirement benefits when the
92 member or beneficiary fails to timely provide the information
93 and documents required by this chapter and the department's
94 rules. The department shall adopt rules establishing procedures
95 for application for retirement benefits and for the cancellation
96 of such application when the required information or documents
97 are not received.

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

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

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

122 Section 5. Paragraph (g) of subsection (2) of section
123 402.3055, Florida Statutes, is amended, and subsections (3) and
124 (4) are added to that section, to read:

125 402.3055 Child care personnel requirements.--

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126 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY
127 A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS
128 PROVIDED.--

129 (g) Refusal on the part of an applicant or licensee to
130 dismiss child care personnel who are ineligible for such
131 employment under chapter 435 or s. 1012.315 ~~have been found to~~
132 ~~be in noncompliance with personnel standards of s. 402.305(2)~~
133 shall result in automatic denial or revocation of the license in
134 addition to any other remedies pursued by the department or
135 local licensing agency.

136 (3) DISQUALIFICATION FROM EMPLOYMENT.--Child care
137 personnel required to be screened under ss. 402.301-402.319 must
138 be disqualified from employment if ineligible for such
139 employment under chapter 435 or s. 1012.315.

140 (4) REPORTING UPON SEPARATION FROM EMPLOYMENT.--The
141 employer of any child care personnel required to be screened
142 under ss. 402.301-402.319 shall, upon the child care personnel's
143 separation from employment, report the separation to the
144 department in the format and within the time limits that the
145 department prescribes by rule. The report must include the
146 reason for separation; whether the separation was based in whole
147 or in part on misconduct of the child care personnel which
148 affects the health, safety, or welfare of a child; and whether
149 the child care personnel were terminated or dismissed or
150 resigned in lieu of termination. The department shall maintain a
151 record of each employment separation in the Child Care Licensing
152 Information System. As used in this subsection, the term
153 "employer" includes, but is not limited to, an employer of child

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154 care personnel required to be screened under s. 402.302, s.
155 402.3025, s. 402.305, s. 402.3054, s. 402.313, s. 402.3131, s.
156 402.316, s. 1002.55, s. 1002.61, or s. 1002.63.

157 Section 6. Paragraph (d) of subsection (3) and paragraph
158 (d) of subsection (4) of section 402.308, Florida Statutes, are
159 amended to read:

160 402.308 Issuance of license.--

161 (3) STATE ADMINISTRATION OF LICENSING.--In any county in
162 which the department has the authority to issue licenses, the
163 following procedures shall be applied:

164 (d) The department shall issue or renew a license upon
165 receipt of the license fee and upon being satisfied that all
166 standards required by ss. 402.301-402.319 have been met. A
167 license may be issued if all the screening materials have been
168 timely submitted; however, a license may not be issued or
169 renewed if any of the child care personnel at the applicant
170 facility are ineligible for such employment under chapter 435 or
171 s. 1012.315 have failed the screening required by ss. 402.305(2)
172 and 402.3055.

173 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in
174 which there is a local licensing agency approved by the
175 department, the following procedures shall apply:

176 (d) The local licensing agency shall issue a license or
177 renew a license upon being satisfied that all standards required
178 by ss. 402.301-402.319 have been met. A license may be issued or
179 renewed if all the screening materials have been timely
180 submitted; however, the local licensing agency shall not issue
181 or renew a license if any of the child care personnel at the

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182 applicant facility are ineligible for such employment under
183 chapter 435 or s. 1012.315 ~~have failed the screening required by~~
184 ~~ss. 402.305(2) and 402.3055.~~

185 Section 7. Subsections (4) and (5) of section 435.04,
186 Florida Statutes, are renumbered as subsections (5) and (6),
187 respectively, and a new subsection (4) is added to that section
188 to read:

189 435.04 Level 2 screening standards.--

190 (4) The security background investigations conducted under
191 this section must ensure that any child care personnel subject
192 to this section pursuant to ss. 402.301-402.319, or any
193 prekindergarten instructor subject to this section pursuant to
194 s. 1002.55 or s. 1002.61, has not been found guilty of,
195 regardless of adjudication, or entered a plea of nolo contendere
196 or guilty to, any offense prohibited under any statute listed in
197 subsection (2) or under any of the following statutes:

198 (a) Section 787.025, relating to luring or enticing a
199 child.

200 (b) Chapter 794, relating to sexual battery, if the
201 offense is a felony.

202 (c) Section 810.14, relating to voyeurism.

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

204 (e) Any crime involving moral turpitude as prescribed by
205 the licensing agency, which shall be adopted by rule if the
206 licensing agency is an agency as defined in s. 120.52.

207 (f) Any criminal act committed in another state or under
208 federal law which, if committed in this state, constitutes an

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209 offense prohibited under any statute listed in paragraphs (a)-
210 (e) or subsection (2).

211 (g) Any delinquent act committed in this state or any
212 delinquent or criminal act committed in another state or under
213 federal law which, if committed in this state, qualifies an
214 individual for inclusion on the Registered Juvenile Sex Offender
215 List under s. 943.0435(1)(a)1.d.

216 Section 8. Section 794.09, Florida Statutes, is created to
217 read:

218 794.09 Forfeiture of retirement benefits.--The retirement
219 benefits of a person convicted of a felony committed on or after
220 October 1, 2008, under this chapter are subject to forfeiture in
221 accordance with s. 112.3173 or s. 121.091 if the person is a
222 public officer or employee when the offense occurs; the person
223 commits the offense through the use or attempted use of power,
224 rights, privileges, duties, or position of the person's public
225 office or employment position; and the victim is younger than 18
226 years of age when the offense occurs.

227 Section 9. Section 800.05, Florida Statutes, is created
228 to:

229 800.05 Forfeiture of retirement benefits for a felony
230 defined in s. 800.04.--The retirement benefits of a person
231 convicted of a felony committed on or after October 1, 2008,
232 defined in s. 800.04 are subject to forfeiture in accordance
233 with s. 112.3173 or s. 121.091 if the person is a public officer
234 or employee when the offense occurs; the person commits the
235 offense through the use or attempted use of power, rights,
236 privileges, duties, or position of the person's public office or

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237 employment position; and the victim is younger than 16 years of
238 age when the offense occurs.

239 Section 10. Subsection (4) of section 1001.10, Florida
240 Statutes, is renumbered as subsection (6) and new subsections
241 (4) and (5) are added to that section to read:

242 1001.10 Commissioner of Education; general powers and
243 duties.--

244 (4) The Department of Education shall provide technical
245 assistance to school districts, charter schools, and the Florida
246 School for the Deaf and the Blind in the development of
247 policies, procedures, and training related to standards of
248 conduct for employees and employment practices.

249 (5) The Department of Education shall provide authorized
250 staff of the Department of Children and Family Services, the
251 Agency for Workforce Innovation, school districts, charter
252 schools, the Florida School for the Deaf and the Blind, private
253 schools that accept scholarship students under s. 220.187 or s.
254 1002.39, early learning coalitions created under s. 411.01, and
255 private prekindergarten providers as defined in s. 1002.51 with
256 access to electronic verification of information from the
257 following employment screening tools:

258 (a) The Professional Practices' Database of Disciplinary
259 Actions Against Educators; and

260 (b) The Department of Education's Teacher Certification
261 Database.

262
263 This subsection does not require the department to provide these
264 staff with unlimited access to the databases. However, the

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265 department shall provide the staff with access to the data
266 necessary for performing employment history checks of employees
267 included in the databases.

268 Section 11. Subsection (4) of section 1001.32, Florida
269 Statutes, is amended to read:

270 1001.32 Management, control, operation, administration,
271 and supervision.--The district school system must be managed,
272 controlled, operated, administered, and supervised as follows:

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

281 Section 12. Subsections (6) through (23) of section
282 1001.42, Florida Statutes, are renumbered as subsections (8)
283 through (25), respectively, and new subsections (6) and (7) are
284 added to that section to read:

285 1001.42 Powers and duties of district school board.--The
286 district school board, acting as a board, shall exercise all
287 powers and perform all duties listed below:

288 (6) STANDARDS OF CONDUCT FOR EMPLOYEES.--Adopt policies
289 establishing standards of conduct for all employees and
290 requiring training for all employees on the standards. The
291 policies must include the duty of employees to report, and
292 procedures for reporting, the alleged misconduct of an employee

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293 which affects the health, safety, or welfare of a student and an
294 explanation of the liability protections provided for students,
295 parents, and employees under ss. 39.203 and 768.095. A district
296 school board, or any of its employees, may not enter into a
297 confidentiality agreement regarding a terminated or dismissed
298 employee, or an employee who resigns in lieu of termination,
299 based in whole or in part on misconduct that affects the health,
300 safety, or welfare of a student, and may not provide the
301 employee with an employment reference, or discuss the employee's
302 performance with a prospective employer in another educational
303 setting, without disclosing the misconduct that led to the
304 employee's termination, dismissal, or resignation. Any portion
305 of an agreement or contract that has the purpose or effect of
306 concealing the misconduct of an employee which affects the
307 health, safety, or welfare of a student is void, is contrary to
308 public policy, and may not be enforced.

309 (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify from
310 employment in any position that requires direct contact with
311 students a person who is ineligible for such employment under s.
312 1012.315. An elected or appointed school board official forfeits
313 his or her salary for 1 year if the official knowingly signs and
314 transmits to any state official a false or incorrect report of
315 the alleged misconduct of an employee, if the official knows the
316 report to be false or incorrect, and if the alleged misconduct
317 affects the health, safety, or welfare of a student.

318 Section 13. Paragraphs (a) and (c) of subsection (1) and
319 subsection (2) of section 1001.452, Florida Statutes, are
320 amended to read:

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321 1001.452 District and school advisory councils.--

322 (1) ESTABLISHMENT.--

323 (a) The district school board shall establish an advisory
324 council for each school in the district and shall develop
325 procedures for the election and appointment of advisory council
326 members. Each school advisory council shall include in its name
327 the words "school advisory council." The school advisory council
328 shall be the sole body responsible for final decisionmaking at
329 the school relating to implementation of ss. 1001.42(18) ~~the~~
330 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
331 members of each school advisory council must be persons who are
332 not employed by the school. Each advisory council shall be
333 composed of the principal and an appropriately balanced number
334 of teachers, education support employees, students, parents, and
335 other business and community citizens who are representative of
336 the ethnic, racial, and economic community served by the school.
337 Career center and high school advisory councils shall include
338 students, and middle and junior high school advisory councils
339 may include students. School advisory councils of career centers
340 and adult education centers are not required to include parents
341 as members. Council members representing teachers, education
342 support employees, students, and parents shall be elected by
343 their respective peer groups at the school in a fair and
344 equitable manner as follows:

345 1. Teachers shall be elected by teachers.

346 2. Education support employees shall be elected by
347 education support employees.

348 3. Students shall be elected by students.

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349 4. Parents shall be elected by parents.
350

351 The district school board shall establish procedures to be used
352 ~~for use~~ by schools in selecting business and community members
353 that include means of ensuring wide notice of vacancies and of
354 taking input on possible members from local business, chambers
355 of commerce, community and civic organizations and groups, and
356 the public at large. The district school board shall review the
357 membership composition of each advisory council. If the district
358 school board determines that the membership elected by the
359 school is not representative of the ethnic, racial, and economic
360 community served by the school, the district school board shall
361 appoint additional members to achieve proper representation. The
362 commissioner shall determine if schools have maximized their
363 efforts to include on their advisory councils minority persons
364 and persons of lower socioeconomic status. Although schools are
365 strongly encouraged to establish school advisory councils, the
366 district school board of any school district that has a student
367 population of 10,000 or fewer may establish a district advisory
368 council which includes ~~shall include~~ at least one duly elected
369 teacher from each school in the district. For the purposes of
370 school advisory councils and district advisory councils, the
371 term "teacher" includes ~~shall include~~ classroom teachers,
372 certified student services personnel, and media specialists. For
373 purposes of this paragraph, "education support employee" means
374 any person employed by a school who is not defined as
375 instructional or administrative personnel pursuant to s. 1012.01

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376 and whose duties require 20 or more hours in each normal working
377 week.

378 (c) For those schools operating for the purpose of
379 providing educational services to youth in Department of
380 Juvenile Justice programs, district school boards may establish
381 a district advisory council with appropriate representatives for
382 the purpose of developing and monitoring a district school
383 improvement plan that encompasses all such schools in the
384 district, pursuant to s. 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

385 (2) DUTIES.--Each advisory council shall perform ~~such~~
386 functions ~~as are~~ prescribed by regulations of the district
387 school board; however, no advisory council shall have any of the
388 powers and duties now reserved by law to the district school
389 board. Each school advisory council shall assist in the
390 preparation and evaluation of the school improvement plan
391 required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With
392 technical assistance from the Department of Education, each
393 school advisory council shall assist in the preparation of the
394 school's annual budget and plan as required by s. 1008.385(1). A
395 portion of funds provided in the annual General Appropriations
396 Act for use by school advisory councils must be used for
397 implementing the school improvement plan.

398 Section 14. Subsection (12) of section 1001.51, Florida
399 Statutes, is amended to read:

400 1001.51 Duties and responsibilities of district school
401 superintendent.--The district school superintendent shall
402 exercise all powers and perform all duties listed below and
403 elsewhere in the law, provided that, in so doing, he or she

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404 shall advise and counsel with the district school board. The
405 district school superintendent shall perform all tasks necessary
406 to make sound recommendations, nominations, proposals, and
407 reports required by law to be acted upon by the district school
408 board. All such recommendations, nominations, proposals, and
409 reports by the district school superintendent shall be either
410 recorded in the minutes or shall be made in writing, noted in
411 the minutes, and filed in the public records of the district
412 school board. It shall be presumed that, in the absence of the
413 record required in this section, the recommendations,
414 nominations, and proposals required of the district school
415 superintendent were not contrary to the action taken by the
416 district school board in such matters.

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

423 (a) Forms, blanks, and reports.--Require that all
424 employees accurately keep all records and promptly make in
425 proper form all reports required by the education code or by
426 rules of the State Board of Education; recommend the keeping of
427 such additional records and the making of such additional
428 reports as may be deemed necessary to provide data essential for
429 the operation of the school system; and prepare such forms and
430 blanks as may be required and ensure that these records and
431 reports are properly prepared.

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432 (b) Reports to the department.--Prepare, for the approval
433 of the district school board, all reports ~~that may be~~ required
434 by law or rules of the State Board of Education to be made to
435 the department and transmit promptly all such reports, when
436 approved, to the department, as required by law. If any ~~such~~
437 reports are not transmitted at the time and in the manner
438 prescribed by law or by State Board of Education rules, the
439 salary of the district school superintendent must be withheld
440 until the report has been properly submitted. Unless otherwise
441 provided by rules of the State Board of Education, the annual
442 report on attendance and personnel is due on or before July 1,
443 and the annual school budget and the report on finance are due
444 on the date prescribed by the commissioner.

445
446 Any district school superintendent who knowingly signs and
447 transmits to any state official a ~~false or incorrect~~ report
448 known to be false or incorrect, or who knowingly fails to
449 investigate each allegation of misconduct by an employee which
450 affects the health, safety, or welfare of a student or report
451 each allegation of such misconduct pursuant to s. 1012.796,
452 forfeits shall forfeit his or her ~~right to any~~ salary for the
453 ~~period of 1 year~~ following the ~~from that~~ date of such act or
454 failure to act.

455 Section 15. Subsection (2) of section 1001.54, Florida
456 Statutes, is amended to read:

457 1001.54 Duties of school principals.--

458 (2) Each school principal shall provide instructional
459 leadership in the development, revision, and implementation of a
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460 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
461 ~~1001.42(16)~~.

462 Section 16. Paragraph (b) of subsection (11) of section
463 1002.32, Florida Statutes, is amended to read:

464 1002.32 Developmental research (laboratory) schools.--

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

469 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~,
470 s. 1001.42 shall be held in abeyance. Reference to district
471 school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the
472 president of the university or the president's designee.

473 Section 17. Paragraph (g) of subsection (12) of section
474 1002.33, Florida Statutes, is amended to read:

475 1002.33 Charter schools.--

476 (12) EMPLOYEES OF CHARTER SCHOOLS.--

477 (g)1. A charter school shall employ or contract with
478 employees who have undergone background screening as provided in
479 s. 1012.32. Members of the governing board of the charter school
480 shall also undergo background screening in a manner similar to
481 that provided in s. 1012.32.

482 2. A charter school shall disqualify from employment in
483 any position that requires direct contact with students a person
484 who is ineligible for such employment under s. 1012.315.

485 3. The governing board of a charter school shall adopt
486 policies establishing standards of conduct for all employees and
487 requiring training for all employees on the standards. The

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488 policies must include the duty of employees to report, and
489 procedures for reporting, the alleged misconduct of an employee
490 which affects the health, safety, or welfare of a student and an
491 explanation of the liability protections provided for students,
492 parents, and employees under ss. 39.203 and 768.095. A charter
493 school, or any of its employees, may not enter into a
494 confidentiality agreement regarding a terminated or dismissed
495 employee, or an employee who resigns in lieu of termination,
496 based in whole or in part on misconduct that affects the health,
497 safety, or welfare of a student, and may not provide the
498 employee with an employment reference, or discuss the employee's
499 performance with a prospective employer in another educational
500 setting, without disclosing the misconduct that led to the
501 employee's termination, dismissal, or resignation. Any portion
502 of an agreement or contract that has the purpose or effect of
503 concealing the misconduct of an employee which affects the
504 health, safety, or welfare of a student is void, is contrary to
505 public policy, and may not be enforced.

506 4. Before employing a person in any position that requires
507 direct contact with students, a charter school shall conduct an
508 employment history check of the person's previous employer,
509 screen the person through use of the educator screening tools
510 described in s. 1001.10(5), and document the findings. If unable
511 to contact the person's previous employer, the charter school
512 must document efforts to contact the employer.

513 5. The sponsor of a charter school that refuses to comply
514 with this paragraph shall terminate the charter under subsection
515 (8).

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516 Section 18. Paragraph (g) is added to subsection (7) of
517 section 1002.36, Florida Statutes, to read:

518 1002.36 Florida School for the Deaf and the Blind.--

519 (7) PERSONNEL SCREENING.--

520 (g) For purposes of protecting the health, safety, or
521 welfare of students, the Florida School for the Deaf and the
522 Blind is considered a school district and must, except as
523 otherwise provided in this section, comply with ss. 1001.03,
524 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
525 1012.56, 1012.795, and 1012.796.

526 Section 19. Subsections (4), (5), and (6) of section
527 1002.421, Florida Statutes, are renumbered as subsections (5),
528 (6), and (7), respectively, and a new subsection (4) is added to
529 that section to read:

530 1002.421 Accountability of private schools participating
531 in state school choice scholarship programs.--

532 (4) A private school participating in a scholarship
533 program under s. 220.187 or s. 1002.39 must:

534 (a) Disqualify from employment in any position that
535 requires direct contact with students a person who is ineligible
536 for such employment under s. 1012.315.

537 (b) Adopt policies establishing standards of conduct for
538 all employees and requiring training for all employees on the
539 standards. The policies must include the duty of employees to
540 report, and procedures for reporting, the alleged misconduct of
541 an employee which affects the health, safety, or welfare of a
542 student and an explanation of the liability protections provided
543 for students, parents, and employees under ss. 39.203 and

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544 768.095. A private school, or any of its employees, may not
545 enter into a confidentiality agreement regarding a terminated or
546 dismissed employee, or an employee who resigns in lieu of
547 termination, based in whole or in part on misconduct that
548 affects the health, safety, or welfare of a student, and may not
549 provide the employee with an employment reference, or discuss
550 the employee's performance with a prospective employer in
551 another educational setting, without disclosing the misconduct
552 that led to the employee's termination, dismissal, or
553 resignation. Any portion of an agreement or contract that has
554 the purpose or effect of concealing the misconduct of an
555 employee which affects the health, safety, or welfare of a
556 student is void, is contrary to public policy, and may not be
557 enforced.

558 (c) Before employing a person in a position that requires
559 direct contact with students, conduct an employment history
560 check of the person's previous employer, screen the person
561 through use of the educator screening tools described in s.
562 1001.10(5), and document the findings. If unable to contact the
563 person's previous employer, the private school must document
564 efforts to contact the employer.

565
566 The department shall suspend the payment of funds under ss.
567 220.187 and 1002.39 to a private school that refuses to comply
568 with this subsection, and shall prohibit the school from
569 enrolling new scholarship students, until the provider complies.

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570 Section 20. Paragraph (d) of subsection (3) of section
571 1002.55, Florida Statutes, is amended, and paragraph (i) is
572 added to that subsection, to read:

573 1002.55 School-year prekindergarten program delivered by
574 private prekindergarten providers.--

575 (3) To be eligible to deliver the prekindergarten program,
576 a private prekindergarten provider must meet each of the
577 following requirements:

578 (d) Each prekindergarten instructor employed by the
579 private prekindergarten provider must be of good moral
580 character, must be screened according to ~~using~~ the level 2
581 screening standards in s. 435.04 upon ~~before~~ employment and
582 rescreened at least once every 5 years in the same manner
583 required for child care personnel under ss. 402.301-402.319,
584 must be disqualified from ~~denied~~ employment ~~or terminated~~ if
585 ineligible for such employment under chapter 435 or s. 1012.315
586 ~~required under s. 435.06~~, and must not be ineligible to teach in
587 a public school because his or her educator certificate is
588 suspended or revoked.

589 (i) The private prekindergarten provider must comply with
590 s. 1002.64.

591 Section 21. Subsection (5) of section 1002.61, Florida
592 Statutes, is amended to read:

593 1002.61 Summer prekindergarten program delivered by public
594 schools and private prekindergarten providers.--

595 (5) Each prekindergarten instructor employed by a public
596 school or private prekindergarten provider delivering the summer
597 prekindergarten program:

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- 598 (a) Must be of good moral character;
599 (b) If employed by a public school, must be screened, and
600 rescreened at least once every 5 years, in accordance with s.
601 1012.32, and must be disqualified from employment if ineligible
602 for such employment under s. 1012.315;
603 (c) If employed by a private prekindergarten provider,
604 must be screened according to using the level 2 screening
605 standards in s. 435.04 upon before employment, must be and
606 rescreened at least once every 5 years in the same manner
607 required for child care personnel under ss. 402.301-402.319, and
608 must be disqualified from denied employment or terminated if
609 ineligible for such employment under chapter 435 or s. 1012.315;
610 required under s. 435.06, and
611 (d) Must not be ineligible to teach in a public school
612 because his or her educator certificate is suspended or revoked.
613
614 This subsection does not supersede employment requirements for
615 instructional personnel in public schools which are more
616 stringent than the requirements of this subsection.
617 Section 22. Subsection (6) of section 1002.63, Florida
618 Statutes, is amended to read:
619 1002.63 School-year prekindergarten program delivered by
620 public schools.--
621 (6) Each prekindergarten instructor employed by a public
622 school delivering the school-year prekindergarten program must
623 be of good moral character; ~~7~~ must be screened, ~~using the level 2~~
624 ~~screening standards in s. 435.04 before employment~~ and
625 rescreened at least once every 5 years, in accordance with s.

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626 1012.32; must be disqualified from ~~denied~~ employment ~~or~~
627 ~~terminated~~ if ineligible for such employment under s. 1012.315;
628 ~~required under s. 435.06,~~ and must not be ineligible to teach in
629 a public school because his or her educator certificate is
630 suspended or revoked. This subsection does not supersede
631 employment requirements for instructional personnel in public
632 schools which are more stringent than the requirements of this
633 subsection.

634 Section 23. Section 1002.64, Florida Statutes, is created
635 to read:

636 1002.64 Private prekindergarten providers; standards of
637 conduct; training; prohibited confidentiality agreements;
638 employment history checks.--

639 (1) A private prekindergarten provider delivering a
640 school-year prekindergarten program under s. 1002.55, or a
641 summer prekindergarten program under s. 1002.61, shall comply
642 with the following requirements:

643 (a) The private prekindergarten provider must complete
644 training developed by the Department of Children and Family
645 Services in collaboration with the Agency for Workforce
646 Innovation. The training shall include strategies for the
647 adoption of policies that establish standards of conduct for all
648 employees, require training on the standards, and create a duty
649 of employees to report, and provide procedures for reporting,
650 the alleged misconduct of an employee which affects the health,
651 safety, or welfare of a student. The training shall also include
652 an explanation of the liability protections provided for
653 students, parents, and employees under ss. 39.203 and 768.095.

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654 Successful completion of the training shall be documented on the
655 child care personnel training transcript of the Department of
656 Children and Family Services.

657 (b) The private prekindergarten provider, or any of its
658 employees, may not enter into a confidentiality agreement
659 regarding a terminated or dismissed employee, or an employee who
660 resigns in lieu of termination, based in whole or in part on
661 misconduct that affects the health, safety, or welfare of a
662 student, and may not provide the employee with an employment
663 reference, or discuss the employee's performance with a
664 prospective employer in another educational setting, without
665 disclosing the misconduct that led to the employee's
666 termination, dismissal, or resignation. A portion of an
667 agreement or contract that has the purpose or effect of
668 concealing the misconduct of an employee which affects the
669 health, safety, or welfare of a child is void, is contrary to
670 public policy, and may not be enforced.

671 (c) The private prekindergarten provider must, before
672 employing a person in any position that requires direct contact
673 with children, conduct an employment history check of the
674 person's previous employer, screen the person through use of the
675 educator screening tools described in s. 1001.10(5) and records
676 of employment separation which are maintained in the Child Care
677 Licensing Information System by the Department of Children and
678 Family Services under s. 402.3055(4), and document the findings.
679 If unable to contact the person's previous employer, the private
680 prekindergarten provider shall document efforts to contact the
681 employer.

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682 (2) The Agency for Workforce Innovation and the early
683 learning coalition shall suspend the payment of funds under this
684 part to a private prekindergarten provider that refuses to
685 comply with this section, and shall prohibit the provider from
686 enrolling new children in a prekindergarten program, until the
687 provider complies.

688 Section 24. Subsection (2) of section 1003.413, Florida
689 Statutes, is amended to read:

690 1003.413 Florida Secondary School Redesign Act.--

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

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

698 (b) Every teacher must contribute to every student's
699 reading improvement.

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

702 (d) Small learning communities allow teachers to
703 personalize instruction to better address student learning
704 styles, strengths, and weaknesses.

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

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

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

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

714 (i) Master schedules should not determine instruction and
715 must be designed based on student needs, not adult or
716 institutional needs.

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

720 Section 25. Paragraph (b) of subsection (2) of section
721 1003.53, Florida Statutes, is amended to read:

722 1003.53 Dropout prevention and academic intervention.--

723 (2)

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

727 1001.42(18) ~~s. 1001.42(16)~~.

728 Section 26. Subsections (1) and (3) of section 1004.92,
729 Florida Statutes, are amended to read:

730 1004.92 Purpose and responsibilities for career
731 education.--

732 (1) The purpose of career education is to enable students
733 who complete career programs to attain and sustain employment
734 and realize economic self-sufficiency. The purpose of this
735 section is to identify issues related to career education for
736 which school boards and community college boards of trustees are
737 accountable. It is the intent of the Legislature that the

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738 standards articulated in subsection (2) be considered in the
739 development of accountability standards for public schools
740 pursuant to ss. 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345
741 and for community colleges pursuant to s. 1008.45.

742 (3) Each career center operated by a district school board
743 shall establish a center advisory council pursuant to s.
744 1001.452. The center advisory council shall assist in the
745 preparation and evaluation of center improvement plans required
746 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
747 assistance, upon the request of the center director, in the
748 preparation of the center's annual budget and plan as required
749 by s. 1008.385(1).

750 Section 27. Section 1006.061, Florida Statutes, is amended
751 to read:

752 1006.061 Child abuse, abandonment, and neglect
753 policy.--Each district school board, charter school, private
754 school that accepts scholarship students under s. 220.187 or s.
755 1002.39, and private prekindergarten provider as defined in s.
756 1002.51 shall:

757 (1) Post in a prominent place in each school a notice
758 that, pursuant to chapter 39, all employees and agents of the
759 district school board, charter school, private school, or
760 private prekindergarten provider have an affirmative duty to
761 report all actual or suspected cases of child abuse,
762 abandonment, or neglect; have immunity from liability if they
763 report such cases in good faith; and have a duty to comply with
764 child protective investigations and all other provisions of law
765 relating to child abuse, abandonment, and neglect. The notice

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766 shall also include the statewide toll-free telephone number of
767 the central abuse hotline.

768 (2) Post in a prominent place at each school site and on
769 each school's Internet website, if available, the policies and
770 procedures for reporting the alleged misconduct of an employee
771 which affects the health, safety, or welfare of a student; the
772 contact person to whom the report is made; and the penalties
773 imposed on employees or agents for failing to report actual or
774 suspected cases of child abuse or alleged misconduct by an
775 employee.

776 (3)~~(2)~~ Require the principal of the charter school or
777 private school, the prekindergarten director of the private
778 prekindergarten provider, or the district school superintendent,
779 or the superintendent's designee, at the request of the
780 Department of Children and Family Services, to act as a liaison
781 to the Department of Children and Family Services and the child
782 protection team, as defined in s. 39.01, when in a case of
783 suspected child abuse, abandonment, or neglect or an unlawful
784 sexual offense involving a child the case is referred to such a
785 team; except that this does not relieve or restrict the
786 Department of Children and Family Services from discharging its
787 duty and responsibility under the law to investigate and report
788 every suspected or actual case of child abuse, abandonment, or
789 neglect or unlawful sexual offense involving a child.

790
791 The Department of Education shall develop, and publish on the
792 department's Internet website, sample notices suitable for
793 posting in accordance with subsections (1) and (2).

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794 Section 28. Subsection (4) of section 1008.33, Florida
795 Statutes, is amended to read:

796 1008.33 Authority to enforce public school
797 improvement.--It is the intent of the Legislature that all
798 public schools be held accountable for students performing at
799 acceptable levels. A system of school improvement and
800 accountability that assesses student performance by school,
801 identifies schools in which students are not making adequate
802 progress toward state standards, institutes appropriate measures
803 for enforcing improvement, and provides rewards and sanctions
804 based on performance shall be the responsibility of the State
805 Board of Education.

806 (4) The State Board of Education may require the
807 Department of Education or Chief Financial Officer to withhold
808 any transfer of state funds to the school district if, within
809 the timeframe specified in state board action, the school
810 district has failed to comply with the action ordered to improve
811 the district's low-performing schools. Withholding the transfer
812 of funds shall occur only after all other recommended actions
813 for school improvement have failed to improve performance. The
814 State Board of Education may impose the same penalty on any
815 district school board that fails to develop and implement a plan
816 for assistance and intervention for low-performing schools as
817 specified in s. 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

818 Section 29. Paragraph (c) of subsection (6) of section
819 1008.345, Florida Statutes, is amended to read:

820 1008.345 Implementation of state system of school
821 improvement and education accountability.--

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822 (6)
823 (c) Pursuant to s. 24.121(5)(d), the department shall not
824 release funds from the Educational Enhancement Trust Fund to any
825 district in which a school, including schools operating for the
826 purpose of providing educational services to youth in Department
827 of Juvenile Justice programs, does not have an approved school
828 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
829 after 1 full school year of planning and development, or does
830 not comply with school advisory council membership composition
831 requirements pursuant to s. 1001.452. The department shall send
832 a technical assistance team to each school without an approved
833 plan to develop such school improvement plan or to each school
834 without appropriate school advisory council membership
835 composition to develop a strategy for corrective action. The
836 department shall release the funds upon approval of the plan or
837 upon establishment of a plan of corrective action. Notice shall
838 be given to the public of the department's intervention and
839 shall identify each school without a plan or without appropriate
840 school advisory council membership composition.

841 Section 30. Subsection (5) of section 1010.215, Florida
842 Statutes, is amended to read:

843 1010.215 Educational funding accountability.--

844 (5) The annual school public accountability report
845 required by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must
846 include a school financial report. The purpose of the school
847 financial report is to better inform parents and the public
848 concerning how funds were spent to operate the school during the
849 prior fiscal year. Each school's financial report must follow a
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850 uniform, districtwide format that is easy to read and
851 understand.

852 (a) Total revenue must be reported at the school,
853 district, and state levels. The revenue sources that must be
854 addressed are state and local funds, other than lottery funds;
855 lottery funds; federal funds; and private donations.

856 (b) Expenditures must be reported as the total
857 expenditures per unweighted full-time equivalent student at the
858 school level and the average expenditures per full-time
859 equivalent student at the district and state levels in each of
860 the following categories and subcategories:

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

- 864 a. Basic programs;
865 b. Students-at-risk programs;
866 c. Special programs for exceptional students;
867 d. Career education programs; and
868 e. Adult programs.

869 2. Substitute teachers.

870 3. Other instructional personnel, including school-based
871 instructional specialists and their assistants.

872 4. Contracted instructional services, including training
873 for instructional staff and other contracted instructional
874 services.

875 5. School administration, including school-based
876 administrative personnel and school-based education support
877 personnel.

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878 6. The following materials, supplies, and operating
879 capital outlay:

- 880 a. Textbooks;
 - 881 b. Computer hardware and software;
 - 882 c. Other instructional materials;
 - 883 d. Other materials and supplies; and
 - 884 e. Library media materials.
- 885 7. Food services.
 - 886 8. Other support services.
 - 887 9. Operation and maintenance of the school plant.

888 (c) The school financial report must also identify the
889 types of district-level expenditures that support the school's
890 operations. The total amount of these district-level
891 expenditures must be reported and expressed as total
892 expenditures per full-time equivalent student.

893 Section 31. Paragraph (b) of subsection (6) of section
894 1011.18, Florida Statutes, is amended to read:

895 1011.18 School depositories; payments into and withdrawals
896 from depositories.--

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

899 (b) The district school board may contract with an
900 insurance company or professional administrator who holds a
901 valid certificate of authority issued by the Office of Insurance
902 Regulation of the Financial Services Commission to provide any
903 ~~or all~~ services that a third-party administrator is authorized
904 by law to perform. Pursuant to such contract, the district
905 school board may advance or remit money to the administrator to

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906 be deposited in a designated special checking account for paying
907 claims against the district school board under its self-
908 insurance programs, and remitting premiums to the providers of
909 insured benefits on behalf of the district school board and the
910 participants in such programs, and otherwise fulfilling the
911 obligations imposed upon the administrator by law and the
912 contractual agreements between the district school board and the
913 administrator. The special checking account shall be maintained
914 in a designated district school depository. The district school
915 board may replenish such account as often as necessary upon the
916 presentation by the service organization of documentation for
917 claims or premiums due paid equal to the amount of the requested
918 reimbursement. Such replenishment shall be made by a warrant
919 signed by the chair of the district school board and
920 countersigned by the district school superintendent. Such
921 replenishment may be made by electronic, telephonic, or other
922 medium, and each transfer shall be confirmed in writing and
923 signed by the district school superintendent or his or her
924 designee. The provisions of strict accountability of all funds
925 and an annual audit by an independent certified public
926 accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~
927 shall apply to this subsection.

928 Section 32. Subsection (6) of section 1012.27, Florida
929 Statutes, is renumbered as subsection (7), and a new subsection
930 (6) is added to that section to read:

931 1012.27 Public school personnel; powers and duties of
932 district school superintendent.--The district school
933 superintendent is responsible for directing the work of the

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934 personnel, subject to the requirements of this chapter, and in
935 addition the district school superintendent shall perform the
936 following:

937 (6) EMPLOYMENT HISTORY CHECKS.--Before employing a person
938 in any position that requires direct contact with students,
939 conduct an employment history check of the person's previous
940 employer, screen the person through use of the educator
941 screening tools described in s. 1001.10(5), and document the
942 findings. If unable to contact the person's previous employer,
943 the district school superintendent shall document efforts to
944 contact the employer.

945 Section 33. Section 1012.315, Florida Statutes, is created
946 to read:

947 1012.315 Disqualification from employment.--A person is
948 ineligible for educator certification or employment in any
949 position that requires direct contact with students in a
950 district school system, charter school, or private school that
951 accepts scholarship students under s. 220.187 or s. 1002.39, or
952 employment as a prekindergarten instructor as defined in s.
953 1002.51 or as child care personnel as defined in s. 402.302, if
954 the person has been convicted or found guilty of, or entered a
955 plea of guilty or nolo contendere to, regardless of adjudication
956 of guilt, any felony offense prohibited under any of the
957 following statutes:

958 (1) Section 393.135, relating to sexual misconduct with
959 certain developmentally disabled clients and reporting of such
960 sexual misconduct.

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961 (2) Section 394.4593, relating to sexual misconduct with
962 certain mental health patients and reporting of such sexual
963 misconduct.

964 (3) Section 782.04, relating to murder.

965 (4) Section 782.07, relating to manslaughter, aggravated
966 manslaughter of an elderly person or disabled adult, aggravated
967 manslaughter of a child, or aggravated manslaughter of an
968 officer, a firefighter, an emergency medical technician, or a
969 paramedic.

970 (5) Section 782.09, relating to killing of an unborn quick
971 child by injury to the mother.

972 (6) Section 787.01, relating to kidnapping.

973 (7) Section 787.02, relating to false imprisonment.

974 (8) Section 787.025, relating to luring or enticing a
975 child.

976 (9) Section 787.04(2), relating to leading, taking,
977 enticing, or removing a minor beyond the state limits, or
978 concealing the location of a minor, with criminal intent pending
979 custody proceedings.

980 (10) Section 787.04(3), relating to leading, taking,
981 enticing, or removing a minor beyond the state limits, or
982 concealing the location of a minor, with criminal intent pending
983 dependency proceedings or proceedings concerning alleged abuse
984 or neglect of a minor.

985 (11) Chapter 794, relating to sexual battery.

986 (12) Section 796.03, relating to procuring a person under
987 the age of 18 for prostitution.

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988 (13) Section 796.035, relating to selling or buying of
989 minors in sex trafficking or prostitution.

990 (14) Chapter 800, relating to lewdness and indecent
991 exposure.

992 (15) Section 810.14, relating to voyeurism.

993 (16) Section 810.145, relating to video voyeurism.

994 (17) Section 825.102, relating to abuse, aggravated abuse,
995 or neglect of an elderly person or disabled adult.

996 (18) Section 825.1025, relating to lewd or lascivious
997 offenses committed upon or in the presence of an elderly person
998 or disabled person.

999 (19) Section 826.04, relating to incest.

1000 (20) Section 827.03, relating to child abuse, aggravated
1001 child abuse, or neglect of a child.

1002 (21) Section 827.04(3), relating to a person 21 years of
1003 age or older impregnating a child under 16 years of age.

1004 (22) Section 827.071, relating to sexual performance by a
1005 child.

1006 (23) Chapter 847, relating to obscenity.

1007 (24) Section 916.1075, relating to sexual misconduct with
1008 certain forensic clients and reporting of such sexual
1009 misconduct.

1010 (25) Section 985.701, relating to sexual misconduct in
1011 juvenile justice programs.

1012 (26) Any criminal act committed in another state or under
1013 federal law which, if committed in this state, constitutes an
1014 offense prohibited under any statute listed in subsections (1)-

1015 (25).

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1016 (27) Any delinquent act committed in this state or any
1017 delinquent or criminal act committed in another state or under
1018 federal law which, if committed in this state, qualifies an
1019 individual for inclusion on the Registered Juvenile Sex Offender
1020 List under s. 943.0435(1)(a)1.d.

1021 Section 34. Subsections (1) and (2) and paragraph (c) of
1022 subsection (3) of section 1012.32, Florida Statutes, are amended
1023 to read:

1024 1012.32 Qualifications of personnel.--

1025 (1) To be eligible for appointment in any position in any
1026 district school system, a person must ~~shall~~ be of good moral
1027 character; must ~~shall~~ have attained the age of 18 years, if he
1028 or she is to be employed in an instructional capacity; must not
1029 be ineligible for such employment under s. 1012.315; and must
1030 ~~shall~~, when required by law, hold a certificate or license
1031 issued under rules of the State Board of Education or the
1032 Department of Children and Family Services, except when employed
1033 pursuant to s. 1012.55 or under the emergency provisions of s.
1034 1012.24. Previous residence in this state shall not be required
1035 in any school of the state as a prerequisite for any person
1036 holding a valid Florida certificate or license to serve in an
1037 instructional capacity.

1038 (2)(a) Instructional and noninstructional personnel who
1039 are hired or contracted to fill positions that require ~~requiring~~
1040 direct contact with students in any district school system or
1041 university lab school must ~~shall~~, upon employment or engagement
1042 to provide services, undergo background screening as required
1043 under s. 1012.465 or s. 1012.56, whichever is applicable.

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1044 (b) Instructional and noninstructional personnel who are
1045 hired or contracted to fill positions in any charter school and
1046 members of the governing board of any charter school, in
1047 compliance with s. 1002.33(12)(g), must ~~shall~~, upon employment,
1048 engagement of services, or appointment, undergo background
1049 screening as required under s. 1012.465 or s. 1012.56, whichever
1050 is applicable, by filing with the district school board for the
1051 school district in which the charter school is located a
1052 complete set of fingerprints taken by an authorized law
1053 enforcement agency or an employee of the school or school
1054 district who is trained to take fingerprints.

1055 (c) Instructional and noninstructional personnel who are
1056 hired or contracted to fill positions that require ~~requiring~~
1057 direct contact with students in an alternative school that
1058 operates under contract with a district school system must
1059 ~~shall~~, upon employment or engagement to provide services,
1060 undergo background screening as required under s. 1012.465 or s.
1061 1012.56, whichever is applicable, by filing with the district
1062 school board for the school district to which the alternative
1063 school is under contract a complete set of fingerprints taken by
1064 an authorized law enforcement agency or an employee of the
1065 school or school district who is trained to take fingerprints.

1066 (d) Student teachers, persons participating in a field
1067 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
1068 participating in a short-term experience as a teacher assistant
1069 pursuant to s. 1004.04(10) in any district school system, lab
1070 school, or charter school must ~~shall~~, upon engagement to provide

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1071 services, undergo background screening as required under s.
1072 1012.56.

1073
1074 Fingerprints shall be submitted to the Department of Law
1075 Enforcement for statewide criminal and juvenile records checks
1076 ~~state processing~~ and to the Federal Bureau of Investigation for
1077 federal criminal records checks processing. A person ~~Persons~~
1078 subject to this subsection who is found ineligible for
1079 employment under s. 1012.315, or otherwise found through
1080 background screening fingerprint processing to have been
1081 convicted or found guilty of, or entered a plea of guilty or
1082 nolo contendere to, regardless of adjudication of guilt, any a
1083 crime involving moral turpitude as defined by rule of the State
1084 Board of Education, shall not be employed, engaged to provide
1085 services, or serve in any position that requires ~~requiring~~
1086 direct contact with students. Probationary persons subject to
1087 this subsection terminated because of their criminal record have
1088 the right to appeal such decisions. The cost of the background
1089 screening may be borne by the district school board, the charter
1090 school, the employee, the contractor, or a person subject to
1091 this subsection.

1092 (3)

1093 (c) Personnel whose fingerprints are not retained by the
1094 Department of Law Enforcement under paragraphs (a) and (b) must
1095 ~~are required to~~ be refingerprinted and rescreened in accordance
1096 with subsection (2) must meet level 2 screening requirements as
1097 ~~described in this section~~ upon reemployment or reengagement to

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1098 provide services in order to comply with the requirements of
1099 this subsection.

1100 Section 35. Paragraph (a) of subsection (1), paragraph (c)
1101 of subsection (4), and paragraph (b) of subsection (6) of
1102 section 1012.33, Florida Statutes, are amended to read:

1103 1012.33 Contracts with instructional staff, supervisors,
1104 and school principals.--

1105 (1) (a) Each person employed as a member of the
1106 instructional staff in any district school system shall be
1107 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1108 employed pursuant to s. 1012.39 and shall be entitled to and
1109 shall receive a written contract as specified in this section.
1110 All such contracts, except continuing contracts as specified in
1111 subsection (4), shall contain provisions for dismissal during
1112 the term of the contract only for just cause. Just cause
1113 includes, but is not limited to, the following instances, as
1114 defined by rule of the State Board of Education: immorality,
1115 misconduct in office, incompetency, gross insubordination,
1116 willful neglect of duty, or being convicted or found guilty of,
1117 or entering a plea of guilty or nolo contendere to, regardless
1118 of adjudication of guilt, any ~~or conviction of a~~ crime involving
1119 moral turpitude.

1120 (4)

1121 (c) Any member of the district administrative or
1122 supervisory staff and any member of the instructional staff,
1123 including any school principal, who is under continuing contract
1124 may be suspended or dismissed at any time during the school
1125 year; however, the charges against him or her must be based on

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1126 immorality, misconduct in office, incompetency, gross
1127 insubordination, willful neglect of duty, drunkenness, or being
1128 convicted or found guilty of, or entering a plea of guilty or
1129 nolo contendere to, regardless of adjudication of guilt, any
1130 ~~conviction of a~~ crime involving moral turpitude, as these terms
1131 are defined by rule of the State Board of Education. Whenever
1132 such charges are made against an ~~any such~~ employee of the
1133 district school board, the district school board may suspend
1134 such person without pay; but, if the charges are not sustained,
1135 he or she shall be immediately reinstated, and his or her back
1136 salary shall be paid. In cases of suspension by the district
1137 school board or by the district school superintendent, the
1138 district school board shall determine upon the evidence
1139 submitted whether the charges have been sustained and, if the
1140 charges are sustained, shall determine either to dismiss the
1141 employee or fix the terms under which he or she may be
1142 reinstated. If such charges are sustained by a majority vote of
1143 the full membership of the district school board and the ~~such~~
1144 employee is discharged, his or her contract of employment shall
1145 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
1146 may be appealed by the employee pursuant to s. 120.68, provided
1147 the ~~such~~ appeal is filed within 30 days after the decision of
1148 the district school board.

1149 (6)

1150 (b) Any member of the district administrative or
1151 supervisory staff, including any principal but excluding an
1152 employee specified in subsection (4), may be suspended or
1153 dismissed at any time during the term of the contract; however,
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1154 the charges against him or her must be based on immorality,
1155 misconduct in office, incompetency, gross insubordination,
1156 willful neglect of duty, drunkenness, or being convicted or
1157 found guilty of, or entering a plea of guilty or nolo contendere
1158 to, regardless of adjudication of guilt, conviction of any crime
1159 involving moral turpitude, as these terms are defined by rule of
1160 the State Board of Education. Whenever such charges are made
1161 against an ~~any such~~ employee of the district school board, the
1162 district school board may suspend the employee without pay; but,
1163 if the charges are not sustained, he or she shall be immediately
1164 reinstated, and his or her back salary shall be paid. In cases
1165 of suspension by the district school board or by the district
1166 school superintendent, the district school board shall determine
1167 upon the evidence submitted whether the charges have been
1168 sustained and, if the charges are sustained, shall determine
1169 either to dismiss the employee or fix the terms under which he
1170 or she may be reinstated. If such charges are sustained by a
1171 majority vote of the full membership of the district school
1172 board and the ~~such~~ employee is discharged, his or her contract
1173 of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision
1174 adverse to the employee may be appealed by him or her pursuant
1175 to s. 120.68, provided such appeal is filed within 30 days after
1176 the decision of the district school board.

1177 Section 36. Subsection (4) of section 1012.34, Florida
1178 Statutes, is amended to read:

1179 1012.34 Assessment procedures and criteria.--

1180 (4) The district school superintendent shall notify the
1181 department of any instructional personnel who receive two

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1182 consecutive unsatisfactory evaluations and who have been given
1183 written notice by the district that their employment is being
1184 terminated or is not being renewed or that the district school
1185 board intends to terminate, or not renew, their employment. The
1186 department shall conduct an investigation to determine whether
1187 action shall be taken against the certificateholder pursuant to
1188 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1189 Section 37. Section 1012.465, Florida Statutes, is amended
1190 to read:

1191 1012.465 Background screening requirements for certain
1192 noninstructional school district employees and contractors.--

1193 (1) Except as provided in s. 1012.467 or s. 1012.468,
1194 noninstructional school district employees or contractual
1195 personnel who are permitted access on school grounds when
1196 students are present, who have direct contact with students, or
1197 who have access to or control of school funds must be screened
1198 ~~meet level 2 screening requirements as described in accordance~~
1199 with s. 1012.32 and, if employed in any position that requires
1200 direct contact with students, must not be ineligible for such
1201 employment under s. 1012.315. Contractual personnel shall
1202 include any vendor, individual, or entity under contract with a
1203 school or the school board.

1204 (2) Every 5 years following employment or entry into a
1205 contract in a capacity described in subsection (1), each person
1206 who is so employed or under contract with the school district
1207 must be rescreened ~~meet level 2 screening requirements as~~
1208 described in accordance with s. 1012.32, at which time the
1209 school district shall request the Department of Law Enforcement

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1210 to forward the fingerprints to the Federal Bureau of
1211 Investigation for federal criminal records checks ~~the level 2~~
1212 ~~screening~~. If, for any reason following employment or entry into
1213 a contract in a capacity described in subsection (1), the
1214 fingerprints of a person who is so employed or under contract
1215 with the school district are not retained by the Department of
1216 Law Enforcement under s. 1012.32(3)(a) and (b), the person must
1217 file a complete set of fingerprints with the district school
1218 superintendent of the employing or contracting school district.
1219 Upon submission of fingerprints for this purpose, the school
1220 district shall request the Department of Law Enforcement to
1221 forward the fingerprints to the Federal Bureau of Investigation
1222 for federal criminal records checks ~~the level 2 screening~~, and
1223 the fingerprints shall be retained by the Department of Law
1224 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
1225 state and federal criminal history check required by subsection
1226 (1) and this subsection ~~level 2 screening~~ may be borne by the
1227 district school board, the contractor, or the person
1228 fingerprinted. Under penalty of perjury, each person who is
1229 employed or under contract in a capacity described in subsection
1230 (1) must agree to inform his or her employer or the party with
1231 whom he or she is under contract within 48 hours if convicted of
1232 any disqualifying offense while he or she is employed or under
1233 contract in that capacity.

1234 (3) If it is found that a person who is employed or under
1235 contract in a capacity described in subsection (1) has ~~does~~ not
1236 been screened in accordance with s. 1012.32, or is ineligible
1237 for such employment under s. 1012.315 ~~meet the level 2~~

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1238 ~~requirements~~, the person shall be immediately suspended from
1239 working in that capacity and shall remain suspended until final
1240 resolution of any appeals.

1241 Section 38. Subsections (9) and (14) of section 1012.56,
1242 Florida Statutes, are amended to read:

1243 1012.56 Educator certification requirements.--

1244 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1245 PERIODICALLY.--

1246 (a) Each person who seeks certification under this chapter
1247 must be fingerprinted and screened ~~meet level 2 screening~~
1248 ~~requirements as described~~ in accordance with s. 1012.32 and must
1249 not be ineligible for such certification under s. 1012.315. A
1250 person who has been screened in accordance with s. 1012.32
1251 ~~unless a level 2 screening has been conducted~~ by a district
1252 school board or the Department of Education within 12 months
1253 before the date the person initially obtains certification under
1254 this chapter, the results of which are submitted to the district
1255 school board or to the Department of Education, is not required
1256 to repeat the screening under this paragraph.

1257 (b) A person may not receive a certificate under this
1258 chapter until the person's level 2 screening under s. 1012.32 is
1259 ~~has been~~ completed and the results have been submitted to the
1260 Department of Education or to the district school superintendent
1261 of the school district that employs the person. Every 5 years
1262 after obtaining initial certification, each person who is
1263 required to be certified under this chapter must be rescreened
1264 ~~meet level 2 screening requirements as described in accordance~~
1265 with s. 1012.32, at which time the school district shall request

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1266 the Department of Law Enforcement to forward the fingerprints to
1267 the Federal Bureau of Investigation for federal criminal records
1268 checks ~~the level 2 screening~~. If, for any reason after obtaining
1269 initial certification, the fingerprints of a person who is
1270 required to be certified under this chapter are not retained by
1271 the Department of Law Enforcement under s. 1012.32(3)(a) and
1272 (b), the person must file a complete set of fingerprints with
1273 the district school superintendent of the employing school
1274 district. Upon submission of fingerprints for this purpose, the
1275 school district shall request the Department of Law Enforcement
1276 to forward the fingerprints to the Federal Bureau of
1277 Investigation for federal criminal records checks ~~the level 2~~
1278 ~~screening~~, and the fingerprints shall be retained by the
1279 Department of Law Enforcement under s. 1012.32(3)(a) and (b).
1280 The cost of the state and federal criminal history checks ~~check~~
1281 required by paragraph (a) and this paragraph ~~level 2 screening~~
1282 may be borne by the district school board or the employee. Under
1283 penalty of perjury, each person who is certified under this
1284 chapter must agree to inform his or her employer within 48 hours
1285 if convicted of any disqualifying offense while he or she is
1286 employed in a position for which such certification is required.

1287 (c) If it is found under s. 1012.796 that a person who is
1288 employed in a position requiring certification under this
1289 chapter has ~~does~~ not been screened in accordance with s.
1290 1012.32, or is ineligible for such certification under s.
1291 1012.315 ~~meet the level 2 screening requirements~~, the person's
1292 certification shall be immediately revoked or suspended and he

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1293 or she shall be immediately suspended from the position
1294 requiring certification.

1295 (14) PERSONNEL RECORDS.--The Department of Education shall
1296 maintain an electronic database that includes, but need not be
1297 limited to, a complete statement of the academic preparation,
1298 professional training, and teaching experience of each person to
1299 whom a certificate is issued. The applicant or the district
1300 school superintendent shall furnish the information using a
1301 format ~~or forms~~ provided by the department.

1302 Section 39. Subsection (1) and paragraph (a) of subsection
1303 (8) of section 1012.79, Florida Statutes, are amended to read:

1304 1012.79 Education Practices Commission; organization.--

1305 (1) The Education Practices Commission consists of 25 ~~17~~
1306 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1307 of whom shall represent a private school; 7 and 5 lay citizens,
1308 5 of whom shall be parents of public school students and who
1309 are unrelated to public school employees and 2 of whom shall be
1310 former district school board members; 7 and 5 sworn law
1311 enforcement officials, appointed by the State Board of Education
1312 from nominations by the Commissioner of Education and subject to
1313 Senate confirmation. Prior to making nominations, the
1314 commissioner shall consult with ~~the~~ teaching associations,
1315 parent organizations, law enforcement agencies, and other
1316 involved associations in the state. In making nominations, the
1317 commissioner shall attempt to achieve equal geographical
1318 representation, as closely as possible.

1319 (a) A teacher member, in order to be qualified for
1320 appointment:

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- 1321 1. Must be certified to teach in the state.
1322 2. Must be a resident of the state.
1323 3. Must have practiced the profession in this state for at
1324 least 5 years immediately preceding the appointment.

1325 (b) A school administrator member, in order to be
1326 qualified for appointment:

- 1327 1. Must have an endorsement on the educator certificate in
1328 the area of school administration or supervision.
1329 2. Must be a resident of the state.
1330 3. Must have practiced the profession as an administrator
1331 for at least 5 years immediately preceding the appointment.

1332 (c) The lay members must be residents of the state.

1333 (d) The law enforcement official members must have served
1334 in the profession for at least 5 years immediately preceding
1335 appointment and have background expertise in child safety.

1336 (8) (a) The commission shall, from time to time, designate
1337 members of the commission to serve on panels for the purpose of
1338 reviewing and issuing final orders upon cases presented to the
1339 commission. A case concerning a complaint against a teacher
1340 shall be reviewed and a final order ~~thereon shall be~~ entered by
1341 a panel composed of five commission members, at least one of
1342 whom must be a parent or a sworn law enforcement officer and at
1343 least three of whom must shall be teachers. A case concerning a
1344 complaint against an administrator shall be reviewed and a final
1345 order ~~thereon shall be~~ entered by a panel composed of five
1346 commission members, at least one of whom must be a parent or a
1347 sworn law enforcement officer and at least three of whom must
1348 ~~shall~~ be administrators.

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1349 Section 40. Subsection (1) of section 1012.795, Florida
1350 Statutes, is amended to read:

1351 1012.795 Education Practices Commission; authority to
1352 discipline.--

1353 (1) The Education Practices Commission may suspend the
1354 educator certificate of any person as defined in s. 1012.01(2)
1355 or (3) for a period of time not to exceed 5 years, thereby
1356 denying that person the right to teach or otherwise be employed
1357 by a district school board or public school in any capacity
1358 requiring direct contact with students for that period of time,
1359 after which the holder may return to teaching as provided in
1360 subsection (4); may revoke the educator certificate of any
1361 person, thereby denying that person the right to teach or
1362 otherwise be employed by a district school board or public
1363 school in any capacity requiring direct contact with students
1364 for a period of time not to exceed 10 years, with reinstatement
1365 subject to the provisions of subsection (4); may revoke
1366 permanently the educator certificate of any person thereby
1367 denying that person the right to teach or otherwise be employed
1368 by a district school board or public school in any capacity
1369 requiring direct contact with students; may suspend the educator
1370 certificate, upon order of the court, of any person found to
1371 have a delinquent child support obligation; or may impose any
1372 other penalty provided by law, if ~~provided it can be shown that~~
1373 the person:

1374 (a) Obtained or attempted to obtain an educator
1375 certificate by fraudulent means.

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1376 (b) Knowingly failed to report any actual or suspected
1377 case of child abuse as required in s. 1006.061 or report the
1378 alleged misconduct of an employee which affects the health,
1379 safety, or welfare of a student.

1380 (c)~~(b)~~ Has proved to be incompetent to teach or to perform
1381 duties as an employee of the public school system or to teach in
1382 or to operate a private school.

1383 (d)~~(e)~~ Has been guilty of gross immorality or an act
1384 involving moral turpitude as defined by rule of the State Board
1385 of Education.

1386 (e)~~(d)~~ Has had an educator certificate sanctioned by
1387 revocation, suspension, or surrender in another state.

1388 (f)~~(e)~~ Has been convicted or found guilty of, or entered a
1389 plea of guilty or nolo contendere to, regardless of adjudication
1390 of guilt, a misdemeanor, felony, or any other criminal charge,
1391 other than a minor traffic violation.

1392 (g)~~(f)~~ Upon investigation, has been found guilty of
1393 personal conduct which seriously reduces that person's
1394 effectiveness as an employee of the district school board.

1395 (h)~~(g)~~ Has breached a contract, as provided in s.
1396 1012.33(2).

1397 (i)~~(h)~~ Has been the subject of a court order directing the
1398 Education Practices Commission to suspend the certificate as a
1399 result of a delinquent child support obligation.

1400 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1401 for the Education Profession prescribed by State Board of
1402 Education rules.

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1403 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1404 penalty for which is the revocation of the educator certificate.

1405 (l)~~(k)~~ Has violated any order of the Education Practices
1406 Commission.

1407 (m)~~(l)~~ Has been the subject of a court order or plea
1408 agreement in any jurisdiction which requires the
1409 certificateholder to surrender or otherwise relinquish his or
1410 her educator's certificate. A surrender or relinquishment shall
1411 be for permanent revocation of the certificate. A person may not
1412 surrender or otherwise relinquish his or her certificate prior
1413 to a finding of probable cause by the commissioner as provided
1414 in s. 1012.796.

1415 (n) Has been disqualified from employment under s.
1416 1012.315.

1417 Section 41. Subsections (1), (3), and (5) of section
1418 1012.796, Florida Statutes, are amended to read:

1419 1012.796 Complaints against teachers and administrators;
1420 procedure; penalties.--

1421 (1) (a) The Department of Education shall cause to be
1422 investigated expeditiously any complaint filed before it or
1423 otherwise called to its attention which, if legally sufficient,
1424 contains grounds for the revocation or suspension of a
1425 certificate or any other appropriate penalty as set forth in
1426 subsection (7). The complaint is legally sufficient if it
1427 contains the ultimate facts which show a violation has occurred
1428 as provided in s. 1012.795 and defined by rule of the State
1429 Board of Education. The department shall ~~may~~ investigate or
1430 continue to investigate and take appropriate action on a

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1431 complaint even though the original complainant withdraws the
1432 complaint or otherwise indicates a desire not to cause it to be
1433 investigated or prosecuted to completion. The department may
1434 investigate or continue to investigate and take action on a
1435 complaint filed against a person whose educator certificate has
1436 expired if the act or acts that ~~which~~ are the basis for the
1437 complaint were allegedly committed while that person possessed
1438 an educator certificate.

1439 (b) The Department of Education shall expeditiously
1440 investigate any legally sufficient complaint filed before it or
1441 otherwise called to its attention which involves misconduct by
1442 any certificated personnel which affects the health, safety, or
1443 welfare of a student. The department must investigate or
1444 continue to investigate and take action on such a complaint
1445 filed against a person whose educator certificate has expired if
1446 the act or acts that are the basis for the complaint were
1447 allegedly committed while that person possessed an educator
1448 certificate.

1449 (c) ~~(b)~~ When an investigation is undertaken, the department
1450 shall notify the certificateholder or applicant for
1451 certification and the district school superintendent or the
1452 university laboratory school, charter school, or private school
1453 in which the certificateholder or applicant for certification is
1454 employed or was employed at the time the alleged offense
1455 occurred. In addition, the department shall inform the
1456 certificateholder or applicant for certification of the
1457 substance of any complaint which has been filed against that
1458 certificateholder or applicant, unless the department determines

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1459 that such notification would be detrimental to the
1460 investigation, in which case the department may withhold
1461 notification.

1462 (d)(e) Each school district shall file in writing with the
1463 department all legally sufficient complaints within 30 days
1464 after the date on which subject matter of the complaint comes to
1465 the attention of the school district. A complaint is legally
1466 sufficient if it contains ultimate facts that show a violation
1467 has occurred as provided in s. 1012.795 and defined by rule of
1468 the State Board of Education. The school district shall include
1469 all information relating to the complaint which is known to the
1470 school district at the time of filing. Each district school
1471 board shall develop and adopt policies and procedures to comply
1472 with this reporting requirement. School board policies and
1473 procedures must include standards for screening, hiring, and
1474 terminating employees; standards of conduct for all employees;
1475 the duties of employees for upholding the standards; detailed
1476 procedures for reporting the alleged misconduct of an employee
1477 which affects the health, safety, or welfare of a student;
1478 requirements for the reassignment of an employee pending the
1479 outcome of a misconduct investigation; and penalties for failing
1480 to comply with s. 1001.51 or s. 1012.795. The district school
1481 board policies and procedures shall include appropriate
1482 penalties for all personnel of the district school board for
1483 nonreporting and procedures for promptly informing the district
1484 school superintendent of each legally sufficient complaint. The
1485 district school superintendent is charged with knowledge of
1486 these policies and procedures and is accountable for the

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1487 training of all employees of the school district on the
1488 standards of conduct, policies, and procedures. If the district
1489 school superintendent has knowledge of a legally sufficient
1490 complaint and does not report the complaint, or fails to enforce
1491 the policies and procedures of the district school board, and
1492 fails to comply with the requirements of this subsection, in
1493 addition to other actions against certificateholders authorized
1494 by law, the district school superintendent is shall be subject
1495 to penalties as specified in s. 1001.51(12). If the
1496 superintendent determines that the misconduct of an employee who
1497 holds an educator certificate affects the health, safety, or
1498 welfare of a student, and the misconduct warrants termination,
1499 the employee may resign or be terminated, and the superintendent
1500 shall report the misconduct to the department in the format
1501 prescribed by the department. The department shall maintain each
1502 report of misconduct as a public record in the employee's
1503 certification file. This paragraph does not limit or restrict
1504 the power and duty of the department to investigate complaints
1505 as provided in paragraphs (a) and (c) ~~(b)~~, regardless of the
1506 school district's untimely filing, or failure to file,
1507 complaints and followup reports.

1508 (e) If allegations arise against an employee who is
1509 certified under s. 1012.56, and employed in an educator-
1510 certificated position by any school or provider in the state,
1511 such school or provider, or governing body thereof, shall file
1512 in writing with the department a legally sufficient complaint
1513 within 30 days after the date on which the subject matter of the
1514 complaint came to the attention of the school or provider. A

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1515 complaint is legally sufficient if it contains ultimate facts
1516 that show a violation has occurred as provided in s. 1012.795
1517 and defined by rule of the State Board of Education. The school
1518 or provider shall include all known information relating to the
1519 complaint with the filing of the complaint. This paragraph does
1520 not limit or restrict the power and duty of the department to
1521 investigate complaints as provided in paragraphs (a) and (c),
1522 regardless of the school's or provider's untimely filing, or
1523 failure to file, complaints and followup reports.

1524 ~~(f)-(d)~~ Notwithstanding any other law, all law enforcement
1525 agencies, state attorneys, social service agencies, district
1526 school boards, and the Division of Administrative Hearings shall
1527 fully cooperate with and, upon request, shall provide unredacted
1528 documents to the Department of Education to further
1529 investigations and prosecutions conducted pursuant to this
1530 section. Any document received ~~pursuant to this paragraph~~ may
1531 not be redisclosed except as authorized by law.

1532 (3) The department staff shall advise the commissioner
1533 concerning the findings of the investigation. The department
1534 general counsel or members of that staff shall review the
1535 investigation and advise the commissioner concerning probable
1536 cause or lack thereof. The determination of probable cause shall
1537 be made by the commissioner. The commissioner shall provide an
1538 opportunity for a conference, if requested, prior to determining
1539 probable cause. The commissioner may enter into deferred
1540 prosecution agreements in lieu of finding probable cause if,
1541 ~~when~~ in his or her judgment, such agreements are ~~would be~~ in the
1542 best interests of the department, the certificateholder, and the
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1543 public. Such deferred prosecution agreements shall become
1544 effective when filed with the clerk of the Education Practices
1545 Commission. However, a deferred prosecution agreement shall not
1546 be entered into ~~if where~~ there is probable cause to believe that
1547 a felony or an act of moral turpitude, as defined by rule of the
1548 State Board of Education, has occurred. Upon finding no probable
1549 cause, the commissioner shall dismiss the complaint.

1550 (5) When an allegation of an employee's misconduct is
1551 received, if the alleged misconduct affects ~~deemed necessary to~~
1552 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,
1553 and, after preliminary inquiry, there is reason to believe that
1554 the allegation is true, the district school superintendent in
1555 consultation with the school principal, or may, ~~and~~ upon the
1556 request of the Commissioner of Education, must immediately
1557 ~~shall, temporarily~~ suspend the employee ~~a certificateholder~~ from
1558 ~~the certificateholder's~~ regularly assigned duties, with pay, and
1559 reassign the suspended employee ~~certificateholder~~ to a position
1560 that does not require direct contact with students in the
1561 district school system. Such suspension shall continue until the
1562 completion of the proceedings and the determination of
1563 sanctions, if any, pursuant to this section and s. 1012.795.

1564 Section 42. Paragraph (b) of subsection (4) of section
1565 1012.98, Florida Statutes, is amended to read:

1566 1012.98 School Community Professional Development Act.--

1567 (4) The Department of Education, school districts,
1568 schools, community colleges, and state universities share the
1569 responsibilities described in this section. These
1570 responsibilities include the following:

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1571 (b) Each school district shall develop a professional
1572 development system as specified in subsection (3). The system
1573 shall be developed in consultation with teachers, teacher-
1574 educators of community colleges and state universities, business
1575 and community representatives, and local education foundations,
1576 consortia, and professional organizations. The professional
1577 development system must:

1578 1. Be approved by the department. All substantial
1579 revisions to the system shall be submitted to the department for
1580 review for continued approval.

1581 2. Be based on analyses of student achievement data and
1582 instructional strategies and methods that support rigorous,
1583 relevant, and challenging curricula for all students. Schools
1584 and districts, in developing and refining the professional
1585 development system, shall also review and monitor school
1586 discipline data; school environment surveys; assessments of
1587 parental satisfaction; performance appraisal data of teachers,
1588 managers, and administrative personnel; and other performance
1589 indicators to identify school and student needs that can be met
1590 by improved professional performance.

1591 3. Provide inservice activities coupled with followup
1592 support appropriate to accomplish district-level and school-
1593 level improvement goals and standards. The inservice activities
1594 for instructional personnel shall focus on analysis of student
1595 achievement data, ongoing formal and informal assessments of
1596 student achievement, identification and use of enhanced and
1597 differentiated instructional strategies that emphasize rigor,
1598 relevance, and reading in the content areas, enhancement of

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1599 subject content expertise, integrated use of classroom
1600 technology that enhances teaching and learning, classroom
1601 management, parent involvement, and school safety.

1602 4. Include a master plan for inservice activities,
1603 pursuant to rules of the State Board of Education, for all
1604 district employees from all fund sources. The master plan shall
1605 be updated annually by September 1, must be based on input from
1606 teachers and district and school instructional leaders, and must
1607 use the latest available student achievement data and research
1608 to enhance rigor and relevance in the classroom. Each district
1609 inservice plan must be aligned to and support the school-based
1610 inservice plans and school improvement plans pursuant to s.
1611 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by
1612 the district school board annually in order to ensure compliance
1613 with subsection (1) and to allow for dissemination of research-
1614 based best practices to other districts. District school boards
1615 must submit verification of their approval to the Commissioner
1616 of Education no later than October 1, annually.

1617 5. Require each school principal to establish and maintain
1618 an individual professional development plan for each
1619 instructional employee assigned to the school as a seamless
1620 component to the school improvement plans developed pursuant to
1621 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1622 development plan must:

1623 a. Be related to specific performance data for the
1624 students to whom the teacher is assigned.

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1625 b. Define the inservice objectives and specific measurable
1626 improvements expected in student performance as a result of the
1627 inservice activity.

1628 c. Include an evaluation component that determines the
1629 effectiveness of the professional development plan.

1630 6. Include inservice activities for school administrative
1631 personnel that address updated skills necessary for
1632 instructional leadership and effective school management
1633 pursuant to s. 1012.986.

1634 7. Provide for systematic consultation with regional and
1635 state personnel designated to provide technical assistance and
1636 evaluation of local professional development programs.

1637 8. Provide for delivery of professional development by
1638 distance learning and other technology-based delivery systems to
1639 reach more educators at lower costs.

1640 9. Provide for the continuous evaluation of the quality
1641 and effectiveness of professional development programs in order
1642 to eliminate ineffective programs and strategies and to expand
1643 effective ones. Evaluations must consider the impact of such
1644 activities on the performance of participating educators and
1645 their students' achievement and behavior.

1646 Section 43. Subsection (4) of section 1013.03, Florida
1647 Statutes, is amended to read:

1648 1013.03 Functions of the department and the Board of
1649 Governors.--The functions of the Department of Education as it
1650 pertains to educational facilities of school districts and
1651 community colleges and of the Board of Governors as it pertains

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1652 to educational facilities of state universities shall include,
1653 but not be limited to, the following:

1654 (4) Require each board and other appropriate agencies to
1655 submit complete and accurate financial data as to the amounts of
1656 funds from all sources that are available and spent for
1657 construction and capital improvements. The commissioner shall
1658 prescribe the format and the date for the submission of this
1659 data and any other educational facilities data. If any district
1660 does not submit the required educational facilities fiscal data
1661 by the prescribed date, the Commissioner of Education shall
1662 notify the district school board of this fact and, if
1663 appropriate action is not taken to immediately submit the
1664 required report, the district school board shall be directed to
1665 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~
1666 ~~1001.42(11)(b)~~. If any community college or university does not
1667 submit the required educational facilities fiscal data by the
1668 prescribed date, the same policy prescribed in this subsection
1669 for school districts shall be implemented.

1670 Section 44. The sum of \$153,872 is appropriated from the
1671 Educational Certification and Services Trust Fund to the
1672 Department of Education for the 2008-2009 fiscal year, and two
1673 additional full-time equivalent positions and associated salary
1674 rate of 90,088 are authorized, for the purpose of implementing
1675 this act.

1676 Section 45. The sum of \$270,514 is appropriated from the
1677 General Revenue Fund to the Department of Children and Family
1678 Services for the 2008-2009 fiscal year, and five additional

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1679 full-time equivalent positions are authorized, for the purpose
1680 of implementing this act.

1681 Section 46. This act shall take effect July 1, 2008.

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1684 -----

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

1685 Remove the entire title and insert:

1686 A bill to be entitled

1687
1688 An act relating to ethics; providing a short title; amending s.
1689 24.121, F.S., relating to public school funding; conforming
1690 cross-references; amending s. 112.3173, F.S.; specifying certain
1691 felony offenses against a minor as additional offenses that
1692 constitute a breach of the public trust; requiring a person
1693 committing such an offense to forfeit benefits under certain
1694 public retirement systems; amending s. 121.091, F.S.;
1695 prohibiting the Division of Retirement from paying benefits to a
1696 member who commits certain felony offenses against a minor;
1697 conforming a cross-reference; amending s. 402.3055, F.S.;
1698 requiring the denial or revocation of a child care license under
1699 certain circumstances; prohibiting persons who commit certain
1700 crimes from employment as child care personnel under certain
1701 circumstances; requiring employers of child care personnel and
1702 certain public and private school personnel to report certain
1703 employees' separation from employment and requiring a record of
1704 the employment separations to be recorded in a certain database;
1705 requiring the Department of Children and Family Services to
1706 adopt rules; amending s. 402.308, F.S.; prohibiting the issuance

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1707 or renewal of a child care license under certain circumstances;
1708 amending s. 435.04, F.S.; specifying additional criminal
1709 offenses for the screening of child care personnel and certain
1710 prekindergarten instructors; creating ss. 794.09 and 800.05,
1711 F.S.; providing notice in the criminal statutes that certain
1712 retirement benefits are subject to forfeiture for committing
1713 certain felony offenses against a minor; amending s. 1001.10,
1714 F.S.; requiring the Department of Education to assist school
1715 districts, charter schools, and the Florida School for the Deaf
1716 and the Blind in developing policies, procedures, and training
1717 related to employee standards of conduct and employment
1718 practices; requiring the department to provide authorized staff
1719 with access to certain databases for employment history
1720 verification; amending s. 1001.32, F.S., relating to school
1721 administration; conforming a cross-reference; amending s.
1722 1001.42, F.S.; requiring each district school board to adopt
1723 standards of conduct and provide training for all employees;
1724 prohibiting confidentiality agreements regarding terminated or
1725 dismissed employees which have the effect of concealing certain
1726 misconduct; prohibiting a school district from providing
1727 employment references for specified employees except under
1728 certain circumstances; requiring a person who committed certain
1729 crimes to be disqualified from employment in certain positions
1730 in a district school system under specified conditions;
1731 providing that a district school board official who knowingly
1732 signs and transmits a false report forfeits his or her salary
1733 for a specified period; amending s. 1001.452, F.S., relating to
1734 district and school advisory councils; conforming cross-

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1735 references; amending s. 1001.51, F.S.; providing that a district
1736 school superintendent forfeits his or her salary for a specified
1737 period following failure to investigate and report allegations
1738 of certain misconduct by employees; amending ss. 1001.54 and
1739 1002.32, F.S., relating to duties of principals and laboratory
1740 schools; conforming cross-references; amending s. 1002.33, F.S.;
1741 requiring a person who committed certain crimes to be
1742 disqualified from employment in certain positions in a charter
1743 school under specified conditions; requiring charter schools to
1744 adopt standards of conduct and provide training for all
1745 employees; prohibiting confidentiality agreements regarding
1746 terminated or dismissed employees which have the effect of
1747 concealing certain misconduct; prohibiting a charter school from
1748 providing employment references for specified employees except
1749 under certain circumstances; requiring a charter school to
1750 contact a prospective employee's previous employer, verify
1751 employment history against certain databases, and document
1752 findings; requiring a charter school's sponsor to suspend the
1753 school's charter for failing to comply with these requirements;
1754 amending s. 1002.36, F.S.; requiring the Florida School for the
1755 Deaf and the Blind to meet certain requirements governing the
1756 screening of personnel; amending s. 1002.421, F.S.; requiring a
1757 person who committed certain crimes to be disqualified from
1758 employment in certain positions in a private school that accepts
1759 certain scholarship students under specified conditions;
1760 requiring certain private schools to adopt standards of conduct
1761 and provide training for all employees; prohibiting
1762 confidentiality agreements regarding terminated or dismissed

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1763 employees which have the effect of concealing certain
1764 misconduct; prohibiting a private school from providing
1765 employment references for specified employees except under
1766 certain circumstances; requiring a private school to contact a
1767 prospective employee's previous employer, verify employment
1768 history against certain databases, and document findings;
1769 requiring the Department of Education to suspend enrollment of
1770 new students and the payment of funds to a private school
1771 failing to comply with these requirements; amending ss. 1002.55,
1772 1002.61, and 1002.63, F.S.; revising requirements for the
1773 Voluntary Prekindergarten Education Program; requiring
1774 prekindergarten instructors employed by private prekindergarten
1775 providers to be screened upon employment and rescreened in the
1776 same manner required for child care personnel; requiring
1777 prekindergarten instructors employed by public schools to be
1778 screened and rescreened in the same manner required for school
1779 employees; requiring a person who committed certain crimes to be
1780 disqualified from employment as a prekindergarten instructor
1781 under specified conditions; creating s. 1002.64, F.S.; requiring
1782 private prekindergarten providers to complete certain training;
1783 requiring documentation of such training on child care personnel
1784 training transcripts; prohibiting confidentiality agreements
1785 regarding terminated or dismissed employees which have the
1786 effect of concealing certain misconduct; prohibiting a provider
1787 from providing employment references for specified employees
1788 except under certain circumstances; requiring a provider to
1789 contact a prospective employee's previous employer, verify
1790 employment history against certain databases, and document

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1791 findings; requiring the Agency for Workforce Innovation and
1792 early learning coalitions to suspend enrollment of new children
1793 and the payment of funds to a provider failing to comply with
1794 these requirements; amending ss. 1003.413, 1003.53, and 1004.92,
1795 F.S., relating to educational instruction and programs;
1796 conforming cross-references; amending s. 1006.061, F.S.;
1797 requiring district school boards, charter schools, private
1798 schools that accept certain scholarship students, and private
1799 prekindergarten providers to post policies for reporting child
1800 abuse and misconduct by employees; requiring the principal of
1801 such schools or prekindergarten director of such providers to
1802 act as a liaison in suspected cases of child abuse; requiring
1803 the Department of Education to publish sample notices; amending
1804 ss. 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to
1805 accountability procedures; conforming cross-references; amending
1806 s. 1012.27, F.S.; requiring the district school superintendent
1807 to contact a prospective employee's previous employer, verify
1808 employment history against certain databases, and document
1809 findings; creating s. 1012.315, F.S.; specifying offenses that
1810 disqualify persons from employment in certain positions
1811 requiring direct contact with students and children; amending s.
1812 1012.32, F.S.; requiring a person who committed certain crimes
1813 to be disqualified from employment in certain positions in a
1814 district school system or charter school under specified
1815 conditions; amending s. 1012.33, F.S.; providing that just cause
1816 for terminating instructional staff includes immorality or
1817 commission of a criminal act; amending s. 1012.34, F.S.,
1818 relating to assessment procedures; conforming a cross-reference;

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1819 amending s. 1012.465, F.S.; requiring certain noninstructional
1820 personnel who committed certain crimes to be disqualified from
1821 employment in certain positions in a district school system
1822 under specified conditions; amending s. 1012.56, F.S., relating
1823 to certification requirements for educators; revising
1824 requirements for conducting state and federal criminal records
1825 checks of persons seeking certification; requiring a person who
1826 committed certain crimes to be ineligible for certification
1827 under specified conditions; providing for the Department of
1828 Education to maintain educator records in an electronic
1829 database; amending s. 1012.79, F.S.; providing for additional
1830 members to be appointed to the Education Practices Commission;
1831 revising the composition of the panel appointed to review
1832 complaints against teachers; amending s. 1012.795, F.S.;
1833 providing for the suspension of the educator certificate of a
1834 person who knowingly fails to report child abuse or certain
1835 employee misconduct; clarifying authority of the commission to
1836 discipline educators who commit certain crimes; amending s.
1837 1012.796, F.S.; requiring the Department of Education to
1838 investigate each complaint involving misconduct by certificated
1839 personnel; clarifying what constitutes a legally sufficient
1840 complaint; providing requirements for school board policies and
1841 procedures relating to standards of conduct; providing that the
1842 district school superintendent is accountable for training of
1843 district employees on the standards, policies, and procedures;
1844 requiring employers of certificated personnel to report employee
1845 misconduct to the Department of Education; requiring that an
1846 employee be immediately suspended and reassigned under certain

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1847 | circumstances; amending ss. 1012.98 and 1013.03, F.S., relating
1848 | to the School Community Professional Development Act and
1849 | functions of the Department of Education and Board of Governors;
1850 | conforming cross-references; providing appropriations and
1851 | authorizing additional positions; providing an effective date.

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