



952412

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/5/2008	.	
	.	
	.	

1 The Committee on Education Pre-K - 12 (Gaetz) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

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

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

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

13 (5)

14 (c) A portion of such net revenues, as determined annually  
 15 by the Legislature, shall be distributed to each school district

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

39 (d) No funds shall be released for any purpose from the  
40 Educational Enhancement Trust Fund to any school district in  
41 which one or more schools do not have an approved school  
42 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do  
43 not comply with school advisory council membership composition

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44 requirements pursuant to s. 1001.452(1). The Commissioner of  
45 Education shall withhold disbursements from the trust fund to  
46 any school district that fails to adopt the performance-based  
47 salary schedule required by s. 1012.22(1).

48 Section 3. Paragraph (e) of subsection (2) of section  
49 112.3173, Florida Statutes, is amended to read:

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

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

55 (e) "Specified offense" means:

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

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

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

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

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

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

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72 other person through the use or attempted use of the power,  
73 rights, privileges, duties, or position of his or her public  
74 office or employment position; or-

75 7. Effective October 1, 2008, the committing of any felony  
76 defined in s. 800.04 against a victim younger than 16 years of  
77 age or any felony defined in chapter 794, s. 800.02, or s.  
78 800.03 against a victim younger than 18 years of age by a public  
79 officer or employee through the use or attempted use of power,  
80 rights, privileges, duties, or position of his or her public  
81 office or employment position.

82 Section 4. Present paragraphs (i) and (j) of subsection  
83 (5) of section 121.091, Florida Statutes, are redesignated as  
84 subsections (j) and (k), respectively, and a new paragraph (i)  
85 is added to that subsecection, to read:

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

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

109           (i) Effective October 1, 2008, except for the return of  
110 the member's accumulated contributions as of the date of  
111 conviction, the division may not pay benefits to any member who  
112 has committed any felony defined in s. 800.04 against a victim  
113 younger than 16 years of age or any felony defined in chapter  
114 794, s. 800.02, or s. 800.03 against a victim younger than 18  
115 years of age through the use or attempted use of power, rights,  
116 privileges, duties, or position of his or her public office or  
117 employment position.

118           Section 5. Present subsection (4) of section 1001.10,  
119 Florida Statutes, is redesignated as subsection (5), and new  
120 subsections (4) and (5) are added to that section, to read:

121           1001.10 Commissioner of Education; general powers and  
122 duties.--

123           (4) The Commissioner of Education shall provide technical  
124 assistance to local school districts, charter schools, the  
125 Florida School for the Deaf and the Blind, private schools that  
126 accept scholarship students under chapter 1002 or s. 220.187,

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127 and private providers pursuant to s. 1002.55 in the development  
128 of policies, procedures, and training related to educator ethics  
129 and employment practices.

130 (5) The Department of Education shall provide authorized  
131 staff of local school districts, charter schools, the Florida  
132 School for the Deaf and the Blind, private schools that accept  
133 scholarship students under chapter 1002 or s. 220.187, and  
134 private providers pursuant to s. 1002.55 with secure access to  
135 the following employment-screening tools:

136 (a) The Professional Practices' Database of Disciplinary  
137 Actions Against Educators;

138 (b) The Department of Education's Teacher Certification  
139 Database; and

140 (c) The Department of Education's Educator Employment  
141 Information Database.

142 Section 6. Subsection (4) of section 1001.32, Florida  
143 Statutes, is amended to read:

144 1001.32 Management, control, operation, administration,  
145 and supervision.--The district school system must be managed,  
146 controlled, operated, administered, and supervised as follows:

147 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility  
148 for the administration of any school or schools at a given  
149 school center, for the supervision of instruction therein, and  
150 for providing leadership in the development or revision and  
151 implementation of a school improvement plan required by s.  
152 1001.42(18) pursuant to s. 1001.42(16) shall be delegated to the  
153 school principal or head of the school or schools in accordance  
154 with rules established by the district school board.

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155 Section 7. Present subsections (6) through (23) of section  
156 1001.42, Florida Statutes, are redesignated as subsections (8)  
157 through (25), respectively, and new subsections (6) and (7) are  
158 added to that section, to read:

159 1001.42 Powers and duties of district school board.--The  
160 district school board, acting as a board, shall exercise all  
161 powers and perform all duties listed below:

162 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate  
163 policies and procedures setting forth ethical standards for all  
164 employees. The policies and procedures must include  
165 responsibilities and procedures for reporting suspected or  
166 actual misconduct by instructional personnel, as defined in s.  
167 1012.01(2), which affects the health, safety, or welfare of a  
168 student and an explanation of liability protections provided to  
169 students, parents, and employees under ss. 39.201, 39.202, and  
170 768.095 who report suspected or actual misconduct. A district  
171 school board or any of its employees may not enter into a  
172 confidentiality agreement regarding a terminated or dismissed  
173 employee or an employee who resigns in lieu of termination based  
174 in whole or in part on unethical conduct that affects the  
175 health, safety, or welfare of a student and may not provide the  
176 employee with a favorable recommendation for employment in  
177 another educational setting. Any portion of an agreement or  
178 contract that has the purpose or effect of concealing the  
179 conduct of an educator regarding actions over which the  
180 Education Practices Commission has disciplinary jurisdiction is  
181 void, is contrary to public policy, and may not be enforced.

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182       (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from  
183 employment any instructional personnel, as defined in s.  
184 1012.01(2), who are convicted of a disqualifying offense as  
185 described in s. 1012.315. An elected or appointed school board  
186 official who knowingly signs and transmits to any state official  
187 a false or incorrect report or who fails to support the adoption  
188 of policies that ensure the investigation of all reports of  
189 suspected or actual misconduct by instructional personnel, as  
190 defined in s. 1012.01(2), which affects the health, safety, or  
191 welfare of a student and the reporting of allegations of  
192 misconduct by such personnel which affects the health, safety,  
193 or welfare of a student pursuant to s. 1012.796 forfeits his or  
194 her salary for 1 year.

195       Section 8. Paragraphs (a) and (c) of subsection (1) and  
196 subsection (2) of section 1001.452, Florida Statutes, are  
197 amended to read:

198       1001.452 District and school advisory councils.--

199       (1) ESTABLISHMENT.--

200       (a) The district school board shall establish an advisory  
201 council for each school in the district and shall develop  
202 procedures for the election and appointment of advisory council  
203 members. Each school advisory council shall include in its name  
204 the words "school advisory council." The school advisory council  
205 shall be the sole body responsible for final decisionmaking at  
206 the school relating to implementation of ss. 1001.42(18) ~~the~~  
207 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the  
208 members of each school advisory council must be persons who are  
209 not employed by the school. Each advisory council shall be



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210 composed of the principal and an appropriately balanced number  
211 of teachers, education support employees, students, parents, and  
212 other business and community citizens who are representative of  
213 the ethnic, racial, and economic community served by the school.  
214 Career center and high school advisory councils shall include  
215 students, and middle and junior high school advisory councils  
216 may include students. School advisory councils of career centers  
217 and adult education centers are not required to include parents  
218 as members. Council members representing teachers, education  
219 support employees, students, and parents shall be elected by  
220 their respective peer groups at the school in a fair and  
221 equitable manner as follows:

- 222 1. Teachers shall be elected by teachers.
- 223 2. Education support employees shall be elected by  
224 education support employees.
- 225 3. Students shall be elected by students.
- 226 4. Parents shall be elected by parents.

227  
228 The district school board shall establish procedures to be used  
229 ~~for use~~ by schools in selecting business and community members  
230 that include means of ensuring wide notice of vacancies and of  
231 taking input on possible members from local business, chambers  
232 of commerce, community and civic organizations and groups, and  
233 the public at large. The district school board shall review the  
234 membership composition of each advisory council. If the district  
235 school board determines that the membership elected by the  
236 school is not representative of the ethnic, racial, and economic  
237 community served by the school, the district school board shall

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238 appoint additional members to achieve proper representation. The  
239 commissioner shall determine if schools have maximized their  
240 efforts to include on their advisory councils minority persons  
241 and persons of lower socioeconomic status. Although schools are  
242 strongly encouraged to establish school advisory councils, the  
243 district school board of any school district that has a student  
244 population of 10,000 or fewer may establish a district advisory  
245 council which includes ~~shall include~~ at least one duly elected  
246 teacher from each school in the district. For the purposes of  
247 school advisory councils and district advisory councils, the  
248 term "teacher" includes ~~shall include~~ classroom teachers,  
249 certified student services personnel, and media specialists. For  
250 purposes of this paragraph, "education support employee" means  
251 any person employed by a school who is not defined as  
252 instructional or administrative personnel pursuant to s. 1012.01  
253 and whose duties require 20 or more hours in each normal working  
254 week.

255 (c) For those schools operating for the purpose of  
256 providing educational services to youth in Department of  
257 Juvenile Justice programs, district school boards may establish  
258 a district advisory council with appropriate representatives for  
259 the purpose of developing and monitoring a district school  
260 improvement plan that encompasses all such schools in the  
261 district, pursuant to s. 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

262 (2) DUTIES.--Each advisory council shall perform ~~such~~  
263 functions ~~as are~~ prescribed by regulations of the district  
264 school board; however, no advisory council shall have any of the  
265 powers and duties now reserved by law to the district school

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266 board. Each school advisory council shall assist in the  
267 preparation and evaluation of the school improvement plan  
268 required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With  
269 technical assistance from the Department of Education, each  
270 school advisory council shall assist in the preparation of the  
271 school's annual budget and plan as required by s. 1008.385(1). A  
272 portion of funds provided in the annual General Appropriations  
273 Act for use by school advisory councils must be used for  
274 implementing the school improvement plan.

275 Section 9. Subsection (12) of section 1001.51, Florida  
276 Statutes, is amended to read:

277 1001.51 Duties and responsibilities of district school  
278 superintendent.--The district school superintendent shall  
279 exercise all powers and perform all duties listed below and  
280 elsewhere in the law, provided that, in so doing, he or she  
281 shall advise and counsel with the district school board. The  
282 district school superintendent shall perform all tasks necessary  
283 to make sound recommendations, nominations, proposals, and  
284 reports required by law to be acted upon by the district school  
285 board. All such recommendations, nominations, proposals, and  
286 reports by the district school superintendent shall be either  
287 recorded in the minutes or shall be made in writing, noted in  
288 the minutes, and filed in the public records of the district  
289 school board. It shall be presumed that, in the absence of the  
290 record required in this section, the recommendations,  
291 nominations, and proposals required of the district school  
292 superintendent were not contrary to the action taken by the  
293 district school board in such matters.

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

300 (a) Forms, blanks, and reports.--Require that all  
301 employees accurately keep all records and promptly make in  
302 proper form all reports required by the education code or by  
303 rules of the State Board of Education; recommend the keeping of  
304 such additional records and the making of such additional  
305 reports as may be deemed necessary to provide data essential for  
306 the operation of the school system; and prepare such forms and  
307 blanks as may be required and ensure that these records and  
308 reports are properly prepared.

309 (b) Reports to the department.--Prepare, for the approval  
310 of the district school board, all reports ~~that may be~~ required  
311 by law or rules of the State Board of Education to be made to  
312 the department and transmit promptly all such reports, when  
313 approved, to the department, as required by law. If any ~~such~~  
314 reports are not transmitted at the time and in the manner  
315 prescribed by law or by State Board of Education rules, the  
316 salary of the district school superintendent must be withheld  
317 until the report has been properly submitted. Unless otherwise  
318 provided by rules of the State Board of Education, the annual  
319 report on attendance and personnel is due on or before July 1,  
320 and the annual school budget and the report on finance are due  
321 on the date prescribed by the commissioner.

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322  
323 Any district school superintendent who knowingly signs and  
324 transmits to any state official a false or incorrect report or  
325 who fails to investigate all reports of suspected or actual  
326 misconduct by instructional personnel, as defined in s.  
327 1012.01(2), which affects the health, safety, or welfare of a  
328 student or report allegations of misconduct by such personnel  
329 which affects the health, safety, or welfare of a student  
330 pursuant to s. 1012.796 forfeits ~~shall forfeit~~ his or her ~~right~~  
331 ~~to any salary for the period of 1 year~~ following the ~~from that~~  
332 date of such act or failure to act.

333 Section 10. Subsection (2) of section 1001.54, Florida  
334 Statutes, is amended to read:

335 1001.54 Duties of school principals.--

336 (2) Each school principal shall provide instructional  
337 leadership in the development, revision, and implementation of a  
338 school improvement plan pursuant to s. 1001.42(18) ~~s.~~  
339 ~~1001.42(16)~~.

340 Section 11. Paragraph (b) of subsection (11) of section  
341 1002.32, Florida Statutes, is amended to read:

342 1002.32 Developmental research (laboratory) schools.--

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

347 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~,  
348 s. 1001.42 shall be held in abeyance. Reference to district

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349 school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the  
350 president of the university or the president's designee.

351 Section 12. Paragraph (g) of subsection (12) of section  
352 1002.33, Florida Statutes, is amended to read:

353 1002.33 Charter schools.--

354 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

357 1. ~~A charter school shall~~ Employ or contract with  
358 employees who have undergone background screening as provided in  
359 s. 1012.32. Members of the governing board of the charter school  
360 shall also undergo background screening in a manner similar to  
361 that provided in s. 1012.32.

362 2. Disqualify from employment in an instructional position  
363 that involves direct contact with students any individual  
364 convicted of an offense pursuant to s. 1012.315.

365 3. Adopt and communicate policies and procedures setting  
366 forth ethical standards for all employees and include policies  
367 and procedures in professional development for all staff. The  
368 policies and procedures must include responsibilities and  
369 procedures for reporting suspected or actual misconduct by  
370 instructional personnel which affects the health, safety, or  
371 welfare of a student and an explanation of liability protections  
372 provided to students, parents, and employees under ss. 39.201,  
373 39.202, and 768.095 who report suspected or actual misconduct  
374 that affects the health, safety, or welfare of a student. A  
375 charter school or any of its employees may not enter into a  
376 confidentiality agreement regarding a terminated or dismissed

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377 employee or an employee who resigns in lieu of termination based  
378 in whole or in part on unethical conduct that affects the  
379 health, safety, or welfare of a student and may not provide the  
380 employee with a favorable recommendation for employment in  
381 another educational setting. Any portion of an agreement or  
382 contract that has the purpose or effect of concealing the  
383 conduct of an educator regarding actions over which the  
384 Education Practices Commission has disciplinary jurisdiction is  
385 void, is contrary to public policy, and may not be enforced.

386 4. Before appointing a candidate to an instructional  
387 position that involves direct contact with students, contact the  
388 previous employer of the candidate to assess the candidate's  
389 ability to meet ethical standards for professional educators,  
390 screen the candidate through the use of educator screening tools  
391 described in s. 1001.10(5), and document findings.

392 5. Report to the Department of Education the date of hire  
393 and, when applicable, the date employment is severed, for all  
394 instructional personnel.

395 6. The sponsor of a charter school that fails to comply  
396 with this paragraph shall terminate the charter pursuant to  
397 subsection (8).

398 Section 13. Paragraph (g) is added to subsection (7) of  
399 section 1002.36, Florida Statutes, to read:

400 1002.36 Florida School for the Deaf and the Blind.--

401 (7) PERSONNEL SCREENING.--

402 (g) For the purpose of protecting the health, safety, or  
403 welfare of students and the ethical standards for professional  
404 educators, the Florida School for the Deaf and the Blind shall

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405 be considered a school district and shall meet the provisions of  
406 ss. 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315,  
407 1012.32, 1012.56, 1012.33, 1012.795, and 1012.796.

408 Section 14. Present subsections (4), (5), and (6) of  
409 section 1002.421, Florida Statutes, are redesignated as  
410 subsections (5), (6), and (7), respectively, and a new  
411 subsection (4) is added to that section, to read:

412 1002.421 Accountability of private schools participating  
413 in state school choice scholarship programs.--

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

416 (a) Disqualify from employment in an instructional  
417 position that involves direct contact with students any  
418 individual convicted of a disqualifying offense identified under  
419 s. 1012.315.

420 (b) Adopt and communicate policies and procedures setting  
421 forth ethical standards for all employees and include policies  
422 and procedures in professional development for all staff. The  
423 policies and procedures must include responsibilities and  
424 procedures for reporting suspected or actual misconduct by  
425 instructional personnel which affects the health, safety, or  
426 welfare of a student and an explanation of liability protections  
427 provided to students, parents, and employees under ss. 39.201,  
428 39.202, and 768.095 who report suspected or actual misconduct  
429 that affects the health, safety, or welfare of a student. A  
430 private school or any of its employees may not enter into a  
431 confidentiality agreement regarding a terminated or dismissed  
432 employee or an employee who resigns in lieu of termination based



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433 in whole or in part on unethical conduct that affects the  
434 health, safety, or welfare of a student and may not provide the  
435 employee with a favorable recommendation for employment in  
436 another educational setting. Any portion of an agreement or  
437 contract that has the purpose or effect of concealing the  
438 conduct of an educator regarding actions over which the  
439 Education Practices Commission has disciplinary jurisdiction is  
440 void, is contrary to public policy, and may not be enforced.

441 (c) Prior to appointing a candidate to an instructional  
442 position that involves direct contact with students, contact the  
443 previous employer of the candidate to assess the candidate's  
444 ability to meet ethical standards for professional educators,  
445 screen the candidate through the use of educator screening tools  
446 described in s. 1001.10(5), and document findings.

447 (d) Report to the Department of Education the date of hire  
448 and, when applicable, the date employment is severed, for all  
449 instructional personnel.

450 (e) The department shall prohibit a private school that  
451 accepts scholarship students under chapter 1002 or s. 220.187,  
452 which fails to comply with this subsection from accepting such  
453 scholarship students and disqualify the private school from  
454 accepting funds under those programs for a period of 1 calendar  
455 year and until the private school complies with this subsection.  
456 The Education Practices Commission shall impose applicable  
457 certification sanctions pursuant to s. 1012.795.

458 Section 15. Present subsections (2), (3), and (4) of  
459 section 1002.55, Florida Statutes, are renumbered as subsections  
460 (3), (4), and (5), respectively, a new subsection (2) is added

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461 to that section, and present subsection (4) of that section is  
462 amended, to read:

463 1002.55 School-year prekindergarten program delivered by  
464 private prekindergarten providers.--

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

467 (a) Disqualify from employment any prekindergarten  
468 instructor convicted of a disqualifying offense identified under  
469 to s. 1012.315.

470 (b) Adopt and communicate policies and procedures setting  
471 forth ethical standards for all employees and include such  
472 policies and procedures in professional development for all  
473 staff. The policies and procedures must include responsibilities  
474 and procedures for reporting suspected or actual misconduct by a  
475 prekindergarten instructor which affects the health, safety, or  
476 welfare of a student and an explanation of liability protections  
477 provided to students, parents, and employees under ss. 39.201,  
478 39.202, and 768.095 who report suspected or actual misconduct  
479 that affects the health, safety, or welfare of a student. A  
480 private provider or any of its employees may not enter into a  
481 confidentiality agreement regarding a terminated or dismissed  
482 employee or an employee who resigns in lieu of termination based  
483 in whole or in part on unethical conduct that affects the  
484 health, safety, or welfare of a student and may not provide the  
485 employee with a favorable recommendation for employment in  
486 another educational setting. A portion of an agreement or  
487 contract that has the purpose or effect of concealing the  
488 conduct of a prekindergarten instructor regarding actions over



489 which the Education Practices Commission has disciplinary  
490 jurisdiction is void, is contrary to public policy, and may not  
491 be enforced.

492 (c) Prior to appointing a candidate as a prekindergarten  
493 instructor, contact the previous employer of the candidate to  
494 assess the candidate's ability to meet ethical standards for  
495 professional educators, screen the candidate through the use of  
496 educator screening tools described in s. 1001.10(5), and  
497 document findings.

498 (d) Report to the Department of Education the date of hire  
499 and, when applicable, the date employment is severed, for all  
500 prekindergarten instructors.

501 (e) The Agency for Workforce Innovation shall prohibit a  
502 private provider that fails to comply with this subsection from  
503 accepting funds under the Voluntary Prekindergarten Program for  
504 a period of 1 calendar year and until the provider complies with  
505 this subsection. The Education Practices Commission shall impose  
506 applicable certification sanctions pursuant to s. 1012.795.

507 (5)(4)- A prekindergarten instructor, in lieu of the  
508 minimum credentials and courses required under paragraph (4)(c)  
509 ~~(3)(e)~~, may hold one of the following educational credentials:

510 (a) A bachelor's or higher degree in early childhood  
511 education, prekindergarten or primary education, preschool  
512 education, or family and consumer science;

513 (b) A bachelor's or higher degree in elementary education,  
514 if the prekindergarten instructor has been certified to teach  
515 children ~~any age~~ from birth through 6th grade, regardless of  
516 whether the instructor's educator certificate is current, and if

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517 the instructor is not ineligible to teach in a public school  
518 because his or her educator certificate is suspended or revoked;

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

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

525 (e) An educational credential approved by the department  
526 as being equivalent to or greater than an educational credential  
527 described in this subsection. The department may adopt criteria  
528 and procedures for approving equivalent educational credentials  
529 under this paragraph.

530 Section 16. Subsections (4) and (6) of section 1002.61,  
531 Florida Statutes, are amended to read:

532 1002.61 Summer prekindergarten program delivered by public  
533 schools and private prekindergarten providers.--

534 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(c)1.~~  
535 and 1002.63(5), each public school and private prekindergarten  
536 provider must have, for each prekindergarten class, at least one  
537 prekindergarten instructor who:

538 (a) Is a certified teacher; or

539 (b) Holds one of the educational credentials specified in  
540 s. 1002.55(4)(a) or (b).

541  
542 As used in this subsection, the term "certified teacher" means a  
543 teacher holding a valid Florida educator certificate under s.  
544 1012.56 who has the qualifications required by the district



545 school board to instruct students in the summer prekindergarten  
546 program. In selecting instructional staff for the summer  
547 prekindergarten program, each school district shall give  
548 priority to teachers who have experience or coursework in early  
549 childhood education.

550 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and  
551 1002.63(7), each prekindergarten class in the summer  
552 prekindergarten program, regardless of whether the class is a  
553 public school's or private prekindergarten provider's class,  
554 must have ~~be composed of~~ at least 4 students but may not exceed  
555 10 students. In order to protect the health and safety of  
556 students, each public school or private prekindergarten provider  
557 must also provide appropriate adult supervision for students at  
558 all times. This subsection does not supersede any requirement  
559 imposed on a provider under ss. 402.301-402.319.

560 Section 17. Subsections (5) and (7) of section 1002.63,  
561 Florida Statutes, are amended to read:

562 1002.63 School-year prekindergarten program delivered by  
563 public schools.--

564 (5) Each public school must have, for each prekindergarten  
565 class, at least one prekindergarten instructor who meets each  
566 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(e)~~ for a  
567 prekindergarten instructor of a private prekindergarten  
568 provider.

569 (7) Each prekindergarten class in a public school  
570 delivering the school-year prekindergarten program must have ~~be~~  
571 ~~composed of~~ at least 4 students but may not exceed 18 students.  
572 In order to protect the health and safety of students, each

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573 school must also provide appropriate adult supervision for  
574 students at all times and, for each prekindergarten class  
575 composed of 11 or more students, must have, in addition to a  
576 prekindergarten instructor who meets the requirements of s.  
577 1002.55(4)(c) ~~s. 1002.55(3)(c)~~, at least one adult  
578 prekindergarten instructor who is not required to meet those  
579 requirements but who must meet each requirement of subsection  
580 (6).

581 Section 18. Paragraph (a) of subsection (2) of section  
582 1002.65, Florida Statutes, is amended to read:

583 1002.65 Professional credentials of prekindergarten  
584 instructors; aspirational goals; legislative intent.--

585 (2) To improve these educational outcomes, the Legislature  
586 intends that all prekindergarten instructors will continue to  
587 improve their skills and preparation through education and  
588 training, so that the following aspirational goals will be  
589 achieved:

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

591 1. Each prekindergarten class will have at least one  
592 prekindergarten instructor who holds an associate's or higher  
593 degree in the field of early childhood education or child  
594 development; and

595 2. For each prekindergarten class composed of 11 or more  
596 students, in addition to a prekindergarten instructor who meets  
597 the requirements of subparagraph 1., the class will have at  
598 least one prekindergarten instructor who meets the requirements  
599 of s. 1002.55(4)(c) ~~s. 1002.55(3)(c)~~.

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600 Section 19. Subsection (2) of section 1003.413, Florida  
601 Statutes, is amended to read:

602 1003.413 Florida Secondary School Redesign Act.--

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

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

610 (b) Every teacher must contribute to every student's  
611 reading improvement.

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

614 (d) Small learning communities allow teachers to  
615 personalize instruction to better address student learning  
616 styles, strengths, and weaknesses.

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

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

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

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

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626 (i) Master schedules should not determine instruction and  
627 must be designed based on student needs, not adult or  
628 institutional needs.

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

632 Section 20. Paragraph (b) of subsection (2) of section  
633 1003.53, Florida Statutes, is amended to read:

634 1003.53 Dropout prevention and academic intervention.--

635 (2)

636 (b) Each school that establishes a dropout prevention and  
637 academic intervention program at that school site shall reflect  
638 that program in the school improvement plan as required under s.  
639 1001.42(18) ~~s. 1001.42(16)~~.

640 Section 21. Subsections (1) and (3) of section 1004.92,  
641 Florida Statutes, are amended to read:

642 1004.92 Purpose and responsibilities for career  
643 education.--

644 (1) The purpose of career education is to enable students  
645 who complete career programs to attain and sustain employment  
646 and realize economic self-sufficiency. The purpose of this  
647 section is to identify issues related to career education for  
648 which school boards and community college boards of trustees are  
649 accountable. It is the intent of the Legislature that the  
650 standards articulated in subsection (2) be considered in the  
651 development of accountability standards for public schools  
652 pursuant to ss. 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345  
653 and for community colleges pursuant to s. 1008.45.



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654 (3) Each career center operated by a district school board  
655 shall establish a center advisory council pursuant to s.  
656 1001.452. The center advisory council shall assist in the  
657 preparation and evaluation of center improvement plans required  
658 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide  
659 assistance, upon the request of the center director, in the  
660 preparation of the center's annual budget and plan as required  
661 by s. 1008.385(1).

662 Section 22. Present subsection (2) of section 1006.061,  
663 Florida Statutes, is redesignated as subsection (3), and a new  
664 subsection (2) is added to that section, to read:

665 1006.061 Child abuse, abandonment, and neglect  
666 policy.--Each district school board shall:

667 (2) Post in a prominent place in each school district site  
668 and on each school website, the school board policies and  
669 procedures for reporting suspected or actual misconduct by  
670 instructional personnel, as defined in s. 1012.01(2), which  
671 affects the health, safety, or welfare of a student, the  
672 district contact person to whom the report should be made, and  
673 the penalties imposed against such personnel for failing to  
674 report suspected or actual child abuse pursuant to s. 1006.061  
675 or instructional personnel misconduct, pursuant to s. 1012.795,  
676 which affects the health, safety, or welfare of a student.

677 Section 23. Paragraph (c) of subsection (2) of section  
678 1007.21, Florida Statutes, is amended to read:

679 1007.21 Readiness for postsecondary education and the  
680 workplace.--

681 (2)

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682 (c) The common placement test authorized in ss.  
683 1001.03(11) ~~1001.03(10)~~ and 1008.30 or a similar test may be  
684 administered to all high school second semester sophomores who  
685 have chosen one of the four destinations. The results of the  
686 placement test shall be used to target additional instructional  
687 needs in reading, writing, and mathematics prior to graduation.

688 Section 24. Subsection (5) of section 1007.23, Florida  
689 Statutes, is amended to read:

690 1007.23 Statewide articulation agreement.--

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

695 (a) Award a child development associate credential issued  
696 by the National Credentialing Program of the Council for  
697 Professional Recognition or award a credential approved under s.  
698 1002.55(4)(c)1.b. ~~s. 1002.55(3)(e)1.b.~~ or s. 402.305(3)(c) as  
699 being equivalent to the child development associate credential;  
700 and

701 (b) Include training in emergent literacy which meets or  
702 exceeds the minimum standards for training courses for  
703 prekindergarten instructors of the Voluntary Prekindergarten  
704 Education Program in s. 1002.59.

705 Section 25. Subsection (4) of section 1008.33, Florida  
706 Statutes, is amended to read:

707 1008.33 Authority to enforce public school  
708 improvement.--It is the intent of the Legislature that all  
709 public schools be held accountable for students performing at

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710 acceptable levels. A system of school improvement and  
711 accountability that assesses student performance by school,  
712 identifies schools in which students are not making adequate  
713 progress toward state standards, institutes appropriate measures  
714 for enforcing improvement, and provides rewards and sanctions  
715 based on performance shall be the responsibility of the State  
716 Board of Education.

717 (4) The State Board of Education may require the  
718 Department of Education or Chief Financial Officer to withhold  
719 any transfer of state funds to the school district if, within  
720 the timeframe specified in state board action, the school  
721 district has failed to comply with the action ordered to improve  
722 the district's low-performing schools. Withholding the transfer  
723 of funds shall occur only after all other recommended actions  
724 for school improvement have failed to improve performance. The  
725 State Board of Education may impose the same penalty on any  
726 district school board that fails to develop and implement a plan  
727 for assistance and intervention for low-performing schools as  
728 specified in s. 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

729 Section 26. Paragraph (c) of subsection (6) of section  
730 1008.345, Florida Statutes, is amended to read:

731 1008.345 Implementation of state system of school  
732 improvement and education accountability.--

733 (6)

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

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738 of Juvenile Justice programs, does not have an approved school  
739 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,  
740 after 1 full school year of planning and development, or does  
741 not comply with school advisory council membership composition  
742 requirements pursuant to s. 1001.452. The department shall send  
743 a technical assistance team to each school without an approved  
744 plan to develop such school improvement plan or to each school  
745 without appropriate school advisory council membership  
746 composition to develop a strategy for corrective action. The  
747 department shall release the funds upon approval of the plan or  
748 upon establishment of a plan of corrective action. Notice shall  
749 be given to the public of the department's intervention and  
750 shall identify each school without a plan or without appropriate  
751 school advisory council membership composition.

752 Section 27. Subsection (5) of section 1010.215, Florida  
753 Statutes, is amended to read:

754 1010.215 Educational funding accountability.--

755 (5) The annual school public accountability report  
756 required by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must  
757 include a school financial report. The purpose of the school  
758 financial report is to better inform parents and the public  
759 concerning how funds were spent to operate the school during the  
760 prior fiscal year. Each school's financial report must follow a  
761 uniform, districtwide format that is easy to read and  
762 understand.

763 (a) Total revenue must be reported at the school,  
764 district, and state levels. The revenue sources that must be

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765 addressed are state and local funds, other than lottery funds;  
766 lottery funds; federal funds; and private donations.

767 (b) Expenditures must be reported as the total  
768 expenditures per unweighted full-time equivalent student at the  
769 school level and the average expenditures per full-time  
770 equivalent student at the district and state levels in each of  
771 the following categories and subcategories:

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

- 775 a. Basic programs;
- 776 b. Students-at-risk programs;
- 777 c. Special programs for exceptional students;
- 778 d. Career education programs; and
- 779 e. Adult programs.

780 2. Substitute teachers.

781 3. Other instructional personnel, including school-based  
782 instructional specialists and their assistants.

783 4. Contracted instructional services, including training  
784 for instructional staff and other contracted instructional  
785 services.

786 5. School administration, including school-based  
787 administrative personnel and school-based education support  
788 personnel.

789 6. The following materials, supplies, and operating  
790 capital outlay:

- 791 a. Textbooks;
- 792 b. Computer hardware and software;

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- 793 c. Other instructional materials;  
794 d. Other materials and supplies; and  
795 e. Library media materials.  
796 7. Food services.  
797 8. Other support services.  
798 9. Operation and maintenance of the school plant.

799 (c) The school financial report must also identify the  
800 types of district-level expenditures that support the school's  
801 operations. The total amount of these district-level  
802 expenditures must be reported and expressed as total  
803 expenditures per full-time equivalent student.

804 Section 28. Paragraph (b) of subsection (6) of section  
805 1011.18, Florida Statutes, is amended to read:

806 1011.18 School depositories; payments into and withdrawals  
807 from depositories.--

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

810 (b) The district school board may contract with an  
811 insurance company or professional administrator who holds a  
812 valid certificate of authority issued by the Office of Insurance  
813 Regulation of the Financial Services Commission to provide any  
814 ~~or all~~ services that a third-party administrator is authorized  
815 by law to perform. Pursuant to such contract, the district  
816 school board may advance or remit money to the administrator to  
817 be deposited in a designated special checking account for paying  
818 claims against the district school board under its self-  
819 insurance programs, and remitting premiums to the providers of  
820 insured benefits on behalf of the district school board and the

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821 participants in such programs, and otherwise fulfilling the  
822 obligations imposed upon the administrator by law and the  
823 contractual agreements between the district school board and the  
824 administrator. The special checking account shall be maintained  
825 in a designated district school depository. The district school  
826 board may replenish such account as often as necessary upon the  
827 presentation by the service organization of documentation for  
828 claims or premiums due paid equal to the amount of the requested  
829 reimbursement. Such replenishment shall be made by a warrant  
830 signed by the chair of the district school board and  
831 countersigned by the district school superintendent. Such  
832 replenishment may be made by electronic, telephonic, or other  
833 medium, and each transfer shall be confirmed in writing and  
834 signed by the district school superintendent or his or her  
835 designee. The provisions of strict accountability of all funds  
836 and an annual audit by an independent certified public  
837 accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~  
838 shall apply to this subsection.

839 Section 29. Present subsection (6) of section 1012.27,  
840 Florida Statutes, is redesignated as subsection (7), and a new  
841 subsection (6) is added to that section, to read:

842 1012.27 Public school personnel; powers and duties of  
843 district school superintendent.--The district school  
844 superintendent is responsible for directing the work of the  
845 personnel, subject to the requirements of this chapter, and in  
846 addition the district school superintendent shall perform the  
847 following:

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848 (6) Before appointing a candidate to any instructional  
849 position that involves direct contact with students, contact the  
850 candidate's previous employer to assess the candidate's ability  
851 to meet state and local ethical standards for professional  
852 educators, screen the candidate using the screening tools as  
853 described in s. 1001.10(5), and document findings.

854 Section 30. Section 1012.315, Florida Statutes, is created  
855 to read:

856 1012.315 Disqualification from employment.--

857 (1) Any instructional personnel, as defined in s.  
858 1012.01(2), are ineligible for employment in any position that  
859 involves direct contact with students if convicted of the  
860 following disqualifying offenses:

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

862 (b) Section 787.025, relating to luring or enticing a  
863 child;

864 (c) Section 794.05, relating to unlawful sexual activity  
865 with certain minors;

866 (d) Section 810.14, relating to voyeurism;

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

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

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

872 (2) A criminal act committed in another state or under  
873 federal law, the elements of which constitute a criminal act as  
874 described in subsection (1) shall, for purposes of



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875 disqualification, be considered as if the act was committed in  
876 this state.

877 Section 31. Subsection (1) of section 1012.32, Florida  
878 Statutes, is amended to read:

879 1012.32 Qualifications of personnel.--

880 (1) (a) To be eligible for appointment in any position in  
881 any district school system, a person shall be of good moral  
882 character; shall have attained the age of 18 years, if he or she  
883 is to be employed in an instructional capacity; and shall, when  
884 required by law, hold a certificate or license issued under  
885 rules of the State Board of Education or the Department of  
886 Children and Family Services, except when employed pursuant to  
887 s. 1012.55 or under the emergency provisions of s. 1012.24.  
888 Previous residence in this state shall not be required in any  
889 school of the state as a prerequisite for any person holding a  
890 valid Florida certificate or license to serve in an  
891 instructional capacity.

892 (b) Any instructional personnel, as defined in s.  
893 1012.01(2), are disqualified from employment in any position  
894 having direct contact with students if convicted of a  
895 disqualifying offense as described in s. 1012.315.

896 Section 32. Paragraph (a) of subsection (1), paragraph (c)  
897 of subsection (4), and paragraph (b) of subsection (6) of  
898 section 1012.33, Florida Statutes, are amended to read:

899 1012.33 Contracts with instructional staff, supervisors,  
900 and school principals.--

901 (1) (a) Each person employed as a member of the  
902 instructional staff in any district school system shall be

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903 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
904 employed pursuant to s. 1012.39 and shall be entitled to and  
905 shall receive a written contract as specified in this section.  
906 All such contracts, except continuing contracts as specified in  
907 subsection (4), shall contain provisions for dismissal during  
908 the term of the contract only for just cause. Just cause  
909 includes, but is not limited to, the following instances, as  
910 defined by rule of the State Board of Education: immorality,  
911 misconduct in office, incompetency, gross insubordination,  
912 willful neglect of duty, the commission of a criminal act,  
913 regardless of adjudication, or crimes ~~or conviction of a crime~~  
914 involving moral turpitude.

915 (4)

916 (c) Any member of the district administrative or  
917 supervisory staff and any member of the instructional staff,  
918 including any school principal, who is under continuing contract  
919 may be suspended or dismissed at any time during the school  
920 year; however, the charges against him or her must be based on  
921 immorality, misconduct in office, incompetency, gross  
922 insubordination, willful neglect of duty, drunkenness, crimes ~~or~~  
923 ~~conviction of a crime~~ involving moral turpitude, as these terms  
924 are defined by rule of the State Board of Education, or the  
925 commission of a criminal act, regardless of adjudication.

926 Whenever such charges are made against an ~~any such~~ employee of  
927 the district school board, the district school board may suspend  
928 such person without pay; but, if the charges are not sustained,  
929 he or she shall be immediately reinstated, and his or her back  
930 salary shall be paid. In cases of suspension by the district



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931 school board or by the district school superintendent, the  
932 district school board shall determine upon the evidence  
933 submitted whether the charges have been sustained and, if the  
934 charges are sustained, shall determine either to dismiss the  
935 employee or fix the terms under which he or she may be  
936 reinstated. If such charges are sustained by a majority vote of  
937 the full membership of the district school board and the ~~such~~  
938 employee is discharged, his or her contract of employment shall  
939 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee  
940 may be appealed by the employee pursuant to s. 120.68, provided  
941 the ~~such~~ appeal is filed within 30 days after the decision of  
942 the district school board.

943 (6)

944 (b) Any member of the district administrative or  
945 supervisory staff, including any principal but excluding an  
946 employee specified in subsection (4), may be suspended or  
947 dismissed at any time during the term of the contract; however,  
948 the charges against him or her must be based on immorality,  
949 misconduct in office, incompetency, gross insubordination,  
950 willful neglect of duty, drunkenness, or crimes ~~conviction of~~  
951 ~~any crime~~ involving moral turpitude, as these terms are defined  
952 by rule of the State Board of Education. Whenever such charges  
953 are made against an ~~any such~~ employee of the district school  
954 board, the district school board may suspend the employee  
955 without pay; but, if the charges are not sustained, he or she  
956 shall be immediately reinstated, and his or her back salary  
957 shall be paid. In cases of suspension by the district school  
958 board or by the district school superintendent, the district

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959 school board shall determine upon the evidence submitted whether  
960 the charges have been sustained and, if the charges are  
961 sustained, shall determine either to dismiss the employee or fix  
962 the terms under which he or she may be reinstated. If such  
963 charges are sustained by a majority vote of the full membership  
964 of the district school board and the ~~such~~ employee is  
965 discharged, his or her contract of employment shall be ~~thereby~~  
966 canceled. Any ~~such~~ decision adverse to the employee may be  
967 appealed by him or her pursuant to s. 120.68, provided such  
968 appeal is filed within 30 days after the decision of the  
969 district school board.

970 Section 33. Subsection (4) of section 1012.34, Florida  
971 Statutes, is amended to read:

972 1012.34 Assessment procedures and criteria.--

973 (4) The district school superintendent shall notify the  
974 department of any instructional personnel who receive two  
975 consecutive unsatisfactory evaluations and who have been given  
976 written notice by the district that their employment is being  
977 terminated or is not being renewed or that the district school  
978 board intends to terminate, or not renew, their employment. The  
979 department shall conduct an investigation to determine whether  
980 action shall be taken against the certificateholder pursuant to  
981 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

982 Section 34. Subsections (9) and (14) of section 1012.56,  
983 Florida Statutes, are amended to read:

984 1012.56 Educator certification requirements.--

985 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
986 PERIODICALLY.--

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987 (a) Each person who seeks certification under this chapter  
988 must undergo state and national criminal history records checks  
989 pursuant to s. 435.04 and may not have been convicted of any  
990 disqualifying offense under s. 1012.315. An individual is exempt  
991 from undergoing an additional state and national criminal  
992 history records checks if the checks have ~~meet level 2 screening~~  
993 ~~requirements as described in s. 1012.32 unless a level 2~~  
994 ~~screening has~~ been conducted by a district school board or the  
995 Department of Education within 12 months before the date the  
996 person initially obtains certification under this chapter, the  
997 results of which are submitted to the district school board or  
998 to the Department of Education.

999 (b) A person may not receive a certificate under this  
1000 chapter until the person undergoes state and national criminal  
1001 history records checks pursuant to s. 435.04 verifying that the  
1002 person has not been convicted of a disqualifying offense as  
1003 described in s. 1012.315, ~~level 2 screening has been completed~~  
1004 and the results have been submitted to the Department of  
1005 Education or to the district school superintendent of the school  
1006 district that employs the person. Every 5 years after obtaining  
1007 initial certification, each person who is required to be  
1008 certified under this chapter must meet the ~~level 2 screening~~  
1009 requirements as described in paragraph (a) s. 1012.32, at which  
1010 time the school district shall request the Department of Law  
1011 Enforcement to forward the fingerprints to the Federal Bureau of  
1012 Investigation for national processing ~~the level 2 screening~~. If,  
1013 for any reason after obtaining initial certification, the  
1014 fingerprints of a person who is required to be certified under

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1015 this chapter are not retained by the Department of Law  
1016 Enforcement under s. 1012.32(3)(a) and (b), the person must file  
1017 a complete set of fingerprints with the district school  
1018 superintendent of the employing school district. Upon submission  
1019 of fingerprints for this purpose, the school district shall  
1020 request the Department of Law Enforcement to forward the  
1021 fingerprints to the Federal Bureau of Investigation for national  
1022 processing ~~the level 2 screening~~, and the fingerprints shall be  
1023 retained by the Department of Law Enforcement under s.  
1024 1012.32(3)(a) and (b). The cost of the state and federal  
1025 criminal history check required by paragraph (a) and this  
1026 paragraph ~~level 2 screening~~ may be borne by the district school  
1027 board or the employee. Under penalty of perjury, each person who  
1028 is certified under this chapter must agree to inform his or her  
1029 employer within 48 hours if convicted of any disqualifying  
1030 offense while he or she is employed in a position for which such  
1031 certification is required.

1032 (c) If it is found under s. 1012.796 that a person who is  
1033 employed in a position requiring certification under this  
1034 chapter is ineligible for employment under s. 1012.315 ~~does not~~  
1035 ~~meet the level 2 screening requirements~~, the person's  
1036 certification shall be immediately revoked or suspended and he  
1037 or she shall be immediately suspended from the position  
1038 requiring certification.

1039 (14) PERSONNEL RECORDS.--The Department of Education shall  
1040 maintain an electronic database that includes, but need not be  
1041 limited to, a complete statement of the academic preparation,  
1042 professional training, and teaching experience of each person to

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1043 whom a certificate is issued. The applicant or the district  
1044 school superintendent shall furnish the information using a  
1045 format ~~or forms~~ provided by the department.

1046 Section 35. Subsection (1) and paragraph (a) of subsection  
1047 (8) of section 1012.79, Florida Statutes, are amended to read:

1048 1012.79 Education Practices Commission; organization.--

1049 (1) The Education Practices Commission consists of 25 ~~17~~  
1050 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one  
1051 of whom shall represent a private school; 7 ~~and 5~~ lay citizens,  
1052 ~~(of whom 5 shall be parents of public school students and who~~  
1053 are unrelated to public school employees and 2 shall be current  
1054 or former district school board members; 7 ~~and 5 sworn law~~  
1055 enforcement officials, appointed by the State Board of Education  
1056 from nominations by the Commissioner of Education and subject to  
1057 Senate confirmation. Before ~~Prior~~ to making nominations, the  
1058 commissioner shall consult with ~~the~~ teaching associations,  
1059 parent organizations, law enforcement agencies, and other  
1060 involved associations in the state. In making nominations, the  
1061 commissioner shall attempt to achieve equal geographical  
1062 representation, as closely as possible.

1063 (a) A teacher member, in order to be qualified for  
1064 appointment:

- 1065 1. Must be certified to teach in the state.
- 1066 2. Must be a resident of the state.
- 1067 3. Must have practiced the profession in this state for at  
1068 least 5 years immediately preceding the appointment.

1069 (b) A school administrator member, in order to be  
1070 qualified for appointment:

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1071 1. Must have an endorsement on the educator certificate in  
1072 the area of school administration or supervision.

1073 2. Must be a resident of the state.

1074 3. Must have practiced the profession as an administrator  
1075 for at least 5 years immediately preceding the appointment.

1076 (c) The lay members must be residents of the state.

1077 (d) The members who are law enforcement officials must  
1078 have served in the profession for at least 5 years immediately  
1079 preceding appointment and have background expertise in child  
1080 safety.

1081 (8)(a) The commission shall, from time to time, designate  
1082 members of the commission to serve on panels for the purpose of  
1083 reviewing and issuing final orders upon cases presented to the  
1084 commission. A case concerning a complaint against a teacher  
1085 shall be reviewed and a final order ~~thereon shall be~~ entered by  
1086 a panel composed of five commission members, at least one of  
1087 whom must be a parent, one of whom must be a sworn law  
1088 enforcement officer, and three of whom must shall be teachers. A  
1089 case concerning a complaint against an administrator shall be  
1090 reviewed and a final order ~~thereon shall be~~ entered by a panel  
1091 composed of five commission members, at least one of whom must  
1092 be a parent, one of whom must be a sworn law enforcement  
1093 officer, and three of whom shall be administrators.

1094 Section 36. Subsection (1) of section 1012.795, Florida  
1095 Statutes, is amended to read:

1096 1012.795 Education Practices Commission; authority to  
1097 discipline.--



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1098           (1) The Education Practices Commission may suspend the  
1099 educator certificate of any person as defined in s. 1012.01(2)  
1100 or (3) for a period of time not to exceed 5 years, thereby  
1101 denying that person the right to teach or otherwise be employed  
1102 by a district school board or public school in any capacity  
1103 requiring direct contact with students for that period of time,  
1104 after which the holder may return to teaching as provided in  
1105 subsection (4); may revoke the educator certificate of any  
1106 person, thereby denying that person the right to teach or  
1107 otherwise be employed by a district school board or public  
1108 school in any capacity requiring direct contact with students  
1109 for a period of time not to exceed 10 years, with reinstatement  
1110 subject to the provisions of subsection (4); may revoke  
1111 permanently the educator certificate of any person thereby  
1112 denying that person the right to teach or otherwise be employed  
1113 by a district school board or public school in any capacity  
1114 requiring direct contact with students; may suspend the educator  
1115 certificate, upon order of the court, of any person found to  
1116 have a delinquent child support obligation; or may impose any  
1117 other penalty provided by law, ~~if provided it can be shown that~~  
1118 the person:

1119           (a) Obtained or attempted to obtain an educator  
1120 certificate by fraudulent means.

1121           **(b) Knowingly failed to report any suspected or actual**  
1122 **child abuse pursuant to s. 1006.061 or misconduct by**  
1123 **instructional personnel, pursuant to s. 1012.795, which affects**  
1124 **the health, safety, or welfare of a student.**



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1125        (c) ~~(b)~~ Has proved to be incompetent to teach or to perform  
1126 duties as an employee of the public school system or to teach in  
1127 or to operate a private school.

1128        (d) ~~(e)~~ Has been guilty of gross immorality or an act  
1129 involving moral turpitude as defined by rules of the State Board  
1130 of Education.

1131        (e) ~~(d)~~ Has had an educator certificate sanctioned by  
1132 revocation, suspension, or surrender in another state.

1133        (f) ~~(e)~~ Has been convicted of a misdemeanor, felony, or any  
1134 other criminal charge, other than a minor traffic violation.

1135        (g) ~~(f)~~ Upon investigation, has been found guilty of  
1136 personal conduct which seriously reduces that person's  
1137 effectiveness as an employee of the district school board.

1138        (h) ~~(g)~~ Has breached a contract, as provided in s.  
1139 1012.33(2).

1140        (i) ~~(h)~~ Has been the subject of a court order directing the  
1141 Education Practices Commission to suspend the certificate as a  
1142 result of a delinquent child support obligation.

1143        (j) ~~(i)~~ Has violated the Principles of Professional Conduct  
1144 for the Education Profession prescribed by State Board of  
1145 Education rules.

1146        (k) ~~(j)~~ Has otherwise violated the provisions of law, the  
1147 penalty for which is the revocation of the educator certificate.

1148        (l) ~~(k)~~ Has violated any order of the Education Practices  
1149 Commission.

1150        (m) ~~(l)~~ Has been the subject of a court order or plea  
1151 agreement in any jurisdiction which requires the  
1152 certificateholder to surrender or otherwise relinquish his or

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1153 her educator's certificate. A surrender or relinquishment shall  
1154 be for permanent revocation of the certificate. A person may not  
1155 surrender or otherwise relinquish his or her certificate prior  
1156 to a finding of probable cause by the commissioner as provided  
1157 in s. 1012.796.

1158 Section 37. Subsections (1), (3), and (5) of section  
1159 1012.796, Florida Statutes, are amended to read:

1160 1012.796 Complaints against teachers and administrators;  
1161 procedure; penalties.--

1162 (1) (a) The Department of Education shall cause to be  
1163 investigated expeditiously any complaint filed before it or  
1164 otherwise called to its attention which, if legally sufficient,  
1165 contains grounds for the revocation or suspension of a  
1166 certificate or any other appropriate penalty as set forth in  
1167 subsection (7). The complaint is legally sufficient if it  
1168 contains the ultimate facts which show a violation has occurred  
1169 as provided in s. 1012.795 and defined by rule. The department  
1170 shall ~~may~~ investigate or continue to investigate and take  
1171 appropriate action on a complaint even though the original  
1172 complainant withdraws the complaint or otherwise indicates a  
1173 desire not to cause it to be investigated or prosecuted to  
1174 completion. The department may investigate or continue to  
1175 investigate and take action on a complaint filed against a  
1176 person whose educator certificate has expired if the act or acts  
1177 that ~~which~~ are the basis for the complaint were allegedly  
1178 committed while that person possessed an educator certificate.

1179 (b) The Department of Education shall investigate  
1180 immediately any complaint filed before it or otherwise called to

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1181 its attention which involves misconduct by any instructional  
1182 personnel which affects the health, safety, or welfare of a  
1183 student. The department must investigate or continue to  
1184 investigate and take action on such a complaint filed against a  
1185 person whose educator certificate has expired if the act or acts  
1186 that are the basis for the complaint were allegedly committed  
1187 while that person possessed an educator certificate.

1188 (c) ~~(b)~~ When an investigation is undertaken, the department  
1189 shall notify the certificateholder or applicant for  
1190 certification and the district school superintendent or the  
1191 university laboratory school, charter school, or private school  
1192 in which the certificateholder or applicant for certification is  
1193 employed or was employed at the time the alleged offense  
1194 occurred. In addition, the department shall inform the  
1195 certificateholder or applicant for certification of the  
1196 substance of any complaint which has been filed against that  
1197 certificateholder or applicant, unless the department determines  
1198 that such notification would be detrimental to the  
1199 investigation, in which case the department may withhold  
1200 notification.

1201 (d) ~~(e)~~ Each school district shall file in writing with the  
1202 department all legally sufficient complaints within 30 days  
1203 after the date on which subject matter of the complaint comes to  
1204 the attention of the school district. A complaint is legally  
1205 sufficient if it contains ultimate facts that show a violation  
1206 has occurred as provided in s. 1012.795 and defined by rule. The  
1207 school district shall include all information relating to the  
1208 complaint which is known to the school district at the time of

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1209 filing. Each district school board shall develop and adopt  
1210 policies and procedures to comply with this reporting  
1211 requirement. School board policies and procedures must include  
1212 standards for screening, hiring, and terminating employees,  
1213 ethical standards for all employees, responsibilities of  
1214 educators to uphold the standards, detailed steps to be followed  
1215 in reporting suspected or actual misconduct by any instructional  
1216 personnel which affects the health, safety, or welfare of a  
1217 student, requirements for the reassignment of an employee  
1218 pending the outcome of a misconduct investigation, and penalties  
1219 for failing to comply pursuant to ss. 1001.51 and 1012.795. The  
1220 district school board policies and procedures shall include  
1221 appropriate penalties for all personnel of the district school  
1222 board for nonreporting and procedures for promptly informing the  
1223 district school superintendent of each legally sufficient  
1224 complaint. The district school superintendent is charged with  
1225 knowledge of these policies and procedures and is accountable  
1226 for communicating the ethical standards, policies, and  
1227 procedures, to be provided through professional development for  
1228 all staff. If the district school superintendent has knowledge  
1229 of a legally sufficient complaint and does not report the  
1230 complaint, or fails to enforce the policies and procedures of  
1231 the district school board, and fails to comply with the  
1232 requirements of this subsection, in addition to other actions  
1233 against certificateholders authorized by law, the district  
1234 school superintendent is ~~shall be~~ subject to penalties as  
1235 specified in s. 1001.51(12). If the superintendent determines  
1236 that misconduct affecting the health, safety, or welfare of a

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1237 student has occurred which warrants termination, the employee  
1238 may not resign but must be terminated and a record, including  
1239 the cause of the termination, shall be reported to the  
1240 Department of Education and maintained in the employee's public  
1241 personnel file. This paragraph does not limit or restrict the  
1242 power and duty of the department to investigate complaints as  
1243 provided in paragraphs (a) and (c) ~~(b)~~, regardless of the school  
1244 district's untimely filing, or failure to file, complaints and  
1245 followup reports.

1246 (e) ~~(d)~~ Notwithstanding any other law, all law enforcement  
1247 agencies, state attorneys, social service agencies, district  
1248 school boards, and the Division of Administrative Hearings shall  
1249 fully cooperate with and, upon request, shall provide unredacted  
1250 documents to the Department of Education to further  
1251 investigations and prosecutions conducted pursuant to this  
1252 section. Any document received ~~pursuant to this paragraph~~ may  
1253 not be redisclosed except as authorized by law.

1254 (3) The department staff shall advise the commissioner  
1255 concerning the findings of the investigation. The department  
1256 general counsel or members of that staff shall review the  
1257 investigation and advise the commissioner concerning probable  
1258 cause or lack thereof. The determination of probable cause shall  
1259 be made by the commissioner. The commissioner shall provide an  
1260 opportunity for a conference, if requested, prior to determining  
1261 probable cause. The commissioner may enter into deferred  
1262 prosecution agreements in lieu of finding probable cause if,  
1263 ~~when~~ in his or her judgment, such agreements are ~~would be~~ in the  
1264 best interests of the department, the certificateholder, and the

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1265 public. Such deferred prosecution agreements shall become  
1266 effective when filed with the clerk of the Education Practices  
1267 Commission. However, a deferred prosecution agreement shall not  
1268 be entered into if ~~where~~ there is probable cause to believe that  
1269 a felony or an act of moral turpitude, as defined in rule, has  
1270 occurred. Upon finding no probable cause, the commissioner shall  
1271 dismiss the complaint.

1272 (5) When an allegation of misconduct with a student by  
1273 instructional personnel, as defined in s. 1012.01(2), occurs  
1274 ~~deemed necessary to protect the health, safety, and welfare of a~~  
1275 ~~minor student~~, the district school superintendent in  
1276 consultation with the school principal, or may, ~~and~~ upon the  
1277 request of the Commissioner of Education, must immediately  
1278 ~~shall, temporarily~~ suspend the instructional personnel a  
1279 ~~certificat~~holder from ~~the certificat~~holder's regularly  
1280 assigned duties, with pay, and reassign the suspended  
1281 instructional personnel ~~certificat~~holder to a position that  
1282 does not require direct contact with students in the district  
1283 school system. Such suspension shall continue until the  
1284 completion of the proceedings and the determination of  
1285 sanctions, if any, pursuant to this section and s. 1012.795.

1286 Section 38. Paragraph (b) of subsection (4) of section  
1287 1012.98, Florida Statutes, is amended to read:

1288 1012.98 School Community Professional Development Act.--

1289 (4) The Department of Education, school districts,  
1290 schools, community colleges, and state universities share the  
1291 responsibilities described in this section. These  
1292 responsibilities include the following:

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1293 (b) Each school district shall develop a professional  
1294 development system as specified in subsection (3). The system  
1295 shall be developed in consultation with teachers, teacher-  
1296 educators of community colleges and state universities, business  
1297 and community representatives, and local education foundations,  
1298 consortia, and professional organizations. The professional  
1299 development system must:

1300 1. Be approved by the department. All substantial  
1301 revisions to the system shall be submitted to the department for  
1302 review for continued approval.

1303 2. Be based on analyses of student achievement data and  
1304 instructional strategies and methods that support rigorous,  
1305 relevant, and challenging curricula for all students. Schools  
1306 and districts, in developing and refining the professional  
1307 development system, shall also review and monitor school  
1308 discipline data; school environment surveys; assessments of  
1309 parental satisfaction; performance appraisal data of teachers,  
1310 managers, and administrative personnel; and other performance  
1311 indicators to identify school and student needs that can be met  
1312 by improved professional performance.

1313 3. Provide inservice activities coupled with followup  
1314 support appropriate to accomplish district-level and school-  
1315 level improvement goals and standards. The inservice activities  
1316 for instructional personnel shall focus on analysis of student  
1317 achievement data, ongoing formal and informal assessments of  
1318 student achievement, identification and use of enhanced and  
1319 differentiated instructional strategies that emphasize rigor,  
1320 relevance, and reading in the content areas, enhancement of



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1321 subject content expertise, integrated use of classroom  
1322 technology that enhances teaching and learning, classroom  
1323 management, parent involvement, and school safety.

1324 4. Include a master plan for inservice activities,  
1325 pursuant to rules of the State Board of Education, for all  
1326 district employees from all fund sources. The master plan shall  
1327 be updated annually by September 1, must be based on input from  
1328 teachers and district and school instructional leaders, and must  
1329 use the latest available student achievement data and research  
1330 to enhance rigor and relevance in the classroom. Each district  
1331 inservice plan must be aligned to and support the school-based  
1332 inservice plans and school improvement plans pursuant to s.  
1333 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by  
1334 the district school board annually in order to ensure compliance  
1335 with subsection (1) and to allow for dissemination of research-  
1336 based best practices to other districts. District school boards  
1337 must submit verification of their approval to the Commissioner  
1338 of Education no later than October 1, annually.

1339 5. Require each school principal to establish and maintain  
1340 an individual professional development plan for each  
1341 instructional employee assigned to the school as a seamless  
1342 component to the school improvement plans developed pursuant to  
1343 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional  
1344 development plan must:

1345 a. Be related to specific performance data for the  
1346 students to whom the teacher is assigned.

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1347           b. Define the inservice objectives and specific measurable  
1348 improvements expected in student performance as a result of the  
1349 inservice activity.

1350           c. Include an evaluation component that determines the  
1351 effectiveness of the professional development plan.

1352           6. Include inservice activities for school administrative  
1353 personnel that address updated skills necessary for  
1354 instructional leadership and effective school management  
1355 pursuant to s. 1012.986.

1356           7. Provide for systematic consultation with regional and  
1357 state personnel designated to provide technical assistance and  
1358 evaluation of local professional development programs.

1359           8. Provide for delivery of professional development by  
1360 distance learning and other technology-based delivery systems to  
1361 reach more educators at lower costs.

1362           9. Provide for the continuous evaluation of the quality  
1363 and effectiveness of professional development programs in order  
1364 to eliminate ineffective programs and strategies and to expand  
1365 effective ones. Evaluations must consider the impact of such  
1366 activities on the performance of participating educators and  
1367 their students' achievement and behavior.

1368           Section 39. Subsection (4) of section 1013.03, Florida  
1369 Statutes, is amended to read:

1370           1013.03 Functions of the department and the Board of  
1371 Governors.--The functions of the Department of Education as it  
1372 pertains to educational facilities of school districts and  
1373 community colleges and of the Board of Governors as it pertains

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1374 to educational facilities of state universities shall include,  
 1375 but not be limited to, the following:

1376 (4) Require each board and other appropriate agencies to  
 1377 submit complete and accurate financial data as to the amounts of  
 1378 funds from all sources that are available and spent for  
 1379 construction and capital improvements. The commissioner shall  
 1380 prescribe the format and the date for the submission of this  
 1381 data and any other educational facilities data. If any district  
 1382 does not submit the required educational facilities fiscal data  
 1383 by the prescribed date, the Commissioner of Education shall  
 1384 notify the district school board of this fact and, if  
 1385 appropriate action is not taken to immediately submit the  
 1386 required report, the district school board shall be directed to  
 1387 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~  
 1388 ~~1001.42(11)(b)~~. If any community college or university does not  
 1389 submit the required educational facilities fiscal data by the  
 1390 prescribed date, the same policy prescribed in this subsection  
 1391 for school districts shall be implemented.

1392 Section 40. This act shall take effect July 1, 2008.

1393  
 1394 ===== T I T L E A M E N D M E N T =====

1395 And the title is amended as follows:

1396 Delete everything before the enacting clause  
 1397 and insert:

1398 A bill to be entitled  
 1399 An act relating to ethics; providing a short title;  
 1400 amending s. 24.121, F.S., relating to public school  
 1401 funding; conforming cross-references; amending s.

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1402 112.3173, F.S.; specifying certain additional offenses  
1403 that constitute a breach of the public trust; amending s.  
1404 121.091, F.S.; prohibiting the Division of Retirement from  
1405 paying benefits to a member who has committed certain  
1406 felony offenses against a minor; amending s. 1001.10,  
1407 F.S.; requiring the Department of Education to assist  
1408 school districts, charter schools, the Florida School for  
1409 the Deaf and the Blind, and certain private schools and  
1410 providers in developing policies and procedures governing  
1411 educator ethics and employment; requiring the department  
1412 to provide authorized staff with access to certain  
1413 employment-screening tools; amending s. 1001.32, F.S.,  
1414 relating to school administration; conforming a cross-  
1415 reference; amending s. 1001.42, F.S.; requiring each  
1416 district school board to adopt ethical standards for all  
1417 employees; prohibiting confidentiality agreements  
1418 regarding terminated or dismissed employees which have the  
1419 effect of concealing certain conduct; providing that a  
1420 district school board official that knowingly signs or  
1421 transmits a false report, fails to support policies which  
1422 ensure investigation of reports, or fails to report  
1423 allegations of misconduct by instructional personnel  
1424 forfeits his or her salary for a specified period;  
1425 amending s. 1001.452, F.S., relating to district and  
1426 school advisory councils; conforming cross-references;  
1427 amending s. 1001.51, F.S.; providing that a district  
1428 school superintendent or district school board member  
1429 forfeits his or her salary for a specified period

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1430 following failure to report allegations of misconduct by  
1431 instructional personnel; amending ss. 1001.54 and 1002.32,  
1432 F.S., relating to duties of principals and lab schools;  
1433 conforming cross-references; amending s. 1002.33, F.S.;  
1434 requiring charter schools to adopt ethical standards for  
1435 all employees; prohibiting confidentiality agreements  
1436 regarding terminated or dismissed employees which have the  
1437 effect of concealing certain conduct; requiring the school  
1438 to contact the prior employer and assess a candidate's  
1439 ability to meet ethical standards; requiring the immediate  
1440 suspension of an employee upon an allegation of  
1441 misconduct; requiring the school to contact the previous  
1442 employer of each candidate for employment and notify the  
1443 Department of Education dates of employment for  
1444 instructional personnel; requiring the charter school  
1445 sponsor to suspend the school's charter for failing to  
1446 comply with these requirements; amending s. 1002.36, F.S.;;  
1447 requiring the Florida School for the Deaf and the Blind to  
1448 meet certain requirements governing the screening of  
1449 educators; amending ss. 1002.421 and 1002.55, F.S.;;  
1450 requiring owners of certain private schools and private  
1451 prekindergarten providers to adopt ethical standards for  
1452 all employees; prohibiting confidentiality agreements  
1453 regarding terminated or dismissed instructional personnel  
1454 which have the effect of concealing certain conduct;  
1455 requiring such owners and providers to contact the  
1456 previous employer of each instructional candidate for  
1457 employment and notify the Department of Education of dates

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1458 of employment of an educator; amending ss. 1002.61,  
1459 1002.63, 1002.65, 1003.413, 1003.53, and 1004.92, F.S.,  
1460 relating to prekindergarten programs and instructors, the  
1461 Florida Secondary School Redesign Act, dropout prevention,  
1462 and career education; conforming cross-references;  
1463 amending s. 1006.061, F.S.; requiring each district school  
1464 board to post its policies and procedures for reporting  
1465 misconduct by instructional personnel and the penalties  
1466 imposed for failing to report suspected or actual child  
1467 abuse; amending ss. 1007.21, 1007.23, 1008.33, 1008.345,  
1468 1010.215, and 1011.18, F.S., relating to readiness for  
1469 postsecondary education and the workplace, the statewide  
1470 articulation agreement, public school improvement and  
1471 educator accountability, funding accountability, and  
1472 school depositories; conforming cross-references; amending  
1473 s. 1012.27, F.S.; requiring the district school  
1474 superintendent to contact the previous employer of each  
1475 instructional candidate for employment, screen the  
1476 candidate, and document findings; creating s. 1012.315,  
1477 F.S.; specifying offenses that disqualify instructional  
1478 personnel from employment in positions involving direct  
1479 contact with students; amending s. 1012.32, F.S.;  
1480 providing that instructional personnel who have been  
1481 convicted of certain offenses are disqualified from  
1482 employment in positions having direct contact with  
1483 students; amending s. 1012.33, F.S.; providing that just  
1484 cause for terminating instructional staff includes  
1485 immorality or the commission of a criminal act; amending

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1486 s. 1012.34, F.S., relating to assessment procedures;  
1487 conforming a cross-reference; amending s. 1012.56, F.S.,  
1488 relating to certification requirements for educators;  
1489 revising the requirements for conducting state and  
1490 national criminal history records checks of persons  
1491 seeking certification; providing for the Department of  
1492 Education to maintain personnel records on an electronic  
1493 database; amending s. 1012.79, F.S.; providing for  
1494 additional members to be appointed to the Education  
1495 Practices Commission; revising the composition of the  
1496 panel appointed to review complaints against teachers;  
1497 amending s. 1012.795, F.S.; providing for suspending the  
1498 educator certificate of a person who knowingly fails to  
1499 report child abuse or suspected or actual misconduct by  
1500 instructional personnel; amending s. 1012.796, F.S.;  
1501 requiring that the Department of Education investigate  
1502 each complaint involving misconduct by instructional  
1503 personnel; clarifying what constitutes a legally  
1504 sufficient complaint; providing requirements for adopted  
1505 school board policies and procedures; providing that the  
1506 district school superintendent is accountable for  
1507 communicating standards, policies, and procedures to  
1508 district employees; requiring that an employee be  
1509 immediately suspended and reassigned upon an allegation of  
1510 misconduct affecting the health, safety, or welfare of a  
1511 student; amending ss. 1012.98 and 1013.03, F.S., relating  
1512 to the School Community Professional Development Act and

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1513

functions of the department and Board of Governors;

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conforming cross-references; providing an effective date.