

By the Committees on Education Pre-K - 12; Education Pre-K - 12;  
and Senator Carlton

581-04516-08

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1                   A bill to be entitled  
2           An act relating to ethics; providing a short title;  
3           amending s. 24.121, F.S., relating to public school  
4           funding; conforming cross-references; amending s.  
5           112.3173, F.S.; specifying certain additional offenses  
6           that constitute a breach of the public trust; amending s.  
7           121.091, F.S.; prohibiting the Division of Retirement from  
8           paying benefits to a member who has committed certain  
9           felony offenses against a minor; amending s. 1001.10,  
10          F.S.; requiring the Department of Education to assist  
11          school districts, charter schools, the Florida School for  
12          the Deaf and the Blind, and certain private schools and  
13          providers in developing policies and procedures governing  
14          educator ethics and employment; requiring the department  
15          to provide authorized staff with access to certain  
16          employment-screening tools; amending s. 1001.32, F.S.,  
17          relating to school administration; conforming a cross-  
18          reference; amending s. 1001.42, F.S.; requiring each  
19          district school board to adopt ethical standards for all  
20          employees; prohibiting confidentiality agreements  
21          regarding terminated or dismissed employees which have the  
22          effect of concealing certain conduct; providing that a  
23          district school board official who knowingly signs or  
24          transmits a false report, fails to support policies that  
25          ensure the investigation of reports, or fails to report  
26          allegations of misconduct by instructional personnel  
27          forfeits his or her salary for a specified period;  
28          amending s. 1001.452, F.S., relating to district and  
29          school advisory councils; conforming cross-references;

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30 amending s. 1001.51, F.S.; providing that a district  
31 school superintendent or district school board member  
32 forfeits his or her salary for a specified period  
33 following failure to report allegations of misconduct by  
34 instructional personnel; amending ss. 1001.54 and 1002.32,  
35 F.S., relating to duties of principals and lab schools;  
36 conforming cross-references; amending s. 1002.33, F.S.;  
37 requiring charter schools to adopt ethical standards for  
38 all employees; prohibiting confidentiality agreements  
39 regarding terminated or dismissed employees which have the  
40 effect of concealing certain conduct; requiring the school  
41 to contact the prior employer and assess a candidate's  
42 ability to meet ethical standards; requiring the school to  
43 notify the Department of Education of dates of employment  
44 for instructional personnel; requiring the charter school  
45 sponsor to suspend the school's charter for failing to  
46 comply with these requirements; amending s. 1002.36, F.S.;  
47 requiring the Florida School for the Deaf and the Blind to  
48 meet certain requirements governing the screening of  
49 educators; amending ss. 1002.421 and 1002.55, F.S.;  
50 requiring owners of certain private schools and private  
51 prekindergarten providers to adopt ethical standards for  
52 all employees; prohibiting confidentiality agreements  
53 regarding terminated or dismissed instructional personnel  
54 which have the effect of concealing certain conduct;  
55 requiring such owners and providers to contact the  
56 previous employer of each instructional candidate for  
57 employment and notify the Department of Education of dates  
58 of employment of an educator; amending ss. 1002.61,

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59 | 1002.63, 1002.65, 1003.413, 1003.53, and 1004.92, F.S.,  
60 | relating to prekindergarten programs and instructors, the  
61 | Florida Secondary School Redesign Act, dropout prevention,  
62 | and career education; conforming cross-references;  
63 | amending s. 1006.061, F.S.; requiring each district school  
64 | board to post its policies and procedures for reporting  
65 | misconduct by instructional personnel and the penalties  
66 | imposed for failing to report suspected or actual child  
67 | abuse; amending ss. 1007.21, 1007.23, 1008.33, 1008.345,  
68 | 1010.215, and 1011.18, F.S., relating to readiness for  
69 | postsecondary education and the workplace, the statewide  
70 | articulation agreement, public school improvement and  
71 | educator accountability, funding accountability, and  
72 | school depositories; conforming cross-references; amending  
73 | s. 1012.27, F.S.; requiring the district school  
74 | superintendent to contact the previous employer of each  
75 | instructional candidate for employment, screen the  
76 | candidate, and document findings; creating s. 1012.315,  
77 | F.S.; specifying offenses that disqualify instructional  
78 | personnel from employment in positions involving direct  
79 | contact with students; amending s. 1012.32, F.S.;  
80 | providing that instructional personnel who have been  
81 | convicted of certain offenses are disqualified from  
82 | employment in positions having direct contact with  
83 | students; amending s. 1012.33, F.S.; providing that just  
84 | cause for terminating instructional staff includes  
85 | immorality or the commission of a criminal act; amending  
86 | s. 1012.34, F.S., relating to assessment procedures;  
87 | conforming a cross-reference; amending s. 1012.56, F.S.,

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88 relating to certification requirements for educators;  
89 revising the requirements for conducting state and  
90 national criminal history records checks of persons  
91 seeking certification; providing for the Department of  
92 Education to maintain personnel records on an electronic  
93 database; amending s. 1012.79, F.S.; providing for  
94 additional members to be appointed to the Education  
95 Practices Commission; revising the composition of the  
96 panel appointed to review complaints against teachers;  
97 amending s. 1012.795, F.S.; providing for suspending the  
98 educator certificate of a person who knowingly fails to  
99 report child abuse or suspected or actual misconduct by  
100 instructional personnel; amending s. 1012.796, F.S.;  
101 requiring that the Department of Education investigate  
102 each complaint involving misconduct by instructional  
103 personnel; clarifying what constitutes a legally  
104 sufficient complaint; providing requirements for adopted  
105 school board policies and procedures; providing that the  
106 district school superintendent is accountable for  
107 communicating standards, policies, and procedures to  
108 district employees; requiring that an employee be  
109 immediately suspended and reassigned upon an allegation of  
110 misconduct affecting the health, safety, or welfare of a  
111 student; amending ss. 1012.98 and 1013.03, F.S., relating  
112 to the School Community Professional Development Act and  
113 functions of the department and Board of Governors;  
114 conforming cross-references; providing an effective date.

115  
116 Be It Enacted by the Legislature of the State of Florida:

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118 Section 1. This act may be cited as the "Ethics in  
119 Education Act."

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

122 24.121 Allocation of revenues and expenditure of funds for  
123 public education.--

124 (5)

125 (c) A portion of such net revenues, as determined annually  
126 by the Legislature, shall be distributed to each school district  
127 and shall be made available to each public school in the district  
128 for enhancing school performance through development and  
129 implementation of a school improvement plan pursuant to s.  
130 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as  
131 determined annually in the General Appropriations Act, must be  
132 allocated to each school in an equal amount for each student  
133 enrolled. These moneys may be expended only on programs or  
134 projects selected by the school advisory council or by a parent  
135 advisory committee created pursuant to this paragraph. If a  
136 school does not have a school advisory council, the district  
137 advisory council must appoint a parent advisory committee  
138 composed of parents of students enrolled in that school, which  
139 ~~committee~~ is representative of the ethnic, racial, and economic  
140 community served by the school, to advise the school's principal  
141 on the programs or projects to be funded. Neither school district  
142 staff nor principals may override the recommendations of the  
143 school advisory council or the parent advisory committee. These  
144 moneys may not be used for capital improvements or, ~~nor may they~~  
145 ~~be used~~ for any project or program that has a duration of more

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146 than 1 year; however, a school advisory council or parent  
147 advisory committee may independently determine that a program or  
148 project formerly funded under this paragraph should receive funds  
149 in a subsequent year.

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

159 Section 3. Paragraph (e) of subsection (2) of section  
160 112.3173, Florida Statutes, is amended to read:

161 112.3173 Felonies involving breach of public trust and  
162 other specified offenses by public officers and employees;  
163 forfeiture of retirement benefits.--

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

166 (e) "Specified offense" means:

167 1. The committing, aiding, or abetting of an embezzlement  
168 of public funds;

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

171 3. Bribery in connection with the employment of a public  
172 officer or employee;

173 4. Any felony specified in chapter 838, except ss. 838.15  
174 and 838.16;

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

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

186 7. Effective October 1, 2008, the committing of any felony  
187 defined in s. 800.04 against a victim younger than 16 years of  
188 age or any felony defined in chapter 794, s. 800.02, or s. 800.03  
189 against a victim younger than 18 years of age by a public officer  
190 or employee through the use or attempted use of power, rights,  
191 privileges, duties, or position of his or her public office or  
192 employment position.

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

197 121.091 Benefits payable under the system.--Benefits may  
198 not be paid under this section unless the member has terminated  
199 employment as provided in s. 121.021(39) (a) or begun  
200 participation in the Deferred Retirement Option Program as  
201 provided in subsection (13), and a proper application has been  
202 filed in the manner prescribed by the department. The department  
203 may cancel an application for retirement benefits when the member

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204 or beneficiary fails to timely provide the information and  
205 documents required by this chapter and the department's rules.  
206 The department shall adopt rules establishing procedures for  
207 application for retirement benefits and for the cancellation of  
208 such application when the required information or documents are  
209 not received.

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

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

228 Section 5. Present subsection (4) of section 1001.10,  
229 Florida Statutes, is redesignated as subsection (6), and new  
230 subsections (4) and (5) are added to that section, to read:

231 1001.10 Commissioner of Education; general powers and  
232 duties.--



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233       (4) The Department of Education shall provide technical  
234 assistance to local school districts, charter schools, the  
235 Florida School for the Deaf and the Blind, private schools that  
236 accept scholarship students under chapter 1002 or s. 220.187, and  
237 private providers pursuant to s. 1002.55 in the development of  
238 policies, procedures, and training related to educator ethics and  
239 employment practices.

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

246       (a) The Professional Practices' Database of Disciplinary  
247 Actions Against Educators;

248       (b) The Department of Education's Teacher Certification  
249 Database; and

250       (c) The Department of Education's Educator Employment  
251 Information Database.

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

254       1001.32 Management, control, operation, administration, and  
255 supervision.--The district school system must be managed,  
256 controlled, operated, administered, and supervised as follows:

257       (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
258 the administration of any school or schools at a given school  
259 center, for the supervision of instruction therein, and for  
260 providing leadership in the development or revision and  
261 implementation of a school improvement plan required by s.

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262 | 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the  
263 | school principal or head of the school or schools in accordance  
264 | with rules established by the district school board.

265 | Section 7. Present subsections (6) through (23) of section  
266 | 1001.42, Florida Statutes, are redesignated as subsections (8)  
267 | through (25), respectively, and new subsections (6) and (7) are  
268 | added to that section, to read:

269 | 1001.42 Powers and duties of district school board.--The  
270 | district school board, acting as a board, shall exercise all  
271 | powers and perform all duties listed below:

272 | (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate  
273 | policies and procedures setting forth ethical standards for all  
274 | employees. The policies and procedures must include  
275 | responsibilities and procedures for reporting suspected or actual  
276 | misconduct by instructional personnel, as defined in s.  
277 | 1012.01(2), which affects the health, safety, or welfare of a  
278 | student and an explanation of liability protections provided to  
279 | students, parents, and employees under ss. 39.201, 39.202, and  
280 | 768.095 who report suspected or actual misconduct. A district  
281 | school board or any of its employees may not enter into a  
282 | confidentiality agreement regarding a terminated or dismissed  
283 | employee or an employee who resigns in lieu of termination based  
284 | in whole or in part on unethical conduct that affects the health,  
285 | safety, or welfare of a student and may not provide the employee  
286 | with a favorable recommendation for employment in another  
287 | educational setting. Any portion of an agreement or contract that  
288 | has the purpose or effect of concealing the conduct of an  
289 | educator regarding actions over which the Education Practices  
290 | Commission has disciplinary jurisdiction is void, is contrary to

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291 public policy, and may not be enforced.

292 (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from  
293 employment any instructional personnel, as defined in s.  
294 1012.01(2), who are convicted of a disqualifying offense as  
295 described in s. 1012.315. An elected or appointed school board  
296 official who knowingly signs and transmits to any state official  
297 a false or incorrect report or who fails to support the adoption  
298 of policies that ensure the investigation of all reports of  
299 suspected or actual misconduct by instructional personnel, as  
300 defined in s. 1012.01(2), which affects the health, safety, or  
301 welfare of a student and the reporting of allegations of  
302 misconduct by such personnel which affects the health, safety, or  
303 welfare of a student pursuant to s. 1012.796 forfeits his or her  
304 salary for 1 year.

305 Section 8. Paragraphs (a) and (c) of subsection (1) and  
306 subsection (2) of section 1001.452, Florida Statutes, are amended  
307 to read:

308 1001.452 District and school advisory councils.--

309 (1) ESTABLISHMENT.--

310 (a) The district school board shall establish an advisory  
311 council for each school in the district and shall develop  
312 procedures for the election and appointment of advisory council  
313 members. Each school advisory council shall include in its name  
314 the words "school advisory council." The school advisory council  
315 shall be the sole body responsible for final decisionmaking at  
316 the school relating to implementation of ss. 1001.42(18) ~~the~~  
317 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the  
318 members of each school advisory council must be persons who are  
319 not employed by the school. Each advisory council shall be

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320 composed of the principal and an appropriately balanced number of  
321 teachers, education support employees, students, parents, and  
322 other business and community citizens who are representative of  
323 the ethnic, racial, and economic community served by the school.  
324 Career center and high school advisory councils shall include  
325 students, and middle and junior high school advisory councils may  
326 include students. School advisory councils of career centers and  
327 adult education centers are not required to include parents as  
328 members. Council members representing teachers, education support  
329 employees, students, and parents shall be elected by their  
330 respective peer groups at the school in a fair and equitable  
331 manner as follows:

- 332 1. Teachers shall be elected by teachers.
- 333 2. Education support employees shall be elected by  
334 education support employees.
- 335 3. Students shall be elected by students.
- 336 4. Parents shall be elected by parents.

337  
338 The district school board shall establish procedures to be used  
339 ~~for use~~ by schools in selecting business and community members  
340 that include means of ensuring wide notice of vacancies and of  
341 taking input on possible members from local business, chambers of  
342 commerce, community and civic organizations and groups, and the  
343 public at large. The district school board shall review the  
344 membership composition of each advisory council. If the district  
345 school board determines that the membership elected by the school  
346 is not representative of the ethnic, racial, and economic  
347 community served by the school, the district school board shall  
348 appoint additional members to achieve proper representation. The

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349 commissioner shall determine if schools have maximized their  
350 efforts to include on their advisory councils minority persons  
351 and persons of lower socioeconomic status. Although schools are  
352 strongly encouraged to establish school advisory councils, the  
353 district school board of any school district that has a student  
354 population of 10,000 or fewer may establish a district advisory  
355 council which includes ~~shall include~~ at least one duly elected  
356 teacher from each school in the district. For the purposes of  
357 school advisory councils and district advisory councils, the term  
358 "teacher" includes ~~shall include~~ classroom teachers, certified  
359 student services personnel, and media specialists. For purposes  
360 of this paragraph, "education support employee" means any person  
361 employed by a school who is not defined as instructional or  
362 administrative personnel pursuant to s. 1012.01 and whose duties  
363 require 20 or more hours in each normal working week.

364 (c) For those schools operating for the purpose of  
365 providing educational services to youth in Department of Juvenile  
366 Justice programs, district school boards may establish a district  
367 advisory council with appropriate representatives for the purpose  
368 of developing and monitoring a district school improvement plan  
369 that encompasses all such schools in the district, pursuant to s.  
370 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

371 (2) DUTIES.--Each advisory council shall perform ~~such~~  
372 functions ~~as are~~ prescribed by regulations of the district school  
373 board; however, no advisory council shall have any of the powers  
374 and duties now reserved by law to the district school board. Each  
375 school advisory council shall assist in the preparation and  
376 evaluation of the school improvement plan required pursuant to s.  
377 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the

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378 Department of Education, each school advisory council shall  
379 assist in the preparation of the school's annual budget and plan  
380 as required by s. 1008.385(1). A portion of funds provided in the  
381 annual General Appropriations Act for use by school advisory  
382 councils must be used for implementing the school improvement  
383 plan.

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

386 1001.51 Duties and responsibilities of district school  
387 superintendent.--The district school superintendent shall  
388 exercise all powers and perform all duties listed below and  
389 elsewhere in the law, provided that, in so doing, he or she shall  
390 advise and counsel with the district school board. The district  
391 school superintendent shall perform all tasks necessary to make  
392 sound recommendations, nominations, proposals, and reports  
393 required by law to be acted upon by the district school board.  
394 All such recommendations, nominations, proposals, and reports by  
395 the district school superintendent shall be either recorded in  
396 the minutes or shall be made in writing, noted in the minutes,  
397 and filed in the public records of the district school board. It  
398 shall be presumed that, in the absence of the record required in  
399 this section, the recommendations, nominations, and proposals  
400 required of the district school superintendent were not contrary  
401 to the action taken by the district school board in such matters.

402 (12) RECORDS AND REPORTS.--Recommend such records as should  
403 be kept in addition to those prescribed by rules of the State  
404 Board of Education; prepare forms for keeping such records as are  
405 approved by the district school board; ensure that such records  
406 are properly kept; and make all reports that are needed or

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407 required, as follows:

408 (a) Forms, blanks, and reports.--Require that all employees  
409 accurately keep all records and promptly make in proper form all  
410 reports required by the education code or by rules of the State  
411 Board of Education; recommend the keeping of such additional  
412 records and the making of such additional reports as may be  
413 deemed necessary to provide data essential for the operation of  
414 the school system; and prepare such forms and blanks as may be  
415 required and ensure that these records and reports are properly  
416 prepared.

417 (b) Reports to the department.--Prepare, for the approval  
418 of the district school board, all reports ~~that may be~~ required by  
419 law or rules of the State Board of Education to be made to the  
420 department and transmit promptly all such reports, when approved,  
421 to the department, as required by law. If any ~~such~~ reports are  
422 not transmitted at the time and in the manner prescribed by law  
423 or by State Board of Education rules, the salary of the district  
424 school superintendent must be withheld until the report has been  
425 properly submitted. Unless otherwise provided by rules of the  
426 State Board of Education, the annual report on attendance and  
427 personnel is due on or before July 1, and the annual school  
428 budget and the report on finance are due on the date prescribed  
429 by the commissioner.

430

431 Any district school superintendent who knowingly signs and  
432 transmits to any state official a false or incorrect report or  
433 who fails to investigate all reports of suspected or actual  
434 misconduct by instructional personnel, as defined in s.  
435 1012.01(2), which affects the health, safety, or welfare of a

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436 student or report allegations of misconduct by such personnel  
437 which affects the health, safety, or welfare of a student  
438 pursuant to s. 1012.796 forfeits ~~shall forfeit~~ his or her ~~right~~  
439 ~~to any salary for the period of 1 year following the~~ from that  
440 date of such act or failure to act.

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

443 1001.54 Duties of school principals.--

444 (2) Each school principal shall provide instructional  
445 leadership in the development, revision, and implementation of a  
446 school improvement plan pursuant to s. 1001.42(18) ~~s.~~  
447 ~~1001.42(16)~~.

448 Section 11. Paragraph (b) of subsection (11) of section  
449 1002.32, Florida Statutes, is amended to read:

450 1002.32 Developmental research (laboratory) schools.--

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

455 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.  
456 1001.42 shall be held in abeyance. Reference to district school  
457 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president  
458 of the university or the president's designee.

459 Section 12. Paragraph (g) of subsection (12) of section  
460 1002.33, Florida Statutes, is amended to read:

461 1002.33 Charter schools.--

462 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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



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465 1. A charter school shall Employ or contract with employees  
466 who have undergone background screening as provided in s.  
467 1012.32. Members of the governing board of the charter school  
468 shall also undergo background screening in a manner similar to  
469 that provided in s. 1012.32.

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

473 3. Adopt and communicate policies and procedures setting  
474 forth ethical standards for all employees and include policies  
475 and procedures in professional development for all staff. The  
476 policies and procedures must include responsibilities and  
477 procedures for reporting suspected or actual misconduct by  
478 instructional personnel which affects the health, safety, or  
479 welfare of a student and an explanation of liability protections  
480 provided to students, parents, and employees under ss. 39.201,  
481 39.202, and 768.095 who report suspected or actual misconduct  
482 that affects the health, safety, or welfare of a student. A  
483 charter school or any of its employees may not enter into a  
484 confidentiality agreement regarding a terminated or dismissed  
485 employee or an employee who resigns in lieu of termination based  
486 in whole or in part on unethical conduct that affects the health,  
487 safety, or welfare of a student and may not provide the employee  
488 with a favorable recommendation for employment in another  
489 educational setting. Any portion of an agreement or contract that  
490 has the purpose or effect of concealing the conduct of an  
491 educator regarding actions over which the Education Practices  
492 Commission has disciplinary jurisdiction is void, is contrary to  
493 public policy, and may not be enforced.

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494       4. Before appointing a candidate to an instructional  
495 position that involves direct contact with students, contact the  
496 previous employer of the candidate to assess the candidate's  
497 ability to meet ethical standards for professional educators,  
498 screen the candidate through the use of educator screening tools  
499 described in s. 1001.10(5), and document findings.

500       5. Report to the Department of Education the date of hire  
501 and, when applicable, the date employment is severed, for all  
502 instructional personnel.

503       6. The sponsor of a charter school that fails to comply  
504 with this paragraph shall terminate the charter pursuant to  
505 subsection (8).

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

508       1002.36 Florida School for the Deaf and the Blind.--

509       (7) PERSONNEL SCREENING.--

510       (g) For the purpose of protecting the health, safety, or  
511 welfare of students and the ethical standards for professional  
512 educators, the Florida School for the Deaf and the Blind shall be  
513 considered a school district and shall meet the provisions of ss.  
514 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32,  
515 1012.56, 1012.33, 1012.795, and 1012.796.

516       Section 14. Present subsections (4), (5), and (6) of  
517 section 1002.421, Florida Statutes, are redesignated as  
518 subsections (5), (6), and (7), respectively, and a new subsection  
519 (4) is added to that section, to read:

520       1002.421 Accountability of private schools participating in  
521 state school choice scholarship programs.--

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

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523 under this section shall:

524 (a) Disqualify from employment in an instructional position  
525 that involves direct contact with students any individual  
526 convicted of a disqualifying offense identified under s.  
527 1012.315.

528 (b) Adopt and communicate policies and procedures setting  
529 forth ethical standards for all employees and include policies  
530 and procedures in professional development for all staff. The  
531 policies and procedures must include responsibilities and  
532 procedures for reporting suspected or actual misconduct by  
533 instructional personnel which affects the health, safety, or  
534 welfare of a student and an explanation of liability protections  
535 provided to students, parents, and employees under ss. 39.201,  
536 39.202, and 768.095 who report suspected or actual misconduct  
537 that affects the health, safety, or welfare of a student. A  
538 private school or any of its employees may not enter into a  
539 confidentiality agreement regarding a terminated or dismissed  
540 employee or an employee who resigns in lieu of termination based  
541 in whole or in part on unethical conduct that affects the health,  
542 safety, or welfare of a student and may not provide the employee  
543 with a favorable recommendation for employment in another  
544 educational setting. Any portion of an agreement or contract that  
545 has the purpose or effect of concealing the conduct of an  
546 educator regarding actions over which the Education Practices  
547 Commission has disciplinary jurisdiction is void, is contrary to  
548 public policy, and may not be enforced.

549 (c) Prior to appointing a candidate to an instructional  
550 position that involves direct contact with students, contact the  
551 previous employer of the candidate to assess the candidate's

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552 ability to meet ethical standards for professional educators,  
553 screen the candidate through the use of educator screening tools  
554 described in s. 1001.10(5), and document findings.

555 (d) Report to the Department of Education the date of hire  
556 and, when applicable, the date employment is severed, for all  
557 instructional personnel.

558 (e) The department shall prohibit a private school that  
559 accepts scholarship students under chapter 1002 or s. 220.187,  
560 which fails to comply with this subsection from accepting such  
561 scholarship students and disqualify the private school from  
562 accepting funds under those programs for a period of 1 calendar  
563 year and until the private school complies with this subsection.  
564 The Education Practices Commission shall impose applicable  
565 certification sanctions pursuant to s. 1012.795.

566 Section 15. Present subsections (2), (3), and (4) of  
567 section 1002.55, Florida Statutes, are renumbered as subsections  
568 (3), (4), and (5), respectively, a new subsection (2) is added to  
569 that section, and present subsection (4) of that section is  
570 amended, to read:

571 1002.55 School-year prekindergarten program delivered by  
572 private prekindergarten providers.--

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

575 (a) Disqualify from employment any prekindergarten  
576 instructor convicted of a disqualifying offense identified under  
577 to s. 1012.315.

578 (b) Adopt and communicate policies and procedures setting  
579 forth ethical standards for all employees and include such  
580 policies and procedures in professional development for all

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581 | staff. The policies and procedures must include responsibilities  
582 | and procedures for reporting suspected or actual misconduct by a  
583 | prekindergarten instructor which affects the health, safety, or  
584 | welfare of a student and an explanation of liability protections  
585 | provided to students, parents, and employees under ss. 39.201,  
586 | 39.202, and 768.095 who report suspected or actual misconduct  
587 | that affects the health, safety, or welfare of a student. A  
588 | private provider or any of its employees may not enter into a  
589 | confidentiality agreement regarding a terminated or dismissed  
590 | employee or an employee who resigns in lieu of termination based  
591 | in whole or in part on unethical conduct that affects the health,  
592 | safety, or welfare of a student and may not provide the employee  
593 | with a favorable recommendation for employment in another  
594 | educational setting. A portion of an agreement or contract that  
595 | has the purpose or effect of concealing the conduct of a  
596 | prekindergarten instructor regarding actions over which the  
597 | Education Practices Commission has disciplinary jurisdiction is  
598 | void, is contrary to public policy, and may not be enforced.

599 | (c) Prior to appointing a candidate as a prekindergarten  
600 | instructor, contact the previous employer of the candidate to  
601 | assess the candidate's ability to meet ethical standards for  
602 | professional educators, screen the candidate through the use of  
603 | educator screening tools described in s. 1001.10(5), and document  
604 | findings.

605 | (d) Report to the Department of Education the date of hire  
606 | and, when applicable, the date employment is severed, for all  
607 | prekindergarten instructors.

608 | (e) The Agency for Workforce Innovation shall prohibit a  
609 | private provider that fails to comply with this subsection from

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610 accepting funds under the Voluntary Prekindergarten Program for a  
611 period of 1 calendar year and until the provider complies with  
612 this subsection. The Education Practices Commission shall impose  
613 applicable certification sanctions pursuant to s. 1012.795.

614 (5)~~(4)~~ A prekindergarten instructor, in lieu of the minimum  
615 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,  
616 may hold one of the following educational credentials:

617 (a) A bachelor's or higher degree in early childhood  
618 education, prekindergarten or primary education, preschool  
619 education, or family and consumer science;

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

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

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

632 (e) An educational credential approved by the department as  
633 being equivalent to or greater than an educational credential  
634 described in this subsection. The department may adopt criteria  
635 and procedures for approving equivalent educational credentials  
636 under this paragraph.

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

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639 1002.61 Summer prekindergarten program delivered by public  
640 schools and private prekindergarten providers.--

641 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(e)1.~~ and  
642 1002.63(5), each public school and private prekindergarten  
643 provider must have, for each prekindergarten class, at least one  
644 prekindergarten instructor who:

645 (a) Is a certified teacher; or

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

648

649 As used in this subsection, the term "certified teacher" means a  
650 teacher holding a valid Florida educator certificate under s.  
651 1012.56 who has the qualifications required by the district  
652 school board to instruct students in the summer prekindergarten  
653 program. In selecting instructional staff for the summer  
654 prekindergarten program, each school district shall give priority  
655 to teachers who have experience or coursework in early childhood  
656 education.

657 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and  
658 1002.63(7), each prekindergarten class in the summer  
659 prekindergarten program, regardless of whether the class is a  
660 public school's or private prekindergarten provider's class, must  
661 have ~~be composed of~~ at least 4 students but may not exceed 10  
662 students. In order to protect the health and safety of students,  
663 each public school or private prekindergarten provider must also  
664 provide appropriate adult supervision for students at all times.  
665 This subsection does not supersede any requirement imposed on a  
666 provider under ss. 402.301-402.319.

667 Section 17. Subsections (5) and (7) of section 1002.63,

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668 Florida Statutes, are amended to read:

669 1002.63 School-year prekindergarten program delivered by  
670 public schools.--

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

675 (7) Each prekindergarten class in a public school  
676 delivering the school-year prekindergarten program must have ~~be~~  
677 ~~composed of~~ at least 4 students but may not exceed 18 students.  
678 In order to protect the health and safety of students, each  
679 school must also provide appropriate adult supervision for  
680 students at all times and, for each prekindergarten class  
681 composed of 11 or more students, must have, in addition to a  
682 prekindergarten instructor who meets the requirements of s.  
683 1002.55(4)(c) ~~s. 1002.55(3)(c)~~, at least one adult  
684 prekindergarten instructor who is not required to meet those  
685 requirements but who must meet each requirement of subsection  
686 (6).

687 Section 18. Paragraph (a) of subsection (2) of section  
688 1002.65, Florida Statutes, is amended to read:

689 1002.65 Professional credentials of prekindergarten  
690 instructors; aspirational goals; legislative intent.--

691 (2) To improve these educational outcomes, the Legislature  
692 intends that all prekindergarten instructors will continue to  
693 improve their skills and preparation through education and  
694 training, so that the following aspirational goals will be  
695 achieved:

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



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697 1. Each prekindergarten class will have at least one  
698 prekindergarten instructor who holds an associate's or higher  
699 degree in the field of early childhood education or child  
700 development; and

701 2. For each prekindergarten class composed of 11 or more  
702 students, in addition to a prekindergarten instructor who meets  
703 the requirements of subparagraph 1., the class will have at least  
704 one prekindergarten instructor who meets the requirements of s.  
705 1002.55(4)(c) ~~s. 1002.55(3)(c)~~.

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

708 1003.413 Florida Secondary School Redesign Act.--

709 (2) The following guiding principles for secondary school  
710 redesign shall be used in the annual preparation of each  
711 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~  
712 ~~1001.42(16)~~:

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

716 (b) Every teacher must contribute to every student's  
717 reading improvement.

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

720 (d) Small learning communities allow teachers to  
721 personalize instruction to better address student learning  
722 styles, strengths, and weaknesses.

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

725 (f) Parents need access to tools they can use to monitor

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726 their child's progress in school, communicate with teachers, and  
727 act early on behalf of their child.

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

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

732 (i) Master schedules should not determine instruction and  
733 must be designed based on student needs, not adult or  
734 institutional needs.

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

738 Section 20. Paragraph (b) of subsection (2) of section  
739 1003.53, Florida Statutes, is amended to read:

740 1003.53 Dropout prevention and academic intervention.--

741 (2)

742 (b) Each school that establishes a dropout prevention and  
743 academic intervention program at that school site shall reflect  
744 that program in the school improvement plan as required under s.  
745 1001.42(18) ~~s. 1001.42(16)~~.

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

748 1004.92 Purpose and responsibilities for career  
749 education.--

750 (1) The purpose of career education is to enable students  
751 who complete career programs to attain and sustain employment and  
752 realize economic self-sufficiency. The purpose of this section is  
753 to identify issues related to career education for which school  
754 boards and community college boards of trustees are accountable.

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755 It is the intent of the Legislature that the standards  
756 articulated in subsection (2) be considered in the development of  
757 accountability standards for public schools pursuant to ss.  
758 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community  
759 colleges pursuant to s. 1008.45.

760 (3) Each career center operated by a district school board  
761 shall establish a center advisory council pursuant to s.  
762 1001.452. The center advisory council shall assist in the  
763 preparation and evaluation of center improvement plans required  
764 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide  
765 assistance, upon the request of the center director, in the  
766 preparation of the center's annual budget and plan as required by  
767 s. 1008.385(1).

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

771 1006.061 Child abuse, abandonment, and neglect  
772 policy.--Each district school board shall:

773 (2) Post in a prominent place in each school district site  
774 and on each school website, the school board policies and  
775 procedures for reporting suspected or actual misconduct by  
776 instructional personnel, as defined in s. 1012.01(2), which  
777 affects the health, safety, or welfare of a student, the district  
778 contact person to whom the report should be made, and the  
779 penalties imposed against such personnel for failing to report  
780 suspected or actual child abuse pursuant to s. 1006.061 or  
781 instructional personnel misconduct, pursuant to s. 1012.795,  
782 which affects the health, safety, or welfare of a student.

783 Section 23. Paragraph (c) of subsection (2) of section

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784 | 1007.21, Florida Statutes, is amended to read:

785 |       1007.21 Readiness for postsecondary education and the  
786 | workplace.--

787 |       (2)

788 |       (c) The common placement test authorized in ss. 1001.03(11)  
789 | ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to  
790 | all high school second semester sophomores who have chosen one of  
791 | the four destinations. The results of the placement test shall be  
792 | used to target additional instructional needs in reading,  
793 | writing, and mathematics prior to graduation.

794 |       Section 24. Subsection (5) of section 1007.23, Florida  
795 | Statutes, is amended to read:

796 |       1007.23 Statewide articulation agreement.--

797 |       (5) The articulation agreement must guarantee the  
798 | articulation of 9 credit hours toward a postsecondary degree in  
799 | early childhood education for programs approved by the State  
800 | Board of Education and the Board of Governors which:

801 |       (a) Award a child development associate credential issued  
802 | by the National Credentialing Program of the Council for  
803 | Professional Recognition or award a credential approved under s.  
804 | 1002.55(4)(c)1.b. ~~s. 1002.55(3)(c)1.b.~~ or s. 402.305(3)(c) as  
805 | being equivalent to the child development associate credential;  
806 | and

807 |       (b) Include training in emergent literacy which meets or  
808 | exceeds the minimum standards for training courses for  
809 | prekindergarten instructors of the Voluntary Prekindergarten  
810 | Education Program in s. 1002.59.

811 |       Section 25. Subsection (4) of section 1008.33, Florida  
812 | Statutes, is amended to read:

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813           1008.33 Authority to enforce public school improvement.--It  
814 is the intent of the Legislature that all public schools be held  
815 accountable for students performing at acceptable levels. A  
816 system of school improvement and accountability that assesses  
817 student performance by school, identifies schools in which  
818 students are not making adequate progress toward state standards,  
819 institutes appropriate measures for enforcing improvement, and  
820 provides rewards and sanctions based on performance shall be the  
821 responsibility of the State Board of Education.

822           (4) The State Board of Education may require the Department  
823 of Education or Chief Financial Officer to withhold any transfer  
824 of state funds to the school district if, within the timeframe  
825 specified in state board action, the school district has failed  
826 to comply with the action ordered to improve the district's low-  
827 performing schools. Withholding the transfer of funds shall occur  
828 only after all other recommended actions for school improvement  
829 have failed to improve performance. The State Board of Education  
830 may impose the same penalty on any district school board that  
831 fails to develop and implement a plan for assistance and  
832 intervention for low-performing schools as specified in s.  
833 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

834           Section 26. Paragraph (c) of subsection (6) of section  
835 1008.345, Florida Statutes, is amended to read:

836           1008.345 Implementation of state system of school  
837 improvement and education accountability.--

838           (6)

839           (c) Pursuant to s. 24.121(5)(d), the department shall not  
840 release funds from the Educational Enhancement Trust Fund to any  
841 district in which a school, including schools operating for the

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842 | purpose of providing educational services to youth in Department  
843 | of Juvenile Justice programs, does not have an approved school  
844 | improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,  
845 | after 1 full school year of planning and development, or does not  
846 | comply with school advisory council membership composition  
847 | requirements pursuant to s. 1001.452. The department shall send a  
848 | technical assistance team to each school without an approved plan  
849 | to develop such school improvement plan or to each school without  
850 | appropriate school advisory council membership composition to  
851 | develop a strategy for corrective action. The department shall  
852 | release the funds upon approval of the plan or upon establishment  
853 | of a plan of corrective action. Notice shall be given to the  
854 | public of the department's intervention and shall identify each  
855 | school without a plan or without appropriate school advisory  
856 | council membership composition.

857 |       Section 27. Subsection (5) of section 1010.215, Florida  
858 | Statutes, is amended to read:

859 |       1010.215 Educational funding accountability.--

860 |       (5) The annual school public accountability report required  
861 | by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school  
862 | financial report. The purpose of the school financial report is  
863 | to better inform parents and the public concerning how funds were  
864 | spent to operate the school during the prior fiscal year. Each  
865 | school's financial report must follow a uniform, districtwide  
866 | format that is easy to read and understand.

867 |       (a) Total revenue must be reported at the school, district,  
868 | and state levels. The revenue sources that must be addressed are  
869 | state and local funds, other than lottery funds; lottery funds;  
870 | federal funds; and private donations.

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871 (b) Expenditures must be reported as the total expenditures  
872 per unweighted full-time equivalent student at the school level  
873 and the average expenditures per full-time equivalent student at  
874 the district and state levels in each of the following categories  
875 and subcategories:

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

- 879 a. Basic programs;
- 880 b. Students-at-risk programs;
- 881 c. Special programs for exceptional students;
- 882 d. Career education programs; and
- 883 e. Adult programs.

884 2. Substitute teachers.

885 3. Other instructional personnel, including school-based  
886 instructional specialists and their assistants.

887 4. Contracted instructional services, including training  
888 for instructional staff and other contracted instructional  
889 services.

890 5. School administration, including school-based  
891 administrative personnel and school-based education support  
892 personnel.

893 6. The following materials, supplies, and operating capital  
894 outlay:

- 895 a. Textbooks;
- 896 b. Computer hardware and software;
- 897 c. Other instructional materials;
- 898 d. Other materials and supplies; and
- 899 e. Library media materials.

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900 7. Food services.

901 8. Other support services.

902 9. Operation and maintenance of the school plant.

903 (c) The school financial report must also identify the  
904 types of district-level expenditures that support the school's  
905 operations. The total amount of these district-level expenditures  
906 must be reported and expressed as total expenditures per full-  
907 time equivalent student.

908 Section 28. Paragraph (b) of subsection (6) of section  
909 1011.18, Florida Statutes, is amended to read:

910 1011.18 School depositories; payments into and withdrawals  
911 from depositories.--

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

914 (b) The district school board may contract with an  
915 insurance company or professional administrator who holds a valid  
916 certificate of authority issued by the Office of Insurance  
917 Regulation of the Financial Services Commission to provide any ~~or~~  
918 ~~all~~ services that a third-party administrator is authorized by  
919 law to perform. Pursuant to such contract, the district school  
920 board may advance or remit money to the administrator to be  
921 deposited in a designated special checking account for paying  
922 claims against the district school board under its self-insurance  
923 programs, and remitting premiums to the providers of insured  
924 benefits on behalf of the district school board and the  
925 participants in such programs, and otherwise fulfilling the  
926 obligations imposed upon the administrator by law and the  
927 contractual agreements between the district school board and the  
928 administrator. The special checking account shall be maintained



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929 | in a designated district school depository. The district school  
930 | board may replenish such account as often as necessary upon the  
931 | presentation by the service organization of documentation for  
932 | claims or premiums due paid equal to the amount of the requested  
933 | reimbursement. Such replenishment shall be made by a warrant  
934 | signed by the chair of the district school board and  
935 | countersigned by the district school superintendent. Such  
936 | replenishment may be made by electronic, telephonic, or other  
937 | medium, and each transfer shall be confirmed in writing and  
938 | signed by the district school superintendent or his or her  
939 | designee. The provisions of strict accountability of all funds  
940 | and an annual audit by an independent certified public accountant  
941 | as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to  
942 | this subsection.

943 |       Section 29. Present subsection (6) of section 1012.27,  
944 | Florida Statutes, is redesignated as subsection (7), and a new  
945 | subsection (6) is added to that section, to read:

946 |       1012.27 Public school personnel; powers and duties of  
947 | district school superintendent.--The district school  
948 | superintendent is responsible for directing the work of the  
949 | personnel, subject to the requirements of this chapter, and in  
950 | addition the district school superintendent shall perform the  
951 | following:

952 |       (6) Before appointing a candidate to any instructional  
953 | position that involves direct contact with students, contact the  
954 | candidate's previous employer to assess the candidate's ability  
955 | to meet state and local ethical standards for professional  
956 | educators, screen the candidate using the screening tools as  
957 | described in s. 1001.10(5), and document findings.

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958 Section 30. Section 1012.315, Florida Statutes, is created  
959 to read:

960 1012.315 Disqualification from employment.--

961 (1) Any instructional personnel, as defined in s.  
962 1012.01(2), are ineligible for employment in any position that  
963 involves direct contact with students if convicted of the  
964 following disqualifying offenses:

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

966 (b) Section 787.025, relating to luring or enticing a  
967 child;

968 (c) Section 794.05, relating to unlawful sexual activity  
969 with certain minors;

970 (d) Section 810.14, relating to voyeurism;

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

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

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

976 (2) A criminal act committed in another state or under  
977 federal law, the elements of which constitute a criminal act as  
978 described in subsection (1) shall, for purposes of  
979 disqualification, be considered as if the act was committed in  
980 this state.

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

983 1012.32 Qualifications of personnel.--

984 (1)(a) To be eligible for appointment in any position in  
985 any district school system, a person shall be of good moral  
986 character; shall have attained the age of 18 years, if he or she

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987 is to be employed in an instructional capacity; and shall, when  
988 required by law, hold a certificate or license issued under rules  
989 of the State Board of Education or the Department of Children and  
990 Family Services, except when employed pursuant to s. 1012.55 or  
991 under the emergency provisions of s. 1012.24. Previous residence  
992 in this state shall not be required in any school of the state as  
993 a prerequisite for any person holding a valid Florida certificate  
994 or license to serve in an instructional capacity.

995 (b) Any instructional personnel, as defined in s.  
996 1012.01(2), are disqualified from employment in any position  
997 having direct contact with students if convicted of a  
998 disqualifying offense as described in s. 1012.315.

999 Section 32. Paragraph (a) of subsection (1), paragraph (c)  
1000 of subsection (4), and paragraph (b) of subsection (6) of section  
1001 1012.33, Florida Statutes, are amended to read:

1002 1012.33 Contracts with instructional staff, supervisors,  
1003 and school principals.--

1004 (1)(a) Each person employed as a member of the  
1005 instructional staff in any district school system shall be  
1006 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
1007 employed pursuant to s. 1012.39 and shall be entitled to and  
1008 shall receive a written contract as specified in this section.  
1009 All such contracts, except continuing contracts as specified in  
1010 subsection (4), shall contain provisions for dismissal during the  
1011 term of the contract only for just cause. Just cause includes,  
1012 but is not limited to, the following instances, as defined by  
1013 rule of the State Board of Education: immorality, misconduct in  
1014 office, incompetency, gross insubordination, willful neglect of  
1015 duty, the commission of a criminal act, regardless of

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1016 adjudication, or crimes ~~or conviction of a crime~~ involving moral  
1017 turpitude.

1018 (4)

1019 (c) Any member of the district administrative or  
1020 supervisory staff and any member of the instructional staff,  
1021 including any school principal, who is under continuing contract  
1022 may be suspended or dismissed at any time during the school year;  
1023 however, the charges against him or her must be based on  
1024 immorality, misconduct in office, incompetency, gross  
1025 insubordination, willful neglect of duty, drunkenness, crimes ~~or~~  
1026 ~~conviction of a crime~~ involving moral turpitude, as these terms  
1027 are defined by rule of the State Board of Education, or the  
1028 commission of a criminal act, regardless of adjudication.

1029 Whenever such charges are made against an ~~any such~~ employee of  
1030 the district school board, the district school board may suspend  
1031 such person without pay; but, if the charges are not sustained,  
1032 he or she shall be immediately reinstated, and his or her back  
1033 salary shall be paid. In cases of suspension by the district  
1034 school board or by the district school superintendent, the  
1035 district school board shall determine upon the evidence submitted  
1036 whether the charges have been sustained and, if the charges are  
1037 sustained, shall determine either to dismiss the employee or fix  
1038 the terms under which he or she may be reinstated. If such  
1039 charges are sustained by a majority vote of the full membership  
1040 of the district school board and the ~~such~~ employee is discharged,  
1041 his or her contract of employment shall be ~~thereby~~ canceled. Any  
1042 ~~such~~ decision adverse to the employee may be appealed by the  
1043 employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed  
1044 within 30 days after the decision of the district school board.

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1045 (6)

1046 (b) Any member of the district administrative or

1047 supervisory staff, including any principal but excluding an

1048 employee specified in subsection (4), may be suspended or

1049 dismissed at any time during the term of the contract; however,

1050 the charges against him or her must be based on immorality,

1051 misconduct in office, incompetency, gross insubordination,

1052 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~

1053 ~~crime~~ involving moral turpitude, as these terms are defined by

1054 rule of the State Board of Education. Whenever such charges are

1055 made against an ~~any such~~ employee of the district school board,

1056 the district school board may suspend the employee without pay;

1057 but, if the charges are not sustained, he or she shall be

1058 immediately reinstated, and his or her back salary shall be paid.

1059 In cases of suspension by the district school board or by the

1060 district school superintendent, the district school board shall

1061 determine upon the evidence submitted whether the charges have

1062 been sustained and, if the charges are sustained, shall determine

1063 either to dismiss the employee or fix the terms under which he or

1064 she may be reinstated. If such charges are sustained by a

1065 majority vote of the full membership of the district school board

1066 and the ~~such~~ employee is discharged, his or her contract of

1067 employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse

1068 to the employee may be appealed by him or her pursuant to s.

1069 120.68, provided such appeal is filed within 30 days after the

1070 decision of the district school board.

1071 Section 33. Subsection (4) of section 1012.34, Florida

1072 Statutes, is amended to read:

1073 1012.34 Assessment procedures and criteria.--

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1074 (4) The district school superintendent shall notify the  
1075 department of any instructional personnel who receive two  
1076 consecutive unsatisfactory evaluations and who have been given  
1077 written notice by the district that their employment is being  
1078 terminated or is not being renewed or that the district school  
1079 board intends to terminate, or not renew, their employment. The  
1080 department shall conduct an investigation to determine whether  
1081 action shall be taken against the certificateholder pursuant to  
1082 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1083 Section 34. Subsections (9) and (14) of section 1012.56,  
1084 Florida Statutes, are amended to read:

1085 1012.56 Educator certification requirements.--

1086 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
1087 PERIODICALLY.--

1088 (a) Each person who seeks certification under this chapter  
1089 must undergo state and national criminal history records checks  
1090 pursuant to s. 435.04 and may not have been convicted of any  
1091 disqualifying offense under s. 1012.315. An individual is exempt  
1092 from undergoing an additional state and national criminal history  
1093 records checks if the checks have ~~meet level 2 screening~~  
1094 ~~requirements as described in s. 1012.32 unless a level 2~~  
1095 ~~screening has~~ been conducted by a district school board or the  
1096 Department of Education within 12 months before the date the  
1097 person initially obtains certification under this chapter, the  
1098 results of which are submitted to the district school board or to  
1099 the Department of Education.

1100 (b) A person may not receive a certificate under this  
1101 chapter until the person undergoes state and national criminal  
1102 history records checks pursuant to s. 435.04 verifying that the

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1103 person has not been convicted of a disqualifying offense as  
1104 described in s. 1012.315, ~~level 2 screening has been completed~~  
1105 and the results have been submitted to the Department of  
1106 Education or to the district school superintendent of the school  
1107 district that employs the person. Every 5 years after obtaining  
1108 initial certification, each person who is required to be  
1109 certified under this chapter must meet the level 2 screening  
1110 requirements as described in paragraph (a) s. 1012.32, at which  
1111 time the school district shall request the Department of Law  
1112 Enforcement to forward the fingerprints to the Federal Bureau of  
1113 Investigation for national processing ~~the level 2 screening~~. If,  
1114 for any reason after obtaining initial certification, the  
1115 fingerprints of a person who is required to be certified under  
1116 this chapter are not retained by the Department of Law  
1117 Enforcement under s. 1012.32(3)(a) and (b), the person must file  
1118 a complete set of fingerprints with the district school  
1119 superintendent of the employing school district. Upon submission  
1120 of fingerprints for this purpose, the school district shall  
1121 request the Department of Law Enforcement to forward the  
1122 fingerprints to the Federal Bureau of Investigation for national  
1123 processing ~~the level 2 screening~~, and the fingerprints shall be  
1124 retained by the Department of Law Enforcement under s.  
1125 1012.32(3)(a) and (b). The cost of the state and federal criminal  
1126 history check required by paragraph (a) and this paragraph ~~level~~  
1127 ~~2 screening~~ may be borne by the district school board or the  
1128 employee. Under penalty of perjury, each person who is certified  
1129 under this chapter must agree to inform his or her employer  
1130 within 48 hours if convicted of any disqualifying offense while  
1131 he or she is employed in a position for which such certification

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1132 is required.

1133 (c) If it is found under s. 1012.796 that a person who is  
1134 employed in a position requiring certification under this chapter  
1135 is ineligible for employment under s. 1012.315 ~~does not meet the~~  
1136 ~~level 2 screening requirements~~, the person's certification shall  
1137 be immediately revoked or suspended and he or she shall be  
1138 immediately suspended from the position requiring certification.

1139 (14) PERSONNEL RECORDS.--The Department of Education shall  
1140 maintain an electronic database that includes, but need not be  
1141 limited to, a complete statement of the academic preparation,  
1142 professional training, and teaching experience of each person to  
1143 whom a certificate is issued. The applicant or the district  
1144 school superintendent shall furnish the information using a  
1145 format ~~or forms~~ provided by the department.

1146 Section 35. Subsection (1) and paragraph (a) of subsection  
1147 (8) of section 1012.79, Florida Statutes, are amended to read:

1148 1012.79 Education Practices Commission; organization.--

1149 (1) The Education Practices Commission consists of 25 ~~17~~  
1150 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one  
1151 of whom shall represent a private school; 7 and 5 lay citizens,  
1152 ~~of whom 5 shall be parents of public school students and who are~~  
1153 unrelated to public school employees and 2 shall be current or  
1154 former district school board members; ~~7~~ and 5 sworn law  
1155 enforcement officials, appointed by the State Board of Education  
1156 from nominations by the Commissioner of Education and subject to  
1157 Senate confirmation. Before ~~Prior~~ to making nominations, the  
1158 commissioner shall consult with ~~the~~ teaching associations, parent  
1159 organizations, law enforcement agencies, and other involved  
1160 associations in the state. In making nominations, the



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1161 commissioner shall attempt to achieve equal geographical  
1162 representation, as closely as possible.

1163 (a) A teacher member, in order to be qualified for  
1164 appointment:

1165 1. Must be certified to teach in the state.

1166 2. Must be a resident of the state.

1167 3. Must have practiced the profession in this state for at  
1168 least 5 years immediately preceding the appointment.

1169 (b) A school administrator member, in order to be qualified  
1170 for appointment:

1171 1. Must have an endorsement on the educator certificate in  
1172 the area of school administration or supervision.

1173 2. Must be a resident of the state.

1174 3. Must have practiced the profession as an administrator  
1175 for at least 5 years immediately preceding the appointment.

1176 (c) The lay members must be residents of the state.

1177 (d) The members who are law enforcement officials must have  
1178 served in the profession for at least 5 years immediately  
1179 preceding appointment and have background expertise in child  
1180 safety.

1181 (8) (a) The commission shall, from time to time, designate  
1182 members of the commission to serve on panels for the purpose of  
1183 reviewing and issuing final orders upon cases presented to the  
1184 commission. A case concerning a complaint against a teacher shall  
1185 be reviewed and a final order ~~thereon shall be~~ entered by a panel  
1186 composed of five commission members, at least one of whom must be  
1187 a parent, one of whom must be a sworn law enforcement officer,  
1188 and three of whom must shall be teachers. A case concerning a  
1189 complaint against an administrator shall be reviewed and a final

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1190 order ~~thereon shall be~~ entered by a panel composed of five  
1191 commission members, at least one of whom must be a parent, one of  
1192 whom must be a sworn law enforcement officer, and three of whom  
1193 shall be administrators.

1194 Section 36. Subsection (1) of section 1012.795, Florida  
1195 Statutes, is amended to read:

1196 1012.795 Education Practices Commission; authority to  
1197 discipline.--

1198 (1) The Education Practices Commission may suspend the  
1199 educator certificate of any person as defined in s. 1012.01(2) or  
1200 (3) for a period of time not to exceed 5 years, thereby denying  
1201 that person the right to teach or otherwise be employed by a  
1202 district school board or public school in any capacity requiring  
1203 direct contact with students for that period of time, after which  
1204 the holder may return to teaching as provided in subsection (4);  
1205 may revoke the educator certificate of any person, thereby  
1206 denying that person the right to teach or otherwise be employed  
1207 by a district school board or public school in any capacity  
1208 requiring direct contact with students for a period of time not  
1209 to exceed 10 years, with reinstatement subject to the provisions  
1210 of subsection (4); may revoke permanently the educator  
1211 certificate of any person thereby denying that person the right  
1212 to teach or otherwise be employed by a district school board or  
1213 public school in any capacity requiring direct contact with  
1214 students; may suspend the educator certificate, upon order of the  
1215 court, of any person found to have a delinquent child support  
1216 obligation; or may impose any other penalty provided by law, if  
1217 ~~provided it can be shown that~~ the person:

1218 (a) Obtained or attempted to obtain an educator certificate

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1219 | by fraudulent means.

1220 |       (b) Knowingly failed to report any suspected or actual  
1221 | child abuse pursuant to s. 1006.061 or misconduct by  
1222 | instructional personnel, pursuant to s. 1012.795, which affects  
1223 | the health, safety, or welfare of a student.

1224 |       (c)~~(b)~~ Has proved to be incompetent to teach or to perform  
1225 | duties as an employee of the public school system or to teach in  
1226 | or to operate a private school.

1227 |       (d)~~(e)~~ Has been guilty of gross immorality or an act  
1228 | involving moral turpitude as defined by rules of the State Board  
1229 | of Education.

1230 |       (e)~~(d)~~ Has had an educator certificate sanctioned by  
1231 | revocation, suspension, or surrender in another state.

1232 |       (f)~~(e)~~ Has been convicted of a misdemeanor, felony, or any  
1233 | other criminal charge, other than a minor traffic violation.

1234 |       (g)~~(f)~~ Upon investigation, has been found guilty of  
1235 | personal conduct which seriously reduces that person's  
1236 | effectiveness as an employee of the district school board.

1237 |       (h)~~(g)~~ Has breached a contract, as provided in s.  
1238 | 1012.33(2).

1239 |       (i)~~(h)~~ Has been the subject of a court order directing the  
1240 | Education Practices Commission to suspend the certificate as a  
1241 | result of a delinquent child support obligation.

1242 |       (j)~~(i)~~ Has violated the Principles of Professional Conduct  
1243 | for the Education Profession prescribed by State Board of  
1244 | Education rules.

1245 |       (k)~~(j)~~ Has otherwise violated the provisions of law, the  
1246 | penalty for which is the revocation of the educator certificate.

1247 |       (l)~~(k)~~ Has violated any order of the Education Practices

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1248 Commission.

1249 (m)~~(1)~~ Has been the subject of a court order or plea  
1250 agreement in any jurisdiction which requires the  
1251 certificateholder to surrender or otherwise relinquish his or her  
1252 educator's certificate. A surrender or relinquishment shall be  
1253 for permanent revocation of the certificate. A person may not  
1254 surrender or otherwise relinquish his or her certificate prior to  
1255 a finding of probable cause by the commissioner as provided in s.  
1256 1012.796.

1257 Section 37. Subsections (1), (3), and (5) of section  
1258 1012.796, Florida Statutes, are amended to read:

1259 1012.796 Complaints against teachers and administrators;  
1260 procedure; penalties.--

1261 (1) (a) The Department of Education shall cause to be  
1262 investigated expeditiously any complaint filed before it or  
1263 otherwise called to its attention which, if legally sufficient,  
1264 contains grounds for the revocation or suspension of a  
1265 certificate or any other appropriate penalty as set forth in  
1266 subsection (7). The complaint is legally sufficient if it  
1267 contains the ultimate facts which show a violation has occurred  
1268 as provided in s. 1012.795 and defined by rule. The department  
1269 shall ~~may~~ investigate or continue to investigate and take  
1270 appropriate action on a complaint even though the original  
1271 complainant withdraws the complaint or otherwise indicates a  
1272 desire not to cause it to be investigated or prosecuted to  
1273 completion. The department may investigate or continue to  
1274 investigate and take action on a complaint filed against a person  
1275 whose educator certificate has expired if the act or acts that  
1276 ~~which~~ are the basis for the complaint were allegedly committed

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1277 while that person possessed an educator certificate.

1278 (b) The Department of Education shall investigate  
1279 immediately any complaint filed before it or otherwise called to  
1280 its attention which involves misconduct by any instructional  
1281 personnel which affects the health, safety, or welfare of a  
1282 student. The department must investigate or continue to  
1283 investigate and take action on such a complaint filed against a  
1284 person whose educator certificate has expired if the act or acts  
1285 that are the basis for the complaint were allegedly committed  
1286 while that person possessed an educator certificate.

1287 (c) ~~(b)~~ When an investigation is undertaken, the department  
1288 shall notify the certificateholder or applicant for certification  
1289 and the district school superintendent or the university  
1290 laboratory school, charter school, or private school in which the  
1291 certificateholder or applicant for certification is employed or  
1292 was employed at the time the alleged offense occurred. In  
1293 addition, the department shall inform the certificateholder or  
1294 applicant for certification of the substance of any complaint  
1295 which has been filed against that certificateholder or applicant,  
1296 unless the department determines that such notification would be  
1297 detrimental to the investigation, in which case the department  
1298 may withhold notification.

1299 (d) ~~(e)~~ Each school district shall file in writing with the  
1300 department all legally sufficient complaints within 30 days after  
1301 the date on which subject matter of the complaint comes to the  
1302 attention of the school district. A complaint is legally  
1303 sufficient if it contains ultimate facts that show a violation  
1304 has occurred as provided in s. 1012.795 and defined by rule. The  
1305 school district shall include all information relating to the

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1306 | complaint which is known to the school district at the time of  
1307 | filing. Each district school board shall develop and adopt  
1308 | policies and procedures to comply with this reporting  
1309 | requirement. School board policies and procedures must include  
1310 | standards for screening, hiring, and terminating employees,  
1311 | ethical standards for all employees, responsibilities of  
1312 | educators to uphold the standards, detailed steps to be followed  
1313 | in reporting suspected or actual misconduct by any instructional  
1314 | personnel which affects the health, safety, or welfare of a  
1315 | student, requirements for the reassignment of an employee pending  
1316 | the outcome of a misconduct investigation, and penalties for  
1317 | failing to comply pursuant to ss. 1001.51 and 1012.795. The  
1318 | district school board policies and procedures shall include  
1319 | appropriate penalties for all personnel of the district school  
1320 | board for nonreporting and procedures for promptly informing the  
1321 | district school superintendent of each legally sufficient  
1322 | complaint. The district school superintendent is charged with  
1323 | knowledge of these policies and procedures and is accountable for  
1324 | communicating the ethical standards, policies, and procedures, to  
1325 | be provided through professional development for all staff. If  
1326 | the district school superintendent has knowledge of a legally  
1327 | sufficient complaint and does not report the complaint, or fails  
1328 | to enforce the policies and procedures of the district school  
1329 | board, and fails to comply with the requirements of this  
1330 | subsection, in addition to other actions against  
1331 | certificateholders authorized by law, the district school  
1332 | superintendent is shall be subject to penalties as specified in  
1333 | s. 1001.51(12). If the superintendent determines that misconduct  
1334 | affecting the health, safety, or welfare of a student has

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1335 occurred which warrants termination, the employee may not resign  
1336 but must be terminated and a record, including the cause of the  
1337 termination, shall be reported to the Department of Education and  
1338 maintained in the employee's public personnel file. This  
1339 paragraph does not limit or restrict the power and duty of the  
1340 department to investigate complaints as provided in paragraphs  
1341 (a) and (c) ~~(b)~~, regardless of the school district's untimely  
1342 filing, or failure to file, complaints and followup reports.

1343 (e) ~~(d)~~ Notwithstanding any other law, all law enforcement  
1344 agencies, state attorneys, social service agencies, district  
1345 school boards, and the Division of Administrative Hearings shall  
1346 fully cooperate with and, upon request, shall provide unredacted  
1347 documents to the Department of Education to further  
1348 investigations and prosecutions conducted pursuant to this  
1349 section. Any document received ~~pursuant to this paragraph~~ may not  
1350 be redisclosed except as authorized by law.

1351 (3) The department staff shall advise the commissioner  
1352 concerning the findings of the investigation. The department  
1353 general counsel or members of that staff shall review the  
1354 investigation and advise the commissioner concerning probable  
1355 cause or lack thereof. The determination of probable cause shall  
1356 be made by the commissioner. The commissioner shall provide an  
1357 opportunity for a conference, if requested, prior to determining  
1358 probable cause. The commissioner may enter into deferred  
1359 prosecution agreements in lieu of finding probable cause if, when  
1360 in his or her judgment, such agreements are ~~would be~~ in the best  
1361 interests of the department, the certificateholder, and the  
1362 public. Such deferred prosecution agreements shall become  
1363 effective when filed with the clerk of the Education Practices

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1364 Commission. However, a deferred prosecution agreement shall not  
1365 be entered into ~~if where~~ there is probable cause to believe that  
1366 a felony or an act of moral turpitude, as defined in rule, has  
1367 occurred. Upon finding no probable cause, the commissioner shall  
1368 dismiss the complaint.

1369 (5) When an allegation of misconduct with a student by  
1370 instructional personnel, as defined in s. 1012.01(2), occurs  
1371 ~~deemed necessary to protect the health, safety, and welfare of a~~  
1372 ~~minor student,~~ the district school superintendent in consultation  
1373 with the school principal, or may, and upon the request of the  
1374 Commissioner of Education, must immediately shall, temporarily  
1375 suspend the instructional personnel ~~a certificateholder~~ from the  
1376 ~~certificateholder's~~ regularly assigned duties, with pay, and  
1377 reassign the suspended instructional personnel ~~certificateholder~~  
1378 to a position that does not require direct contact with students  
1379 in the district school system. Such suspension shall continue  
1380 until the completion of the proceedings and the determination of  
1381 sanctions, if any, pursuant to this section and s. 1012.795.

1382 Section 38. Paragraph (b) of subsection (4) of section  
1383 1012.98, Florida Statutes, is amended to read:

1384 1012.98 School Community Professional Development Act.--

1385 (4) The Department of Education, school districts, schools,  
1386 community colleges, and state universities share the  
1387 responsibilities described in this section. These  
1388 responsibilities include the following:

1389 (b) Each school district shall develop a professional  
1390 development system as specified in subsection (3). The system  
1391 shall be developed in consultation with teachers, teacher-  
1392 educators of community colleges and state universities, business



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1393 and community representatives, and local education foundations,  
1394 consortia, and professional organizations. The professional  
1395 development system must:

1396 1. Be approved by the department. All substantial revisions  
1397 to the system shall be submitted to the department for review for  
1398 continued approval.

1399 2. Be based on analyses of student achievement data and  
1400 instructional strategies and methods that support rigorous,  
1401 relevant, and challenging curricula for all students. Schools and  
1402 districts, in developing and refining the professional  
1403 development system, shall also review and monitor school  
1404 discipline data; school environment surveys; assessments of  
1405 parental satisfaction; performance appraisal data of teachers,  
1406 managers, and administrative personnel; and other performance  
1407 indicators to identify school and student needs that can be met  
1408 by improved professional performance.

1409 3. Provide inservice activities coupled with followup  
1410 support appropriate to accomplish district-level and school-level  
1411 improvement goals and standards. The inservice activities for  
1412 instructional personnel shall focus on analysis of student  
1413 achievement data, ongoing formal and informal assessments of  
1414 student achievement, identification and use of enhanced and  
1415 differentiated instructional strategies that emphasize rigor,  
1416 relevance, and reading in the content areas, enhancement of  
1417 subject content expertise, integrated use of classroom technology  
1418 that enhances teaching and learning, classroom management, parent  
1419 involvement, and school safety.

1420 4. Include a master plan for inservice activities, pursuant  
1421 to rules of the State Board of Education, for all district

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1422 employees from all fund sources. The master plan shall be updated  
1423 annually by September 1, must be based on input from teachers and  
1424 district and school instructional leaders, and must use the  
1425 latest available student achievement data and research to enhance  
1426 rigor and relevance in the classroom. Each district inservice  
1427 plan must be aligned to and support the school-based inservice  
1428 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~  
1429 ~~1001.42(16)~~. District plans must be approved by the district  
1430 school board annually in order to ensure compliance with  
1431 subsection (1) and to allow for dissemination of research-based  
1432 best practices to other districts. District school boards must  
1433 submit verification of their approval to the Commissioner of  
1434 Education no later than October 1, annually.

1435 5. Require each school principal to establish and maintain  
1436 an individual professional development plan for each  
1437 instructional employee assigned to the school as a seamless  
1438 component to the school improvement plans developed pursuant to  
1439 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional  
1440 development plan must:

1441 a. Be related to specific performance data for the students  
1442 to whom the teacher is assigned.

1443 b. Define the inservice objectives and specific measurable  
1444 improvements expected in student performance as a result of the  
1445 inservice activity.

1446 c. Include an evaluation component that determines the  
1447 effectiveness of the professional development plan.

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

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1451 | 1012.986.

1452 |         7. Provide for systematic consultation with regional and  
1453 | state personnel designated to provide technical assistance and  
1454 | evaluation of local professional development programs.

1455 |         8. Provide for delivery of professional development by  
1456 | distance learning and other technology-based delivery systems to  
1457 | reach more educators at lower costs.

1458 |         9. Provide for the continuous evaluation of the quality and  
1459 | effectiveness of professional development programs in order to  
1460 | eliminate ineffective programs and strategies and to expand  
1461 | effective ones. Evaluations must consider the impact of such  
1462 | activities on the performance of participating educators and  
1463 | their students' achievement and behavior.

1464 |         Section 39. Subsection (4) of section 1013.03, Florida  
1465 | Statutes, is amended to read:

1466 |         1013.03 Functions of the department and the Board of  
1467 | Governors.--The functions of the Department of Education as it  
1468 | pertains to educational facilities of school districts and  
1469 | community colleges and of the Board of Governors as it pertains  
1470 | to educational facilities of state universities shall include,  
1471 | but not be limited to, the following:

1472 |         (4) Require each board and other appropriate agencies to  
1473 | submit complete and accurate financial data as to the amounts of  
1474 | funds from all sources that are available and spent for  
1475 | construction and capital improvements. The commissioner shall  
1476 | prescribe the format and the date for the submission of this data  
1477 | and any other educational facilities data. If any district does  
1478 | not submit the required educational facilities fiscal data by the  
1479 | prescribed date, the Commissioner of Education shall notify the

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1480 district school board of this fact and, if appropriate action is  
1481 not taken to immediately submit the required report, the district  
1482 school board shall be directed to proceed pursuant to s.  
1483 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any  
1484 community college or university does not submit the required  
1485 educational facilities fiscal data by the prescribed date, the  
1486 same policy prescribed in this subsection for school districts  
1487 shall be implemented.

1488 Section 40. This act shall take effect July 1, 2008.