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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 felony offenses against  
6 a minor as additional offenses that constitute a breach of  
7 the public trust; requiring a person committing such an  
8 offense to forfeit benefits under certain public  
9 retirement systems; amending s. 121.091, F.S.; prohibiting  
10 the Division of Retirement from paying benefits to a  
11 member who commits certain felony offenses against a  
12 minor; conforming a cross-reference; creating ss. 794.09  
13 and 800.05, F.S.; providing notice in the criminal  
14 statutes that certain retirement benefits are subject to  
15 forfeiture for committing certain felony offenses against  
16 a minor; amending s. 1001.10, F.S.; requiring the  
17 Department of Education to assist school districts,  
18 charter schools, the Florida School for the Deaf and the  
19 Blind, and private schools that accept school choice  
20 scholarship students in developing policies, procedures,  
21 and training related to employment practices and standards  
22 of ethical conduct; requiring the department to provide  
23 authorized staff with access to certain databases for  
24 employment history verification; amending s. 1001.32,  
25 F.S., relating to school administration; conforming a  
26 cross-reference; amending s. 1001.42, F.S.; requiring each  
27 district school board to adopt standards of ethical  
28 conduct and provide training for instructional personnel  
29 and school administrators; prohibiting confidentiality

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30 | agreements regarding terminated or dismissed instructional  
31 | personnel and school administrators which have the effect  
32 | of concealing certain misconduct; prohibiting a school  
33 | district from providing employment references for  
34 | specified personnel and administrators except under  
35 | certain circumstances; requiring a person who committed  
36 | certain crimes to be disqualified from employment in  
37 | certain positions in a district school system under  
38 | specified conditions; providing that a district school  
39 | board official who knowingly signs and transmits a false  
40 | or incorrect report, or fails to adopt certain policies,  
41 | forfeits his or her salary for a specified period;  
42 | amending s. 1001.452, F.S., relating to district and  
43 | school advisory councils; conforming cross-references;  
44 | amending s. 1001.51, F.S.; providing that a district  
45 | school superintendent forfeits his or her salary for a  
46 | specified period following failure to investigate and  
47 | report allegations of certain misconduct by specified  
48 | personnel or administrators; amending ss. 1001.54 and  
49 | 1002.32, F.S., relating to duties of principals and  
50 | laboratory schools; conforming cross-references; amending  
51 | s. 1002.33, F.S.; requiring a person who committed certain  
52 | crimes to be disqualified from employment in certain  
53 | positions in a charter school under specified conditions;  
54 | requiring charter schools to adopt standards of ethical  
55 | conduct and provide training for all instructional  
56 | personnel and school administrators; prohibiting  
57 | confidentiality agreements regarding terminated or  
58 | dismissed instructional personnel and school

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59 administrators which have the effect of concealing certain  
60 misconduct; prohibiting a charter school from providing  
61 employment references for specified personnel and  
62 administrators except under certain circumstances;  
63 requiring a charter school to contact the previous  
64 employer, and verify the employment history against  
65 certain databases, of persons seeking employment in  
66 certain positions; requiring a charter school's sponsor to  
67 terminate the school's charter for failing to comply with  
68 these requirements; amending s. 1002.36, F.S.; requiring  
69 the Florida School for the Deaf and the Blind to meet  
70 certain requirements governing the screening of personnel;  
71 amending s. 1002.421, F.S.; requiring a person who  
72 committed certain crimes to be disqualified from  
73 employment in certain positions in a private school that  
74 accepts certain scholarship students under specified  
75 conditions; requiring certain private schools to adopt  
76 standards of ethical conduct and provide training for all  
77 instructional personnel and school administrators;  
78 prohibiting confidentiality agreements regarding  
79 terminated or dismissed instructional personnel or school  
80 administrators which have the effect of concealing certain  
81 misconduct; prohibiting a private school from providing  
82 employment references for specified personnel and  
83 administrators except under certain circumstances;  
84 requiring a private school to contact the previous  
85 employer, and verify the employment history against  
86 certain databases, of persons seeking employment in  
87 certain positions; requiring the Department of Education

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88 to suspend enrollment of new students and the payment of  
89 funds to a private school failing to comply with these  
90 requirements; amending ss. 1003.413, 1003.53, and 1004.92,  
91 F.S., relating to educational instruction and programs;  
92 conforming cross-references; amending s. 1006.061, F.S.;  
93 requiring district school boards, charter schools, and  
94 private schools that accept certain scholarship students  
95 to post policies for reporting child abuse and misconduct  
96 by specified personnel and administrators; requiring the  
97 principal of such schools to act as a liaison in suspected  
98 cases of child abuse; requiring the Department of  
99 Education to publish sample notices; amending ss. 1008.33,  
100 1008.345, 1010.215, and 1011.18, F.S., relating to  
101 accountability procedures; conforming cross-references;  
102 amending s. 1012.27, F.S.; requiring the district school  
103 superintendent to contact the previous employer, and  
104 verify the employment history against certain databases,  
105 of persons seeking employment in certain positions;  
106 creating s. 1012.315, F.S.; specifying offenses that  
107 disqualify instructional personnel and school  
108 administrators from employment in certain positions that  
109 require direct contact with students; amending s. 1012.32,  
110 F.S.; requiring specified personnel or administrators who  
111 committed certain crimes to be disqualified from  
112 employment in certain positions in a district school  
113 system or charter school under specified conditions;  
114 amending s. 1012.33, F.S.; providing that just cause for  
115 terminating instructional staff includes immorality or  
116 commission of certain crimes; amending s. 1012.34, F.S.,

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117 relating to assessment procedures; conforming a cross-  
118 reference; amending s. 1012.56, F.S., relating to  
119 certification requirements for educators; revising  
120 requirements for conducting state and federal criminal  
121 records checks of persons seeking certification; requiring  
122 a person who committed certain crimes to be ineligible for  
123 certification under specified conditions; providing for  
124 the Department of Education to maintain educator records  
125 in an electronic database; amending s. 1012.79, F.S.;  
126 providing for additional members to be appointed to the  
127 Education Practices Commission; revising the composition  
128 of panels appointed to review complaints against teachers  
129 and administrators; amending s. 1012.795, F.S.; providing  
130 for the suspension of the educator certificate of a person  
131 who knowingly fails to report child abuse or misconduct by  
132 specified personnel or administrators; clarifying  
133 authority of the commission to discipline educators who  
134 commit certain crimes; amending s. 1012.796, F.S.;  
135 requiring the Department of Education to investigate each  
136 complaint involving misconduct by certificated personnel;  
137 clarifying what constitutes a legally sufficient  
138 complaint; providing requirements for school board  
139 policies and procedures relating to standards of ethical  
140 conduct; providing that the district school superintendent  
141 is accountable for training of instructional personnel and  
142 school administrators on the standards, policies, and  
143 procedures; requiring employers of certificated personnel  
144 to report misconduct by such personnel to the Department  
145 of Education; requiring that instructional personnel or

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146 school administrators be immediately suspended and  
147 reassigned under certain circumstances; amending ss.  
148 1012.98 and 1013.03, F.S., relating to the School  
149 Community Professional Development Act and functions of  
150 the Department of Education and Board of Governors;  
151 conforming cross-references; providing an appropriation  
152 and authorizing additional positions; providing an  
153 effective date.

154  
155 Be It Enacted by the Legislature of the State of Florida:

156  
157 Section 1. This act may be cited as the "Ethics in  
158 Education Act."

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

161 24.121 Allocation of revenues and expenditure of funds for  
162 public education.--

163 (5)

164 (c) A portion of such net revenues, as determined annually  
165 by the Legislature, shall be distributed to each school district  
166 and shall be made available to each public school in the district  
167 for enhancing school performance through development and  
168 implementation of a school improvement plan pursuant to s.  
169 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as  
170 determined annually in the General Appropriations Act, must be  
171 allocated to each school in an equal amount for each student  
172 enrolled. These moneys may be expended only on programs or  
173 projects selected by the school advisory council or by a parent  
174 advisory committee created pursuant to this paragraph. If a

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175 school does not have a school advisory council, the district  
176 advisory council must appoint a parent advisory committee  
177 composed of parents of students enrolled in that school, which  
178 ~~committee~~ is representative of the ethnic, racial, and economic  
179 community served by the school, to advise the school's principal  
180 on the programs or projects to be funded. Neither school district  
181 staff nor principals may override the recommendations of the  
182 school advisory council or the parent advisory committee. These  
183 moneys may not be used for capital improvements or, ~~nor may they~~  
184 ~~be used~~ for any project or program that has a duration of more  
185 than 1 year; however, a school advisory council or parent  
186 advisory committee may independently determine that a program or  
187 project formerly funded under this paragraph should receive funds  
188 in a subsequent year.

189 (d) No funds shall be released for any purpose from the  
190 Educational Enhancement Trust Fund to any school district in  
191 which one or more schools do not have an approved school  
192 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do  
193 not comply with school advisory council membership composition  
194 requirements pursuant to s. 1001.452(1). The Commissioner of  
195 Education shall withhold disbursements from the trust fund to any  
196 school district that fails to adopt the performance-based salary  
197 schedule required by s. 1012.22(1).

198 Section 3. Paragraph (e) of subsection (2) of section  
199 112.3173, Florida Statutes, is amended to read:

200 112.3173 Felonies involving breach of public trust and  
201 other specified offenses by public officers and employees;  
202 forfeiture of retirement benefits.--

203 (2) DEFINITIONS.--As used in this section, unless the

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204 context otherwise requires, the term:

205 (e) "Specified offense" means:

206 1. The committing, aiding, or abetting of an embezzlement  
207 of public funds;

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

210 3. Bribery in connection with the employment of a public  
211 officer or employee;

212 4. Any felony specified in chapter 838, except ss. 838.15  
213 and 838.16;

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

215 6. The committing of any felony by a public officer or  
216 employee who, willfully and with intent to defraud the public or  
217 the public agency for which the public officer or employee acts  
218 or in which he or she is employed of the right to receive the  
219 faithful performance of his or her duty as a public officer or  
220 employee, realizes or obtains, or attempts to realize or obtain,  
221 a profit, gain, or advantage for himself or herself or for some  
222 other person through the use or attempted use of the power,  
223 rights, privileges, duties, or position of his or her public  
224 office or employment position; or-

225 7. The committing on or after October 1, 2008, of any  
226 felony defined in s. 800.04 against a victim younger than 16  
227 years of age, or any felony defined in chapter 794 against a  
228 victim younger than 18 years of age, by a public officer or  
229 employee through the use or attempted use of power, rights,  
230 privileges, duties, or position of his or her public office or  
231 employment position.

232 Section 4. Paragraph (i) of subsection (5) of section

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233 121.091, Florida Statutes, is redesignated as paragraph (j),  
234 present paragraph (j) is redesignated as paragraph (k) and  
235 amended, and a new paragraph (i) is added to that subsection, to  
236 read:

237 121.091 Benefits payable under the system.--Benefits may  
238 not be paid under this section unless the member has terminated  
239 employment as provided in s. 121.021(39) (a) or begun  
240 participation in the Deferred Retirement Option Program as  
241 provided in subsection (13), and a proper application has been  
242 filed in the manner prescribed by the department. The department  
243 may cancel an application for retirement benefits when the member  
244 or beneficiary fails to timely provide the information and  
245 documents required by this chapter and the department's rules.  
246 The department shall adopt rules establishing procedures for  
247 application for retirement benefits and for the cancellation of  
248 such application when the required information or documents are  
249 not received.

250 (5) TERMINATION BENEFITS.--A member whose employment is  
251 terminated prior to retirement retains membership rights to  
252 previously earned member-noncontributory service credit, and to  
253 member-contributory service credit, if the member leaves the  
254 member contributions on deposit in his or her retirement account.  
255 If a terminated member receives a refund of member contributions,  
256 such member may reinstate membership rights to the previously  
257 earned service credit represented by the refund by completing 1  
258 year of creditable service and repaying the refunded member  
259 contributions, plus interest.

260 (i) The division may not pay benefits to any member  
261 convicted of a felony committed on or after October 1, 2008,

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262 defined in s. 800.04 against a victim younger than 16 years of  
263 age, or defined in chapter 794 against a victim younger than 18  
264 years of age, through the use or attempted use of power, rights,  
265 privileges, duties, or position of the member's public office or  
266 employment position. However, the division shall return the  
267 member's accumulated contributions, if any, that the member  
268 accumulated as of the date of conviction.

269 (k)~~(j)~~ Benefits shall not be paid by the division pending  
270 final resolution of such charges against a member or beneficiary  
271 if the resolution of such charges could require the forfeiture of  
272 benefits as provided in paragraph (f), paragraph (g), paragraph  
273 (h), ~~or~~ paragraph (i), or paragraph (j).

274 Section 5. Section 794.09, Florida Statutes, is created to  
275 read:

276 794.09 Forfeiture of retirement benefits.--The retirement  
277 benefits of a person convicted of a felony committed on or after  
278 October 1, 2008, under this chapter are subject to forfeiture in  
279 accordance with s. 112.3173 or s. 121.091 if the person is a  
280 public officer or employee when the offense occurs; the person  
281 commits the offense through the use or attempted use of power,  
282 rights, privileges, duties, or position of the person's public  
283 office or employment position; and the victim is younger than 18  
284 years of age when the offense occurs.

285 Section 6. Section 800.05, Florida Statutes, is created to:

286 800.05 Forfeiture of retirement benefits for a felony  
287 defined in s. 800.04.--The retirement benefits of a person  
288 convicted of a felony committed on or after October 1, 2008,  
289 defined in s. 800.04 are subject to forfeiture in accordance with  
290 s. 112.3173 or s. 121.091 if the person is a public officer or

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291 employee when the offense occurs; the person commits the offense  
292 through the use or attempted use of power, rights, privileges,  
293 duties, or position of the person's public office or employment  
294 position; and the victim is younger than 16 years of age when the  
295 offense occurs.

296 Section 7. Subsection (4) of section 1001.10, Florida  
297 Statutes, is renumbered as subsection (6) and new subsections (4)  
298 and (5) are added to that section to read:

299 1001.10 Commissioner of Education; general powers and  
300 duties.--

301 (4) The Department of Education shall provide technical  
302 assistance to school districts, charter schools, the Florida  
303 School for the Deaf and the Blind, and private schools that  
304 accept scholarship students under s. 220.187 or s. 1002.39 in the  
305 development of policies, procedures, and training related to  
306 employment practices and standards of ethical conduct for  
307 instructional personnel and school administrators, as defined in  
308 s. 1012.01.

309 (5) The Department of Education shall provide authorized  
310 staff of school districts, charter schools, the Florida School  
311 for the Deaf and the Blind, and private schools that accept  
312 scholarship students under s. 220.187 or s. 1002.39 with access  
313 to electronic verification of information from the following  
314 employment screening tools:

315 (a) The Professional Practices' Database of Disciplinary  
316 Actions Against Educators; and

317 (b) The Department of Education's Teacher Certification  
318 Database.

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320 This subsection does not require the department to provide these  
321 staff with unlimited access to the databases. However, the  
322 department shall provide the staff with access to the data  
323 necessary for performing employment history checks of the  
324 instructional personnel and school administrators included in the  
325 databases.

326 Section 8. Subsection (4) of section 1001.32, Florida  
327 Statutes, is amended to read:

328 1001.32 Management, control, operation, administration, and  
329 supervision.--The district school system must be managed,  
330 controlled, operated, administered, and supervised as follows:

331 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
332 the administration of any school or schools at a given school  
333 center, for the supervision of instruction therein, and for  
334 providing leadership in the development or revision and  
335 implementation of a school improvement plan required by s.  
336 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the  
337 school principal or head of the school or schools in accordance  
338 with rules established by the district school board.

339 Section 9. Subsections (6) through (23) of section 1001.42,  
340 Florida Statutes, are renumbered as subsections (8) through (25),  
341 respectively, and new subsections (6) and (7) are added to that  
342 section to read:

343 1001.42 Powers and duties of district school board.--The  
344 district school board, acting as a board, shall exercise all  
345 powers and perform all duties listed below:

346 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL  
347 PERSONNEL AND SCHOOL ADMINISTRATORS.--Adopt policies establishing  
348 standards of ethical conduct for instructional personnel and

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349 school administrators. The policies must require all  
350 instructional personnel and school administrators, as defined in  
351 s. 1012.01, to complete training on the standards; establish the  
352 duty of instructional personnel and school administrators to  
353 report, and procedures for reporting, alleged misconduct by other  
354 instructional personnel and school administrators which affects  
355 the health, safety, or welfare of a student; and include an  
356 explanation of the liability protections provided under ss.  
357 39.203 and 768.095. A district school board, or any of its  
358 employees, may not enter into a confidentiality agreement  
359 regarding terminated or dismissed instructional personnel or  
360 school administrators, or personnel or administrators who resign  
361 in lieu of termination, based in whole or in part on misconduct  
362 that affects the health, safety, or welfare of a student, and may  
363 not provide instructional personnel or school administrators with  
364 employment references or discuss the personnel's or  
365 administrators' performance with prospective employers in another  
366 educational setting, without disclosing the personnel's or  
367 administrators' misconduct. Any part of an agreement or contract  
368 that has the purpose or effect of concealing misconduct by  
369 instructional personnel or school administrators which affects  
370 the health, safety, or welfare of a student is void, is contrary  
371 to public policy, and may not be enforced.

372 (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify  
373 instructional personnel and school administrators, as defined in  
374 s. 1012.01, from employment in any position that requires direct  
375 contact with students if the personnel or administrators are  
376 ineligible for such employment under s. 1012.315. An elected or  
377 appointed school board official forfeits his or her salary for 1

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378 year if:

379 (a) The school board official knowingly signs and transmits  
380 to any state official a report of alleged misconduct by  
381 instructional personnel or school administrators which affects  
382 the health, safety, or welfare of a student and the school board  
383 official knows the report to be false or incorrect; or

384 (b) The school board official knowingly fails to adopt  
385 policies that require instructional personnel and school  
386 administrators to report alleged misconduct by other  
387 instructional personnel and school administrators, or that  
388 require the investigation of all reports of alleged misconduct by  
389 instructional personnel and school administrators, if the  
390 misconduct affects the health, safety, or welfare of a student.

391 Section 10. Paragraphs (a) and (c) of subsection (1) and  
392 subsection (2) of section 1001.452, Florida Statutes, are amended  
393 to read:

394 1001.452 District and school advisory councils.--

395 (1) ESTABLISHMENT.--

396 (a) The district school board shall establish an advisory  
397 council for each school in the district and shall develop  
398 procedures for the election and appointment of advisory council  
399 members. Each school advisory council shall include in its name  
400 the words "school advisory council." The school advisory council  
401 shall be the sole body responsible for final decisionmaking at  
402 the school relating to implementation of ss. 1001.42(18) ~~the~~  
403 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the  
404 members of each school advisory council must be persons who are  
405 not employed by the school. Each advisory council shall be  
406 composed of the principal and an appropriately balanced number of

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407 teachers, education support employees, students, parents, and  
408 other business and community citizens who are representative of  
409 the ethnic, racial, and economic community served by the school.  
410 Career center and high school advisory councils shall include  
411 students, and middle and junior high school advisory councils may  
412 include students. School advisory councils of career centers and  
413 adult education centers are not required to include parents as  
414 members. Council members representing teachers, education support  
415 employees, students, and parents shall be elected by their  
416 respective peer groups at the school in a fair and equitable  
417 manner as follows:

- 418 1. Teachers shall be elected by teachers.
- 419 2. Education support employees shall be elected by  
420 education support employees.
- 421 3. Students shall be elected by students.
- 422 4. Parents shall be elected by parents.

423  
424 The district school board shall establish procedures to be used  
425 ~~for use~~ by schools in selecting business and community members  
426 that include means of ensuring wide notice of vacancies and of  
427 taking input on possible members from local business, chambers of  
428 commerce, community and civic organizations and groups, and the  
429 public at large. The district school board shall review the  
430 membership composition of each advisory council. If the district  
431 school board determines that the membership elected by the school  
432 is not representative of the ethnic, racial, and economic  
433 community served by the school, the district school board shall  
434 appoint additional members to achieve proper representation. The  
435 commissioner shall determine if schools have maximized their

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436 efforts to include on their advisory councils minority persons  
437 and persons of lower socioeconomic status. Although schools are  
438 strongly encouraged to establish school advisory councils, the  
439 district school board of any school district that has a student  
440 population of 10,000 or fewer may establish a district advisory  
441 council which includes ~~shall include~~ at least one duly elected  
442 teacher from each school in the district. For the purposes of  
443 school advisory councils and district advisory councils, the term  
444 "teacher" includes ~~shall include~~ classroom teachers, certified  
445 student services personnel, and media specialists. For purposes  
446 of this paragraph, "education support employee" means any person  
447 employed by a school who is not defined as instructional or  
448 administrative personnel pursuant to s. 1012.01 and whose duties  
449 require 20 or more hours in each normal working week.

450 (c) For those schools operating for the purpose of  
451 providing educational services to youth in Department of Juvenile  
452 Justice programs, district school boards may establish a district  
453 advisory council with appropriate representatives for the purpose  
454 of developing and monitoring a district school improvement plan  
455 that encompasses all such schools in the district, pursuant to s.  
456 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

457 (2) DUTIES.--Each advisory council shall perform ~~such~~  
458 functions ~~as are~~ prescribed by regulations of the district school  
459 board; however, no advisory council shall have any of the powers  
460 and duties now reserved by law to the district school board. Each  
461 school advisory council shall assist in the preparation and  
462 evaluation of the school improvement plan required pursuant to s.  
463 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the  
464 Department of Education, each school advisory council shall

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465 assist in the preparation of the school's annual budget and plan  
466 as required by s. 1008.385(1). A portion of funds provided in the  
467 annual General Appropriations Act for use by school advisory  
468 councils must be used for implementing the school improvement  
469 plan.

470 Section 11. Subsection (12) of section 1001.51, Florida  
471 Statutes, is amended to read:

472 1001.51 Duties and responsibilities of district school  
473 superintendent.--The district school superintendent shall  
474 exercise all powers and perform all duties listed below and  
475 elsewhere in the law, provided that, in so doing, he or she shall  
476 advise and counsel with the district school board. The district  
477 school superintendent shall perform all tasks necessary to make  
478 sound recommendations, nominations, proposals, and reports  
479 required by law to be acted upon by the district school board.  
480 All such recommendations, nominations, proposals, and reports by  
481 the district school superintendent shall be either recorded in  
482 the minutes or shall be made in writing, noted in the minutes,  
483 and filed in the public records of the district school board. It  
484 shall be presumed that, in the absence of the record required in  
485 this section, the recommendations, nominations, and proposals  
486 required of the district school superintendent were not contrary  
487 to the action taken by the district school board in such matters.

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

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494 (a) Forms, blanks, and reports.--Require that all employees  
495 accurately keep all records and promptly make in proper form all  
496 reports required by the education code or by rules of the State  
497 Board of Education; recommend the keeping of such additional  
498 records and the making of such additional reports as may be  
499 deemed necessary to provide data essential for the operation of  
500 the school system; and prepare such forms and blanks as may be  
501 required and ensure that these records and reports are properly  
502 prepared.

503 (b) Reports to the department.--Prepare, for the approval  
504 of the district school board, all reports ~~that may be~~ required by  
505 law or rules of the State Board of Education to be made to the  
506 department and transmit promptly all such reports, when approved,  
507 to the department, as required by law. If any ~~such~~ reports are  
508 not transmitted at the time and in the manner prescribed by law  
509 or by State Board of Education rules, the salary of the district  
510 school superintendent must be withheld until the report has been  
511 properly submitted. Unless otherwise provided by rules of the  
512 State Board of Education, the annual report on attendance and  
513 personnel is due on or before July 1, and the annual school  
514 budget and the report on finance are due on the date prescribed  
515 by the commissioner.

516  
517 Any district school superintendent who knowingly signs and  
518 transmits to any state official a ~~false or incorrect~~ report that  
519 the superintendent knows to be false or incorrect; who knowingly  
520 fails to investigate any allegation of misconduct by  
521 instructional personnel or school administrators, as defined in  
522 s. 1012.01, which affects the health, safety, or welfare of a

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523 student; or who knowingly fails to report the alleged misconduct  
524 to the department as required in s. 1012.796, forfeits shall  
525 ~~forfeit~~ his or her ~~right to any~~ salary for ~~the period of~~ 1 year  
526 following the ~~from that~~ date of such act or failure to act.

527 Section 12. Subsection (2) of section 1001.54, Florida  
528 Statutes, is amended to read:

529 1001.54 Duties of school principals.--

530 (2) Each school principal shall provide instructional  
531 leadership in the development, revision, and implementation of a  
532 school improvement plan pursuant to s. 1001.42(18) ~~s.~~  
533 ~~1001.42(16)~~.

534 Section 13. Paragraph (b) of subsection (11) of section  
535 1002.32, Florida Statutes, is amended to read:

536 1002.32 Developmental research (laboratory) schools.--

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

541 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.  
542 1001.42 shall be held in abeyance. Reference to district school  
543 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president  
544 of the university or the president's designee.

545 Section 14. Paragraph (g) of subsection (12) of section  
546 1002.33, Florida Statutes, is amended to read:

547 1002.33 Charter schools.--

548 (12) EMPLOYEES OF CHARTER SCHOOLS.--

549 (g)1. A charter school shall employ or contract with  
550 employees who have undergone background screening as provided in  
551 s. 1012.32. Members of the governing board of the charter school

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552 shall also undergo background screening in a manner similar to  
553 that provided in s. 1012.32.

554 2. A charter school shall disqualify instructional  
555 personnel and school administrators, as defined in s. 1012.01,  
556 from employment in any position that requires direct contact with  
557 students if the personnel or administrators are ineligible for  
558 such employment under s. 1012.315.

559 3. The governing board of a charter school shall adopt  
560 policies establishing standards of ethical conduct for  
561 instructional personnel and school administrators. The policies  
562 must require all instructional personnel and school  
563 administrators, as defined in s. 1012.01, to complete training on  
564 the standards; establish the duty of instructional personnel and  
565 school administrators to report, and procedures for reporting,  
566 alleged misconduct by other instructional personnel and school  
567 administrators which affects the health, safety, or welfare of a  
568 student; and include an explanation of the liability protections  
569 provided under ss. 39.203 and 768.095. A charter school, or any  
570 of its employees, may not enter into a confidentiality agreement  
571 regarding terminated or dismissed instructional personnel or  
572 school administrators, or personnel or administrators who resign  
573 in lieu of termination, based in whole or in part on misconduct  
574 that affects the health, safety, or welfare of a student, and may  
575 not provide instructional personnel or school administrators with  
576 employment references or discuss the personnel's or  
577 administrators' performance with prospective employers in another  
578 educational setting, without disclosing the personnel's or  
579 administrators' misconduct. Any part of an agreement or contract  
580 that has the purpose or effect of concealing misconduct by

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581 instructional personnel or school administrators which affects  
582 the health, safety, or welfare of a student is void, is contrary  
583 to public policy, and may not be enforced.

584 4. Before employing instructional personnel or school  
585 administrators in any position that requires direct contact with  
586 students, a charter school shall conduct employment history  
587 checks of each of the personnel's or administrators' previous  
588 employer, screen the instructional personnel or school  
589 administrators through use of the educator screening tools  
590 described in s. 1001.10(5), and document the findings. If unable  
591 to contact a previous employer, the charter school must document  
592 efforts to contact the employer.

593 5. The sponsor of a charter school that knowingly fails to  
594 comply with this paragraph shall terminate the charter under  
595 subsection (8).

596 Section 15. Paragraph (g) is added to subsection (7) of  
597 section 1002.36, Florida Statutes, to read:

598 1002.36 Florida School for the Deaf and the Blind.--

599 (7) PERSONNEL SCREENING.--

600 (g) For purposes of protecting the health, safety, or  
601 welfare of students, the Florida School for the Deaf and the  
602 Blind is considered a school district and must, except as  
603 otherwise provided in this section, comply with ss. 1001.03,  
604 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
605 1012.56, 1012.795, and 1012.796.

606 Section 16. Subsections (4), (5), and (6) of section  
607 1002.421, Florida Statutes, are renumbered as subsections (5),  
608 (6), and (7), respectively, and a new subsection (4) is added to  
609 that section to read:

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610 1002.421 Accountability of private schools participating in  
611 state school choice scholarship programs.--

612 (4) A private school that accepts scholarship students  
613 under s. 220.187 or s. 1002.39 must:

614 (a) Disqualify instructional personnel and school  
615 administrators, as defined in s. 1012.01, from employment in any  
616 position that requires direct contact with students if the  
617 personnel or administrators are ineligible for such employment  
618 under s. 1012.315.

619 (b) Adopt policies establishing standards of ethical  
620 conduct for instructional personnel and school administrators.  
621 The policies must require all instructional personnel and school  
622 administrators, as defined in s. 1012.01, to complete training on  
623 the standards; establish the duty of instructional personnel and  
624 school administrators to report, and procedures for reporting,  
625 alleged misconduct by other instructional personnel and school  
626 administrators which affects the health, safety, or welfare of a  
627 student; and include an explanation of the liability protections  
628 provided under ss. 39.203 and 768.095. A private school, or any  
629 of its employees, may not enter into a confidentiality agreement  
630 regarding terminated or dismissed instructional personnel or  
631 school administrators, or personnel or administrators who resign  
632 in lieu of termination, based in whole or in part on misconduct  
633 that affects the health, safety, or welfare of a student, and may  
634 not provide the instructional personnel or school administrators  
635 with employment references or discuss the personnel's or  
636 administrators' performance with prospective employers in another  
637 educational setting, without disclosing the personnel's or  
638 administrators' misconduct. Any part of an agreement or contract

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639 that has the purpose or effect of concealing misconduct by  
640 instructional personnel or school administrators which affects  
641 the health, safety, or welfare of a student is void, is contrary  
642 to public policy, and may not be enforced.

643 (c) Before employing instructional personnel or school  
644 administrators in any position that requires direct contact with  
645 students, conduct employment history checks of each of the  
646 personnel's or administrators' previous employer, screen the  
647 personnel or administrators through use of the educator screening  
648 tools described in s. 1001.10(5), and document the findings. If  
649 unable to contact a previous employer, the private school must  
650 document efforts to contact the employer.

651  
652 The department shall suspend the payment of funds under ss.  
653 220.187 and 1002.39 to a private school that knowingly fails to  
654 comply with this subsection, and shall prohibit the school from  
655 enrolling new scholarship students, for 1 fiscal year and until  
656 the school complies.

657 Section 17. Subsection (2) of section 1003.413, Florida  
658 Statutes, is amended to read:

659 1003.413 Florida Secondary School Redesign Act.--

660 (2) The following guiding principles for secondary school  
661 redesign shall be used in the annual preparation of each  
662 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~  
663 ~~1001.42(16)~~:

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

667 (b) Every teacher must contribute to every student's

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668 reading improvement.

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

671 (d) Small learning communities allow teachers to  
672 personalize instruction to better address student learning  
673 styles, strengths, and weaknesses.

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

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

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

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

683 (i) Master schedules should not determine instruction and  
684 must be designed based on student needs, not adult or  
685 institutional needs.

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

689 Section 18. Paragraph (b) of subsection (2) of section  
690 1003.53, Florida Statutes, is amended to read:

691 1003.53 Dropout prevention and academic intervention.--

692 (2)

693 (b) Each school that establishes a dropout prevention and  
694 academic intervention program at that school site shall reflect  
695 that program in the school improvement plan as required under s.  
696 1001.42(18) ~~s. 1001.42(16)~~.

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697 Section 19. Subsections (1) and (3) of section 1004.92,  
698 Florida Statutes, are amended to read:

699 1004.92 Purpose and responsibilities for career  
700 education.--

701 (1) The purpose of career education is to enable students  
702 who complete career programs to attain and sustain employment and  
703 realize economic self-sufficiency. The purpose of this section is  
704 to identify issues related to career education for which school  
705 boards and community college boards of trustees are accountable.  
706 It is the intent of the Legislature that the standards  
707 articulated in subsection (2) be considered in the development of  
708 accountability standards for public schools pursuant to ss.  
709 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community  
710 colleges pursuant to s. 1008.45.

711 (3) Each career center operated by a district school board  
712 shall establish a center advisory council pursuant to s.  
713 1001.452. The center advisory council shall assist in the  
714 preparation and evaluation of center improvement plans required  
715 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide  
716 assistance, upon the request of the center director, in the  
717 preparation of the center's annual budget and plan as required by  
718 s. 1008.385(1).

719 Section 20. Section 1006.061, Florida Statutes, is amended  
720 to read:

721 1006.061 Child abuse, abandonment, and neglect  
722 policy.--Each district school board, charter school, and private  
723 school that accepts scholarship students under s. 220.187 or s.  
724 1002.39 shall:

725 (1) Post in a prominent place in each school a notice that,

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726 pursuant to chapter 39, all employees and agents of the district  
727 school board, charter school, or private school have an  
728 affirmative duty to report all actual or suspected cases of child  
729 abuse, abandonment, or neglect; have immunity from liability if  
730 they report such cases in good faith; and have a duty to comply  
731 with child protective investigations and all other provisions of  
732 law relating to child abuse, abandonment, and neglect. The notice  
733 shall also include the statewide toll-free telephone number of  
734 the central abuse hotline.

735 (2) Post in a prominent place at each school site and on  
736 each school's Internet website, if available, the policies and  
737 procedures for reporting alleged misconduct by instructional  
738 personnel or school administrators which affects the health,  
739 safety, or welfare of a student; the contact person to whom the  
740 report is made; and the penalties imposed on instructional  
741 personnel or school administrators who fail to report suspected  
742 or actual child abuse or alleged misconduct by other  
743 instructional personnel or school administrators.

744 (3)~~(2)~~ Require the principal of the charter school or  
745 private school, or the district school superintendent, or the  
746 superintendent's designee, at the request of the Department of  
747 Children and Family Services, to act as a liaison to the  
748 Department of Children and Family Services and the child  
749 protection team, as defined in s. 39.01, when in a case of  
750 suspected child abuse, abandonment, or neglect or an unlawful  
751 sexual offense involving a child the case is referred to such a  
752 team; except that this does not relieve or restrict the  
753 Department of Children and Family Services from discharging its  
754 duty and responsibility under the law to investigate and report

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755 every suspected or actual case of child abuse, abandonment, or  
756 neglect or unlawful sexual offense involving a child.

757  
758 The Department of Education shall develop, and publish on the  
759 department's Internet website, sample notices suitable for  
760 posting in accordance with subsections (1) and (2).

761 Section 21. Subsection (4) of section 1008.33, Florida  
762 Statutes, is amended to read:

763 1008.33 Authority to enforce public school improvement.--It  
764 is the intent of the Legislature that all public schools be held  
765 accountable for students performing at acceptable levels. A  
766 system of school improvement and accountability that assesses  
767 student performance by school, identifies schools in which  
768 students are not making adequate progress toward state standards,  
769 institutes appropriate measures for enforcing improvement, and  
770 provides rewards and sanctions based on performance shall be the  
771 responsibility of the State Board of Education.

772 (4) The State Board of Education may require the Department  
773 of Education or Chief Financial Officer to withhold any transfer  
774 of state funds to the school district if, within the timeframe  
775 specified in state board action, the school district has failed  
776 to comply with the action ordered to improve the district's low-  
777 performing schools. Withholding the transfer of funds shall occur  
778 only after all other recommended actions for school improvement  
779 have failed to improve performance. The State Board of Education  
780 may impose the same penalty on any district school board that  
781 fails to develop and implement a plan for assistance and  
782 intervention for low-performing schools as specified in s.  
783 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

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784 Section 22. Paragraph (c) of subsection (6) of section  
785 1008.345, Florida Statutes, is amended to read:

786 1008.345 Implementation of state system of school  
787 improvement and education accountability.--

788 (6)

789 (c) Pursuant to s. 24.121(5)(d), the department shall not  
790 release funds from the Educational Enhancement Trust Fund to any  
791 district in which a school, including schools operating for the  
792 purpose of providing educational services to youth in Department  
793 of Juvenile Justice programs, does not have an approved school  
794 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,  
795 after 1 full school year of planning and development, or does not  
796 comply with school advisory council membership composition  
797 requirements pursuant to s. 1001.452. The department shall send a  
798 technical assistance team to each school without an approved plan  
799 to develop such school improvement plan or to each school without  
800 appropriate school advisory council membership composition to  
801 develop a strategy for corrective action. The department shall  
802 release the funds upon approval of the plan or upon establishment  
803 of a plan of corrective action. Notice shall be given to the  
804 public of the department's intervention and shall identify each  
805 school without a plan or without appropriate school advisory  
806 council membership composition.

807 Section 23. Subsection (5) of section 1010.215, Florida  
808 Statutes, is amended to read:

809 1010.215 Educational funding accountability.--

810 (5) The annual school public accountability report required  
811 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school  
812 financial report. The purpose of the school financial report is

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813 to better inform parents and the public concerning how funds were  
814 spent to operate the school during the prior fiscal year. Each  
815 school's financial report must follow a uniform, districtwide  
816 format that is easy to read and understand.

817 (a) Total revenue must be reported at the school, district,  
818 and state levels. The revenue sources that must be addressed are  
819 state and local funds, other than lottery funds; lottery funds;  
820 federal funds; and private donations.

821 (b) Expenditures must be reported as the total expenditures  
822 per unweighted full-time equivalent student at the school level  
823 and the average expenditures per full-time equivalent student at  
824 the district and state levels in each of the following categories  
825 and subcategories:

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

- 829 a. Basic programs;
- 830 b. Students-at-risk programs;
- 831 c. Special programs for exceptional students;
- 832 d. Career education programs; and
- 833 e. Adult programs.

834 2. Substitute teachers.

835 3. Other instructional personnel, including school-based  
836 instructional specialists and their assistants.

837 4. Contracted instructional services, including training  
838 for instructional staff and other contracted instructional  
839 services.

840 5. School administration, including school-based  
841 administrative personnel and school-based education support

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842 personnel.

843 6. The following materials, supplies, and operating capital  
844 outlay:

845 a. Textbooks;

846 b. Computer hardware and software;

847 c. Other instructional materials;

848 d. Other materials and supplies; and

849 e. Library media materials.

850 7. Food services.

851 8. Other support services.

852 9. Operation and maintenance of the school plant.

853 (c) The school financial report must also identify the  
854 types of district-level expenditures that support the school's  
855 operations. The total amount of these district-level expenditures  
856 must be reported and expressed as total expenditures per full-  
857 time equivalent student.

858 Section 24. Paragraph (b) of subsection (6) of section  
859 1011.18, Florida Statutes, is amended to read:

860 1011.18 School depositories; payments into and withdrawals  
861 from depositories.--

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

864 (b) The district school board may contract with an  
865 insurance company or professional administrator who holds a valid  
866 certificate of authority issued by the Office of Insurance  
867 Regulation of the Financial Services Commission to provide any ~~or~~  
868 ~~all~~ services that a third-party administrator is authorized by  
869 law to perform. Pursuant to such contract, the district school  
870 board may advance or remit money to the administrator to be

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871 deposited in a designated special checking account for paying  
872 claims against the district school board under its self-insurance  
873 programs, and remitting premiums to the providers of insured  
874 benefits on behalf of the district school board and the  
875 participants in such programs, and otherwise fulfilling the  
876 obligations imposed upon the administrator by law and the  
877 contractual agreements between the district school board and the  
878 administrator. The special checking account shall be maintained  
879 in a designated district school depository. The district school  
880 board may replenish such account as often as necessary upon the  
881 presentation by the service organization of documentation for  
882 claims or premiums due paid equal to the amount of the requested  
883 reimbursement. Such replenishment shall be made by a warrant  
884 signed by the chair of the district school board and  
885 countersigned by the district school superintendent. Such  
886 replenishment may be made by electronic, telephonic, or other  
887 medium, and each transfer shall be confirmed in writing and  
888 signed by the district school superintendent or his or her  
889 designee. The provisions of strict accountability of all funds  
890 and an annual audit by an independent certified public accountant  
891 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to  
892 this subsection.

893 Section 25. Subsection (6) of section 1012.27, Florida  
894 Statutes, is renumbered as subsection (7), and a new subsection  
895 (6) is added to that section to read:

896 1012.27 Public school personnel; powers and duties of  
897 district school superintendent.--The district school  
898 superintendent is responsible for directing the work of the  
899 personnel, subject to the requirements of this chapter, and in

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900 addition the district school superintendent shall perform the  
901 following:

902 (6) EMPLOYMENT HISTORY CHECKS.--Before employing  
903 instructional personnel and school administrators, as defined in  
904 s. 1012.01, in any position that requires direct contact with  
905 students, conduct employment history checks of each of the  
906 personnel's or administrators' previous employer, screen the  
907 personnel or administrators through use of the educator screening  
908 tools described in s. 1001.10(5), and document the findings. If  
909 unable to contact a previous employer, the district school  
910 superintendent shall document efforts to contact the employer.

911 Section 26. Section 1012.315, Florida Statutes, is created  
912 to read:

913 1012.315 Disqualification from employment.--A person is  
914 ineligible for educator certification, and instructional  
915 personnel and school administrators, as defined in s. 1012.01,  
916 are ineligible for employment in any position that requires  
917 direct contact with students in a district school system, charter  
918 school, or private school that accepts scholarship students under  
919 s. 220.187 or s. 1002.39, if the person, instructional personnel,  
920 or school administrator has been convicted of:

921 (1) Any felony offense prohibited under any of the  
922 following statutes:

923 (a) Section 393.135, relating to sexual misconduct with  
924 certain developmentally disabled clients and reporting of such  
925 sexual misconduct.

926 (b) Section 394.4593, relating to sexual misconduct with  
927 certain mental health patients and reporting of such sexual  
928 misconduct.

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

931        (d) Section 782.04, relating to murder.

932        (e) Section 782.07, relating to manslaughter, aggravated  
933 manslaughter of an elderly person or disabled adult, aggravated  
934 manslaughter of a child, or aggravated manslaughter of an  
935 officer, a firefighter, an emergency medical technician, or a  
936 paramedic.

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

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

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

941        (i) Section 787.01, relating to kidnapping.

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

943        (k) Section 787.025, relating to luring or enticing a  
944 child.

945        (l) Section 787.04(2), relating to leading, taking,  
946 enticing, or removing a minor beyond the state limits, or  
947 concealing the location of a minor, with criminal intent pending  
948 custody proceedings.

949        (m) Section 787.04(3), relating to leading, taking,  
950 enticing, or removing a minor beyond the state limits, or  
951 concealing the location of a minor, with criminal intent pending  
952 dependency proceedings or proceedings concerning alleged abuse or  
953 neglect of a minor.

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

957        (o) Section 790.115(2)(b), relating to possessing an

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958 electric weapon or device, destructive device, or other weapon at  
959 a school-sponsored event or on school property.

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

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

964 (r) Section 794.05, relating to unlawful sexual activity  
965 with certain minors.

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

967 (t) Chapter 796, relating to prostitution.

968 (u) Chapter 800, relating to lewdness and indecent  
969 exposure.

970 (v) Section 806.01, relating to arson.

971 (w) Section 810.14, relating to voyeurism.

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

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

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

977 (aa) Section 812.019, relating to dealing in stolen  
978 property.

979 (bb) Section 812.13, relating to robbery.

980 (cc) Section 812.131, relating to robbery by sudden  
981 snatching.

982 (dd) Section 812.133, relating to carjacking.

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

984 (ff) Section 817.563, relating to fraudulent sale of  
985 controlled substances.

986 (gg) Section 825.102, relating to abuse, aggravated abuse,

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987 or neglect of an elderly person or disabled adult.

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

990 (ii) Section 825.1025, relating to lewd or lascivious  
991 offenses committed upon or in the presence of an elderly person  
992 or disabled person.

993 (jj) Section 826.04, relating to incest.

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

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

998 (mm) Section 827.071, relating to sexual performance by a  
999 child.

1000 (nn) Section 843.01, relating to resisting arrest with  
1001 violence.

1002 (oo) Chapter 847, relating to obscenity.

1003 (pp) Section 874.05, relating to causing, encouraging,  
1004 soliciting, or recruiting another to join a criminal street gang.

1005 (qq) Chapter 893, relating to drug abuse prevention and  
1006 control, if the offense was a felony of the second degree or  
1007 greater severity.

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

1010 (ss) Section 944.47, relating to introduction, removal, or  
1011 possession of contraband at a correctional facility.

1012 (tt) Section 985.701, relating to sexual misconduct in  
1013 juvenile justice programs.

1014 (uu) Section 985.711, relating to introduction, removal, or  
1015 possession of contraband at a juvenile detention facility or

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1016 commitment program.

1017 (2) Any misdemeanor offense prohibited under any of the  
1018 following statutes:

1019 (a) Section 784.03, relating to battery, if the victim of  
1020 the offense was a minor.

1021 (b) Section 787.025, relating to luring or enticing a  
1022 child.

1023 (3) Any criminal act committed in another state or under  
1024 federal law which, if committed in this state, constitutes an  
1025 offense prohibited under any statute listed in subsection (1) or  
1026 subsection (2).

1027 (4) Any delinquent act committed in this state or any  
1028 delinquent or criminal act committed in another state or under  
1029 federal law which, if committed in this state, qualifies an  
1030 individual for inclusion on the Registered Juvenile Sex Offender  
1031 List under s. 943.0435(1)(a)1.d.

1032 Section 27. Subsections (1) and (2) and paragraph (c) of  
1033 subsection (3) of section 1012.32, Florida Statutes, are amended  
1034 to read:

1035 1012.32 Qualifications of personnel.--

1036 (1) To be eligible for appointment in any position in any  
1037 district school system, a person must ~~shall~~ be of good moral  
1038 character; must ~~shall~~ have attained the age of 18 years, if he or  
1039 she is to be employed in an instructional capacity; must not be  
1040 ineligible for such employment under s. 1012.315; and must shall,  
1041 when required by law, hold a certificate or license issued under  
1042 rules of the State Board of Education or the Department of  
1043 Children and Family Services, except when employed pursuant to s.  
1044 1012.55 or under the emergency provisions of s. 1012.24. Previous

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1045 residence in this state shall not be required in any school of  
1046 the state as a prerequisite for any person holding a valid  
1047 Florida certificate or license to serve in an instructional  
1048 capacity.

1049 (2) (a) Instructional and noninstructional personnel who are  
1050 hired or contracted to fill positions that require ~~requiring~~  
1051 direct contact with students in any district school system or  
1052 university lab school must ~~shall~~, upon employment or engagement  
1053 to provide services, undergo background screening as required  
1054 under s. 1012.465 or s. 1012.56, whichever is applicable.

1055 (b) Instructional and noninstructional personnel who are  
1056 hired or contracted to fill positions in any charter school and  
1057 members of the governing board of any charter school, in  
1058 compliance with s. 1002.33(12)(g), must ~~shall~~, upon employment,  
1059 engagement of services, or appointment, undergo background  
1060 screening as required under s. 1012.465 or s. 1012.56, whichever  
1061 is applicable, by filing with the district school board for the  
1062 school district in which the charter school is located a complete  
1063 set of fingerprints taken by an authorized law enforcement agency  
1064 or an employee of the school or school district who is trained to  
1065 take fingerprints.

1066 (c) Instructional and noninstructional personnel who are  
1067 hired or contracted to fill positions that require ~~requiring~~  
1068 direct contact with students in an alternative school that  
1069 operates under contract with a district school system must ~~shall~~,  
1070 upon employment or engagement to provide services, undergo  
1071 background screening as required under s. 1012.465 or s. 1012.56,  
1072 whichever is applicable, by filing with the district school board  
1073 for the school district to which the alternative school is under

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1074 contract a complete set of fingerprints taken by an authorized  
1075 law enforcement agency or an employee of the school or school  
1076 district who is trained to take fingerprints.

1077 (d) Student teachers, persons participating in a field  
1078 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons  
1079 participating in a short-term experience as a teacher assistant  
1080 pursuant to s. 1004.04(10) in any district school system, lab  
1081 school, or charter school must ~~shall~~, upon engagement to provide  
1082 services, undergo background screening as required under s.  
1083 1012.56.

1084  
1085 Fingerprints shall be submitted to the Department of Law  
1086 Enforcement for statewide criminal and juvenile records checks  
1087 ~~state processing~~ and to the Federal Bureau of Investigation for  
1088 federal criminal records checks ~~processing~~. A person ~~Persons~~  
1089 subject to this subsection who is found ineligible for employment  
1090 under s. 1012.315, or otherwise found through background  
1091 screening ~~fingerprint processing~~ to have been convicted of any a  
1092 crime involving moral turpitude as defined by rule of the State  
1093 Board of Education, shall not be employed, engaged to provide  
1094 services, or serve in any position that requires ~~requiring~~ direct  
1095 contact with students. Probationary persons subject to this  
1096 subsection terminated because of their criminal record have the  
1097 right to appeal such decisions. The cost of the background  
1098 screening may be borne by the district school board, the charter  
1099 school, the employee, the contractor, or a person subject to this  
1100 subsection.

1101 (3)

1102 (c) Personnel whose fingerprints are not retained by the

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1103 Department of Law Enforcement under paragraphs (a) and (b) must  
1104 ~~are required to~~ be refingerprinted and rescreened in accordance  
1105 with subsection (2) ~~must meet level 2 screening requirements as~~  
1106 ~~described in this section~~ upon reemployment or reengagement to  
1107 provide services in order to comply with the requirements of this  
1108 subsection.

1109 Section 28. Paragraph (a) of subsection (1), paragraph (c)  
1110 of subsection (4), and paragraph (b) of subsection (6) of section  
1111 1012.33, Florida Statutes, are amended to read:

1112 1012.33 Contracts with instructional staff, supervisors,  
1113 and school principals.--

1114 (1) (a) Each person employed as a member of the  
1115 instructional staff in any district school system shall be  
1116 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
1117 employed pursuant to s. 1012.39 and shall be entitled to and  
1118 shall receive a written contract as specified in this section.  
1119 All such contracts, except continuing contracts as specified in  
1120 subsection (4), shall contain provisions for dismissal during the  
1121 term of the contract only for just cause. Just cause includes,  
1122 but is not limited to, the following instances, as defined by  
1123 rule of the State Board of Education: immorality, misconduct in  
1124 office, incompetency, gross insubordination, willful neglect of  
1125 duty, or being convicted or found guilty of, or entering a plea  
1126 of guilty to, regardless of adjudication of guilt, any ~~or~~  
1127 ~~conviction of a crime involving moral turpitude.~~

1128 (4)

1129 (c) Any member of the district administrative or  
1130 supervisory staff and any member of the instructional staff,  
1131 including any school principal, who is under continuing contract

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1132 may be suspended or dismissed at any time during the school year;  
1133 however, the charges against him or her must be based on  
1134 immorality, misconduct in office, incompetency, gross  
1135 insubordination, willful neglect of duty, drunkenness, or being  
1136 convicted or found guilty of, or entering a plea of guilty to,  
1137 regardless of adjudication of guilt, any conviction of a crime  
1138 involving moral turpitude, as these terms are defined by rule of  
1139 the State Board of Education. Whenever such charges are made  
1140 against an ~~any such~~ employee of the district school board, the  
1141 district school board may suspend such person without pay; but,  
1142 if the charges are not sustained, he or she shall be immediately  
1143 reinstated, and his or her back salary shall be paid. In cases of  
1144 suspension by the district school board or by the district school  
1145 superintendent, the district school board shall determine upon  
1146 the evidence submitted whether the charges have been sustained  
1147 and, if the charges are sustained, shall determine either to  
1148 dismiss the employee or fix the terms under which he or she may  
1149 be reinstated. If such charges are sustained by a majority vote  
1150 of the full membership of the district school board and the ~~such~~  
1151 employee is discharged, his or her contract of employment shall  
1152 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee  
1153 may be appealed by the employee pursuant to s. 120.68, provided  
1154 the ~~such~~ appeal is filed within 30 days after the decision of the  
1155 district school board.

1156 (6)

1157 (b) Any member of the district administrative or  
1158 supervisory staff, including any principal but excluding an  
1159 employee specified in subsection (4), may be suspended or  
1160 dismissed at any time during the term of the contract; however,

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1161 the charges against him or her must be based on immorality,  
1162 misconduct in office, incompetency, gross insubordination,  
1163 willful neglect of duty, drunkenness, or being convicted or found  
1164 guilty of, or entering a plea of guilty, regardless of  
1165 adjudication of guilt, conviction of any crime involving moral  
1166 turpitude, as these terms are defined by rule of the State Board  
1167 of Education. Whenever such charges are made against an any such  
1168 employee of the district school board, the district school board  
1169 may suspend the employee without pay; but, if the charges are not  
1170 sustained, he or she shall be immediately reinstated, and his or  
1171 her back salary shall be paid. In cases of suspension by the  
1172 district school board or by the district school superintendent,  
1173 the district school board shall determine upon the evidence  
1174 submitted whether the charges have been sustained and, if the  
1175 charges are sustained, shall determine either to dismiss the  
1176 employee or fix the terms under which he or she may be  
1177 reinstated. If such charges are sustained by a majority vote of  
1178 the full membership of the district school board and the such  
1179 employee is discharged, his or her contract of employment shall  
1180 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee  
1181 may be appealed by him or her pursuant to s. 120.68, provided  
1182 such appeal is filed within 30 days after the decision of the  
1183 district school board.

1184 Section 29. Subsection (4) of section 1012.34, Florida  
1185 Statutes, is amended to read:

1186 1012.34 Assessment procedures and criteria.--

1187 (4) The district school superintendent shall notify the  
1188 department of any instructional personnel who receive two  
1189 consecutive unsatisfactory evaluations and who have been given

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1190 written notice by the district that their employment is being  
1191 terminated or is not being renewed or that the district school  
1192 board intends to terminate, or not renew, their employment. The  
1193 department shall conduct an investigation to determine whether  
1194 action shall be taken against the certificateholder pursuant to  
1195 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1196 Section 30. Subsections (9) and (14) of section 1012.56,  
1197 Florida Statutes, are amended to read:

1198 1012.56 Educator certification requirements.--

1199 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
1200 PERIODICALLY.--

1201 (a) Each person who seeks certification under this chapter  
1202 must be fingerprinted and screened ~~meet level 2 screening~~  
1203 ~~requirements as described in accordance with~~ s. 1012.32 and must  
1204 not be ineligible for such certification under s. 1012.315. A  
1205 person who has been screened in accordance with s. 1012.32 unless  
1206 a level 2 screening has been conducted by a district school board  
1207 or the Department of Education within 12 months before the date  
1208 the person initially obtains certification under this chapter,  
1209 the results of which are submitted to the district school board  
1210 or to the Department of Education, is not required to repeat the  
1211 screening under this paragraph.

1212 (b) A person may not receive a certificate under this  
1213 chapter until the person's level 2 screening under s. 1012.32 is  
1214 ~~has been~~ completed and the results have been submitted to the  
1215 Department of Education or to the district school superintendent  
1216 of the school district that employs the person. Every 5 years  
1217 after obtaining initial certification, each person who is  
1218 required to be certified under this chapter must be rescreened

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1219 ~~meet level 2 screening requirements as described in accordance~~  
1220 with s. 1012.32, at which time the school district shall request  
1221 the Department of Law Enforcement to forward the fingerprints to  
1222 the Federal Bureau of Investigation for federal criminal records  
1223 checks ~~the level 2 screening~~. If, for any reason after obtaining  
1224 initial certification, the fingerprints of a person who is  
1225 required to be certified under this chapter are not retained by  
1226 the Department of Law Enforcement under s. 1012.32(3)(a) and (b),  
1227 the person must file a complete set of fingerprints with the  
1228 district school superintendent of the employing school district.  
1229 Upon submission of fingerprints for this purpose, the school  
1230 district shall request the Department of Law Enforcement to  
1231 forward the fingerprints to the Federal Bureau of Investigation  
1232 for federal criminal records checks ~~the level 2 screening~~, and  
1233 the fingerprints shall be retained by the Department of Law  
1234 Enforcement under s. 1012.32(3)(a) and (b). The cost of the state  
1235 and federal criminal history checks ~~check~~ required by paragraph  
1236 (a) and this paragraph ~~level 2 screening~~ may be borne by the  
1237 district school board or the employee. Under penalty of perjury,  
1238 each person who is certified under this chapter must agree to  
1239 inform his or her employer within 48 hours if convicted of any  
1240 disqualifying offense while he or she is employed in a position  
1241 for which such certification is required.

1242 (c) If it is found under s. 1012.796 that a person who is  
1243 employed in a position requiring certification under this chapter  
1244 has ~~does~~ not been screened in accordance with s. 1012.32, or is  
1245 ineligible for such certification under s. 1012.315 ~~meet the~~  
1246 ~~level 2 screening requirements~~, the person's certification shall  
1247 be immediately revoked or suspended and he or she shall be

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1248 immediately suspended from the position requiring certification.

1249 (14) PERSONNEL RECORDS.--The Department of Education shall  
1250 maintain an electronic database that includes, but need not be  
1251 limited to, a complete statement of the academic preparation,  
1252 professional training, and teaching experience of each person to  
1253 whom a certificate is issued. The applicant or the district  
1254 school superintendent shall furnish the information using a  
1255 format ~~or forms~~ provided by the department.

1256 Section 31. Subsection (1) and paragraph (a) of subsection  
1257 (8) of section 1012.79, Florida Statutes, are amended to read:

1258 1012.79 Education Practices Commission; organization.--

1259 (1) The Education Practices Commission consists of 25 ~~17~~  
1260 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one  
1261 of whom shall represent a private school; 7 and 5 lay citizens, 5  
1262 ~~of whom shall be parents of public school students and who are~~  
1263 unrelated to public school employees and 2 of whom shall be  
1264 former district school board members; ~~7~~ and 5 sworn law  
1265 enforcement officials, appointed by the State Board of Education  
1266 from nominations by the Commissioner of Education and subject to  
1267 Senate confirmation. Prior to making nominations, the  
1268 commissioner shall consult with ~~the~~ teaching associations, parent  
1269 organizations, law enforcement agencies, and other involved  
1270 associations in the state. In making nominations, the  
1271 commissioner shall attempt to achieve equal geographical  
1272 representation, as closely as possible.

1273 (a) A teacher member, in order to be qualified for  
1274 appointment:

- 1275 1. Must be certified to teach in the state.
- 1276 2. Must be a resident of the state.

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1277 3. Must have practiced the profession in this state for at  
1278 least 5 years immediately preceding the appointment.

1279 (b) A school administrator member, in order to be qualified  
1280 for appointment:

1281 1. Must have an endorsement on the educator certificate in  
1282 the area of school administration or supervision.

1283 2. Must be a resident of the state.

1284 3. Must have practiced the profession as an administrator  
1285 for at least 5 years immediately preceding the appointment.

1286 (c) The lay members must be residents of the state.

1287 (d) The law enforcement official members must have served  
1288 in the profession for at least 5 years immediately preceding  
1289 appointment and have background expertise in child safety.

1290 (8) (a) The commission shall, from time to time, designate  
1291 members of the commission to serve on panels for the purpose of  
1292 reviewing and issuing final orders upon cases presented to the  
1293 commission. A case concerning a complaint against a teacher shall  
1294 be reviewed and a final order ~~thereon shall be~~ entered by a panel  
1295 composed of five commission members, at least one of whom must be  
1296 a parent or a sworn law enforcement officer and at least three of  
1297 whom ~~shall~~ must be teachers. A case concerning a complaint  
1298 against an administrator shall be reviewed and a final order  
1299 ~~thereon shall be~~ entered by a panel composed of five commission  
1300 members, at least one of whom must be a parent or a sworn law  
1301 enforcement officer and at least three of whom ~~shall~~ must be  
1302 administrators.

1303 Section 32. Subsection (1) of section 1012.795, Florida  
1304 Statutes, is amended to read:

1305 1012.795 Education Practices Commission; authority to

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1306 discipline.--

1307 (1) The Education Practices Commission may suspend the  
1308 educator certificate of any person as defined in s. 1012.01(2) or  
1309 (3) for a period of time not to exceed 5 years, thereby denying  
1310 that person the right to teach or otherwise be employed by a  
1311 district school board or public school in any capacity requiring  
1312 direct contact with students for that period of time, after which  
1313 the holder may return to teaching as provided in subsection (4);  
1314 may revoke the educator certificate of any person, thereby  
1315 denying that person the right to teach or otherwise be employed  
1316 by a district school board or public school in any capacity  
1317 requiring direct contact with students for a period of time not  
1318 to exceed 10 years, with reinstatement subject to the provisions  
1319 of subsection (4); may revoke permanently the educator  
1320 certificate of any person thereby denying that person the right  
1321 to teach or otherwise be employed by a district school board or  
1322 public school in any capacity requiring direct contact with  
1323 students; may suspend the educator certificate, upon order of the  
1324 court, of any person found to have a delinquent child support  
1325 obligation; or may impose any other penalty provided by law, if  
1326 ~~provided it can be shown that~~ the person:

1327 (a) Obtained or attempted to obtain an educator certificate  
1328 by fraudulent means.

1329 (b) Knowingly failed to report actual or suspected child  
1330 abuse as required in s. 1006.061 or report alleged misconduct by  
1331 instructional personnel or school administrators which affects  
1332 the health, safety, or welfare of a student as required in s.  
1333 1012.796.

1334 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform

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1335 duties as an employee of the public school system or to teach in  
1336 or to operate a private school.

1337 (d)~~(e)~~ Has been guilty of gross immorality or an act  
1338 involving moral turpitude as defined by rule of the State Board  
1339 of Education.

1340 (e)~~(d)~~ Has had an educator certificate sanctioned by  
1341 revocation, suspension, or surrender in another state.

1342 (f)~~(e)~~ Has been convicted or found guilty of, or entered a  
1343 plea of guilty to, regardless of adjudication of guilt, a  
1344 misdemeanor, felony, or any other criminal charge, other than a  
1345 minor traffic violation.

1346 (g)~~(f)~~ Upon investigation, has been found guilty of  
1347 personal conduct which seriously reduces that person's  
1348 effectiveness as an employee of the district school board.

1349 (h)~~(g)~~ Has breached a contract, as provided in s.  
1350 1012.33(2).

1351 (i)~~(h)~~ Has been the subject of a court order directing the  
1352 Education Practices Commission to suspend the certificate as a  
1353 result of a delinquent child support obligation.

1354 (j)~~(i)~~ Has violated the Principles of Professional Conduct  
1355 for the Education Profession prescribed by State Board of  
1356 Education rules.

1357 (k)~~(j)~~ Has otherwise violated the provisions of law, the  
1358 penalty for which is the revocation of the educator certificate.

1359 (l)~~(k)~~ Has violated any order of the Education Practices  
1360 Commission.

1361 (m)~~(l)~~ Has been the subject of a court order or plea  
1362 agreement in any jurisdiction which requires the  
1363 certificateholder to surrender or otherwise relinquish his or her

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1364 educator's certificate. A surrender or relinquishment shall be  
1365 for permanent revocation of the certificate. A person may not  
1366 surrender or otherwise relinquish his or her certificate prior to  
1367 a finding of probable cause by the commissioner as provided in s.  
1368 1012.796.

1369 (n) Has been disqualified from educator certification under  
1370 s. 1012.315.

1371 Section 33. Subsections (1), (3), and (5) of section  
1372 1012.796, Florida Statutes, are amended to read:

1373 1012.796 Complaints against teachers and administrators;  
1374 procedure; penalties.--

1375 (1) (a) The Department of Education shall cause to be  
1376 investigated expeditiously any complaint filed before it or  
1377 otherwise called to its attention which, if legally sufficient,  
1378 contains grounds for the revocation or suspension of a  
1379 certificate or any other appropriate penalty as set forth in  
1380 subsection (7). The complaint is legally sufficient if it  
1381 contains the ultimate facts which show a violation has occurred  
1382 as provided in s. 1012.795 and defined by rule of the State Board  
1383 of Education. The department shall ~~may~~ investigate or continue to  
1384 investigate and take appropriate action on a complaint even  
1385 though the original complainant withdraws the complaint or  
1386 otherwise indicates a desire not to cause it to be investigated  
1387 or prosecuted to completion. The department may investigate or  
1388 continue to investigate and take action on a complaint filed  
1389 against a person whose educator certificate has expired if the  
1390 act or acts that ~~which~~ are the basis for the complaint were  
1391 allegedly committed while that person possessed an educator  
1392 certificate.

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1393        (b) The department shall immediately investigate any  
1394 legally sufficient complaint that involves misconduct by any  
1395 certificated personnel which affects the health, safety, or  
1396 welfare of a student, giving the complaint priority over other  
1397 pending complaints. The department must investigate or continue  
1398 to investigate and take action on such a complaint filed against  
1399 a person whose educator certificate has expired if the act or  
1400 acts that are the basis for the complaint were allegedly  
1401 committed while that person possessed an educator certificate.

1402        (c) ~~(b)~~ When an investigation is undertaken, the department  
1403 shall notify the certificateholder or applicant for certification  
1404 and the district school superintendent or the university  
1405 laboratory school, charter school, or private school in which the  
1406 certificateholder or applicant for certification is employed or  
1407 was employed at the time the alleged offense occurred. In  
1408 addition, the department shall inform the certificateholder or  
1409 applicant for certification of the substance of any complaint  
1410 which has been filed against that certificateholder or applicant,  
1411 unless the department determines that such notification would be  
1412 detrimental to the investigation, in which case the department  
1413 may withhold notification.

1414        (d) ~~(e)~~ Each school district shall file in writing with the  
1415 department all legally sufficient complaints within 30 days after  
1416 the date on which subject matter of the complaint comes to the  
1417 attention of the school district. A complaint is legally  
1418 sufficient if it contains ultimate facts that show a violation  
1419 has occurred as provided in s. 1012.795 and defined by rule of  
1420 the State Board of Education. The school district shall include  
1421 all information relating to the complaint which is known to the

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1422 school district at the time of filing. Each district school board  
1423 shall develop and adopt policies and procedures to comply with  
1424 this reporting requirement. School board policies and procedures  
1425 must include standards for screening, hiring, and terminating  
1426 instructional personnel and school administrators, as defined in  
1427 s. 1012.01; standards of ethical conduct for instructional  
1428 personnel and school administrators; the duties of instructional  
1429 personnel and school administrators for upholding the standards;  
1430 detailed procedures for reporting alleged misconduct by  
1431 instructional personnel and school administrators which affects  
1432 the health, safety, or welfare of a student; requirements for the  
1433 reassignment of instructional personnel or school administrators  
1434 pending the outcome of a misconduct investigation; and penalties  
1435 for failing to comply with s. 1001.51 or s. 1012.795. The  
1436 district school board policies and procedures shall include  
1437 appropriate penalties for all personnel of the district school  
1438 board for nonreporting and procedures for promptly informing the  
1439 district school superintendent of each legally sufficient  
1440 complaint. The district school superintendent is charged with  
1441 knowledge of these policies and procedures and is accountable for  
1442 the training of all instructional personnel and school  
1443 administrators of the school district on the standards of ethical  
1444 conduct, policies, and procedures. If the district school  
1445 superintendent has knowledge of a legally sufficient complaint  
1446 and does not report the complaint, or fails to enforce the  
1447 policies and procedures of the district school board, and fails  
1448 to comply with the requirements of this subsection, in addition  
1449 to other actions against certificateholders authorized by law,  
1450 the district school superintendent is ~~shall be~~ subject to

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1451 penalties as specified in s. 1001.51(12). If the superintendent  
1452 determines that misconduct by instructional personnel or school  
1453 administrators who hold an educator certificate affects the  
1454 health, safety, or welfare of a student and the misconduct  
1455 warrants termination, the instructional personnel or school  
1456 administrators may resign or be terminated and the superintendent  
1457 must report the misconduct to the department in the format  
1458 prescribed by the department. The department shall maintain each  
1459 report of misconduct as a public record in the instructional  
1460 personnel's or school administrators' certification files. This  
1461 paragraph does not limit or restrict the power and duty of the  
1462 department to investigate complaints ~~as provided in paragraphs~~  
1463 ~~(a) and (b)~~, regardless of the school district's untimely filing,  
1464 or failure to file, complaints and followup reports.

1465 (e) If allegations arise against an employee who is  
1466 certified under s. 1012.56 and employed in an educator-  
1467 certificated position in any public school, charter school or  
1468 governing board thereof, or private school that accepts  
1469 scholarship students under s. 220.187 or s. 1002.39, the school  
1470 shall file in writing with the department a legally sufficient  
1471 complaint within 30 days after the date on which the subject  
1472 matter of the complaint came to the attention of the school. A  
1473 complaint is legally sufficient if it contains ultimate facts  
1474 that show a violation has occurred as provided in s. 1012.795 and  
1475 defined by rule of the State Board of Education. The school shall  
1476 include all known information relating to the complaint with the  
1477 filing of the complaint. This paragraph does not limit or  
1478 restrict the power and duty of the department to investigate  
1479 complaints, regardless of the school's untimely filing, or

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1480 failure to file, complaints and followup reports.

1481 (f)~~(d)~~ Notwithstanding any other law, all law enforcement  
1482 agencies, state attorneys, social service agencies, district  
1483 school boards, and the Division of Administrative Hearings shall  
1484 fully cooperate with and, upon request, shall provide unredacted  
1485 documents to the Department of Education to further  
1486 investigations and prosecutions conducted pursuant to this  
1487 section. Any document received ~~pursuant to this paragraph~~ may not  
1488 be redisclosed except as authorized by law.

1489 (3) The department staff shall advise the commissioner  
1490 concerning the findings of the investigation. The department  
1491 general counsel or members of that staff shall review the  
1492 investigation and advise the commissioner concerning probable  
1493 cause or lack thereof. The determination of probable cause shall  
1494 be made by the commissioner. The commissioner shall provide an  
1495 opportunity for a conference, if requested, prior to determining  
1496 probable cause. The commissioner may enter into deferred  
1497 prosecution agreements in lieu of finding probable cause if, when  
1498 in his or her judgment, such agreements are ~~would be~~ in the best  
1499 interests of the department, the certificateholder, and the  
1500 public. Such deferred prosecution agreements shall become  
1501 effective when filed with the clerk of the Education Practices  
1502 Commission. However, a deferred prosecution agreement shall not  
1503 be entered into if where there is probable cause to believe that  
1504 a felony or an act of moral turpitude, as defined by rule of the  
1505 State Board of Education, has occurred. Upon finding no probable  
1506 cause, the commissioner shall dismiss the complaint.

1507 (5) When an allegation of misconduct by instructional  
1508 personnel or school administrators, as defined in s. 1012.01, is

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1509 received, if the alleged misconduct affects ~~deemed necessary to~~  
1510 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,  
1511 the district school superintendent in consultation with the  
1512 school principal, or may, ~~and~~ upon the request of the  
1513 Commissioner of Education, must immediately ~~shall, temporarily~~  
1514 suspend the instructional personnel or school administrators a  
1515 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned  
1516 duties, with pay, and reassign the suspended personnel or  
1517 administrators ~~certificateholder~~ to positions ~~a position~~ that do  
1518 ~~does~~ not require direct contact with students in the district  
1519 school system. Such suspension shall continue until the  
1520 completion of the proceedings and the determination of sanctions,  
1521 if any, pursuant to this section and s. 1012.795.

1522 Section 34. Paragraph (b) of subsection (4) of section  
1523 1012.98, Florida Statutes, is amended to read:

1524 1012.98 School Community Professional Development Act.--

1525 (4) The Department of Education, school districts, schools,  
1526 community colleges, and state universities share the  
1527 responsibilities described in this section. These  
1528 responsibilities include the following:

1529 (b) Each school district shall develop a professional  
1530 development system as specified in subsection (3). The system  
1531 shall be developed in consultation with teachers, teacher-  
1532 educators of community colleges and state universities, business  
1533 and community representatives, and local education foundations,  
1534 consortia, and professional organizations. The professional  
1535 development system must:

1536 1. Be approved by the department. All substantial revisions  
1537 to the system shall be submitted to the department for review for

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1538 continued approval.

1539       2. Be based on analyses of student achievement data and  
1540 instructional strategies and methods that support rigorous,  
1541 relevant, and challenging curricula for all students. Schools and  
1542 districts, in developing and refining the professional  
1543 development system, shall also review and monitor school  
1544 discipline data; school environment surveys; assessments of  
1545 parental satisfaction; performance appraisal data of teachers,  
1546 managers, and administrative personnel; and other performance  
1547 indicators to identify school and student needs that can be met  
1548 by improved professional performance.

1549       3. Provide inservice activities coupled with followup  
1550 support appropriate to accomplish district-level and school-level  
1551 improvement goals and standards. The inservice activities for  
1552 instructional personnel shall focus on analysis of student  
1553 achievement data, ongoing formal and informal assessments of  
1554 student achievement, identification and use of enhanced and  
1555 differentiated instructional strategies that emphasize rigor,  
1556 relevance, and reading in the content areas, enhancement of  
1557 subject content expertise, integrated use of classroom technology  
1558 that enhances teaching and learning, classroom management, parent  
1559 involvement, and school safety.

1560       4. Include a master plan for inservice activities, pursuant  
1561 to rules of the State Board of Education, for all district  
1562 employees from all fund sources. The master plan shall be updated  
1563 annually by September 1, must be based on input from teachers and  
1564 district and school instructional leaders, and must use the  
1565 latest available student achievement data and research to enhance  
1566 rigor and relevance in the classroom. Each district inservice

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1567 plan must be aligned to and support the school-based inservice  
1568 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~  
1569 ~~1001.42(16)~~. District plans must be approved by the district  
1570 school board annually in order to ensure compliance with  
1571 subsection (1) and to allow for dissemination of research-based  
1572 best practices to other districts. District school boards must  
1573 submit verification of their approval to the Commissioner of  
1574 Education no later than October 1, annually.

1575 5. Require each school principal to establish and maintain  
1576 an individual professional development plan for each  
1577 instructional employee assigned to the school as a seamless  
1578 component to the school improvement plans developed pursuant to  
1579 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional  
1580 development plan must:

1581 a. Be related to specific performance data for the students  
1582 to whom the teacher is assigned.

1583 b. Define the inservice objectives and specific measurable  
1584 improvements expected in student performance as a result of the  
1585 inservice activity.

1586 c. Include an evaluation component that determines the  
1587 effectiveness of the professional development plan.

1588 6. Include inservice activities for school administrative  
1589 personnel that address updated skills necessary for instructional  
1590 leadership and effective school management pursuant to s.  
1591 1012.986.

1592 7. Provide for systematic consultation with regional and  
1593 state personnel designated to provide technical assistance and  
1594 evaluation of local professional development programs.

1595 8. Provide for delivery of professional development by

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1596 distance learning and other technology-based delivery systems to  
1597 reach more educators at lower costs.

1598 9. Provide for the continuous evaluation of the quality and  
1599 effectiveness of professional development programs in order to  
1600 eliminate ineffective programs and strategies and to expand  
1601 effective ones. Evaluations must consider the impact of such  
1602 activities on the performance of participating educators and  
1603 their students' achievement and behavior.

1604 Section 35. Subsection (4) of section 1013.03, Florida  
1605 Statutes, is amended to read:

1606 1013.03 Functions of the department and the Board of  
1607 Governors.--The functions of the Department of Education as it  
1608 pertains to educational facilities of school districts and  
1609 community colleges and of the Board of Governors as it pertains  
1610 to educational facilities of state universities shall include,  
1611 but not be limited to, the following:

1612 (4) Require each board and other appropriate agencies to  
1613 submit complete and accurate financial data as to the amounts of  
1614 funds from all sources that are available and spent for  
1615 construction and capital improvements. The commissioner shall  
1616 prescribe the format and the date for the submission of this data  
1617 and any other educational facilities data. If any district does  
1618 not submit the required educational facilities fiscal data by the  
1619 prescribed date, the Commissioner of Education shall notify the  
1620 district school board of this fact and, if appropriate action is  
1621 not taken to immediately submit the required report, the district  
1622 school board shall be directed to proceed pursuant to s.  
1623 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any  
1624 community college or university does not submit the required

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1625 educational facilities fiscal data by the prescribed date, the  
1626 same policy prescribed in this subsection for school districts  
1627 shall be implemented.

1628       Section 36. The sum of \$153,872 is appropriated from the  
1629 Educational Certification and Services Trust Fund to the  
1630 Department of Education for the 2008-2009 fiscal year, and two  
1631 additional full-time equivalent positions and associated salary  
1632 rate of 90,088 are authorized, for the purpose of implementing  
1633 this act.

1634       Section 37. This act shall take effect July 1, 2008.