



587670

CHAMBER ACTION

Senate

House

.  
.
.  
.
.

Floor: 1g/RE/2R
4/30/2008 10:12 PM

1 Senator Gaetz moved the following substitute for amendment
2 (652466) :

3
4 Senate Amendment (with title amendment)

5 Between line(s) 1295 and 1296,
6 insert:

7
8 Section 29. Paragraphs (c) and (d) of subsection (5) of
9 section 24.121, Florida Statutes, are amended to read:

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

12 (5)

13 (c) A portion of such net revenues, as determined annually
14 by the Legislature, shall be distributed to each school district
15 and shall be made available to each public school in the district
16 for enhancing school performance through development and
17 implementation of a school improvement plan pursuant to s.



587670

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

38 (d) No funds shall be released for any purpose from the  
39 Educational Enhancement Trust Fund to any school district in  
40 which one or more schools do not have an approved school  
41 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do  
42 not comply with school advisory council membership composition  
43 requirements pursuant to s. 1001.452(1). The Commissioner of  
44 Education shall withhold disbursements from the trust fund to any  
45 school district that fails to adopt the performance-based salary  
46 schedule required by s. 1012.22(1).



587670

47 Section 30. Paragraph (e) of subsection (2) of section  
48 112.3173, Florida Statutes, is amended to read:

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

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

54 (e) "Specified offense" means:

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

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

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

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

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

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

74 7. The committing on or after October 1, 2008, of any  
75 felony defined in s. 800.04 against a victim younger than 16  
76 years of age, or any felony defined in chapter 794 against a



587670

77 victim younger than 18 years of age, by a public officer or  
78 employee through the use or attempted use of power, rights,  
79 privileges, duties, or position of his or her public office or  
80 employment position.

81 Section 31. Paragraph (i) of subsection (5) of section  
82 121.091, Florida Statutes, is redesignated as paragraph (j),  
83 present paragraph (j) is redesignated as paragraph (k) and  
84 amended, and a new paragraph (i) is added to that subsection, to  
85 read:

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

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



587670

107 | year of creditable service and repaying the refunded member  
108 | contributions, plus interest.

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

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

123 |       Section 32. Section 794.09, Florida Statutes, is created to  
124 | read:

125 |       794.09 Forfeiture of retirement benefits.--The retirement  
126 | benefits of a person convicted of a felony committed on or after  
127 | October 1, 2008, under this chapter are subject to forfeiture in  
128 | accordance with s. 112.3173 or s. 121.091 if the person is a  
129 | public officer or employee when the offense occurs; the person  
130 | commits the offense through the use or attempted use of power,  
131 | rights, privileges, duties, or position of the person's public  
132 | office or employment position; and the victim is younger than 18  
133 | years of age when the offense occurs.

134 |       Section 33. Section 800.05, Florida Statutes, is created  
135 | to:



587670

136       800.05 Forfeiture of retirement benefits for a felony  
137 defined in s. 800.04.--The retirement benefits of a person  
138 convicted of a felony committed on or after October 1, 2008,  
139 defined in s. 800.04 are subject to forfeiture in accordance with  
140 s. 112.3173 or s. 121.091 if the person is a public officer or  
141 employee when the offense occurs; the person commits the offense  
142 through the use or attempted use of power, rights, privileges,  
143 duties, or position of the person's public office or employment  
144 position; and the victim is younger than 16 years of age when the  
145 offense occurs.

146       Section 34. Subsection (4) of section 1001.10, Florida  
147 Statutes, is renumbered as subsection (6) and new subsections (4)  
148 and (5) are added to that section to read:

149       1001.10 Commissioner of Education; general powers and  
150 duties.--

151       (4) The Department of Education shall provide technical  
152 assistance to school districts, charter schools, the Florida  
153 School for the Deaf and the Blind, and private schools that  
154 accept scholarship students under s. 220.187 or s. 1002.39 in the  
155 development of policies, procedures, and training related to  
156 employment practices and standards of ethical conduct for  
157 instructional personnel and school administrators, as defined in  
158 s. 1012.01.

159       (5) The Department of Education shall provide authorized  
160 staff of school districts, charter schools, the Florida School  
161 for the Deaf and the Blind, and private schools that accept  
162 scholarship students under s. 220.187 or s. 1002.39 with access  
163 to electronic verification of information from the following  
164 employment screening tools:



587670

165        (a) The Professional Practices' Database of Disciplinary  
166 Actions Against Educators; and

167        (b) The Department of Education's Teacher Certification  
168 Database.

169  
170 This subsection does not require the department to provide these  
171 staff with unlimited access to the databases. However, the  
172 department shall provide the staff with access to the data  
173 necessary for performing employment history checks of the  
174 instructional personnel and school administrators included in the  
175 databases.

176        Section 35. Subsection (4) of section 1001.32, Florida  
177 Statutes, is amended to read:

178        1001.32 Management, control, operation, administration, and  
179 supervision.--The district school system must be managed,  
180 controlled, operated, administered, and supervised as follows:

181        (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
182 the administration of any school or schools at a given school  
183 center, for the supervision of instruction therein, and for  
184 providing leadership in the development or revision and  
185 implementation of a school improvement plan required by s.  
186 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the  
187 school principal or head of the school or schools in accordance  
188 with rules established by the district school board.

189        Section 36. Subsections (6) through (23) of section  
190 1001.42, Florida Statutes, are renumbered as subsections (8)  
191 through (25), respectively, and new subsections (6) and (7) are  
192 added to that section to read:



587670

193 1001.42 Powers and duties of district school board.--The  
194 district school board, acting as a board, shall exercise all  
195 powers and perform all duties listed below:

196 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL  
197 PERSONNEL AND SCHOOL ADMINISTRATORS.--Adopt policies establishing  
198 standards of ethical conduct for instructional personnel and  
199 school administrators. The policies must require all  
200 instructional personnel and school administrators, as defined in  
201 s. 1012.01, to complete training on the standards; establish the  
202 duty of instructional personnel and school administrators to  
203 report, and procedures for reporting, alleged misconduct by other  
204 instructional personnel and school administrators which affects  
205 the health, safety, or welfare of a student; and include an  
206 explanation of the liability protections provided under ss.  
207 39.203 and 768.095. A district school board, or any of its  
208 employees, may not enter into a confidentiality agreement  
209 regarding terminated or dismissed instructional personnel or  
210 school administrators, or personnel or administrators who resign  
211 in lieu of termination, based in whole or in part on misconduct  
212 that affects the health, safety, or welfare of a student, and may  
213 not provide instructional personnel or school administrators with  
214 employment references, or discuss the personnel's or  
215 administrators' performance with prospective employers in another  
216 educational setting, without disclosing the personnel's or  
217 administrators' misconduct. Any part of an agreement or contract  
218 that has the purpose or effect of concealing misconduct by  
219 instructional personnel or school administrators which affects  
220 the health, safety, or welfare of a student is void, is contrary  
221 to public policy, and may not be enforced.





587670

222       (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify  
223 instructional personnel and school administrators, as defined in  
224 s. 1012.01, from employment in any position that requires direct  
225 contact with students, if the personnel or administrators are  
226 ineligible for such employment under s. 1012.315. An elected or  
227 appointed school board official forfeits his or her salary for 1  
228 year, if:

229       (a) The school board official knowingly signs and transmits  
230 to any state official a report of alleged misconduct by  
231 instructional personnel or school administrators which affects  
232 the health, safety, or welfare of a student, and the school board  
233 official knows the report to be false or incorrect; or

234       (b) The school board official knowingly fails to adopt  
235 policies that require instructional personnel and school  
236 administrators to report alleged misconduct by other  
237 instructional personnel and school administrators, or that  
238 require the investigation of all reports of alleged misconduct by  
239 instructional personnel and school administrators, if the  
240 misconduct affects the health, safety, or welfare of a student.

241       Section 37. Paragraphs (a) and (c) of subsection (1) and  
242 subsection (2) of section 1001.452, Florida Statutes, are amended  
243 to read:

244       1001.452 District and school advisory councils.--

245       (1) ESTABLISHMENT.--

246       (a) The district school board shall establish an advisory  
247 council for each school in the district and shall develop  
248 procedures for the election and appointment of advisory council  
249 members. Each school advisory council shall include in its name  
250 the words "school advisory council." The school advisory council  
251 shall be the sole body responsible for final decisionmaking at



587670

252 | the school relating to implementation of ss. 1001.42(18) ~~the~~  
253 | ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the  
254 | members of each school advisory council must be persons who are  
255 | not employed by the school. Each advisory council shall be  
256 | composed of the principal and an appropriately balanced number of  
257 | teachers, education support employees, students, parents, and  
258 | other business and community citizens who are representative of  
259 | the ethnic, racial, and economic community served by the school.  
260 | Career center and high school advisory councils shall include  
261 | students, and middle and junior high school advisory councils may  
262 | include students. School advisory councils of career centers and  
263 | adult education centers are not required to include parents as  
264 | members. Council members representing teachers, education support  
265 | employees, students, and parents shall be elected by their  
266 | respective peer groups at the school in a fair and equitable  
267 | manner as follows:

- 268 | 1. Teachers shall be elected by teachers.
- 269 | 2. Education support employees shall be elected by  
270 | education support employees.
- 271 | 3. Students shall be elected by students.
- 272 | 4. Parents shall be elected by parents.

273 |  
274 | The district school board shall establish procedures to be used  
275 | ~~for use~~ by schools in selecting business and community members  
276 | that include means of ensuring wide notice of vacancies and of  
277 | taking input on possible members from local business, chambers of  
278 | commerce, community and civic organizations and groups, and the  
279 | public at large. The district school board shall review the  
280 | membership composition of each advisory council. If the district  
281 | school board determines that the membership elected by the school



587670

282 is not representative of the ethnic, racial, and economic  
283 community served by the school, the district school board shall  
284 appoint additional members to achieve proper representation. The  
285 commissioner shall determine if schools have maximized their  
286 efforts to include on their advisory councils minority persons  
287 and persons of lower socioeconomic status. Although schools are  
288 strongly encouraged to establish school advisory councils, the  
289 district school board of any school district that has a student  
290 population of 10,000 or fewer may establish a district advisory  
291 council which includes ~~shall include~~ at least one duly elected  
292 teacher from each school in the district. For the purposes of  
293 school advisory councils and district advisory councils, the term  
294 "teacher" includes ~~shall include~~ classroom teachers, certified  
295 student services personnel, and media specialists. For purposes  
296 of this paragraph, "education support employee" means any person  
297 employed by a school who is not defined as instructional or  
298 administrative personnel pursuant to s. 1012.01 and whose duties  
299 require 20 or more hours in each normal working week.

300 (c) For those schools operating for the purpose of  
301 providing educational services to youth in Department of Juvenile  
302 Justice programs, district school boards may establish a district  
303 advisory council with appropriate representatives for the purpose  
304 of developing and monitoring a district school improvement plan  
305 that encompasses all such schools in the district, pursuant to s.  
306 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

307 (2) DUTIES.--Each advisory council shall perform ~~such~~  
308 functions ~~as are~~ prescribed by regulations of the district school  
309 board; however, no advisory council shall have any of the powers  
310 and duties now reserved by law to the district school board. Each  
311 school advisory council shall assist in the preparation and



587670

312 evaluation of the school improvement plan required pursuant to s.  
313 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the  
314 Department of Education, each school advisory council shall  
315 assist in the preparation of the school's annual budget and plan  
316 as required by s. 1008.385(1). A portion of funds provided in the  
317 annual General Appropriations Act for use by school advisory  
318 councils must be used for implementing the school improvement  
319 plan.

320 Section 38. Subsection (12) of section 1001.51, Florida  
321 Statutes, is amended to read:

322 1001.51 Duties and responsibilities of district school  
323 superintendent.--The district school superintendent shall  
324 exercise all powers and perform all duties listed below and  
325 elsewhere in the law, provided that, in so doing, he or she shall  
326 advise and counsel with the district school board. The district  
327 school superintendent shall perform all tasks necessary to make  
328 sound recommendations, nominations, proposals, and reports  
329 required by law to be acted upon by the district school board.  
330 All such recommendations, nominations, proposals, and reports by  
331 the district school superintendent shall be either recorded in  
332 the minutes or shall be made in writing, noted in the minutes,  
333 and filed in the public records of the district school board. It  
334 shall be presumed that, in the absence of the record required in  
335 this section, the recommendations, nominations, and proposals  
336 required of the district school superintendent were not contrary  
337 to the action taken by the district school board in such matters.

338 (12) RECORDS AND REPORTS.--Recommend such records as should  
339 be kept in addition to those prescribed by rules of the State  
340 Board of Education; prepare forms for keeping such records as are  
341 approved by the district school board; ensure that such records



587670

342 are properly kept; and make all reports that are needed or  
343 required, as follows:

344 (a) Forms, blanks, and reports.--Require that all employees  
345 accurately keep all records and promptly make in proper form all  
346 reports required by the education code or by rules of the State  
347 Board of Education; recommend the keeping of such additional  
348 records and the making of such additional reports as may be  
349 deemed necessary to provide data essential for the operation of  
350 the school system; and prepare such forms and blanks as may be  
351 required and ensure that these records and reports are properly  
352 prepared.

353 (b) Reports to the department.--Prepare, for the approval  
354 of the district school board, all reports ~~that may be~~ required by  
355 law or rules of the State Board of Education to be made to the  
356 department and transmit promptly all such reports, when approved,  
357 to the department, as required by law. If any ~~such~~ reports are  
358 not transmitted at the time and in the manner prescribed by law  
359 or by State Board of Education rules, the salary of the district  
360 school superintendent must be withheld until the report has been  
361 properly submitted. Unless otherwise provided by rules of the  
362 State Board of Education, the annual report on attendance and  
363 personnel is due on or before July 1, and the annual school  
364 budget and the report on finance are due on the date prescribed  
365 by the commissioner.

366  
367 Any district school superintendent who knowingly signs and  
368 transmits to any state official a ~~false or incorrect~~ report that  
369 the superintendent knows to be false or incorrect; who knowingly  
370 fails to investigate any allegation of misconduct by  
371 instructional personnel or school administrators, as defined in



587670

372 s. 1012.01, which affects the health, safety, or welfare of a  
373 student; or who knowingly fails to report the alleged misconduct  
374 to the department as required in s. 1012.796, forfeits ~~shall~~  
375 ~~forfeit~~ his or her ~~right to any~~ salary for ~~the period of~~ 1 year  
376 following the ~~from that~~ date of such act or failure to act.

377 Section 39. Subsection (2) of section 1001.54, Florida  
378 Statutes, is amended to read:

379 1001.54 Duties of school principals.--

380 (2) Each school principal shall provide instructional  
381 leadership in the development, revision, and implementation of a  
382 school improvement plan pursuant to s. 1001.42(18) ~~s.~~  
383 ~~1001.42(16)~~.

384 Section 40. Paragraph (b) of subsection (11) of section  
385 1002.32, Florida Statutes, is amended to read:

386 1002.32 Developmental research (laboratory) schools.--

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

391 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.  
392 1001.42 shall be held in abeyance. Reference to district school  
393 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president  
394 of the university or the president's designee.

395 Section 41. Paragraph (g) of subsection (12) of section  
396 1002.33, Florida Statutes, is amended to read:

397 1002.33 Charter schools.--

398 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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



587670

402 shall also undergo background screening in a manner similar to  
403 that provided in s. 1012.32.

404 2. A charter school shall disqualify instructional  
405 personnel and school administrators, as defined in s. 1012.01,  
406 from employment in any position that requires direct contact with  
407 students, if the personnel or administrators are ineligible for  
408 such employment under s. 1012.315.

409 3. The governing board of a charter school shall adopt  
410 policies establishing standards of ethical conduct for  
411 instructional personnel and school administrators. The policies  
412 must require all instructional personnel and school  
413 administrators, as defined in s. 1012.01, to complete training on  
414 the standards; establish the duty of instructional personnel and  
415 school administrators to report, and procedures for reporting,  
416 alleged misconduct by other instructional personnel and school  
417 administrators which affects the health, safety, or welfare of a  
418 student; and include an explanation of the liability protections  
419 provided under ss. 39.203 and 768.095. A charter school, or any  
420 of its employees, may not enter into a confidentiality agreement  
421 regarding terminated or dismissed instructional personnel or  
422 school administrators, or personnel or administrators who resign  
423 in lieu of termination, based in whole or in part on misconduct  
424 that affects the health, safety, or welfare of a student, and may  
425 not provide instructional personnel or school administrators with  
426 employment references, or discuss the personnel's or  
427 administrators' performance with prospective employers in another  
428 educational setting, without disclosing the personnel's or  
429 administrators' misconduct. Any part of an agreement or contract  
430 that has the purpose or effect of concealing misconduct by  
431 instructional personnel or school administrators which affects



432 the health, safety, or welfare of a student is void, is contrary  
433 to public policy, and may not be enforced.

434 4. Before employing instructional personnel or school  
435 administrators in any position that requires direct contact with  
436 students, a charter school shall conduct employment history  
437 checks of each of the personnel's or administrators' previous  
438 employer, screen the instructional personnel or school  
439 administrators through use of the educator screening tools  
440 described in s. 1001.10(5), and document the findings. If unable  
441 to contact a previous employer, the charter school must document  
442 efforts to contact the employer.

443 5. The sponsor of a charter school that fails to comply  
444 with this paragraph shall terminate the charter under subsection  
445 (8).

446 Section 42. Paragraph (g) is added to subsection (7) of  
447 section 1002.36, Florida Statutes, to read:

448 1002.36 Florida School for the Deaf and the Blind.--

449 (7) PERSONNEL SCREENING.--

450 (g) For purposes of protecting the health, safety, or  
451 welfare of students, the Florida School for the Deaf and the  
452 Blind is considered a school district and must, except as  
453 otherwise provided in this section, comply with ss. 1001.03,  
454 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
455 1012.56, 1012.795, and 1012.796.

456 Section 43. Subsections (4), (5), and (6) of section  
457 1002.421, Florida Statutes, are renumbered as subsections (5),  
458 (6), and (7), respectively, and a new subsection (4) is added to  
459 that section to read:

460 1002.421 Accountability of private schools participating in  
461 state school choice scholarship programs.--





587670

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

464       (a) Disqualify instructional personnel and school  
465 administrators, as defined in s. 1012.01, from employment in any  
466 position that requires direct contact with students, if the  
467 personnel or administrators are ineligible for such employment  
468 under s. 1012.315.

469       (b) Adopt policies establishing standards of ethical  
470 conduct for instructional personnel and school administrators.  
471 The policies must require all instructional personnel and school  
472 administrators, as defined in s. 1012.01, to complete training on  
473 the standards; establish the duty of instructional personnel and  
474 school administrators to report, and procedures for reporting,  
475 alleged misconduct by other instructional personnel and school  
476 administrations which affects the health, safety, or welfare of a  
477 student; and include an explanation of the liability protections  
478 provided under ss. 39.203 and 768.095. A private school, or any  
479 of its employees, may not enter into a confidentiality agreement  
480 regarding terminated or dismissed instructional personnel or  
481 school administrators, or personnel or administrators who resign  
482 in lieu of termination, based in whole or in part on misconduct  
483 that affects the health, safety, or welfare of a student, and may  
484 not provide the instructional personnel or school administrators  
485 with employment references, or discuss the personnel's or  
486 administrators' performance with prospective employers in another  
487 educational setting, without disclosing the personnel's or  
488 administrators' misconduct. Any part of an agreement or contract  
489 that has the purpose or effect of concealing misconduct by  
490 instructional personnel or school administrators which affects



587670

491 the health, safety, or welfare of a student is void, is contrary  
492 to public policy, and may not be enforced.

493 (c) Before employing instructional personnel or school  
494 administrators in any position that requires direct contact with  
495 students, conduct employment history checks of each of the  
496 personnel's or administrators' previous employer, screen the  
497 personnel or administrators through use of the educator screening  
498 tools described in s. 1001.10(5), and document the findings. If  
499 unable to contact a previous employer, the private school must  
500 document efforts to contact the employer.

501  
502 The department shall suspend the payment of funds under ss.  
503 220.187 and 1002.39 to a private school that fails to comply with  
504 this subsection, and shall prohibit the school from enrolling new  
505 scholarship students, for 1 fiscal year and until the school  
506 complies.

507 Section 44. Subsection (2) of section 1003.413, Florida  
508 Statutes, is amended to read:

509 1003.413 Florida Secondary School Redesign Act.--

510 (2) The following guiding principles for secondary school  
511 redesign shall be used in the annual preparation of each  
512 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~  
513 ~~1001.42(16)~~:

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

517 (b) Every teacher must contribute to every student's  
518 reading improvement.

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



587670

521 (d) Small learning communities allow teachers to  
522 personalize instruction to better address student learning  
523 styles, strengths, and weaknesses.

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

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

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

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

533 (i) Master schedules should not determine instruction and  
534 must be designed based on student needs, not adult or  
535 institutional needs.

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

539 Section 45. Paragraph (b) of subsection (2) of section  
540 1003.53, Florida Statutes, is amended to read:

541 1003.53 Dropout prevention and academic intervention.--

542 (2)

543 (b) Each school that establishes a dropout prevention and  
544 academic intervention program at that school site shall reflect  
545 that program in the school improvement plan as required under s.  
546 1001.42(18) ~~s. 1001.42(16)~~.

547 Section 46. Subsections (1) and (3) of section 1004.92,  
548 Florida Statutes, are amended to read:

549 1004.92 Purpose and responsibilities for career  
550 education.--



587670

551 (1) The purpose of career education is to enable students  
552 who complete career programs to attain and sustain employment and  
553 realize economic self-sufficiency. The purpose of this section is  
554 to identify issues related to career education for which school  
555 boards and community college boards of trustees are accountable.  
556 It is the intent of the Legislature that the standards  
557 articulated in subsection (2) be considered in the development of  
558 accountability standards for public schools pursuant to ss.  
559 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community  
560 colleges pursuant to s. 1008.45.

561 (3) Each career center operated by a district school board  
562 shall establish a center advisory council pursuant to s.  
563 1001.452. The center advisory council shall assist in the  
564 preparation and evaluation of center improvement plans required  
565 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide  
566 assistance, upon the request of the center director, in the  
567 preparation of the center's annual budget and plan as required by  
568 s. 1008.385(1).

569 Section 47. Section 1006.061, Florida Statutes, is amended  
570 to read:

571 1006.061 Child abuse, abandonment, and neglect  
572 policy.--Each district school board, charter school, and private  
573 school that accepts scholarship students under s. 220.187 or s.  
574 1002.39 shall:

575 (1) Post in a prominent place in each school a notice that,  
576 pursuant to chapter 39, all employees and agents of the district  
577 school board, charter school, or private school have an  
578 affirmative duty to report all actual or suspected cases of child  
579 abuse, abandonment, or neglect; have immunity from liability if  
580 they report such cases in good faith; and have a duty to comply



587670

581 with child protective investigations and all other provisions of  
582 law relating to child abuse, abandonment, and neglect. The notice  
583 shall also include the statewide toll-free telephone number of  
584 the central abuse hotline.

585 (2) Post in a prominent place at each school site and on  
586 each school's Internet website, if available, the policies and  
587 procedures for reporting alleged misconduct by instructional  
588 personnel or school administrators which affects the health,  
589 safety, or welfare of a student; the contact person to whom the  
590 report is made; and the penalties imposed on instructional  
591 personnel or school administrators who fail to report suspected  
592 or actual child abuse or alleged misconduct by other  
593 instructional personnel or school administrators.

594 (3) ~~(2)~~ Require the principal of the charter school or  
595 private school, or the district school superintendent, or the  
596 superintendent's designee, at the request of the Department of  
597 Children and Family Services, to act as a liaison to the  
598 Department of Children and Family Services and the child  
599 protection team, as defined in s. 39.01, when in a case of  
600 suspected child abuse, abandonment, or neglect or an unlawful  
601 sexual offense involving a child the case is referred to such a  
602 team; except that this does not relieve or restrict the  
603 Department of Children and Family Services from discharging its  
604 duty and responsibility under the law to investigate and report  
605 every suspected or actual case of child abuse, abandonment, or  
606 neglect or unlawful sexual offense involving a child.

607  
608 The Department of Education shall develop, and publish on the  
609 department's Internet website, sample notices suitable for  
610 posting in accordance with subsections (1) and (2).



587670

611 Section 48. Subsection (4) of section 1008.33, Florida  
612 Statutes, is amended to read:

613 1008.33 Authority to enforce public school improvement.--It  
614 is the intent of the Legislature that all public schools be held  
615 accountable for students performing at acceptable levels. A  
616 system of school improvement and accountability that assesses  
617 student performance by school, identifies schools in which  
618 students are not making adequate progress toward state standards,  
619 institutes appropriate measures for enforcing improvement, and  
620 provides rewards and sanctions based on performance shall be the  
621 responsibility of the State Board of Education.

622 (4) The State Board of Education may require the Department  
623 of Education or Chief Financial Officer to withhold any transfer  
624 of state funds to the school district if, within the timeframe  
625 specified in state board action, the school district has failed  
626 to comply with the action ordered to improve the district's low-  
627 performing schools. Withholding the transfer of funds shall occur  
628 only after all other recommended actions for school improvement  
629 have failed to improve performance. The State Board of Education  
630 may impose the same penalty on any district school board that  
631 fails to develop and implement a plan for assistance and  
632 intervention for low-performing schools as specified in s.  
633 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

634 Section 49. Paragraph (c) of subsection (6) of section  
635 1008.345, Florida Statutes, is amended to read:

636 1008.345 Implementation of state system of school  
637 improvement and education accountability.--

638 (6)

639 (c) Pursuant to s. 24.121(5)(d), the department shall not  
640 release funds from the Educational Enhancement Trust Fund to any



587670

641 district in which a school, including schools operating for the  
642 purpose of providing educational services to youth in Department  
643 of Juvenile Justice programs, does not have an approved school  
644 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,  
645 after 1 full school year of planning and development, or does not  
646 comply with school advisory council membership composition  
647 requirements pursuant to s. 1001.452. The department shall send a  
648 technical assistance team to each school without an approved plan  
649 to develop such school improvement plan or to each school without  
650 appropriate school advisory council membership composition to  
651 develop a strategy for corrective action. The department shall  
652 release the funds upon approval of the plan or upon establishment  
653 of a plan of corrective action. Notice shall be given to the  
654 public of the department's intervention and shall identify each  
655 school without a plan or without appropriate school advisory  
656 council membership composition.

657 Section 50. Subsection (5) of section 1010.215, Florida  
658 Statutes, is amended to read:

659 1010.215 Educational funding accountability.--

660 (5) The annual school public accountability report required  
661 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school  
662 financial report. The purpose of the school financial report is  
663 to better inform parents and the public concerning how funds were  
664 spent to operate the school during the prior fiscal year. Each  
665 school's financial report must follow a uniform, districtwide  
666 format that is easy to read and understand.

667 (a) Total revenue must be reported at the school, district,  
668 and state levels. The revenue sources that must be addressed are  
669 state and local funds, other than lottery funds; lottery funds;  
670 federal funds; and private donations.



587670

671 (b) Expenditures must be reported as the total expenditures  
672 per unweighted full-time equivalent student at the school level  
673 and the average expenditures per full-time equivalent student at  
674 the district and state levels in each of the following categories  
675 and subcategories:

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

- 679 a. Basic programs;
- 680 b. Students-at-risk programs;
- 681 c. Special programs for exceptional students;
- 682 d. Career education programs; and
- 683 e. Adult programs.

684 2. Substitute teachers.

685 3. Other instructional personnel, including school-based  
686 instructional specialists and their assistants.

687 4. Contracted instructional services, including training  
688 for instructional staff and other contracted instructional  
689 services.

690 5. School administration, including school-based  
691 administrative personnel and school-based education support  
692 personnel.

693 6. The following materials, supplies, and operating capital  
694 outlay:

- 695 a. Textbooks;
- 696 b. Computer hardware and software;
- 697 c. Other instructional materials;
- 698 d. Other materials and supplies; and
- 699 e. Library media materials.

700 7. Food services.





587670

701 8. Other support services.

702 9. Operation and maintenance of the school plant.

703 (c) The school financial report must also identify the  
704 types of district-level expenditures that support the school's  
705 operations. The total amount of these district-level expenditures  
706 must be reported and expressed as total expenditures per full-  
707 time equivalent student.

708 Section 51. Paragraph (b) of subsection (6) of section  
709 1011.18, Florida Statutes, is amended to read:

710 1011.18 School depositories; payments into and withdrawals  
711 from depositories.--

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

714 (b) The district school board may contract with an  
715 insurance company or professional administrator who holds a valid  
716 certificate of authority issued by the Office of Insurance  
717 Regulation of the Financial Services Commission to provide any ~~or~~  
718 ~~all~~ services that a third-party administrator is authorized by  
719 law to perform. Pursuant to such contract, the district school  
720 board may advance or remit money to the administrator to be  
721 deposited in a designated special checking account for paying  
722 claims against the district school board under its self-insurance  
723 programs, and remitting premiums to the providers of insured  
724 benefits on behalf of the district school board and the  
725 participants in such programs, and otherwise fulfilling the  
726 obligations imposed upon the administrator by law and the  
727 contractual agreements between the district school board and the  
728 administrator. The special checking account shall be maintained  
729 in a designated district school depository. The district school  
730 board may replenish such account as often as necessary upon the



587670

731 presentation by the service organization of documentation for  
732 claims or premiums due paid equal to the amount of the requested  
733 reimbursement. Such replenishment shall be made by a warrant  
734 signed by the chair of the district school board and  
735 countersigned by the district school superintendent. Such  
736 replenishment may be made by electronic, telephonic, or other  
737 medium, and each transfer shall be confirmed in writing and  
738 signed by the district school superintendent or his or her  
739 designee. The provisions of strict accountability of all funds  
740 and an annual audit by an independent certified public accountant  
741 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to  
742 this subsection.

743 Section 52. Subsection (6) of section 1012.27, Florida  
744 Statutes, is renumbered as subsection (7), and a new subsection  
745 (6) is added to that section to read:

746 1012.27 Public school personnel; powers and duties of  
747 district school superintendent.--The district school  
748 superintendent is responsible for directing the work of the  
749 personnel, subject to the requirements of this chapter, and in  
750 addition the district school superintendent shall perform the  
751 following:

752 (6) EMPLOYMENT HISTORY CHECKS.--Before employing  
753 instructional personnel and school administrators, as defined in  
754 s. 1012.01, in any position that requires direct contact with  
755 students, conduct employment history checks of each of the  
756 personnel's or administrators' previous employer, screen the  
757 personnel or administrators through use of the educator screening  
758 tools described in s. 1001.10(5), and document the findings. If  
759 unable to contact a previous employer, the district school  
760 superintendent shall document efforts to contact the employer.



587670

761 Section 53. Section 1012.315, Florida Statutes, is created  
762 to read:

763 1012.315 Disqualification from employment.--A person is  
764 ineligible for educator certification, and instructional  
765 personnel and school administrators, as defined in s. 1012.01,  
766 are ineligible for employment in any position that requires  
767 direct contact with students in a district school system, charter  
768 school, or private school that accepts scholarship students under  
769 s. 220.187 or s. 1002.39, if the person, instructional personnel,  
770 or school administrator has been convicted of:

771 (1) Any felony offense prohibited under any of the  
772 following statutes:

773 (a) Section 393.135, relating to sexual misconduct with  
774 certain developmentally disabled clients and reporting of such  
775 sexual misconduct.

776 (b) Section 394.4593, relating to sexual misconduct with  
777 certain mental health patients and reporting of such sexual  
778 misconduct.

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

781 (d) Section 782.04, relating to murder.

782 (e) Section 782.07, relating to manslaughter, aggravated  
783 manslaughter of an elderly person or disabled adult, aggravated  
784 manslaughter of a child, or aggravated manslaughter of an  
785 officer, a firefighter, an emergency medical technician, or a  
786 paramedic.

787 (f) Section 782.09, relating to killing of an unborn quick  
788 child by injury to the mother.

789 (g) Section 784.021, relating to aggravated assault.

790 (h) Section 784.045, relating to aggravated battery.



587670

791        (i) Section 784.075, relating to battery on a detention or  
792 commitment facility staff.

793        (j) Section 787.01, relating to kidnapping.

794        (k) Section 787.02, relating to false imprisonment.

795        (l) Section 787.025, relating to luring or enticing a  
796 child.

797        (m) Section 787.04(2), relating to leading, taking,  
798 enticing, or removing a minor beyond the state limits, or  
799 concealing the location of a minor, with criminal intent pending  
800 custody proceedings.

801        (n) Section 787.04(3), relating to leading, taking,  
802 enticing, or removing a minor beyond the state limits, or  
803 concealing the location of a minor, with criminal intent pending  
804 dependency proceedings or proceedings concerning alleged abuse or  
805 neglect of a minor.

806        (o) Section 790.115(1), relating to exhibiting firearms or  
807 weapons within 1,000 feet of a school.

808        (p) Section 790.115(2)(b), relating to possessing an  
809 electric weapon or device, destructive device, or other weapon on  
810 school property.

811        (q) Section 794.011, relating to sexual battery.

812        (r) Former section 794.041, relating to prohibited act of  
813 familial or custodial authority.

814        (s) Section 794.05, relating to unlawful sexual activity  
815 with certain minors.

816        (t) Section 794.08, relating to female genital mutilation.

817        (u) Chapter 796, relating to prostitution.

818        (v) Chapter 800, relating to lewdness and indecent  
819 exposure.

820        (w) Section 806.01, relating to arson.



587670

- 821 | (x) Section 810.14, relating to voyeurism.
- 822 | (y) Section 810.145, relating to video voyeurism.
- 823 | (z) Section 812.014(6), relating to coordinating the  
824 | commission of theft in excess of \$3,000.
- 825 | (aa) Section 812.0145, relating to theft from persons 65  
826 | years of age or older.
- 827 | (bb) Section 812.019, relating to dealing in stolen  
828 | property.
- 829 | (cc) Section 812.13, relating to robbery.
- 830 | (dd) Section 812.131, relating to robbery by sudden  
831 | snatching.
- 832 | (ee) Section 812.133, relating to carjacking.
- 833 | (ff) Section 812.135, relating to home-invasion robbery.
- 834 | (gg) Section 817.563, relating to fraudulent sale of  
835 | controlled substances.
- 836 | (hh) Section 825.102, relating to abuse, aggravated abuse,  
837 | or neglect of an elderly person or disabled adult.
- 838 | (ii) Section 825.103, relating to exploitation of an  
839 | elderly person or disabled adult.
- 840 | (jj) Section 825.1025, relating to lewd or lascivious  
841 | offenses committed upon or in the presence of an elderly person  
842 | or disabled person.
- 843 | (kk) Section 826.04, relating to incest.
- 844 | (ll) Section 827.03, relating to child abuse, aggravated  
845 | child abuse, or neglect of a child.
- 846 | (mm) Section 827.04, relating to contributing to the  
847 | delinquency or dependency of a child.
- 848 | (nn) Section 827.071, relating to sexual performance by a  
849 | child.



587670

850       (oo) Section 843.01, relating to resisting arrest with  
851 violence.

852       (pp) Chapter 847, relating to obscenity.

853       (qq) Section 874.05, relating to encouraging or recruiting  
854 another to join a criminal gang.

855       (rr) Chapter 893, relating to drug abuse prevention and  
856 control, if the offense was a felony of the second degree or  
857 greater severity.

858       (ss) Section 916.1075, relating to sexual misconduct with  
859 certain forensic clients and reporting of such sexual misconduct.

860       (tt) Section 944.47, relating to introduction of contraband  
861 into a correctional facility.

862       (uu) Section 985.701, relating to sexual misconduct in  
863 juvenile justice programs.

864       (vv) Section 985.711, relating to contraband introduced  
865 into detention facilities.

866       (2) Any misdemeanor offense prohibited under any of the  
867 following statutes:

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

870       (b) Section 787.025, relating to luring or enticing a  
871 child.

872       (3) Any criminal act committed in another state or under  
873 federal law which, if committed in this state, constitutes an  
874 offense prohibited under any statute listed in subsection (1) or  
875 subsection (2).

876       (4) Any delinquent act committed in this state or any  
877 delinquent or criminal act committed in another state or under  
878 federal law which, if committed in this state, qualifies an



587670

879 individual for inclusion on the Registered Juvenile Sex Offender  
880 List under s. 943.0435(1)(a)1.d.

881 Section 54. Subsections (1) and (2) and paragraph (c) of  
882 subsection (3) of section 1012.32, Florida Statutes, are amended  
883 to read:

884 1012.32 Qualifications of personnel.--

885 (1) To be eligible for appointment in any position in any  
886 district school system, a person must ~~shall~~ be of good moral  
887 character; must ~~shall~~ have attained the age of 18 years, if he or  
888 she is to be employed in an instructional capacity; must not be  
889 ineligible for such employment under s. 1012.315; and must ~~shall~~,  
890 when required by law, hold a certificate or license issued under  
891 rules of the State Board of Education or the Department of  
892 Children and Family Services, except when employed pursuant to s.  
893 1012.55 or under the emergency provisions of s. 1012.24. Previous  
894 residence in this state shall not be required in any school of  
895 the state as a prerequisite for any person holding a valid  
896 Florida certificate or license to serve in an instructional  
897 capacity.

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

904 (b) Instructional and noninstructional personnel who are  
905 hired or contracted to fill positions in any charter school and  
906 members of the governing board of any charter school, in  
907 compliance with s. 1002.33(12)(g), must ~~shall~~, upon employment,  
908 engagement of services, or appointment, undergo background



587670

909 screening as required under s. 1012.465 or s. 1012.56, whichever  
910 is applicable, by filing with the district school board for the  
911 school district in which the charter school is located a complete  
912 set of fingerprints taken by an authorized law enforcement agency  
913 or an employee of the school or school district who is trained to  
914 take fingerprints.

915 (c) Instructional and noninstructional personnel who are  
916 hired or contracted to fill positions that require ~~requiring~~  
917 direct contact with students in an alternative school that  
918 operates under contract with a district school system must ~~shall~~,  
919 upon employment or engagement to provide services, undergo  
920 background screening as required under s. 1012.465 or s. 1012.56,  
921 whichever is applicable, by filing with the district school board  
922 for the school district to which the alternative school is under  
923 contract a complete set of fingerprints taken by an authorized  
924 law enforcement agency or an employee of the school or school  
925 district who is trained to take fingerprints.

926 (d) Student teachers, persons participating in a field  
927 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons  
928 participating in a short-term experience as a teacher assistant  
929 pursuant to s. 1004.04(10) in any district school system, lab  
930 school, or charter school must ~~shall~~, upon engagement to provide  
931 services, undergo background screening as required under s.  
932 1012.56.

933  
934 Fingerprints shall be submitted to the Department of Law  
935 Enforcement for state criminal records checks ~~processing~~ and to  
936 the Federal Bureau of Investigation for national criminal records  
937 checks ~~federal processing~~. A person ~~Persons~~ subject to this  
938 subsection who is found ineligible for employment under s.





587670

939 | 1012.315, or otherwise found through background screening  
940 | ~~fingerprint processing~~ to have been convicted of any a crime  
941 | involving moral turpitude as defined by rule of the State Board  
942 | of Education, shall not be employed, engaged to provide services,  
943 | or serve in any position that requires ~~requiring~~ direct contact  
944 | with students. Probationary persons subject to this subsection  
945 | terminated because of their criminal record have the right to  
946 | appeal such decisions. The cost of the background screening may  
947 | be borne by the district school board, the charter school, the  
948 | employee, the contractor, or a person subject to this subsection.

949 | (3)

950 | (c) Personnel whose fingerprints are not retained by the  
951 | Department of Law Enforcement under paragraphs (a) and (b) must  
952 | ~~are required to~~ be refingerprinted and rescreened in accordance  
953 | with subsection (2) ~~must meet level 2 screening requirements as~~  
954 | ~~described in this section~~ upon reemployment or reengagement to  
955 | provide services in order to comply with the requirements of this  
956 | subsection.

957 | Section 55. Paragraph (a) of subsection (1), paragraph (c)  
958 | of subsection (4), and paragraph (b) of subsection (6) of section  
959 | 1012.33, Florida Statutes, are amended to read:

960 | 1012.33 Contracts with instructional staff, supervisors,  
961 | and school principals.--

962 | (1) (a) Each person employed as a member of the  
963 | instructional staff in any district school system shall be  
964 | properly certified pursuant to s. 1012.56 or s. 1012.57 or  
965 | employed pursuant to s. 1012.39 and shall be entitled to and  
966 | shall receive a written contract as specified in this section.  
967 | All such contracts, except continuing contracts as specified in  
968 | subsection (4), shall contain provisions for dismissal during the



587670

969 term of the contract only for just cause. Just cause includes,  
970 but is not limited to, the following instances, as defined by  
971 rule of the State Board of Education: immorality, misconduct in  
972 office, incompetency, gross insubordination, willful neglect of  
973 duty, or being convicted or found guilty of, or entering a plea  
974 of guilty to, regardless of adjudication of guilt, any ~~or~~  
975 conviction of a crime involving moral turpitude.

976 (4)

977 (c) Any member of the district administrative or  
978 supervisory staff and any member of the instructional staff,  
979 including any school principal, who is under continuing contract  
980 may be suspended or dismissed at any time during the school year;  
981 however, the charges against him or her must be based on  
982 immorality, misconduct in office, incompetency, gross  
983 insubordination, willful neglect of duty, drunkenness, or being  
984 convicted or found guilty of, or entering a plea of guilty to,  
985 regardless of adjudication of guilt, any ~~conviction of a crime~~  
986 involving moral turpitude, as these terms are defined by rule of  
987 the State Board of Education. Whenever such charges are made  
988 against ~~an any such~~ employee of the district school board, the  
989 district school board may suspend such person without pay; but,  
990 if the charges are not sustained, he or she shall be immediately  
991 reinstated, and his or her back salary shall be paid. In cases of  
992 suspension by the district school board or by the district school  
993 superintendent, the district school board shall determine upon  
994 the evidence submitted whether the charges have been sustained  
995 and, if the charges are sustained, shall determine either to  
996 dismiss the employee or fix the terms under which he or she may  
997 be reinstated. If such charges are sustained by a majority vote  
998 of the full membership of the district school board and ~~the such~~



587670

999 employee is discharged, his or her contract of employment shall  
1000 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee  
1001 may be appealed by the employee pursuant to s. 120.68, provided  
1002 the ~~such~~ appeal is filed within 30 days after the decision of the  
1003 district school board.

1004 (6)

1005 (b) Any member of the district administrative or  
1006 supervisory staff, including any principal but excluding an  
1007 employee specified in subsection (4), may be suspended or  
1008 dismissed at any time during the term of the contract; however,  
1009 the charges against him or her must be based on immorality,  
1010 misconduct in office, incompetency, gross insubordination,  
1011 willful neglect of duty, drunkenness, or being convicted or found  
1012 guilty of, or entering a plea of guilty, regardless of  
1013 adjudication of guilt, conviction of any crime involving moral  
1014 turpitude, as these terms are defined by rule of the State Board  
1015 of Education. Whenever such charges are made against an ~~any such~~  
1016 employee of the district school board, the district school board  
1017 may suspend the employee without pay; but, if the charges are not  
1018 sustained, he or she shall be immediately reinstated, and his or  
1019 her back salary shall be paid. In cases of suspension by the  
1020 district school board or by the district school superintendent,  
1021 the district school board shall determine upon the evidence  
1022 submitted whether the charges have been sustained and, if the  
1023 charges are sustained, shall determine either to dismiss the  
1024 employee or fix the terms under which he or she may be  
1025 reinstated. If such charges are sustained by a majority vote of  
1026 the full membership of the district school board and the ~~such~~  
1027 employee is discharged, his or her contract of employment shall  
1028 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee



587670

1029 | may be appealed by him or her pursuant to s. 120.68, provided  
1030 | such appeal is filed within 30 days after the decision of the  
1031 | district school board.

1032 |       Section 56. Subsection (4) of section 1012.34, Florida  
1033 | Statutes, is amended to read:

1034 |       1012.34 Assessment procedures and criteria.--

1035 |       (4) The district school superintendent shall notify the  
1036 | department of any instructional personnel who receive two  
1037 | consecutive unsatisfactory evaluations and who have been given  
1038 | written notice by the district that their employment is being  
1039 | terminated or is not being renewed or that the district school  
1040 | board intends to terminate, or not renew, their employment. The  
1041 | department shall conduct an investigation to determine whether  
1042 | action shall be taken against the certificateholder pursuant to  
1043 | s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1044 |       Section 57. Subsections (9) and (14) of section 1012.56,  
1045 | Florida Statutes, are amended to read:

1046 |       1012.56 Educator certification requirements.--

1047 |       (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
1048 | PERIODICALLY.--

1049 |       (a) Each person who seeks certification under this chapter  
1050 | must be fingerprinted and screened ~~meet level 2 screening~~  
1051 | ~~requirements as described in accordance with~~ s. 1012.32 and must  
1052 | not be ineligible for such certification under s. 1012.315. A  
1053 | person who has been screened in accordance with s. 1012.32 unless  
1054 | a level 2 screening has been conducted by a district school board  
1055 | or the Department of Education within 12 months before the date  
1056 | the person initially obtains certification under this chapter,  
1057 | the results of which are submitted to the district school board



587670

1058 or to the Department of Education, is not required to repeat the  
1059 screening under this paragraph.

1060 (b) A person may not receive a certificate under this  
1061 chapter until the person's level 2 screening under s. 1012.32 is  
1062 ~~has been~~ completed and the results have been submitted to the  
1063 Department of Education or to the district school superintendent  
1064 of the school district that employs the person. Every 5 years  
1065 after obtaining initial certification, each person who is  
1066 required to be certified under this chapter must be rescreened  
1067 ~~meet level 2 screening requirements as described in accordance~~  
1068 with s. 1012.32, at which time the school district shall request  
1069 the Department of Law Enforcement to forward the fingerprints to  
1070 the Federal Bureau of Investigation for national criminal records  
1071 checks ~~the level 2 screening~~. If, for any reason after obtaining  
1072 initial certification, the fingerprints of a person who is  
1073 required to be certified under this chapter are not retained by  
1074 the Department of Law Enforcement under s. 1012.32(3)(a) and (b),  
1075 the person must file a complete set of fingerprints with the  
1076 district school superintendent of the employing school district.  
1077 Upon submission of fingerprints for this purpose, the school  
1078 district shall request the Department of Law Enforcement to  
1079 forward the fingerprints to the Federal Bureau of Investigation  
1080 for national criminal records checks ~~the level 2 screening~~, and  
1081 the fingerprints shall be retained by the Department of Law  
1082 Enforcement under s. 1012.32(3)(a) and (b). The cost of the state  
1083 and national federal criminal history checks ~~check~~ required by  
1084 paragraph (a) and this paragraph ~~level 2 screening~~ may be borne  
1085 by the district school board or the employee. Under penalty of  
1086 perjury, each person who is certified under this chapter must  
1087 agree to inform his or her employer within 48 hours if convicted



587670

1088 of any disqualifying offense while he or she is employed in a  
1089 position for which such certification is required.

1090 (c) If it is found under s. 1012.796 that a person who is  
1091 employed in a position requiring certification under this chapter  
1092 has does not been screened in accordance with s. 1012.32, or is  
1093 ineligible for such certification under s. 1012.315 meet the  
1094 level 2 screening requirements, the person's certification shall  
1095 be immediately revoked or suspended and he or she shall be  
1096 immediately suspended from the position requiring certification.

1097 (14) PERSONNEL RECORDS.--The Department of Education shall  
1098 maintain an electronic database that includes, but need not be  
1099 limited to, a complete statement of the academic preparation,  
1100 professional training, and teaching experience of each person to  
1101 whom a certificate is issued. The applicant or the district  
1102 school superintendent shall furnish the information using a  
1103 format ~~or forms~~ provided by the department.

1104 Section 58. Subsection (1) and paragraph (a) of subsection  
1105 (8) of section 1012.79, Florida Statutes, are amended to read:

1106 1012.79 Education Practices Commission; organization.--

1107 (1) The Education Practices Commission consists of 25 17  
1108 members, including 8 7 teachers; 7 5 administrators, at least one  
1109 of whom shall represent a private school; 7 and 5 lay citizens, 5  
1110 (of whom shall be parents of public school students and who are  
1111 unrelated to public school employees and 2 of whom shall be  
1112 former district school board members; 7 5 and 5 sworn law  
1113 enforcement officials, appointed by the State Board of Education  
1114 from nominations by the Commissioner of Education and subject to  
1115 Senate confirmation. Prior to making nominations, the  
1116 commissioner shall consult with the teaching associations, parent  
1117 organizations, law enforcement agencies, and other involved



587670

1118 associations in the state. In making nominations, the  
1119 commissioner shall attempt to achieve equal geographical  
1120 representation, as closely as possible.

1121 (a) A teacher member, in order to be qualified for  
1122 appointment:

1123 1. Must be certified to teach in the state.

1124 2. Must be a resident of the state.

1125 3. Must have practiced the profession in this state for at  
1126 least 5 years immediately preceding the appointment.

1127 (b) A school administrator member, in order to be qualified  
1128 for appointment:

1129 1. Must have an endorsement on the educator certificate in  
1130 the area of school administration or supervision.

1131 2. Must be a resident of the state.

1132 3. Must have practiced the profession as an administrator  
1133 for at least 5 years immediately preceding the appointment.

1134 (c) The lay members must be residents of the state.

1135 (d) The law enforcement official members must have served  
1136 in the profession for at least 5 years immediately preceding  
1137 appointment and have background expertise in child safety.

1138 (8) (a) The commission shall, from time to time, designate  
1139 members of the commission to serve on panels for the purpose of  
1140 reviewing and issuing final orders upon cases presented to the  
1141 commission. A case concerning a complaint against a teacher shall  
1142 be reviewed and a final order ~~thereon shall be~~ entered by a panel  
1143 composed of five commission members, at least one of whom must be  
1144 a parent or a sworn law enforcement officer and at least three of  
1145 whom must shall be teachers. A case concerning a complaint  
1146 against an administrator shall be reviewed and a final order  
1147 ~~thereon shall be~~ entered by a panel composed of five commission



587670

1148 members, at least one of whom must be a parent or a sworn law  
1149 enforcement officer and at least three of whom must ~~shall~~ be  
1150 administrators.

1151 Section 59. Subsection (1) of section 1012.795, Florida  
1152 Statutes, is amended to read:

1153 1012.795 Education Practices Commission; authority to  
1154 discipline.--

1155 (1) The Education Practices Commission may suspend the  
1156 educator certificate of any person as defined in s. 1012.01(2) or  
1157 (3) for a period of time not to exceed 5 years, thereby denying  
1158 that person the right to teach or otherwise be employed by a  
1159 district school board or public school in any capacity requiring  
1160 direct contact with students for that period of time, after which  
1161 the holder may return to teaching as provided in subsection (4);  
1162 may revoke the educator certificate of any person, thereby  
1163 denying that person the right to teach or otherwise be employed  
1164 by a district school board or public school in any capacity  
1165 requiring direct contact with students for a period of time not  
1166 to exceed 10 years, with reinstatement subject to the provisions  
1167 of subsection (4); may revoke permanently the educator  
1168 certificate of any person thereby denying that person the right  
1169 to teach or otherwise be employed by a district school board or  
1170 public school in any capacity requiring direct contact with  
1171 students; may suspend the educator certificate, upon order of the  
1172 court, of any person found to have a delinquent child support  
1173 obligation; or may impose any other penalty provided by law, if  
1174 ~~provided it can be shown that~~ the person:

1175 (a) Obtained or attempted to obtain an educator certificate  
1176 by fraudulent means.





587670

1177        (b) Knowingly failed to report actual or suspected child  
1178 abuse as required in s. 1006.061 or report alleged misconduct by  
1179 instructional personnel or school administrators which affects  
1180 the health, safety, or welfare of a student as required in s.  
1181 1012.796.

1182        (c) ~~(b)~~ Has proved to be incompetent to teach or to perform  
1183 duties as an employee of the public school system or to teach in  
1184 or to operate a private school.

1185        (d) ~~(e)~~ Has been guilty of gross immorality or an act  
1186 involving moral turpitude as defined by rule of the State Board  
1187 of Education.

1188        (e) ~~(d)~~ Has had an educator certificate sanctioned by  
1189 revocation, suspension, or surrender in another state.

1190        (f) ~~(e)~~ Has been convicted or found guilty of, or entered a  
1191 plea of guilty to, regardless of adjudication of guilt, a  
1192 misdemeanor, felony, or any other criminal charge, other than a  
1193 minor traffic violation.

1194        (g) ~~(f)~~ Upon investigation, has been found guilty of  
1195 personal conduct which seriously reduces that person's  
1196 effectiveness as an employee of the district school board.

1197        (h) ~~(g)~~ Has breached a contract, as provided in s.  
1198 1012.33(2).

1199        (i) ~~(h)~~ Has been the subject of a court order directing the  
1200 Education Practices Commission to suspend the certificate as a  
1201 result of a delinquent child support obligation.

1202        (j) ~~(i)~~ Has violated the Principles of Professional Conduct  
1203 for the Education Profession prescribed by State Board of  
1204 Education rules.

1205        (k) ~~(j)~~ Has otherwise violated the provisions of law, the  
1206 penalty for which is the revocation of the educator certificate.



587670

1207        (1)~~(\*)~~ Has violated any order of the Education Practices  
1208 Commission.

1209        (m)~~(1)~~ Has been the subject of a court order or plea  
1210 agreement in any jurisdiction which requires the  
1211 certificateholder to surrender or otherwise relinquish his or her  
1212 educator's certificate. A surrender or relinquishment shall be  
1213 for permanent revocation of the certificate. A person may not  
1214 surrender or otherwise relinquish his or her certificate prior to  
1215 a finding of probable cause by the commissioner as provided in s.  
1216 1012.796.

1217        (n) Has been disqualified from educator certification under  
1218 s. 1012.315.

1219        Section 60. Subsections (1), (3), and (5) of section  
1220 1012.796, Florida Statutes, are amended to read:

1221        1012.796 Complaints against teachers and administrators;  
1222 procedure; penalties.--

1223        (1) (a) The Department of Education shall cause to be  
1224 investigated expeditiously any complaint filed before it or  
1225 otherwise called to its attention which, if legally sufficient,  
1226 contains grounds for the revocation or suspension of a  
1227 certificate or any other appropriate penalty as set forth in  
1228 subsection (7). The complaint is legally sufficient if it  
1229 contains the ultimate facts which show a violation has occurred  
1230 as provided in s. 1012.795 and defined by rule of the State Board  
1231 of Education. The department shall ~~may~~ investigate or continue to  
1232 investigate and take appropriate action on a complaint even  
1233 though the original complainant withdraws the complaint or  
1234 otherwise indicates a desire not to cause it to be investigated  
1235 or prosecuted to completion. The department may investigate or  
1236 continue to investigate and take action on a complaint filed



587670

1237 | against a person whose educator certificate has expired if the  
1238 | act or acts that ~~which~~ are the basis for the complaint were  
1239 | allegedly committed while that person possessed an educator  
1240 | certificate.

1241 |       (b) The department shall immediately investigate any  
1242 | legally sufficient complaint that involves misconduct by any  
1243 | certificated personnel which affects the health, safety, or  
1244 | welfare of a student, giving the complaint priority over other  
1245 | pending complaints. The department must investigate or continue  
1246 | to investigate and take action on such a complaint filed against  
1247 | a person whose educator certificate has expired if the act or  
1248 | acts that are the basis for the complaint were allegedly  
1249 | committed while that person possessed an educator certificate.

1250 |       (c) ~~(b)~~ When an investigation is undertaken, the department  
1251 | shall notify the certificateholder or applicant for certification  
1252 | and the district school superintendent or the university  
1253 | laboratory school, charter school, or private school in which the  
1254 | certificateholder or applicant for certification is employed or  
1255 | was employed at the time the alleged offense occurred. In  
1256 | addition, the department shall inform the certificateholder or  
1257 | applicant for certification of the substance of any complaint  
1258 | which has been filed against that certificateholder or applicant,  
1259 | unless the department determines that such notification would be  
1260 | detrimental to the investigation, in which case the department  
1261 | may withhold notification.

1262 |       (d) ~~(e)~~ Each school district shall file in writing with the  
1263 | department all legally sufficient complaints within 30 days after  
1264 | the date on which subject matter of the complaint comes to the  
1265 | attention of the school district. A complaint is legally  
1266 | sufficient if it contains ultimate facts that show a violation



587670

1267 | has occurred as provided in s. 1012.795 and defined by rule of  
1268 | the State Board of Education. The school district shall include  
1269 | all information relating to the complaint which is known to the  
1270 | school district at the time of filing. Each district school board  
1271 | shall develop and adopt policies and procedures to comply with  
1272 | this reporting requirement. School board policies and procedures  
1273 | must include standards for screening, hiring, and terminating  
1274 | instructional personnel and school administrators, as defined in  
1275 | s. 1012.01; standards of ethical conduct for instructional  
1276 | personnel and school administrators; the duties of instructional  
1277 | personnel and school administrators for upholding the standards;  
1278 | detailed procedures for reporting alleged misconduct by  
1279 | instructional personnel and school administrators which affects  
1280 | the health, safety, or welfare of a student; requirements for the  
1281 | reassignment of instructional personnel or school administrators  
1282 | pending the outcome of a misconduct investigation; and penalties  
1283 | for failing to comply with s. 1001.51 or s. 1012.795. The  
1284 | district school board policies and procedures shall include  
1285 | appropriate penalties for all personnel of the district school  
1286 | board for nonreporting and procedures for promptly informing the  
1287 | district school superintendent of each legally sufficient  
1288 | complaint. The district school superintendent is charged with  
1289 | knowledge of these policies and procedures and is accountable for  
1290 | the training of all instructional personnel and school  
1291 | administrators of the school district on the standards of ethical  
1292 | conduct, policies, and procedures. If the district school  
1293 | superintendent has knowledge of a legally sufficient complaint  
1294 | and does not report the complaint, or fails to enforce the  
1295 | policies and procedures of the district school board, and fails  
1296 | to comply with the requirements of this subsection, in addition



587670

1297 | to other actions against certificateholders authorized by law,  
1298 | the district school superintendent is shall be subject to  
1299 | penalties as specified in s. 1001.51(12). If the superintendent  
1300 | determines that misconduct by instructional personnel or school  
1301 | administrators who hold an educator certificate affects the  
1302 | health, safety, or welfare of a student, and the misconduct  
1303 | warrants termination, the instructional personnel or school  
1304 | administrators may resign or be terminated, and the  
1305 | superintendent must report the misconduct to the department in  
1306 | the format prescribed by the department. The department shall  
1307 | maintain each report of misconduct as a public record in the  
1308 | instructional personnel's or school administrators' certification  
1309 | files. This paragraph does not limit or restrict the power and  
1310 | duty of the department to investigate complaints ~~as provided in~~  
1311 | ~~paragraphs (a) and (b)~~, regardless of the school district's  
1312 | untimely filing, or failure to file, complaints and followup  
1313 | reports.

1314 |       (e) If allegations arise against an employee who is  
1315 | certified under s. 1012.56, and employed in an educator-  
1316 | certificated position in any school or by any provider in the  
1317 | state, such school or provider, or governing body thereof, shall  
1318 | file in writing with the department a legally sufficient  
1319 | complaint within 30 days after the date on which the subject  
1320 | matter of the complaint came to the attention of the school or  
1321 | provider. A complaint is legally sufficient if it contains  
1322 | ultimate facts that show a violation has occurred as provided in  
1323 | s. 1012.795 and defined by rule of the State Board of Education.  
1324 | The school or provider shall include all known information  
1325 | relating to the complaint with the filing of the complaint. This  
1326 | paragraph does not limit or restrict the power and duty of the



587670

1327 department to investigate complaints, regardless of the school's  
1328 or the provider's untimely filing, or failure to file, complaints  
1329 and followup reports.

1330 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement  
1331 agencies, state attorneys, social service agencies, district  
1332 school boards, and the Division of Administrative Hearings shall  
1333 fully cooperate with and, upon request, shall provide unredacted  
1334 documents to the Department of Education to further  
1335 investigations and prosecutions conducted pursuant to this  
1336 section. Any document received ~~pursuant to this paragraph~~ may not  
1337 be redisclosed except as authorized by law.

1338 (3) The department staff shall advise the commissioner  
1339 concerning the findings of the investigation. The department  
1340 general counsel or members of that staff shall review the  
1341 investigation and advise the commissioner concerning probable  
1342 cause or lack thereof. The determination of probable cause shall  
1343 be made by the commissioner. The commissioner shall provide an  
1344 opportunity for a conference, if requested, prior to determining  
1345 probable cause. The commissioner may enter into deferred  
1346 prosecution agreements in lieu of finding probable cause if, when  
1347 in his or her judgment, such agreements are ~~would be~~ in the best  
1348 interests of the department, the certificateholder, and the  
1349 public. Such deferred prosecution agreements shall become  
1350 effective when filed with the clerk of the Education Practices  
1351 Commission. However, a deferred prosecution agreement shall not  
1352 be entered into if where there is probable cause to believe that  
1353 a felony or an act of moral turpitude, as defined by rule of the  
1354 State Board of Education, has occurred. Upon finding no probable  
1355 cause, the commissioner shall dismiss the complaint.



587670

1356           (5) When an allegation of misconduct by instructional  
1357 personnel or school administrators, as defined in s. 1012.01, is  
1358 received, if the alleged misconduct affects ~~deemed necessary to~~  
1359 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,  
1360 the district school superintendent in consultation with the  
1361 school principal, or may, and upon the request of the  
1362 Commissioner of Education, must immediately ~~shall, temporarily~~  
1363 suspend the instructional personnel or school administrators a  
1364 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned  
1365 duties, with pay, and reassign the suspended personnel or  
1366 administrators certificateholder to positions a position that do  
1367 ~~does~~ not require direct contact with students in the district  
1368 school system. Such suspension shall continue until the  
1369 completion of the proceedings and the determination of sanctions,  
1370 if any, pursuant to this section and s. 1012.795.

1371           Section 61. Paragraph (b) of subsection (4) of section  
1372 1012.98, Florida Statutes, is amended to read:

1373           1012.98 School Community Professional Development Act.--

1374           (4) The Department of Education, school districts, schools,  
1375 community colleges, and state universities share the  
1376 responsibilities described in this section. These  
1377 responsibilities include the following:

1378           (b) Each school district shall develop a professional  
1379 development system as specified in subsection (3). The system  
1380 shall be developed in consultation with teachers, teacher-  
1381 educators of community colleges and state universities, business  
1382 and community representatives, and local education foundations,  
1383 consortia, and professional organizations. The professional  
1384 development system must:



587670

1385           1. Be approved by the department. All substantial revisions  
1386 to the system shall be submitted to the department for review for  
1387 continued approval.

1388           2. Be based on analyses of student achievement data and  
1389 instructional strategies and methods that support rigorous,  
1390 relevant, and challenging curricula for all students. Schools and  
1391 districts, in developing and refining the professional  
1392 development system, shall also review and monitor school  
1393 discipline data; school environment surveys; assessments of  
1394 parental satisfaction; performance appraisal data of teachers,  
1395 managers, and administrative personnel; and other performance  
1396 indicators to identify school and student needs that can be met  
1397 by improved professional performance.

1398           3. Provide inservice activities coupled with followup  
1399 support appropriate to accomplish district-level and school-level  
1400 improvement goals and standards. The inservice activities for  
1401 instructional personnel shall focus on analysis of student  
1402 achievement data, ongoing formal and informal assessments of  
1403 student achievement, identification and use of enhanced and  
1404 differentiated instructional strategies that emphasize rigor,  
1405 relevance, and reading in the content areas, enhancement of  
1406 subject content expertise, integrated use of classroom technology  
1407 that enhances teaching and learning, classroom management, parent  
1408 involvement, and school safety.

1409           4. Include a master plan for inservice activities, pursuant  
1410 to rules of the State Board of Education, for all district  
1411 employees from all fund sources. The master plan shall be updated  
1412 annually by September 1, must be based on input from teachers and  
1413 district and school instructional leaders, and must use the  
1414 latest available student achievement data and research to enhance





587670

1415 rigor and relevance in the classroom. Each district inservice  
1416 plan must be aligned to and support the school-based inservice  
1417 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~  
1418 ~~1001.42(16)~~. District plans must be approved by the district  
1419 school board annually in order to ensure compliance with  
1420 subsection (1) and to allow for dissemination of research-based  
1421 best practices to other districts. District school boards must  
1422 submit verification of their approval to the Commissioner of  
1423 Education no later than October 1, annually.

1424 5. Require each school principal to establish and maintain  
1425 an individual professional development plan for each  
1426 instructional employee assigned to the school as a seamless  
1427 component to the school improvement plans developed pursuant to  
1428 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional  
1429 development plan must:

1430 a. Be related to specific performance data for the students  
1431 to whom the teacher is assigned.

1432 b. Define the inservice objectives and specific measurable  
1433 improvements expected in student performance as a result of the  
1434 inservice activity.

1435 c. Include an evaluation component that determines the  
1436 effectiveness of the professional development plan.

1437 6. Include inservice activities for school administrative  
1438 personnel that address updated skills necessary for instructional  
1439 leadership and effective school management pursuant to s.  
1440 1012.986.

1441 7. Provide for systematic consultation with regional and  
1442 state personnel designated to provide technical assistance and  
1443 evaluation of local professional development programs.



587670

1444 8. Provide for delivery of professional development by  
1445 distance learning and other technology-based delivery systems to  
1446 reach more educators at lower costs.

1447 9. Provide for the continuous evaluation of the quality and  
1448 effectiveness of professional development programs in order to  
1449 eliminate ineffective programs and strategies and to expand  
1450 effective ones. Evaluations must consider the impact of such  
1451 activities on the performance of participating educators and  
1452 their students' achievement and behavior.

1453 Section 62. Subsection (4) of section 1013.03, Florida  
1454 Statutes, is amended to read:

1455 1013.03 Functions of the department and the Board of  
1456 Governors.--The functions of the Department of Education as it  
1457 pertains to educational facilities of school districts and  
1458 community colleges and of the Board of Governors as it pertains  
1459 to educational facilities of state universities shall include,  
1460 but not be limited to, the following:

1461 (4) Require each board and other appropriate agencies to  
1462 submit complete and accurate financial data as to the amounts of  
1463 funds from all sources that are available and spent for  
1464 construction and capital improvements. The commissioner shall  
1465 prescribe the format and the date for the submission of this data  
1466 and any other educational facilities data. If any district does  
1467 not submit the required educational facilities fiscal data by the  
1468 prescribed date, the Commissioner of Education shall notify the  
1469 district school board of this fact and, if appropriate action is  
1470 not taken to immediately submit the required report, the district  
1471 school board shall be directed to proceed pursuant to s.  
1472 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any  
1473 community college or university does not submit the required



587670

1474 | educational facilities fiscal data by the prescribed date, the  
 1475 | same policy prescribed in this subsection for school districts  
 1476 | shall be implemented.

1477 |       Section 63. The sum of \$153,872 is appropriated from the  
 1478 | Educational Certification and Services Trust Fund to the  
 1479 | Department of Education for the 2008-2009 fiscal year, and two  
 1480 | additional full-time equivalent positions and associated salary  
 1481 | rate of 90,088 are authorized, for the purpose of implementing  
 1482 | this act.

1483 |  
 1484 | ===== T I T L E   A M E N D M E N T =====

1485 | And the title is amended as follows:

1486 |       On line(s) 1431, after the semicolon,  
 1487 | insert:

1488 |       amending s. 24.121, F.S., relating to public school  
 1489 | funding; conforming cross-references; amending s.  
 1490 | 112.3173, F.S.; specifying certain felony offenses against  
 1491 | a minor as additional offenses that constitute a breach of  
 1492 | the public trust; requiring a person committing such an  
 1493 | offense to forfeit benefits under certain public  
 1494 | retirement systems; amending s. 121.091, F.S.; prohibiting  
 1495 | the Division of Retirement from paying benefits to a  
 1496 | member who commits certain felony offenses against a  
 1497 | minor; conforming a cross-reference; creating ss. 794.09  
 1498 | and 800.05, F.S.; providing notice in the criminal  
 1499 | statutes that certain retirement benefits are subject to  
 1500 | forfeiture for committing certain felony offenses against  
 1501 | a minor; amending s. 1001.10, F.S.; requiring the  
 1502 | Department of Education to assist school districts,  
 1503 | charter schools, the Florida School for the Deaf and the



587670

1504 Blind, and private schools that accept school choice  
1505 scholarship students in developing policies, procedures,  
1506 and training related to employment practices and standards  
1507 of ethical conduct; requiring the department to provide  
1508 authorized staff with access to certain databases for  
1509 employment history verification; amending s. 1001.32,  
1510 F.S., relating to school administration; conforming a  
1511 cross-reference; amending s. 1001.42, F.S.; requiring each  
1512 district school board to adopt standards of ethical  
1513 conduct and provide training for instructional personnel  
1514 and school administrators; prohibiting confidentiality  
1515 agreements regarding terminated or dismissed instructional  
1516 personnel and school administrators which have the effect  
1517 of concealing certain misconduct; prohibiting a school  
1518 district from providing employment references for  
1519 specified personnel and administrators except under  
1520 certain circumstances; requiring a person who committed  
1521 certain crimes to be disqualified from employment in  
1522 certain positions in a district school system under  
1523 specified conditions; providing that a district school  
1524 board official who knowingly signs and transmits a false  
1525 or incorrect report, or fails to adopt certain policies,  
1526 forfeits his or her salary for a specified period;  
1527 amending s. 1001.452, F.S., relating to district and  
1528 school advisory councils; conforming cross-references;  
1529 amending s. 1001.51, F.S.; providing that a district  
1530 school superintendent forfeits his or her salary for a  
1531 specified period following failure to investigate and  
1532 report allegations of certain misconduct by specified  
1533 personnel or administrators; amending ss. 1001.54 and



587670

1534 | 1002.32, F.S., relating to duties of principals and  
1535 | laboratory schools; conforming cross-references; amending  
1536 | s. 1002.33, F.S.; requiring a person who committed certain  
1537 | crimes to be disqualified from employment in certain  
1538 | positions in a charter school under specified conditions;  
1539 | requiring charter schools to adopt standards of ethical  
1540 | conduct and provide training for all instructional  
1541 | personnel and school administrators; prohibiting  
1542 | confidentiality agreements regarding terminated or  
1543 | dismissed instructional personnel and school  
1544 | administrators which have the effect of concealing certain  
1545 | misconduct; prohibiting a charter school from providing  
1546 | employment references for specified personnel and  
1547 | administrators except under certain circumstances;  
1548 | requiring a charter school to contact the previous  
1549 | employer, and verify the employment history against  
1550 | certain databases, of persons seeking employment in  
1551 | certain positions; requiring a charter school's sponsor to  
1552 | terminate the school's charter for failing to comply with  
1553 | these requirements; amending s. 1002.36, F.S.; requiring  
1554 | the Florida School for the Deaf and the Blind to meet  
1555 | certain requirements governing the screening of personnel;  
1556 | amending s. 1002.421, F.S.; requiring a person who  
1557 | committed certain crimes to be disqualified from  
1558 | employment in certain positions in a private school that  
1559 | accepts certain scholarship students under specified  
1560 | conditions; requiring certain private schools to adopt  
1561 | standards of ethical conduct and provide training for all  
1562 | instructional personnel and school administrations;  
1563 | prohibiting confidentiality agreements regarding



587670

1564 terminated or dismissed instructional personnel or school  
1565 administrators which have the effect of concealing certain  
1566 misconduct; prohibiting a private school from providing  
1567 employment references for specified personnel and  
1568 administrators except under certain circumstances;  
1569 requiring a private school to contact the previous  
1570 employer, and verify the employment history against  
1571 certain databases, of persons seeking employment in  
1572 certain positions; requiring the Department of Education  
1573 to suspend enrollment of new students and the payment of  
1574 funds to a private school failing to comply with these  
1575 requirements; amending ss. 1003.413, 1003.53, and 1004.92,  
1576 F.S., relating to educational instruction and programs;  
1577 conforming cross-references; amending s. 1006.061, F.S.;  
1578 requiring district school boards, charter schools, and  
1579 private schools that accept certain scholarship students  
1580 to post policies for reporting child abuse and misconduct  
1581 by specified personnel and administrators; requiring the  
1582 principal of such schools to act as a liaison in suspected  
1583 cases of child abuse; requiring the Department of  
1584 Education to publish sample notices; amending ss. 1008.33,  
1585 1008.345, 1010.215, and 1011.18, F.S., relating to  
1586 accountability procedures; conforming cross-references;  
1587 amending s. 1012.27, F.S.; requiring the district school  
1588 superintendent to contact the previous employer, and  
1589 verify the employment history against certain databases,  
1590 of persons seeking employment in certain positions;  
1591 creating s. 1012.315, F.S.; specifying offenses that  
1592 disqualify instructional personnel and school  
1593 administrations from employment in certain positions that



587670

1594 require direct contact with students; amending s. 1012.32,  
1595 F.S.; requiring specified personnel or administrators who  
1596 committed certain crimes to be disqualified from  
1597 employment in certain positions in a district school  
1598 system or charter school under specified conditions;  
1599 amending s. 1012.33, F.S.; providing that just cause for  
1600 terminating instructional staff includes immorality or  
1601 commission of certain crimes; amending s. 1012.34, F.S.,  
1602 relating to assessment procedures; conforming a cross-  
1603 reference; amending s. 1012.56, F.S., relating to  
1604 certification requirements for educators; revising  
1605 requirements for conducting state and national ~~federal~~  
1606 criminal records checks of persons seeking certification;  
1607 requiring a person who committed certain crimes to be  
1608 ineligible for certification under specified conditions;  
1609 providing for the Department of Education to maintain  
1610 educator records in an electronic database; amending s.  
1611 1012.79, F.S.; providing for additional members to be  
1612 appointed to the Education Practices Commission; revising  
1613 the composition of panels appointed to review complaints  
1614 against teachers and administrators; amending s. 1012.795,  
1615 F.S.; providing for the suspension of the educator  
1616 certificate of a person who knowingly fails to report  
1617 child abuse or misconduct by specified personnel or  
1618 administrators; clarifying authority of the commission to  
1619 discipline educators who commit certain crimes; amending  
1620 s. 1012.796, F.S.; requiring the Department of Education  
1621 to investigate each complaint involving misconduct by  
1622 certificated personnel; clarifying what constitutes a  
1623 legally sufficient complaint; providing requirements for



587670

1624 school board policies and procedures relating to standards  
1625 of ethical conduct; providing that the district school  
1626 superintendent is accountable for training of  
1627 instructional personnel and school administrators on the  
1628 standards, policies, and procedures; requiring employers  
1629 of certificated personnel to report misconduct by such  
1630 personnel to the Department of Education; requiring that  
1631 instructional personnel or school administrators be  
1632 immediately suspended and reassigned under certain  
1633 circumstances; amending ss. 1012.98 and 1013.03, F.S.,  
1634 relating to the School Community Professional Development  
1635 Act and functions of the Department of Education and Board  
1636 of Governors; conforming cross-references; providing an  
1637 appropriation and authorizing additional positions;