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CHAMBER ACTION

Senate

House

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4/30/2008 4:21 PM

1 Senator Gaetz moved the following amendment to amendment
2 (510960):

3
4 Senate Amendment (with title amendment)

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

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

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

11 (5)

12 (c) A portion of such net revenues, as determined annually
13 by the Legislature, shall be distributed to each school district
14 and shall be made available to each public school in the district
15 for enhancing school performance through development and
16 implementation of a school improvement plan pursuant to s.
17 1001.42(18) s. 1001.42(16). A portion of these moneys, as



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

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

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



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

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

53 (e) "Specified offense" means:

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

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

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

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

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

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

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



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78 privileges, duties, or position of his or her public office or
79 employment position.

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

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

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



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

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

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

124 794.09 Forfeiture of retirement benefits.--The retirement
125 benefits of a person convicted of a felony committed on or after
126 October 1, 2008, under this chapter are subject to forfeiture in
127 accordance with s. 112.3173 or s. 121.091 if the person is a
128 public officer or employee when the offense occurs; the person
129 commits the offense through the use or attempted use of power,
130 rights, privileges, duties, or position of the person's public
131 office or employment position; and the victim is younger than 18
132 years of age when the offense occurs.

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

135 800.05 Forfeiture of retirement benefits for a felony
136 defined in s. 800.04.--The retirement benefits of a person
137 convicted of a felony committed on or after October 1, 2008,



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138 defined in s. 800.04 are subject to forfeiture in accordance with
139 s. 112.3173 or s. 121.091 if the person is a public officer or
140 employee when the offense occurs; the person commits the offense
141 through the use or attempted use of power, rights, privileges,
142 duties, or position of the person's public office or employment
143 position; and the victim is younger than 16 years of age when the
144 offense occurs.

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

148 1001.10 Commissioner of Education; general powers and
149 duties.--

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

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

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

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



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168
169 This subsection does not require the department to provide these
170 staff with unlimited access to the databases. However, the
171 department shall provide the staff with access to the data
172 necessary for performing employment history checks of the
173 instructional personnel and school administrators included in the
174 databases.

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

177 1001.32 Management, control, operation, administration, and
178 supervision.--The district school system must be managed,
179 controlled, operated, administered, and supervised as follows:

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

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

192 1001.42 Powers and duties of district school board.--The
193 district school board, acting as a board, shall exercise all
194 powers and perform all duties listed below:

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



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

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



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

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

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

243 1001.452 District and school advisory councils.--

244 (1) ESTABLISHMENT.--

245 (a) The district school board shall establish an advisory
246 council for each school in the district and shall develop
247 procedures for the election and appointment of advisory council
248 members. Each school advisory council shall include in its name
249 the words "school advisory council." The school advisory council
250 shall be the sole body responsible for final decisionmaking at
251 the school relating to implementation of ss. 1001.42(18) ~~the~~
252 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
253 members of each school advisory council must be persons who are
254 not employed by the school. Each advisory council shall be
255 composed of the principal and an appropriately balanced number of
256 teachers, education support employees, students, parents, and
257 other business and community citizens who are representative of



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258 | the ethnic, racial, and economic community served by the school.
259 | Career center and high school advisory councils shall include
260 | students, and middle and junior high school advisory councils may
261 | include students. School advisory councils of career centers and
262 | adult education centers are not required to include parents as
263 | members. Council members representing teachers, education support
264 | employees, students, and parents shall be elected by their
265 | respective peer groups at the school in a fair and equitable
266 | manner as follows:

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

272 |
273 | The district school board shall establish procedures to be used
274 | ~~for use~~ by schools in selecting business and community members
275 | that include means of ensuring wide notice of vacancies and of
276 | taking input on possible members from local business, chambers of
277 | commerce, community and civic organizations and groups, and the
278 | public at large. The district school board shall review the
279 | membership composition of each advisory council. If the district
280 | school board determines that the membership elected by the school
281 | is not representative of the ethnic, racial, and economic
282 | community served by the school, the district school board shall
283 | appoint additional members to achieve proper representation. The
284 | commissioner shall determine if schools have maximized their
285 | efforts to include on their advisory councils minority persons
286 | and persons of lower socioeconomic status. Although schools are
287 | strongly encouraged to establish school advisory councils, the



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288 district school board of any school district that has a student
289 population of 10,000 or fewer may establish a district advisory
290 council which includes ~~shall include~~ at least one duly elected
291 teacher from each school in the district. For the purposes of
292 school advisory councils and district advisory councils, the term
293 "teacher" includes ~~shall include~~ classroom teachers, certified
294 student services personnel, and media specialists. For purposes
295 of this paragraph, "education support employee" means any person
296 employed by a school who is not defined as instructional or
297 administrative personnel pursuant to s. 1012.01 and whose duties
298 require 20 or more hours in each normal working week.

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

306 (2) DUTIES.--Each advisory council shall perform ~~such~~
307 functions ~~as are~~ prescribed by regulations of the district school
308 board; however, no advisory council shall have any of the powers
309 and duties now reserved by law to the district school board. Each
310 school advisory council shall assist in the preparation and
311 evaluation of the school improvement plan required pursuant to s.
312 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
313 Department of Education, each school advisory council shall
314 assist in the preparation of the school's annual budget and plan
315 as required by s. 1008.385(1). A portion of funds provided in the
316 annual General Appropriations Act for use by school advisory



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317 councils must be used for implementing the school improvement
318 plan.

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

321 1001.51 Duties and responsibilities of district school
322 superintendent.--The district school superintendent shall
323 exercise all powers and perform all duties listed below and
324 elsewhere in the law, provided that, in so doing, he or she shall
325 advise and counsel with the district school board. The district
326 school superintendent shall perform all tasks necessary to make
327 sound recommendations, nominations, proposals, and reports
328 required by law to be acted upon by the district school board.
329 All such recommendations, nominations, proposals, and reports by
330 the district school superintendent shall be either recorded in
331 the minutes or shall be made in writing, noted in the minutes,
332 and filed in the public records of the district school board. It
333 shall be presumed that, in the absence of the record required in
334 this section, the recommendations, nominations, and proposals
335 required of the district school superintendent were not contrary
336 to the action taken by the district school board in such matters.

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

343 (a) Forms, blanks, and reports.--Require that all employees
344 accurately keep all records and promptly make in proper form all
345 reports required by the education code or by rules of the State
346 Board of Education; recommend the keeping of such additional



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347 records and the making of such additional reports as may be
348 deemed necessary to provide data essential for the operation of
349 the school system; and prepare such forms and blanks as may be
350 required and ensure that these records and reports are properly
351 prepared.

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

365
366 Any district school superintendent who knowingly signs and
367 transmits to any state official a ~~false or incorrect~~ report that
368 the superintendent knows to be false or incorrect; who knowingly
369 fails to investigate any allegation of misconduct by
370 instructional personnel or school administrators, as defined in
371 s. 1012.01, which affects the health, safety, or welfare of a
372 student; or who knowingly fails to report the alleged misconduct
373 to the department as required in s. 1012.796, forfeits shall
374 ~~forfeit~~ his or her ~~right to any~~ salary for ~~the period of~~ 1 year
375 following the ~~from that~~ date of such act or failure to act.



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

378 1001.54 Duties of school principals.--

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

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

385 1002.32 Developmental research (laboratory) schools.--

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

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

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

396 1002.33 Charter schools.--

397 (12) EMPLOYEES OF CHARTER SCHOOLS.--

398 (g)1. A charter school shall employ or contract with
399 employees who have undergone background screening as provided in
400 s. 1012.32. Members of the governing board of the charter school
401 shall also undergo background screening in a manner similar to
402 that provided in s. 1012.32.

403 2. A charter school shall disqualify instructional
404 personnel and school administrators, as defined in s. 1012.01,
405 from employment in any position that requires direct contact with



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406 students, if the personnel or administrators are ineligible for
407 such employment under s. 1012.315.

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

433 4. Before employing instructional personnel or school
434 administrators in any position that requires direct contact with
435 students, a charter school shall conduct employment history



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436 checks of each of the personnel's or administrators' previous
437 employer, screen the instructional personnel or school
438 administrators through use of the educator screening tools
439 described in s. 1001.10(5), and document the findings. If unable
440 to contact a previous employer, the charter school must document
441 efforts to contact the employer.

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

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

447 1002.36 Florida School for the Deaf and the Blind.--

448 (7) PERSONNEL SCREENING.--

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

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

459 1002.421 Accountability of private schools participating in
460 state school choice scholarship programs.--

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

463 (a) Disqualify instructional personnel and school
464 administrators, as defined in s. 1012.01, from employment in any
465 position that requires direct contact with students, if the



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466 personnel or administrators are ineligible for such employment
467 under s. 1012.315.

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

492 (c) Before employing instructional personnel or school
493 administrators in any position that requires direct contact with
494 students, conduct employment history checks of each of the
495 personnel's or administrators' previous employer, screen the



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496 personnel or administrators through use of the educator screening
497 tools described in s. 1001.10(5), and document the findings. If
498 unable to contact a previous employer, the private school must
499 document efforts to contact the employer.

500
501 The department shall suspend the payment of funds under ss.
502 220.187 and 1002.39 to a private school that fails to comply with
503 this subsection, and shall prohibit the school from enrolling new
504 scholarship students, for 1 fiscal year and until the school
505 complies.

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

508 1003.413 Florida Secondary School Redesign Act.--

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

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

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

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

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

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



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

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

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

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

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

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

540 1003.53 Dropout prevention and academic intervention.--

541 (2)

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

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

548 1004.92 Purpose and responsibilities for career
549 education.--

550 (1) The purpose of career education is to enable students
551 who complete career programs to attain and sustain employment and
552 realize economic self-sufficiency. The purpose of this section is
553 to identify issues related to career education for which school
554 boards and community college boards of trustees are accountable.



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555 It is the intent of the Legislature that the standards
556 articulated in subsection (2) be considered in the development of
557 accountability standards for public schools pursuant to ss.
558 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
559 colleges pursuant to s. 1008.45.

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

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

570 1006.061 Child abuse, abandonment, and neglect
571 policy.--Each district school board, charter school, and private
572 school that accepts scholarship students under s. 220.187 or s.
573 1002.39 shall:

574 (1) Post in a prominent place in each school a notice that,
575 pursuant to chapter 39, all employees and agents of the district
576 school board, charter school, or private school have an
577 affirmative duty to report all actual or suspected cases of child
578 abuse, abandonment, or neglect; have immunity from liability if
579 they report such cases in good faith; and have a duty to comply
580 with child protective investigations and all other provisions of
581 law relating to child abuse, abandonment, and neglect. The notice
582 shall also include the statewide toll-free telephone number of
583 the central abuse hotline.



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

593 ~~(3)~~(2) Require the principal of the charter school or
594 private school, or the district school superintendent, or the
595 superintendent's designee, at the request of the Department of
596 Children and Family Services, to act as a liaison to the
597 Department of Children and Family Services and the child
598 protection team, as defined in s. 39.01, when in a case of
599 suspected child abuse, abandonment, or neglect or an unlawful
600 sexual offense involving a child the case is referred to such a
601 team; except that this does not relieve or restrict the
602 Department of Children and Family Services from discharging its
603 duty and responsibility under the law to investigate and report
604 every suspected or actual case of child abuse, abandonment, or
605 neglect or unlawful sexual offense involving a child.

606
607 The Department of Education shall develop, and publish on the
608 department's Internet website, sample notices suitable for
609 posting in accordance with subsections (1) and (2).

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

612 1008.33 Authority to enforce public school improvement.--It
613 is the intent of the Legislature that all public schools be held



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614 | accountable for students performing at acceptable levels. A
615 | system of school improvement and accountability that assesses
616 | student performance by school, identifies schools in which
617 | students are not making adequate progress toward state standards,
618 | institutes appropriate measures for enforcing improvement, and
619 | provides rewards and sanctions based on performance shall be the
620 | responsibility of the State Board of Education.

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

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

635 | 1008.345 Implementation of state system of school
636 | improvement and education accountability.--

637 | (6)

638 | (c) Pursuant to s. 24.121(5)(d), the department shall not
639 | release funds from the Educational Enhancement Trust Fund to any
640 | district in which a school, including schools operating for the
641 | purpose of providing educational services to youth in Department
642 | of Juvenile Justice programs, does not have an approved school
643 | improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,



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644 after 1 full school year of planning and development, or does not
645 comply with school advisory council membership composition
646 requirements pursuant to s. 1001.452. The department shall send a
647 technical assistance team to each school without an approved plan
648 to develop such school improvement plan or to each school without
649 appropriate school advisory council membership composition to
650 develop a strategy for corrective action. The department shall
651 release the funds upon approval of the plan or upon establishment
652 of a plan of corrective action. Notice shall be given to the
653 public of the department's intervention and shall identify each
654 school without a plan or without appropriate school advisory
655 council membership composition.

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

658 1010.215 Educational funding accountability.--

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

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

670 (b) Expenditures must be reported as the total expenditures
671 per unweighted full-time equivalent student at the school level
672 and the average expenditures per full-time equivalent student at



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673 the district and state levels in each of the following categories
674 and subcategories:

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

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

683 2. Substitute teachers.

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

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

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

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

- 694 a. Textbooks;
 - 695 b. Computer hardware and software;
 - 696 c. Other instructional materials;
 - 697 d. Other materials and supplies; and
 - 698 e. Library media materials.
- 699 7. Food services.
- 700 8. Other support services.
- 701 9. Operation and maintenance of the school plant.



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

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

709 1011.18 School depositories; payments into and withdrawals
710 from depositories.--

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

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



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

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

745 1012.27 Public school personnel; powers and duties of
746 district school superintendent.--The district school
747 superintendent is responsible for directing the work of the
748 personnel, subject to the requirements of this chapter, and in
749 addition the district school superintendent shall perform the
750 following:

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

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



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762 1012.315 Disqualification from employment.--A person is
763 ineligible for educator certification, and instructional
764 personnel and school administrators, as defined in s. 1012.01,
765 are ineligible for employment in any position that requires
766 direct contact with students in a district school system, charter
767 school, or private school that accepts scholarship students under
768 s. 220.187 or s. 1002.39, if the person, instructional personnel,
769 or school administrators, have been convicted of any offense
770 prohibited under any of the following statutes:

771 (1) Section 393.135, relating to sexual misconduct with
772 certain developmentally disabled clients and reporting of such
773 sexual misconduct.

774 (2) Section 394.4593, relating to sexual misconduct with
775 certain mental health patients and reporting of such sexual
776 misconduct.

777 (3) Section 415.111, relating to adult abuse, neglect, or
778 exploitation of aged persons or disabled adults.

779 (4) Section 782.04, relating to murder.

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

785 (6) Section 782.09, relating to killing of an unborn quick
786 child by injury to the mother.

787 (7) Section 784.011, relating to assault, if the victim of
788 the offense was a minor.

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

790 (9) Section 784.03, relating to battery, if the victim of
791 the offense was a minor.



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- 792 (10) Section 784.045, relating to aggravated battery.
- 793 (11) Section 784.075, relating to battery on a detention or
794 commitment facility staff.
- 795 (12) Section 787.01, relating to kidnapping.
- 796 (13) Section 787.02, relating to false imprisonment.
- 797 (14) Section 787.025, relating to luring or enticing a
798 child.
- 799 (15) Section 787.04(2), relating to leading, taking,
800 enticing, or removing a minor beyond the state limits, or
801 concealing the location of a minor, with criminal intent pending
802 custody proceedings.
- 803 (16) Section 787.04(3), relating to leading, taking,
804 enticing, or removing a minor beyond the state limits, or
805 concealing the location of a minor, with criminal intent pending
806 dependency proceedings or proceedings concerning alleged abuse or
807 neglect of a minor.
- 808 (17) Section 790.115(1), relating to exhibiting firearms or
809 weapons within 1,000 feet of a school.
- 810 (18) Section 790.115(2)(b), relating to possessing an
811 electric weapon or device, destructive device, or other weapon on
812 school property.
- 813 (19) Section 794.011, relating to sexual battery.
- 814 (20) Former section 794.041, relating to prohibited act of
815 familial or custodial authority.
- 816 (21) Section 794.05, relating to unlawful sexual activity
817 with certain minors.
- 818 (22) Section 794.08, relating to female genital mutilation.
- 819 (23) Chapter 796, relating to prostitution.
- 820 (24) Chapter 800, relating to lewdness and indecent
821 exposure.



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- 822 (25) Section 806.01, relating to arson.
- 823 (26) Section 810.14, relating to voyeurism.
- 824 (27) Section 810.145, relating to video voyeurism.
- 825 (28) Section 812.014(6), relating to coordinating the
826 commission of theft in excess of \$3,000.
- 827 (29) Section 812.0145, relating to theft from persons 65
828 years of age or older.
- 829 (30) Section 812.019, relating to dealing in stolen
830 property.
- 831 (31) Section 812.13, relating to robbery.
- 832 (32) Section 812.131, relating to robbery by sudden
833 snatching.
- 834 (33) Section 812.133, relating to carjacking.
- 835 (34) Section 812.135, relating to home-invasion robbery.
- 836 (35) Section 817.563, relating to fraudulent sale of
837 controlled substances, if the offense was a felony.
- 838 (36) Section 825.102, relating to abuse, aggravated abuse,
839 or neglect of an elderly person or disabled adult.
- 840 (37) Section 825.103, relating to exploitation of an
841 elderly person or disabled adult.
- 842 (38) Section 825.1025, relating to lewd or lascivious
843 offenses committed upon or in the presence of an elderly person
844 or disabled person.
- 845 (39) Section 826.04, relating to incest.
- 846 (40) Section 827.03, relating to child abuse, aggravated
847 child abuse, or neglect of a child.
- 848 (41) Section 827.04, relating to contributing to the
849 delinquency or dependency of a child.
- 850 (42) Section 827.071, relating to sexual performance by a
851 child.



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852 (43) Section 843.01, relating to resisting arrest with
853 violence.

854 (44) Section 843.025, relating to depriving a law
855 enforcement, correctional, or correctional probation officer
856 means of protection and communication.

857 (45) Chapter 847, relating to obscenity.

858 (46) Section 874.05(1), relating to encouraging or
859 recruiting another to join a criminal gang.

860 (47) Chapter 893, relating to drug abuse prevention and
861 control, if the offense was a felony of the second degree or
862 greater severity.

863 (48) Section 916.1075, relating to sexual misconduct with
864 certain forensic clients and reporting of such sexual misconduct.

865 (49) Section 944.35(3), relating to inflicting cruel or
866 inhuman treatment on an inmate resulting in great bodily harm, if
867 the offense was a felony.

868 (50) Section 944.47, relating to introduction of contraband
869 into a correctional facility.

870 (51) Section 985.701, relating to sexual misconduct in
871 juvenile justice programs.

872 (52) Section 985.711, relating to contraband introduced
873 into detention facilities.

874 (53) Any criminal act committed in another state or under
875 federal law which, if committed in this state, constitutes an
876 offense prohibited under any statute listed in subsections (1)-
877 (52).

878 (54) Any delinquent act committed in this state or any
879 delinquent or criminal act committed in another state or under
880 federal law which, if committed in this state, qualifies an



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

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

886 1012.32 Qualifications of personnel.--

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

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

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



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

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

928 (d) Student teachers, persons participating in a field
929 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
930 participating in a short-term experience as a teacher assistant
931 pursuant to s. 1004.04(10) in any district school system, lab
932 school, or charter school must ~~shall~~, upon engagement to provide
933 services, undergo background screening as required under s.
934 1012.56.

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



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

951 (3)

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

959 Section 55. Paragraph (a) of subsection (1), paragraph (c)
960 of subsection (4), and paragraph (b) of subsection (6) of section
961 1012.33, Florida Statutes, are amended to read:

962 1012.33 Contracts with instructional staff, supervisors,
963 and school principals.--

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



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

978 (4)

979 (c) Any member of the district administrative or
980 supervisory staff and any member of the instructional staff,
981 including any school principal, who is under continuing contract
982 may be suspended or dismissed at any time during the school year;
983 however, the charges against him or her must be based on
984 immorality, misconduct in office, incompetency, gross
985 insubordination, willful neglect of duty, drunkenness, or being
986 convicted or found guilty of, or entering a plea of guilty to,
987 regardless of adjudication of guilt, any ~~conviction of a crime~~
988 involving moral turpitude, as these terms are defined by rule of
989 the State Board of Education. Whenever such charges are made
990 against ~~an any such~~ employee of the district school board, the
991 district school board may suspend such person without pay; but,
992 if the charges are not sustained, he or she shall be immediately
993 reinstated, and his or her back salary shall be paid. In cases of
994 suspension by the district school board or by the district school
995 superintendent, the district school board shall determine upon
996 the evidence submitted whether the charges have been sustained
997 and, if the charges are sustained, shall determine either to
998 dismiss the employee or fix the terms under which he or she may
999 be reinstated. If such charges are sustained by a majority vote
1000 of the full membership of the district school board and ~~the such~~



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1001 employee is discharged, his or her contract of employment shall
1002 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
1003 may be appealed by the employee pursuant to s. 120.68, provided
1004 the ~~such~~ appeal is filed within 30 days after the decision of the
1005 district school board.

1006 (6)

1007 (b) Any member of the district administrative or
1008 supervisory staff, including any principal but excluding an
1009 employee specified in subsection (4), may be suspended or
1010 dismissed at any time during the term of the contract; however,
1011 the charges against him or her must be based on immorality,
1012 misconduct in office, incompetency, gross insubordination,
1013 willful neglect of duty, drunkenness, or being convicted or found
1014 guilty of, or entering a plea of guilty, regardless of
1015 adjudication of guilt, conviction of any crime involving moral
1016 turpitude, as these terms are defined by rule of the State Board
1017 of Education. Whenever such charges are made against an ~~any such~~
1018 employee of the district school board, the district school board
1019 may suspend the employee without pay; but, if the charges are not
1020 sustained, he or she shall be immediately reinstated, and his or
1021 her back salary shall be paid. In cases of suspension by the
1022 district school board or by the district school superintendent,
1023 the district school board shall determine upon the evidence
1024 submitted whether the charges have been sustained and, if the
1025 charges are sustained, shall determine either to dismiss the
1026 employee or fix the terms under which he or she may be
1027 reinstated. If such charges are sustained by a majority vote of
1028 the full membership of the district school board and the ~~such~~
1029 employee is discharged, his or her contract of employment shall
1030 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee



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1031 | may be appealed by him or her pursuant to s. 120.68, provided
1032 | such appeal is filed within 30 days after the decision of the
1033 | district school board.

1034 | Section 56. Subsection (4) of section 1012.34, Florida
1035 | Statutes, is amended to read:

1036 | 1012.34 Assessment procedures and criteria.--

1037 | (4) The district school superintendent shall notify the
1038 | department of any instructional personnel who receive two
1039 | consecutive unsatisfactory evaluations and who have been given
1040 | written notice by the district that their employment is being
1041 | terminated or is not being renewed or that the district school
1042 | board intends to terminate, or not renew, their employment. The
1043 | department shall conduct an investigation to determine whether
1044 | action shall be taken against the certificateholder pursuant to
1045 | s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1046 | Section 57. Subsections (9) and (14) of section 1012.56,
1047 | Florida Statutes, are amended to read:

1048 | 1012.56 Educator certification requirements.--

1049 | (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1050 | PERIODICALLY.--

1051 | (a) Each person who seeks certification under this chapter
1052 | must be fingerprinted and screened ~~meet level 2 screening~~
1053 | ~~requirements as described in accordance with~~ s. 1012.32 and must
1054 | not be ineligible for such certification under s. 1012.315. A
1055 | person who has been screened in accordance with s. 1012.32 unless
1056 | a level 2 screening has been conducted by a district school board
1057 | or the Department of Education within 12 months before the date
1058 | the person initially obtains certification under this chapter,
1059 | the results of which are submitted to the district school board



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1060 or to the Department of Education, is not required to repeat the
1061 screening under this paragraph.

1062 (b) A person may not receive a certificate under this
1063 chapter until the person's level 2 screening under s. 1012.32 is
1064 ~~has been~~ completed and the results have been submitted to the
1065 Department of Education or to the district school superintendent
1066 of the school district that employs the person. Every 5 years
1067 after obtaining initial certification, each person who is
1068 required to be certified under this chapter must be rescreened
1069 ~~meet level 2 screening requirements as described in accordance~~
1070 with s. 1012.32, at which time the school district shall request
1071 the Department of Law Enforcement to forward the fingerprints to
1072 the Federal Bureau of Investigation for national criminal records
1073 checks ~~the level 2 screening~~. If, for any reason after obtaining
1074 initial certification, the fingerprints of a person who is
1075 required to be certified under this chapter are not retained by
1076 the Department of Law Enforcement under s. 1012.32(3)(a) and (b),
1077 the person must file a complete set of fingerprints with the
1078 district school superintendent of the employing school district.
1079 Upon submission of fingerprints for this purpose, the school
1080 district shall request the Department of Law Enforcement to
1081 forward the fingerprints to the Federal Bureau of Investigation
1082 for national criminal records checks ~~the level 2 screening~~, and
1083 the fingerprints shall be retained by the Department of Law
1084 Enforcement under s. 1012.32(3)(a) and (b). The cost of the state
1085 and national federal criminal history checks ~~check~~ required by
1086 paragraph (a) and this paragraph ~~level 2 screening~~ may be borne
1087 by the district school board or the employee. Under penalty of
1088 perjury, each person who is certified under this chapter must
1089 agree to inform his or her employer within 48 hours if convicted



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1090 of any disqualifying offense while he or she is employed in a
1091 position for which such certification is required.

1092 (c) If it is found under s. 1012.796 that a person who is
1093 employed in a position requiring certification under this chapter
1094 has does not been screened in accordance with s. 1012.32, or is
1095 ineligible for such certification under s. 1012.315 meet the
1096 level 2 screening requirements, the person's certification shall
1097 be immediately revoked or suspended and he or she shall be
1098 immediately suspended from the position requiring certification.

1099 (14) PERSONNEL RECORDS.--The Department of Education shall
1100 maintain an electronic database that includes, but need not be
1101 limited to, a complete statement of the academic preparation,
1102 professional training, and teaching experience of each person to
1103 whom a certificate is issued. The applicant or the district
1104 school superintendent shall furnish the information using a
1105 format ~~or forms~~ provided by the department.

1106 Section 58. Subsection (1) and paragraph (a) of subsection
1107 (8) of section 1012.79, Florida Statutes, are amended to read:

1108 1012.79 Education Practices Commission; organization.--

1109 (1) The Education Practices Commission consists of 25 17
1110 members, including 8 7 teachers; 7 5 administrators, at least one
1111 of whom shall represent a private school; 7 and 5 lay citizens, 5
1112 (of whom shall be parents of public school students and who are
1113 unrelated to public school employees and 2 of whom shall be
1114 former district school board members; 7 5 and 5 sworn law
1115 enforcement officials, appointed by the State Board of Education
1116 from nominations by the Commissioner of Education and subject to
1117 Senate confirmation. Prior to making nominations, the
1118 commissioner shall consult with the teaching associations, parent
1119 organizations, law enforcement agencies, and other involved



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1120 associations in the state. In making nominations, the
1121 commissioner shall attempt to achieve equal geographical
1122 representation, as closely as possible.

1123 (a) A teacher member, in order to be qualified for
1124 appointment:

1125 1. Must be certified to teach in the state.

1126 2. Must be a resident of the state.

1127 3. Must have practiced the profession in this state for at
1128 least 5 years immediately preceding the appointment.

1129 (b) A school administrator member, in order to be qualified
1130 for appointment:

1131 1. Must have an endorsement on the educator certificate in
1132 the area of school administration or supervision.

1133 2. Must be a resident of the state.

1134 3. Must have practiced the profession as an administrator
1135 for at least 5 years immediately preceding the appointment.

1136 (c) The lay members must be residents of the state.

1137 (d) The law enforcement official members must have served
1138 in the profession for at least 5 years immediately preceding
1139 appointment and have background expertise in child safety.

1140 (8) (a) The commission shall, from time to time, designate
1141 members of the commission to serve on panels for the purpose of
1142 reviewing and issuing final orders upon cases presented to the
1143 commission. A case concerning a complaint against a teacher shall
1144 be reviewed and a final order ~~thereon shall be~~ entered by a panel
1145 composed of five commission members, at least one of whom must be
1146 a parent or a sworn law enforcement officer and at least three of
1147 whom must shall be teachers. A case concerning a complaint
1148 against an administrator shall be reviewed and a final order
1149 ~~thereon shall be~~ entered by a panel composed of five commission



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1150 members, at least one of whom must be a parent or a sworn law
1151 enforcement officer and at least three of whom must ~~shall~~ be
1152 administrators.

1153 Section 59. Subsection (1) of section 1012.795, Florida
1154 Statutes, is amended to read:

1155 1012.795 Education Practices Commission; authority to
1156 discipline.--

1157 (1) The Education Practices Commission may suspend the
1158 educator certificate of any person as defined in s. 1012.01(2) or
1159 (3) for a period of time not to exceed 5 years, thereby denying
1160 that person the right to teach or otherwise be employed by a
1161 district school board or public school in any capacity requiring
1162 direct contact with students for that period of time, after which
1163 the holder may return to teaching as provided in subsection (4);
1164 may revoke the educator certificate of any person, thereby
1165 denying that person the right to teach or otherwise be employed
1166 by a district school board or public school in any capacity
1167 requiring direct contact with students for a period of time not
1168 to exceed 10 years, with reinstatement subject to the provisions
1169 of subsection (4); may revoke permanently the educator
1170 certificate of any person thereby denying that person the right
1171 to teach or otherwise be employed by a district school board or
1172 public school in any capacity requiring direct contact with
1173 students; may suspend the educator certificate, upon order of the
1174 court, of any person found to have a delinquent child support
1175 obligation; or may impose any other penalty provided by law, if
1176 ~~provided it can be shown that~~ the person:

1177 (a) Obtained or attempted to obtain an educator certificate
1178 by fraudulent means.



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1179 (b) Knowingly failed to report actual or suspected child
1180 abuse as required in s. 1006.061 or report alleged misconduct by
1181 instructional personnel or school administrators which affects
1182 the health, safety, or welfare of a student as required in s.
1183 1012.796.

1184 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
1185 duties as an employee of the public school system or to teach in
1186 or to operate a private school.

1187 (d) ~~(e)~~ Has been guilty of gross immorality or an act
1188 involving moral turpitude as defined by rule of the State Board
1189 of Education.

1190 (e) ~~(d)~~ Has had an educator certificate sanctioned by
1191 revocation, suspension, or surrender in another state.

1192 (f) ~~(e)~~ Has been convicted or found guilty of, or entered a
1193 plea of guilty to, regardless of adjudication of guilt, a
1194 misdemeanor, felony, or any other criminal charge, other than a
1195 minor traffic violation.

1196 (g) ~~(f)~~ Upon investigation, has been found guilty of
1197 personal conduct which seriously reduces that person's
1198 effectiveness as an employee of the district school board.

1199 (h) ~~(g)~~ Has breached a contract, as provided in s.
1200 1012.33(2).

1201 (i) ~~(h)~~ Has been the subject of a court order directing the
1202 Education Practices Commission to suspend the certificate as a
1203 result of a delinquent child support obligation.

1204 (j) ~~(i)~~ Has violated the Principles of Professional Conduct
1205 for the Education Profession prescribed by State Board of
1206 Education rules.

1207 (k) ~~(j)~~ Has otherwise violated the provisions of law, the
1208 penalty for which is the revocation of the educator certificate.



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1209 ~~(l)(*)~~ Has violated any order of the Education Practices
1210 Commission.

1211 ~~(m)(1)~~ Has been the subject of a court order or plea
1212 agreement in any jurisdiction which requires the
1213 certificateholder to surrender or otherwise relinquish his or her
1214 educator's certificate. A surrender or relinquishment shall be
1215 for permanent revocation of the certificate. A person may not
1216 surrender or otherwise relinquish his or her certificate prior to
1217 a finding of probable cause by the commissioner as provided in s.
1218 1012.796.

1219 (n) Has been disqualified from educator certification under
1220 s. 1012.315.

1221 Section 60. Subsections (1), (3), and (5) of section
1222 1012.796, Florida Statutes, are amended to read:

1223 1012.796 Complaints against teachers and administrators;
1224 procedure; penalties.--

1225 (1) (a) The Department of Education shall cause to be
1226 investigated expeditiously any complaint filed before it or
1227 otherwise called to its attention which, if legally sufficient,
1228 contains grounds for the revocation or suspension of a
1229 certificate or any other appropriate penalty as set forth in
1230 subsection (7). The complaint is legally sufficient if it
1231 contains the ultimate facts which show a violation has occurred
1232 as provided in s. 1012.795 and defined by rule of the State Board
1233 of Education. The department shall ~~may~~ investigate or continue to
1234 investigate and take appropriate action on a complaint even
1235 though the original complainant withdraws the complaint or
1236 otherwise indicates a desire not to cause it to be investigated
1237 or prosecuted to completion. The department may investigate or
1238 continue to investigate and take action on a complaint filed



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1239 against a person whose educator certificate has expired if the
1240 act or acts that ~~which~~ are the basis for the complaint were
1241 allegedly committed while that person possessed an educator
1242 certificate.

1243 (b) The department shall immediately investigate any
1244 legally sufficient complaint that involves misconduct by any
1245 certificated personnel which affects the health, safety, or
1246 welfare of a student, giving the complaint priority over other
1247 pending complaints. The department must investigate or continue
1248 to investigate and take action on such a complaint filed against
1249 a person whose educator certificate has expired if the act or
1250 acts that are the basis for the complaint were allegedly
1251 committed while that person possessed an educator certificate.

1252 (c) ~~(b)~~ When an investigation is undertaken, the department
1253 shall notify the certificateholder or applicant for certification
1254 and the district school superintendent or the university
1255 laboratory school, charter school, or private school in which the
1256 certificateholder or applicant for certification is employed or
1257 was employed at the time the alleged offense occurred. In
1258 addition, the department shall inform the certificateholder or
1259 applicant for certification of the substance of any complaint
1260 which has been filed against that certificateholder or applicant,
1261 unless the department determines that such notification would be
1262 detrimental to the investigation, in which case the department
1263 may withhold notification.

1264 (d) ~~(e)~~ Each school district shall file in writing with the
1265 department all legally sufficient complaints within 30 days after
1266 the date on which subject matter of the complaint comes to the
1267 attention of the school district. A complaint is legally
1268 sufficient if it contains ultimate facts that show a violation



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1269 has occurred as provided in s. 1012.795 and defined by rule of
1270 the State Board of Education. The school district shall include
1271 all information relating to the complaint which is known to the
1272 school district at the time of filing. Each district school board
1273 shall develop and adopt policies and procedures to comply with
1274 this reporting requirement. School board policies and procedures
1275 must include standards for screening, hiring, and terminating
1276 instructional personnel and school administrators, as defined in
1277 s. 1012.01; standards of ethical conduct for instructional
1278 personnel and school administrators; the duties of instructional
1279 personnel and school administrators for upholding the standards;
1280 detailed procedures for reporting alleged misconduct by
1281 instructional personnel and school administrators which affects
1282 the health, safety, or welfare of a student; requirements for the
1283 reassignment of instructional personnel or school administrators
1284 pending the outcome of a misconduct investigation; and penalties
1285 for failing to comply with s. 1001.51 or s. 1012.795. The
1286 district school board policies and procedures shall include
1287 appropriate penalties for all personnel of the district school
1288 board for nonreporting and procedures for promptly informing the
1289 district school superintendent of each legally sufficient
1290 complaint. The district school superintendent is charged with
1291 knowledge of these policies and procedures and is accountable for
1292 the training of all instructional personnel and school
1293 administrators of the school district on the standards of ethical
1294 conduct, policies, and procedures. If the district school
1295 superintendent has knowledge of a legally sufficient complaint
1296 and does not report the complaint, or fails to enforce the
1297 policies and procedures of the district school board, and fails
1298 to comply with the requirements of this subsection, in addition



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1299 | to other actions against certificateholders authorized by law,
1300 | the district school superintendent is shall be subject to
1301 | penalties as specified in s. 1001.51(12). If the superintendent
1302 | determines that misconduct by instructional personnel or school
1303 | administrators who hold an educator certificate affects the
1304 | health, safety, or welfare of a student, and the misconduct
1305 | warrants termination, the instructional personnel or school
1306 | administrators may resign or be terminated, and the
1307 | superintendent must report the misconduct to the department in
1308 | the format prescribed by the department. The department shall
1309 | maintain each report of misconduct as a public record in the
1310 | instructional personnel's or school administrators' certification
1311 | files. This paragraph does not limit or restrict the power and
1312 | duty of the department to investigate complaints ~~as provided in~~
1313 | ~~paragraphs (a) and (b)~~, regardless of the school district's
1314 | untimely filing, or failure to file, complaints and followup
1315 | reports.

1316 | (e) If allegations arise against an employee who is
1317 | certified under s. 1012.56, and employed in an educator-
1318 | certificated position in any school or by any provider in the
1319 | state, such school or provider, or governing body thereof, shall
1320 | file in writing with the department a legally sufficient
1321 | complaint within 30 days after the date on which the subject
1322 | matter of the complaint came to the attention of the school or
1323 | provider. A complaint is legally sufficient if it contains
1324 | ultimate facts that show a violation has occurred as provided in
1325 | s. 1012.795 and defined by rule of the State Board of Education.
1326 | The school or provider shall include all known information
1327 | relating to the complaint with the filing of the complaint. This
1328 | paragraph does not limit or restrict the power and duty of the



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1329 department to investigate complaints, regardless of the school's
1330 or the provider's untimely filing, or failure to file, complaints
1331 and followup reports.

1332 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1333 agencies, state attorneys, social service agencies, district
1334 school boards, and the Division of Administrative Hearings shall
1335 fully cooperate with and, upon request, shall provide unredacted
1336 documents to the Department of Education to further
1337 investigations and prosecutions conducted pursuant to this
1338 section. Any document received ~~pursuant to this paragraph~~ may not
1339 be redisclosed except as authorized by law.

1340 (3) The department staff shall advise the commissioner
1341 concerning the findings of the investigation. The department
1342 general counsel or members of that staff shall review the
1343 investigation and advise the commissioner concerning probable
1344 cause or lack thereof. The determination of probable cause shall
1345 be made by the commissioner. The commissioner shall provide an
1346 opportunity for a conference, if requested, prior to determining
1347 probable cause. The commissioner may enter into deferred
1348 prosecution agreements in lieu of finding probable cause if, when
1349 in his or her judgment, such agreements are ~~would be~~ in the best
1350 interests of the department, the certificateholder, and the
1351 public. Such deferred prosecution agreements shall become
1352 effective when filed with the clerk of the Education Practices
1353 Commission. However, a deferred prosecution agreement shall not
1354 be entered into if where there is probable cause to believe that
1355 a felony or an act of moral turpitude, as defined by rule of the
1356 State Board of Education, has occurred. Upon finding no probable
1357 cause, the commissioner shall dismiss the complaint.



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1358 (5) When an allegation of misconduct by instructional
1359 personnel or school administrators, as defined in s. 1012.01, is
1360 received, if the alleged misconduct affects ~~deemed necessary to~~
1361 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,
1362 the district school superintendent in consultation with the
1363 school principal, or may, and upon the request of the
1364 Commissioner of Education, must immediately ~~shall, temporarily~~
1365 suspend the instructional personnel or school administrators a
1366 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned
1367 duties, with pay, and reassign the suspended personnel or
1368 administrators certificateholder to positions ~~a position~~ that do
1369 ~~does~~ not require direct contact with students in the district
1370 school system. Such suspension shall continue until the
1371 completion of the proceedings and the determination of sanctions,
1372 if any, pursuant to this section and s. 1012.795.

1373 Section 61. Paragraph (b) of subsection (4) of section
1374 1012.98, Florida Statutes, is amended to read:

1375 1012.98 School Community Professional Development Act.--

1376 (4) The Department of Education, school districts, schools,
1377 community colleges, and state universities share the
1378 responsibilities described in this section. These
1379 responsibilities include the following:

1380 (b) Each school district shall develop a professional
1381 development system as specified in subsection (3). The system
1382 shall be developed in consultation with teachers, teacher-
1383 educators of community colleges and state universities, business
1384 and community representatives, and local education foundations,
1385 consortia, and professional organizations. The professional
1386 development system must:



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1387 | 1. Be approved by the department. All substantial revisions
1388 | to the system shall be submitted to the department for review for
1389 | continued approval.

1390 | 2. Be based on analyses of student achievement data and
1391 | instructional strategies and methods that support rigorous,
1392 | relevant, and challenging curricula for all students. Schools and
1393 | districts, in developing and refining the professional
1394 | development system, shall also review and monitor school
1395 | discipline data; school environment surveys; assessments of
1396 | parental satisfaction; performance appraisal data of teachers,
1397 | managers, and administrative personnel; and other performance
1398 | indicators to identify school and student needs that can be met
1399 | by improved professional performance.

1400 | 3. Provide inservice activities coupled with followup
1401 | support appropriate to accomplish district-level and school-level
1402 | improvement goals and standards. The inservice activities for
1403 | instructional personnel shall focus on analysis of student
1404 | achievement data, ongoing formal and informal assessments of
1405 | student achievement, identification and use of enhanced and
1406 | differentiated instructional strategies that emphasize rigor,
1407 | relevance, and reading in the content areas, enhancement of
1408 | subject content expertise, integrated use of classroom technology
1409 | that enhances teaching and learning, classroom management, parent
1410 | involvement, and school safety.

1411 | 4. Include a master plan for inservice activities, pursuant
1412 | to rules of the State Board of Education, for all district
1413 | employees from all fund sources. The master plan shall be updated
1414 | annually by September 1, must be based on input from teachers and
1415 | district and school instructional leaders, and must use the
1416 | latest available student achievement data and research to enhance



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1417 rigor and relevance in the classroom. Each district inservice
1418 plan must be aligned to and support the school-based inservice
1419 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1420 ~~1001.42(16)~~. District plans must be approved by the district
1421 school board annually in order to ensure compliance with
1422 subsection (1) and to allow for dissemination of research-based
1423 best practices to other districts. District school boards must
1424 submit verification of their approval to the Commissioner of
1425 Education no later than October 1, annually.

1426 5. Require each school principal to establish and maintain
1427 an individual professional development plan for each
1428 instructional employee assigned to the school as a seamless
1429 component to the school improvement plans developed pursuant to
1430 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1431 development plan must:

1432 a. Be related to specific performance data for the students
1433 to whom the teacher is assigned.

1434 b. Define the inservice objectives and specific measurable
1435 improvements expected in student performance as a result of the
1436 inservice activity.

1437 c. Include an evaluation component that determines the
1438 effectiveness of the professional development plan.

1439 6. Include inservice activities for school administrative
1440 personnel that address updated skills necessary for instructional
1441 leadership and effective school management pursuant to s.
1442 1012.986.

1443 7. Provide for systematic consultation with regional and
1444 state personnel designated to provide technical assistance and
1445 evaluation of local professional development programs.



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1446 8. Provide for delivery of professional development by
1447 distance learning and other technology-based delivery systems to
1448 reach more educators at lower costs.

1449 9. Provide for the continuous evaluation of the quality and
1450 effectiveness of professional development programs in order to
1451 eliminate ineffective programs and strategies and to expand
1452 effective ones. Evaluations must consider the impact of such
1453 activities on the performance of participating educators and
1454 their students' achievement and behavior.

1455 Section 62. Subsection (4) of section 1013.03, Florida
1456 Statutes, is amended to read:

1457 1013.03 Functions of the department and the Board of
1458 Governors.--The functions of the Department of Education as it
1459 pertains to educational facilities of school districts and
1460 community colleges and of the Board of Governors as it pertains
1461 to educational facilities of state universities shall include,
1462 but not be limited to, the following:

1463 (4) Require each board and other appropriate agencies to
1464 submit complete and accurate financial data as to the amounts of
1465 funds from all sources that are available and spent for
1466 construction and capital improvements. The commissioner shall
1467 prescribe the format and the date for the submission of this data
1468 and any other educational facilities data. If any district does
1469 not submit the required educational facilities fiscal data by the
1470 prescribed date, the Commissioner of Education shall notify the
1471 district school board of this fact and, if appropriate action is
1472 not taken to immediately submit the required report, the district
1473 school board shall be directed to proceed pursuant to s.
1474 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1475 community college or university does not submit the required



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1476 educational facilities fiscal data by the prescribed date, the
 1477 same policy prescribed in this subsection for school districts
 1478 shall be implemented.

1479 Section 63. The sum of \$153,872 is appropriated from the
 1480 Educational Certification and Services Trust Fund to the
 1481 Department of Education for the 2008-2009 fiscal year, and two
 1482 additional full-time equivalent positions and associated salary
 1483 rate of 90,088 are authorized, for the purpose of implementing
 1484 this act.

1485
 1486 ===== T I T L E A M E N D M E N T =====

1487 And the title is amended as follows:

1488 On line(s) 1431, after the semicolon,
 1489 insert:

1490 providing a short title; amending s. 24.121, F.S.,
 1491 relating to public school funding; conforming cross-
 1492 references; amending s. 112.3173, F.S.; specifying certain
 1493 felony offenses against a minor as additional offenses
 1494 that constitute a breach of the public trust; requiring a
 1495 person committing such an offense to forfeit benefits
 1496 under certain public retirement systems; amending s.
 1497 121.091, F.S.; prohibiting the Division of Retirement from
 1498 paying benefits to a member who commits certain felony
 1499 offenses against a minor; conforming a cross-reference;
 1500 creating ss. 794.09 and 800.05, F.S.; providing notice in
 1501 the criminal statutes that certain retirement benefits are
 1502 subject to forfeiture for committing certain felony
 1503 offenses against a minor; amending s. 1001.10, F.S.;
 1504 requiring the Department of Education to assist school
 1505 districts, charter schools, the Florida School for the



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1506 Deaf and the Blind, and private schools that accept school
1507 choice scholarship students in developing policies,
1508 procedures, and training related to employment practices
1509 and standards of ethical conduct; requiring the department
1510 to provide authorized staff with access to certain
1511 databases for employment history verification; amending s.
1512 1001.32, F.S., relating to school administration;
1513 conforming a cross-reference; amending s. 1001.42, F.S.;
1514 requiring each district school board to adopt standards of
1515 ethical conduct and provide training for instructional
1516 personnel and school administrators; prohibiting
1517 confidentiality agreements regarding terminated or
1518 dismissed instructional personnel and school
1519 administrators which have the effect of concealing certain
1520 misconduct; prohibiting a school district from providing
1521 employment references for specified personnel and
1522 administrators except under certain circumstances;
1523 requiring a person who committed certain crimes to be
1524 disqualified from employment in certain positions in a
1525 district school system under specified conditions;
1526 providing that a district school board official who
1527 knowingly signs and transmits a false or incorrect report,
1528 or fails to adopt certain policies, forfeits his or her
1529 salary for a specified period; amending s. 1001.452, F.S.,
1530 relating to district and school advisory councils;
1531 conforming cross-references; amending s. 1001.51, F.S.;
1532 providing that a district school superintendent forfeits
1533 his or her salary for a specified period following failure
1534 to investigate and report allegations of certain
1535 misconduct by specified personnel or administrators;



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1536 amending ss. 1001.54 and 1002.32, F.S., relating to duties
1537 of principals and laboratory schools; conforming cross-
1538 references; amending s. 1002.33, F.S.; requiring a person
1539 who committed certain crimes to be disqualified from
1540 employment in certain positions in a charter school under
1541 specified conditions; requiring charter schools to adopt
1542 standards of ethical conduct and provide training for all
1543 instructional personnel and school administrators;
1544 prohibiting confidentiality agreements regarding
1545 terminated or dismissed instructional personnel and school
1546 administrators which have the effect of concealing certain
1547 misconduct; prohibiting a charter school from providing
1548 employment references for specified personnel and
1549 administrators except under certain circumstances;
1550 requiring a charter school to contact the previous
1551 employer, and verify the employment history against
1552 certain databases, of persons seeking employment in
1553 certain positions; requiring a charter school's sponsor to
1554 terminate the school's charter for failing to comply with
1555 these requirements; amending s. 1002.36, F.S.; requiring
1556 the Florida School for the Deaf and the Blind to meet
1557 certain requirements governing the screening of personnel;
1558 amending s. 1002.421, F.S.; requiring a person who
1559 committed certain crimes to be disqualified from
1560 employment in certain positions in a private school that
1561 accepts certain scholarship students under specified
1562 conditions; requiring certain private schools to adopt
1563 standards of ethical conduct and provide training for all
1564 instructional personnel and school administrations;
1565 prohibiting confidentiality agreements regarding



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1566 terminated or dismissed instructional personnel or school
1567 administrators which have the effect of concealing certain
1568 misconduct; prohibiting a private school from providing
1569 employment references for specified personnel and
1570 administrators except under certain circumstances;
1571 requiring a private school to contact the previous
1572 employer, and verify the employment history against
1573 certain databases, of persons seeking employment in
1574 certain positions; requiring the Department of Education
1575 to suspend enrollment of new students and the payment of
1576 funds to a private school failing to comply with these
1577 requirements; amending ss. 1003.413, 1003.53, and 1004.92,
1578 F.S., relating to educational instruction and programs;
1579 conforming cross-references; amending s. 1006.061, F.S.;
1580 requiring district school boards, charter schools, and
1581 private schools that accept certain scholarship students
1582 to post policies for reporting child abuse and misconduct
1583 by specified personnel and administrators; requiring the
1584 principal of such schools to act as a liaison in suspected
1585 cases of child abuse; requiring the Department of
1586 Education to publish sample notices; amending ss. 1008.33,
1587 1008.345, 1010.215, and 1011.18, F.S., relating to
1588 accountability procedures; conforming cross-references;
1589 amending s. 1012.27, F.S.; requiring the district school
1590 superintendent to contact the previous employer, and
1591 verify the employment history against certain databases,
1592 of persons seeking employment in certain positions;
1593 creating s. 1012.315, F.S.; specifying offenses that
1594 disqualify instructional personnel and school
1595 administrations from employment in certain positions that



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1596 require direct contact with students; amending s. 1012.32,
1597 F.S.; requiring specified personnel or administrators who
1598 committed certain crimes to be disqualified from
1599 employment in certain positions in a district school
1600 system or charter school under specified conditions;
1601 amending s. 1012.33, F.S.; providing that just cause for
1602 terminating instructional staff includes immorality or
1603 commission of certain crimes; amending s. 1012.34, F.S.,
1604 relating to assessment procedures; conforming a cross-
1605 reference; amending s. 1012.56, F.S., relating to
1606 certification requirements for educators; revising
1607 requirements for conducting state and national ~~federal~~
1608 criminal records checks of persons seeking certification;
1609 requiring a person who committed certain crimes to be
1610 ineligible for certification under specified conditions;
1611 providing for the Department of Education to maintain
1612 educator records in an electronic database; amending s.
1613 1012.79, F.S.; providing for additional members to be
1614 appointed to the Education Practices Commission; revising
1615 the composition of panels appointed to review complaints
1616 against teachers and administrators; amending s. 1012.795,
1617 F.S.; providing for the suspension of the educator
1618 certificate of a person who knowingly fails to report
1619 child abuse or misconduct by specified personnel or
1620 administrators; clarifying authority of the commission to
1621 discipline educators who commit certain crimes; amending
1622 s. 1012.796, F.S.; requiring the Department of Education
1623 to investigate each complaint involving misconduct by
1624 certificated personnel; clarifying what constitutes a
1625 legally sufficient complaint; providing requirements for



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1626 school board policies and procedures relating to standards
1627 of ethical conduct; providing that the district school
1628 superintendent is accountable for training of
1629 instructional personnel and school administrators on the
1630 standards, policies, and procedures; requiring employers
1631 of certificated personnel to report misconduct by such
1632 personnel to the Department of Education; requiring that
1633 instructional personnel or school administrators be
1634 immediately suspended and reassigned under certain
1635 circumstances; amending ss. 1012.98 and 1013.03, F.S.,
1636 relating to the School Community Professional Development
1637 Act and functions of the Department of Education and Board
1638 of Governors; conforming cross-references; providing an
1639 appropriation and authorizing additional positions;