

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 1712

An act relating to ethics; providing a short title; amending s. 24.121, F.S., relating to public school funding; conforming cross-references; amending s. 112.3173, F.S.; specifying certain felony offenses against a minor as additional offenses that constitute a breach of the public trust; requiring a person committing such an offense to forfeit benefits under certain public retirement systems; amending s. 121.091, F.S.; prohibiting the Division of Retirement from paying benefits to a member who commits certain felony offenses against a minor; conforming a cross-reference; creating ss. 794.09 and 800.05, F.S.; providing notice in the criminal statutes that certain retirement benefits are subject to forfeiture for committing certain felony offenses against a minor; amending s. 1001.10, F.S.; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept school choice scholarship students in developing policies, procedures, and training related to employment practices and standards of ethical conduct; requiring the department to provide authorized staff with access to certain databases for employment history verification; amending s. 1001.32, F.S., relating to school administration; conforming a cross-reference; amending s. 1001.42, F.S.; requiring each district school board to adopt standards of ethical conduct and provide training for instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and school administrators which have the effect of concealing certain misconduct; prohibiting a school district from providing employment references for specified personnel and administrators except under certain circumstances; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a district school system under specified conditions; providing that a district school board official who knowingly signs and transmits a false or incorrect report, or fails to adopt certain policies, forfeits his or her salary for a specified period; amending s. 1001.452, F.S., relating to district and school advisory councils; conforming cross-references; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for a specified period following failure to investigate and report allegations of certain misconduct by specified personnel or administrators; amending ss. 1001.54 and 1002.32, F.S., relating to duties of principals and laboratory schools; conforming cross-references; amending s. 1002.33, F.S.; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a charter school under specified conditions; requiring charter schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and

school administrators which have the effect of concealing certain misconduct; prohibiting a charter school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a charter school to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring a charter school's sponsor to terminate the school's charter for failing to comply with these requirements; amending s. 1002.36, F.S.; requiring the Florida School for the Deaf and the Blind to meet certain requirements governing the screening of personnel; amending s. 1002.421, F.S.; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a private school that accepts certain scholarship students under specified conditions; requiring certain private schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel or school administrators which have the effect of concealing certain misconduct; prohibiting a private school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a private school to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring the Department of Education to suspend enrollment of new students and the payment of funds to a private school failing to comply with these requirements; amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to educational instruction and programs; conforming cross-references; amending s. 1006.061, F.S.; requiring district school boards, charter schools, and private schools that accept certain scholarship students to post policies for reporting child abuse and misconduct by specified personnel and administrators; requiring the principal of such schools to act as a liaison in suspected cases of child abuse; requiring the Department of Education to publish sample notices; amending ss. 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to accountability procedures; conforming cross-references; amending s. 1012.27, F.S.; requiring the district school superintendent to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; creating s. 1012.315, F.S.; specifying offenses that disqualify instructional personnel and school administrators from employment in certain positions that require direct contact with students; amending s. 1012.32, F.S.; requiring specified personnel or administrators who committed certain crimes to be disqualified from employment in certain positions in a district school system or charter school under specified conditions; amending s. 1012.33, F.S.; providing that just cause for terminating instructional staff includes immorality or commission of certain crimes; amending s. 1012.34, F.S., relating to assessment procedures; conforming a cross-reference; amending s. 1012.56, F.S., relating to certification requirements for educators; revising requirements for conducting state and federal criminal records checks of

persons seeking certification; requiring a person who committed certain crimes to be ineligible for certification under specified conditions; providing for the Department of Education to maintain educator records in an electronic database; amending s. 1012.79, F.S.; providing for additional members to be appointed to the Education Practices Commission; revising the composition of panels appointed to review complaints against teachers and administrators; amending s. 1012.795, F.S.; providing for the suspension of the educator certificate of a person who knowingly fails to report child abuse or misconduct by specified personnel or administrators; clarifying authority of the commission to discipline educators who commit certain crimes; amending s. 1012.796, F.S.; requiring the Department of Education to investigate each complaint involving misconduct by certificated personnel; clarifying what constitutes a legally sufficient complaint; providing requirements for school board policies and procedures relating to standards of ethical conduct; providing that the district school superintendent is accountable for training of instructional personnel and school administrators on the standards, policies, and procedures; requiring employers of certificated personnel to report misconduct by such personnel to the Department of Education; requiring that instructional personnel or school administrators be immediately suspended and reassigned under certain circumstances; amending ss. 1012.98 and 1013.03, F.S., relating to the School Community Professional Development Act and functions of the Department of Education and Board of Governors; conforming cross-references; providing an appropriation and authorizing additional positions; providing an effective date.

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

Section 1. This act may be cited as the “Ethics in Education Act.”

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

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of

parents of students enrolled in that school, which ~~committee~~ is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These monies may not be used for capital improvements or, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

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

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

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

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

(e) “Specified offense” means:

1. The committing, aiding, or abetting of an embezzlement of public funds;
2. The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
3. Bribery in connection with the employment of a public officer or employee;
4. Any felony specified in chapter 838, except ss. 838.15 and 838.16;
5. The committing of an impeachable offense; ~~or~~
6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; or.

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

Section 4. Paragraph (i) of subsection (5) of section 121.091, Florida Statutes, is redesignated as paragraph (j), present paragraph (j) is redesignated as paragraph (k) and amended, and a new paragraph (i) is added to that subsection, to read:

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

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

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

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

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

794.09 Forfeiture of retirement benefits.—The retirement benefits of a person convicted of a felony committed on or after October 1, 2008, under this chapter are subject to forfeiture in accordance with s. 112.3173 or s. 121.091 if the person is a public officer or employee when the offense occurs;

the person commits the offense through the use or attempted use of power, rights, privileges, duties, or position of the person's public office or employment position; and the victim is younger than 18 years of age when the offense occurs.

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

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

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

1001.10 Commissioner of Education; general powers and duties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The school board official knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged miscon-

duct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student.

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

1001.452 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words “school advisory council.” The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of ~~ss. 1001.42(16) and 1008.345~~ ss. 1001.42(18) the provisions of ss. 1001.42(16) and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

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

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

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

(2) DUTIES.—Each advisory council shall perform ~~such~~ functions ~~as are~~ prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school’s annual budget and plan as required by s. 1008.385(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

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

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

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

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

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

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

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

1001.54 Duties of school principals.—

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

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

1002.32 Developmental research (laboratory) schools.—

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

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

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

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

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

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

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

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

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

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

1002.36 Florida School for the Deaf and the Blind.—

(7) PERSONNEL SCREENING.—

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

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

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

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

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

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

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employer, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If

unable to contact a previous employer, the private school must document efforts to contact the employer.

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

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

1003.413 Florida Secondary School Redesign Act.—

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

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

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

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

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

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

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

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

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

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

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

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

1003.53 Dropout prevention and academic intervention.—

(2)

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

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

1004.92 Purpose and responsibilities for career education.—

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

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

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

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

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

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

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

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

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

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

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

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

1008.345 Implementation of state system of school improvement and education accountability.—

(6)

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

1001.42(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 1001.452. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

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

1010.215 Educational funding accountability.—

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

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

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

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

- a. Basic programs;
 - b. Students-at-risk programs;
 - c. Special programs for exceptional students;
 - d. Career education programs; and
 - e. Adult programs.
2. Substitute teachers.

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

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

5. School administration, including school-based administrative personnel and school-based education support personnel.
6. The following materials, supplies, and operating capital outlay:
 - a. Textbooks;
 - b. Computer hardware and software;
 - c. Other instructional materials;
 - d. Other materials and supplies; and
 - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

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

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

1011.18 School depositories; payments into and withdrawals from depositories.—

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

(b) The district school board may contract with an insurance company or professional administrator who holds a valid certificate of authority issued by the Office of Insurance Regulation of the Financial Services Commission to provide any ~~or all~~ services that a third-party administrator is authorized by law to perform. Pursuant to such contract, the district school board may advance or remit money to the administrator to be deposited in a designated special checking account for paying claims against the district school board under its self-insurance programs, and remitting premiums to the providers of insured benefits on behalf of the district school board and the participants in such programs, and otherwise fulfilling the obligations imposed upon the administrator by law and the contractual agreements between the district school board and the administrator. The special checking account shall be maintained in a designated district school depository. The district school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims or premiums due paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chair of the district school board and countersigned by the district school superintendent. Such replenishment may be made by electronic, telephonic, or other medium, and each

transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee. The provisions of strict accountability of all funds and an annual audit by an independent certified public accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to this subsection.

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

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

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

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

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

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

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

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

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

(d) Section 782.04, relating to murder.

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

- (f) Section 784.021, relating to aggravated assault.
- (g) Section 784.045, relating to aggravated battery.
- (h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
- (i) Section 787.01, relating to kidnapping.
- (j) Section 787.02, relating to false imprisonment.
- (k) Section 787.025, relating to luring or enticing a child.
- (l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- (m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- (n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
- (o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
- (p) Section 794.011, relating to sexual battery.
- (q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
- (r) Section 794.05, relating to unlawful sexual activity with certain minors.
- (s) Section 794.08, relating to female genital mutilation.
- (t) Chapter 796, relating to prostitution.
- (u) Chapter 800, relating to lewdness and indecent exposure.
- (v) Section 806.01, relating to arson.
- (w) Section 810.14, relating to voyeurism.
- (x) Section 810.145, relating to video voyeurism.
- (y) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
- (z) Section 812.0145, relating to theft from persons 65 years of age or older.

- (aa) Section 812.019, relating to dealing in stolen property.
- (bb) Section 812.13, relating to robbery.
- (cc) Section 812.131, relating to robbery by sudden snatching.
- (dd) Section 812.133, relating to carjacking.
- (ee) Section 812.135, relating to home-invasion robbery.
- (ff) Section 817.563, relating to fraudulent sale of controlled substances.
- (gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (jj) Section 826.04, relating to incest.
- (kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (mm) Section 827.071, relating to sexual performance by a child.
- (nn) Section 843.01, relating to resisting arrest with violence.
- (oo) Chapter 847, relating to obscenity.
- (pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- (qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- (rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
- (tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.
- (uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- (2) Any misdemeanor offense prohibited under any of the following statutes:

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

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

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

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

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

1012.32 Qualifications of personnel.—

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

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

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

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

fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

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

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

(3)

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

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

1012.33 Contracts with instructional staff, supervisors, and school principals.—

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

(4)

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any school principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any conviction of a crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and ~~the such~~ employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided ~~the such~~ appeal is filed within 30 days after the decision of the district school board.

(6)

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, conviction of any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and ~~the such~~ employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

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

1012.34 Assessment procedures and criteria.—

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

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

1012.56 Educator certification requirements.—

(9) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

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

(b) A person may not receive a certificate under this chapter until the person's level 2 screening under s. 1012.32 is ~~has been~~ completed and the results have been submitted to the Department of Education or to the district school superintendent of the school district that employs the person. Every 5 years after obtaining initial certification, each person who is required to be certified under this chapter must be rescreened ~~meet level 2 screening requirements as described in accordance with s. 1012.32~~, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks ~~the level 2 screening~~. If, for any reason after obtaining initial certification, the fingerprints of a person who is required to be certified under this chapter are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks ~~the level 2 screening~~, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and federal criminal history checks ~~check~~ required by paragraph (a) and this paragraph ~~level 2 screening~~ may be borne by the district school board or the employee. Under penalty of perjury, each person who is certified under this chapter must agree to inform his or her employer

within 48 hours if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.

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

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

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

1012.79 Education Practices Commission; organization.—

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

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

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

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

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.
2. Must be a resident of the state.
3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

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

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

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

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

1012.795 Education Practices Commission; authority to discipline.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1012.796 Complaints against teachers and administrators; procedure; penalties.—

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

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

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

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

~~(d)~~^(e) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators, as defined in s. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all instructional personnel and school administrators of the school district on the standards of ethical conduct, policies, and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school

board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent ~~is shall be~~ subject to penalties as specified in s. 1001.51(12). If the superintendent determines that misconduct by instructional personnel or school administrators who hold an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the instructional personnel or school administrators may resign or be terminated and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files. This paragraph does not limit or restrict the power and duty of the department to investigate complaints as ~~provided in paragraphs (a) and (b),~~ regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

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

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

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause ~~if, when~~ in his or her judgment, such agreements ~~are would be~~ in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement shall not be entered into ~~if where~~ there is probable cause to believe that a felony or an act of moral turpitude, as defined by rule of the State Board of Education, has occurred.

Upon finding no probable cause, the commissioner shall dismiss the complaint.

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

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

1012.98 School Community Professional Development Act.—

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

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

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

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

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

use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.