



26 | of Education; amending 1012.315, F.S.; expanding the  
27 | scope of provisions requiring the disqualification of  
28 | persons convicted of certain offenses to apply to all  
29 | persons who are required to have contact with  
30 | students; providing an additional offense that  
31 | disqualifies such persons from employment; amending s.  
32 | 1012.56, F.S.; authorizing the Department of Education  
33 | to deny applicants for certification if the applicant  
34 | could be disciplined by the Education Practices  
35 | Commission; authorizing the commission to approve an  
36 | application with certain conditions; amending s.  
37 | 1012.795, F.S.; authorizing the commission to take  
38 | certain actions against persons who meet specified  
39 | criteria; revising reporting requirements concerning  
40 | specified misconduct by certified personnel; amending  
41 | s. 1012.796, F.S.; requiring a school district to file  
42 | certain complaints with the Department of Education  
43 | even if the subject of the complaint is no longer  
44 | employed by the district; requiring certain  
45 | information be included on an educator's certificate  
46 | file; requiring certified educators who are placed on  
47 | probation to immediately notify a specified office  
48 | upon separation from, rather than termination of,  
49 | employment; providing an effective date.

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

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Section 1. Section 800.101, Florida Statutes, is created to read:

800.101 Offenses against students by authority figures.-

(1) As used in this section, the term:

(a) "Authority figure" means a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers as provided in s. 1006.12.

(b) "School" has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), early learning programs, a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. 1002.37. The term does not include a facility dedicated exclusively to the education of adults.

(c) "Student" means a person who is enrolled at a school.

(2) An authority figure shall not solicit or engage in:

- (a) Sexual conduct;
- (b) A relationship of a romantic nature; or
- (c) Lewd conduct

with a student.

76           (3) A person who violates this section commits a felony of  
 77 the second degree, punishable as provided in s. 775.082, s.  
 78 775.083, or s. 775.084.

79           (4) This section does not apply to conduct constituting an  
 80 offense that is subject to reclassification under s. 775.0862.

81           Section 2. Subsection (5) of section 810.097, Florida  
 82 Statutes, is amended to read:

83           810.097 Trespass upon grounds or facilities of a school;  
 84 penalties; arrest.—

85           (5) As used in this section, the term "school" means the  
 86 grounds or any facility, including school buses, of any  
 87 kindergarten, elementary school, middle school, junior high  
 88 school, or secondary school, whether public or nonpublic.

89           Section 3. Subsection (6) and paragraph (b) of subsection  
 90 (7) of section 1001.42, Florida Statutes, are amended to read:

91           1001.42 Powers and duties of district school board.—The  
 92 district school board, acting as a board, shall exercise all  
 93 powers and perform all duties listed below:

94           (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL  
 95 PERSONNEL AND SCHOOL ADMINISTRATORS.—Adopt policies establishing  
 96 standards of ethical conduct for instructional personnel and  
 97 school administrators. The policies must require all  
 98 instructional personnel and school administrators, as defined in  
 99 s. 1012.01, to complete training on the standards; establish the  
 100 duty of instructional personnel and school administrators to

101 report, and procedures for reporting, alleged misconduct by  
102 other instructional personnel and school administrators which  
103 affects the health, safety, or welfare of a student, including  
104 misconduct that involves engaging in or soliciting sexual,  
105 romantic, or lewd conduct with a student; require the district  
106 school superintendent to report to law enforcement misconduct by  
107 instructional personnel or school administrators that would  
108 result in disqualification from educator certification or  
109 employment as provided in s. 1012.315; and include an  
110 explanation of the liability protections provided under ss.  
111 39.203 and 768.095. A district school board, or any of its  
112 employees, may not enter into a confidentiality agreement  
113 regarding terminated or dismissed instructional personnel or  
114 school administrators, or personnel or administrators who resign  
115 in lieu of termination, based in whole or in part on misconduct  
116 that affects the health, safety, or welfare of a student, and  
117 may not provide instructional personnel or school administrators  
118 with employment references or discuss the personnel's or  
119 administrators' performance with prospective employers in  
120 another educational setting, without disclosing the personnel's  
121 or administrators' misconduct. Any part of an agreement or  
122 contract that has the purpose or effect of concealing misconduct  
123 by instructional personnel or school administrators which  
124 affects the health, safety, or welfare of a student is void, is  
125 contrary to public policy, and may not be enforced.

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

133 (b) The school board official knowingly fails to adopt  
134 policies that require:

135 1. Instructional personnel and school administrators to  
136 report alleged misconduct by other instructional personnel and  
137 school administrators;

138 2. The district school superintendent to report misconduct  
139 by instructional personnel or school administrators that would  
140 result in disqualification from educator certification or  
141 employment as provided in s. 1012.315 to the law enforcement  
142 agencies with jurisdiction over the conduct; or

143 3. ~~that require~~ The investigation of all reports of  
144 alleged misconduct by instructional personnel and school  
145 administrators, if the misconduct affects the health, safety, or  
146 welfare of a student.

147 Section 4. Subsection (12) of section 1001.51, Florida  
148 Statutes, is amended to read:

149 1001.51 Duties and responsibilities of district school  
150 superintendent.—The district school superintendent shall

151 exercise all powers and perform all duties listed below and  
152 elsewhere in the law, provided that, in so doing, he or she  
153 shall advise and counsel with the district school board. The  
154 district school superintendent shall perform all tasks necessary  
155 to make sound recommendations, nominations, proposals, and  
156 reports required by law to be acted upon by the district school  
157 board. All such recommendations, nominations, proposals, and  
158 reports by the district school superintendent shall be either  
159 recorded in the minutes or shall be made in writing, noted in  
160 the minutes, and filed in the public records of the district  
161 school board. It shall be presumed that, in the absence of the  
162 record required in this section, the recommendations,  
163 nominations, and proposals required of the district school  
164 superintendent were not contrary to the action taken by the  
165 district school board in such matters.

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

172 (a) Forms, blanks, and reports.—Require that all employees  
173 accurately keep all records and promptly make in proper form all  
174 reports required by the education code or by rules of the State  
175 Board of Education; recommend the keeping of such additional

176 records and the making of such additional reports as may be  
177 deemed necessary to provide data essential for the operation of  
178 the school system; and prepare such forms and blanks as may be  
179 required and ensure that these records and reports are properly  
180 prepared.

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

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195 Any district school superintendent who knowingly signs and  
196 transmits to any state official a report that the superintendent  
197 knows to be false or incorrect; who knowingly fails to  
198 investigate any allegation of misconduct by instructional  
199 personnel or school administrators, as defined in s. 1012.01,  
200 which affects the health, safety, or welfare of a student; ~~or~~



201 who knowingly fails to report the alleged misconduct to the  
 202 department as required in s. 1012.796; or who knowingly fails to  
 203 report misconduct to the law enforcement agencies with  
 204 jurisdiction over the conduct pursuant to district school board  
 205 policy under s. 1001.42(6), forfeits his or her salary for 1  
 206 year following the date of such act or failure to act.

207 Section 5. Subsections (5) and (6) of section 1012.27,  
 208 Florida Statutes, are amended to read:

209 1012.27 Public school personnel; powers and duties of  
 210 district school superintendent.—The district school  
 211 superintendent is responsible for directing the work of the  
 212 personnel, subject to the requirements of this chapter, and in  
 213 addition the district school superintendent shall perform the  
 214 following:

215 (5) SUSPENSION AND DISMISSAL; NOTIFICATION.—

216 (a) Suspend members of the instructional staff and other  
 217 school employees during emergencies for a period extending to  
 218 and including the day of the next regular or special meeting of  
 219 the district school board and notify the district school board  
 220 immediately of such suspension. When authorized to do so, serve  
 221 notice on the suspended member of the instructional staff of  
 222 charges made against him or her and of the date of hearing.  
 223 Recommend employees for dismissal under the terms prescribed  
 224 herein.

225 (b) Notify the parent of a student who was subjected to or

226 affected by misconduct identified under s. 1001.42(6) within 30  
 227 days after the date on which the school district learns of the  
 228 misconduct. The notification must inform the parent of:

229 1. The alleged misconduct, including which allegations  
 230 have been substantiated, if any.

231 2. Whether the district reported the misconduct to the  
 232 department, if required by s. 1012.796(1)(d).

233 3. The sanctions imposed by the school district against  
 234 the employee, if any.

235 4. The support the school district will make available to  
 236 the student in response to the misconduct.

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

247 Section 6. Paragraph (a) of subsection (2) and paragraph  
 248 (a) of subsection (3) of section 1012.31, Florida Statutes, are  
 249 amended to read:

250 1012.31 Personnel files.—Public school system employee

251 personnel files shall be maintained according to the following  
252 provisions:

253 (2) (a) Materials relating to work performance, discipline,  
254 suspension, or dismissal must be reduced to writing and signed  
255 by a person competent to know the facts or make the judgment.  
256 The resignation or termination of an employee before an  
257 investigation of alleged misconduct by the employee affecting  
258 the health, safety, or welfare of a student is concluded must be  
259 clearly indicated in the employee's personnel file.

260 (3) (a) Public school system employee personnel files are  
261 subject to the provisions of s. 119.07(1), except as follows:

262 1. Any complaint and any material relating to the  
263 investigation of a complaint against an employee shall be  
264 confidential and exempt from the provisions of s. 119.07(1)  
265 until the conclusion of the preliminary investigation or until  
266 such time as the preliminary investigation ceases to be active.  
267 If the preliminary investigation is concluded with the finding  
268 that there is no probable cause to proceed further and with no  
269 disciplinary action taken or charges filed, a statement to that  
270 effect signed by the responsible investigating official shall be  
271 attached to the complaint, and the complaint and all such  
272 materials shall be open thereafter to inspection pursuant to s.  
273 119.07(1). If the preliminary investigation is concluded with  
274 the finding that there is probable cause to proceed further or  
275 with disciplinary action taken or charges filed, the complaint

276 and all such materials shall be open thereafter to inspection  
277 pursuant to s. 119.07(1). If the preliminary investigation  
278 ceases to be active, the complaint and all such materials shall  
279 be open thereafter to inspection pursuant to s. 119.07(1). For  
280 the purpose of this subsection, a preliminary investigation  
281 shall be considered active as long as it is continuing with a  
282 reasonable, good faith anticipation that an administrative  
283 finding will be made in the foreseeable future. An investigation  
284 shall be presumed to be inactive if no finding relating to  
285 probable cause is made within 60 days after the complaint is  
286 made. This subparagraph does not absolve the school district of  
287 its duty to provide any legally sufficient complaint to the  
288 department within 30 days after the date on which the subject  
289 matter of the complaint comes to the attention of the school  
290 district pursuant to s. 1012.796(1)(d)1., regardless of the  
291 status of the complaint.

292 2. An employee evaluation prepared pursuant to s. 1012.33,  
293 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
294 Education or district school board under the authority of those  
295 sections shall be confidential and exempt from the provisions of  
296 s. 119.07(1) until the end of the school year immediately  
297 following the school year in which the evaluation was made. No  
298 evaluation prepared before July 1, 1983, shall be made public  
299 pursuant to this section.

300 3. No material derogatory to an employee shall be open to

301 inspection until 10 days after the employee has been notified  
 302 pursuant to paragraph (2)(c).

303 4. The payroll deduction records of an employee shall be  
 304 confidential and exempt from the provisions of s. 119.07(1).

305 5. Employee medical records, including psychiatric and  
 306 psychological records, shall be confidential and exempt from the  
 307 provisions of s. 119.07(1); however, at any hearing relative to  
 308 the competency or performance of an employee, the administrative  
 309 law judge, hearing officer, or panel shall have access to such  
 310 records.

311 Section 7. Section 1012.315, Florida Statutes, is amended  
 312 to read:

313 1012.315 Disqualification from employment.—A person is  
 314 ineligible for educator certification or, ~~and instructional~~  
 315 ~~personnel and school administrators, as defined in s. 1012.01,~~  
 316 ~~are ineligible for~~ employment in any position that requires  
 317 direct contact with students in a district school system,  
 318 charter school, or private school that accepts scholarship  
 319 students under s. 1002.39 or s. 1002.395~~7~~ if the person~~7~~  
 320 ~~instructional personnel, or school administrator~~ has been  
 321 convicted of:

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

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

326 | sexual misconduct.

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

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

332 |       (d) Section 782.04, relating to murder.

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

338 |       (f) Section 784.021, relating to aggravated assault.

339 |       (g) Section 784.045, relating to aggravated battery.

340 |       (h) Section 784.075, relating to battery on a detention or  
341 | commitment facility staff member or a juvenile probation  
342 | officer.

343 |       (i) Section 787.01, relating to kidnapping.

344 |       (j) Section 787.02, relating to false imprisonment.

345 |       (k) Section 787.025, relating to luring or enticing a  
346 | child.

347 |       (l) Section 787.04(2), relating to leading, taking,  
348 | enticing, or removing a minor beyond the state limits, or  
349 | concealing the location of a minor, with criminal intent pending  
350 | custody proceedings.

351 (m) Section 787.04(3), relating to leading, taking,  
352 enticing, or removing a minor beyond the state limits, or  
353 concealing the location of a minor, with criminal intent pending  
354 dependency proceedings or proceedings concerning alleged abuse  
355 or neglect of a minor.

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

359 (o) Section 790.115(2)(b), relating to possessing an  
360 electric weapon or device, destructive device, or other weapon  
361 at a school-sponsored event or on school property.

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

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

366 (r) Section 794.05, relating to unlawful sexual activity  
367 with certain minors.

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

369 (t) Chapter 796, relating to prostitution.

370 (u) Chapter 800, relating to lewdness and indecent  
371 exposure.

372 (v) Section 800.101, relating to offenses against students  
373 by authority figures.

374 (w)~~(v)~~ Section 806.01, relating to arson.

375 (x)~~(w)~~ Section 810.14, relating to voyeurism.

376        (y)~~(x)~~ Section 810.145, relating to video voyeurism.  
 377        (z)~~(y)~~ Section 812.014(6), relating to coordinating the  
 378 commission of theft in excess of \$3,000.  
 379        (aa)~~(z)~~ Section 812.0145, relating to theft from persons  
 380 65 years of age or older.  
 381        (bb)~~(aa)~~ Section 812.019, relating to dealing in stolen  
 382 property.  
 383        (cc)~~(bb)~~ Section 812.13, relating to robbery.  
 384        (dd)~~(ee)~~ Section 812.131, relating to robbery by sudden  
 385 snatching.  
 386        (ee)~~(dd)~~ Section 812.133, relating to carjacking.  
 387        (ff)~~(ee)~~ Section 812.135, relating to home-invasion  
 388 robbery.  
 389        (gg)~~(ff)~~ Section 817.563, relating to fraudulent sale of  
 390 controlled substances.  
 391        (hh)~~(gg)~~ Section 825.102, relating to abuse, aggravated  
 392 abuse, or neglect of an elderly person or disabled adult.  
 393        (ii)~~(hh)~~ Section 825.103, relating to exploitation of an  
 394 elderly person or disabled adult.  
 395        (jj)~~(ii)~~ Section 825.1025, relating to lewd or lascivious  
 396 offenses committed upon or in the presence of an elderly person  
 397 or disabled person.  
 398        (kk)~~(jj)~~ Section 826.04, relating to incest.  
 399        (ll)~~(kk)~~ Section 827.03, relating to child abuse,  
 400 aggravated child abuse, or neglect of a child.



401        (mm) ~~(ll)~~ Section 827.04, relating to contributing to the  
 402 delinquency or dependency of a child.

403        (nn) ~~(mm)~~ Section 827.071, relating to sexual performance  
 404 by a child.

405        (oo) ~~(nn)~~ Section 843.01, relating to resisting arrest with  
 406 violence.

407        (pp) ~~(oo)~~ Chapter 847, relating to obscenity.

408        (qq) ~~(pp)~~ Section 874.05, relating to causing, encouraging,  
 409 soliciting, or recruiting another to join a criminal street  
 410 gang.

411        (rr) ~~(qq)~~ Chapter 893, relating to drug abuse prevention  
 412 and control, if the offense was a felony of the second degree or  
 413 greater severity.

414        (ss) ~~(rr)~~ Section 916.1075, relating to sexual misconduct  
 415 with certain forensic clients and reporting of such sexual  
 416 misconduct.

417        (tt) ~~(ss)~~ Section 944.47, relating to introduction,  
 418 removal, or possession of contraband at a correctional facility.

419        (uu) ~~(tt)~~ Section 985.701, relating to sexual misconduct in  
 420 juvenile justice programs.

421        (vv) ~~(uu)~~ Section 985.711, relating to introduction,  
 422 removal, or possession of contraband at a juvenile detention  
 423 facility or commitment program.

424        (2) Any misdemeanor offense prohibited under any of the  
 425 following statutes:

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

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

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

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

439 Section 8. Subsection (12) of section 1012.56, Florida  
 440 Statutes, is amended to read:

441 1012.56 Educator certification requirements.—

442 (12) DENIAL OF CERTIFICATE.—

443 (a) The Department of Education may deny an applicant a  
 444 certificate if the department possesses evidence satisfactory to  
 445 it that the applicant has committed an act or acts, or that a  
 446 situation exists, for which the Education Practices Commission  
 447 would be authorized to discipline a certified educator ~~revoke a~~  
 448 ~~teaching certificate~~.

449 (b) The decision of the department is subject to review by  
 450 the Education Practices Commission upon the filing of a written

451 request from the applicant within 20 days after receipt of the  
452 notice of denial. Upon review, the commission may deny the award  
453 of a certificate, bar an applicant from reapplying for a  
454 certificate, or allow the award of a certificate with one or  
455 more of the following conditions:

- 456 1. Probation for a period of time.
- 457 2. Restriction on the scope of practice.
- 458 3. Issuance of a letter of reprimand.
- 459 4. Referral to the recovery network program provided in s.  
460 1012.798 under such terms and conditions as the commission may  
461 specify.
- 462 5. Imposition of an administrative fine not to exceed  
463 \$2,000 for each count or separate offense.

464 Section 9. Subsections (1) and (5) of section 1012.795,  
465 Florida Statutes, are amended to read:

466 1012.795 Education Practices Commission; authority to  
467 discipline.—

468 (1) The Education Practices Commission may suspend the  
469 educator certificate of any instructional personnel or school  
470 administrator, ~~person~~ as defined in s. 1012.01(2) or (3), for up  
471 to 5 years, thereby denying that person the right to teach or  
472 otherwise be employed by a district school board or public  
473 school in any capacity requiring direct contact with students  
474 for that period of time, after which the person holder may  
475 return to teaching as provided in subsection (4); may revoke the

476 educator certificate of any person, thereby denying that person  
477 the right to teach or otherwise be employed by a district school  
478 board or public school in any capacity requiring direct contact  
479 with students for up to 10 years, with reinstatement subject to  
480 ~~the provisions of~~ subsection (4); may permanently revoke  
481 ~~permanently~~ the educator certificate of any person thereby  
482 denying that person the right to teach or otherwise be employed  
483 by a district school board or public school in any capacity  
484 requiring direct contact with students; may suspend a person's  
485 ~~the~~ educator certificate, upon an order of the court or notice  
486 by the Department of Revenue relating to the payment of child  
487 support; or may impose any other penalty provided by law, if the  
488 person:

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

491 (b) Knowingly failed to report actual or suspected child  
492 abuse as required in s. 1006.061 or report alleged misconduct by  
493 instructional personnel or school administrators which affects  
494 the health, safety, or welfare of a student as required in s.  
495 1012.796.

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

499 (d) Has been guilty of gross immorality or an act  
500 involving moral turpitude as defined by rule of the State Board

501 of Education, including engaging in or soliciting sexual,  
 502 romantic, or lewd conduct with a student or minor.

503 (e) Has had an educator certificate or other professional  
 504 license sanctioned by this or any other ~~revocation, suspension,~~  
 505 ~~or surrender in another~~ state or has had the authority to  
 506 practice the regulated profession revoked, suspended, or  
 507 otherwise acted against, including a denial of certification or  
 508 licensure, by the licensing or certifying authority of any  
 509 jurisdiction, including its agencies and subdivisions. The  
 510 licensing or certifying authority's acceptance of a  
 511 relinquishment, stipulation, consent order, or other settlement  
 512 offered in response to or in anticipation of the filing of  
 513 charges against the licensee or certificateholder shall be  
 514 construed as action against the license or certificate.

515 (f) Has been convicted or found guilty of, has had  
 516 adjudication withheld for, or has pled ~~entered a plea of guilty~~  
 517 or nolo contendere to, ~~regardless of adjudication of guilt,~~ a  
 518 misdemeanor, felony, or any other criminal charge, other than a  
 519 minor traffic violation.

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

523 (h) Has breached a contract, as provided in s. 1012.33(2)  
 524 or s. 1012.335.

525 (i) Has been the subject of a court order or notice by the

526 Department of Revenue pursuant to s. 409.2598 directing the  
527 Education Practices Commission to suspend the certificate as a  
528 result of noncompliance with a child support order, a subpoena,  
529 an order to show cause, or a written agreement with the  
530 Department of Revenue.

531 (j) Has violated the Principles of Professional Conduct  
532 for the Education Profession prescribed by State Board of  
533 Education rules.

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

536 (l) Has violated any order of the Education Practices  
537 Commission.

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

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

548 (o) Has committed a third recruiting offense as determined  
549 by the Florida High School Athletic Association (FHSAA) pursuant  
550 to s. 1006.20(2)(b).

551           (p) Has violated test security as provided in s. 1008.24.

552           (5) Each district school superintendent and the governing  
 553 authority of each university lab school, state-supported school,  
 554 private school, and the FHSAA shall report to the department the  
 555 name of any person certified pursuant to this chapter ~~or~~  
 556 ~~employed and qualified pursuant to s. 1012.39:~~

557           (a) Who has been convicted or found guilty of, who has had  
 558 adjudication withheld for, or who has pled guilty or nolo  
 559 ~~contendere to,~~ a misdemeanor, felony, or any other criminal  
 560 charge, other than a minor traffic infraction;

561           (b) Who that official has reason to believe has committed  
 562 or is found to have committed any act which would be a ground  
 563 for revocation or suspension under subsection (1); or

564           (c) Who has been dismissed or severed from employment  
 565 because of conduct involving any immoral, unnatural, or  
 566 lascivious act.

567           Section 10. Paragraphs (d) and (e) of subsection (1) and  
 568 paragraphs (a) and (d) of subsection (7) of section 1012.796,  
 569 Florida Statutes, are amended to read:

570           1012.796 Complaints against teachers and administrators;  
 571 procedure; penalties.-

572           (1)

573           (d)1. Each school district shall file in writing with the  
 574 department all legally sufficient complaints within 30 days  
 575 after the date on which subject matter of the complaint comes to

576 | the attention of the school district, regardless of whether the  
577 | subject of the complaint is still an employee of the school  
578 | district. A complaint is legally sufficient if it contains  
579 | ultimate facts that show a violation has occurred as provided in  
580 | s. 1012.795 and defined by rule of the State Board of Education.  
581 | The school district shall include all information relating to  
582 | the complaint which is known to the school district at the time  
583 | of filing.

584 |       2. A school district shall immediately notify the  
585 | department if the subject of a legally sufficient complaint of  
586 | misconduct affecting the health, safety, or welfare of a student  
587 | resigns or is terminated before the conclusion of the school  
588 | district's investigation. Upon receipt of the notification, the  
589 | department shall place an alert on the person's certification  
590 | file indicating that he or she resigned or was terminated before  
591 | an investigation involving allegations of misconduct affecting  
592 | the health, safety, or welfare of a student was concluded. In  
593 | such circumstances, the database may not include specific  
594 | information relating to the alleged misconduct until permitted  
595 | by subsection (4).

596 |       3. Each district school board shall develop and adopt  
597 | policies and procedures to comply with this reporting  
598 | requirement. School board policies and procedures must include  
599 | standards for screening, hiring, and terminating instructional  
600 | personnel and school administrators, as defined in s. 1012.01;



601 standards of ethical conduct for instructional personnel and  
602 school administrators; the duties of instructional personnel and  
603 school administrators for upholding the standards; detailed  
604 procedures for reporting alleged misconduct by instructional  
605 personnel and school administrators which affects the health,  
606 safety, or welfare of a student; requirements for the  
607 reassignment of instructional personnel or school administrators  
608 pending the outcome of a misconduct investigation; and penalties  
609 for failing to comply with s. 1001.51 or s. 1012.795. The  
610 district school board policies and procedures shall include  
611 appropriate penalties for all personnel of the district school  
612 board for nonreporting and procedures for promptly informing the  
613 district school superintendent of each legally sufficient  
614 complaint. The district school superintendent is charged with  
615 knowledge of these policies and procedures and is accountable  
616 for the training of all instructional personnel and school  
617 administrators of the school district on the standards of  
618 ethical conduct, policies, and procedures.

619 4. If the district school superintendent has knowledge of  
620 a legally sufficient complaint and does not report the  
621 complaint, or fails to enforce the policies and procedures of  
622 the district school board, and fails to comply with the  
623 requirements of this subsection, in addition to other actions  
624 against certificateholders authorized by law, the district  
625 school superintendent is subject to penalties as specified in s.

626 | 1001.51(12).

627 |       5. If the superintendent determines that misconduct by  
628 | instructional personnel or school administrators who hold an  
629 | educator certificate affects the health, safety, or welfare of a  
630 | student and the misconduct warrants termination, the  
631 | instructional personnel or school administrators may resign or  
632 | be terminated, and the superintendent must report the misconduct  
633 | to the department in the format prescribed by the department.  
634 | The department shall maintain each report of misconduct as a  
635 | public record in the instructional personnel's or school  
636 | administrators' certification files. This paragraph does not  
637 | limit or restrict the power and duty of the department to  
638 | investigate complaints, regardless of the school district's  
639 | untimely filing, or failure to file, complaints and followup  
640 | reports.

641 |       (e) If allegations arise against an employee who is  
642 | certified under s. 1012.56 and employed in an educator-  
643 | certificated position in any public school, charter school or  
644 | governing board thereof, or private school that accepts  
645 | scholarship students under s. 1002.39 or s. 1002.395, the school  
646 | shall file in writing with the department a legally sufficient  
647 | complaint within 30 days after the date on which the subject  
648 | matter of the complaint came to the attention of the school,  
649 | regardless of whether the subject of the allegations is still an  
650 | employee of the school. A complaint is legally sufficient if it

651 contains ultimate facts that show a violation has occurred as  
652 provided in s. 1012.795 and defined by rule of the State Board  
653 of Education. The school shall include all known information  
654 relating to the complaint with the filing of the complaint. This  
655 paragraph does not limit or restrict the power and duty of the  
656 department to investigate complaints, regardless of the school's  
657 untimely filing, or failure to file, complaints and followup  
658 reports. A school described in this paragraph shall immediately  
659 notify the department if the subject of a legally sufficient  
660 complaint of misconduct affecting the health, safety, or welfare  
661 of a student resigns or is terminated before the conclusion of  
662 the school's investigation. Upon receipt of the notification,  
663 the department shall place an alert on the person's  
664 certification file indicating that he or she resigned or was  
665 terminated before an investigation involving allegations of  
666 misconduct affecting the health, safety, or welfare of a student  
667 was concluded. In such circumstances, the database may not  
668 include specific information relating to the alleged misconduct  
669 until permitted by subsection (4).

670 (7) A panel of the commission shall enter a final order  
671 either dismissing the complaint or imposing one or more of the  
672 following penalties:

673 (a) Denial of an application for a ~~teaching~~ certificate or  
674 for an administrative or supervisory endorsement on a teaching  
675 certificate. The denial may provide that the applicant may not

676 reapply for certification, and that the department may refuse to  
677 consider that applicant's application, for a specified period of  
678 time or permanently.

679 (d) Placement of the teacher, administrator, or supervisor  
680 on probation for a period of time and subject to such conditions  
681 as the commission may specify, including requiring the certified  
682 teacher, administrator, or supervisor to complete additional  
683 appropriate college courses or work with another certified  
684 educator, with the administrative costs of monitoring the  
685 probation assessed to the educator placed on probation. An  
686 educator who has been placed on probation shall, at a minimum:

687 1. Immediately notify the investigative office in the  
688 Department of Education upon employment or separation from  
689 ~~termination of employment in the state~~ in any public or private  
690 position requiring a Florida educator's certificate.

691 2. Have his or her immediate supervisor submit annual  
692 performance reports to the investigative office in the  
693 Department of Education.

694 3. Pay to the commission within the first 6 months of each  
695 probation year the administrative costs of monitoring probation  
696 assessed to the educator.

697 4. Violate no law and fully comply with all district  
698 school board policies, school rules, and State Board of  
699 Education rules.

700 5. Satisfactorily perform his or her assigned duties in a

701 competent, professional manner.

702         6. Bear all costs of complying with the terms of a final  
703 order entered by the commission.

704

705 The penalties imposed under this subsection are in addition to,  
706 and not in lieu of, the penalties required for a third  
707 recruiting offense pursuant to s. 1006.20(2)(b).

708         Section 11. This act shall take effect July 1, 2018.