

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Tuck offered the following:

4

5 **Amendment (with directory and title amendments)**

6 Remove lines 1683-1993 and insert:

7 including, but not limited to, programs, services, ~~and~~ the  
 8 qualifications of classroom teachers, and a statement that a  
 9 parentally placed private school student with a disability does  
 10 not have an individual right to receive some or all of the  
 11 special education and related services that the child would  
 12 receive if enrolled in a public school under the Individuals  
 13 with Disabilities Education Act (IDEA), as amended.

14 (k) At a minimum, provide the parent of each scholarship  
 15 student with a written explanation of the student's progress on  
 16 a quarterly basis.

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17 (l) Cooperate with a student whose parent chooses to  
18 participate in the statewide assessments pursuant to s. 1008.22.

19 (m) Require each employee and contracted personnel with  
20 direct student contact, upon employment or engagement to provide  
21 services, to undergo a state and national background screening,  
22 pursuant to s. 943.0542, by electronically filing with the  
23 Department of Law Enforcement a complete set of fingerprints  
24 taken by an authorized law enforcement agency or an employee of  
25 the private school, a school district, or a private company who  
26 is trained to take fingerprints and deny employment to or  
27 terminate an employee if he or she fails to meet the screening  
28 standards under s. 435.04. Results of the screening shall be  
29 provided to the participating private school. For purposes of  
30 this paragraph:

31 1. An "employee or contracted personnel with direct  
32 student contact" means any employee or contracted personnel who  
33 has unsupervised access to a scholarship student for whom the  
34 private school is responsible.

35 2. The costs of fingerprinting and the background check  
36 shall not be borne by the state.

37 3. Continued employment of an employee or contracted  
38 personnel after notification that he or she has failed the  
39 background screening under this paragraph shall cause a private  
40 school to be ineligible for participation in a scholarship  
41 program.

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42           4. An employee or contracted personnel holding a valid  
43 Florida teaching certificate who has been fingerprinted pursuant  
44 to s. 1012.32 is not required to comply with the provisions of  
45 this paragraph.

46           5. All fingerprints submitted to the Department of Law  
47 Enforcement as required by this section shall be retained by the  
48 Department of Law Enforcement in a manner provided by rule and  
49 entered in the statewide automated biometric identification  
50 system authorized by s. 943.05(2)(b). Such fingerprints shall  
51 thereafter be available for all purposes and uses authorized for  
52 arrest fingerprints entered in the statewide automated biometric  
53 identification system pursuant to s. 943.051.

54           6. The Department of Law Enforcement shall search all  
55 arrest fingerprints received under s. 943.051 against the  
56 fingerprints retained in the statewide automated biometric  
57 identification system under subparagraph 5. Any arrest record  
58 that is identified with the retained fingerprints of a person  
59 subject to the background screening under this section shall be  
60 reported to the employing school with which the person is  
61 affiliated. Each private school participating in a scholarship  
62 program is required to participate in this search process by  
63 informing the Department of Law Enforcement of any change in the  
64 employment or contractual status of its personnel whose  
65 fingerprints are retained under subparagraph 5. The Department  
66 of Law Enforcement shall adopt a rule setting the amount of the

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67 annual fee to be imposed upon each private school for performing  
68 these searches and establishing the procedures for the retention  
69 of private school employee and contracted personnel fingerprints  
70 and the dissemination of search results. The fee may be borne by  
71 the private school or the person fingerprinted.

72 7. Employees and contracted personnel whose fingerprints  
73 are not retained by the Department of Law Enforcement under  
74 subparagraphs 5. and 6. are required to be refingerprinted and  
75 must meet state and national background screening requirements  
76 upon reemployment or reengagement to provide services in order  
77 to comply with the requirements of this section.

78 8. Every 5 years following employment or engagement to  
79 provide services with a private school, employees or contracted  
80 personnel required to be screened under this section must meet  
81 screening standards under s. 435.04, at which time the private  
82 school shall request the Department of Law Enforcement to  
83 forward the fingerprints to the Federal Bureau of Investigation  
84 for national processing. If the fingerprints of employees or  
85 contracted personnel are not retained by the Department of Law  
86 Enforcement under subparagraph 5., employees and contracted  
87 personnel must electronically file a complete set of  
88 fingerprints with the Department of Law Enforcement. Upon  
89 submission of fingerprints for this purpose, the private school  
90 shall request that the Department of Law Enforcement forward the  
91 fingerprints to the Federal Bureau of Investigation for national

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92 processing, and the fingerprints shall be retained by the  
93 Department of Law Enforcement under subparagraph 5.

94 (n) Adopt policies establishing standards of ethical  
95 conduct for educational support employees, instructional  
96 personnel, and school administrators. The policies must require  
97 all educational support employees, instructional personnel, and  
98 school administrators, as defined in s. 1012.01, to complete  
99 training on the standards; establish the duty of educational  
100 support employees, instructional personnel, and school  
101 administrators to report, and procedures for reporting, alleged  
102 misconduct by other educational support employees, instructional  
103 personnel, and school administrators which affects the health,  
104 safety, or welfare of a student; and include an explanation of  
105 the liability protections provided under ss. 39.203 and 768.095.  
106 A private school, or any of its employees, may not enter into a  
107 confidentiality agreement regarding terminated or dismissed  
108 educational support employees, instructional personnel, or  
109 school administrators, or employees, personnel, or  
110 administrators who resign in lieu of termination, based in whole  
111 or in part on misconduct that affects the health, safety, or  
112 welfare of a student, and may not provide the employees,  
113 personnel, or administrators with employment references or  
114 discuss the employees', personnel's, or administrators'  
115 performance with prospective employers in another educational  
116 setting, without disclosing the employees', personnel's, or

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117 administrators' misconduct. Any part of an agreement or contract  
118 that has the purpose or effect of concealing misconduct by  
119 educational support employees, instructional personnel, or  
120 school administrators which affects the health, safety, or  
121 welfare of a student is void, is contrary to public policy, and  
122 may not be enforced.

123 (o) Before employing a person in any position that  
124 requires direct contact with students, conduct employment  
125 history checks of previous employers, screen the person through  
126 use of the screening tools described in s. 1001.10(5), and  
127 document the findings. If unable to contact a previous employer,  
128 the private school must document efforts to contact the  
129 employer. The private school may not employ a person whose  
130 educator certificate is revoked, who is barred from reapplying  
131 for an educator certificate, or who is on the disqualification  
132 list maintained by the department pursuant to s. 1001.10(4)(b).

133 (p) Require each owner or operator of the private school,  
134 prior to employment or engagement to provide services, to  
135 undergo level 2 background screening as provided under chapter  
136 435. For purposes of this paragraph, the term "owner or  
137 operator" means an owner, operator, superintendent, or principal  
138 of, or a person with equivalent decisionmaking authority over, a  
139 private school participating in a scholarship program  
140 established pursuant to this chapter. The fingerprints for the  
141 background screening must be electronically submitted to the

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142 Department of Law Enforcement and may be taken by an authorized  
143 law enforcement agency or a private company who is trained to  
144 take fingerprints. However, the complete set of fingerprints of  
145 an owner or operator may not be taken by the owner or operator.  
146 The owner or operator shall provide a copy of the results of the  
147 state and national criminal history check to the Department of  
148 Education. The cost of the background screening may be borne by  
149 the owner or operator.

150 1. Every 5 years following employment or engagement to  
151 provide services, each owner or operator must meet level 2  
152 screening standards as described in s. 435.04, at which time the  
153 owner or operator shall request the Department of Law  
154 Enforcement to forward the fingerprints to the Federal Bureau of  
155 Investigation for level 2 screening. If the fingerprints of an  
156 owner or operator are not retained by the Department of Law  
157 Enforcement under subparagraph 2., the owner or operator must  
158 electronically file a complete set of fingerprints with the  
159 Department of Law Enforcement. Upon submission of fingerprints  
160 for this purpose, the owner or operator shall request that the  
161 Department of Law Enforcement forward the fingerprints to the  
162 Federal Bureau of Investigation for level 2 screening, and the  
163 fingerprints shall be retained by the Department of Law  
164 Enforcement under subparagraph 2.

165 2. Fingerprints submitted to the Department of Law  
166 Enforcement as required by this paragraph must be retained by

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167 the Department of Law Enforcement in a manner approved by rule  
168 and entered in the statewide automated biometric identification  
169 system authorized by s. 943.05(2)(b). The fingerprints must  
170 thereafter be available for all purposes and uses authorized for  
171 arrest fingerprints entered in the statewide automated biometric  
172 identification system pursuant to s. 943.051.

173 3. The Department of Law Enforcement shall search all  
174 arrest fingerprints received under s. 943.051 against the  
175 fingerprints retained in the statewide automated biometric  
176 identification system under subparagraph 2. Any arrest record  
177 that is identified with an owner's or operator's fingerprints  
178 must be reported to the owner or operator, who must report to  
179 the Department of Education. Any costs associated with the  
180 search shall be borne by the owner or operator.

181 4. An owner or operator who fails the level 2 background  
182 screening is not eligible to participate in a scholarship  
183 program under this chapter.

184 5. In addition to the offenses listed in s. 435.04, a  
185 person required to undergo background screening pursuant to this  
186 part or authorizing statutes may not have an arrest awaiting  
187 final disposition for, must not have been found guilty of, or  
188 entered a plea of nolo contendere to, regardless of  
189 adjudication, and must not have been adjudicated delinquent for,  
190 and the record must not have been sealed or expunged for, any of  
191 the following offenses or any similar offense of another



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- 192 jurisdiction:
- 193 a. Any authorizing statutes, if the offense was a felony.
- 194 b. This chapter, if the offense was a felony.
- 195 c. Section 409.920, relating to Medicaid provider fraud.
- 196 d. Section 409.9201, relating to Medicaid fraud.
- 197 e. Section 741.28, relating to domestic violence.
- 198 f. Section 817.034, relating to fraudulent acts through
- 199 mail, wire, radio, electromagnetic, photoelectronic, or
- 200 photooptical systems.
- 201 g. Section 817.234, relating to false and fraudulent
- 202 insurance claims.
- 203 h. Section 817.505, relating to patient brokering.
- 204 i. Section 817.568, relating to criminal use of personal
- 205 identification information.
- 206 j. Section 817.60, relating to obtaining a credit card
- 207 through fraudulent means.
- 208 k. Section 817.61, relating to fraudulent use of credit
- 209 cards, if the offense was a felony.
- 210 l. Section 831.01, relating to forgery.
- 211 m. Section 831.02, relating to uttering forged
- 212 instruments.
- 213 n. Section 831.07, relating to forging bank bills, checks,
- 214 drafts, or promissory notes.
- 215 o. Section 831.09, relating to uttering forged bank bills,
- 216 checks, drafts, or promissory notes.

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217 p. Section 831.30, relating to fraud in obtaining  
218 medicinal drugs.

219 q. Section 831.31, relating to the sale, manufacture,  
220 delivery, or possession with the intent to sell, manufacture, or  
221 deliver any counterfeit controlled substance, if the offense was  
222 a felony.

223 6. At least 30 calendar days before a transfer of  
224 ownership of a private school, the owner or operator shall  
225 notify the parent of each scholarship student.

226 7. The owner or operator of a private school that has been  
227 deemed ineligible to participate in a scholarship program  
228 pursuant to this chapter may not transfer ownership or  
229 management authority of the school to a relative in order to  
230 participate in a scholarship program as the same school or a new  
231 school. For purposes of this subparagraph, the term "relative"  
232 means father, mother, son, daughter, grandfather, grandmother,  
233 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
234 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
235 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
236 stepdaughter, stepbrother, stepsister, half-brother, or half-  
237 sister.

238 (q) Provide a report from an independent certified public  
239 accountant who performs the agreed-upon procedures developed  
240 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private  
241 school receives more than \$250,000 in funds from scholarships

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242 awarded under this chapter in a state fiscal year. A private  
243 school subject to this subsection must annually submit the  
244 report by September 15 to the scholarship-funding organization  
245 that awarded the majority of the school's scholarship funds.  
246 However, a school that receives more than \$250,000 in  
247 scholarship funds only through the John M. McKay Scholarship for  
248 Students with Disabilities Program pursuant to s. 1002.39 must  
249 submit the annual report by September 15 to the department. The  
250 agreed-upon procedures must be conducted in accordance with  
251 attestation standards established by the American Institute of  
252 Certified Public Accountants.

253 (r) Prohibit education support employees, instructional  
254 personnel, and school administrators from employment in any  
255 position that requires direct contact with students if the  
256 personnel or administrators are ineligible for such employment  
257 pursuant to this section or s. 1012.315, or have been terminated  
258 or have resigned in lieu of termination for sexual misconduct  
259 with a student. If the prohibited conduct occurs subsequent to  
260 employment, the private school must report the person and the  
261 disqualifying circumstances to the department for inclusion on  
262 the disqualification list maintained pursuant to s.  
263 1001.10(4)(b).

264  
265 The department shall suspend the payment of funds to a private  
266 school that knowingly fails to comply with this subsection, and

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267 shall prohibit the school from enrolling new scholarship  
268 students, for 1 fiscal year and until the school complies. If a  
269 private school fails to meet the requirements of this subsection  
270 or has consecutive years of material exceptions listed in the  
271 report required under paragraph (q), the commissioner may  
272 determine that the private school is ineligible to participate  
273 in a scholarship program.

274 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

275 The Commissioner of Education:

276 (c) May permanently deny or revoke the authority of an  
277 owner, officer, or director ~~or operator~~ to establish or operate  
278 a private school in the state and include such individual on the  
279 disqualification list maintained by the department pursuant to  
280 s. 1001.10(4)(b) if the commissioner decides that the owner,  
281 officer, or director ~~or operator~~:

282 1. Is operating or has operated an educational institution  
283 in the state or another state or jurisdiction in a manner  
284 contrary to the health, safety, or welfare of the public; or

285 2. Has operated an educational institution that closed  
286 during the school year. An individual may be removed from the  
287 disqualification list if the individual reimburses the  
288 department or eligible nonprofit scholarship-funding  
289 organization the amount of scholarship funds received by the  
290 educational institution during the school year in which it  
291 closed, ~~and shall include such individuals on the~~

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292 ~~disqualification list maintained by the department pursuant to~~  
293 ~~s. 1001.10(4)(b).~~

294

295 The commissioner's order suspending payment pursuant to this  
296 paragraph may be appealed pursuant to the same procedures and  
297 timelines as the notice of proposed action set forth in  
298 subparagraph (d)2.

299 Section 9. Section 1002.44, Florida Statutes, is created  
300 to read:

301 1002.44 Part-time public school enrollment.-

302 (1) Any public school in this state, including a charter  
303 school, may enroll a student who meets the regular school  
304 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time  
305 basis, subject to space and availability according to the  
306 school's capacity determined pursuant to s. 1002.31(2)(b).

307 (2) A student attending a public school on a part-time  
308 basis pursuant to this section shall generate full-time  
309 equivalent student membership as described in s. 1011.61(1)(b).  
310 A student receiving a scholarship under this chapter who attends  
311 a public school on a part-time basis through contracted services  
312 provided by the public school or school district may not be  
313 reported for funding.

314 (3) A student attending a public school on a part-time  
315 basis pursuant to this section is not considered to be in

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316 regular attendance at a public school as defined in s.  
317 1003.01(13)(a).

318 Section 10. Paragraphs (d) and (e) of subsection (13) of  
319 section 1003.01, Florida Statutes, are amended, and paragraph  
320 (f) is added to that subsection, to read:

321 1003.01 Definitions.—As used in this chapter, the term:

322 (13) "Regular school attendance" means the actual  
323 attendance of a student during the school day as defined by law  
324 and rules of the State Board of Education. Regular attendance  
325 within the intent of s. 1003.21 may be achieved by attendance  
326 in:

327 (d) A home education program that meets the requirements  
328 of chapter 1002; ~~or~~

329 (e) A private tutoring program that meets the requirements  
330 of chapter 1002; or

331 (f) A personalized education program that meets the  
332 requirements of s. 1002.395.

333 Section 11. Paragraph (c) of subsection (2) of section  
334 1003.27, Florida Statutes, is amended to read:

335 1003.27 Court procedure and penalties.—The court procedure  
336 and penalties for the enforcement of the provisions of this  
337 part, relating to compulsory school attendance, shall be as  
338 follows:

339 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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340 (c) Each designee of the governing body of each private  
341 school and each parent whose child is enrolled in a home  
342 education program or personalized education program may provide  
343 the Department of Highway Safety and Motor Vehicles with the  
344 legal name, sex, date of birth, and social security number of  
345 each minor student under his or her jurisdiction who fails to  
346 satisfy relevant attendance requirements and who fails to  
347 otherwise satisfy the requirements of s. 322.091. The Department  
348 of Highway Safety and Motor Vehicles may not issue a driver  
349 license or learner's driver license to, and shall suspend any  
350 previously issued driver license or learner's driver license of,  
351 any such minor student pursuant to s. 322.091.

352 Section 12. Paragraph (k) of subsection (4) of section  
353 1003.485, Florida Statutes, is amended to read:

354 1003.485 The New Worlds Reading Initiative.—

355 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator  
356 shall:

357 (k) Expend eligible contributions received only for the  
358 purchase and delivery of books and to implement the requirements  
359 of this section, as well as for administrative expenses not to  
360 exceed 2 percent of total eligible contributions.

361 Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)(j)2.~~, the  
362 administrator may carry forward up to 25 percent of eligible  
363 contributions made before January 1 of each state fiscal year  
364 and 100 percent of eligible contributions made on or after

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365 January 1 of each state fiscal year to the following state  
366 fiscal year for purposes authorized by this subsection. Any  
367 eligible contributions in excess of the allowable carry forward  
368 not used to provide additional books throughout the year to  
369 eligible students shall revert to the state treasury.

370

371

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372

**D I R E C T O R Y   A M E N D M E N T**

373

Remove lines 1625-1626 and insert:

374

Section 8. Subsection (1) and paragraph (c) of subsection (3)  
375 of section 1002.421, Florida Statutes, are amended to read:

376

377

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378

**T I T L E   A M E N D M E N T**

379

Remove lines 53-62 and insert:

380

cross-references; amending s. 1002.421, F.S.; revising the  
381 eligibility criteria and obligations of private schools

382

participating in certain educational scholarship programs;

383

revising the criteria for the Commissioner of Education to

384

permanently deny or revoke the authority of certain individuals

385

to establish or operate a private school in the state;

386

authorizing the commissioner to include specified individuals on

387

a specified disqualification list; providing an appeal procedure

388

for the suspension of certain payments; conforming cross-

389

references; creating s. 1002.44, F.S.; authorizing public



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1 (2023)

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390 | schools, including charter schools, to enroll certain students  
391 | on a part-time basis; providing funding for such students;  
392 | prohibiting certain students from being reported for funding;  
393 | providing that such students are not considered to be in regular  
394 | attendance at such schools; amending ss. 1003.01, 1003.27,  
395 | 1003.485, and 1009.30, F.S.; conforming provisions and cross-  
396 | references to changes made by the act; providing an effective  
397 | date.