

By Senator Montford

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1                   A bill to be entitled  
2       An act relating to background screening; amending s.  
3       1002.45, F.S.; revising the requirement relating to  
4       background screening of instructional personnel in  
5       virtual instruction programs; amending s. 1012.315,  
6       F.S.; providing additional offenses that determine  
7       ineligibility for educator certification or employment  
8       in a position that requires direct contact with  
9       students; amending s. 1012.32, F.S.; revising  
10      requirements for the retention, search, and reporting  
11      of fingerprints of school personnel; providing for  
12      Department of Law Enforcement participation in the  
13      national retained print arrest notification program;  
14      providing for fees; amending s. 1012.465, F.S.;  
15      providing background screening requirements for  
16      contractors and instructional personnel in virtual  
17      instruction programs; requiring a fingerprint-based  
18      criminal history check; providing requirements for  
19      submission, retention, search, and reporting of  
20      fingerprints; providing for fees; amending s.  
21      1012.467, F.S.; requiring the fingerprints of certain  
22      noninstructional contractors to be enrolled in the  
23      national retained print arrest notification program;  
24      requiring arrest fingerprints to be searched against  
25      state and federal retained fingerprints; providing for  
26      fees; amending s. 1012.56, F.S.; revising provisions  
27      relating to background rescreening for educator  
28      certification; amending s. 1012.797, F.S.; revising  
29      provisions relating to notification to education

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30 providers of charges against school district  
31 employees; reenacting ss. 1001.42(7), 1002.33(12)(g),  
32 1002.36(7)(g), 1002.421(4)(a), 1012.32(1) and (2),  
33 1012.56(10)(a) and (c), and 1012.795(1)(n), F.S.,  
34 relating to district school board powers and duties,  
35 charter schools, the Florida School for the Deaf and  
36 the Blind, the accountability of private schools  
37 participating in state school choice scholarship  
38 programs, qualifications of personnel, educator  
39 certification requirements, and Education Practices  
40 Commission authority to discipline, respectively, to  
41 incorporate the amendment made to s. 1012.315, F.S.,  
42 in references thereto; providing an effective date.  
43

44 Be It Enacted by the Legislature of the State of Florida:  
45

46 Section 1. Paragraph (a) of subsection (2) of section  
47 1002.45, Florida Statutes, is amended to read:

48 1002.45 Virtual instruction programs.—

49 (2) PROVIDER QUALIFICATIONS.—

50 (a) The department shall annually publish online a list of  
51 providers approved to offer virtual instruction programs. To be  
52 approved by the department, a provider must document that it:

53 1. Is nonsectarian in its programs, admission policies,  
54 employment practices, and operations.†

55 2. Complies with the antidiscrimination provisions of s.  
56 1000.05.†

57 3. Locates an administrative office or offices in this  
58 state.†

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59       4. Requires its administrative staff to be state  
60 residents.~~†~~

61       5. Requires all instructional staff to be Florida-certified  
62 teachers under chapter 1012. ~~and~~

63       6. Submits a signed affidavit under penalty of perjury  
64 stating that all instructional personnel have undergone ~~conducts~~  
65 background screening ~~screenings for all employees or contracted~~  
66 ~~personnel,~~ as required by s. 1012.465 ~~1012.32~~, using state and  
67 national criminal history records.~~†~~

68       7.4. Provides to parents and students specific information  
69 posted and accessible online that includes, but is not limited  
70 to, the following teacher-parent and teacher-student contact  
71 information for each course:

72           a. How to contact the instructor via phone, e-mail, or  
73 online messaging tools.

74           b. How to contact technical support via phone, e-mail, or  
75 online messaging tools.

76           c. How to contact the administration office via phone, e-  
77 mail, or online messaging tools.

78           d. Any requirement for regular contact with the instructor  
79 for the course and clear expectations for meeting the  
80 requirement.

81           e. The requirement that the instructor in each course must,  
82 at a minimum, conduct one contact via phone with the parent and  
83 the student each month.~~†~~

84       8.5. Possesses prior, successful experience offering online  
85 courses to elementary, middle, or high school students as  
86 demonstrated by quantified student learning gains in each  
87 subject area and grade level provided for consideration as an

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88 instructional program option. However, for a provider without  
89 sufficient prior, successful experience offering online courses,  
90 the department may conditionally approve the provider to offer  
91 courses measured pursuant to subparagraph (8) (a)2. Conditional  
92 approval shall be valid for 1 school year only and, based on the  
93 provider's experience in offering the courses, the department  
94 shall determine whether to grant approval to offer a virtual  
95 instruction program.~~†~~

96 9.6. Is accredited by a regional accrediting association as  
97 defined by State Board of Education rule.~~†~~

98 10.7. Ensures instructional and curricular quality through  
99 a detailed curriculum and student performance accountability  
100 plan that addresses every subject and grade level it intends to  
101 provide through contract with the school district, including:

102 a. Courses and programs that meet the standards of the  
103 International Association for K-12 Online Learning and the  
104 Southern Regional Education Board.

105 b. Instructional content and services that align with, and  
106 measure student attainment of, student proficiency in the Next  
107 Generation Sunshine State Standards.

108 c. Mechanisms that determine and ensure that a student has  
109 satisfied requirements for grade level promotion and high school  
110 graduation with a standard diploma, as appropriate.~~†~~

111 11.8. Publishes for the general public, in accordance with  
112 disclosure requirements adopted in rule by the State Board of  
113 Education, as part of its application as a provider and in all  
114 contracts negotiated pursuant to this section:

115 a. Information and data about the curriculum of each full-  
116 time and part-time program.

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- 117           b. School policies and procedures.
- 118           c. Certification status and physical location of all  
119 administrative and instructional personnel.
- 120           d. Hours and times of availability of instructional  
121 personnel.
- 122           e. Student-teacher ratios.
- 123           f. Student completion and promotion rates.
- 124           g. Student, educator, and school performance accountability  
125 outcomes.~~†~~
- 126           12.9. If the provider is a Florida College System  
127 institution, employs instructors who meet the certification  
128 requirements for instructional staff under chapter 1012.~~†~~ and  
129           13.10. Performs an annual financial audit of its accounts  
130 and records conducted by an independent certified public  
131 accountant which is in accordance with rules adopted by the  
132 Auditor General, is conducted in compliance with generally  
133 accepted auditing standards, and includes a report on financial  
134 statements presented in accordance with generally accepted  
135 accounting principles.
- 136           Section 2. Section 1012.315, Florida Statutes, is amended  
137 to read:
- 138           1012.315 Disqualification from employment.—A person is  
139 ineligible for educator certification, and instructional  
140 personnel and school administrators, as defined in s. 1012.01,  
141 are ineligible for employment in any position that requires  
142 direct contact with students in a district school system,  
143 charter school, or private school that accepts scholarship  
144 students under s. 1002.39 or s. 1002.395, if the person,  
145 instructional personnel, or school administrator has been

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146 convicted of:

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

149 (a) Section 39.205, relating to failure to report child  
150 abuse, abandonment, or neglect.

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

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

157 (d)~~(e)~~ Section 415.111, relating to adult abuse, neglect,  
158 or exploitation of aged persons or disabled adults.

159 (e) Section 775.085, relating to evidencing prejudice while  
160 committing offense, if reclassified as a felony.

161 (f)~~(d)~~ Section 782.04, relating to murder.

162 (g) Section 782.051, relating to attempted felony murder.

163 (h)~~(e)~~ Section 782.07, relating to manslaughter, aggravated  
164 manslaughter of an elderly person or disabled adult, aggravated  
165 manslaughter of a child, or aggravated manslaughter of an  
166 officer, a firefighter, an emergency medical technician, or a  
167 paramedic.

168 (i) Section 782.09(1), relating to killing of unborn quick  
169 child by injury to mother.

170 (j)~~(f)~~ Section 784.021, relating to aggravated assault.

171 (k)~~(g)~~ Section 784.045, relating to aggravated battery.

172 (l)~~(h)~~ Section 784.075, relating to battery on a detention  
173 or commitment facility staff member or a juvenile probation  
174 officer.

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- 175        (m)~~(i)~~ Section 787.01, relating to kidnapping.
- 176        (n)~~(j)~~ Section 787.02, relating to false imprisonment.
- 177        (o)~~(k)~~ Section 787.025, relating to luring or enticing a  
178 child.
- 179        (p)~~(l)~~ Section 787.04(2), relating to leading, taking,  
180 enticing, or removing a minor beyond the state limits, or  
181 concealing the location of a minor, with criminal intent pending  
182 custody proceedings.
- 183        (q)~~(m)~~ Section 787.04(3), relating to leading, taking,  
184 enticing, or removing a minor beyond the state limits, or  
185 concealing the location of a minor, with criminal intent pending  
186 dependency proceedings or proceedings concerning alleged abuse  
187 or neglect of a minor.
- 188        (r) Section 787.06, relating to human trafficking.
- 189        (s)~~(n)~~ Section 790.115(1), relating to exhibiting firearms  
190 or weapons at a school-sponsored event, on school property, or  
191 within 1,000 feet of a school.
- 192        (t)~~(o)~~ Section 790.115(2)(b), relating to possessing an  
193 electric weapon or device, destructive device, or other weapon  
194 at a school-sponsored event or on school property.
- 195        (u) Section 790.166, relating to weapons of mass  
196 destruction.
- 197        (v)~~(p)~~ Section 794.011, relating to sexual battery.
- 198        (w)~~(q)~~ Former s. 794.041, relating to sexual activity with  
199 or solicitation of a child by a person in familial or custodial  
200 authority.
- 201        (x)~~(r)~~ Section 794.05, relating to unlawful sexual activity  
202 with certain minors.
- 203        (y)~~(s)~~ Section 794.08, relating to female genital

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204 mutilation.

205       (z)~~(t)~~ Chapter 796, relating to prostitution.

206       (aa)~~(u)~~ Chapter 800, relating to lewdness and indecent  
207 exposure.

208       (bb)~~(v)~~ Section 806.01, relating to arson.

209       (cc)~~(w)~~ Section 810.14, relating to voyeurism.

210       (dd)~~(x)~~ Section 810.145, relating to video voyeurism.

211       (ee)~~(y)~~ Section 812.014(6), relating to coordinating the  
212 commission of theft in excess of \$3,000.

213       (ff)~~(z)~~ Section 812.0145, relating to theft from persons 65  
214 years of age or older.

215       (gg)~~(aa)~~ Section 812.019, relating to dealing in stolen  
216 property.

217       (hh)~~(bb)~~ Section 812.13, relating to robbery.

218       (ii)~~(ee)~~ Section 812.131, relating to robbery by sudden  
219 snatching.

220       (jj)~~(dd)~~ Section 812.133, relating to carjacking.

221       (kk)~~(ee)~~ Section 812.135, relating to home-invasion  
222 robbery.

223       (ll)~~(ff)~~ Section 817.563, relating to fraudulent sale of  
224 controlled substances.

225       (mm)~~(gg)~~ Section 825.102, relating to abuse, aggravated  
226 abuse, or neglect of an elderly person or disabled adult.

227       (nn)~~(hh)~~ Section 825.103, relating to exploitation of an  
228 elderly person or disabled adult.

229       (oo)~~(ii)~~ Section 825.1025, relating to lewd or lascivious  
230 offenses committed upon or in the presence of an elderly person  
231 or disabled person.

232       (pp)~~(jj)~~ Section 826.04, relating to incest.



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233        (qq)~~(kk)~~ Section 827.03, relating to child abuse,  
234 aggravated child abuse, or neglect of a child.

235        (rr)~~(ll)~~ Section 827.04, relating to contributing to the  
236 delinquency or dependency of a child.

237        (ss)~~(mm)~~ Section 827.071, relating to sexual performance by  
238 a child.

239        (tt) Section 838.015, relating to bribery.

240        (uu)~~(nn)~~ Section 843.01, relating to resisting arrest with  
241 violence.

242        (vv)~~(oo)~~ Chapter 847, relating to obscenity.

243        (ww) Section 859.01, relating to poisoning food or water.

244        (xx)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
245 soliciting, or recruiting another to join a criminal street  
246 gang.

247        (yy) Section 876.32, relating to treason.

248        (zz)~~(qq)~~ Chapter 893, relating to drug abuse prevention and  
249 control, if the offense was a felony of the second degree or  
250 greater severity.

251        (aaa)~~(rr)~~ Section 916.1075, relating to sexual misconduct  
252 with certain forensic clients and reporting of such sexual  
253 misconduct.

254        (bbb)~~(ss)~~ Section 944.47, relating to introduction,  
255 removal, or possession of contraband at a correctional facility.

256        (ccc)~~(tt)~~ Section 985.701, relating to sexual misconduct in  
257 juvenile justice programs.

258        (ddd)~~(uu)~~ Section 985.711, relating to introduction,  
259 removal, or possession of contraband at a juvenile detention  
260 facility or commitment program.

261        (2) Any misdemeanor offense prohibited under any of the

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262 following statutes:

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

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

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

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

276 Section 3. Subsection (3) of section 1012.32, Florida  
277 Statutes, is amended to read:

278 1012.32 Qualifications of personnel.—

279 (3) (a) ~~All fingerprints submitted to~~ The Department of Law  
280 Enforcement ~~as required by subsection (2)~~ shall retain the  
281 fingerprints submitted for a criminal history background  
282 screening ~~be retained by the Department of Law Enforcement~~ in a  
283 manner provided by rule, enter the fingerprints ~~and entered~~ in  
284 the statewide automated biometric identification system  
285 authorized by s. 943.05(2)(b), and enroll the fingerprints in  
286 the national retained print arrest notification program.  
287 Fingerprints may not be enrolled in the national retained print  
288 arrest notification program until the Department of Law  
289 Enforcement begins participation with the Federal Bureau of  
290 Investigation. Arrest fingerprints must be searched against the

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291 retained prints by the Department of Law Enforcement and the  
292 Federal Bureau of Investigation to comply with the reporting  
293 requirements of paragraph (b). Individuals whose fingerprints  
294 were retained by the Department of Law Enforcement before its  
295 participation in the national retained print arrest notification  
296 program must be enrolled in the program within 2 years after the  
297 department begins participation with payment of the fee  
298 established by the Federal Bureau of Investigation. Such  
299 fingerprints shall thereafter be available for arrest  
300 notifications required by paragraph (b) and all purposes and  
301 uses authorized for arrest fingerprints entered in the statewide  
302 automated biometric identification system pursuant to s.  
303 943.051.

304 ~~(b) The Department of Law Enforcement shall search all~~  
305 ~~arrest fingerprints received under s. 943.051 against the~~  
306 ~~fingerprints retained in the statewide automated biometric~~  
307 ~~identification system under paragraph (a). An Any arrest record~~  
308 ~~that is identified with the retained fingerprints of a person~~  
309 ~~subject to the background screening under this section, either~~  
310 ~~by the Department of Law Enforcement or the Federal Bureau of~~  
311 ~~Investigation, shall be reported to the employing or contracting~~  
312 ~~school district or the school district with which the person is~~  
313 ~~affiliated. Each school district is required to participate in~~  
314 ~~this search process by payment of a state an annual fee and a~~  
315 ~~federal subscription fee to the Department of Law Enforcement~~  
316 ~~and by informing the Department of Law Enforcement of any change~~  
317 ~~in the affiliation, employment, or contractual status or place~~  
318 ~~of affiliation, employment, or contracting of its instructional~~  
319 ~~and noninstructional personnel whose fingerprints are retained~~

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320 under paragraph (a). The Department of Law Enforcement shall  
321 adopt by a rule ~~setting the amount of the fees~~ annual fee to be  
322 imposed upon each school district for performing these searches  
323 and ~~establishing~~ the procedures for the retention of  
324 instructional and noninstructional personnel fingerprints and  
325 the dissemination of search results. The fees ~~fee~~ may be borne  
326 by the district school board, the contractor, or the person  
327 fingerprinted.

328 (c) Personnel whose fingerprints are not retained by the  
329 Department of Law Enforcement under paragraphs (a) and (b) must  
330 be refingerprinted and rescreened in accordance with subsection  
331 (2) upon reemployment or reengagement to provide services in  
332 order to comply with the requirements of this subsection.

333 Section 4. Section 1012.465, Florida Statutes, is amended  
334 to read:

335 1012.465 Background screening requirements for ~~certain~~  
336 ~~noninstructional school district employees and~~ contractors and  
337 certain instructional personnel.-

338 (1) Except as provided in s. 1012.467 or s. 1012.468,  
339 ~~noninstructional school district employees or~~ contractual  
340 personnel who are permitted access on school grounds when  
341 students are present, who have direct contact with students or  
342 who have access to or control of school funds, and instructional  
343 personnel who are hired or contracted to fill positions with a  
344 provider approved to offer virtual instruction pursuant to s.  
345 1002.45, must meet the background level 2 screening requirements  
346 prescribed as described in subsection (2) s. 1012.32.

347 Contractual personnel shall include any vendor, individual, or  
348 entity under contract with a school or the school board.

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349       (2) An individual described in subsection (1) must be of  
350 good moral character, must not be ineligible under s. 1012.315,  
351 and must, when required by law, hold a certificate or license  
352 issued under rules of the State Board of Education or the  
353 Department of Children and Families, except when employed  
354 pursuant to s. 1012.55 or under the emergency provisions of s.  
355 1012.24. Previous residence in this state is not required as a  
356 prerequisite for any individual holding a valid Florida  
357 certificate or license to serve in an instructional capacity.

358       (3) A fingerprint-based criminal history check shall be  
359 performed on each individual described in subsection (1) at  
360 least once every 5 years. For the initial criminal history  
361 check, the individual shall submit a complete set of  
362 fingerprints taken by any authorized law enforcement agency, any  
363 employee trained to take fingerprints for any school district or  
364 public school, or any private company authorized to take  
365 fingerprints under s. 943.053(13). The fingerprints shall be  
366 electronically submitted for state processing to the Department  
367 of Law Enforcement, which in turn shall submit the fingerprints  
368 to the Federal Bureau of Investigation for national processing.  
369 The results of each criminal history check shall be reported to  
370 the school district in which the individual seeks access and  
371 entered into the shared system described in s. 1012.467(7).

372       (4) The Department of Law Enforcement shall retain the  
373 fingerprints submitted for a criminal history check in a manner  
374 provided by rule, enter the fingerprints in the statewide  
375 automated biometric identification system authorized by s.  
376 943.05(2)(b), and enroll the fingerprints in the national  
377 retained print arrest notification program in accordance with s.

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378 1012.32(3). Arrest fingerprints must be searched against the  
379 retained prints by the Department of Law Enforcement and the  
380 Federal Bureau of Investigation to comply with the reporting  
381 requirements of subsection (5).

382 (5) An arrest record that is identified with the retained  
383 fingerprints of a person subject to the criminal history check  
384 under this section, either by the Department of Law Enforcement  
385 or the Federal Bureau of Investigation, shall be reported to  
386 each school district in which the person seeks access.  
387 Participation in the search process is subject to a state annual  
388 fee established in rule by the Department of Law Enforcement and  
389 a federal subscription fee established by the Federal Bureau of  
390 Investigation. A fee that is charged by a school district for  
391 such checks may not exceed 30 percent of the total amount  
392 charged by the Department of Law Enforcement and the Federal  
393 Bureau of Investigation. The fees may be borne by the district  
394 school board, the contractor, or the person who is  
395 fingerprinted.

396 (6) An individual subject to this section shall inform a  
397 school district if a criminal history check was completed in  
398 another school district within the past 5 years. The school  
399 district shall verify the results of the individual's criminal  
400 history check using the shared system described in s.  
401 1012.467(7). The school district may not charge a fee for  
402 verifying the results of the criminal history check.

403 ~~(2) Every 5 years following employment or entry into a~~  
404 ~~contract in a capacity described in subsection (1), each person~~  
405 ~~who is so employed or under contract with the school district~~  
406 ~~must meet level 2 screening requirements as described in s.~~

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407 ~~1012.32, at which time the school district shall request the~~  
408 ~~Department of Law Enforcement to forward the fingerprints to the~~  
409 ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
410 ~~for any reason following employment or entry into a contract in~~  
411 ~~a capacity described in subsection (1), the fingerprints of a~~  
412 ~~person who is so employed or under contract with the school~~  
413 ~~district are not retained by the Department of Law Enforcement~~  
414 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
415 ~~set of fingerprints with the district school superintendent of~~  
416 ~~the employing or contracting school district. Upon submission of~~  
417 ~~fingerprints for this purpose, the school district shall request~~  
418 ~~the Department of Law Enforcement to forward the fingerprints to~~  
419 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
420 ~~and the fingerprints shall be retained by the Department of Law~~  
421 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
422 ~~state and federal criminal history check required by level 2~~  
423 ~~screening may be borne by the district school board, the~~  
424 ~~contractor, or the person fingerprinted. Under penalty of~~  
425 ~~perjury, each person who is employed or under contract in a~~  
426 ~~capacity described in subsection (1) must agree to inform his or~~  
427 ~~her employer or the party with whom he or she is under contract~~  
428 ~~within 48 hours if convicted of any disqualifying offense while~~  
429 ~~he or she is employed or under contract in that capacity.~~

430 (7)~~(3)~~ If it is found that a person who is employed or  
431 under contract in a capacity described in subsection (1) has  
432 been arrested for a disqualifying offense specified in s.  
433 1012.315 ~~does not meet the level 2 requirements,~~ the person  
434 shall be immediately suspended from working in that capacity and  
435 shall remain suspended until final resolution of any appeals.

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436 Section 5. Paragraphs (b) through (e) of subsection (2) of  
437 section 1012.467, Florida Statutes, are amended to read:

438 1012.467 Noninstructional contractors who are permitted  
439 access to school grounds when students are present; background  
440 screening requirements.—

441 (2)

442 (b) ~~As authorized by law,~~ The Department of Law Enforcement  
443 shall retain the fingerprints submitted ~~by the school districts~~  
444 ~~pursuant to this subsection to the Department of Law Enforcement~~  
445 for a criminal history background screening in a manner provided  
446 by rule, ~~and~~ enter the fingerprints in the statewide automated  
447 biometric identification system authorized by s. 943.05(2)(b),  
448 and enroll the fingerprints in the national retained print  
449 arrest notification program in accordance with s. 1012.32(3).

450 The fingerprints shall thereafter be available for arrest  
451 notifications required by paragraph (c) and all purposes and  
452 uses authorized for arrest fingerprints entered in ~~into~~ the  
453 statewide automated biometric identification system pursuant to  
454 under s. 943.051. Arrest fingerprints must be searched against  
455 the retained prints by the Department of Law Enforcement and the  
456 Federal Bureau of Investigation to comply with the reporting  
457 requirements of paragraph (c).

458 (c) An arrest record that is identified with the retained  
459 fingerprints of a person subject to the background screening  
460 under this section, either by the Department of Law Enforcement  
461 or the Federal Bureau of Investigation, shall be reported to  
462 each school district in which the person seeks access. ~~As~~  
463 authorized by law, the Department of Law Enforcement shall  
464 search all arrest fingerprints received under s. 943.051 against



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465 ~~the fingerprints retained in the statewide automated biometric~~  
466 ~~identification system under paragraph (b).~~

467 (d) Participation in the search process is subject to a  
468 state fee established in rule by the Department of Law  
469 Enforcement and a federal subscription fee established by the  
470 Federal Bureau of Investigation ~~School districts may participate~~  
471 ~~in the search process described in this subsection by paying an~~  
472 ~~annual fee to the Department of Law Enforcement.~~

473 (e) A fingerprint retained pursuant to this subsection  
474 shall be purged ~~from the automated biometric identification~~  
475 ~~system~~ 5 years following the date the fingerprint was initially  
476 submitted. The Department of Law Enforcement shall set the  
477 amount of the annual fee to be imposed upon each participating  
478 agency for performing these searches and establishing the  
479 procedures for retaining fingerprints and disseminating search  
480 results. The fee may be borne as provided by law. ~~Fees may be~~  
481 ~~waived or reduced by the executive director of the Department of~~  
482 ~~Law Enforcement for good cause shown.~~

483 Section 6. Paragraph (b) of subsection (10) of section  
484 1012.56, Florida Statutes, is amended to read:

485 1012.56 Educator certification requirements.—

486 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
487 PERIODICALLY.—

488 (b) A person may not receive a certificate under this  
489 chapter until the person's screening under s. 1012.32 is  
490 completed and the results have been submitted to the Department  
491 of Education or to the district school superintendent of the  
492 school district that employs the person. Every 5 years after  
493 obtaining initial certification, each person who is required to

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494 be certified under this chapter and whose fingerprints have not  
495 been enrolled in the national retained print arrest notification  
496 program in accordance with s. 1012.32(3) must be rescreened in  
497 accordance with s. 1012.32, at which time the school district  
498 shall request the Department of Law Enforcement to forward the  
499 fingerprints to the Federal Bureau of Investigation for federal  
500 criminal records checks. If, for any reason after obtaining  
501 initial certification, the fingerprints of a person who is  
502 required to be certified under this chapter are not retained by  
503 the Department of Law Enforcement under s. 1012.32(3)(a) and  
504 (b), the person must file a complete set of fingerprints with  
505 the district school superintendent of the employing school  
506 district. Upon submission of fingerprints for this purpose, the  
507 school district shall request the Department of Law Enforcement  
508 to forward the fingerprints to the Federal Bureau of  
509 Investigation for federal criminal records checks, and the  
510 fingerprints shall be retained by the Department of Law  
511 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
512 state and federal criminal history checks required by paragraph  
513 (a) and this paragraph may be borne by the district school board  
514 or the employee. Under penalty of perjury, each person who is  
515 certified under this chapter must agree to inform his or her  
516 employer within 48 hours if convicted of any disqualifying  
517 offense while he or she is employed in a position for which such  
518 certification is required.

519 Section 7. Subsection (1) of section 1012.797, Florida  
520 Statutes, is amended to read:

521 1012.797 Notification of ~~district school superintendent of~~  
522 certain charges against or convictions of employees.-

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523 (1) Notwithstanding the provisions of s. 985.04(7) or any  
524 other provision of law to the contrary, a law enforcement agency  
525 shall, within 48 hours, notify the appropriate district school  
526 superintendent of the name and address of any employee of the  
527 school district who is charged with a felony or ~~with a~~  
528 misdemeanor specified in s. 1012.315; any other crime involving  
529 the abuse of a minor child or the sale or possession of a  
530 controlled substance; or with any act that would qualify the  
531 employee for inclusion on the Registered Juvenile Sex Offender  
532 List under s. 943.0435(1)(a)1.d. The notification shall include  
533 the specific charge for which the employee of the school  
534 district was arrested. Such notification shall include other  
535 education providers such as the Florida School for the Deaf and  
536 the Blind, the Florida Virtual School, university lab schools,  
537 charter schools, providers of virtual instruction pursuant to s.  
538 1002.45, and private elementary and secondary schools.

539 Section 8. For the purpose of incorporating the amendment  
540 made by this act to section 1012.315, Florida Statutes, in a  
541 reference thereto, subsection (7) of section 1001.42, Florida  
542 Statutes, is reenacted to read:

543 1001.42 Powers and duties of district school board.—The  
544 district school board, acting as a board, shall exercise all  
545 powers and perform all duties listed below:

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

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552 year if:

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

558 (b) The school board official knowingly fails to adopt  
559 policies that require instructional personnel and school  
560 administrators to report alleged misconduct by other  
561 instructional personnel and school administrators, or that  
562 require the investigation of all reports of alleged misconduct  
563 by instructional personnel and school administrators, if the  
564 misconduct affects the health, safety, or welfare of a student.

565 Section 9. For the purpose of incorporating the amendment  
566 made by this act to section 1012.315, Florida Statutes, in a  
567 reference thereto, paragraph (g) of subsection (12) of section  
568 1002.33, Florida Statutes, is reenacted to read:

569 1002.33 Charter schools.—

570 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

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

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

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

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610 checks of each of the personnel's or administrators' previous  
611 employers, screen the instructional personnel or school  
612 administrators through use of the educator screening tools  
613 described in s. 1001.10(5), and document the findings. If unable  
614 to contact a previous employer, the charter school must document  
615 efforts to contact the employer.

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

619 Section 10. For the purpose of incorporating the amendment  
620 made by this act to section 1012.315, Florida Statutes, in a  
621 reference thereto, paragraph (g) of subsection (7) of section  
622 1002.36, Florida Statutes, is reenacted to read:

623 1002.36 Florida School for the Deaf and the Blind.—

624 (7) PERSONNEL SCREENING.—

625 (g) For purposes of protecting the health, safety, or  
626 welfare of students, the Florida School for the Deaf and the  
627 Blind is considered a school district and must, except as  
628 otherwise provided in this section, comply with ss. 1001.03,  
629 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
630 1012.56, 1012.795, and 1012.796.

631 Section 11. For the purpose of incorporating the amendment  
632 made by this act to section 1012.315, Florida Statutes, in a  
633 reference thereto, paragraph (a) of subsection (4) of section  
634 1002.421, Florida Statutes, is reenacted to read:

635 1002.421 Accountability of private schools participating in  
636 state school choice scholarship programs.—

637 (4) A private school that accepts scholarship students  
638 under s. 1002.39 or s. 1002.395 must:

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

644  
645 The department shall suspend the payment of funds under ss.  
646 1002.39 and 1002.395 to a private school that knowingly fails to  
647 comply with this subsection, and shall prohibit the school from  
648 enrolling new scholarship students, for 1 fiscal year and until  
649 the school complies.

650 Section 12. For the purpose of incorporating the amendment  
651 made by this act to section 1012.315, Florida Statutes, in  
652 references thereto, subsections (1) and (2) of section 1012.32,  
653 Florida Statutes, are reenacted to read:

654 1012.32 Qualifications of personnel.—

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

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

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

685 (c) Instructional and noninstructional personnel who are  
686 hired or contracted to fill positions that require direct  
687 contact with students in an alternative school that operates  
688 under contract with a district school system must, upon  
689 employment or engagement to provide services, undergo background  
690 screening as required under s. 1012.465 or s. 1012.56, whichever  
691 is applicable, by filing with the district school board for the  
692 school district to which the alternative school is under  
693 contract a complete set of fingerprints taken by an authorized  
694 law enforcement agency or an employee of the school or school  
695 district who is trained to take fingerprints.

696 (d) Student teachers and persons participating in a field



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697 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
698 district school system, lab school, or charter school must, upon  
699 engagement to provide services, undergo background screening as  
700 required under s. 1012.56.

701

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

717 Section 13. For the purpose of incorporating the amendment  
718 made by this act to section 1012.315, Florida Statutes, in  
719 references thereto, paragraphs (a) and (c) of subsection (10) of  
720 section 1012.56, Florida Statutes, are reenacted to read:

721 1012.56 Educator certification requirements.—

722 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
723 PERIODICALLY.—

724 (a) Each person who seeks certification under this chapter  
725 must be fingerprinted and screened in accordance with s. 1012.32

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726 and must not be ineligible for such certification under s.  
727 1012.315. A person who has been screened in accordance with s.  
728 1012.32 by a district school board or the Department of  
729 Education within 12 months before the date the person initially  
730 obtains certification under this chapter, the results of which  
731 are submitted to the district school board or to the Department  
732 of Education, is not required to repeat the screening under this  
733 paragraph.

734 (c) If it is found under s. 1012.796 that a person who is  
735 employed in a position requiring certification under this  
736 chapter has not been screened in accordance with s. 1012.32, or  
737 is ineligible for such certification under s. 1012.315, the  
738 person's certification shall be immediately revoked or suspended  
739 and he or she shall be immediately suspended from the position  
740 requiring certification.

741 Section 14. For the purpose of incorporating the amendment  
742 made by this act to section 1012.315, Florida Statutes, in a  
743 reference thereto, paragraph (n) of subsection (1) of section  
744 1012.795, Florida Statutes, is reenacted to read:

745 1012.795 Education Practices Commission; authority to  
746 discipline.—

747 (1) The Education Practices Commission may suspend the  
748 educator certificate of any person as defined in s. 1012.01(2)  
749 or (3) for up to 5 years, thereby denying that person the right  
750 to teach or otherwise be employed by a district school board or  
751 public school in any capacity requiring direct contact with  
752 students for that period of time, after which the holder may  
753 return to teaching as provided in subsection (4); may revoke the  
754 educator certificate of any person, thereby denying that person

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755 the right to teach or otherwise be employed by a district school  
756 board or public school in any capacity requiring direct contact  
757 with students for up to 10 years, with reinstatement subject to  
758 the provisions of subsection (4); may revoke permanently the  
759 educator certificate of any person thereby denying that person  
760 the right to teach or otherwise be employed by a district school  
761 board or public school in any capacity requiring direct contact  
762 with students; may suspend the educator certificate, upon an  
763 order of the court or notice by the Department of Revenue  
764 relating to the payment of child support; or may impose any  
765 other penalty provided by law, if the person:

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

768 Section 15. This act shall take effect July 1, 2014.