

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Diaz, M. offered the following:

**Amendment (with title amendment)**

Between lines 415 and 416, insert:

Section 10. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

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

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

2. Complies with the antidiscrimination provisions of s.

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15 1000.05.~~7~~

16 3. Locates an administrative office or offices in this  
17 state.~~7~~

18 4. Requires its administrative staff to be state  
19 residents.~~7~~

20 5. Requires all instructional staff to hold a valid  
21 Florida educator certificate ~~be Florida-certified teachers~~ under  
22 chapter 1012. ~~and~~

23 6. Has submitted a signed affidavit under penalty of  
24 perjury stating that all instructional personnel employed by the  
25 provider hold a valid Florida educator certificate in good  
26 standing and have undergone ~~conducts~~ background screening  
27 ~~screenings for all employees or contracted personnel,~~ as  
28 required by s. 1012.465 ~~1012.32~~, using state and national  
29 criminal history records.~~7~~

30 ~~7.4.~~ Provides to parents and students specific information  
31 posted and accessible online that includes, but is not limited  
32 to, the following teacher-parent and teacher-student contact  
33 information for each course:

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

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

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

40 d. Any requirement for regular contact with the instructor

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41 for the course and clear expectations for meeting the  
42 requirement.

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

46 ~~8.5.~~ Possesses prior, successful experience offering  
47 online courses to elementary, middle, or high school students as  
48 demonstrated by quantified student learning gains in each  
49 subject area and grade level provided for consideration as an  
50 instructional program option. However, for a provider without  
51 sufficient prior, successful experience offering online courses,  
52 the department may conditionally approve the provider to offer  
53 courses measured pursuant to subparagraph (8) (a)2. Conditional  
54 approval shall be valid for 1 school year only and, based on the  
55 provider's experience in offering the courses, the department  
56 shall determine whether to grant approval to offer a virtual  
57 instruction program.~~†~~

58 ~~9.6.~~ Is accredited by a regional accrediting association  
59 as defined by State Board of Education rule.~~†~~

60 ~~10.7.~~ Ensures instructional and curricular quality through  
61 a detailed curriculum and student performance accountability  
62 plan that addresses every subject and grade level it intends to  
63 provide through contract with the school district, including:

64 a. Courses and programs that meet the standards of the  
65 International Association for K-12 Online Learning and the  
66 Southern Regional Education Board.

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67           b. Instructional content and services that align with, and  
68 measure student attainment of, student proficiency in the Next  
69 Generation Sunshine State Standards.

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

73           ~~11.8.~~ Publishes for the general public, in accordance with  
74 disclosure requirements adopted in rule by the State Board of  
75 Education, as part of its application as a provider and in all  
76 contracts negotiated pursuant to this section:

77           a. Information and data about the curriculum of each full-  
78 time and part-time program.

79           b. School policies and procedures.

80           c. Certification status and physical location of all  
81 administrative and instructional personnel.

82           d. Hours and times of availability of instructional  
83 personnel.

84           e. Student-teacher ratios.

85           f. Student completion and promotion rates.

86           g. Student, educator, and school performance  
87 accountability outcomes.~~†~~

88           ~~12.9.~~ If the provider is a Florida College System  
89 institution, employs instructors who meet the certification  
90 requirements for instructional staff under chapter 1012.~~†~~ ~~and~~

91           ~~13.10.~~ Performs an annual financial audit of its accounts  
92 and records conducted by an independent certified public

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93 accountant which is in accordance with rules adopted by the  
94 Auditor General, is conducted in compliance with generally  
95 accepted auditing standards, and includes a report on financial  
96 statements presented in accordance with generally accepted  
97 accounting principles.

98 Section 11. Section 1012.315, Florida Statutes, is amended  
99 to read:

100 1012.315 Disqualification from employment.—A person is  
101 ineligible for educator certification, and instructional  
102 personnel and school administrators, as defined in s. 1012.01,  
103 are ineligible for employment in any position that requires  
104 direct contact with students in a district school system,  
105 charter school, or private school that accepts scholarship  
106 students under s. 1002.39 or s. 1002.395, if the person,  
107 instructional personnel, or school administrator has been  
108 convicted of:

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

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

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

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

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

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

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

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

125 (h)~~(e)~~ Section 782.07, relating to manslaughter,  
126 aggravated manslaughter of an elderly person or disabled adult,  
127 aggravated manslaughter of a child, or aggravated manslaughter  
128 of an officer, a firefighter, an emergency medical technician,  
129 or a paramedic.

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

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

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

134 (l)~~(h)~~ Section 784.075, relating to battery on a detention  
135 or commitment facility staff member or a juvenile probation  
136 officer.

137 (m)~~(i)~~ Section 787.01, relating to kidnapping.

138 (n)~~(j)~~ Section 787.02, relating to false imprisonment.

139 (o)~~(k)~~ Section 787.025, relating to luring or enticing a  
140 child.

141 (p)~~(l)~~ Section 787.04(2), relating to leading, taking,  
142 enticing, or removing a minor beyond the state limits, or  
143 concealing the location of a minor, with criminal intent pending  
144 custody proceedings.

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145 (q)~~(m)~~ Section 787.04(3), relating to leading, taking,  
146 enticing, or removing a minor beyond the state limits, or  
147 concealing the location of a minor, with criminal intent pending  
148 dependency proceedings or proceedings concerning alleged abuse  
149 or neglect of a minor.

150 (r) Section 787.06, relating to human trafficking.

151 (s)~~(n)~~ Section 790.115(1), relating to exhibiting firearms  
152 or weapons at a school-sponsored event, on school property, or  
153 within 1,000 feet of a school.

154 (t)~~(o)~~ Section 790.115(2)(b), relating to possessing an  
155 electric weapon or device, destructive device, or other weapon  
156 at a school-sponsored event or on school property.

157 (u) Section 790.166, relating to weapons of mass  
158 destruction.

159 (v)~~(p)~~ Section 794.011, relating to sexual battery.

160 (w)~~(q)~~ Former s. 794.041, relating to sexual activity with  
161 or solicitation of a child by a person in familial or custodial  
162 authority.

163 (x)~~(r)~~ Section 794.05, relating to unlawful sexual  
164 activity with certain minors.

165 (y)~~(s)~~ Section 794.08, relating to female genital  
166 mutilation.

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

168 (aa)~~(u)~~ Chapter 800, relating to lewdness and indecent  
169 exposure.

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

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- 171        ~~(cc)(w)~~ Section 810.14, relating to voyeurism.
- 172        ~~(dd)(x)~~ Section 810.145, relating to video voyeurism.
- 173        ~~(ee)(y)~~ Section 812.014(6), relating to coordinating the  
174 commission of theft in excess of \$3,000.
- 175        ~~(ff)(z)~~ Section 812.0145, relating to theft from persons  
176 65 years of age or older.
- 177        ~~(gg)(aa)~~ Section 812.019, relating to dealing in stolen  
178 property.
- 179        ~~(hh)(bb)~~ Section 812.13, relating to robbery.
- 180        ~~(ii)(cc)~~ Section 812.131, relating to robbery by sudden  
181 snatching.
- 182        ~~(jj)(dd)~~ Section 812.133, relating to carjacking.
- 183        ~~(kk)(ee)~~ Section 812.135, relating to home-invasion  
184 robbery.
- 185        ~~(ll)(ff)~~ Section 817.563, relating to fraudulent sale of  
186 controlled substances.
- 187        ~~(mm)(gg)~~ Section 825.102, relating to abuse, aggravated  
188 abuse, or neglect of an elderly person or disabled adult.
- 189        ~~(nn)(hh)~~ Section 825.103, relating to exploitation of an  
190 elderly person or disabled adult.
- 191        ~~(oo)(ii)~~ Section 825.1025, relating to lewd or lascivious  
192 offenses committed upon or in the presence of an elderly person  
193 or disabled person.
- 194        ~~(pp)(jj)~~ Section 826.04, relating to incest.
- 195        ~~(qq)(kk)~~ Section 827.03, relating to child abuse,  
196 aggravated child abuse, or neglect of a child.

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

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

201 (tt) Section 838.015, relating to bribery.

202 (uu)~~(nn)~~ Section 843.01, relating to resisting arrest with  
203 violence.

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

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

206 (xx)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
207 soliciting, or recruiting another to join a criminal street  
208 gang.

209 (yy) Section 876.32, relating to treason.

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

213 (aaa)~~(rr)~~ Section 916.1075, relating to sexual misconduct  
214 with certain forensic clients and reporting of such sexual  
215 misconduct.

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

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

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

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223 (2) Any misdemeanor offense prohibited under any of the  
224 following statutes:

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

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

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

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

238 Section 12. Subsection (3) of section 1012.32, Florida  
239 Statutes, is amended to read:

240 1012.32 Qualifications of personnel.—

241 (3)(a) ~~All fingerprints submitted to~~ The Department of Law  
242 Enforcement ~~as required by subsection (2)~~ shall retain the  
243 fingerprints submitted for a criminal history background  
244 screening pursuant to subsection (2) and s. 1012.465, be  
245 ~~retained by the Department of Law Enforcement in a manner~~  
246 ~~provided by rule~~ enter the fingerprints and entered in the  
247 statewide automated biometric identification system authorized  
248 by s. 943.05(2)(b), and enroll the fingerprints in the national

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249 retained print arrest notification program when the national  
250 program becomes operational and the Department of Law  
251 Enforcement begins participation in the program. The  
252 fingerprints of individuals which were retained by the  
253 Department of Law Enforcement before its participation in the  
254 national program must be enrolled in the program within 2 years  
255 after the Department of Law Enforcement begins participation.  
256 Such fingerprints shall thereafter be available for arrest  
257 notifications required by paragraph (b) and all purposes and  
258 uses authorized for arrest fingerprints entered in the statewide  
259 automated biometric identification system pursuant to s.  
260 943.051.

261 (b) The Department of Law Enforcement shall search all  
262 arrest fingerprints ~~received under s. 943.051~~ against the  
263 fingerprints retained ~~in the statewide automated biometric~~  
264 ~~identification system~~ under paragraph (a) and report any arrest  
265 record ~~that is~~ identified by the Department of Law Enforcement  
266 or the Federal Bureau of Investigation ~~with the retained~~  
267 ~~fingerprints of a person subject to the background screening~~  
268 ~~under this section shall be reported~~ to the employing or  
269 contracting school district or the school district with which  
270 the person is affiliated. Each school district is required to  
271 participate in this search process by payment of fees ~~an annual~~  
272 ~~fee~~ to the Department of Law Enforcement and by informing the  
273 Department of Law Enforcement of any change in the ~~affiliation,~~  
274 ~~employment, or contractual status or place of affiliation,~~

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275 ~~employment, or contracting of its instructional and~~  
276 ~~noninstructional~~ personnel whose fingerprints are retained under  
277 paragraph (a). The Department of Law Enforcement shall adopt a  
278 rule that sets ~~setting the amount of~~ the annual fee ~~to be~~  
279 ~~imposed upon~~ each school district must pay to the Department of  
280 Law Enforcement and identifies the federal subscription fee  
281 collected and remitted by the Department of Law Enforcement for  
282 participation in the national retained arrest print notification  
283 program, as applicable, for performing these searches and  
284 establishes ~~establishing~~ the procedures for the retention of  
285 ~~instructional and noninstructional personnel~~ fingerprints  
286 retained under paragraph (a) and the dissemination of search  
287 results. The fee may be borne by the district school board, the  
288 contractor, or the person fingerprinted.

289 (c) Personnel whose fingerprints are not retained by the  
290 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and  
291 ~~(b)~~ must be refingerprinted and rescreened in accordance with  
292 subsection (2) upon reemployment or reengagement to provide  
293 services in order to comply with the requirements of this  
294 subsection.

295 Section 13. Section 1012.465, Florida Statutes, is amended  
296 to read:

297 1012.465 ~~Background screening~~ Requirements for certain  
298 ~~noninstructional~~ school district employees, contractual  
299 personnel, and instructional personnel and contractors.-

300 (1) The following individuals ~~Except as provided in s.~~

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301 ~~1012.467 or s. 1012.468, noninstructional school district~~  
302 ~~employees or contractual personnel who are permitted access on~~  
303 ~~school grounds when students are present, who have direct~~  
304 ~~contact with students or who have access to or control of school~~  
305 ~~funds must meet the level 2 screening requirements of this~~  
306 ~~section: as described in s. 1012.32. Contractual personnel shall~~  
307 ~~include any vendor, individual, or entity under contract with a~~  
308 ~~school or the school board.~~

309 (a) Noninstructional school district employees who have  
310 direct contact with students or who have access to or control of  
311 school funds.

312 (b) Contractual personnel, including individuals under  
313 contract with a school or the district school board who provide  
314 instructional, rehabilitative, medical, or psychological  
315 services, or other services relating to the education, care,  
316 custody, or safety of students, that involve direct contact with  
317 students.

318 (c) Contractual personnel who have access to or control of  
319 school funds.

320 (d) Instructional personnel who are hired or contracted to  
321 provide virtual instruction pursuant to s. 1002.45.

322 (2) An individual described in subsection (1) must be of  
323 good moral character, must not be ineligible under s. 1012.315,  
324 and must, when required by law, hold a certificate or license  
325 issued under rules of the State Board of Education or the  
326 Department of Children and Families, except when employed

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327 pursuant to s. 1012.55 or under the emergency provisions of s.  
328 1012.24. Previous residence in this state shall not be required  
329 as a prerequisite for a person holding a valid Florida  
330 certificate or license to serve in an instructional capacity.

331 (3) A fingerprint-based criminal history background  
332 screening shall be performed on each individual described in  
333 subsection (1) at least once every 5 years. For the initial  
334 criminal history background screening, the individual shall  
335 submit electronically to the Department of Law Enforcement for a  
336 state criminal history check a complete set of fingerprints  
337 taken by an authorized law enforcement agency, an employee  
338 trained to take fingerprints for any school district or public  
339 school, or a private company authorized to take fingerprints  
340 under s. 943.053(13). The Department of Law Enforcement shall  
341 submit the fingerprints to the Federal Bureau of Investigation  
342 for a national criminal history check. The Department of Law  
343 Enforcement shall report the results of each criminal history  
344 check to the school district in which the individual seeks  
345 access and enter the results into the system described in s.  
346 1012.467(7).

347 (4) The Department of Law Enforcement shall retain the  
348 fingerprints submitted for a criminal history background  
349 screening, enter the fingerprints in the statewide automated  
350 biometric identification system authorized by s. 943.05(2)(b),  
351 and enroll the fingerprints in the national retained print  
352 arrest notification program in accordance with s. 1012.32(3).

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353 (5) The Department of Law Enforcement shall search arrest  
354 fingerprints against the fingerprints retained under subsection  
355 (4) and report any arrest record identified by the Department of  
356 Law Enforcement or the Federal Bureau of Investigation to each  
357 school district in which the person seeks access. Participation  
358 in the search process is subject to payment of fees pursuant to  
359 s. 1012.32(3). The fees may be borne by the district school  
360 board, the contractor, or the person fingerprinted. A fee that  
361 is charged by a school district may not exceed 30 percent of the  
362 total amount charged by the Department of Law Enforcement and  
363 the Federal Bureau of Investigation.

364 (6) An individual subject to this section shall inform a  
365 school district if a criminal history background screening was  
366 completed in another school district within the past 5 years.  
367 The school district shall verify the results of the individual's  
368 criminal history background screening using the system described  
369 in s. 1012.467(7). The school district may not charge a fee for  
370 verifying the results of the criminal history background  
371 screening.

372 ~~(2) Every 5 years following employment or entry into a~~  
373 ~~contract in a capacity described in subsection (1), each person~~  
374 ~~who is so employed or under contract with the school district~~  
375 ~~must meet level 2 screening requirements as described in s.~~  
376 ~~1012.32, at which time the school district shall request the~~  
377 ~~Department of Law Enforcement to forward the fingerprints to the~~  
378 ~~Federal Bureau of Investigation for the level 2 screening. If,~~

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379 ~~for any reason following employment or entry into a contract in~~  
380 ~~a capacity described in subsection (1), the fingerprints of a~~  
381 ~~person who is so employed or under contract with the school~~  
382 ~~district are not retained by the Department of Law Enforcement~~  
383 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
384 ~~set of fingerprints with the district school superintendent of~~  
385 ~~the employing or contracting school district. Upon submission of~~  
386 ~~fingerprints for this purpose, the school district shall request~~  
387 ~~the Department of Law Enforcement to forward the fingerprints to~~  
388 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
389 ~~and the fingerprints shall be retained by the Department of Law~~  
390 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
391 ~~state and federal criminal history check required by level 2~~  
392 ~~screening may be borne by the district school board, the~~  
393 ~~contractor, or the person fingerprinted. Under penalty of~~  
394 ~~perjury, each person who is employed or under contract in a~~  
395 ~~capacity described in subsection (1) must agree to inform his or~~  
396 ~~her employer or the party with whom he or she is under contract~~  
397 ~~within 48 hours if convicted of any disqualifying offense while~~  
398 ~~he or she is employed or under contract in that capacity.~~

399 ~~(7)(3)~~ If it is found that a person who is employed or  
400 under contract in a capacity described in subsection (1) has  
401 been arrested for a disqualifying offense specified in s.  
402 1012.315 ~~does not meet the level 2 requirements,~~ the person  
403 shall be immediately suspended from working in that capacity and  
404 shall remain suspended until final resolution of any appeals.

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405 Section 14. Paragraphs (b) through (e) of subsection (2)  
406 and subsection (7) of section 1012.467, Florida Statutes, are  
407 amended to read:

408 1012.467 Noninstructional contractors who are permitted  
409 access to school grounds when students are present; background  
410 screening requirements.-

411 (2)

412 (b) ~~As authorized by law,~~ The Department of Law  
413 Enforcement shall retain the fingerprints submitted ~~by the~~  
414 ~~school districts pursuant to this subsection to the Department~~  
415 ~~of Law Enforcement~~ for a criminal history background screening  
416 in a manner provided by rule, ~~and~~ enter the fingerprints in the  
417 statewide automated biometric identification system authorized  
418 by s. 943.05(2)(b), and enroll the fingerprints in the national  
419 retained print arrest notification program in accordance with s.  
420 1012.32(3). The fingerprints shall thereafter be available for  
421 arrest notifications required by paragraph (c) and all purposes  
422 and uses authorized for arrest fingerprints entered in ~~into~~ the  
423 statewide automated biometric identification system pursuant to  
424 under s. 943.051.

425 (c) The Department of Law Enforcement shall search arrest  
426 fingerprints against the fingerprints retained under paragraph  
427 (b) and report any arrest record identified by the Department of  
428 Law Enforcement or the Federal Bureau of Investigation to each  
429 school district in which the person seeks access. ~~As authorized~~  
430 ~~by law,~~ the Department of Law Enforcement shall search all

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431 ~~arrest fingerprints received under s. 943.051 against the~~  
432 ~~fingerprints retained in the statewide automated biometric~~  
433 ~~identification system under paragraph (b).~~

434 (d) School district participation in the search process is  
435 subject to the payment of fees ~~School districts may participate~~  
436 ~~in the search process described in this subsection by paying an~~  
437 ~~annual fee to the Department of Law Enforcement as provided in~~  
438 paragraph (e).

439 (e) A fingerprint retained pursuant to this subsection  
440 shall be purged ~~from the automated biometric identification~~  
441 ~~system~~ 5 years following the date the fingerprint was initially  
442 submitted. The Department of Law Enforcement shall set by rule  
443 the amount of the fees, separately identifying the federal  
444 subscription fee collected and remitted by the Department of Law  
445 Enforcement for participation in the national retained print  
446 arrest notification program, as applicable, ~~annual fee to be~~  
447 imposed upon each participating agency for performing ~~these~~  
448 searches under this subsection and ~~establishing~~ the procedures  
449 for retaining fingerprints and disseminating search results. The  
450 fee may be borne as provided by law. ~~Fees may be waived or~~  
451 ~~reduced by the executive director of the Department of Law~~  
452 ~~Enforcement for good cause shown.~~

453 (7) (a) The Department of Law Enforcement shall implement a  
454 system that allows for the results of a criminal history check  
455 provided to a school district to be shared with other school  
456 districts through a secure Internet website or other secure

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457 | ~~electronic means. School districts must accept reciprocity of~~  
458 | ~~level 2 screenings for Florida High School Athletic Association~~  
459 | ~~officials.~~

460 | (b) An employee of a school district, a charter school, a  
461 | lab school, a charter lab school, an approved virtual  
462 | instruction provider under s. 1002.45, or the Florida School for  
463 | the Deaf and the Blind who requests or shares criminal history  
464 | information under this section is immune from civil or criminal  
465 | liability for any good faith conduct that occurs during the  
466 | performance of and within the scope of responsibilities related  
467 | to the record check.

468 | Section 15. Paragraph (b) of subsection (10) of section  
469 | 1012.56, Florida Statutes, is amended to read:

470 | 1012.56 Educator certification requirements.—

471 | (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
472 | PERIODICALLY.—

473 | (b) A person may not receive a certificate under this  
474 | chapter until the person's screening under s. 1012.32 is  
475 | completed and the results have been submitted to the Department  
476 | of Education or to the district school superintendent of the  
477 | school district that employs the person. Every 5 years after  
478 | obtaining initial certification, each person who is required to  
479 | be certified under this chapter and whose fingerprints have not  
480 | been enrolled in the national retained print arrest notification  
481 | program in accordance with s. 1012.32(3) must be rescreened in  
482 | accordance with s. 1012.32, at which time the school district

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483 shall request the Department of Law Enforcement to forward the  
484 fingerprints to the Federal Bureau of Investigation for federal  
485 criminal records checks. If, for any reason after obtaining  
486 initial certification, the fingerprints of a person who is  
487 required to be certified under this chapter are not retained by  
488 the Department of Law Enforcement under s. 1012.32(3)(a) and  
489 (b), the person must file a complete set of fingerprints with  
490 the district school superintendent of the employing school  
491 district. Upon submission of fingerprints for this purpose, the  
492 school district shall request the Department of Law Enforcement  
493 to forward the fingerprints to the Federal Bureau of  
494 Investigation for federal criminal records checks, and the  
495 fingerprints shall be retained by the Department of Law  
496 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
497 state and federal criminal history checks required by paragraph  
498 (a) and this paragraph may be borne by the district school board  
499 or the employee. Under penalty of perjury, each person who is  
500 certified under this chapter must agree to inform his or her  
501 employer within 48 hours if convicted of any disqualifying  
502 offense while he or she is employed in a position for which such  
503 certification is required.

504 Section 16. Paragraph (e) of subsection (1) of section  
505 1012.796, Florida Statutes, is amended to read:

506 1012.796 Complaints against teachers and administrators;  
507 procedure; penalties.-

508 (1)

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509 (e) If allegations arise against an employee who is  
510 certified under s. 1012.56 and employed in an educator-  
511 certificated position by ~~in~~ any public school, charter school or  
512 governing board thereof, approved virtual instruction provider  
513 under s. 1002.45, or private school that accepts scholarship  
514 students under s. 1002.39 or s. 1002.395, the school or provider  
515 shall file in writing with the department a legally sufficient  
516 complaint within 30 days after the date on which the subject  
517 matter of the complaint came to the attention of the school or  
518 provider. A complaint is legally sufficient if it contains  
519 ultimate facts that show a violation has occurred as provided in  
520 s. 1012.795 and defined by rule of the State Board of Education.  
521 The school or provider shall include all known information  
522 relating to the complaint with the filing of the complaint. This  
523 paragraph does not limit or restrict the power and duty of the  
524 department to investigate complaints, regardless of the school's  
525 or provider's untimely filing, or failure to file, complaints  
526 and followup reports.

527 Section 17. Subsection (1) of section 1012.797, Florida  
528 Statutes, is amended to read:

529 1012.797 Notification of ~~district school superintendent of~~  
530 certain charges against or convictions of employees.-

531 (1) Notwithstanding the provisions of s. 985.04(7) or any  
532 other provision of law to the contrary, a law enforcement agency  
533 shall, within 48 hours, notify the appropriate district school  
534 superintendent of the name and address of any employee of the

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535 school district who is charged with a felony or ~~with a~~  
536 misdemeanor specified in s. 1012.315 or any other crime  
537 involving the abuse of a minor child or the sale or possession  
538 of a controlled substance. The notification shall include the  
539 specific charge for which the employee of the school district  
540 was arrested. Such notification shall include other education  
541 providers such as the Florida School for the Deaf and the Blind,  
542 the Florida Virtual School, university lab schools, charter  
543 schools, approved virtual instruction providers under s.  
544 1002.45, and private elementary and secondary schools.

545 Section 18. For the purpose of incorporating the amendment  
546 made by this act to section 1012.315, Florida Statutes, in a  
547 reference thereto, subsection (7) of section 1001.42, Florida  
548 Statutes, is reenacted to read:

549 1001.42 Powers and duties of district school board.—The  
550 district school board, acting as a board, shall exercise all  
551 powers and perform all duties listed below:

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

559 (a) The school board official knowingly signs and  
560 transmits to any state official a report of alleged misconduct

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561 by instructional personnel or school administrators which  
562 affects the health, safety, or welfare of a student and the  
563 school board official knows the report to be false or incorrect;  
564 or

565 (b) The school board official knowingly fails to adopt  
566 policies that require instructional personnel and school  
567 administrators to report alleged misconduct by other  
568 instructional personnel and school administrators, or that  
569 require the investigation of all reports of alleged misconduct  
570 by instructional personnel and school administrators, if the  
571 misconduct affects the health, safety, or welfare of a student.

572 Section 19. For the purpose of incorporating the amendment  
573 made by this act to section 1012.315, Florida Statutes, in a  
574 reference thereto, paragraph (g) of subsection (12) of section  
575 1002.33, Florida Statutes, is reenacted to read:

576 1002.33 Charter schools.—

577 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

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

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587 for such employment under s. 1012.315.

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

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613 enforced.

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

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

626 Section 20. For the purpose of incorporating the amendment  
627 made by this act to section 1012.315, Florida Statutes, in a  
628 reference thereto, paragraph (g) of subsection (7) of section  
629 1002.36, Florida Statutes, is reenacted to read:

630 1002.36 Florida School for the Deaf and the Blind.—

631 (7) PERSONNEL SCREENING.—

632 (g) For purposes of protecting the health, safety, or  
633 welfare of students, the Florida School for the Deaf and the  
634 Blind is considered a school district and must, except as  
635 otherwise provided in this section, comply with ss. 1001.03,  
636 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
637 1012.56, 1012.795, and 1012.796.

638 Section 21. For the purpose of incorporating the amendment

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639 made by this act to section 1012.315, Florida Statutes, in a  
640 reference thereto, paragraph (a) of subsection (4) of section  
641 1002.421, Florida Statutes, is reenacted to read:

642 1002.421 Accountability of private schools participating  
643 in state school choice scholarship programs.—

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

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

651  
652 The department shall suspend the payment of funds under ss.  
653 1002.39 and 1002.395 to a private school that knowingly fails to  
654 comply with this subsection, and shall prohibit the school from  
655 enrolling new scholarship students, for 1 fiscal year and until  
656 the school complies.

657 Section 22. For the purpose of incorporating the amendment  
658 made by this act to section 1012.315, Florida Statutes, in  
659 references thereto, subsections (1) and (2) of section 1012.32,  
660 Florida Statutes, are reenacted to read:

661 1012.32 Qualifications of personnel.—

662 (1) To be eligible for appointment in any position in any  
663 district school system, a person must be of good moral  
664 character; must have attained the age of 18 years, if he or she

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665 is to be employed in an instructional capacity; must not be  
666 ineligible for such employment under s. 1012.315; and must, when  
667 required by law, hold a certificate or license issued under  
668 rules of the State Board of Education or the Department of  
669 Children and Family Services, except when employed pursuant to  
670 s. 1012.55 or under the emergency provisions of s. 1012.24.  
671 Previous residence in this state shall not be required in any  
672 school of the state as a prerequisite for any person holding a  
673 valid Florida certificate or license to serve in an  
674 instructional capacity.

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

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

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691 district who is trained to take fingerprints.

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

703 (d) Student teachers and persons participating in a field  
704 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
705 district school system, lab school, or charter school must, upon  
706 engagement to provide services, undergo background screening as  
707 required under s. 1012.56.

708

709 Fingerprints shall be submitted to the Department of Law  
710 Enforcement for statewide criminal and juvenile records checks  
711 and to the Federal Bureau of Investigation for federal criminal  
712 records checks. A person subject to this subsection who is found  
713 ineligible for employment under s. 1012.315, or otherwise found  
714 through background screening to have been convicted of any crime  
715 involving moral turpitude as defined by rule of the State Board  
716 of Education, shall not be employed, engaged to provide

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717 services, or serve in any position that requires direct contact  
718 with students. Probationary persons subject to this subsection  
719 terminated because of their criminal record have the right to  
720 appeal such decisions. The cost of the background screening may  
721 be borne by the district school board, the charter school, the  
722 employee, the contractor, or a person subject to this  
723 subsection.

724 Section 23. For the purpose of incorporating the amendment  
725 made by this act to section 1012.315, Florida Statutes, in  
726 references thereto, paragraphs (a) and (c) of subsection (10) of  
727 section 1012.56, Florida Statutes, are reenacted to read:

728 1012.56 Educator certification requirements.—

729 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
730 PERIODICALLY.—

731 (a) Each person who seeks certification under this chapter  
732 must be fingerprinted and screened in accordance with s. 1012.32  
733 and must not be ineligible for such certification under s.  
734 1012.315. A person who has been screened in accordance with s.  
735 1012.32 by a district school board or the Department of  
736 Education within 12 months before the date the person initially  
737 obtains certification under this chapter, the results of which  
738 are submitted to the district school board or to the Department  
739 of Education, is not required to repeat the screening under this  
740 paragraph.

741 (c) If it is found under s. 1012.796 that a person who is  
742 employed in a position requiring certification under this

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743 chapter has not been screened in accordance with s. 1012.32, or  
744 is ineligible for such certification under s. 1012.315, the  
745 person's certification shall be immediately revoked or suspended  
746 and he or she shall be immediately suspended from the position  
747 requiring certification.

748 Section 24. For the purpose of incorporating the amendment  
749 made by this act to section 1012.315, Florida Statutes, in a  
750 reference thereto, paragraph (n) of subsection (1) of section  
751 1012.795, Florida Statutes, is reenacted to read:

752 1012.795 Education Practices Commission; authority to  
753 discipline.—

754 (1) The Education Practices Commission may suspend the  
755 educator certificate of any person as defined in s. 1012.01(2)  
756 or (3) for up to 5 years, thereby denying that person the right  
757 to teach or otherwise be employed by a district school board or  
758 public school in any capacity requiring direct contact with  
759 students for that period of time, after which the holder may  
760 return to teaching as provided in subsection (4); may revoke the  
761 educator certificate of any person, thereby denying that person  
762 the right to teach or otherwise be employed by a district school  
763 board or public school in any capacity requiring direct contact  
764 with students for up to 10 years, with reinstatement subject to  
765 the provisions of subsection (4); may revoke permanently the  
766 educator certificate of any person thereby denying that person  
767 the right to teach or otherwise be employed by a district school  
768 board or public school in any capacity requiring direct contact

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769 with students; may suspend the educator certificate, upon an  
770 order of the court or notice by the Department of Revenue  
771 relating to the payment of child support; or may impose any  
772 other penalty provided by law, if the person:

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

775

776 -----

777 **T I T L E A M E N D M E N T**

778 Remove line 45 and insert:  
779 clearinghouse; amending s. 1002.45, F.S.; revising the  
780 requirement relating to background screening of  
781 instructional personnel in virtual instruction  
782 programs; amending s. 1012.315, F.S.; providing  
783 additional offenses that determine ineligibility for  
784 educator certification or employment in a position  
785 that requires direct contact with students; amending  
786 s. 1012.32, F.S.; revising requirements for the  
787 retention, search, and reporting of fingerprints of  
788 school personnel; providing for Department of Law  
789 Enforcement participation in the national retained  
790 print arrest notification program; providing for fees;  
791 amending s. 1012.465, F.S.; providing background  
792 screening requirements for certain school district  
793 employees, certain contractual personnel, and  
794 instructional personnel in virtual instruction

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795 programs; requiring a fingerprint-based criminal  
796 history background screening; providing requirements  
797 for submission, retention, search, and reporting of  
798 fingerprints; providing for fees; amending s.  
799 1012.467, F.S.; requiring the fingerprints of certain  
800 noninstructional contractors to be enrolled in the  
801 national retained print arrest notification program;  
802 requiring arrest fingerprints to be searched against  
803 state and federal retained fingerprints; providing for  
804 fees to be established in rule; revising provisions  
805 relating to sharing criminal history information;  
806 amending s. 1012.56, F.S.; revising provisions  
807 relating to background rescreening for educator  
808 certification; amending s. 1012.796; including persons  
809 employed by virtual instruction providers against  
810 which complaints may be filed; amending s. 1012.797,  
811 F.S.; revising provisions relating to notification to  
812 education providers of charges against school district  
813 employees; reenacting ss. 1001.42(7), 1002.33(12)(g),  
814 1002.36(7)(g), 1002.421(4)(a), 1012.32(1) and (2),  
815 1012.56(10)(a) and (c), and 1012.795(1)(n), F.S.,  
816 relating to district school board powers and duties,  
817 charter schools, the Florida School for the Deaf and  
818 the Blind, the accountability of private schools  
819 participating in state school choice scholarship  
820 programs, qualifications of personnel, educator

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821 certification requirements, and Education Practices  
822 Commission authority to discipline, respectively, to  
823 incorporate the amendment made to s. 1012.315, F.S.,  
824 in references thereto; providing an effective date.

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