

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Diaz, M. offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 457 and 458, insert:

5 Section 11. Paragraph (a) of subsection (2) of section
6 1002.45, Florida Statutes, is amended to read:

7 1002.45 Virtual instruction programs.—

8 (2) PROVIDER QUALIFICATIONS.—

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

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

14 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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

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

777

Between lines 50 and 51, insert:

778

amending s. 1002.45, F.S.; revising the requirement

779

relating to background screening of instructional

780

personnel in virtual instruction programs; amending s.

781

1012.315, F.S.; providing additional offenses that

782

determine ineligibility for educator certification or

783

employment in a position that requires direct contact

784

with students; amending s. 1012.32, F.S.; revising

785

requirements for the retention, search, and reporting

786

of fingerprints of school personnel; providing for

787

Department of Law Enforcement participation in the

788

national retained print arrest notification program;

789

providing for fees; amending s. 1012.465, F.S.;

790

providing background screening requirements for

791

certain school district employees, certain contractual

792

personnel, and instructional personnel in virtual

793

instruction programs; requiring a fingerprint-based

794

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

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

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