

1 A bill to be entitled

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

Page 1 of 32

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0707-01-c1

27 providing for fees to be established in rule; revising
28 provisions relating to sharing criminal history
29 information; amending s. 1012.56, F.S.; revising
30 provisions relating to background rescreening for
31 educator certification; amending s. 1012.796;
32 including persons employed by virtual instruction
33 providers against which complaints may be filed;
34 amending s. 1012.797, F.S.; revising provisions
35 relating to notification to education providers of
36 charges against school district employees; reenacting
37 ss. 1001.42(7), 1002.33(12)(g), 1002.36(7)(g),
38 1002.421(4)(a), 1012.32(1) and (2), 1012.56(10)(a) and
39 (c), and 1012.795(1)(n), F.S., relating to district
40 school board powers and duties, charter schools, the
41 Florida School for the Deaf and the Blind, the
42 accountability of private schools participating in
43 state school choice scholarship programs,
44 qualifications of personnel, educator certification
45 requirements, and Education Practices Commission
46 authority to discipline, respectively, to incorporate
47 the amendment made to s. 1012.315, F.S., in references
48 thereto; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Paragraph (a) of subsection (2) of section

53 1002.45, Florida Statutes, is amended to read:
 54 1002.45 Virtual instruction programs.—
 55 (2) PROVIDER QUALIFICATIONS.—
 56 (a) The department shall annually publish online a list of
 57 providers approved to offer virtual instruction programs. To be
 58 approved by the department, a provider must document that it:
 59 1. Is nonsectarian in its programs, admission policies,
 60 employment practices, and operations.†
 61 2. Complies with the antidiscrimination provisions of s.
 62 1000.05.†
 63 3. Locates an administrative office or offices in this
 64 state.†
 65 4. Requires its administrative staff to be state
 66 residents.†
 67 5. Requires all instructional staff to hold a valid
 68 Florida educator certificate ~~be Florida-certified teachers~~ under
 69 chapter 1012. ~~and~~
 70 6. Has submitted a signed affidavit under penalty of
 71 perjury stating that all instructional personnel employed by the
 72 provider hold a valid Florida educator certificate in good
 73 standing and have undergone ~~conducts~~ background screening
 74 ~~screenings for all employees or contracted personnel~~, as
 75 required by s. 1012.465 ~~1012.32~~, using state and national
 76 criminal history records.†
 77 7.4. Provides to parents and students specific information
 78 posted and accessible online that includes, but is not limited

79 to, the following teacher-parent and teacher-student contact
80 information for each course:

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

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

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

87 d. Any requirement for regular contact with the instructor
88 for the course and clear expectations for meeting the
89 requirement.

90 e. The requirement that the instructor in each course
91 must, at a minimum, conduct one contact via phone with the
92 parent and the student each month.†

93 ~~8.5.~~ Possesses prior, successful experience offering
94 online courses to elementary, middle, or high school students as
95 demonstrated by quantified student learning gains in each
96 subject area and grade level provided for consideration as an
97 instructional program option. However, for a provider without
98 sufficient prior, successful experience offering online courses,
99 the department may conditionally approve the provider to offer
100 courses measured pursuant to subparagraph (8) (a)2. Conditional
101 approval shall be valid for 1 school year only and, based on the
102 provider's experience in offering the courses, the department
103 shall determine whether to grant approval to offer a virtual
104 instruction program.†

105 9.6 Is accredited by a regional accrediting association
 106 as defined by State Board of Education rule .

107 10.7 Ensures instructional and curricular quality through
 108 a detailed curriculum and student performance accountability
 109 plan that addresses every subject and grade level it intends to
 110 provide through contract with the school district, including:

111 a. Courses and programs that meet the standards of the
 112 International Association for K-12 Online Learning and the
 113 Southern Regional Education Board.

114 b. Instructional content and services that align with, and
 115 measure student attainment of, student proficiency in the Next
 116 Generation Sunshine State Standards.

117 c. Mechanisms that determine and ensure that a student has
 118 satisfied requirements for grade level promotion and high school
 119 graduation with a standard diploma, as appropriate .

120 11.8 Publishes for the general public, in accordance with
 121 disclosure requirements adopted in rule by the State Board of
 122 Education, as part of its application as a provider and in all
 123 contracts negotiated pursuant to this section:

124 a. Information and data about the curriculum of each full-
 125 time and part-time program.

126 b. School policies and procedures.

127 c. Certification status and physical location of all
 128 administrative and instructional personnel.

129 d. Hours and times of availability of instructional
 130 personnel.

- 131 e. Student-teacher ratios.
- 132 f. Student completion and promotion rates.
- 133 g. Student, educator, and school performance
- 134 accountability outcomes.

135 12.9. If the provider is a Florida College System
 136 institution, employs instructors who meet the certification
 137 requirements for instructional staff under chapter 1012. ~~and~~

138 13.10. Performs an annual financial audit of its accounts
 139 and records conducted by an independent certified public
 140 accountant which is in accordance with rules adopted by the
 141 Auditor General, is conducted in compliance with generally
 142 accepted auditing standards, and includes a report on financial
 143 statements presented in accordance with generally accepted
 144 accounting principles.

145 Section 2. Section 1012.315, Florida Statutes, is amended
 146 to read:

147 1012.315 Disqualification from employment.—A person is
 148 ineligible for educator certification, and instructional
 149 personnel and school administrators, as defined in s. 1012.01,
 150 are ineligible for employment in any position that requires
 151 direct contact with students in a district school system,
 152 charter school, or private school that accepts scholarship
 153 students under s. 1002.39 or s. 1002.395, if the person,
 154 instructional personnel, or school administrator has been
 155 convicted of:

- 156 (1) Any felony offense prohibited under any of the

157 following statutes:

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

160 (b)~~(a)~~ Section 393.135, relating to sexual misconduct with
 161 certain developmentally disabled clients and reporting of such
 162 sexual misconduct.

163 (c)~~(b)~~ Section 394.4593, relating to sexual misconduct
 164 with certain mental health patients and reporting of such sexual
 165 misconduct.

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

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

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

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

172 (h)~~(e)~~ Section 782.07, relating to manslaughter,
 173 aggravated manslaughter of an elderly person or disabled adult,
 174 aggravated manslaughter of a child, or aggravated manslaughter
 175 of an officer, a firefighter, an emergency medical technician,
 176 or a paramedic.

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

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

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

181 (l)~~(h)~~ Section 784.075, relating to battery on a detention
 182 or commitment facility staff member or a juvenile probation

183 officer.

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

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

186 (o)~~(k)~~ Section 787.025, relating to luring or enticing a

187 child.

188 (p)~~(l)~~ Section 787.04(2), relating to leading, taking,

189 enticing, or removing a minor beyond the state limits, or

190 concealing the location of a minor, with criminal intent pending

191 custody proceedings.

192 (q)~~(m)~~ Section 787.04(3), relating to leading, taking,

193 enticing, or removing a minor beyond the state limits, or

194 concealing the location of a minor, with criminal intent pending

195 dependency proceedings or proceedings concerning alleged abuse

196 or neglect of a minor.

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

198 (s)~~(n)~~ Section 790.115(1), relating to exhibiting firearms

199 or weapons at a school-sponsored event, on school property, or

200 within 1,000 feet of a school.

201 (t)~~(o)~~ Section 790.115(2)(b), relating to possessing an

202 electric weapon or device, destructive device, or other weapon

203 at a school-sponsored event or on school property.

204 (u) Section 790.166, relating to weapons of mass

205 destruction.

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

207 (w)~~(q)~~ Former s. 794.041, relating to sexual activity with

208 or solicitation of a child by a person in familial or custodial

209 authority.

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

212 (y)~~(s)~~ Section 794.08, relating to female genital
 213 mutilation.

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

215 (aa)~~(u)~~ Chapter 800, relating to lewdness and indecent
 216 exposure.

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

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

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

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

222 (ff)~~(z)~~ Section 812.0145, relating to theft from persons
 223 65 years of age or older.

224 (gg)~~(aa)~~ Section 812.019, relating to dealing in stolen
 225 property.

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

227 (ii)~~(ee)~~ Section 812.131, relating to robbery by sudden
 228 snatching.

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

230 (kk)~~(ee)~~ Section 812.135, relating to home-invasion
 231 robbery.

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

234 (mm)~~(gg)~~ Section 825.102, relating to abuse, aggravated

235 abuse, or neglect of an elderly person or disabled adult.
 236 (nn)~~(hh)~~ Section 825.103, relating to exploitation of an
 237 elderly person or disabled adult.
 238 (oo)~~(ii)~~ Section 825.1025, relating to lewd or lascivious
 239 offenses committed upon or in the presence of an elderly person
 240 or disabled person.
 241 (pp)~~(jj)~~ Section 826.04, relating to incest.
 242 (qq)~~(kk)~~ Section 827.03, relating to child abuse,
 243 aggravated child abuse, or neglect of a child.
 244 (rr)~~(ll)~~ Section 827.04, relating to contributing to the
 245 delinquency or dependency of a child.
 246 (ss)~~(mm)~~ Section 827.071, relating to sexual performance
 247 by a child.
 248 (tt) Section 838.015, relating to bribery.
 249 (uu)~~(nn)~~ Section 843.01, relating to resisting arrest with
 250 violence.
 251 (vv)~~(oo)~~ Chapter 847, relating to obscenity.
 252 (ww) Section 859.01, relating to poisoning food or water.
 253 (xx)~~(pp)~~ Section 874.05, relating to causing, encouraging,
 254 soliciting, or recruiting another to join a criminal street
 255 gang.
 256 (yy) Section 876.32, relating to treason.
 257 (zz)~~(qq)~~ Chapter 893, relating to drug abuse prevention
 258 and control, if the offense was a felony of the second degree or
 259 greater severity.
 260 (aaa)~~(rrr)~~ Section 916.1075, relating to sexual misconduct

261 with certain forensic clients and reporting of such sexual
 262 misconduct.

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

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

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

270 (2) Any misdemeanor offense prohibited under any of the
 271 following statutes:

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

274 (b) Section 787.025, relating to luring or enticing a
 275 child.

276 (3) Any criminal act committed in another state or under
 277 federal law which, if committed in this state, constitutes an
 278 offense prohibited under any statute listed in subsection (1) or
 279 subsection (2).

280 (4) Any delinquent act committed in this state or any
 281 delinquent or criminal act committed in another state or under
 282 federal law which, if committed in this state, qualifies an
 283 individual for inclusion on the Registered Juvenile Sex Offender
 284 List under s. 943.0435(1)(a)1.d.

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

287 1012.32 Qualifications of personnel.—
288 (3) (a) ~~All fingerprints submitted to~~ The Department of Law
289 ~~Enforcement as required by subsection (2)~~ shall retain the
290 fingerprints submitted for a criminal history background
291 screening pursuant to subsection (2) and s. 1012.465, be
292 ~~retained by the Department of Law Enforcement in a manner~~
293 ~~provided by rule~~ enter the fingerprints and entered in the
294 statewide automated biometric identification system authorized
295 by s. 943.05(2) (b), and enroll the fingerprints in the national
296 retained print arrest notification program when the national
297 program becomes operational and the Department of Law
298 Enforcement begins participation in the program. The
299 fingerprints of individuals which were retained by the
300 Department of Law Enforcement before its participation in the
301 national program must be enrolled in the program within 2 years
302 after the Department of Law Enforcement begins participation.
303 Such fingerprints shall thereafter be available for arrest
304 notifications required by paragraph (b) and all purposes and
305 uses authorized for arrest fingerprints entered in the statewide
306 automated biometric identification system pursuant to s.
307 943.051.
308 (b) The Department of Law Enforcement shall search all
309 arrest fingerprints ~~received under s. 943.051~~ against the
310 fingerprints retained ~~in the statewide automated biometric~~
311 ~~identification system~~ under paragraph (a) and report- any arrest
312 record ~~that is~~ identified by the Department of Law Enforcement

313 ~~or the Federal Bureau of Investigation with the retained~~
314 ~~fingerprints of a person subject to the background screening~~
315 ~~under this section shall be reported to the employing or~~
316 ~~contracting school district or the school district with which~~
317 ~~the person is affiliated. Each school district is required to~~
318 ~~participate in this search process by payment of fees ~~an annual~~~~
319 ~~fee to the Department of Law Enforcement and by informing the~~
320 ~~Department of Law Enforcement of any change in the affiliation,~~
321 ~~employment, or contractual status or place of affiliation,~~
322 ~~employment, or contracting of its instructional and~~
323 ~~noninstructional personnel whose fingerprints are retained under~~
324 ~~paragraph (a). The Department of Law Enforcement shall adopt a~~
325 ~~rule that sets ~~setting the amount of the annual fee to be~~~~
326 ~~imposed upon each school district must pay to the Department of~~
327 ~~Law Enforcement and identifies the federal subscription fee~~
328 ~~collected and remitted by the Department of Law Enforcement for~~
329 ~~participation in the national retained arrest print notification~~
330 ~~program, as applicable, for performing these searches and~~
331 ~~establishes ~~establishing~~ the procedures for the retention of~~
332 ~~~~instructional and noninstructional personnel~~ fingerprints~~
333 ~~retained under paragraph (a) and the dissemination of search~~
334 ~~results. The fee may be borne by the district school board, the~~
335 ~~contractor, or the person fingerprinted.~~

336 (c) Personnel whose fingerprints are not retained by the
337 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and
338 ~~(b)~~ must be refingerprinted and rescreened in accordance with

339 subsection (2) upon reemployment or reengagement to provide
 340 services in order to comply with the requirements of this
 341 subsection.

342 Section 4. Section 1012.465, Florida Statutes, is amended
 343 to read:

344 1012.465 ~~Background screening~~ Requirements for certain
 345 ~~noninstructional~~ school district employees, contractual
 346 personnel, and instructional personnel and contractors.-

347 (1) The following individuals ~~Except as provided in s.~~
 348 ~~1012.467 or s. 1012.468, noninstructional school district~~
 349 ~~employees or contractual personnel who are permitted access on~~
 350 ~~school grounds when students are present, who have direct~~
 351 ~~contact with students or who have access to or control of school~~
 352 ~~funds~~ must meet the level 2 screening requirements of this
 353 section: as described in s. 1012.32. ~~Contractual personnel shall~~
 354 ~~include any vendor, individual, or entity under contract with a~~
 355 ~~school or the school board.~~

356 (a) Noninstructional school district employees who have
 357 direct contact with students or who have access to or control of
 358 school funds.

359 (b) Contractual personnel, including individuals under
 360 contract with a school or the district school board who provide
 361 instructional, rehabilitative, medical, or psychological
 362 services, or other services relating to the education, care,
 363 custody, or safety of students, that involve direct contact with
 364 students.

365 (c) Contractual personnel who have access to or control of
366 school funds.

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

369 (2) An individual described in subsection (1) must be of
370 good moral character, must not be ineligible under s. 1012.315,
371 and must, when required by law, hold a certificate or license
372 issued under rules of the State Board of Education or the
373 Department of Children and Families, except when employed
374 pursuant to s. 1012.55 or under the emergency provisions of s.
375 1012.24. Previous residence in this state shall not be required
376 as a prerequisite for a person holding a valid Florida
377 certificate or license to serve in an instructional capacity.

378 (3) A fingerprint-based criminal history background
379 screening shall be performed on each individual described in
380 subsection (1) at least once every 5 years. For the initial
381 criminal history background screening, the individual shall
382 submit electronically to the Department of Law Enforcement for a
383 state criminal history check a complete set of fingerprints
384 taken by an authorized law enforcement agency, an employee
385 trained to take fingerprints for any school district or public
386 school, or a private company authorized to take fingerprints
387 under s. 943.053(13). The Department of Law Enforcement shall
388 submit the fingerprints to the Federal Bureau of Investigation
389 for a national criminal history check. The Department of Law
390 Enforcement shall report the results of each criminal history

391 check to the school district in which the individual seeks
392 access and enter the results into the system described in s.
393 1012.467(7).

394 (4) The Department of Law Enforcement shall retain the
395 fingerprints submitted for a criminal history background
396 screening, enter the fingerprints in the statewide automated
397 biometric identification system authorized by s. 943.05(2)(b),
398 and enroll the fingerprints in the national retained print
399 arrest notification program in accordance with s. 1012.32(3).

400 (5) The Department of Law Enforcement shall search arrest
401 fingerprints against the fingerprints retained under subsection
402 (4) and report any arrest record identified by the Department of
403 Law Enforcement or the Federal Bureau of Investigation to each
404 school district in which the person seeks access. Participation
405 in the search process is subject to payment of fees pursuant to
406 s. 1012.32(3). The fees may be borne by the district school
407 board, the contractor, or the person fingerprinted. A fee that
408 is charged by a school district may not exceed 30 percent of the
409 total amount charged by the Department of Law Enforcement and
410 the Federal Bureau of Investigation.

411 (6) An individual subject to this section shall inform a
412 school district if a criminal history background screening was
413 completed in another school district within the past 5 years.
414 The school district shall verify the results of the individual's
415 criminal history background screening using the system described
416 in s. 1012.467(7). The school district may not charge a fee for

417 verifying the results of the criminal history background
418 screening.

419 ~~(2) Every 5 years following employment or entry into a~~
420 ~~contract in a capacity described in subsection (1), each person~~
421 ~~who is so employed or under contract with the school district~~
422 ~~must meet level 2 screening requirements as described in s.~~
423 ~~1012.32, at which time the school district shall request the~~
424 ~~Department of Law Enforcement to forward the fingerprints to the~~
425 ~~Federal Bureau of Investigation for the level 2 screening. If,~~
426 ~~for any reason following employment or entry into a contract in~~
427 ~~a capacity described in subsection (1), the fingerprints of a~~
428 ~~person who is so employed or under contract with the school~~
429 ~~district are not retained by the Department of Law Enforcement~~
430 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~
431 ~~set of fingerprints with the district school superintendent of~~
432 ~~the employing or contracting school district. Upon submission of~~
433 ~~fingerprints for this purpose, the school district shall request~~
434 ~~the Department of Law Enforcement to forward the fingerprints to~~
435 ~~the Federal Bureau of Investigation for the level 2 screening,~~
436 ~~and the fingerprints shall be retained by the Department of Law~~
437 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~
438 ~~state and federal criminal history check required by level 2~~
439 ~~screening may be borne by the district school board, the~~
440 ~~contractor, or the person fingerprinted. Under penalty of~~
441 ~~perjury, each person who is employed or under contract in a~~
442 ~~capacity described in subsection (1) must agree to inform his or~~

443 ~~her employer or the party with whom he or she is under contract~~
 444 ~~within 48 hours if convicted of any disqualifying offense while~~
 445 ~~he or she is employed or under contract in that capacity.~~

446 (7)(3) If it is found that a person who is employed or
 447 under contract in a capacity described in subsection (1) has
 448 been arrested for a disqualifying offense specified in s.
 449 1012.315 ~~does not meet the level 2 requirements~~, the person
 450 shall be immediately suspended from working in that capacity and
 451 shall remain suspended until final resolution of any appeals.

452 Section 5. Paragraphs (b) through (e) of subsection (2)
 453 and subsection (7) of section 1012.467, Florida Statutes, are
 454 amended to read:

455 1012.467 Noninstructional contractors who are permitted
 456 access to school grounds when students are present; background
 457 screening requirements.—

458 (2)

459 (b) ~~As authorized by law,~~ The Department of Law
 460 Enforcement shall retain the fingerprints submitted ~~by the~~
 461 ~~school districts pursuant to this subsection to the Department~~
 462 ~~of Law Enforcement~~ for a criminal history background screening
 463 in a manner provided by rule, and enter the fingerprints in the
 464 statewide automated biometric identification system authorized
 465 by s. 943.05(2)(b), and enroll the fingerprints in the national
 466 retained print arrest notification program in accordance with s.
 467 1012.32(3). The fingerprints shall thereafter be available for
 468 arrest notifications required by paragraph (c) and all purposes

469 and uses authorized for arrest fingerprints entered in ~~into~~ the
470 statewide automated biometric identification system pursuant to
471 ~~under~~ s. 943.051.

472 (c) The Department of Law Enforcement shall search arrest
473 fingerprints against the fingerprints retained under paragraph
474 (b) and report any arrest record identified by the Department of
475 Law Enforcement or the Federal Bureau of Investigation to each
476 school district in which the person seeks access. As authorized
477 by law, the Department of Law Enforcement shall search all
478 arrest fingerprints received under s. 943.051 against the
479 fingerprints retained in the statewide automated biometric
480 identification system under paragraph (b).

481 (d) School district participation in the search process is
482 subject to the payment of fees ~~School districts may participate~~
483 ~~in the search process described in this subsection by paying an~~
484 ~~annual fee to the Department of Law Enforcement~~ as provided in
485 paragraph (e).

486 (e) A fingerprint retained pursuant to this subsection
487 shall be purged ~~from the automated biometric identification~~
488 ~~system~~ 5 years following the date the fingerprint was initially
489 submitted. The Department of Law Enforcement shall set by rule
490 the amount of the fees, separately identifying the federal
491 subscription fee collected and remitted by the Department of Law
492 Enforcement for participation in the national retained print
493 arrest notification program, as applicable, annual fee to be
494 imposed upon each participating agency for performing ~~these~~

495 searches under this subsection and ~~establishing~~ the procedures
 496 for retaining fingerprints and disseminating search results. The
 497 fee may be borne as provided by law. ~~Fees may be waived or~~
 498 ~~reduced by the executive director of the Department of Law~~
 499 ~~Enforcement for good cause shown.~~

500 (7) (a) The Department of Law Enforcement shall implement a
 501 system that allows for the results of a criminal history check
 502 provided to a school district to be shared with other school
 503 districts through a secure Internet website or other secure
 504 electronic means. ~~School districts must accept reciprocity of~~
 505 ~~level 2 screenings for Florida High School Athletic Association~~
 506 ~~officials.~~

507 (b) An employee of a school district, a charter school, a
 508 lab school, a charter lab school, an approved virtual
 509 instruction provider under s. 1002.45, or the Florida School for
 510 the Deaf and the Blind who requests or shares criminal history
 511 information under this section is immune from civil or criminal
 512 liability for any good faith conduct that occurs during the
 513 performance of and within the scope of responsibilities related
 514 to the record check.

515 Section 6. Paragraph (b) of subsection (10) of section
 516 1012.56, Florida Statutes, is amended to read:

517 1012.56 Educator certification requirements.—

518 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 519 PERIODICALLY.—

520 (b) A person may not receive a certificate under this

521 chapter until the person's screening under s. 1012.32 is
522 completed and the results have been submitted to the Department
523 of Education or to the district school superintendent of the
524 school district that employs the person. Every 5 years after
525 obtaining initial certification, each person who is required to
526 be certified under this chapter and whose fingerprints have not
527 been enrolled in the national retained print arrest notification
528 program in accordance with s. 1012.32(3) must be rescreened in
529 accordance with s. 1012.32, at which time the school district
530 shall request the Department of Law Enforcement to forward the
531 fingerprints to the Federal Bureau of Investigation for federal
532 criminal records checks. If, for any reason after obtaining
533 initial certification, the fingerprints of a person who is
534 required to be certified under this chapter are not retained by
535 the Department of Law Enforcement under s. 1012.32(3)(a) and
536 (b), the person must file a complete set of fingerprints with
537 the district school superintendent of the employing school
538 district. Upon submission of fingerprints for this purpose, the
539 school district shall request the Department of Law Enforcement
540 to forward the fingerprints to the Federal Bureau of
541 Investigation for federal criminal records checks, and the
542 fingerprints shall be retained by the Department of Law
543 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
544 state and federal criminal history checks required by paragraph
545 (a) and this paragraph may be borne by the district school board
546 or the employee. Under penalty of perjury, each person who is

547 certified under this chapter must agree to inform his or her
548 employer within 48 hours if convicted of any disqualifying
549 offense while he or she is employed in a position for which such
550 certification is required.

551 Section 7. Paragraph (e) of subsection (1) of section
552 1012.796, Florida Statutes, is amended to read:

553 1012.796 Complaints against teachers and administrators;
554 procedure; penalties.—

555 (1)

556 (e) If allegations arise against an employee who is
557 certified under s. 1012.56 and employed in an educator-
558 certificated position by ~~in~~ any public school, charter school or
559 governing board thereof, approved virtual instruction provider
560 under s. 1002.45, or private school that accepts scholarship
561 students under s. 1002.39 or s. 1002.395, the school or provider
562 shall file in writing with the department a legally sufficient
563 complaint within 30 days after the date on which the subject
564 matter of the complaint came to the attention of the school or
565 provider. A complaint is legally sufficient if it contains
566 ultimate facts that show a violation has occurred as provided in
567 s. 1012.795 and defined by rule of the State Board of Education.
568 The school or provider shall include all known information
569 relating to the complaint with the filing of the complaint. This
570 paragraph does not limit or restrict the power and duty of the
571 department to investigate complaints, regardless of the school's
572 or provider's untimely filing, or failure to file, complaints

573 and followup reports.

574 Section 8. Subsection (1) of section 1012.797, Florida
 575 Statutes, is amended to read:

576 1012.797 Notification of ~~district school superintendent of~~
 577 certain charges against or convictions of employees.—

578 (1) Notwithstanding the provisions of s. 985.04(7) or any
 579 other provision of law to the contrary, a law enforcement agency
 580 shall, within 48 hours, notify the appropriate district school
 581 superintendent of the name and address of any employee of the
 582 school district who is charged with a felony or ~~with a~~
 583 misdemeanor specified in s. 1012.315 or any other crime
 584 involving the abuse of a minor child or the sale or possession
 585 of a controlled substance. The notification shall include the
 586 specific charge for which the employee of the school district
 587 was arrested. Such notification shall include other education
 588 providers such as the Florida School for the Deaf and the Blind,
 589 the Florida Virtual School, university lab schools, charter
 590 schools, approved virtual instruction providers under s.
 591 1002.45, and private elementary and secondary schools.

592 Section 9. For the purpose of incorporating the amendment
 593 made by this act to section 1012.315, Florida Statutes, in a
 594 reference thereto, subsection (7) of section 1001.42, Florida
 595 Statutes, is reenacted to read:

596 1001.42 Powers and duties of district school board.—The
 597 district school board, acting as a board, shall exercise all
 598 powers and perform all duties listed below:

599 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
 600 instructional personnel and school administrators, as defined in
 601 s. 1012.01, from employment in any position that requires direct
 602 contact with students if the personnel or administrators are
 603 ineligible for such employment under s. 1012.315. An elected or
 604 appointed school board official forfeits his or her salary for 1
 605 year if:

606 (a) The school board official knowingly signs and
 607 transmits to any state official a report of alleged misconduct
 608 by instructional personnel or school administrators which
 609 affects the health, safety, or welfare of a student and the
 610 school board official knows the report to be false or incorrect;
 611 or

612 (b) The school board official knowingly fails to adopt
 613 policies that require instructional personnel and school
 614 administrators to report alleged misconduct by other
 615 instructional personnel and school administrators, or that
 616 require the investigation of all reports of alleged misconduct
 617 by instructional personnel and school administrators, if the
 618 misconduct affects the health, safety, or welfare of a student.

619 Section 10. For the purpose of incorporating the amendment
 620 made by this act to section 1012.315, Florida Statutes, in a
 621 reference thereto, paragraph (g) of subsection (12) of section
 622 1002.33, Florida Statutes, is reenacted to read:

623 1002.33 Charter schools.—

624 (12) EMPLOYEES OF CHARTER SCHOOLS.—

625 (g)1. A charter school shall employ or contract with
626 employees who have undergone background screening as provided in
627 s. 1012.32. Members of the governing board of the charter school
628 shall also undergo background screening in a manner similar to
629 that provided in s. 1012.32.

630 2. A charter school shall disqualify instructional
631 personnel and school administrators, as defined in s. 1012.01,
632 from employment in any position that requires direct contact
633 with students if the personnel or administrators are ineligible
634 for such employment under s. 1012.315.

635 3. The governing board of a charter school shall adopt
636 policies establishing standards of ethical conduct for
637 instructional personnel and school administrators. The policies
638 must require all instructional personnel and school
639 administrators, as defined in s. 1012.01, to complete training
640 on the standards; establish the duty of instructional personnel
641 and school administrators to report, and procedures for
642 reporting, alleged misconduct by other instructional personnel
643 and school administrators which affects the health, safety, or
644 welfare of a student; and include an explanation of the
645 liability protections provided under ss. 39.203 and 768.095. A
646 charter school, or any of its employees, may not enter into a
647 confidentiality agreement regarding terminated or dismissed
648 instructional personnel or school administrators, or personnel
649 or administrators who resign in lieu of termination, based in
650 whole or in part on misconduct that affects the health, safety,

651 or welfare of a student, and may not provide instructional
652 personnel or school administrators with employment references or
653 discuss the personnel's or administrators' performance with
654 prospective employers in another educational setting, without
655 disclosing the personnel's or administrators' misconduct. Any
656 part of an agreement or contract that has the purpose or effect
657 of concealing misconduct by instructional personnel or school
658 administrators which affects the health, safety, or welfare of a
659 student is void, is contrary to public policy, and may not be
660 enforced.

661 4. Before employing instructional personnel or school
662 administrators in any position that requires direct contact with
663 students, a charter school shall conduct employment history
664 checks of each of the personnel's or administrators' previous
665 employers, screen the instructional personnel or school
666 administrators through use of the educator screening tools
667 described in s. 1001.10(5), and document the findings. If unable
668 to contact a previous employer, the charter school must document
669 efforts to contact the employer.

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

673 Section 11. For the purpose of incorporating the amendment
674 made by this act to section 1012.315, Florida Statutes, in a
675 reference thereto, paragraph (g) of subsection (7) of section
676 1002.36, Florida Statutes, is reenacted to read:

677 1002.36 Florida School for the Deaf and the Blind.—

678 (7) PERSONNEL SCREENING.—

679 (g) For purposes of protecting the health, safety, or
 680 welfare of students, the Florida School for the Deaf and the
 681 Blind is considered a school district and must, except as
 682 otherwise provided in this section, comply with ss. 1001.03,
 683 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
 684 1012.56, 1012.795, and 1012.796.

685 Section 12. For the purpose of incorporating the amendment
 686 made by this act to section 1012.315, Florida Statutes, in a
 687 reference thereto, paragraph (a) of subsection (4) of section
 688 1002.421, Florida Statutes, is reenacted to read:

689 1002.421 Accountability of private schools participating
 690 in state school choice scholarship programs.—

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

693 (a) Disqualify instructional personnel and school
 694 administrators, as defined in s. 1012.01, from employment in any
 695 position that requires direct contact with students if the
 696 personnel or administrators are ineligible for such employment
 697 under s. 1012.315.

698
 699 The department shall suspend the payment of funds under ss.
 700 1002.39 and 1002.395 to a private school that knowingly fails to
 701 comply with this subsection, and shall prohibit the school from
 702 enrolling new scholarship students, for 1 fiscal year and until

703 the school complies.

704 Section 13. For the purpose of incorporating the amendment
705 made by this act to section 1012.315, Florida Statutes, in
706 references thereto, subsections (1) and (2) of section 1012.32,
707 Florida Statutes, are reenacted to read:

708 1012.32 Qualifications of personnel.—

709 (1) To be eligible for appointment in any position in any
710 district school system, a person must be of good moral
711 character; must have attained the age of 18 years, if he or she
712 is to be employed in an instructional capacity; must not be
713 ineligible for such employment under s. 1012.315; and must, when
714 required by law, hold a certificate or license issued under
715 rules of the State Board of Education or the Department of
716 Children and Family Services, except when employed pursuant to
717 s. 1012.55 or under the emergency provisions of s. 1012.24.
718 Previous residence in this state shall not be required in any
719 school of the state as a prerequisite for any person holding a
720 valid Florida certificate or license to serve in an
721 instructional capacity.

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

728 (b) Instructional and noninstructional personnel who are

729 hired or contracted to fill positions in any charter school and
730 members of the governing board of any charter school, in
731 compliance with s. 1002.33(12)(g), must, upon employment,
732 engagement of services, or appointment, undergo background
733 screening as required under s. 1012.465 or s. 1012.56, whichever
734 is applicable, by filing with the district school board for the
735 school district in which the charter school is located a
736 complete set of fingerprints taken by an authorized law
737 enforcement agency or an employee of the school or school
738 district who is trained to take fingerprints.

739 (c) Instructional and noninstructional personnel who are
740 hired or contracted to fill positions that require direct
741 contact with students in an alternative school that operates
742 under contract with a district school system must, upon
743 employment or engagement to provide services, undergo background
744 screening as required under s. 1012.465 or s. 1012.56, whichever
745 is applicable, by filing with the district school board for the
746 school district to which the alternative school is under
747 contract a complete set of fingerprints taken by an authorized
748 law enforcement agency or an employee of the school or school
749 district who is trained to take fingerprints.

750 (d) Student teachers and persons participating in a field
751 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
752 district school system, lab school, or charter school must, upon
753 engagement to provide services, undergo background screening as
754 required under s. 1012.56.

755
756 Fingerprints shall be submitted to the Department of Law
757 Enforcement for statewide criminal and juvenile records checks
758 and to the Federal Bureau of Investigation for federal criminal
759 records checks. A person subject to this subsection who is found
760 ineligible for employment under s. 1012.315, or otherwise found
761 through background screening to have been convicted of any crime
762 involving moral turpitude as defined by rule of the State Board
763 of Education, shall not be employed, engaged to provide
764 services, or serve in any position that requires direct contact
765 with students. Probationary persons subject to this subsection
766 terminated because of their criminal record have the right to
767 appeal such decisions. The cost of the background screening may
768 be borne by the district school board, the charter school, the
769 employee, the contractor, or a person subject to this
770 subsection.

771 Section 14. For the purpose of incorporating the amendment
772 made by this act to section 1012.315, Florida Statutes, in
773 references thereto, paragraphs (a) and (c) of subsection (10) of
774 section 1012.56, Florida Statutes, are reenacted to read:

775 1012.56 Educator certification requirements.—

776 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
777 PERIODICALLY.—

778 (a) Each person who seeks certification under this chapter
779 must be fingerprinted and screened in accordance with s. 1012.32
780 and must not be ineligible for such certification under s.

781 1012.315. A person who has been screened in accordance with s.
782 1012.32 by a district school board or the Department of
783 Education within 12 months before the date the person initially
784 obtains certification under this chapter, the results of which
785 are submitted to the district school board or to the Department
786 of Education, is not required to repeat the screening under this
787 paragraph.

788 (c) If it is found under s. 1012.796 that a person who is
789 employed in a position requiring certification under this
790 chapter has not been screened in accordance with s. 1012.32, or
791 is ineligible for such certification under s. 1012.315, the
792 person's certification shall be immediately revoked or suspended
793 and he or she shall be immediately suspended from the position
794 requiring certification.

795 Section 15. For the purpose of incorporating the amendment
796 made by this act to section 1012.315, Florida Statutes, in a
797 reference thereto, paragraph (n) of subsection (1) of section
798 1012.795, Florida Statutes, is reenacted to read:

799 1012.795 Education Practices Commission; authority to
800 discipline.—

801 (1) The Education Practices Commission may suspend the
802 educator certificate of any person as defined in s. 1012.01(2)
803 or (3) for up to 5 years, thereby denying that person the right
804 to teach or otherwise be employed by a district school board or
805 public school in any capacity requiring direct contact with
806 students for that period of time, after which the holder may

CS/HB 707

2014

807 return to teaching as provided in subsection (4); may revoke the
808 educator certificate of any person, thereby denying that person
809 the right to teach or otherwise be employed by a district school
810 board or public school in any capacity requiring direct contact
811 with students for up to 10 years, with reinstatement subject to
812 the provisions of subsection (4); may revoke permanently the
813 educator certificate of any person thereby denying that person
814 the right to teach or otherwise be employed by a district school
815 board or public school in any capacity requiring direct contact
816 with students; may suspend the educator certificate, upon an
817 order of the court or notice by the Department of Revenue
818 relating to the payment of child support; or may impose any
819 other penalty provided by law, if the person:

820 (n) Has been disqualified from educator certification
821 under s. 1012.315.

822 Section 16. This act shall take effect July 1, 2014.