

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, 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;

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



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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)~~(cc)~~ 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)~~(rr)~~ 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:

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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, enter the  
292 fingerprints be retained by the Department of Law Enforcement in  
293 a manner provided by rule and entered in the statewide automated  
294 biometric identification system authorized by s. 943.05(2) (b),  
295 and enroll the fingerprints in the national retained print  
296 arrest notification program when the national program becomes  
297 operational and the Department of Law Enforcement begins  
298 participation in the program. The fingerprints of individuals  
299 that were retained by the Department of Law Enforcement before  
300 its participation in the national program must be enrolled in  
301 the program within 2 years after the Department of Law  
302 Enforcement begins participation in the program. Such  
303 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

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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 establishes ~~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 print arrest notification  
330 program, as applicable, for performing ~~these~~ searches under this  
331 paragraph and that establishes ~~establishing~~ the procedures for  
332 the retention of ~~instructional and noninstructional personnel~~  
333 fingerprints retained under paragraph (a) and the dissemination  
334 of search results. The fee may be borne by the district school  
335 board, the 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.

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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 electronically submit 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~~

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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

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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~~

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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

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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 Families, except when employed pursuant to s.  
717 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

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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.

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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

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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, 2015.