

1                           A bill to be entitled  
2           An act relating to student safety; creating s.  
3           800.101, F.S.; providing definitions; prohibiting  
4           certain conduct with students by authority figures;  
5           providing penalties; providing exceptions; amending s.  
6           810.097, F.S.; adding school bus to the definition of  
7           the term "school" for purposes of trespass upon  
8           grounds or facilities of a school; amending s.  
9           1001.42, F.S.; requiring school districts to adopt  
10          certain standards of ethical conduct; requiring the  
11          district school superintendent to report certain  
12          misconduct to law enforcement agencies; amending s.  
13          1001.51, F.S.; providing for the forfeiture of a  
14          district school superintendent's salary for a  
15          specified period for failure to report certain  
16          misconduct to law enforcement agencies; amending s.  
17          1011.62, F.S.; prohibiting the award of certain  
18          bonuses to teachers who fail to maintain the security  
19          of certain examinations or violate certain protocols;  
20          authorizing the state board to adopt rules for  
21          specified purposes; amending s. 1012.27, F.S.;  
22          requiring the district school superintendent to notify  
23          a parent of specified information relating to  
24          allegations of misconduct by instructional personnel  
25          or school administrators; amending s. 1012.31, F.S.;

26 requiring a resignation or termination before an  
27 investigation of certain misconduct is concluded to be  
28 indicated in a personnel file; specifying that legally  
29 sufficient complaints of certain misconduct must be  
30 reported to the Department of Education; amending  
31 1012.315, F.S.; expanding the scope of provisions  
32 requiring the disqualification of persons convicted of  
33 certain offenses to apply to all persons who are  
34 required to have contact with students; providing an  
35 additional offense that disqualifies such persons from  
36 employment; amending s. 1012.56, F.S.; authorizing the  
37 Department of Education to deny applicants for  
38 certification if the applicant could be disciplined by  
39 the Education Practices Commission; authorizing the  
40 commission to approve an application with certain  
41 conditions; amending s. 1012.795, F.S.; authorizing  
42 the commission to take certain actions against persons  
43 who meet specified criteria; revising reporting  
44 requirements concerning specified misconduct by  
45 certified personnel; amending s. 1012.796, F.S.;  
46 requiring a school district and certain investigators  
47 to file certain complaints with the Department of  
48 Education even if the subject of the complaint is no  
49 longer employed by the district; requiring certain  
50 information be included on an educator's certificate

51 file; requiring certified educators who are placed on  
 52 probation to immediately notify a specified office  
 53 upon separation from, rather than termination of,  
 54 employment; providing an effective date.

55  
 56 Be It Enacted by the Legislature of the State of Florida:

57  
 58 Section 1. Section 800.101, Florida Statutes, is created  
 59 to read:

60 800.101 Offenses against students by authority figures.-

61 (1) As used in this section, the term:

62 (a) "Authority figure" means a person 18 years of age or  
 63 older who is employed by, volunteering at, or under contract  
 64 with a school, including school resource officers as provided in  
 65 s. 1006.12.

66 (b) "School" has the same meaning as provided in s.  
 67 1003.01 and includes a private school as defined in s. 1002.01,  
 68 a voluntary prekindergarten education program as described in s.  
 69 1002.53(3), early learning programs, a public school as  
 70 described in s. 402.3025(1), the Florida School for the Deaf and  
 71 the Blind, and the Florida Virtual School established under s.  
 72 1002.37. The term does not include a facility dedicated  
 73 exclusively to the education of adults.

74 (c) "Student" means a person who is enrolled at a school.

75 (2) An authority figure shall not solicit or engage in:

76           (a) Sexual conduct; or  
 77           (b) Lewd conduct

78  
 79 with a student.

80           (3) A person who violates this section commits a felony of  
 81 the second degree, punishable as provided in s. 775.082, s.  
 82 775.083, or s. 775.084.

83           (4) This section does not apply to conduct constituting an  
 84 offense that is subject to reclassification under s. 775.0862.

85           Section 2. Subsection (5) of section 810.097, Florida  
 86 Statutes, is amended to read:

87           810.097 Trespass upon grounds or facilities of a school;  
 88 penalties; arrest.—

89           (5) As used in this section, the term "school" means the  
 90 grounds or any facility, including school buses, of any  
 91 kindergarten, elementary school, middle school, junior high  
 92 school, or secondary school, whether public or nonpublic.

93           Section 3. Subsection (6) and paragraph (b) of subsection  
 94 (7) of section 1001.42, Florida Statutes, are amended to read:

95           1001.42 Powers and duties of district school board.—The  
 96 district school board, acting as a board, shall exercise all  
 97 powers and perform all duties listed below:

98           (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL  
 99 PERSONNEL AND SCHOOL ADMINISTRATORS.—Adopt policies establishing  
 100 standards of ethical conduct for instructional personnel and

101 school administrators. The policies must require all  
102 instructional personnel and school administrators, as defined in  
103 s. 1012.01, to complete training on the standards; establish the  
104 duty of instructional personnel and school administrators to  
105 report, and procedures for reporting, alleged misconduct by  
106 other instructional personnel and school administrators which  
107 affects the health, safety, or welfare of a student, including  
108 misconduct that involves engaging in or soliciting sexual or  
109 lewd conduct with a student; require the district school  
110 superintendent to report to law enforcement misconduct by  
111 instructional personnel or school administrators that would  
112 result in disqualification from educator certification or  
113 employment as provided in s. 1012.315; and include an  
114 explanation of the liability protections provided under ss.  
115 39.203 and 768.095. A district school board, or any of its  
116 employees, may not enter into a confidentiality agreement  
117 regarding terminated or dismissed instructional personnel or  
118 school administrators, or personnel or administrators who resign  
119 in lieu of termination, based in whole or in part on misconduct  
120 that affects the health, safety, or welfare of a student, and  
121 may not provide instructional personnel or school administrators  
122 with employment references or discuss the personnel's or  
123 administrators' performance with prospective employers in  
124 another educational setting, without disclosing the personnel's  
125 or administrators' misconduct. Any part of an agreement or

126 contract that has the purpose or effect of concealing misconduct  
127 by instructional personnel or school administrators which  
128 affects the health, safety, or welfare of a student is void, is  
129 contrary to public policy, and may not be enforced.

130 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
131 instructional personnel and school administrators, as defined in  
132 s. 1012.01, from employment in any position that requires direct  
133 contact with students if the personnel or administrators are  
134 ineligible for such employment under s. 1012.315. An elected or  
135 appointed school board official forfeits his or her salary for 1  
136 year if:

137 (b) The school board official knowingly fails to adopt  
138 policies that require:

139 1. Instructional personnel and school administrators to  
140 report alleged misconduct by other instructional personnel and  
141 school administrators;

142 2. The district school superintendent to report misconduct  
143 by instructional personnel or school administrators that would  
144 result in disqualification from educator certification or  
145 employment as provided in s. 1012.315 to the law enforcement  
146 agencies with jurisdiction over the conduct; ~~or~~

147 3. ~~that require~~ The investigation of all reports of  
148 alleged misconduct by instructional personnel and school  
149 administrators, if the misconduct affects the health, safety, or  
150 welfare of a student.

151 Section 4. Subsection (12) of section 1001.51, Florida  
152 Statutes, is amended to read:

153 1001.51 Duties and responsibilities of district school  
154 superintendent.—The district school superintendent shall  
155 exercise all powers and perform all duties listed below and  
156 elsewhere in the law, provided that, in so doing, he or she  
157 shall advise and counsel with the district school board. The  
158 district school superintendent shall perform all tasks necessary  
159 to make sound recommendations, nominations, proposals, and  
160 reports required by law to be acted upon by the district school  
161 board. All such recommendations, nominations, proposals, and  
162 reports by the district school superintendent shall be either  
163 recorded in the minutes or shall be made in writing, noted in  
164 the minutes, and filed in the public records of the district  
165 school board. It shall be presumed that, in the absence of the  
166 record required in this section, the recommendations,  
167 nominations, and proposals required of the district school  
168 superintendent were not contrary to the action taken by the  
169 district school board in such matters.

170 (12) RECORDS AND REPORTS.—Recommend such records as should  
171 be kept in addition to those prescribed by rules of the State  
172 Board of Education; prepare forms for keeping such records as  
173 are approved by the district school board; ensure that such  
174 records are properly kept; and make all reports that are needed  
175 or required, as follows:

176 (a) Forms, blanks, and reports.—Require that all employees  
177 accurately keep all records and promptly make in proper form all  
178 reports required by the education code or by rules of the State  
179 Board of Education; recommend the keeping of such additional  
180 records and the making of such additional reports as may be  
181 deemed necessary to provide data essential for the operation of  
182 the school system; and prepare such forms and blanks as may be  
183 required and ensure that these records and reports are properly  
184 prepared.

185 (b) Reports to the department.—Prepare, for the approval  
186 of the district school board, all reports required by law or  
187 rules of the State Board of Education to be made to the  
188 department and transmit promptly all such reports, when  
189 approved, to the department, as required by law. If any reports  
190 are not transmitted at the time and in the manner prescribed by  
191 law or by State Board of Education rules, the salary of the  
192 district school superintendent must be withheld until the report  
193 has been properly submitted. Unless otherwise provided by rules  
194 of the State Board of Education, the annual report on attendance  
195 and personnel is due on or before July 1, and the annual school  
196 budget and the report on finance are due on the date prescribed  
197 by the commissioner.

198  
199 Any district school superintendent who knowingly signs and  
200 transmits to any state official a report that the superintendent



201 knows to be false or incorrect; who knowingly fails to  
 202 investigate any allegation of misconduct by instructional  
 203 personnel or school administrators, as defined in s. 1012.01,  
 204 which affects the health, safety, or welfare of a student; ~~or~~  
 205 who knowingly fails to report the alleged misconduct to the  
 206 department as required in s. 1012.796; or who knowingly fails to  
 207 report misconduct to the law enforcement agencies with  
 208 jurisdiction over the conduct pursuant to district school board  
 209 policy under s. 1001.42(6), forfeits his or her salary for 1  
 210 year following the date of such act or failure to act.

211 Section 5. Paragraphs (o) and (t) of subsection (1) of  
 212 section 1011.62, Florida Statutes, are amended to read:

213 1011.62 Funds for operation of schools.—If the annual  
 214 allocation from the Florida Education Finance Program to each  
 215 district for operation of schools is not determined in the  
 216 annual appropriations act or the substantive bill implementing  
 217 the annual appropriations act, it shall be determined as  
 218 follows:

219 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 220 OPERATION.—The following procedure shall be followed in  
 221 determining the annual allocation to each district for  
 222 operation:

223 (o) Calculation of additional full-time equivalent  
 224 membership based on successful completion of a career-themed  
 225 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or

226 | courses with embedded CAPE industry certifications or CAPE  
227 | Digital Tool certificates, and issuance of industry  
228 | certification identified on the CAPE Industry Certification  
229 | Funding List pursuant to rules adopted by the State Board of  
230 | Education or CAPE Digital Tool certificates pursuant to s.  
231 | 1003.4203.—

232 |       1.a. A value of 0.025 full-time equivalent student  
233 | membership shall be calculated for CAPE Digital Tool  
234 | certificates earned by students in elementary and middle school  
235 | grades.

236 |       b. A value of 0.1 or 0.2 full-time equivalent student  
237 | membership shall be calculated for each student who completes a  
238 | course as defined in s. 1003.493(1)(b) or courses with embedded  
239 | CAPE industry certifications and who is issued an industry  
240 | certification identified annually on the CAPE Industry  
241 | Certification Funding List approved under rules adopted by the  
242 | State Board of Education. A value of 0.2 full-time equivalent  
243 | membership shall be calculated for each student who is issued a  
244 | CAPE industry certification that has a statewide articulation  
245 | agreement for college credit approved by the State Board of  
246 | Education. For CAPE industry certifications that do not  
247 | articulate for college credit, the Department of Education shall  
248 | assign a full-time equivalent value of 0.1 for each  
249 | certification. Middle grades students who earn additional FTE  
250 | membership for a CAPE Digital Tool certificate pursuant to sub-

251 | subparagraph a. may not use the previously funded examination to  
252 | satisfy the requirements for earning an industry certification  
253 | under this sub-subparagraph. Additional FTE membership for an  
254 | elementary or middle grades student may not exceed 0.1 for  
255 | certificates or certifications earned within the same fiscal  
256 | year. The State Board of Education shall include the assigned  
257 | values on the CAPE Industry Certification Funding List under  
258 | rules adopted by the state board. Such value shall be added to  
259 | the total full-time equivalent student membership for grades 6  
260 | through 12 in the subsequent year. CAPE industry certifications  
261 | earned through dual enrollment must be reported and funded  
262 | pursuant to s. 1011.80. However, if a student earns a  
263 | certification through a dual enrollment course and the  
264 | certification is not a fundable certification on the  
265 | postsecondary certification funding list, or the dual enrollment  
266 | certification is earned as a result of an agreement between a  
267 | school district and a nonpublic postsecondary institution, the  
268 | bonus value shall be funded in the same manner as other nondual  
269 | enrollment course industry certifications. In such cases, the  
270 | school district may provide for an agreement between the high  
271 | school and the technical center, or the school district and the  
272 | postsecondary institution may enter into an agreement for  
273 | equitable distribution of the bonus funds.

274 |       c. A value of 0.3 full-time equivalent student membership  
275 | shall be calculated for student completion of the courses and

276 the embedded certifications identified on the CAPE Industry  
277 Certification Funding List and approved by the commissioner  
278 pursuant to ss. 1003.4203(5) (a) and 1008.44.

279 d. A value of 0.5 full-time equivalent student membership  
280 shall be calculated for CAPE Acceleration Industry  
281 Certifications that articulate for 15 to 29 college credit  
282 hours, and 1.0 full-time equivalent student membership shall be  
283 calculated for CAPE Acceleration Industry Certifications that  
284 articulate for 30 or more college credit hours pursuant to CAPE  
285 Acceleration Industry Certifications approved by the  
286 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

287 2. Each district must allocate at least 80 percent of the  
288 funds provided for CAPE industry certification, in accordance  
289 with this paragraph, to the program that generated the funds.  
290 This allocation may not be used to supplant funds provided for  
291 basic operation of the program.

292 3. For CAPE industry certifications earned in the 2013-  
293 2014 school year and in subsequent years, the school district  
294 shall distribute to each classroom teacher who provided direct  
295 instruction toward the attainment of a CAPE industry  
296 certification that qualified for additional full-time equivalent  
297 membership under subparagraph 1.:

298 a. A bonus of \$25 for each student taught by a teacher who  
299 provided instruction in a course that led to the attainment of a  
300 CAPE industry certification on the CAPE Industry Certification

301 Funding List with a weight of 0.1.

302       b. A bonus of \$50 for each student taught by a teacher who  
 303 provided instruction in a course that led to the attainment of a  
 304 CAPE industry certification on the CAPE Industry Certification  
 305 Funding List with a weight of 0.2.

306       c. A bonus of \$75 for each student taught by a teacher who  
 307 provided instruction in a course that led to the attainment of a  
 308 CAPE industry certification on the CAPE Industry Certification  
 309 Funding List with a weight of 0.3.

310       d. A bonus of \$100 for each student taught by a teacher  
 311 who provided instruction in a course that led to the attainment  
 312 of a CAPE industry certification on the CAPE Industry  
 313 Certification Funding List with a weight of 0.5 or 1.0.

314  
 315 Bonuses awarded pursuant to this paragraph shall be provided to  
 316 teachers who are employed by the district in the year in which  
 317 the additional FTE membership calculation is included in the  
 318 calculation. Bonuses shall be calculated based upon the  
 319 associated weight of a CAPE industry certification on the CAPE  
 320 Industry Certification Funding List for the year in which the  
 321 certification is earned by the student. Any bonus awarded to a  
 322 teacher pursuant to ~~under~~ this paragraph is in addition to any  
 323 regular wage or other bonus the teacher received or is scheduled  
 324 to receive. A bonus may not be awarded to a teacher who fails to  
 325 maintain the security of any CAPE industry certification

326 examination or who otherwise violates the security or  
327 administration protocol of any assessment instrument that may  
328 result in a bonus being awarded to the teacher under this  
329 paragraph.

330 (t) Computation for funding through the Florida Education  
331 Finance Program.—The State Board of Education may adopt rules  
332 establishing programs, industry certifications, and courses for  
333 which the student may earn credit toward high school graduation  
334 and the criteria under which a student's industry certification  
335 or grade may be rescinded.

336 Section 6. Subsections (5) and (6) of section 1012.27,  
337 Florida Statutes, are amended to read:

338 1012.27 Public school personnel; powers and duties of  
339 district school superintendent.—The district school  
340 superintendent is responsible for directing the work of the  
341 personnel, subject to the requirements of this chapter, and in  
342 addition the district school superintendent shall perform the  
343 following:

344 (5) SUSPENSION AND DISMISSAL; NOTIFICATION.—

345 (a) Suspend members of the instructional staff and other  
346 school employees during emergencies for a period extending to  
347 and including the day of the next regular or special meeting of  
348 the district school board and notify the district school board  
349 immediately of such suspension. When authorized to do so, serve  
350 notice on the suspended member of the instructional staff of

351 charges made against him or her and of the date of hearing.  
352 Recommend employees for dismissal under the terms prescribed  
353 herein.

354 (b) Notify the parent of a student who was subjected to or  
355 affected by misconduct identified under s. 1001.42(6) within 30  
356 days after the date on which the school district learns of the  
357 misconduct. The notification must inform the parent of:

358 1. The alleged misconduct, including which allegations  
359 have been substantiated, if any.

360 2. Whether the district reported the misconduct to the  
361 department, if required by s. 1012.796(1)(d).

362 3. The sanctions imposed by the school district against  
363 the employee, if any.

364 4. The support the school district will make available to  
365 the student in response to the misconduct.

366 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person  
367 ~~instructional personnel and school administrators, as defined in~~  
368 ~~s. 1012.01,~~ in any position that requires direct contact with  
369 students, conduct employment history checks of each of the  
370 ~~person's personnel's or administrators'~~ person's previous employers,  
371 screen instructional the personnel and or school administrators,  
372 as defined in s. 1012.01, through use of the educator screening  
373 tools described in s. 1001.10(5), and document the findings. If  
374 unable to contact a previous employer, the district school  
375 superintendent shall document efforts to contact the employer.

376 Section 7. Paragraph (a) of subsection (2) and paragraph  
377 (a) of subsection (3) of section 1012.31, Florida Statutes, are  
378 amended to read:

379 1012.31 Personnel files.—Public school system employee  
380 personnel files shall be maintained according to the following  
381 provisions:

382 (2) (a) Materials relating to work performance, discipline,  
383 suspension, or dismissal must be reduced to writing and signed  
384 by a person competent to know the facts or make the judgment.  
385 The resignation or termination of an employee before an  
386 investigation of alleged misconduct by the employee affecting  
387 the health, safety, or welfare of a student is concluded must be  
388 clearly indicated in the employee's personnel file.

389 (3) (a) Public school system employee personnel files are  
390 subject to the provisions of s. 119.07(1), except as follows:

391 1. Any complaint and any material relating to the  
392 investigation of a complaint against an employee shall be  
393 confidential and exempt from the provisions of s. 119.07(1)  
394 until the conclusion of the preliminary investigation or until  
395 such time as the preliminary investigation ceases to be active.  
396 If the preliminary investigation is concluded with the finding  
397 that there is no probable cause to proceed further and with no  
398 disciplinary action taken or charges filed, a statement to that  
399 effect signed by the responsible investigating official shall be  
400 attached to the complaint, and the complaint and all such



401 materials shall be open thereafter to inspection pursuant to s.  
402 119.07(1). If the preliminary investigation is concluded with  
403 the finding that there is probable cause to proceed further or  
404 with disciplinary action taken or charges filed, the complaint  
405 and all such materials shall be open thereafter to inspection  
406 pursuant to s. 119.07(1). If the preliminary investigation  
407 ceases to be active, the complaint and all such materials shall  
408 be open thereafter to inspection pursuant to s. 119.07(1). For  
409 the purpose of this subsection, a preliminary investigation  
410 shall be considered active as long as it is continuing with a  
411 reasonable, good faith anticipation that an administrative  
412 finding will be made in the foreseeable future. An investigation  
413 shall be presumed to be inactive if no finding relating to  
414 probable cause is made within 60 days after the complaint is  
415 made. This subparagraph does not absolve the school district of  
416 its duty to provide any legally sufficient complaint to the  
417 department within 30 days after the date on which the subject  
418 matter of the complaint comes to the attention of the school  
419 district pursuant to s. 1012.796(1)(d)1., regardless of the  
420 status of the complaint.

421 2. An employee evaluation prepared pursuant to s. 1012.33,  
422 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
423 Education or district school board under the authority of those  
424 sections shall be confidential and exempt from the provisions of  
425 s. 119.07(1) until the end of the school year immediately

426 following the school year in which the evaluation was made. No  
427 evaluation prepared before July 1, 1983, shall be made public  
428 pursuant to this section.

429 3. No material derogatory to an employee shall be open to  
430 inspection until 10 days after the employee has been notified  
431 pursuant to paragraph (2)(c).

432 4. The payroll deduction records of an employee shall be  
433 confidential and exempt from the provisions of s. 119.07(1).

434 5. Employee medical records, including psychiatric and  
435 psychological records, shall be confidential and exempt from the  
436 provisions of s. 119.07(1); however, at any hearing relative to  
437 the competency or performance of an employee, the administrative  
438 law judge, hearing officer, or panel shall have access to such  
439 records.

440 Section 8. Section 1012.315, Florida Statutes, is amended  
441 to read:

442 1012.315 Disqualification from employment.—A person is  
443 ineligible for educator certification or, ~~and instructional~~  
444 ~~personnel and school administrators, as defined in s. 1012.01,~~  
445 ~~are ineligible for~~ employment in any position that requires  
446 direct contact with students in a district school system,  
447 charter school, or private school that accepts scholarship  
448 students under s. 1002.39 or s. 1002.395~~7~~, if the person~~7~~  
449 ~~instructional personnel, or school administrator~~ has been  
450 convicted of:

451 (1) Any felony offense prohibited under any of the  
452 following statutes:

453 (a) Section 393.135, relating to sexual misconduct with  
454 certain developmentally disabled clients and reporting of such  
455 sexual misconduct.

456 (b) Section 394.4593, relating to sexual misconduct with  
457 certain mental health patients and reporting of such sexual  
458 misconduct.

459 (c) Section 415.111, relating to adult abuse, neglect, or  
460 exploitation of aged persons or disabled adults.

461 (d) Section 782.04, relating to murder.

462 (e) Section 782.07, relating to manslaughter, aggravated  
463 manslaughter of an elderly person or disabled adult, aggravated  
464 manslaughter of a child, or aggravated manslaughter of an  
465 officer, a firefighter, an emergency medical technician, or a  
466 paramedic.

467 (f) Section 784.021, relating to aggravated assault.

468 (g) Section 784.045, relating to aggravated battery.

469 (h) Section 784.075, relating to battery on a detention or  
470 commitment facility staff member or a juvenile probation  
471 officer.

472 (i) Section 787.01, relating to kidnapping.

473 (j) Section 787.02, relating to false imprisonment.

474 (k) Section 787.025, relating to luring or enticing a  
475 child.

476 (l) Section 787.04(2), relating to leading, taking,  
477 enticing, or removing a minor beyond the state limits, or  
478 concealing the location of a minor, with criminal intent pending  
479 custody proceedings.

480 (m) Section 787.04(3), relating to leading, taking,  
481 enticing, or removing a minor beyond the state limits, or  
482 concealing the location of a minor, with criminal intent pending  
483 dependency proceedings or proceedings concerning alleged abuse  
484 or neglect of a minor.

485 (n) Section 790.115(1), relating to exhibiting firearms or  
486 weapons at a school-sponsored event, on school property, or  
487 within 1,000 feet of a school.

488 (o) Section 790.115(2)(b), relating to possessing an  
489 electric weapon or device, destructive device, or other weapon  
490 at a school-sponsored event or on school property.

491 (p) Section 794.011, relating to sexual battery.

492 (q) Former s. 794.041, relating to sexual activity with or  
493 solicitation of a child by a person in familial or custodial  
494 authority.

495 (r) Section 794.05, relating to unlawful sexual activity  
496 with certain minors.

497 (s) Section 794.08, relating to female genital mutilation.

498 (t) Chapter 796, relating to prostitution.

499 (u) Chapter 800, relating to lewdness and indecent  
500 exposure.

501           (v) Section 800.101, relating to offenses against students  
 502 by authority figures.

503           ~~(w)-(v)~~ Section 806.01, relating to arson.

504           ~~(x)-(w)~~ Section 810.14, relating to voyeurism.

505           ~~(y)-(x)~~ Section 810.145, relating to video voyeurism.

506           ~~(z)-(y)~~ Section 812.014(6), relating to coordinating the  
 507 commission of theft in excess of \$3,000.

508           ~~(aa)-(z)~~ Section 812.0145, relating to theft from persons  
 509 65 years of age or older.

510           ~~(bb)-(aa)~~ Section 812.019, relating to dealing in stolen  
 511 property.

512           ~~(cc)-(bb)~~ Section 812.13, relating to robbery.

513           ~~(dd)-(ee)~~ Section 812.131, relating to robbery by sudden  
 514 snatching.

515           ~~(ee)-(dd)~~ Section 812.133, relating to carjacking.

516           ~~(ff)-(ee)~~ Section 812.135, relating to home-invasion  
 517 robbery.

518           ~~(gg)-(ff)~~ Section 817.563, relating to fraudulent sale of  
 519 controlled substances.

520           ~~(hh)-(gg)~~ Section 825.102, relating to abuse, aggravated  
 521 abuse, or neglect of an elderly person or disabled adult.

522           ~~(ii)-(hh)~~ Section 825.103, relating to exploitation of an  
 523 elderly person or disabled adult.

524           ~~(jj)-(ii)~~ Section 825.1025, relating to lewd or lascivious  
 525 offenses committed upon or in the presence of an elderly person

526 or disabled person.

527 (kk)~~(jj)~~ Section 826.04, relating to incest.

528 (ll)~~(kk)~~ Section 827.03, relating to child abuse,  
529 aggravated child abuse, or neglect of a child.

530 (mm)~~(ll)~~ Section 827.04, relating to contributing to the  
531 delinquency or dependency of a child.

532 (nn)~~(mm)~~ Section 827.071, relating to sexual performance  
533 by a child.

534 (oo)~~(nn)~~ Section 843.01, relating to resisting arrest with  
535 violence.

536 (pp)~~(oo)~~ Chapter 847, relating to obscenity.

537 (qq)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
538 soliciting, or recruiting another to join a criminal street  
539 gang.

540 (rr)~~(qq)~~ Chapter 893, relating to drug abuse prevention  
541 and control, if the offense was a felony of the second degree or  
542 greater severity.

543 (ss)~~(rr)~~ Section 916.1075, relating to sexual misconduct  
544 with certain forensic clients and reporting of such sexual  
545 misconduct.

546 (tt)~~(ss)~~ Section 944.47, relating to introduction,  
547 removal, or possession of contraband at a correctional facility.

548 (uu)~~(tt)~~ Section 985.701, relating to sexual misconduct in  
549 juvenile justice programs.

550 (vv)~~(uu)~~ Section 985.711, relating to introduction,

551 removal, or possession of contraband at a juvenile detention  
 552 facility or commitment program.

553 (2) Any misdemeanor offense prohibited under any of the  
 554 following statutes:

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

557 (b) Section 787.025, relating to luring or enticing a  
 558 child.

559 (3) Any criminal act committed in another state or under  
 560 federal law which, if committed in this state, constitutes an  
 561 offense prohibited under any statute listed in subsection (1) or  
 562 subsection (2).

563 (4) Any delinquent act committed in this state or any  
 564 delinquent or criminal act committed in another state or under  
 565 federal law which, if committed in this state, qualifies an  
 566 individual for inclusion on the Registered Juvenile Sex Offender  
 567 List under s. 943.0435(1)(h)1.d.

568 Section 9. Subsection (12) of section 1012.56, Florida  
 569 Statutes, is amended to read:

570 1012.56 Educator certification requirements.—

571 (12) DENIAL OF CERTIFICATE.—

572 (a) The Department of Education may deny an applicant a  
 573 certificate if the department possesses evidence satisfactory to  
 574 it that the applicant has committed an act or acts, or that a  
 575 situation exists, for which the Education Practices Commission

576 would be authorized to discipline a certified educator ~~revoke a~~  
 577 ~~teaching certificate.~~

578 (b) The decision of the department is subject to review by  
 579 the Education Practices Commission upon the filing of a written  
 580 request from the applicant within 20 days after receipt of the  
 581 notice of denial. Upon review, the commission may deny the award  
 582 of a certificate, bar an applicant from reapplying for a  
 583 certificate, or allow the award of a certificate with one or  
 584 more of the following conditions:

- 585 1. Probation for a period of time.
- 586 2. Restriction on the scope of practice.
- 587 3. Issuance of a letter of reprimand.
- 588 4. Referral to the recovery network program provided in s.  
 589 1012.798 under such terms and conditions as the commission may  
 590 specify.
- 591 5. Imposition of an administrative fine not to exceed  
 592 \$2,000 for each count or separate offense.

593 Section 10. Subsections (1) and (5) of section 1012.795,  
 594 Florida Statutes, are amended to read:

595 1012.795 Education Practices Commission; authority to  
 596 discipline.-

597 (1) The Education Practices Commission may suspend the  
 598 educator certificate of any instructional personnel or school  
 599 administrator, person as defined in s. 1012.01(2) or (3), for up  
 600 to 5 years, thereby denying that person the right to teach or



601 otherwise be employed by a district school board or public  
602 school in any capacity requiring direct contact with students  
603 for that period of time, after which the person holder may  
604 return to teaching as provided in subsection (4); may revoke the  
605 educator certificate of any person, thereby denying that person  
606 the right to teach or otherwise be employed by a district school  
607 board or public school in any capacity requiring direct contact  
608 with students for up to 10 years, with reinstatement subject to  
609 ~~the provisions of~~ subsection (4); may permanently revoke  
610 ~~permanently~~ the educator certificate of any person thereby  
611 denying that person the right to teach or otherwise be employed  
612 by a district school board or public school in any capacity  
613 requiring direct contact with students; may suspend a person's  
614 ~~the~~ educator certificate, upon an order of the court or notice  
615 by the Department of Revenue relating to the payment of child  
616 support; or may impose any other penalty provided by law, if the  
617 person:

618 (a) Obtained or attempted to obtain an educator  
619 certificate by fraudulent means.

620 (b) Knowingly failed to report actual or suspected child  
621 abuse as required in s. 1006.061 or report alleged misconduct by  
622 instructional personnel or school administrators which affects  
623 the health, safety, or welfare of a student as required in s.  
624 1012.796.

625 (c) Has proved to be incompetent to teach or to perform

626 | duties as an employee of the public school system or to teach in  
627 | or to operate a private school.

628 |       (d) Has been guilty of gross immorality or an act  
629 | involving moral turpitude as defined by rule of the State Board  
630 | of Education, including engaging in or soliciting sexual or lewd  
631 | conduct with a student or minor.

632 |       (e) Has had an educator certificate or other professional  
633 | license sanctioned by this or any other revocation, suspension,  
634 | or surrender in another state or has had the authority to  
635 | practice the regulated profession revoked, suspended, or  
636 | otherwise acted against, including a denial of certification or  
637 | licensure, by the licensing or certifying authority of any  
638 | jurisdiction, including its agencies and subdivisions. The  
639 | licensing or certifying authority's acceptance of a  
640 | relinquishment, stipulation, consent order, or other settlement  
641 | offered in response to or in anticipation of the filing of  
642 | charges against the licensee or certificateholder shall be  
643 | construed as action against the license or certificate.

644 |       (f) Has been convicted or found guilty of, has had  
645 | adjudication withheld for, or has pled entered a plea of guilty  
646 | or nolo contendere to, regardless of adjudication of guilt, a  
647 | misdemeanor, felony, or any other criminal charge, other than a  
648 | minor traffic violation.

649 |       (g) Upon investigation, has been found guilty of personal  
650 | conduct that seriously reduces that person's effectiveness as an

651 employee of the district school board.

652 (h) Has breached a contract, as provided in s. 1012.33(2)  
653 or s. 1012.335.

654 (i) Has been the subject of a court order or notice by the  
655 Department of Revenue pursuant to s. 409.2598 directing the  
656 Education Practices Commission to suspend the certificate as a  
657 result of noncompliance with a child support order, a subpoena,  
658 an order to show cause, or a written agreement with the  
659 Department of Revenue.

660 (j) Has violated the Principles of Professional Conduct  
661 for the Education Profession prescribed by State Board of  
662 Education rules.

663 (k) Has otherwise violated the provisions of law, the  
664 penalty for which is the revocation of the educator certificate.

665 (l) Has violated any order of the Education Practices  
666 Commission.

667 (m) Has been the subject of a court order or plea  
668 agreement in any jurisdiction which requires the  
669 certificateholder to surrender or otherwise relinquish his or  
670 her educator's certificate. A surrender or relinquishment shall  
671 be for permanent revocation of the certificate. A person may not  
672 surrender or otherwise relinquish his or her certificate prior  
673 to a finding of probable cause by the commissioner as provided  
674 in s. 1012.796.

675 (n) Has been disqualified from educator certification

676 | under s. 1012.315.

677 |       (o) Has committed a third recruiting offense as determined  
678 | by the Florida High School Athletic Association (FHSAA) pursuant  
679 | to s. 1006.20(2)(b).

680 |       

(p) Has violated test security as provided in s. 1008.24.

681 |       (5) Each district school superintendent and the governing  
682 | authority of each university lab school, state-supported school,  
683 | private school, and the FHSAA shall report to the department the  
684 | name of any person certified pursuant to this chapter ~~or~~  
685 | ~~employed and qualified pursuant to s. 1012.39:~~

686 |       (a) Who has been convicted or found guilty of, who has had  
687 | adjudication withheld for, or who has pled guilty or nolo  
688 | ~~contendere to,~~ a misdemeanor, felony, or any other criminal  
689 | charge, other than a minor traffic infraction;

690 |       (b) Who that official has reason to believe has committed  
691 | or is found to have committed any act which would be a ground  
692 | for revocation or suspension under subsection (1); or

693 |       (c) Who has been dismissed or severed from employment  
694 | because of conduct involving any immoral, unnatural, or  
695 | lascivious act.

696 |       Section 11. Paragraphs (d) and (e) of subsection (1) and  
697 | paragraphs (a) and (d) of subsection (7) of section 1012.796,  
698 | Florida Statutes, are amended to read:

699 |       1012.796 Complaints against teachers and administrators;  
700 | procedure; penalties.—

701 (1)

702 (d)1. Each school district, and an investigator employed  
703 or contracted by the school district to investigate allegations  
704 of employee misconduct, shall file in writing with the  
705 department all legally sufficient complaints within 30 days  
706 after the date on which subject matter of the complaint comes to  
707 the attention of the school district, regardless of whether the  
708 subject of the complaint is still an employee of the school  
709 district. A complaint is legally sufficient if it contains  
710 ultimate facts that show a violation has occurred as provided in  
711 s. 1012.795 and defined by rule of the State Board of Education.  
712 The school district shall include all information relating to  
713 the complaint which is known to the school district at the time  
714 of filing.

715 2. A school district shall immediately notify the  
716 department if the subject of a legally sufficient complaint of  
717 misconduct affecting the health, safety, or welfare of a student  
718 resigns or is terminated before the conclusion of the school  
719 district's investigation. Upon receipt of the notification, the  
720 department shall place an alert on the person's certification  
721 file indicating that he or she resigned or was terminated before  
722 an investigation involving allegations of misconduct affecting  
723 the health, safety, or welfare of a student was concluded. In  
724 such circumstances, the database may not include specific  
725 information relating to the alleged misconduct until permitted

726 by subsection (4).

727 3. Each district school board shall develop and adopt  
728 policies and procedures to comply with this reporting  
729 requirement. School board policies and procedures must include  
730 standards for screening, hiring, and terminating instructional  
731 personnel and school administrators, as defined in s. 1012.01;  
732 standards of ethical conduct for instructional personnel and  
733 school administrators; the duties of instructional personnel and  
734 school administrators for upholding the standards; detailed  
735 procedures for reporting alleged misconduct by instructional  
736 personnel and school administrators which affects the health,  
737 safety, or welfare of a student; requirements for the  
738 reassignment of instructional personnel or school administrators  
739 pending the outcome of a misconduct investigation; and penalties  
740 for failing to comply with s. 1001.51 or s. 1012.795. The  
741 district school board policies and procedures shall include  
742 appropriate penalties for all personnel of the district school  
743 board for nonreporting and procedures for promptly informing the  
744 district school superintendent of each legally sufficient  
745 complaint. The district school superintendent is charged with  
746 knowledge of these policies and procedures and is accountable  
747 for the training of all instructional personnel and school  
748 administrators of the school district on the standards of  
749 ethical conduct, policies, and procedures.

750 4. If the district school superintendent has knowledge of

751 a legally sufficient complaint and does not report the  
752 complaint, or fails to enforce the policies and procedures of  
753 the district school board, and fails to comply with the  
754 requirements of this subsection, in addition to other actions  
755 against certificateholders authorized by law, the district  
756 school superintendent is subject to penalties as specified in s.  
757 1001.51(12).

758 5. If the superintendent determines that misconduct by  
759 instructional personnel or school administrators who hold an  
760 educator certificate affects the health, safety, or welfare of a  
761 student and the misconduct warrants termination, the  
762 instructional personnel or school administrators may resign or  
763 be terminated, and the superintendent must report the misconduct  
764 to the department in the format prescribed by the department.  
765 The department shall maintain each report of misconduct as a  
766 public record in the instructional personnel's or school  
767 administrators' certification files. This paragraph does not  
768 limit or restrict the power and duty of the department to  
769 investigate complaints, regardless of the school district's  
770 untimely filing, or failure to file, complaints and followup  
771 reports.

772 (e) If allegations arise against an employee who is  
773 certified under s. 1012.56 and employed in an educator-  
774 certificated position in any public school, charter school or  
775 governing board thereof, or private school that accepts

776 scholarship students under s. 1002.39 or s. 1002.395, the school  
777 shall file in writing with the department a legally sufficient  
778 complaint within 30 days after the date on which the subject  
779 matter of the complaint came to the attention of the school,  
780 regardless of whether the subject of the allegations is still an  
781 employee of the school. A complaint is legally sufficient if it  
782 contains ultimate facts that show a violation has occurred as  
783 provided in s. 1012.795 and defined by rule of the State Board  
784 of Education. The school shall include all known information  
785 relating to the complaint with the filing of the complaint. This  
786 paragraph does not limit or restrict the power and duty of the  
787 department to investigate complaints, regardless of the school's  
788 untimely filing, or failure to file, complaints and followup  
789 reports. A school described in this paragraph shall immediately  
790 notify the department if the subject of a legally sufficient  
791 complaint of misconduct affecting the health, safety, or welfare  
792 of a student resigns or is terminated before the conclusion of  
793 the school's investigation. Upon receipt of the notification,  
794 the department shall place an alert on the person's  
795 certification file indicating that he or she resigned or was  
796 terminated before an investigation involving allegations of  
797 misconduct affecting the health, safety, or welfare of a student  
798 was concluded. In such circumstances, the database may not  
799 include specific information relating to the alleged misconduct  
800 until permitted by subsection (4).



801 (7) A panel of the commission shall enter a final order  
802 either dismissing the complaint or imposing one or more of the  
803 following penalties:

804 (a) Denial of an application for a ~~teaching~~ certificate or  
805 for an administrative or supervisory endorsement on a teaching  
806 certificate. The denial may provide that the applicant may not  
807 reapply for certification, and that the department may refuse to  
808 consider that applicant's application, for a specified period of  
809 time or permanently.

810 (d) Placement of the teacher, administrator, or supervisor  
811 on probation for a period of time and subject to such conditions  
812 as the commission may specify, including requiring the certified  
813 teacher, administrator, or supervisor to complete additional  
814 appropriate college courses or work with another certified  
815 educator, with the administrative costs of monitoring the  
816 probation assessed to the educator placed on probation. An  
817 educator who has been placed on probation shall, at a minimum:

818 1. Immediately notify the investigative office in the  
819 Department of Education upon employment or separation from  
820 ~~termination of employment in the state~~ in any public or private  
821 position requiring a Florida educator's certificate.

822 2. Have his or her immediate supervisor submit annual  
823 performance reports to the investigative office in the  
824 Department of Education.

825 3. Pay to the commission within the first 6 months of each

826 | probation year the administrative costs of monitoring probation  
 827 | assessed to the educator.

828 |         4. Violate no law and fully comply with all district  
 829 | school board policies, school rules, and State Board of  
 830 | Education rules.

831 |         5. Satisfactorily perform his or her assigned duties in a  
 832 | competent, professional manner.

833 |         6. Bear all costs of complying with the terms of a final  
 834 | order entered by the commission.

835 |

836 | The penalties imposed under this subsection are in addition to,  
 837 | and not in lieu of, the penalties required for a third  
 838 | recruiting offense pursuant to s. 1006.20(2)(b).

839 |         Section 12. This act shall take effect July 1, 2018.