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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2018	.	
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The Committee on Appropriations (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

800.101 Offenses against students by authority figures.-

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

(a) "Authority figure" means a person 18 years of age or
older who is employed by, volunteering at, or under contract



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11 with a school, including school resource officers as provided in
12 s. 1006.12.

13 (b) "School" has the same meaning as provided in s. 1003.01
14 and includes a private school as defined in s. 1002.01, a
15 voluntary prekindergarten education program as described in s.
16 1002.53(3), early learning programs, a public school as
17 described in s. 402.3025(1), the Florida School for the Deaf and
18 the Blind, and the Florida Virtual School established under s.
19 1002.37. The term does not include a facility dedicated
20 exclusively to the education of adults.

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

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

23 (a) Sexual conduct;

24 (b) A relationship of a romantic or intimate nature where
25 the nature of the relationship is characterized by the
26 expectation of affection or sexual involvement between the
27 parties; or

28 (c) Lewd conduct

29
30 with a student.

31 (3) A person who violates this section commits a felony of
32 the second degree, punishable as provided in s. 775.082, s.
33 775.083, or s. 775.084.

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

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

38 810.097 Trespass upon grounds or facilities of a school;
39 penalties; arrest.-



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40 (5) As used in this section, the term "school" means the
41 grounds or any facility, including school buses, of any
42 kindergarten, elementary school, middle school, junior high
43 school, or secondary school, whether public or nonpublic.

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

46 1001.42 Powers and duties of district school board.—The
47 district school board, acting as a board, shall exercise all
48 powers and perform all duties listed below:

49 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
50 PERSONNEL AND SCHOOL ADMINISTRATORS.—Adopt policies establishing
51 standards of ethical conduct for instructional personnel and
52 school administrators. The policies must require all
53 instructional personnel and school administrators, as defined in
54 s. 1012.01, to complete training on the standards; establish the
55 duty of instructional personnel and school administrators to
56 report, and procedures for reporting, alleged misconduct by
57 other instructional personnel and school administrators which
58 affects the health, safety, or welfare of a student, including
59 misconduct that involves engaging in or soliciting sexual,
60 romantic, or lewd conduct with a student; require the district
61 school superintendent to report to law enforcement misconduct by
62 instructional personnel or school administrators which would
63 result in disqualification from educator certification or
64 employment as provided in s. 1012.315; and include an
65 explanation of the liability protections provided under ss.
66 39.203 and 768.095. A district school board, or any of its
67 employees, may not enter into a confidentiality agreement
68 regarding terminated or dismissed instructional personnel or



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69 school administrators, or personnel or administrators who resign
70 in lieu of termination, based in whole or in part on misconduct
71 that affects the health, safety, or welfare of a student, and
72 may not provide instructional personnel or school administrators
73 with employment references or discuss the personnel's or
74 administrators' performance with prospective employers in
75 another educational setting, without disclosing the personnel's
76 or administrators' misconduct. Any part of an agreement or
77 contract that has the purpose or effect of concealing misconduct
78 by instructional personnel or school administrators which
79 affects the health, safety, or welfare of a student is void, is
80 contrary to public policy, and may not be enforced.

81 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
82 instructional personnel and school administrators, as defined in
83 s. 1012.01, from employment in any position that requires direct
84 contact with students if the personnel or administrators are
85 ineligible for such employment under s. 1012.315. An elected or
86 appointed school board official forfeits his or her salary for 1
87 year if:

88 (b) The school board official knowingly fails to adopt
89 policies that require:

90 1. Instructional personnel and school administrators to
91 report alleged misconduct by other instructional personnel and
92 school administrators;

93 2. The district school superintendent to report misconduct
94 by instructional personnel or school administrators that would
95 result in disqualification from educator certification or
96 employment as provided in s. 1012.315 to the law enforcement
97 agencies with jurisdiction over the conduct; or



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98 3. ~~that require~~ The investigation of all reports of alleged
99 misconduct by instructional personnel and school administrators,
100 if the misconduct affects the health, safety, or welfare of a
101 student.

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

104 1001.51 Duties and responsibilities of district school
105 superintendent.—The district school superintendent shall
106 exercise all powers and perform all duties listed below and
107 elsewhere in the law, provided that, in so doing, he or she
108 shall advise and counsel with the district school board. The
109 district school superintendent shall perform all tasks necessary
110 to make sound recommendations, nominations, proposals, and
111 reports required by law to be acted upon by the district school
112 board. All such recommendations, nominations, proposals, and
113 reports by the district school superintendent shall be either
114 recorded in the minutes or shall be made in writing, noted in
115 the minutes, and filed in the public records of the district
116 school board. It shall be presumed that, in the absence of the
117 record required in this section, the recommendations,
118 nominations, and proposals required of the district school
119 superintendent were not contrary to the action taken by the
120 district school board in such matters.

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



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127 (a) *Forms, blanks, and reports.*—Require that all employees
128 accurately keep all records and promptly make in proper form all
129 reports required by the education code or by rules of the State
130 Board of Education; recommend the keeping of such additional
131 records and the making of such additional reports as may be
132 deemed necessary to provide data essential for the operation of
133 the school system; and prepare such forms and blanks as may be
134 required and ensure that these records and reports are properly
135 prepared.

136 (b) *Reports to the department.*—Prepare, for the approval of
137 the district school board, all reports required by law or rules
138 of the State Board of Education to be made to the department and
139 transmit promptly all such reports, when approved, to the
140 department, as required by law. If any reports are not
141 transmitted at the time and in the manner prescribed by law or
142 by State Board of Education rules, the salary of the district
143 school superintendent must be withheld until the report has been
144 properly submitted. Unless otherwise provided by rules of the
145 State Board of Education, the annual report on attendance and
146 personnel is due on or before July 1, and the annual school
147 budget and the report on finance are due on the date prescribed
148 by the commissioner.

149
150 Any district school superintendent who knowingly signs and
151 transmits to any state official a report that the superintendent
152 knows to be false or incorrect; who knowingly fails to
153 investigate any allegation of misconduct by instructional
154 personnel or school administrators, as defined in s. 1012.01,
155 which affects the health, safety, or welfare of a student; ~~or~~



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156 who knowingly fails to report the alleged misconduct to the
157 department as required in s. 1012.796; or who knowingly fails to
158 report misconduct to the law enforcement agencies with
159 jurisdiction over the conduct pursuant to district school board
160 policy under s. 1001.42(6), forfeits his or her salary for 1
161 year following the date of such act or failure to act.

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

164 1012.27 Public school personnel; powers and duties of
165 district school superintendent.—The district school
166 superintendent is responsible for directing the work of the
167 personnel, subject to the requirements of this chapter, and in
168 addition the district school superintendent shall perform the
169 following:

170 (5) SUSPENSION AND DISMISSAL; NOTIFICATION.—

171 (a) Suspend members of the instructional staff and other
172 school employees during emergencies for a period extending to
173 and including the day of the next regular or special meeting of
174 the district school board and notify the district school board
175 immediately of such suspension. When authorized to do so, serve
176 notice on the suspended member of the instructional staff of
177 charges made against him or her and of the date of hearing.
178 Recommend employees for dismissal under the terms prescribed
179 herein.

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

184 1. The alleged misconduct, including which allegations have



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185 been substantiated, if any.

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

188 3. The sanctions imposed by the school district against the
189 employee, if any.

190 4. The support the school district will make available to
191 the student in response to the misconduct.

192 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person
193 ~~instructional personnel and school administrators, as defined in~~
194 ~~s. 1012.01~~, in any position that requires direct contact with
195 students, conduct employment history checks of each of the
196 ~~person's personnel's or administrators'~~ person's previous employers,
197 screen instructional the personnel and school ~~or~~ administrators
198 as defined in s. 1012.01 through use of the educator screening
199 tools described in s. 1001.10(5), and document the findings. If
200 unable to contact a previous employer, the district school
201 superintendent shall document efforts to contact the employer.

202 Section 6. Paragraph (a) of subsection (2) and paragraph
203 (a) of subsection (3) of section 1012.31, Florida Statutes, are
204 amended to read:

205 1012.31 Personnel files.—Public school system employee
206 personnel files shall be maintained according to the following
207 provisions:

208 (2) (a) Materials relating to work performance, discipline,
209 suspension, or dismissal must be reduced to writing and signed
210 by a person competent to know the facts or make the judgment.
211 The resignation or termination of an employee before an
212 investigation of alleged misconduct by the employee affecting
213 the health, safety, or welfare of a student is concluded must be



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214 clearly indicated in the employee's personnel file.

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

217 1. Any complaint and any material relating to the
218 investigation of a complaint against an employee shall be
219 confidential and exempt from the provisions of s. 119.07(1)
220 until the conclusion of the preliminary investigation or until
221 such time as the preliminary investigation ceases to be active.
222 If the preliminary investigation is concluded with the finding
223 that there is no probable cause to proceed further and with no
224 disciplinary action taken or charges filed, a statement to that
225 effect signed by the responsible investigating official shall be
226 attached to the complaint, and the complaint and all such
227 materials shall be open thereafter to inspection pursuant to s.
228 119.07(1). If the preliminary investigation is concluded with
229 the finding that there is probable cause to proceed further or
230 with disciplinary action taken or charges filed, the complaint
231 and all such materials shall be open thereafter to inspection
232 pursuant to s. 119.07(1). If the preliminary investigation
233 ceases to be active, the complaint and all such materials shall
234 be open thereafter to inspection pursuant to s. 119.07(1). For
235 the purpose of this subsection, a preliminary investigation
236 shall be considered active as long as it is continuing with a
237 reasonable, good faith anticipation that an administrative
238 finding will be made in the foreseeable future. An investigation
239 shall be presumed to be inactive if no finding relating to
240 probable cause is made within 60 days after the complaint is
241 made. This subparagraph does not absolve the school district of
242 its duty to provide any legally sufficient complaint to the



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243 department within 30 days after the date on which the subject
244 matter of the complaint comes to the attention of the school
245 district pursuant to s. 1012.796(1)(d)1., regardless of the
246 status of the complaint.

247 2. An employee evaluation prepared pursuant to s. 1012.33,
248 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of
249 Education or district school board under the authority of those
250 sections shall be confidential and exempt from the provisions of
251 s. 119.07(1) until the end of the school year immediately
252 following the school year in which the evaluation was made. No
253 evaluation prepared before July 1, 1983, shall be made public
254 pursuant to this section.

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

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

260 5. Employee medical records, including psychiatric and
261 psychological records, shall be confidential and exempt from the
262 provisions of s. 119.07(1); however, at any hearing relative to
263 the competency or performance of an employee, the administrative
264 law judge, hearing officer, or panel shall have access to such
265 records.

266 Section 6. Section 1012.315, Florida Statutes, is amended
267 to read:

268 1012.315 Disqualification from employment.—A person is
269 ineligible for educator certification or, and instructional
270 ~~personnel and school administrators, as defined in s. 1012.01,~~
271 ~~are ineligible for~~ employment in any position that requires



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272 direct contact with students in a district school system,
273 charter school, or private school that accepts scholarship
274 students under s. 1002.39 or s. 1002.395~~7~~ if the person~~7~~
275 ~~instructional personnel, or school administrator~~ has been
276 convicted of:

277 (1) Any felony offense prohibited under any of the
278 following statutes:

279 (a) Section 393.135, relating to sexual misconduct with
280 certain developmentally disabled clients and reporting of such
281 sexual misconduct.

282 (b) Section 394.4593, relating to sexual misconduct with
283 certain mental health patients and reporting of such sexual
284 misconduct.

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

287 (d) Section 782.04, relating to murder.

288 (e) Section 782.07, relating to manslaughter, aggravated
289 manslaughter of an elderly person or disabled adult, aggravated
290 manslaughter of a child, or aggravated manslaughter of an
291 officer, a firefighter, an emergency medical technician, or a
292 paramedic.

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

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

295 (h) Section 784.075, relating to battery on a detention or
296 commitment facility staff member or a juvenile probation
297 officer.

298 (i) Section 787.01, relating to kidnapping.

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

300 (k) Section 787.025, relating to luring or enticing a



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301 child.

302 (l) Section 787.04(2), relating to leading, taking,
303 enticing, or removing a minor beyond the state limits, or
304 concealing the location of a minor, with criminal intent pending
305 custody proceedings.

306 (m) Section 787.04(3), relating to leading, taking,
307 enticing, or removing a minor beyond the state limits, or
308 concealing the location of a minor, with criminal intent pending
309 dependency proceedings or proceedings concerning alleged abuse
310 or neglect of a minor.

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

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

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

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

321 (r) Section 794.05, relating to unlawful sexual activity
322 with certain minors.

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

324 (t) Chapter 796, relating to prostitution.

325 (u) Chapter 800, relating to lewdness and indecent
326 exposure.

327 (v) Section 800.101, relating to offenses against students
328 by authority figures.

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



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330 (x)~~(w)~~ Section 810.14, relating to voyeurism.
331 (y)~~(*)~~ Section 810.145, relating to video voyeurism.
332 (z)~~(y)~~ Section 812.014(6), relating to coordinating the
333 commission of theft in excess of \$3,000.
334 (aa)~~(z)~~ Section 812.0145, relating to theft from persons 65
335 years of age or older.
336 (bb)~~(aa)~~ Section 812.019, relating to dealing in stolen
337 property.
338 (cc)~~(bb)~~ Section 812.13, relating to robbery.
339 (dd)~~(ee)~~ Section 812.131, relating to robbery by sudden
340 snatching.
341 (ee)~~(dd)~~ Section 812.133, relating to carjacking.
342 (ff)~~(ee)~~ Section 812.135, relating to home-invasion
343 robbery.
344 (gg)~~(ff)~~ Section 817.563, relating to fraudulent sale of
345 controlled substances.
346 (hh)~~(gg)~~ Section 825.102, relating to abuse, aggravated
347 abuse, or neglect of an elderly person or disabled adult.
348 (ii)~~(hh)~~ Section 825.103, relating to exploitation of an
349 elderly person or disabled adult.
350 (jj)~~(ii)~~ Section 825.1025, relating to lewd or lascivious
351 offenses committed upon or in the presence of an elderly person
352 or disabled person.
353 (kk)~~(jj)~~ Section 826.04, relating to incest.
354 (ll)~~(kk)~~ Section 827.03, relating to child abuse,
355 aggravated child abuse, or neglect of a child.
356 (mm)~~(ll)~~ Section 827.04, relating to contributing to the
357 delinquency or dependency of a child.
358 (nn)~~(mm)~~ Section 827.071, relating to sexual performance by



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359 a child.

360 ~~(oo)~~ Section 843.01, relating to resisting arrest with
361 violence.

362 ~~(pp)~~ Chapter 847, relating to obscenity.

363 ~~(qq)~~ Section 874.05, relating to causing, encouraging,
364 soliciting, or recruiting another to join a criminal street
365 gang.

366 ~~(rr)~~ Chapter 893, relating to drug abuse prevention and
367 control, if the offense was a felony of the second degree or
368 greater severity.

369 ~~(ss)~~ Section 916.1075, relating to sexual misconduct
370 with certain forensic clients and reporting of such sexual
371 misconduct.

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

374 ~~(uu)~~ Section 985.701, relating to sexual misconduct in
375 juvenile justice programs.

376 ~~(vv)~~ Section 985.711, relating to introduction,
377 removal, or possession of contraband at a juvenile detention
378 facility or commitment program.

379 (2) Any misdemeanor offense prohibited under any of the
380 following statutes:

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

383 (b) Section 787.025, relating to luring or enticing a
384 child.

385 (3) Any criminal act committed in another state or under
386 federal law which, if committed in this state, constitutes an
387 offense prohibited under any statute listed in subsection (1) or



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388 subsection (2).

389 (4) Any delinquent act committed in this state or any
390 delinquent or criminal act committed in another state or under
391 federal law which, if committed in this state, qualifies an
392 individual for inclusion on the Registered Juvenile Sex Offender
393 List under s. 943.0435(1)(h)1.d.

394 Section 7. Subsection (12) of section 1012.56, Florida
395 Statutes, is amended to read:

396 1012.56 Educator certification requirements.—

397 (12) DENIAL OF CERTIFICATE.—

398 (a) The Department of Education may deny an applicant a
399 certificate if the department possesses evidence satisfactory to
400 it that the applicant has committed an act or acts, or that a
401 situation exists, for which the Education Practices Commission
402 would be authorized to discipline a certified educator ~~revoke a~~
403 ~~teaching certificate.~~

404 (b) The decision of the department is subject to review by
405 the Education Practices Commission upon the filing of a written
406 request from the applicant within 20 days after receipt of the
407 notice of denial. Upon review, the commission may deny the award
408 of a certificate, bar an applicant from reapplying for a
409 certificate, or allow the awarding of a certificate with one or
410 more of the following conditions:

- 411 1. Probation for a period of time.
412 2. Restriction on the scope of practice.
413 3. Issuance of a letter of reprimand.
414 4. Referral to the recovery network program provided in s.
415 1012.798 under such terms and conditions as the commission may
416 specify.



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417 5. Imposition of an administrative fine not to exceed
418 \$2,000 for each count or separate offense.

419 Section 8. Subsections (1) and (5) of section 1012.795,
420 Florida Statutes, are amended to read:

421 1012.795 Education Practices Commission; authority to
422 discipline.—

423 (1) The Education Practices Commission may suspend the
424 educator certificate of any person as defined in s. 1012.01(2)
425 or (3), for up to 5 years, thereby denying that person the right
426 to teach or otherwise be employed by a district school board or
427 public school in any capacity requiring direct contact with
428 students for that period of time, after which the holder may
429 return to teaching as provided in subsection (4); may revoke the
430 educator certificate of any person, thereby denying that person
431 the right to teach or otherwise be employed by a district school
432 board or public school in any capacity requiring direct contact
433 with students for up to 10 years, with reinstatement subject to
434 the provisions of subsection (4); may permanently revoke
435 permanently the educator certificate of any person thereby
436 denying that person the right to teach or otherwise be employed
437 by a district school board or public school in any capacity
438 requiring direct contact with students; may suspend a person's
439 the educator certificate, upon an order of the court or notice
440 by the Department of Revenue relating to the payment of child
441 support; or may impose any other penalty provided by law, if the
442 person:

443 (a) Obtained or attempted to obtain an educator certificate
444 by fraudulent means.

445 (b) Knowingly failed to report actual or suspected child



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446 abuse as required in s. 1006.061 or report alleged misconduct by
447 instructional personnel or school administrators which affects
448 the health, safety, or welfare of a student as required in s.
449 1012.796.

450 (c) Has proved to be incompetent to teach or to perform
451 duties as an employee of the public school system or to teach in
452 or to operate a private school.

453 (d) Has been guilty of gross immorality or an act involving
454 moral turpitude as defined by rule of the State Board of
455 Education, including engaging in or soliciting sexual, romantic,
456 or lewd conduct with a student or minor.

457 (e) Has had an educator certificate or other professional
458 license sanctioned by this or any other ~~revocation, suspension,~~
459 ~~or surrender in another~~ state or has had the authority to
460 practice the regulated profession revoked, suspended, or
461 otherwise acted against, including a denial of certification or
462 licensure by the licensing or certifying authority of any
463 jurisdiction, including its agencies and subdivisions. The
464 licensing or certifying authority's acceptance of a
465 relinquishment, stipulation, consent order, or other settlement
466 offered in response to or in anticipation of the filing of
467 charges against the licensee or certificateholder shall be
468 construed as action against the license or certificate.

469 (f) Has been convicted or found guilty of, has had
470 adjudication withheld for, or has pled ~~entered a plea of guilty~~
471 or nolo contendere to, ~~regardless of adjudication of guilt,~~ a
472 misdemeanor, felony, or any other criminal charge, other than a
473 minor traffic violation.

474 (g) Upon investigation, has been found guilty of personal



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475 | conduct that seriously reduces that person's effectiveness as an
476 | employee of the district school board.

477 | (h) Has breached a contract, as provided in s. 1012.33(2)
478 | or s. 1012.335.

479 | (i) Has been the subject of a court order or notice by the
480 | Department of Revenue pursuant to s. 409.2598 directing the
481 | Education Practices Commission to suspend the certificate as a
482 | result of noncompliance with a child support order, a subpoena,
483 | an order to show cause, or a written agreement with the
484 | Department of Revenue.

485 | (j) Has violated the Principles of Professional Conduct for
486 | the Education Profession prescribed by State Board of Education
487 | rules.

488 | (k) Has otherwise violated the provisions of law, the
489 | penalty for which is the revocation of the educator certificate.

490 | (l) Has violated any order of the Education Practices
491 | Commission.

492 | (m) Has been the subject of a court order or plea agreement
493 | in any jurisdiction which requires the certificateholder to
494 | surrender or otherwise relinquish his or her educator's
495 | certificate. A surrender or relinquishment shall be for
496 | permanent revocation of the certificate. A person may not
497 | surrender or otherwise relinquish his or her certificate prior
498 | to a finding of probable cause by the commissioner as provided
499 | in s. 1012.796.

500 | (n) Has been disqualified from educator certification under
501 | s. 1012.315.

502 | (o) Has committed a third recruiting offense as determined
503 | by the Florida High School Athletic Association (FHSAA) pursuant



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504 to s. 1006.20(2)(b).

505 (p) Has violated test security rules as provided in s.
506 1008.24.

507 (5) Each district school superintendent and the governing
508 authority of each university lab school, state-supported school,
509 private school, and the FHSAA shall report to the department the
510 name of any person certified pursuant to this chapter ~~or~~
511 ~~employed and qualified pursuant to s. 1012.39:~~

512 (a) Who has been convicted or found guilty of, who has had
513 adjudication withheld for, or who has pled guilty or nolo
514 contendere to, a misdemeanor, felony, or any other criminal
515 charge, other than a minor traffic infraction;

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

519 (c) Who has been dismissed or severed from employment
520 because of conduct involving any immoral, unnatural, or
521 lascivious act.

522 Section 9. Paragraphs (d) and (e) of subsection (1) and
523 paragraphs (a) and (d) of subsection (7) of section 1012.796,
524 Florida Statutes, are amended to read:

525 1012.796 Complaints against teachers and administrators;
526 procedure; penalties.-

527 (1)

528 (d)1. Each school district shall file in writing with the
529 department all legally sufficient complaints within 30 days
530 after the date on which subject matter of the complaint comes to
531 the attention of the school district, regardless of whether the
532 subject of the complaint is still an employee of the school



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533 district. A complaint is legally sufficient if it contains
534 ultimate facts that show a violation has occurred as provided in
535 s. 1012.795 and defined by rule of the State Board of Education.
536 The school district shall include all information relating to
537 the complaint which is known to the school district at the time
538 of filing.

539 2. A school district shall immediately notify the
540 department if the subject of a legally sufficient complaint of
541 misconduct affecting the health, safety, or welfare of a student
542 resigns or is terminated before the conclusion of the school
543 district's investigation. Upon receipt of the notification, the
544 department shall place an alert on the person's certification
545 file indicating that he or she resigned or was terminated before
546 an investigation involving allegations of misconduct affecting
547 the health, safety, or welfare of a student was concluded. In
548 such circumstances, the database may not include specific
549 information relating to the alleged misconduct until permitted
550 by subsection (4).

551 3. Each district school board shall develop and adopt
552 policies and procedures to comply with this reporting
553 requirement. School board policies and procedures must include
554 standards for screening, hiring, and terminating instructional
555 personnel and school administrators, as defined in s. 1012.01;
556 standards of ethical conduct for instructional personnel and
557 school administrators; the duties of instructional personnel and
558 school administrators for upholding the standards; detailed
559 procedures for reporting alleged misconduct by instructional
560 personnel and school administrators which affects the health,
561 safety, or welfare of a student; requirements for the



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562 reassignment of instructional personnel or school administrators
563 pending the outcome of a misconduct investigation; and penalties
564 for failing to comply with s. 1001.51 or s. 1012.795. The
565 district school board policies and procedures shall include
566 appropriate penalties for all personnel of the district school
567 board for nonreporting and procedures for promptly informing the
568 district school superintendent of each legally sufficient
569 complaint. The district school superintendent is charged with
570 knowledge of these policies and procedures and is accountable
571 for the training of all instructional personnel and school
572 administrators of the school district on the standards of
573 ethical conduct, policies, and procedures.

574 4. If the district school superintendent has knowledge of a
575 legally sufficient complaint and does not report the complaint,
576 or fails to enforce the policies and procedures of the district
577 school board, and fails to comply with the requirements of this
578 subsection, in addition to other actions against
579 certificateholders authorized by law, the district school
580 superintendent is subject to penalties as specified in s.
581 1001.51(12).

582 5. If the superintendent determines that misconduct by
583 instructional personnel or school administrators who hold an
584 educator certificate affects the health, safety, or welfare of a
585 student and the misconduct warrants termination, the
586 instructional personnel or school administrators may resign or
587 be terminated, and the superintendent must report the misconduct
588 to the department in the format prescribed by the department.
589 The department shall maintain each report of misconduct as a
590 public record in the instructional personnel's or school



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591 administrators' certification files. This paragraph does not
592 limit or restrict the power and duty of the department to
593 investigate complaints, regardless of the school district's
594 untimely filing, or failure to file, complaints and followup
595 reports.

596 (e) If allegations arise against an employee who is
597 certified under s. 1012.56 and employed in an educator-
598 certificated position in any public school, charter school or
599 governing board thereof, or private school that accepts
600 scholarship students under s. 1002.39 or s. 1002.395, the school
601 shall file in writing with the department a legally sufficient
602 complaint within 30 days after the date on which the subject
603 matter of the complaint came to the attention of the school,
604 regardless of whether the subject of the allegations is still an
605 employee of the school. A complaint is legally sufficient if it
606 contains ultimate facts that show a violation has occurred as
607 provided in s. 1012.795 and defined by rule of the State Board
608 of Education. The school shall include all known information
609 relating to the complaint with the filing of the complaint. This
610 paragraph does not limit or restrict the power and duty of the
611 department to investigate complaints, regardless of the school's
612 untimely filing, or failure to file, complaints and followup
613 reports. A school described in this paragraph shall immediately
614 notify the department if the subject of a legally sufficient
615 complaint of misconduct affecting the health, safety, or welfare
616 of a student resigns or is terminated before the conclusion of
617 the school's investigation. Upon receipt of the notification,
618 the department shall place an alert on the person's
619 certification file indicating that he or she resigned or was



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620 terminated before an investigation involving allegations of
621 misconduct affecting the health, safety, or welfare of a student
622 was concluded. In such circumstances, the database may not
623 include specific information relating to the alleged misconduct
624 until permitted by subsection (4).

625 (7) A panel of the commission shall enter a final order
626 either dismissing the complaint or imposing one or more of the
627 following penalties:

628 (a) Denial of an application for a ~~teaching~~ certificate or
629 for an administrative or supervisory endorsement on a teaching
630 certificate. The denial may provide that the applicant may not
631 reapply for certification, and that the department may refuse to
632 consider that applicant's application, for a specified period of
633 time or permanently.

634 (d) Placement of the teacher, administrator, or supervisor
635 on probation for a period of time and subject to such conditions
636 as the commission may specify, including requiring the certified
637 teacher, administrator, or supervisor to complete additional
638 appropriate college courses or work with another certified
639 educator, with the administrative costs of monitoring the
640 probation assessed to the educator placed on probation. An
641 educator who has been placed on probation shall, at a minimum:

642 1. Immediately notify the investigative office in the
643 Department of Education upon employment or separation from
644 ~~termination of employment in the state~~ in any public or private
645 position requiring a Florida educator's certificate.

646 2. Have his or her immediate supervisor submit annual
647 performance reports to the investigative office in the
648 Department of Education.



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649 3. Pay to the commission within the first 6 months of each
650 probation year the administrative costs of monitoring probation
651 assessed to the educator.

652 4. Violate no law and fully comply with all district school
653 board policies, school rules, and State Board of Education
654 rules.

655 5. Satisfactorily perform his or her assigned duties in a
656 competent, professional manner.

657 6. Bear all costs of complying with the terms of a final
658 order entered by the commission.

659
660 The penalties imposed under this subsection are in addition to,
661 and not in lieu of, the penalties required for a third
662 recruiting offense pursuant to s. 1006.20(2)(b).

663 Section 10. This act shall take effect July 1, 2018.

664
665 ===== T I T L E A M E N D M E N T =====

666 And the title is amended as follows:

667 Delete everything before the enacting clause
668 and insert:

669 A bill to be entitled
670 An act relating to student safety; creating s.
671 800.101, F.S.; defining terms; prohibiting certain
672 conduct with students by authority figures; providing
673 penalties; providing exceptions; amending s. 810.097,
674 F.S.; adding school buses to the definition of the
675 term "school" for purposes of trespass upon grounds or
676 facilities of a school; amending s. 1001.42, F.S.;
677 requiring school districts to adopt certain standards



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678 of ethical conduct; requiring the district school
679 superintendent to report certain misconduct to law
680 enforcement agencies; amending s. 1001.51, F.S.;

681 providing for the forfeiture of a district school
682 superintendent's salary for a specified period for
683 failure to report certain misconduct to law
684 enforcement agencies; amending s. 1012.27, F.S.;

685 requiring the district school superintendent to notify
686 a parent of specified information relating to
687 allegations of misconduct by instructional personnel
688 or school administrators; amending s. 1012.31, F.S.;

689 requiring a resignation or termination before an
690 investigation of certain misconduct is concluded to be
691 indicated in a personnel file; specifying that legally
692 sufficient complaints of certain misconduct must be
693 reported to the Department of Education; amending
694 1012.315, F.S.; expanding the scope of provisions
695 requiring the disqualification of persons convicted of
696 certain offenses to apply to all persons who are
697 required to have contact with students; providing an
698 additional offense that disqualifies such persons from
699 employment; amending s. 1012.56, F.S.; authorizing the
700 department to deny applicants for certification if the
701 Education Practices Commission would be authorized to
702 discipline such applicant; authorizing the commission
703 to deny an award, bar reapplication, or approve an
704 application with certain conditions; amending s.
705 1012.795, F.S.; authorizing the commission to take
706 certain actions against persons who meet specified



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707 criteria; revising reporting requirements concerning
708 specified misconduct by certified personnel; amending
709 s. 1012.796, F.S.; requiring a school district to file
710 certain complaints with the department even if the
711 subject of the complaint is no longer employed by the
712 district; requiring a school district to immediately
713 notify the department upon certain changes in
714 employment status for certain employees requiring that
715 certain information be included on an educator's
716 certificate file; requiring certified educators who
717 are placed on probation to immediately notify a
718 specified office upon separation from, rather than
719 termination of, employment; providing an effective
720 date.