

By the Committees on Appropriations; and Education; and Senator  
Book

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1                                   A bill to be entitled  
2       An act relating to student safety; creating s.  
3       800.101, F.S.; defining terms; prohibiting certain  
4       conduct with students by authority figures; providing  
5       penalties; providing exceptions; amending s. 810.097,  
6       F.S.; adding school buses to the definition of the  
7       term "school" for purposes of trespass upon grounds or  
8       facilities of a school; amending s. 1001.42, F.S.;  
9       requiring school districts to adopt certain standards  
10      of ethical conduct; requiring the district school  
11      superintendent to report certain misconduct to law  
12      enforcement agencies; amending s. 1001.51, F.S.;  
13      providing for the forfeiture of a district school  
14      superintendent's salary for a specified period for  
15      failure to report certain misconduct to law  
16      enforcement agencies; amending s. 1012.27, F.S.;  
17      requiring the district school superintendent to notify  
18      a parent of specified information relating to  
19      allegations of misconduct by instructional personnel  
20      or school administrators; amending s. 1012.31, F.S.;  
21      requiring a resignation or termination before an  
22      investigation of certain misconduct is concluded to be  
23      indicated in a personnel file; specifying that legally  
24      sufficient complaints of certain misconduct must be  
25      reported to the Department of Education; amending s.  
26      1012.315, F.S.; expanding the scope of provisions  
27      requiring the disqualification of persons convicted of  
28      certain offenses to apply to all persons who are  
29      required to have contact with students; providing an

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30 additional offense that disqualifies such persons from  
31 employment; amending s. 1012.56, F.S.; authorizing the  
32 department to deny applicants for certification if the  
33 Education Practices Commission would be authorized to  
34 discipline such applicant; authorizing the commission  
35 to deny an award, bar reapplication, or approve an  
36 application with certain conditions; amending s.  
37 1012.795, F.S.; authorizing the commission to take  
38 certain actions against persons who meet specified  
39 criteria; revising reporting requirements concerning  
40 specified misconduct by certified personnel; amending  
41 s. 1012.796, F.S.; requiring a school district to file  
42 certain complaints with the department even if the  
43 subject of the complaint is no longer employed by the  
44 district; requiring a school district to immediately  
45 notify the department upon certain changes in  
46 employment status for certain employees requiring that  
47 certain information be included on an educator's  
48 certificate file; requiring certified educators who  
49 are placed on probation to immediately notify a  
50 specified office upon separation from, rather than  
51 termination of, employment; providing an effective  
52 date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Section 800.101, Florida Statutes, is created to  
57 read:

58 800.101 Offenses against students by authority figures.-

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

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

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

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

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

74 (a) Sexual conduct;

75 (b) A relationship of a romantic or intimate nature where  
76 the nature of the relationship is characterized by the  
77 expectation of affection or sexual involvement between the  
78 parties; or

79 (c) Lewd conduct 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;

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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,  
109 romantic, or lewd conduct with a student; require the district  
110 school superintendent to report to law enforcement misconduct by  
111 instructional personnel or school administrators which 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

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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

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146 agencies with jurisdiction over the conduct; or

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

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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 of  
186 the district school board, all reports required by law or rules  
187 of the State Board of Education to be made to the department and  
188 transmit promptly all such reports, when approved, to the  
189 department, as required by law. If any reports are not  
190 transmitted at the time and in the manner prescribed by law or  
191 by State Board of Education rules, the salary of the district  
192 school superintendent must be withheld until the report has been  
193 properly submitted. Unless otherwise provided by rules of the  
194 State Board of Education, the annual report on attendance and  
195 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,

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

213 1012.27 Public school personnel; powers and duties of  
214 district school superintendent.—The district school  
215 superintendent is responsible for directing the work of the  
216 personnel, subject to the requirements of this chapter, and in  
217 addition the district school superintendent shall perform the  
218 following:

219 (5) SUSPENSION AND DISMISSAL; NOTIFICATION.—

220 (a) Suspend members of the instructional staff and other  
221 school employees during emergencies for a period extending to  
222 and including the day of the next regular or special meeting of  
223 the district school board and notify the district school board  
224 immediately of such suspension. When authorized to do so, serve  
225 notice on the suspended member of the instructional staff of  
226 charges made against him or her and of the date of hearing.  
227 Recommend employees for dismissal under the terms prescribed  
228 herein.

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



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233 1. The alleged misconduct, including which allegations have  
234 been substantiated, if any.

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

237 3. The sanctions imposed by the school district against the  
238 employee, if any.

239 4. The support the school district will make available to  
240 the student in response to the misconduct.

241 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person  
242 ~~instructional personnel and school administrators, as defined in~~  
243 ~~s. 1012.01~~, in any position that requires direct contact with  
244 students, conduct employment history checks of each of the  
245 ~~person's personnel's or administrators'~~ person's previous employers,  
246 screen instructional the personnel and school ~~or~~ administrators  
247 as defined in s. 1012.01 through use of the educator screening  
248 tools described in s. 1001.10(5), and document the findings. If  
249 unable to contact a previous employer, the district school  
250 superintendent shall document efforts to contact the employer.

251 Section 6. Paragraph (a) of subsection (2) and paragraph  
252 (a) of subsection (3) of section 1012.31, Florida Statutes, are  
253 amended to read:

254 1012.31 Personnel files.—Public school system employee  
255 personnel files shall be maintained according to the following  
256 provisions:

257 (2)(a) Materials relating to work performance, discipline,  
258 suspension, or dismissal must be reduced to writing and signed  
259 by a person competent to know the facts or make the judgment.

260 The resignation or termination of an employee before an  
261 investigation of alleged misconduct by the employee affecting

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262 the health, safety, or welfare of a student is concluded must be  
263 clearly indicated in the employee's personnel file.

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

266 1. Any complaint and any material relating to the  
267 investigation of a complaint against an employee shall be  
268 confidential and exempt from the provisions of s. 119.07(1)  
269 until the conclusion of the preliminary investigation or until  
270 such time as the preliminary investigation ceases to be active.  
271 If the preliminary investigation is concluded with the finding  
272 that there is no probable cause to proceed further and with no  
273 disciplinary action taken or charges filed, a statement to that  
274 effect signed by the responsible investigating official shall be  
275 attached to the complaint, and the complaint and all such  
276 materials shall be open thereafter to inspection pursuant to s.  
277 119.07(1). If the preliminary investigation is concluded with  
278 the finding that there is probable cause to proceed further or  
279 with disciplinary action taken or charges filed, the complaint  
280 and all such materials shall be open thereafter to inspection  
281 pursuant to s. 119.07(1). If the preliminary investigation  
282 ceases to be active, the complaint and all such materials shall  
283 be open thereafter to inspection pursuant to s. 119.07(1). For  
284 the purpose of this subsection, a preliminary investigation  
285 shall be considered active as long as it is continuing with a  
286 reasonable, good faith anticipation that an administrative  
287 finding will be made in the foreseeable future. An investigation  
288 shall be presumed to be inactive if no finding relating to  
289 probable cause is made within 60 days after the complaint is  
290 made. This subparagraph does not absolve the school district of

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291 its duty to provide any legally sufficient complaint to the  
292 department within 30 days after the date on which the subject  
293 matter of the complaint comes to the attention of the school  
294 district pursuant to s. 1012.796(1)(d)1., regardless of the  
295 status of the complaint.

296 2. An employee evaluation prepared pursuant to s. 1012.33,  
297 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
298 Education or district school board under the authority of those  
299 sections shall be confidential and exempt from the provisions of  
300 s. 119.07(1) until the end of the school year immediately  
301 following the school year in which the evaluation was made. No  
302 evaluation prepared before July 1, 1983, shall be made public  
303 pursuant to this section.

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

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

309 5. Employee medical records, including psychiatric and  
310 psychological records, shall be confidential and exempt from the  
311 provisions of s. 119.07(1); however, at any hearing relative to  
312 the competency or performance of an employee, the administrative  
313 law judge, hearing officer, or panel shall have access to such  
314 records.

315 Section 7. Section 1012.315, Florida Statutes, is amended  
316 to read:

317 1012.315 Disqualification from employment.—A person is  
318 ineligible for educator certification or, ~~and instructional~~  
319 ~~personnel and school administrators, as defined in s. 1012.01,~~

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320 ~~are ineligible for~~ employment in any position that requires  
321 direct contact with students in a district school system,  
322 charter school, or private school that accepts scholarship  
323 students under s. 1002.39 or s. 1002.395~~7~~, if the person~~7~~  
324 ~~instructional personnel, or school administrator~~ has been  
325 convicted of:

326 (1) Any felony offense prohibited under any of the  
327 following statutes:

328 (a) Section 393.135, relating to sexual misconduct with  
329 certain developmentally disabled clients and reporting of such  
330 sexual misconduct.

331 (b) Section 394.4593, relating to sexual misconduct with  
332 certain mental health patients and reporting of such sexual  
333 misconduct.

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

336 (d) Section 782.04, relating to murder.

337 (e) Section 782.07, relating to manslaughter, aggravated  
338 manslaughter of an elderly person or disabled adult, aggravated  
339 manslaughter of a child, or aggravated manslaughter of an  
340 officer, a firefighter, an emergency medical technician, or a  
341 paramedic.

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

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

344 (h) Section 784.075, relating to battery on a detention or  
345 commitment facility staff member or a juvenile probation  
346 officer.

347 (i) Section 787.01, relating to kidnapping.

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

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349 (k) Section 787.025, relating to luring or enticing a  
350 child.

351 (l) Section 787.04(2), relating to leading, taking,  
352 enticing, or removing a minor beyond the state limits, or  
353 concealing the location of a minor, with criminal intent pending  
354 custody proceedings.

355 (m) Section 787.04(3), relating to leading, taking,  
356 enticing, or removing a minor beyond the state limits, or  
357 concealing the location of a minor, with criminal intent pending  
358 dependency proceedings or proceedings concerning alleged abuse  
359 or neglect of a minor.

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

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

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

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

370 (r) Section 794.05, relating to unlawful sexual activity  
371 with certain minors.

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

373 (t) Chapter 796, relating to prostitution.

374 (u) Chapter 800, relating to lewdness and indecent  
375 exposure.

376 (v) Section 800.101, relating to offenses against students  
377 by authority figures.

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

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

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

381        (z)~~(y)~~ Section 812.014(6), relating to coordinating the

382 commission of theft in excess of \$3,000.

383        (aa)~~(z)~~ Section 812.0145, relating to theft from persons 65

384 years of age or older.

385        (bb)~~(aa)~~ Section 812.019, relating to dealing in stolen

386 property.

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

388        (dd)~~(cc)~~ Section 812.131, relating to robbery by sudden

389 snatching.

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

391        (ff)~~(ee)~~ Section 812.135, relating to home-invasion

392 robbery.

393        (gg)~~(ff)~~ Section 817.563, relating to fraudulent sale of

394 controlled substances.

395        (hh)~~(gg)~~ Section 825.102, relating to abuse, aggravated

396 abuse, or neglect of an elderly person or disabled adult.

397        (ii)~~(hh)~~ Section 825.103, relating to exploitation of an

398 elderly person or disabled adult.

399        (jj)~~(ii)~~ Section 825.1025, relating to lewd or lascivious

400 offenses committed upon or in the presence of an elderly person

401 or disabled person.

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

403        (ll)~~(kk)~~ Section 827.03, relating to child abuse,

404 aggravated child abuse, or neglect of a child.

405        (mm)~~(ll)~~ Section 827.04, relating to contributing to the

406 delinquency or dependency of a child.

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

409        (oo)~~(nn)~~ Section 843.01, relating to resisting arrest with  
410 violence.

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

412        (qq)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
413 soliciting, or recruiting another to join a criminal street  
414 gang.

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

418        (ss)~~(rr)~~ Section 916.1075, relating to sexual misconduct  
419 with certain forensic clients and reporting of such sexual  
420 misconduct.

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

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

425        (vv)~~(uu)~~ Section 985.711, relating to introduction,  
426 removal, or possession of contraband at a juvenile detention  
427 facility or commitment program.

428        (2) Any misdemeanor offense prohibited under any of the  
429 following statutes:

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

432            (b) Section 787.025, relating to luring or enticing a  
433 child.

434        (3) Any criminal act committed in another state or under  
435 federal law which, if committed in this state, constitutes an

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436 offense prohibited under any statute listed in subsection (1) or  
437 subsection (2).

438 (4) Any delinquent act committed in this state or any  
439 delinquent or criminal act committed in another state or under  
440 federal law which, if committed in this state, qualifies an  
441 individual for inclusion on the Registered Juvenile Sex Offender  
442 List under s. 943.0435(1)(h)1.d.

443 Section 8. Subsection (12) of section 1012.56, Florida  
444 Statutes, is amended to read:

445 1012.56 Educator certification requirements.—

446 (12) DENIAL OF CERTIFICATE.—

447 (a) The Department of Education may deny an applicant a  
448 certificate if the department possesses evidence satisfactory to  
449 it that the applicant has committed an act or acts, or that a  
450 situation exists, for which the Education Practices Commission  
451 would be authorized to discipline a certified educator ~~revoke a~~  
452 ~~teaching certificate.~~

453 (b) The decision of the department is subject to review by  
454 the Education Practices Commission upon the filing of a written  
455 request from the applicant within 20 days after receipt of the  
456 notice of denial. Upon review, the commission may deny the award  
457 of a certificate, bar an applicant from reapplying for a  
458 certificate, or allow the awarding of a certificate with one or  
459 more of the following conditions:

460 1. Probation for a period of time.

461 2. Restriction on the scope of practice.

462 3. Issuance of a letter of reprimand.

463 4. Referral to the recovery network program provided in s.  
464 1012.798 under such terms and conditions as the commission may



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465 specify.

466 5. Imposition of an administrative fine not to exceed  
467 \$2,000 for each count or separate offense.

468 Section 9. Subsections (1) and (5) of section 1012.795,  
469 Florida Statutes, are amended to read:

470 1012.795 Education Practices Commission; authority to  
471 discipline.-

472 (1) The Education Practices Commission may suspend the  
473 educator certificate of any person as defined in s. 1012.01(2)  
474 or (3), for up to 5 years, thereby denying that person the right  
475 to teach or otherwise be employed by a district school board or  
476 public school in any capacity requiring direct contact with  
477 students for that period of time, after which the holder may  
478 return to teaching as provided in subsection (4); may revoke the  
479 educator certificate of any person, thereby denying that person  
480 the right to teach or otherwise be employed by a district school  
481 board or public school in any capacity requiring direct contact  
482 with students for up to 10 years, with reinstatement subject to  
483 the provisions of subsection (4); may permanently revoke  
484 permanently the educator certificate of any person thereby  
485 denying that person the right to teach or otherwise be employed  
486 by a district school board or public school in any capacity  
487 requiring direct contact with students; may suspend a person's  
488 the educator certificate, upon an order of the court or notice  
489 by the Department of Revenue relating to the payment of child  
490 support; or may impose any other penalty provided by law, if the  
491 person:

492 (a) Obtained or attempted to obtain an educator certificate  
493 by fraudulent means.

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494 (b) Knowingly failed to report actual or suspected child  
495 abuse as required in s. 1006.061 or report alleged misconduct by  
496 instructional personnel or school administrators which affects  
497 the health, safety, or welfare of a student as required in s.  
498 1012.796.

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

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

506 (e) Has had an educator certificate or other professional  
507 license sanctioned by this or any other ~~revocation, suspension,~~  
508 ~~or surrender in another state~~ or has had the authority to  
509 practice the regulated profession revoked, suspended, or  
510 otherwise acted against, including a denial of certification or  
511 licensure by the licensing or certifying authority of any  
512 jurisdiction, including its agencies and subdivisions. The  
513 licensing or certifying authority's acceptance of a  
514 relinquishment, stipulation, consent order, or other settlement  
515 offered in response to or in anticipation of the filing of  
516 charges against the licensee or certificateholder shall be  
517 construed as action against the license or certificate.

518 (f) Has been convicted or found guilty of, has had  
519 adjudication withheld for, or has pled ~~entered a plea of guilty~~  
520 or nolo contendere to, ~~regardless of adjudication of guilt,~~ a  
521 misdemeanor, felony, or any other criminal charge, other than a  
522 minor traffic violation.

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523 (g) Upon investigation, has been found guilty of personal  
524 conduct that seriously reduces that person's effectiveness as an  
525 employee of the district school board.

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

528 (i) Has been the subject of a court order or notice by the  
529 Department of Revenue pursuant to s. 409.2598 directing the  
530 Education Practices Commission to suspend the certificate as a  
531 result of noncompliance with a child support order, a subpoena,  
532 an order to show cause, or a written agreement with the  
533 Department of Revenue.

534 (j) Has violated the Principles of Professional Conduct for  
535 the Education Profession prescribed by State Board of Education  
536 rules.

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

539 (l) Has violated any order of the Education Practices  
540 Commission.

541 (m) Has been the subject of a court order or plea agreement  
542 in any jurisdiction which requires the certificateholder to  
543 surrender or otherwise relinquish his or her educator's  
544 certificate. A surrender or relinquishment shall be for  
545 permanent revocation of the certificate. A person may not  
546 surrender or otherwise relinquish his or her certificate prior  
547 to a finding of probable cause by the commissioner as provided  
548 in s. 1012.796.

549 (n) Has been disqualified from educator certification under  
550 s. 1012.315.

551 (o) Has committed a third recruiting offense as determined

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552 by the Florida High School Athletic Association (FHSAA) pursuant  
553 to s. 1006.20(2)(b).

554 (p) Has violated test security rules as provided in s.  
555 1008.24.

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

561 (a) Who has been convicted or found guilty of, who has had  
562 adjudication withheld for, or who has pled guilty or nolo  
563 ~~contendere to~~, a misdemeanor, felony, or any other criminal  
564 charge, other than a minor traffic infraction;

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

568 (c) Who has been dismissed or severed from employment  
569 because of conduct involving any immoral, unnatural, or  
570 lascivious act.

571 Section 10. Paragraphs (d) and (e) of subsection (1) and  
572 paragraphs (a) and (d) of subsection (7) of section 1012.796,  
573 Florida Statutes, are amended to read:

574 1012.796 Complaints against teachers and administrators;  
575 procedure; penalties.—

576 (1)

577 (d)1. Each school district shall file in writing with the  
578 department all legally sufficient complaints within 30 days  
579 after the date on which subject matter of the complaint comes to  
580 the attention of the school district, regardless of whether the

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581 subject of the complaint is still an employee of the school  
582 district. A complaint is legally sufficient if it contains  
583 ultimate facts that show a violation has occurred as provided in  
584 s. 1012.795 and defined by rule of the State Board of Education.  
585 The school district shall include all information relating to  
586 the complaint which is known to the school district at the time  
587 of filing.

588 2. A school district shall immediately notify the  
589 department if the subject of a legally sufficient complaint of  
590 misconduct affecting the health, safety, or welfare of a student  
591 resigns or is terminated before the conclusion of the school  
592 district's investigation. Upon receipt of the notification, the  
593 department shall place an alert on the person's certification  
594 file indicating that he or she resigned or was terminated before  
595 an investigation involving allegations of misconduct affecting  
596 the health, safety, or welfare of a student was concluded. In  
597 such circumstances, the database may not include specific  
598 information relating to the alleged misconduct until permitted  
599 by subsection (4).

600 3. Each district school board shall develop and adopt  
601 policies and procedures to comply with this reporting  
602 requirement. School board policies and procedures must include  
603 standards for screening, hiring, and terminating instructional  
604 personnel and school administrators, as defined in s. 1012.01;  
605 standards of ethical conduct for instructional personnel and  
606 school administrators; the duties of instructional personnel and  
607 school administrators for upholding the standards; detailed  
608 procedures for reporting alleged misconduct by instructional  
609 personnel and school administrators which affects the health,

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610 safety, or welfare of a student; requirements for the  
611 reassignment of instructional personnel or school administrators  
612 pending the outcome of a misconduct investigation; and penalties  
613 for failing to comply with s. 1001.51 or s. 1012.795. The  
614 district school board policies and procedures shall include  
615 appropriate penalties for all personnel of the district school  
616 board for nonreporting and procedures for promptly informing the  
617 district school superintendent of each legally sufficient  
618 complaint. The district school superintendent is charged with  
619 knowledge of these policies and procedures and is accountable  
620 for the training of all instructional personnel and school  
621 administrators of the school district on the standards of  
622 ethical conduct, policies, and procedures.

623 4. If the district school superintendent has knowledge of a  
624 legally sufficient complaint and does not report the complaint,  
625 or fails to enforce the policies and procedures of the district  
626 school board, and fails to comply with the requirements of this  
627 subsection, in addition to other actions against  
628 certificateholders authorized by law, the district school  
629 superintendent is subject to penalties as specified in s.  
630 1001.51(12).

631 5. If the superintendent determines that misconduct by  
632 instructional personnel or school administrators who hold an  
633 educator certificate affects the health, safety, or welfare of a  
634 student and the misconduct warrants termination, the  
635 instructional personnel or school administrators may resign or  
636 be terminated, and the superintendent must report the misconduct  
637 to the department in the format prescribed by the department.  
638 The department shall maintain each report of misconduct as a

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639 public record in the instructional personnel's or school  
640 administrators' certification files. This paragraph does not  
641 limit or restrict the power and duty of the department to  
642 investigate complaints, regardless of the school district's  
643 untimely filing, or failure to file, complaints and followup  
644 reports.

645 (e) If allegations arise against an employee who is  
646 certified under s. 1012.56 and employed in an educator-  
647 certificated position in any public school, charter school or  
648 governing board thereof, or private school that accepts  
649 scholarship students under s. 1002.39 or s. 1002.395, the school  
650 shall file in writing with the department a legally sufficient  
651 complaint within 30 days after the date on which the subject  
652 matter of the complaint came to the attention of the school,  
653 regardless of whether the subject of the allegations is still an  
654 employee of the school. A complaint is legally sufficient if it  
655 contains ultimate facts that show a violation has occurred as  
656 provided in s. 1012.795 and defined by rule of the State Board  
657 of Education. The school shall include all known information  
658 relating to the complaint with the filing of the complaint. This  
659 paragraph does not limit or restrict the power and duty of the  
660 department to investigate complaints, regardless of the school's  
661 untimely filing, or failure to file, complaints and followup  
662 reports. A school described in this paragraph shall immediately  
663 notify the department if the subject of a legally sufficient  
664 complaint of misconduct affecting the health, safety, or welfare  
665 of a student resigns or is terminated before the conclusion of  
666 the school's investigation. Upon receipt of the notification,  
667 the department shall place an alert on the person's

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668 certification file indicating that he or she resigned or was  
669 terminated before an investigation involving allegations of  
670 misconduct affecting the health, safety, or welfare of a student  
671 was concluded. In such circumstances, the database may not  
672 include specific information relating to the alleged misconduct  
673 until permitted by subsection (4).

674 (7) A panel of the commission shall enter a final order  
675 either dismissing the complaint or imposing one or more of the  
676 following penalties:

677 (a) Denial of an application for a ~~teaching~~ certificate or  
678 for an administrative or supervisory endorsement on a teaching  
679 certificate. The denial may provide that the applicant may not  
680 reapply for certification, and that the department may refuse to  
681 consider that applicant's application, for a specified period of  
682 time or permanently.

683 (d) Placement of the teacher, administrator, or supervisor  
684 on probation for a period of time and subject to such conditions  
685 as the commission may specify, including requiring the certified  
686 teacher, administrator, or supervisor to complete additional  
687 appropriate college courses or work with another certified  
688 educator, with the administrative costs of monitoring the  
689 probation assessed to the educator placed on probation. An  
690 educator who has been placed on probation shall, at a minimum:

691 1. Immediately notify the investigative office in the  
692 Department of Education upon employment or separation from  
693 ~~termination of employment in the state~~ in any public or private  
694 position requiring a Florida educator's certificate.

695 2. Have his or her immediate supervisor submit annual  
696 performance reports to the investigative office in the



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697 Department of Education.

698       3. Pay to the commission within the first 6 months of each  
699 probation year the administrative costs of monitoring probation  
700 assessed to the educator.

701       4. Violate no law and fully comply with all district school  
702 board policies, school rules, and State Board of Education  
703 rules.

704       5. Satisfactorily perform his or her assigned duties in a  
705 competent, professional manner.

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

708

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

712       Section 11. This act shall take effect July 1, 2018.