

By the Committee on Education; and Senator Simmons

581-02344-18

20181756c1

1                                   A bill to be entitled  
2       An act relating to school accountability; amending s.  
3       1001.10, F.S.; revising the private schools to which  
4       the Department of Education is required to provide  
5       technical assistance and authorized staff; amending s.  
6       1002.20, F.S.; updating terminology; amending s.  
7       1002.385, F.S.; revising requirements for private  
8       schools that participate in the Gardiner Scholarship  
9       Program; specifying that the failure or refusal,  
10      rather than the inability of, a private school to meet  
11      certain requirements constitutes a basis for program  
12      ineligibility; amending s. 1002.39, F.S.; revising the  
13      purpose of department site visits at private schools  
14      participating in the John M. McKay Scholarships for  
15      Students with Disabilities Program; authorizing the  
16      department to make followup site visits at any time to  
17      certain private schools; requiring participating  
18      private schools to provide a specified report from an  
19      independent certified public accountant under certain  
20      circumstances; specifying that the failure or refusal,  
21      rather than the inability of, a private school to meet  
22      certain requirements constitutes a basis for program  
23      ineligibility; amending s. 1002.395, F.S.; revising  
24      obligations of eligible nonprofit scholarship-funding  
25      organizations participating in the Florida Tax Credit  
26      Scholarship Program; specifying that the failure or  
27      refusal, rather than the inability of, a private  
28      school to meet certain requirements constitutes a  
29      basis for program ineligibility; revising the purpose

581-02344-18

20181756c1

30 of department site visits at private schools  
31 participating in the Florida Tax Credit Scholarship  
32 Program; authorizing the department to make followup  
33 site visits at any time to certain private schools;  
34 amending s. 1002.421, F.S.; requiring a private school  
35 to employ or contract with teachers who meet certain  
36 qualifications and provide information about such  
37 qualifications to the department and parents; revising  
38 the conditions under which a private school employee  
39 may be exempted from background screening  
40 requirements; specifying that a private school is  
41 ineligible to participate in certain scholarship  
42 programs under certain circumstances; requiring the  
43 department to annually visit certain private schools;  
44 authorizing the department to make certain follow-up  
45 site visits at any time; requiring the Division of  
46 State Fire Marshal to annually provide the department  
47 with fire safety inspection reports for certain  
48 private schools; requiring that certain private  
49 schools provide the department with a report from an  
50 independent certified public accountant under certain  
51 circumstances; amending s. 1006.061, F.S.; revising  
52 the applicability of certain child abuse, abandonment,  
53 and neglect provisions; amending s. 1012.315, F.S.;  
54 revising the applicability of certain provisions  
55 related to disqualification from employment for the  
56 conviction of specified offenses; amending s.  
57 1012.796, F.S.; revising the applicability of a  
58 requirement that certain private schools file

581-02344-18

20181756c1

59 specified reports with the department for certain  
60 allegations against its employees; providing an  
61 effective date.  
62

63 Be It Enacted by the Legislature of the State of Florida:  
64

65 Section 1. Subsections (4) and (5) of section 1001.10,  
66 Florida Statutes, are amended to read:

67 1001.10 Commissioner of Education; general powers and  
68 duties.—

69 (4) The Department of Education shall provide technical  
70 assistance to school districts, charter schools, the Florida  
71 School for the Deaf and the Blind, and private schools that  
72 accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.  
73 1002.395, or another state scholarship program under chapter  
74 1002 in the development of policies, procedures, and training  
75 related to employment practices and standards of ethical conduct  
76 for instructional personnel and school administrators, as  
77 defined in s. 1012.01.

78 (5) The Department of Education shall provide authorized  
79 staff of school districts, charter schools, the Florida School  
80 for the Deaf and the Blind, and private schools that accept  
81 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.  
82 1002.395, or another state scholarship program under chapter  
83 1002 with access to electronic verification of information from  
84 the following employment screening tools:

85 (a) The Professional Practices' Database of Disciplinary  
86 Actions Against Educators; and

87 (b) The Department of Education's Teacher Certification

581-02344-18

20181756c1

88 Database.

89

90 This subsection does not require the department to provide these  
91 staff with unlimited access to the databases. However, the  
92 department shall provide the staff with access to the data  
93 necessary for performing employment history checks of the  
94 instructional personnel and school administrators included in  
95 the databases.

96 Section 2. Paragraph (b) of subsection (6) of section  
97 1002.20, Florida Statutes, is amended to read:

98 1002.20 K-12 student and parent rights.—Parents of public  
99 school students must receive accurate and timely information  
100 regarding their child's academic progress and must be informed  
101 of ways they can help their child to succeed in school. K-12  
102 students and their parents are afforded numerous statutory  
103 rights including, but not limited to, the following:

104 (6) EDUCATIONAL CHOICE.—

105 (b) *Private educational choices*.—Parents of public school  
106 students may seek private educational choice options under  
107 certain programs.

108 1. Under the McKay Scholarships for Students with  
109 Disabilities Program, the parent of a public school student with  
110 a disability may request and receive a McKay Scholarship for the  
111 student to attend a private school in accordance with s.  
112 1002.39.

113 2. Under the Florida Tax Credit Scholarship Program, the  
114 parent of a student who qualifies for free or reduced-price  
115 school lunch or who is currently placed, or during the previous  
116 state fiscal year was placed, in foster care as defined in s.

581-02344-18

20181756c1

117 39.01 may seek a scholarship from an eligible nonprofit  
118 scholarship-funding organization in accordance with s. 1002.395.

119 3. Under the Gardiner Scholarship Program ~~Florida Personal~~  
120 ~~Learning Scholarship Accounts Program~~, the parent of a student  
121 with a qualifying disability may apply for a Gardiner personal  
122 ~~learning~~ scholarship to be used for individual educational needs  
123 in accordance with s. 1002.385.

124 Section 3. Subsection (8) of section 1002.385, Florida  
125 Statutes, is amended to read:

126 1002.385 The Gardiner Scholarship.—

127 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
128 private school may be sectarian or nonsectarian and shall:

129 (a) Comply with all requirements for private schools  
130 participating in state school choice scholarship programs  
131 pursuant to s. 1002.421.

132 (b) Provide to the organization, upon request, all  
133 documentation required for the student's participation,  
134 including the private school's and student's fee schedules.

135 (c) Be academically accountable to the parent for meeting  
136 the educational needs of the student by:

137 1. At a minimum, annually providing to the parent a written  
138 explanation of the student's progress.

139 2. Annually administering or making provision for students  
140 participating in the program in grades 3 through 10 to take one  
141 of the nationally norm-referenced tests identified by the  
142 Department of Education or the statewide assessments pursuant to  
143 s. 1008.22. Students with disabilities for whom standardized  
144 testing is not appropriate are exempt from this requirement. A  
145 participating private school shall report a student's scores to

581-02344-18

20181756c1

146 the parent.

147 3. Cooperating with the scholarship student whose parent  
148 chooses to have the student participate in the statewide  
149 assessments pursuant to s. 1008.22 or, if a private school  
150 chooses to offer the statewide assessments, administering the  
151 assessments at the school.

152 a. A participating private school may choose to offer and  
153 administer the statewide assessments to all students who attend  
154 the private school in grades 3 through 10.

155 b. A participating private school shall submit a request in  
156 writing to the Department of Education by March 1 of each year  
157 in order to administer the statewide assessments in the  
158 subsequent school year.

159 (d) Employ or contract with teachers who have regular and  
160 direct contact with each student receiving a scholarship under  
161 this section at the school's physical location.

162 (e) Provide a report from an independent certified public  
163 accountant who performs the agreed-upon procedures developed  
164 under s. 1002.395(6)(o) if the private school receives more than  
165 \$250,000 in funds from scholarships awarded under this chapter  
166 ~~section~~ in a state fiscal year. A private school subject to this  
167 paragraph must annually submit the report by September 15 to the  
168 organization that awarded the majority of the school's  
169 scholarship funds. The agreed-upon procedures must be conducted  
170 in accordance with attestation standards established by the  
171 American Institute of Certified Public Accountants.

172  
173 If a private school fails or refuses ~~is unable~~ to meet the  
174 requirements of this subsection or has consecutive years of

581-02344-18

20181756c1

175 material exceptions listed in the report required under  
176 paragraph (e), the commissioner may determine that the private  
177 school is ineligible to participate in the program.

178 Section 4. Paragraph (f) of subsection (6) and subsection  
179 (8) of section 1002.39, Florida Statutes, are amended to read:

180 1002.39 The John M. McKay Scholarships for Students with  
181 Disabilities Program.—There is established a program that is  
182 separate and distinct from the Opportunity Scholarship Program  
183 and is named the John M. McKay Scholarships for Students with  
184 Disabilities Program.

185 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
186 shall:

187 (f)1. Conduct ~~random~~ site visits to private schools  
188 participating in the John M. McKay Scholarships for Students  
189 with Disabilities Program as authorized under s. 1002.421(7).  
190 The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify  
191 compliance with the provisions of subsection (7) aimed at  
192 protecting the health, safety, and welfare of students and to  
193 verify the information reported by the schools concerning the  
194 enrollment and attendance of students, the credentials of  
195 teachers, background screening of teachers, and teachers'  
196 fingerprinting results, which information is required by rules  
197 of the State Board of Education, subsection (8), and s.  
198 1002.421. The Department of Education may ~~not~~ make followup more  
199 than three ~~random~~ site visits at any time to any school that has  
200 received a notice of noncompliance or a notice of proposed  
201 action within the previous 2 years pursuant to subsection (7)  
202 ~~each year and may not make more than one random site visit each~~  
203 ~~year to the same private school.~~

581-02344-18

20181756c1

204           2. Annually, by December 15, report to the Governor, the  
205 President of the Senate, and the Speaker of the House of  
206 Representatives the Department of Education's actions with  
207 respect to implementing accountability in the scholarship  
208 program under this section and s. 1002.421, any substantiated  
209 allegations or violations of law or rule by an eligible private  
210 school under this program concerning the enrollment and  
211 attendance of students, the credentials of teachers, background  
212 screening of teachers, and teachers' fingerprinting results and  
213 the corrective action taken by the Department of Education.

214           (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
215 eligible to participate in the John M. McKay Scholarships for  
216 Students with Disabilities Program, a private school may be  
217 sectarian or nonsectarian and must:

218           (a) Comply with all requirements for private schools  
219 participating in state school choice scholarship programs  
220 pursuant to s. 1002.421.

221           (b) Provide to the department all documentation required  
222 for a student's participation, including the private school's  
223 and student's fee schedules, at least 30 days before any  
224 quarterly scholarship payment is made for the student pursuant  
225 to paragraph (11) (e). A student is not eligible to receive a  
226 quarterly scholarship payment if the private school fails to  
227 meet this deadline.

228           (c) Be academically accountable to the parent for meeting  
229 the educational needs of the student by:

230           1. At a minimum, annually providing to the parent a written  
231 explanation of the student's progress.

232           2. Cooperating with the scholarship student whose parent



581-02344-18

20181756c1

233 chooses to participate in the statewide assessments pursuant to  
234 s. 1008.22.

235 (d) Maintain in this state a physical location where a  
236 scholarship student regularly attends classes.

237 (e) If the private school that participates in a state  
238 scholarship program under this chapter receives more than  
239 \$250,000 in funds from scholarships awarded under chapter 1002  
240 in a state fiscal year, provide an annual report from an  
241 independent certified public accountant who performs the agreed-  
242 upon procedures developed under s. 1002.395(6)(o). Such a  
243 private school must annually submit the required report by  
244 September 15 to the organization that awarded the majority of  
245 the school's scholarship funds. The agreed-upon procedures must  
246 be conducted in accordance with attestation standards  
247 established by the American Institute of Certified Public  
248 Accountants.

249  
250 The failure or refusal ~~inability~~ of a private school to meet the  
251 requirements of this subsection shall constitute a basis for the  
252 ineligibility of the private school to participate in the  
253 scholarship program as determined by the department.

254 Section 5. Paragraph (o) of subsection (6), subsection (8),  
255 and paragraph (n) of subsection (9) of section 1002.395, Florida  
256 Statutes, are amended to read:

257 1002.395 Florida Tax Credit Scholarship Program.—

258 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
259 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
260 organization:

261 (o)1.a. Must participate in the joint development of

581-02344-18

20181756c1

262 agreed-upon procedures to be performed by an independent  
263 certified public accountant as required under paragraph (8) (e)  
264 if the scholarship-funding organization provided more than  
265 \$250,000 in scholarship funds to an eligible private school  
266 under this chapter section during the ~~2009-2010~~ state fiscal  
267 year. The agreed-upon procedures must uniformly apply to all  
268 private schools and must determine, at a minimum, whether the  
269 private school has been verified as eligible by the Department  
270 of Education under paragraph (9) (c); has an adequate accounting  
271 system, system of financial controls, and process for deposit  
272 and classification of scholarship funds; and has properly  
273 expended scholarship funds for education-related expenses.  
274 During the development of the procedures, the participating  
275 scholarship-funding organizations shall specify guidelines  
276 governing the materiality of exceptions that may be found during  
277 the accountant's performance of the procedures. The procedures  
278 and guidelines shall be provided to private schools and the  
279 Commissioner of Education by March 15, 2011.

280 b. Must participate in a joint review of the agreed-upon  
281 procedures and guidelines developed under sub-subparagraph a.,  
282 by February 2013 and biennially thereafter, if the scholarship-  
283 funding organization provided more than \$250,000 in scholarship  
284 funds to an eligible private school under this chapter section  
285 during the state fiscal year preceding the biennial review. If  
286 the procedures and guidelines are revised, the revisions must be  
287 provided to private schools and the Commissioner of Education by  
288 March 15, 2013, and biennially thereafter.

289 c. Must monitor the compliance of a private school with  
290 paragraph (8) (e) if the scholarship-funding organization

581-02344-18

20181756c1

291 provided the majority of the scholarship funding to the school.  
292 For each private school subject to paragraph (8)(e), the  
293 appropriate scholarship-funding organization shall notify the  
294 Commissioner of Education by October 30, 2011, and annually  
295 thereafter of:

296 (I) A private school's failure to submit a report required  
297 under paragraph (8)(e); or

298 (II) Any material exceptions set forth in the report  
299 required under paragraph (8)(e).

300 2. Must seek input from the accrediting associations that  
301 are members of the Florida Association of Academic Nonpublic  
302 Schools when jointly developing the agreed-upon procedures and  
303 guidelines under sub-subparagraph 1.a. and conducting a review  
304 of those procedures and guidelines under sub-subparagraph 1.b.

305

306 Information and documentation provided to the Department of  
307 Education and the Auditor General relating to the identity of a  
308 taxpayer that provides an eligible contribution under this  
309 section shall remain confidential at all times in accordance  
310 with s. 213.053.

311 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
312 private school may be sectarian or nonsectarian and must:

313 (a) Comply with all requirements for private schools  
314 participating in state school choice scholarship programs  
315 pursuant to s. 1002.421.

316 (b) Provide to the eligible nonprofit scholarship-funding  
317 organization, upon request, all documentation required for the  
318 student's participation, including the private school's and  
319 student's fee schedules.

581-02344-18

20181756c1

320 (c) Be academically accountable to the parent for meeting  
321 the educational needs of the student by:

322 1. At a minimum, annually providing to the parent a written  
323 explanation of the student's progress.

324 2. Annually administering or making provision for students  
325 participating in the scholarship program in grades 3 through 10  
326 to take one of the nationally norm-referenced tests identified  
327 by the Department of Education or the statewide assessments  
328 pursuant to s. 1008.22. Students with disabilities for whom  
329 standardized testing is not appropriate are exempt from this  
330 requirement. A participating private school must report a  
331 student's scores to the parent. A participating private school  
332 must annually report by August 15 the scores of all  
333 participating students to the Learning System Institute  
334 described in paragraph (9)(j).

335 3. Cooperating with the scholarship student whose parent  
336 chooses to have the student participate in the statewide  
337 assessments pursuant to s. 1008.22 or, if a private school  
338 chooses to offer the statewide assessments, administering the  
339 assessments at the school.

340 a. A participating private school may choose to offer and  
341 administer the statewide assessments to all students who attend  
342 the private school in grades 3 through 10.

343 b. A participating private school must submit a request in  
344 writing to the Department of Education by March 1 of each year  
345 in order to administer the statewide assessments in the  
346 subsequent school year.

347 (d) Employ or contract with teachers who have regular and  
348 direct contact with each student receiving a scholarship under

581-02344-18

20181756c1

349 this section at the school's physical location.

350 (e) Provide a report from an independent certified public  
351 accountant who performs the agreed-upon procedures developed  
352 under paragraph (6) (o) if the private school receives more than  
353 \$250,000 in funds from scholarships awarded under this chapter  
354 ~~section~~ in a state fiscal year. A private school subject to this  
355 paragraph must annually submit the report by September 15 to the  
356 scholarship-funding organization that awarded the majority of  
357 the school's scholarship funds. The agreed-upon procedures must  
358 be conducted in accordance with attestation standards  
359 established by the American Institute of Certified Public  
360 Accountants.

361  
362 If a private school fails or refuses ~~is unable~~ to meet the  
363 requirements of this subsection or has consecutive years of  
364 material exceptions listed in the report required under  
365 paragraph (e), the commissioner may determine that the private  
366 school is ineligible to participate in the scholarship program  
367 as determined by the Department of Education.

368 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
369 Education shall:

370 (n)1. Conduct site visits to private schools participating  
371 in the Florida Tax Credit Scholarship Program as authorized  
372 under s. 1002.421(7). The purposes ~~purpose~~ of the site visits  
373 are is solely to verify compliance with the provisions of  
374 subsection (11) aimed at protecting the health, safety, and  
375 welfare of students and to verify the information reported by  
376 the schools concerning the enrollment and attendance of  
377 students, the credentials of teachers, background screening of

581-02344-18

20181756c1

378 teachers, and teachers' fingerprinting results. ~~The Department~~  
379 ~~of Education may not make more than seven site visits each year,~~  
380 ~~however,~~ The department may make followup ~~additional~~ site visits  
381 at any time to any school that, pursuant to subsection (11), has  
382 received a notice of noncompliance or a notice of proposed  
383 action within the previous 2 years.

384 2. Annually, by December 15, report to the Governor, the  
385 President of the Senate, and the Speaker of the House of  
386 Representatives the Department of Education's actions with  
387 respect to implementing accountability in the scholarship  
388 program under this section and s. 1002.421, any substantiated  
389 allegations or violations of law or rule by an eligible private  
390 school under this program concerning the enrollment and  
391 attendance of students, the credentials of teachers, background  
392 screening of teachers, and teachers' fingerprinting results and  
393 the corrective action taken by the Department of Education.

394 Section 6. Present subsection (7) of section 1002.421,  
395 Florida Statutes, is amended and redesignated as subsection  
396 (11), a new subsection (7) and subsections (8), (9), and (10)  
397 are added to that section, and paragraphs (h) and (i) of  
398 subsection (2) and subsections (4) and (5) of that section are  
399 amended, to read:

400 1002.421 Accountability of private schools participating in  
401 state school choice scholarship programs.—

402 (2) A private school participating in a scholarship program  
403 must be a Florida private school as defined in s. 1002.01(2),  
404 must be registered in accordance with s. 1002.42, and must:

405 (h) Employ or contract with teachers who:

406 1. Unless otherwise specified under this paragraph, hold

581-02344-18

20181756c1

407 baccalaureate or higher degrees, have at least 3 years of  
408 teaching experience in public or private schools, or have  
409 objectively identified special skills, knowledge, or expertise  
410 that qualifies them to provide instruction in subjects taught.

411 2. For teachers teaching students in grade 2 or above, hold  
412 baccalaureate or higher degrees from a university or college  
413 that is accredited by a regional or national accrediting agency  
414 recognized by the United States Department of Education.

415  
416 The private school must report to the department, in a format  
417 developed by the department, the qualifications of each teacher  
418 hired by the school, including, but not limited to, an  
419 explanation of the objectively identified special skills or  
420 expertise of such teachers, as applicable. Additionally, the  
421 private school must provide to the parent of each scholarship  
422 student, on the school's website or on a written form provided  
423 by the school, the qualifications of each classroom teacher.

424 (i) Require each employee and contracted personnel with  
425 direct student contact, upon employment or engagement to provide  
426 services, to undergo a state and national background screening,  
427 pursuant to s. 943.0542, by electronically filing with the  
428 Department of Law Enforcement a complete set of fingerprints  
429 taken by an authorized law enforcement agency or an employee of  
430 the private school, a school district, or a private company who  
431 is trained to take fingerprints and deny employment to or  
432 terminate an employee if he or she fails to meet the screening  
433 standards under s. 435.04. Results of the screening shall be  
434 provided to the participating private school. For purposes of  
435 this paragraph:

581-02344-18

20181756c1

436 1. An "employee or contracted personnel with direct student  
437 contact" means any employee or contracted personnel who has  
438 unsupervised access to a scholarship student for whom the  
439 private school is responsible.

440 2. The costs of fingerprinting and the background check  
441 shall not be borne by the state.

442 3. Continued employment of an employee or contracted  
443 personnel after notification that he or she has failed the  
444 background screening under this paragraph shall cause a private  
445 school to be ineligible for participation in a scholarship  
446 program.

447 4. An employee or contracted personnel holding a valid  
448 Florida teaching certificate who has been fingerprinted pursuant  
449 to s. 1012.32 and who is not ineligible for employment pursuant  
450 to s. 1012.315 is not required to comply with the provisions of  
451 this paragraph.

452 (4) A private school that accepts scholarship students  
453 under this chapter ~~s. 1002.39~~ ~~or s. 1002.395~~ must:

454 (a) Disqualify instructional personnel and school  
455 administrators, as defined in s. 1012.01, from employment in any  
456 position that requires direct contact with students if the  
457 personnel or administrators are ineligible for such employment  
458 under s. 1012.315.

459 (b) Adopt and faithfully implement policies establishing  
460 standards of ethical conduct for instructional personnel and  
461 school administrators. The policies must require all  
462 instructional personnel and school administrators, as defined in  
463 s. 1012.01, to complete training on the standards; establish the  
464 duty of instructional personnel and school administrators to



581-02344-18

20181756c1

465 report, and procedures for reporting, alleged misconduct by  
466 other instructional personnel and school administrators which  
467 affects the health, safety, or welfare of a student; and include  
468 an explanation of the liability protections provided under ss.  
469 39.203 and 768.095. A private school, or any of its employees,  
470 may not enter into a confidentiality agreement regarding  
471 terminated or dismissed instructional personnel or school  
472 administrators, or personnel or administrators who resign in  
473 lieu of termination, based in whole or in part on misconduct  
474 that affects the health, safety, or welfare of a student, and  
475 may not provide the instructional personnel or school  
476 administrators with employment references or discuss the  
477 personnel's or administrators' performance with prospective  
478 employers in another educational setting, without disclosing the  
479 personnel's or administrators' misconduct. Any part of an  
480 agreement or contract that has the purpose or effect of  
481 concealing misconduct by instructional personnel or school  
482 administrators which affects the health, safety, or welfare of a  
483 student is void, is contrary to public policy, and may not be  
484 enforced.

485 (c) Before employing instructional personnel or school  
486 administrators in any position that requires direct contact with  
487 students, conduct employment history checks of each of the  
488 personnel's or administrators' previous employers, screen the  
489 personnel or administrators through use of the educator  
490 screening tools described in s. 1001.10(5), and document the  
491 findings. If unable to contact a previous employer, the private  
492 school must document efforts to contact the employer.

493

581-02344-18

20181756c1

494 The department shall suspend the payment of funds under this  
495 chapter ss. 1002.39 and 1002.395 to a private school that  
496 ~~knowingly~~ fails or refuses to comply with this subsection, and  
497 shall prohibit the school from enrolling new scholarship  
498 students, for 1 fiscal year and until the school complies.

499 (5) The failure or refusal ~~inability~~ of a private school to  
500 meet the requirements of this section shall constitute a basis  
501 for the ineligibility of the private school to participate in a  
502 scholarship program as determined by the department.

503 Additionally, a private school is ineligible to participate in a  
504 state scholarship program under this chapter if the owner or  
505 operator of the private school was a debtor in a voluntary or  
506 involuntary bankruptcy petition within the most recent 5 years.

507 (7) (a) The department must annually visit at least 5  
508 percent, and may annually visit up to 7 percent, of the private  
509 schools that participate in the state scholarship programs under  
510 this chapter. Site visits required under subsection (8) are not  
511 included in the annual site visits authorized under this  
512 paragraph.

513 (b) The purposes of the site visits are to verify  
514 compliance with the provisions of this section aimed at  
515 protecting the health, safety, and welfare of students and to  
516 verify the information reported by the schools concerning the  
517 enrollment and attendance of students, the credentials of  
518 teachers, background screening of teachers, and teachers'  
519 fingerprinting results, as required by rules of the State Board  
520 of Education and this section.

521 (c) The department may make followup site visits at any  
522 time to any school that has received a notice of noncompliance

581-02344-18

20181756c1

523 or a notice of proposed action within the previous 2 years, or  
524 for a cause that affects the health, safety, and welfare of a  
525 student.

526 (8) (a) The department shall visit each private school that  
527 notifies the department of the school's intent to participate in  
528 a state scholarship program under this chapter.

529 (b) The purpose of the site visit is to determine that the  
530 school meets the applicable state and local health, safety, and  
531 welfare codes and rules pursuant to this section.

532 (9) The Division of State Fire Marshal shall annually  
533 provide to the department a fire safety inspection report,  
534 prepared by the local fire departments or by entities with whom  
535 they contract to perform fire safety inspections of private  
536 schools, for each private school that participates in a state  
537 scholarship program under this chapter.

538 (10) If a private school that participates in a state  
539 scholarship program under this chapter receives more than  
540 \$250,000 in funds from the scholarships awarded under chapter  
541 1002 in a state fiscal year, the school must provide to the  
542 department a report of the balance sheet and statement of income  
543 expenditures in accordance with generally accepted accounting  
544 procedures from an independent certified public accountant who  
545 performs the agreed-upon procedures.

546 (11) ~~(7)~~ The State Board of Education shall adopt rules  
547 pursuant to ss. 120.536(1) and 120.54 to administer and enforce  
548 this section.

549 Section 7. Section 1006.061, Florida Statutes, is amended  
550 to read:

551 1006.061 Child abuse, abandonment, and neglect policy.—Each

581-02344-18

20181756c1

552 district school board, charter school, and private school that  
553 accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~  
554 s. 1002.395, or another state scholarship program under chapter  
555 1002 shall:

556 (1) Post in a prominent place in each school a notice that,  
557 pursuant to chapter 39, all employees and agents of the district  
558 school board, charter school, or private school have an  
559 affirmative duty to report all actual or suspected cases of  
560 child abuse, abandonment, or neglect; have immunity from  
561 liability if they report such cases in good faith; and have a  
562 duty to comply with child protective investigations and all  
563 other provisions of law relating to child abuse, abandonment,  
564 and neglect. The notice shall also include the statewide toll-  
565 free telephone number of the central abuse hotline.

566 (2) Post in a prominent place at each school site and on  
567 each school's Internet website, if available, the policies and  
568 procedures for reporting alleged misconduct by instructional  
569 personnel or school administrators which affects the health,  
570 safety, or welfare of a student; the contact person to whom the  
571 report is made; and the penalties imposed on instructional  
572 personnel or school administrators who fail to report suspected  
573 or actual child abuse or alleged misconduct by other  
574 instructional personnel or school administrators.

575 (3) Require the principal of the charter school or private  
576 school, or the district school superintendent, or the  
577 superintendent's designee, at the request of the Department of  
578 Children and Families, to act as a liaison to the Department of  
579 Children and Families and the child protection team, as defined  
580 in s. 39.01, when in a case of suspected child abuse,

581-02344-18

20181756c1

581 abandonment, or neglect or an unlawful sexual offense involving  
582 a child the case is referred to such a team; except that this  
583 does not relieve or restrict the Department of Children and  
584 Families from discharging its duty and responsibility under the  
585 law to investigate and report every suspected or actual case of  
586 child abuse, abandonment, or neglect or unlawful sexual offense  
587 involving a child.

588 (4) (a) Post in a prominent place in a clearly visible  
589 location and public area of the school which is readily  
590 accessible to and widely used by students a sign in English and  
591 Spanish that contains:

592 1. The statewide toll-free telephone number of the central  
593 abuse hotline as provided in chapter 39;

594 2. Instructions to call 911 for emergencies; and

595 3. Directions for accessing the Department of Children and  
596 Families Internet website for more information on reporting  
597 abuse, neglect, and exploitation.

598 (b) The information in paragraph (a) must be put on at  
599 least one poster in each school, on a sheet that measures at  
600 least 11 inches by 17 inches, produced in large print, and  
601 placed at student eye level for easy viewing.

602

603 The Department of Education shall develop, and publish on the  
604 department's Internet website, sample notices suitable for  
605 posting in accordance with subsections (1), (2), and (4).

606 Section 8. Section 1012.315, Florida Statutes, is amended  
607 to read:

608 1012.315 Disqualification from employment.—A person is  
609 ineligible for educator certification, and instructional

581-02344-18

20181756c1

610 personnel and school administrators, as defined in s. 1012.01,  
611 are ineligible for employment in any position that requires  
612 direct contact with students in a district school system,  
613 charter school, or private school that accepts scholarship  
614 students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or  
615 another state scholarship program under chapter 1002, if the  
616 person, instructional personnel, or school administrator has  
617 been convicted of:

618 (1) Any felony offense prohibited under any of the  
619 following statutes:

620 (a) Section 393.135, relating to sexual misconduct with  
621 certain developmentally disabled clients and reporting of such  
622 sexual misconduct.

623 (b) Section 394.4593, relating to sexual misconduct with  
624 certain mental health patients and reporting of such sexual  
625 misconduct.

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

628 (d) Section 782.04, relating to murder.

629 (e) Section 782.07, relating to manslaughter, aggravated  
630 manslaughter of an elderly person or disabled adult, aggravated  
631 manslaughter of a child, or aggravated manslaughter of an  
632 officer, a firefighter, an emergency medical technician, or a  
633 paramedic.

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

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

636 (h) Section 784.075, relating to battery on a detention or  
637 commitment facility staff member or a juvenile probation  
638 officer.

581-02344-18

20181756c1

- 639 (i) Section 787.01, relating to kidnapping.
- 640 (j) Section 787.02, relating to false imprisonment.
- 641 (k) Section 787.025, relating to luring or enticing a  
642 child.
- 643 (l) Section 787.04(2), relating to leading, taking,  
644 enticing, or removing a minor beyond the state limits, or  
645 concealing the location of a minor, with criminal intent pending  
646 custody proceedings.
- 647 (m) Section 787.04(3), relating to leading, taking,  
648 enticing, or removing a minor beyond the state limits, or  
649 concealing the location of a minor, with criminal intent pending  
650 dependency proceedings or proceedings concerning alleged abuse  
651 or neglect of a minor.
- 652 (n) Section 790.115(1), relating to exhibiting firearms or  
653 weapons at a school-sponsored event, on school property, or  
654 within 1,000 feet of a school.
- 655 (o) Section 790.115(2)(b), relating to possessing an  
656 electric weapon or device, destructive device, or other weapon  
657 at a school-sponsored event or on school property.
- 658 (p) Section 794.011, relating to sexual battery.
- 659 (q) Former s. 794.041, relating to sexual activity with or  
660 solicitation of a child by a person in familial or custodial  
661 authority.
- 662 (r) Section 794.05, relating to unlawful sexual activity  
663 with certain minors.
- 664 (s) Section 794.08, relating to female genital mutilation.
- 665 (t) Chapter 796, relating to prostitution.
- 666 (u) Chapter 800, relating to lewdness and indecent  
667 exposure.

581-02344-18

20181756c1

- 668 (v) Section 806.01, relating to arson.
- 669 (w) Section 810.14, relating to voyeurism.
- 670 (x) Section 810.145, relating to video voyeurism.
- 671 (y) Section 812.014(6), relating to coordinating the  
672 commission of theft in excess of \$3,000.
- 673 (z) Section 812.0145, relating to theft from persons 65  
674 years of age or older.
- 675 (aa) Section 812.019, relating to dealing in stolen  
676 property.
- 677 (bb) Section 812.13, relating to robbery.
- 678 (cc) Section 812.131, relating to robbery by sudden  
679 snatching.
- 680 (dd) Section 812.133, relating to carjacking.
- 681 (ee) Section 812.135, relating to home-invasion robbery.
- 682 (ff) Section 817.563, relating to fraudulent sale of  
683 controlled substances.
- 684 (gg) Section 825.102, relating to abuse, aggravated abuse,  
685 or neglect of an elderly person or disabled adult.
- 686 (hh) Section 825.103, relating to exploitation of an  
687 elderly person or disabled adult.
- 688 (ii) Section 825.1025, relating to lewd or lascivious  
689 offenses committed upon or in the presence of an elderly person  
690 or disabled person.
- 691 (jj) Section 826.04, relating to incest.
- 692 (kk) Section 827.03, relating to child abuse, aggravated  
693 child abuse, or neglect of a child.
- 694 (ll) Section 827.04, relating to contributing to the  
695 delinquency or dependency of a child.
- 696 (mm) Section 827.071, relating to sexual performance by a



581-02344-18

20181756c1

697 child.

698 (nn) Section 843.01, relating to resisting arrest with  
699 violence.

700 (oo) Chapter 847, relating to obscenity.

701 (pp) Section 874.05, relating to causing, encouraging,  
702 soliciting, or recruiting another to join a criminal street  
703 gang.

704 (qq) Chapter 893, relating to drug abuse prevention and  
705 control, if the offense was a felony of the second degree or  
706 greater severity.

707 (rr) Section 916.1075, relating to sexual misconduct with  
708 certain forensic clients and reporting of such sexual  
709 misconduct.

710 (ss) Section 944.47, relating to introduction, removal, or  
711 possession of contraband at a correctional facility.

712 (tt) Section 985.701, relating to sexual misconduct in  
713 juvenile justice programs.

714 (uu) Section 985.711, relating to introduction, removal, or  
715 possession of contraband at a juvenile detention facility or  
716 commitment program.

717 (2) Any misdemeanor offense prohibited under any of the  
718 following statutes:

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

721 (b) Section 787.025, relating to luring or enticing a  
722 child.

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

581-02344-18

20181756c1

726 subsection (2).

727 (4) Any delinquent act committed in this state or any  
728 delinquent or criminal act committed in another state or under  
729 federal law which, if committed in this state, qualifies an  
730 individual for inclusion on the Registered Juvenile Sex Offender  
731 List under s. 943.0435(1)(h)1.d.

732 Section 9. Paragraph (e) of subsection (1) of section  
733 1012.796, Florida Statutes, is amended to read:

734 1012.796 Complaints against teachers and administrators;  
735 procedure; penalties.—

736 (1)

737 (e) If allegations arise against an employee who is  
738 certified under s. 1012.56 and employed in an educator-  
739 certificated position in any public school, charter school or  
740 governing board thereof, or private school that accepts  
741 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.  
742 1002.395, or another state scholarship program under chapter  
743 1002, the school shall file in writing with the department a  
744 legally sufficient complaint within 30 days after the date on  
745 which the subject matter of the complaint came to the attention  
746 of the school. A complaint is legally sufficient if it contains  
747 ultimate facts that show a violation has occurred as provided in  
748 s. 1012.795 and defined by rule of the State Board of Education.  
749 The school shall include all known information relating to the  
750 complaint with the filing of the complaint. This paragraph does  
751 not limit or restrict the power and duty of the department to  
752 investigate complaints, regardless of the school's untimely  
753 filing, or failure to file, complaints and followup reports.

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

581-02344-18

20181756c1

755