

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Duggan offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall:

(a) Provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 in

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14 the development of policies, procedures, and training related to
15 employment practices and standards of ethical conduct for
16 instructional personnel and school administrators, as defined in
17 s. 1012.01.

18 (b) Maintain a disqualification list, which must include
19 the following:

20 1. Individuals whose educator certificates have been
21 permanently revoked by a panel of the commission pursuant to s.
22 1012.796(7) (b); and

23 2. Individuals who were owners or operators of a private
24 school whose authority to establish or operate a private school
25 in this state has been permanently denied or revoked by the
26 Commissioner of Education pursuant to s. 1002.421(3) (c).

27 (5) The Department of Education shall provide authorized
28 staff of school districts, charter schools, the Florida School
29 for the Deaf and the Blind, and private schools that accept
30 scholarship students who participate in a state scholarship
31 program under chapter 1002 with access to electronic
32 verification of information from the following employment
33 screening tools:

34 (a) The Professional Practices' Database of Disciplinary
35 Actions Against Educators; ~~and~~

36 (b) The Department of Education's Teacher Certification
37 Database;

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38 (c) The Department of Education's computer database of
39 certain persons whose employment was terminated or who resigned
40 in lieu of termination or during the course of an investigation;
41 and

42 (d) The Department of Education's disqualification list
43 pursuant to paragraph (4) (b).

44
45 This subsection does not require the department to provide these
46 staff with unlimited access to the databases. However, the
47 department shall provide the staff with access to the data
48 necessary for performing employment history checks of the
49 instructional personnel and school administrators included in
50 the databases.

51 Section 2. Paragraph (b) of subsection (7) of section
52 1001.42, Florida Statutes, is amended to read:

53 1001.42 Powers and duties of district school board.—The
54 district school board, acting as a board, shall exercise all
55 powers and perform all duties listed below:

56 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
57 instructional personnel and school administrators, as defined in
58 s. 1012.01, from employment in any position that requires direct
59 contact with students if the personnel or administrators are
60 ineligible for such employment under s. 1012.315. An elected or
61 appointed school board official forfeits his or her salary for 1
62 year if:

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63 (b) The school board official knowingly fails to adopt
64 policies that require:

65 1. Instructional personnel and school administrators to
66 report alleged misconduct by other instructional personnel and
67 school administrators;

68 2. The district school superintendent to report misconduct
69 by instructional personnel or school administrators that would
70 result in disqualification from educator certification or
71 employment as provided in s. 1012.315 to the law enforcement
72 agencies with jurisdiction over the conduct; or

73 3. The investigation of all reports of alleged misconduct
74 by instructional personnel and school administrators, if the
75 misconduct affects the health, safety, or welfare of a student
76 and the reporting of misconduct that meets the definition of
77 child abuse, abandonment, or neglect under s. 39.01 to the
78 central abuse hotline.

79 Section 3. Subsection (12) of section 1001.51, Florida
80 Statutes, is amended to read:

81 1001.51 Duties and responsibilities of district school
82 superintendent.—The district school superintendent shall
83 exercise all powers and perform all duties listed below and
84 elsewhere in the law, provided that, in so doing, he or she
85 shall advise and counsel with the district school board. The
86 district school superintendent shall perform all tasks necessary
87 to make sound recommendations, nominations, proposals, and

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88 reports required by law to be acted upon by the district school
89 board. All such recommendations, nominations, proposals, and
90 reports by the district school superintendent shall be either
91 recorded in the minutes or shall be made in writing, noted in
92 the minutes, and filed in the public records of the district
93 school board. It shall be presumed that, in the absence of the
94 record required in this section, the recommendations,
95 nominations, and proposals required of the district school
96 superintendent were not contrary to the action taken by the
97 district school board in such matters.

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

104 (a) Forms, blanks, and reports.—Require that all employees
105 accurately keep all records and promptly make in proper form all
106 reports required by the education code or by rules of the State
107 Board of Education; recommend the keeping of such additional
108 records and the making of such additional reports as may be
109 deemed necessary to provide data essential for the operation of
110 the school system; and prepare such forms and blanks as may be
111 required and ensure that these records and reports are properly
112 prepared.

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113 (b) Reports to the department.—Prepare, for the approval
114 of the district school board, all reports required by law or
115 rules of the State Board of Education to be made to the
116 department and transmit promptly all such reports, when
117 approved, to the department, as required by law. If any reports
118 are not transmitted at the time and in the manner prescribed by
119 law or by State Board of Education rules, the salary of the
120 district school superintendent must be withheld until the report
121 has been properly submitted. Unless otherwise provided by rules
122 of the State Board of Education, the annual report on attendance
123 and personnel is due on or before July 1, and the annual school
124 budget and the report on finance are due on the date prescribed
125 by the commissioner.

126
127 Any district school superintendent who knowingly signs and
128 transmits to any state official a report that the superintendent
129 knows to be false or incorrect; who knowingly fails to
130 investigate any allegation of misconduct that by instructional
131 personnel or school administrators, as defined in s. 1012.01,
132 which affects the health, safety, or welfare of a student, that
133 would be a violation of s. 800.101, or that would be a
134 disqualifying offense under s. 1012.315; who knowingly fails to
135 report the alleged misconduct to the department as required in
136 s. 1012.796; or who knowingly fails to report misconduct to the
137 law enforcement agencies with jurisdiction over the conduct

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138 pursuant to district school board policy under s. 1001.42(6),
139 forfeits his or her salary for 1 year following the date of such
140 act or failure to act.

141 Section 4. Paragraph (g) of subsection (12) of section
142 1002.33, Florida Statutes, is amended to read:

143 1002.33 Charter schools.—

144 (12) EMPLOYEES OF CHARTER SCHOOLS.—

145 (g)1. A charter school shall employ or contract with
146 employees who have undergone background screening as provided in
147 s. 1012.32. Members of the governing board of the charter school
148 shall also undergo background screening in a manner similar to
149 that provided in s. 1012.32. An individual may not be employed
150 as an employee or contract personnel of a charter school, or
151 serve as a member of a charter school governing board, if the
152 individual is on the disqualification list maintained by the
153 department pursuant to s. 1001.10(4)(b). Before making an offer
154 of employment, the charter school must check the database under
155 s. 1012.21. If the prospective employee is in the database, the
156 charter school must document the individual's suitability for
157 employment at the school.

158 2. A charter school shall disqualify instructional
159 personnel and school administrators, as defined in s. 1012.01,
160 from employment in any position that requires direct contact
161 with students if the personnel or administrators are ineligible
162 for such employment under s. 1012.315.

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163 3. The governing board of a charter school shall adopt
164 policies establishing standards of ethical conduct for
165 instructional personnel and school administrators. The policies
166 must require all instructional personnel and school
167 administrators, as defined in s. 1012.01, to complete training
168 on the standards; establish the duty of instructional personnel
169 and school administrators to report, and procedures for
170 reporting, alleged misconduct by an individual subject to s.
171 1012.315 ~~other instructional personnel and school administrators~~
172 which affects the health, safety, or welfare of a student; and
173 include an explanation of the liability protections provided
174 under ss. 39.203 and 768.095. A charter school, or any of its
175 employees, may not enter into a confidentiality agreement
176 regarding terminated or dismissed instructional personnel or
177 school administrators, or personnel or administrators who resign
178 in lieu of termination, based in whole or in part on misconduct
179 that affects the health, safety, or welfare of a student, and
180 may not provide instructional personnel or school administrators
181 with employment references or discuss the personnel's or
182 administrators' performance with prospective employers in
183 another educational setting, without disclosing the personnel's
184 or administrators' misconduct. Any part of an agreement or
185 contract that has the purpose or effect of concealing misconduct
186 by instructional personnel or school administrators which

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187 affects the health, safety, or welfare of a student is void, is
188 contrary to public policy, and may not be enforced.

189 4. Before employing instructional personnel or school
190 administrators in any position that requires direct contact with
191 students, a charter school shall conduct employment history
192 checks of each of the personnel's or administrators' previous
193 employers, screen the instructional personnel or school
194 administrators through use of the educator screening tools
195 described in s. 1001.10(5), and document the findings. If unable
196 to contact a previous employer, the charter school must document
197 efforts to contact the employer.

198 5. The sponsor of a charter school that knowingly fails to
199 comply with this paragraph shall terminate the charter under
200 subsection (8).

201 Section 5. Paragraph (o) of subsection (1) and subsection
202 (3) of section 1002.421, Florida Statutes, are amended to read:

203 1002.421 State school choice scholarship program
204 accountability and oversight.—

205 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
206 school participating in an educational scholarship program
207 established pursuant to this chapter must be a private school as
208 defined in s. 1002.01(2) in this state, be registered, and be in
209 compliance with all requirements of this section in addition to
210 private school requirements outlined in s. 1002.42, specific
211 requirements identified within respective scholarship program

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212 laws, and other provisions of Florida law that apply to private
213 schools, and must:

214 (o) Before employing an individual ~~instructional personnel~~
215 ~~or school administrators~~ in any position that requires direct
216 contact with students, conduct employment history checks of ~~each~~
217 ~~of the personnel's or administrators'~~ previous employers, screen
218 the individual ~~personnel or administrators~~ through use of the
219 ~~educator~~ screening tools described in s. 1001.10(5), and
220 document the findings. If unable to contact a previous employer,
221 the private school must document efforts to contact the
222 employer. The private school must deny employment to any
223 individual whose educator certificate is revoked, who is barred
224 from reapplying for an educator certificate, or who is on the
225 disqualification list maintained by the department pursuant to
226 s. 1001.10(4)(b). Before making an offer of employment, the
227 private school must check the database under s. 1012.21. If the
228 prospective employee is in the database, the private school must
229 document the individual's suitability for employment at the
230 school.

231
232 The department shall suspend the payment of funds to a private
233 school that knowingly fails to comply with this subsection, and
234 shall prohibit the school from enrolling new scholarship
235 students, for 1 fiscal year and until the school complies. If a
236 private school fails to meet the requirements of this subsection

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237 or has consecutive years of material exceptions listed in the
238 report required under paragraph (q), the commissioner may
239 determine that the private school is ineligible to participate
240 in a scholarship program.

241 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

242 The Commissioner of Education:

243 (a) Shall deny, suspend, or revoke a private school's
244 participation in a scholarship program if it is determined that
245 the private school has failed to comply with this section or
246 exhibits a previous pattern of failure to comply. However, if
247 the noncompliance is correctable within a reasonable amount of
248 time, not to exceed 45 days, and if the health, safety, or
249 welfare of the students is not threatened, the commissioner may
250 issue a notice of noncompliance which provides the private
251 school with a timeframe within which to provide evidence of
252 compliance before taking action to suspend or revoke the private
253 school's participation in the scholarship program.

254 (b) May deny, suspend, or revoke a private school's
255 participation in a scholarship program if the commissioner
256 determines that an owner or operator of the private school is
257 operating or has operated an educational institution in this
258 state or in another state or jurisdiction in a manner contrary
259 to the health, safety, or welfare of the public or if the owner
260 or operator has exhibited a previous pattern of failure to
261 comply with this section or specific requirements identified

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262 within respective scholarship program laws. For purposes of this
263 subsection, the term "owner or operator" has the same meaning as
264 provided in paragraph (1) (p).

265 (c) May permanently deny or revoke the authority of an
266 owner or operator to establish or operate a private school in
267 this state if the commissioner decides that the owner or
268 operator is operating or has operated an educational institution
269 in this state or another state or jurisdiction in a manner
270 contrary to the health, safety, or welfare of the public, and
271 shall include such individuals on the disqualification list
272 maintained by the department pursuant to s. 1001.10(4)(b).

273 (d)1.~~(e)1.~~ In making such a determination, may consider
274 factors that include, but are not limited to, acts or omissions
275 by an owner or operator which led to a previous denial,
276 suspension, or revocation of participation in a state or federal
277 education scholarship program; an owner's or operator's failure
278 to reimburse the department or scholarship-funding organization
279 for scholarship funds improperly received or retained by a
280 school; the imposition of a prior criminal sanction related to
281 an owner's or operator's management or operation of an
282 educational institution; the imposition of a civil fine or
283 administrative fine, license revocation or suspension, or
284 program eligibility suspension, termination, or revocation
285 related to an owner's or operator's management or operation of
286 an educational institution; or other types of criminal

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287 proceedings in which an owner or operator was found guilty of,
288 regardless of adjudication, or entered a plea of nolo contendere
289 or guilty to, any offense involving fraud, deceit, dishonesty,
290 or moral turpitude.

291 2. The commissioner's determination is subject to the
292 following:

293 a. If the commissioner intends to deny, suspend, or revoke
294 a private school's participation in the scholarship program, the
295 department shall notify the private school of such proposed
296 action in writing by certified mail and regular mail to the
297 private school's address of record with the department. The
298 notification shall include the reasons for the proposed action
299 and notice of the timelines and procedures set forth in this
300 paragraph.

301 b. The private school that is adversely affected by the
302 proposed action shall have 15 days after receipt of the notice
303 of proposed action to file with the department's agency clerk a
304 request for a proceeding pursuant to ss. 120.569 and 120.57. If
305 the private school is entitled to a hearing under s. 120.57(1),
306 the department shall forward the request to the Division of
307 Administrative Hearings.

308 c. Upon receipt of a request referred pursuant to this
309 subparagraph, the director of the Division of Administrative
310 Hearings shall expedite the hearing and assign an administrative
311 law judge who shall commence a hearing within 30 days after the

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312 receipt of the formal written request by the division and enter
313 a recommended order within 30 days after the hearing or within
314 30 days after receipt of the hearing transcript, whichever is
315 later. Each party shall be allowed 10 days in which to submit
316 written exceptions to the recommended order. A final order shall
317 be entered by the agency within 30 days after the entry of a
318 recommended order. The provisions of this sub-subparagraph may
319 be waived upon stipulation by all parties.

320 (e)~~(d)~~ May immediately suspend payment of scholarship
321 funds if it is determined that there is probable cause to
322 believe that there is:

323 1. An imminent threat to the health, safety, or welfare of
324 the students;

325 2. A previous pattern of failure to comply with this
326 section; or

327 3. Fraudulent activity on the part of the private school.
328 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
329 activity pursuant to this section, the department's Office of
330 Inspector General is authorized to release personally
331 identifiable records or reports of students to the following
332 persons or organizations:

333 a. A court of competent jurisdiction in compliance with an
334 order of that court or the attorney of record in accordance with
335 a lawfully issued subpoena, consistent with the Family
336 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

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337 b. A person or entity authorized by a court of competent
338 jurisdiction in compliance with an order of that court or the
339 attorney of record pursuant to a lawfully issued subpoena,
340 consistent with the Family Educational Rights and Privacy Act,
341 20 U.S.C. s. 1232g.

342 c. Any person, entity, or authority issuing a subpoena for
343 law enforcement purposes when the court or other issuing agency
344 has ordered that the existence or the contents of the subpoena
345 or the information furnished in response to the subpoena not be
346 disclosed, consistent with the Family Educational Rights and
347 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

348
349 The commissioner's order suspending payment pursuant to this
350 paragraph may be appealed pursuant to the same procedures and
351 timelines as the notice of proposed action set forth in
352 subparagraph (d)2~~(e)2~~.

353 Section 6. Paragraph (a) of subsection (4) of section
354 1006.061, Florida Statutes, is amended to read:

355 1006.061 Child abuse, abandonment, and neglect policy.—
356 Each district school board, charter school, and private school
357 that accepts scholarship students who participate in a state
358 scholarship program under chapter 1002 shall:

359 (4) (a) Post in a prominent place in a clearly visible
360 location and public area of the school which is readily

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361 accessible to and widely used by students a sign in English and
362 Spanish that contains:

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

365 2. Instructions to call 911 for emergencies; ~~and~~

366 3. Directions for accessing the Department of Children and
367 Families Internet website for more information on reporting
368 abuse, neglect, and exploitation; and

369 4. Directions for accessing the Department of Education's
370 website for more information on reporting acts that violate s.
371 800.101.

372

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

376 Section 7. Subsection (2) of section 1012.21, Florida
377 Statutes, is amended to read:

378 1012.21 Department of Education duties; K-12 personnel.—

379 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
380 WAS TERMINATED OR WHO RESIGNED IN LIEU OF TERMINATION OR DURING
381 THE COURSE OF AN INVESTIGATION.—

382 (a) The Department of Education shall establish a computer
383 database containing the names of persons identified pursuant to
384 paragraph (b) whose employment is terminated under s.

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385 ~~1012.33(1)(a) or (4)(c)~~, which information shall be available to
386 the district school superintendents and their designees.

387 (b) Each district school superintendent shall report to
388 the Department of Education the name of any person who meets the
389 following criteria ~~terminated under s. 1012.33(1)(a) or (4)(c)~~
390 within 10 working days after the date of final action by the
391 district school board ~~on the termination~~, and the department
392 shall immediately enter ~~the information~~ in the computer records
393 the name of any person:

394 1. Terminated under s. 1012.33(1)(a) or (4)(c).

395 2. Terminated or who resigned in lieu of termination or
396 during the course of an investigation involving misconduct which
397 affects the health, safety, or welfare of a student, including
398 misconduct that involves engaging in or soliciting sexual,
399 romantic, or lewd conduct with a student under s. 800.101 or
400 misconduct that meets the definition of child abuse,
401 abandonment, or neglect under s. 39.01.

402 3. Disqualified from employment pursuant to s. 1001.42(7).

403 Section 8. Paragraph (a) of subsection (1) of section
404 1012.22, Florida Statutes, is amended to read:

405 1012.22 Public school personnel; powers and duties of the
406 district school board.—The district school board shall:

407 (1) Designate positions to be filled, prescribe
408 qualifications for those positions, and provide for the
409 appointment, compensation, promotion, suspension, and dismissal

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410 of employees as follows, subject to the requirements of this
411 chapter:

412 (a) Positions, qualifications, and appointments.—

413 1. Before recommending any individual to the district
414 school board for employment, the district school superintendent
415 must check the database under s. 1012.21. If the prospective
416 employee is in the database, the district school superintendent
417 must document the individual's suitability for employment at a
418 public school within the school district.

419 ~~2.1.~~ The district school board shall act upon written
420 recommendations submitted by the district school superintendent
421 for positions to be filled, for minimum qualifications for
422 personnel for the various positions, and for the persons
423 nominated to fill such positions.

424 ~~3.2.~~ The district school board may reject for good cause
425 any employee nominated.

426 ~~4.3.~~ If the third nomination by the district school
427 superintendent for any position is rejected for good cause, if
428 the district school superintendent fails to submit a nomination
429 for initial employment within a reasonable time as prescribed by
430 the district school board, or if the district school
431 superintendent fails to submit a nomination for reemployment
432 within the time prescribed by law, the district school board may
433 proceed on its own motion to fill such position.

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434 5.4. The district school board's decision to reject a
435 person's nomination does not give that person a right of action
436 to sue over the rejection and may not be used as a cause of
437 action by the nominated employee.

438 Section 9. Section 1012.315, Florida Statutes, is amended
439 to read:

440 1012.315 Screening standards ~~Disqualification from~~
441 ~~employment.~~—A person is ineligible for educator certification or
442 employment in any position that requires direct contact with
443 students in a district school system, charter school, or private
444 school that accepts scholarship students who participate in a
445 state scholarship program under chapter 1002 if the person is on
446 the disqualification list maintained by the department pursuant
447 to s. 1001.10(4)(b), is registered as a sex offender as
448 described in 42 U.S.C. s. 9858f(c)(1)(c), or has been convicted
449 of:

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

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

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

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

460 (d) Section 782.04, relating to murder.

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

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

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

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

471 (i) Section 787.01, relating to kidnapping.

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

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

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

479 (m) Section 787.04(3), relating to leading, taking,
480 enticing, or removing a minor beyond the state limits, or
481 concealing the location of a minor, with criminal intent pending

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482 dependency proceedings or proceedings concerning alleged abuse
483 or neglect of a minor.

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

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

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

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

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

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

497 (t) Chapter 796, relating to prostitution.

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

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

502 (w) Section 806.01, relating to arson.

503 (x) Section 810.14, relating to voyeurism.

504 (y) Section 810.145, relating to video voyeurism.

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

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507 (aa) Section 812.0145, relating to theft from persons 65
508 years of age or older.

509 (bb) Section 812.019, relating to dealing in stolen
510 property.

511 (cc) Section 812.13, relating to robbery.

512 (dd) Section 812.131, relating to robbery by sudden
513 snatching.

514 (ee) Section 812.133, relating to carjacking.

515 (ff) Section 812.135, relating to home-invasion robbery.

516 (gg) Section 817.563, relating to fraudulent sale of
517 controlled substances.

518 (hh) Section 825.102, relating to abuse, aggravated abuse,
519 or neglect of an elderly person or disabled adult.

520 (ii) Section 825.103, relating to exploitation of an
521 elderly person or disabled adult.

522 (jj) Section 825.1025, relating to lewd or lascivious
523 offenses committed upon or in the presence of an elderly person
524 or disabled person.

525 (kk) Section 826.04, relating to incest.

526 (ll) Section 827.03, relating to child abuse, aggravated
527 child abuse, or neglect of a child.

528 (mm) Section 827.04, relating to contributing to the
529 delinquency or dependency of a child.

530 (nn) Section 827.071, relating to sexual performance by a
531 child.

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532 (oo) Section 843.01, relating to resisting arrest with
533 violence.

534 (pp) Chapter 847, relating to obscenity.

535 (qq) Section 874.05, relating to causing, encouraging,
536 soliciting, or recruiting another to join a criminal street
537 gang.

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

541 (ss) Section 916.1075, relating to sexual misconduct with
542 certain forensic clients and reporting of such sexual
543 misconduct.

544 (tt) Section 944.47, relating to introduction, removal, or
545 possession of contraband at a correctional facility.

546 (uu) Section 985.701, relating to sexual misconduct in
547 juvenile justice programs.

548 (vv) Section 985.711, relating to introduction, removal,
549 or possession of contraband at a juvenile detention facility or
550 commitment program.

551 (2) Any misdemeanor offense prohibited under any of the
552 following statutes:

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

555 (b) Section 787.025, relating to luring or enticing a
556 child.

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

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

566 Section 10. Paragraph (b) of subsection (1) of section
567 1012.795, Florida Statutes, is amended to read:

568 1012.795 Education Practices Commission; authority to
569 discipline.—

570 (1) The Education Practices Commission may suspend the
571 educator certificate of any instructional personnel or school
572 administrator, as defined in s. 1012.01(2) or (3), for up to 5
573 years, thereby denying that person the right to teach or
574 otherwise be employed by a district school board or public
575 school in any capacity requiring direct contact with students
576 for that period of time, after which the person may return to
577 teaching as provided in subsection (4); may revoke the educator
578 certificate of any person, thereby denying that person the right
579 to teach or otherwise be employed by a district school board or
580 public school in any capacity requiring direct contact with
581 students for up to 10 years, with reinstatement subject to

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582 subsection (4); may permanently revoke the educator certificate
583 of any person thereby denying that person the right to teach or
584 otherwise be employed by a district school board or public
585 school in any capacity requiring direct contact with students;
586 may suspend a person's educator certificate, upon an order of
587 the court or notice by the Department of Revenue relating to the
588 payment of child support; or may impose any other penalty
589 provided by law, if the person:

590 (b) Knowingly failed to report:

591 1. Actual or suspected child abuse as required in s.
592 1006.061; ~~or report~~

593 2. Alleged misconduct that would be a violation of s.
594 800.101; or

595 3. A disqualifying offense under s. 1012.315 ~~by~~
596 ~~instructional personnel or school administrators which affects~~
597 ~~the health, safety, or welfare of a student as required in s.~~
598 ~~1012.796.~~

599 Section 11. Subsection (5) of section 1012.796, Florida
600 Statutes, is amended, and subsection (10) is added to that
601 section, to read:

602 1012.796 Complaints against teachers and administrators;
603 procedure; penalties.-

604 (5) When an allegation of misconduct by an individual
605 subject to s. 1012.315 ~~instructional personnel or school~~
606 ~~administrators, as defined in s. 1012.01,~~ is received, if the

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607 alleged misconduct affects the health, safety, or welfare of a
 608 student, the district school superintendent in consultation with
 609 the school principal, or upon the request of the Commissioner of
 610 Education, must, at a minimum, immediately suspend the
 611 individual instructional personnel or school administrators from
 612 regularly assigned duties, with pay, and remove ~~reassign~~ the
 613 individual from any position ~~suspended personnel or~~
 614 ~~administrators to positions~~ that may ~~do not~~ require direct
 615 contact with students in the district school system. Such
 616 suspension shall continue until the completion of the
 617 proceedings and the determination of sanctions, if any, pursuant
 618 to this section and s. 1012.795.

619 (10) An individual on the disqualification list maintained
 620 by the department pursuant to s. 1001.10(4)(b) may not serve or
 621 apply to serve as an employee or contracted personnel at any
 622 public school or private school in this state. An individual who
 623 violates this provision commits a felony of the third degree,
 624 punishable as provided in s. 775.082 or s. 775.083.

625 Section 12. This act shall take effect July 1, 2019.

627 -----
 628 **T I T L E A M E N D M E N T**

629 Remove lines 2-76 and insert:
 630 An act relating to educational employees; amending s.
 631 1001.10, F.S.; requiring the Department of Education

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632 to maintain a disqualification list of certain
633 individuals; requiring the department to provide
634 access to certain lists and databases to certain staff
635 for specified purposes; amending s. 1001.42, F.S.;
636 requiring a school board official to forfeit his or
637 her salary if the official fails to adopt certain
638 child abuse reporting policies; amending s. 1001.51,
639 F.S.; providing that a district school superintendent
640 forfeits his or her salary for a specified period of
641 time under certain circumstances; amending s. 1002.33,
642 F.S.; requiring the governing board of a charter
643 school to establish the duty of instructional
644 personnel and school administrators to report
645 specified alleged misconduct by certain individuals;
646 prohibiting a person on the disqualification list from
647 being a charter school employee, contract employee, or
648 governing board member; requiring charter schools to
649 provide an employment determination for certain
650 prospective employees; amending s. 1002.421, F.S.;
651 requiring certain private schools to deny employment
652 to certain individuals; requiring private schools to
653 provide an employment determination for certain
654 prospective employees; authorizing the Commissioner of
655 Education to permanently revoke an owner's or
656 operator's authority to establish or operate a private

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657 school in this state under certain circumstances;
658 amending s. 1006.061, F.S.; revising the contents of a
659 sign certain educational entities are required to post
660 to include information relating to reporting of
661 certain criminal acts; amending s. 1012.21, F.S.;
662 providing criteria by which individuals are added to a
663 specified database; amending s. 1012.22, F.S.;
664 requiring district school superintendents to provide
665 an employment determination for certain prospective
666 employees; amending s. 1012.315, F.S.; providing that
667 certain individuals are ineligible for an educator
668 certification or specified employment; amending s.
669 1012.795, F.S.; revising acts that warrant a
670 disciplinary action by the commission; amending s.
671 1012.796, F.S.; requiring a district school
672 superintendent to immediately suspend certain
673 individuals and take specified action as a results of
674 alleged misconduct; providing criminal penalties;
675 providing an effective date.

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