

1 A bill to be entitled
2 An act relating to educational employees; amending s.
3 435.02, F.S.; revising a definition; amending s.
4 1001.10, F.S.; requiring the Department of Education
5 to maintain a disqualification list of certain
6 individuals; requiring the department to provide
7 access to the list to certain staff for specified
8 purposes; amending s. 1001.42, F.S.; conforming
9 provisions to changes made by the act; amending s.
10 1001.51, F.S.; providing that a district school
11 superintendent who knowingly fails to investigate an
12 allegation of specified misconduct by certain
13 individuals and adults, rather than instructional
14 personnel or school administrators, forfeits his or
15 her salary for a specified period of time; amending s.
16 1002.33, F.S.; requiring the governing board of a
17 charter school to establish the duty of instructional
18 personnel and school administrators to report
19 specified alleged misconduct by certain individuals;
20 prohibiting a person on the disqualification list from
21 being a charter school employee, contract employee, or
22 governing board member; amending s. 1002.421, F.S.;
23 requiring certain private schools to deny employment
24 to certain individuals; authorizing the Commissioner
25 of Education to permanently revoke an owner's or

26 operator's authority to establish or operate a private
27 school in this state under certain circumstances;
28 amending s. 1006.061, F.S.; revising the contents of a
29 sign certain educational entities are required to post
30 to include information relating to reporting of
31 certain criminal acts; amending s. 1006.13, F.S.;
32 requiring zero-tolerance policies to establish a
33 procedure for students to report specified acts;
34 requiring school principals to immediately report
35 specified acts to law enforcement; providing
36 penalties; amending s. 1012.315, F.S.; deleting
37 provisions relating to educator certification;
38 amending s. 1012.32, F.S.; providing requirements for
39 individuals to be employed in any position within
40 specified educational entities; requiring the
41 department to examine the criminal histories of
42 specified individuals; deleting a provision
43 authorizing certain persons to appeal certain
44 termination decisions; authorizing the cost of
45 retaining certain records to be borne by specified
46 entities or persons; amending s. 1012.321, F.S.;
47 exempting specified individuals from a certain
48 rescreening requirement; amending s. 1012.56, F.S.;
49 prohibiting the department from issuing or renewing
50 certain certificates to specified persons; authorizing

51 the department to grant an exemption to persons under
52 certain circumstances; prohibiting certain persons
53 from exemption; requiring the department, rather than
54 school districts, take specified actions relating to
55 the recertification of persons; providing department
56 requirements relating to background screenings of
57 certain persons; providing a rescreening schedule for
58 certain instructional personnel; amending s. 1012.79,
59 F.S.; conforming a cross-reference; amending s.
60 1012.795, F.S.; authorizing the Education Practices
61 Commission to place certain individuals on the
62 disqualification list under certain circumstances;
63 revising acts that warrant a disciplinary action by
64 the commission; amending s. 1012.796, F.S.; requiring
65 the department to immediately investigate certain
66 complaints of specified individuals; requiring such
67 complaints to be given priority over other pending
68 complaints; requiring a district school superintendent
69 to immediately suspend certain individuals and take
70 specified action as a results of alleged misconduct;
71 authorizing a panel of the commission to place certain
72 individuals on the disqualification list under certain
73 circumstances; prohibiting an individual on the
74 disqualification list from serving or applying to
75 serve in certain positions; providing criminal

76 penalties; providing an effective date.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 Section 1. Subsection (5) of section 435.02, Florida
81 Statutes, is amended to read:

82 435.02 Definitions.—For the purposes of this chapter, the
83 term:

84 (5) "Specified agency" means the Department of Health, the
85 Department of Children and Families, ~~the Division of Vocational~~
86 ~~Rehabilitation within~~ the Department of Education, the Agency
87 for Health Care Administration, the Department of Elderly
88 Affairs, the Department of Juvenile Justice, the Agency for
89 Persons with Disabilities, and local licensing agencies approved
90 pursuant to s. 402.307, when these agencies are conducting state
91 and national criminal history background screening on persons
92 who work with children or persons who are elderly or disabled.

93 Section 2. Subsections (4) and (5) of section 1001.10,
94 Florida Statutes, are amended to read:

95 1001.10 Commissioner of Education; general powers and
96 duties.—

97 (4) The Department of Education shall:

98 (a) Provide technical assistance to school districts,
99 charter schools, the Florida School for the Deaf and the Blind,
100 and private schools that accept scholarship students who

101 participate in a state scholarship program under chapter 1002 in
102 the development of policies, procedures, and training related to
103 employment practices and standards of ethical conduct for
104 instructional personnel and school administrators, as defined in
105 s. 1012.01.

106 (b) Maintain a disqualification list, which must include
107 the following:

108 1. Individuals who have been placed on the list by the
109 Education Practices Commission pursuant to s. 1012.796(7) (i) or
110 whose educator certificates have been permanently revoked by a
111 panel of the commission pursuant to s. 1012.796(7) (b); and

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

116 (5) The Department of Education shall provide authorized
117 staff of school districts, charter schools, the Florida School
118 for the Deaf and the Blind, and private schools that accept
119 scholarship students who participate in a state scholarship
120 program under chapter 1002 with access to electronic
121 verification of information from the following employment
122 screening tools:

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

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

126 Database; and
 127 (c) The Department of Education's disqualification list.
 128

129 This subsection does not require the department to provide these
 130 staff with unlimited access to the databases. However, the
 131 department shall provide the staff with access to the data
 132 necessary for performing employment history checks of the
 133 instructional personnel and school administrators included in
 134 the databases.

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

137 1001.42 Powers and duties of district school board.—The
 138 district school board, acting as a board, shall exercise all
 139 powers and perform all duties listed below:

140 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
 141 PERSONNEL AND SCHOOL ADMINISTRATORS.—Adopt policies establishing
 142 standards of ethical conduct for instructional personnel and
 143 school administrators. The policies must require all
 144 instructional personnel and school administrators, as defined in
 145 s. 1012.01, to complete training on the standards; establish the
 146 duty of instructional personnel and school administrators to
 147 report, and procedures for reporting, alleged misconduct by
 148 other instructional personnel and school administrators which
 149 affects the health, safety, or welfare of a student, including
 150 misconduct that involves engaging in or soliciting sexual,

151 romantic, or lewd conduct with a student; require the district
152 school superintendent to report to law enforcement misconduct by
153 instructional personnel or school administrators that would
154 result in disqualification from ~~educator certification or~~
155 employment as provided in s. 1012.315 or ineligibility for the
156 issuance or renewal of a certificate as provided in s.
157 1012.56(10)(b); and include an explanation of the liability
158 protections provided under ss. 39.203 and 768.095. A district
159 school board, or any of its employees, may not enter into a
160 confidentiality agreement regarding terminated or dismissed
161 instructional personnel or school administrators, or personnel
162 or administrators who resign in lieu of termination, based in
163 whole or in part on misconduct that affects the health, safety,
164 or welfare of a student, and may not provide instructional
165 personnel or school administrators with employment references or
166 discuss the personnel's or administrators' performance with
167 prospective employers in another educational setting, without
168 disclosing the personnel's or administrators' misconduct. Any
169 part of an agreement or contract that has the purpose or effect
170 of concealing misconduct by instructional personnel or school
171 administrators which affects the health, safety, or welfare of a
172 student is void, is contrary to public policy, and may not be
173 enforced.

174 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
175 instructional personnel and school administrators, as defined in

176 s. 1012.01, from employment in any position that requires direct
177 contact with students if the personnel or administrators are
178 ineligible for such employment under s. 1012.315. An elected or
179 appointed school board official forfeits his or her salary for 1
180 year if:

181 (b) The school board official knowingly fails to adopt
182 policies that require:

183 1. Instructional personnel and school administrators to
184 report alleged misconduct by other instructional personnel and
185 school administrators;

186 2. The district school superintendent to report misconduct
187 by instructional personnel or school administrators that would
188 result in disqualification from ~~educator certification or~~
189 employment as provided in s. 1012.315 or ineligibility for the
190 issuance or renewal of a certificate as provided in s.

191 1012.56(10)(b) to the law enforcement agencies with jurisdiction
192 over the conduct; or

193 3. The investigation of all reports of alleged misconduct
194 by instructional personnel and school administrators, if the
195 misconduct affects the health, safety, or welfare of a student.

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

198 1001.51 Duties and responsibilities of district school
199 superintendent.—The district school superintendent shall
200 exercise all powers and perform all duties listed below and

201 elsewhere in the law, provided that, in so doing, he or she
202 shall advise and counsel with the district school board. The
203 district school superintendent shall perform all tasks necessary
204 to make sound recommendations, nominations, proposals, and
205 reports required by law to be acted upon by the district school
206 board. All such recommendations, nominations, proposals, and
207 reports by the district school superintendent shall be either
208 recorded in the minutes or shall be made in writing, noted in
209 the minutes, and filed in the public records of the district
210 school board. It shall be presumed that, in the absence of the
211 record required in this section, the recommendations,
212 nominations, and proposals required of the district school
213 superintendent were not contrary to the action taken by the
214 district school board in such matters.

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

221 (a) Forms, blanks, and reports.—Require that all employees
222 accurately keep all records and promptly make in proper form all
223 reports required by the education code or by rules of the State
224 Board of Education; recommend the keeping of such additional
225 records and the making of such additional reports as may be

226 deemed necessary to provide data essential for the operation of
227 the school system; and prepare such forms and blanks as may be
228 required and ensure that these records and reports are properly
229 prepared.

230 (b) Reports to the department.—Prepare, for the approval
231 of the district school board, all reports required by law or
232 rules of the State Board of Education to be made to the
233 department and transmit promptly all such reports, when
234 approved, to the department, as required by law. If any reports
235 are not transmitted at the time and in the manner prescribed by
236 law or by State Board of Education rules, the salary of the
237 district school superintendent must be withheld until the report
238 has been properly submitted. Unless otherwise provided by rules
239 of the State Board of Education, the annual report on attendance
240 and personnel is due on or before July 1, and the annual school
241 budget and the report on finance are due on the date prescribed
242 by the commissioner.

243
244 Any district school superintendent who knowingly signs and
245 transmits to any state official a report that the superintendent
246 knows to be false or incorrect; who knowingly fails to
247 investigate any allegation of misconduct that ~~by instructional~~
248 ~~personnel or school administrators, as defined in s. 1012.01,~~
249 ~~which~~ affects the health, safety, or welfare of a student, that
250 would be a violation of s. 800.101, or that would be a

251 disqualifying offense under s. 1012.315, by either an individual
252 subject to s. 1012.315 or an adult on school grounds; who
253 knowingly fails to report the alleged misconduct to the
254 department as required in s. 1012.796; or who knowingly fails to
255 report misconduct to the law enforcement agencies with
256 jurisdiction over the conduct pursuant to district school board
257 policy under s. 1001.42(6), forfeits his or her salary for 1
258 year following the date of such act or failure to act.

259 Section 5. Paragraph (g) of subsection (12) of section
260 1002.33, Florida Statutes, is amended to read:

261 1002.33 Charter schools.—

262 (12) EMPLOYEES OF CHARTER SCHOOLS.—

263 (g)1. A charter school shall employ or contract with
264 employees who have undergone background screening as provided in
265 s. 1012.32. Members of the governing board of the charter school
266 shall also undergo background screening in a manner similar to
267 that provided in s. 1012.32. An individual may not be an
268 employee or contract employee of a charter school or a member of
269 a governing board if the individual is on the disqualification
270 list pursuant to s. 1001.10(4)(b).

271 2. A charter school shall disqualify instructional
272 personnel and school administrators, as defined in s. 1012.01,
273 from employment in any position that requires direct contact
274 with students if the personnel or administrators are ineligible
275 for such employment under s. 1012.315.

276 3. The governing board of a charter school shall adopt
277 policies establishing standards of ethical conduct for
278 instructional personnel and school administrators. The policies
279 must require all instructional personnel and school
280 administrators, as defined in s. 1012.01, to complete training
281 on the standards; establish the duty of instructional personnel
282 and school administrators to report, and procedures for
283 reporting, alleged misconduct by an individual subject to s.
284 1012.315 ~~other instructional personnel and school administrators~~
285 which affects the health, safety, or welfare of a student; and
286 include an explanation of the liability protections provided
287 under ss. 39.203 and 768.095. A charter school, or any of its
288 employees, may not enter into a confidentiality agreement
289 regarding terminated or dismissed instructional personnel or
290 school administrators, or personnel or administrators who resign
291 in lieu of termination, based in whole or in part on misconduct
292 that affects the health, safety, or welfare of a student, and
293 may not provide instructional personnel or school administrators
294 with employment references or discuss the personnel's or
295 administrators' performance with prospective employers in
296 another educational setting, without disclosing the personnel's
297 or administrators' misconduct. Any part of an agreement or
298 contract that has the purpose or effect of concealing misconduct
299 by instructional personnel or school administrators which
300 affects the health, safety, or welfare of a student is void, is

301 contrary to public policy, and may not be enforced.

302 4. Before employing instructional personnel or school
303 administrators in any position that requires direct contact with
304 students, a charter school shall conduct employment history
305 checks of each of the personnel's or administrators' previous
306 employers, screen the instructional personnel or school
307 administrators through use of the educator screening tools
308 described in s. 1001.10(5), and document the findings. If unable
309 to contact a previous employer, the charter school must document
310 efforts to contact the employer.

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

314 Section 6. Paragraphs (c) and (d) of subsection (3) of
315 section 1002.421, Florida Statutes, are redesignated as
316 paragraphs (d) and (e), respectively, paragraph (o) of
317 subsection (1) and present paragraph (d) of subsection (3) are
318 amended, and a new paragraph (c) is added to subsection (3) of
319 that section, to read:

320 1002.421 State school choice scholarship program
321 accountability and oversight.—

322 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
323 school participating in an educational scholarship program
324 established pursuant to this chapter must be a private school as
325 defined in s. 1002.01(2) in this state, be registered, and be in

326 compliance with all requirements of this section in addition to
327 private school requirements outlined in s. 1002.42, specific
328 requirements identified within respective scholarship program
329 laws, and other provisions of Florida law that apply to private
330 schools, and must:

331 (o) Before employing an individual ~~instructional personnel~~
332 ~~or school administrators~~ in any position that requires direct
333 contact with students, conduct employment history checks of each
334 individual's ~~of the personnel's or administrators'~~ previous
335 employers, screen the individual ~~personnel or administrators~~
336 through use of the educator screening tools described in s.
337 1001.10(5), and document the findings. If unable to contact a
338 previous employer, the private school must document efforts to
339 contact the employer. The private school must deny employment to
340 an individual whose educator certificate is revoked, who is
341 barred from reapplying for an educator certificate, or who is on
342 the disqualification list pursuant to s. 1001.10(4)(b).

343
344 The department shall suspend the payment of funds to a private
345 school that knowingly fails to comply with this subsection, and
346 shall prohibit the school from enrolling new scholarship
347 students, for 1 fiscal year and until the school complies. If a
348 private school fails to meet the requirements of this subsection
349 or has consecutive years of material exceptions listed in the
350 report required under paragraph (q), the commissioner may

351 determine that the private school is ineligible to participate
 352 in a scholarship program.

353 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
 354 The Commissioner of Education:

355 (c) May permanently deny or revoke an owner's or
 356 operator's authority to establish or operate a private school in
 357 this state if the commissioner decides that the owner or
 358 operator is operating or has operated an educational institution
 359 in this state or another state or jurisdiction in a manner
 360 contrary to the health, safety, or welfare of the public and
 361 shall include such owner or operator on the disqualification
 362 list pursuant to s. 1001.10(4)(b).

363 (e) ~~(d)~~ May immediately suspend payment of scholarship
 364 funds if it is determined that there is probable cause to
 365 believe that there is:

366 1. An imminent threat to the health, safety, or welfare of
 367 the students;

368 2. A previous pattern of failure to comply with this
 369 section; or

370 3. Fraudulent activity on the part of the private school.
 371 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 372 activity pursuant to this section, the department's Office of
 373 Inspector General is authorized to release personally
 374 identifiable records or reports of students to the following
 375 persons or organizations:

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

380 b. A person or entity authorized by a court of competent
 381 jurisdiction in compliance with an order of that court or the
 382 attorney of record pursuant to a lawfully issued subpoena,
 383 consistent with the Family Educational Rights and Privacy Act,
 384 20 U.S.C. s. 1232g.

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

391
 392 The commissioner's order suspending payment pursuant to this
 393 paragraph may be appealed pursuant to the same procedures and
 394 timelines as the notice of proposed action set forth in
 395 subparagraph (d)2. ~~(e)2.~~

396 Section 7. Paragraph (a) of subsection (4) of section
 397 1006.061, Florida Statutes, is amended to read:

398 1006.061 Child abuse, abandonment, and neglect policy.—
 399 Each district school board, charter school, and private school
 400 that accepts scholarship students who participate in a state

401 scholarship program under chapter 1002 shall:

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

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

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

409 3. Directions for accessing the Department of Children and
410 Families Internet website for more information on reporting
411 abuse, neglect, and exploitation; and

412 4. Directions for accessing the Department of Education's
413 website for more information on reporting acts that violate s.
414 800.101.

415

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

419 Section 8. Paragraph (f) of subsection (2) of section
420 1006.13, Florida Statutes, is redesignated as paragraph (g),
421 paragraphs (b) and (d) of subsection (4) are amended, and a new
422 paragraph (f) is added to subsection (2) of that section, to
423 read:

424 1006.13 Policy of zero tolerance for crime and
425 victimization.—

426 (2) Each district school board shall adopt a policy of
427 zero tolerance that:

428 (f) Establishes a procedure by which students report to
429 the school principal any act that would be a violation of s.
430 800.101 or any disqualifying offense under s. 1012.315, whether
431 committed by a student or an adult.

432 (4)

433 (b) The agreements must include the role of school
434 resource officers, if applicable, in handling reported
435 incidents, circumstances in which school officials may handle
436 incidents without filing a report with a law enforcement agency,
437 and a procedure for ensuring that school personnel properly
438 report appropriate delinquent acts and crimes. A school
439 principal must immediately report to law enforcement any act
440 that would be a violation of s. 800.101 or a disqualifying
441 offense under s. 1012.315.

442 (d) The school principal shall ensure that all school
443 personnel are properly informed as to their responsibilities
444 regarding crime reporting, that appropriate delinquent acts and
445 crimes are properly reported, and that actions taken in cases
446 with special circumstances are properly taken and documented.
447 Personnel who fail to comply with this section shall be subject
448 to a disciplinary action by the Education Practices Commission
449 under s. 1012.795.

450 Section 9. Section 1012.315, Florida Statutes, is amended

451 to read:

452 1012.315 Screening standards ~~Disqualification from~~
 453 ~~employment.~~—A person is ineligible for ~~educator certification or~~
 454 employment in any position that requires direct contact with
 455 students in a district school system, charter school, or private
 456 school that accepts scholarship students who participate in a
 457 state scholarship program under chapter 1002 if the person has
 458 been convicted of:

459 (1) Any felony offense prohibited under any of the
 460 following statutes:

461 (a) Section 393.135, relating to sexual misconduct with
 462 certain developmentally disabled clients and reporting of such
 463 sexual misconduct.

464 (b) Section 394.4593, relating to sexual misconduct with
 465 certain mental health patients and reporting of such sexual
 466 misconduct.

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

469 (d) Section 782.04, relating to murder.

470 (e) Section 782.07, relating to manslaughter, aggravated
 471 manslaughter of an elderly person or disabled adult, aggravated
 472 manslaughter of a child, or aggravated manslaughter of an
 473 officer, a firefighter, an emergency medical technician, or a
 474 paramedic.

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

- 476 (g) Section 784.045, relating to aggravated battery.
- 477 (h) Section 784.075, relating to battery on a detention or
478 commitment facility staff member or a juvenile probation
479 officer.
- 480 (i) Section 787.01, relating to kidnapping.
- 481 (j) Section 787.02, relating to false imprisonment.
- 482 (k) Section 787.025, relating to luring or enticing a
483 child.
- 484 (l) Section 787.04(2), relating to leading, taking,
485 enticing, or removing a minor beyond the state limits, or
486 concealing the location of a minor, with criminal intent pending
487 custody proceedings.
- 488 (m) Section 787.04(3), relating to leading, taking,
489 enticing, or removing a minor beyond the state limits, or
490 concealing the location of a minor, with criminal intent pending
491 dependency proceedings or proceedings concerning alleged abuse
492 or neglect of a minor.
- 493 (n) Section 790.115(1), relating to exhibiting firearms or
494 weapons at a school-sponsored event, on school property, or
495 within 1,000 feet of a school.
- 496 (o) Section 790.115(2)(b), relating to possessing an
497 electric weapon or device, destructive device, or other weapon
498 at a school-sponsored event or on school property.
- 499 (p) Section 794.011, relating to sexual battery.
- 500 (q) Former s. 794.041, relating to sexual activity with or

501 solicitation of a child by a person in familial or custodial
 502 authority.

503 (r) Section 794.05, relating to unlawful sexual activity
 504 with certain minors.

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

506 (t) Chapter 796, relating to prostitution.

507 (u) Chapter 800, relating to lewdness and indecent
 508 exposure.

509 (v) Section 800.101, relating to offenses against students
 510 by authority figures.

511 (w) Section 806.01, relating to arson.

512 (x) Section 810.14, relating to voyeurism.

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

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

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

518 (bb) Section 812.019, relating to dealing in stolen
 519 property.

520 (cc) Section 812.13, relating to robbery.

521 (dd) Section 812.131, relating to robbery by sudden
 522 snatching.

523 (ee) Section 812.133, relating to carjacking.

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

525 (gg) Section 817.563, relating to fraudulent sale of

526 | controlled substances.

527 | (hh) Section 825.102, relating to abuse, aggravated abuse,

528 | or neglect of an elderly person or disabled adult.

529 | (ii) Section 825.103, relating to exploitation of an

530 | elderly person or disabled adult.

531 | (jj) Section 825.1025, relating to lewd or lascivious

532 | offenses committed upon or in the presence of an elderly person

533 | or disabled person.

534 | (kk) Section 826.04, relating to incest.

535 | (ll) Section 827.03, relating to child abuse, aggravated

536 | child abuse, or neglect of a child.

537 | (mm) Section 827.04, relating to contributing to the

538 | delinquency or dependency of a child.

539 | (nn) Section 827.071, relating to sexual performance by a

540 | child.

541 | (oo) Section 843.01, relating to resisting arrest with

542 | violence.

543 | (pp) Chapter 847, relating to obscenity.

544 | (qq) Section 874.05, relating to causing, encouraging,

545 | soliciting, or recruiting another to join a criminal street

546 | gang.

547 | (rr) Chapter 893, relating to drug abuse prevention and

548 | control, if the offense was a felony of the second degree or

549 | greater severity.

550 | (ss) Section 916.1075, relating to sexual misconduct with

551 certain forensic clients and reporting of such sexual
552 misconduct.

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

555 (uu) Section 985.701, relating to sexual misconduct in
556 juvenile justice programs.

557 (vv) Section 985.711, relating to introduction, removal,
558 or possession of contraband at a juvenile detention facility or
559 commitment program.

560 (2) Any misdemeanor offense prohibited under any of the
561 following statutes:

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

564 (b) Section 787.025, relating to luring or enticing a
565 child.

566 (3) Any criminal act committed in another state or under
567 federal law which, if committed in this state, constitutes an
568 offense prohibited under any statute listed in subsection (1) or
569 subsection (2).

570 (4) Any delinquent act committed in this state or any
571 delinquent or criminal act committed in another state or under
572 federal law which, if committed in this state, qualifies an
573 individual for inclusion on the Registered Juvenile Sex Offender
574 List under s. 943.0435(1)(h)1.d.

575 Section 10. Subsections (1) and (2) of section 1012.32,

576 Florida Statutes, are amended to read:

577 1012.32 Qualifications of personnel.—

578 (1) An individual may not be employed ~~To be eligible for~~
579 ~~appointment~~ in any position in any district school system,
580 alternative school that operates under contract with a district
581 school system, lab school, or charter school, unless the
582 individual:

583 (a) Is at least a person ~~must be of good moral character;~~
584 ~~must have attained the age of 18 years of age,~~ if he or she is
585 to be employed in an instructional capacity;

586 (b) Meets the screening standards of ~~must not be~~
587 ~~ineligible for such employment under s. 1012.315;~~

588 (c) Holds and must, when required by law, ~~hold~~ a
589 certificate or license issued under rules of the State Board of
590 Education or the Department of Children and Families, except
591 when employed pursuant to s. 1012.55 or under the emergency
592 provisions of s. 1012.24.

593

594 Previous residence in this state shall not be required in any
595 school of the state as a prerequisite for any person holding a
596 valid Florida certificate or license to serve in an
597 instructional capacity.

598 (2) (a) Instructional and noninstructional personnel who
599 are hired or contracted to fill positions that require direct
600 contact with students in any district school system or

601 university lab school must, upon employment or engagement to
602 provide services, undergo background screening as required under
603 s. 1012.465 or s. 1012.56, whichever is applicable.

604 (b) Instructional and noninstructional personnel who are
605 hired or contracted to fill positions in any charter school and
606 members of the governing board of any charter school, in
607 compliance with s. 1002.33(12)(g), must, upon employment,
608 engagement of services, or appointment, undergo background
609 screening as required under s. 1012.465 or s. 1012.56, whichever
610 is applicable, by filing with the district school board for the
611 school district in which the charter school is located a
612 complete set of fingerprints taken by an authorized law
613 enforcement agency or an employee of the school or school
614 district who is trained to take fingerprints.

615 (c) Instructional and noninstructional personnel who are
616 hired or contracted to fill positions that require direct
617 contact with students in an alternative school that operates
618 under contract with a district school system must, upon
619 employment or engagement to provide services, undergo background
620 screening as required under s. 1012.465 or s. 1012.56, whichever
621 is applicable, by filing with the district school board for the
622 school district to which the alternative school is under
623 contract a complete set of fingerprints taken by an authorized
624 law enforcement agency or an employee of the school or school
625 district who is trained to take fingerprints.

626 (d) Student teachers and persons participating in a field
627 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
628 district school system, lab school, or charter school must, upon
629 engagement to provide services, undergo background screening as
630 required under s. 1012.56(10) ~~s. 1012.56~~.

631
632 Fingerprints shall be submitted to the Department of Law
633 Enforcement for statewide criminal and juvenile records checks
634 and to the Federal Bureau of Investigation for federal criminal
635 records checks. A person subject to this subsection who is found
636 ineligible for employment under s. 1012.315, or otherwise found
637 through background screening to have been convicted of any crime
638 involving moral turpitude as defined by rule of the State Board
639 of Education, shall not be employed, engaged to provide
640 services, or serve in any position that requires direct contact
641 with students. ~~Probationary persons subject to this subsection~~
642 ~~terminated because of their criminal record have the right to~~
643 ~~appeal such decisions.~~ The cost of the background screening and
644 retention may be borne by the district school board, the charter
645 school, the employee, the contractor, or a person subject to
646 this subsection. A district school board shall reimburse a
647 charter school the cost of background screening if it does not
648 notify the charter school of the eligibility of a governing
649 board member or instructional or noninstructional personnel
650 within the earlier of 14 days after receipt of the background

651 screening results from the Florida Department of Law Enforcement
652 or 30 days of submission of fingerprints by the governing board
653 member or instructional or noninstructional personnel.

654 Section 11. Section 1012.321, Florida Statutes, is amended
655 to read:

656 1012.321 Exceptions for certain individuals ~~instructional~~
657 ~~personnel~~ from background screening requirements.—An individual
658 holding a valid Florida certificate under s. 1012.56 issued
659 after July 1, 2019, or participating in a field experience
660 pursuant to s. 1004.04(5) or s. 1004.85 shall ~~instructional~~
661 ~~personnel who are required to undergo level 2 background~~
662 ~~screening under s. 393.0655 or s. 402.305 and who meet the level~~
663 ~~2 screening standards in s. 435.04 are not required to be~~
664 ~~rescreened in order to satisfy the screening requirements in s.~~
665 ~~1012.32 if the~~ individual ~~instructional personnel:~~

666 (1) Submitted his or her fingerprints to the department
667 pursuant to s. 1012.56(10) ~~Have completed the criminal history~~
668 ~~check within 5 years prior to having direct contact with~~
669 ~~students;~~

670 (2) Is ~~Are~~ rescreened every 5 years and meets ~~meet~~ the
671 ~~level 2 screening standards under s. 1012.56(10); and~~

672 (3) Has his or her ~~Have their~~ fingerprints retained by the
673 Department of Law Enforcement.

674 Section 12. Subsection (10) of section 1012.56, Florida
675 Statutes, is amended to read:

676 1012.56 Educator certification requirements.—

677 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
678 PERIODICALLY.—

679 (a) Each person who seeks certification under this chapter
680 must be fingerprinted and screened in accordance with paragraph
681 (b) s. 1012.32 and ~~must not be ineligible for such certification~~
682 ~~under s. 1012.315~~. A person who has been screened in accordance
683 with s. 1012.32 by a district school board or the Department of
684 Education within 12 months before the date the person initially
685 obtains certification under this chapter, the results of which
686 are submitted to the district school board or to the Department
687 of Education, is not required to repeat the screening under this
688 paragraph.

689 (b) To maintain the safety and well-being of children and
690 the integrity of the system of public education, the department
691 ~~A person~~ may not issue or renew ~~receive~~ a certificate under this
692 chapter to a person who is on the disqualification list pursuant
693 to s. 1001.10(4)(b) or has been arrested for and is waiting
694 final disposition of, been found guilty of, regardless of
695 adjudication, or entered a plea of nolo contendere or guilty to,
696 or has been adjudicated delinquent, and the record has not been
697 sealed or expunged, for any offense listed in s. 435.04(2). The
698 department may grant an exemption from disqualification under
699 this section in accordance with s. 435.07. A person's
700 disqualification from certification may not be removed from, and

701 an exemption may not be granted to, any applicant, and such a
702 person is disqualified from certification, regardless of any
703 previous exemptions from disqualification, if the person has
704 been registered as a sex offender as described in 42 U.S.C. s.
705 9858f(c) (1) (C) or has been arrested for and is awaiting final
706 disposition of, has been convicted or found guilty of, or
707 entered a plea of guilty or nolo contendere to, regardless of
708 adjudication, or has been adjudicated delinquent and the record
709 has not been sealed or expunged for, any offense prohibited
710 under s. 1012.315(1) or a similar law of another jurisdiction
711 ~~until the person's screening under s. 1012.32 is completed and~~
712 ~~the results have been submitted to the Department of Education~~
713 ~~or to the district school superintendent of the school district~~
714 ~~that employs the person.~~ Every 5 years after obtaining initial
715 certification, each person who is required to be certified under
716 this chapter must be rescreened in accordance with s. 1012.32,
717 at which time the department ~~school district~~ shall request the
718 Department of Law Enforcement to forward the fingerprints to the
719 Federal Bureau of Investigation for federal criminal records
720 checks. If, for any reason after obtaining initial
721 certification, the fingerprints of a person who is required to
722 be certified under this chapter are not retained by the
723 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
724 the person must file a complete set of fingerprints with the
725 department ~~district school superintendent of the employing~~

726 ~~school district~~. Upon submission of fingerprints for this
727 purpose, the department ~~school district~~ shall request the
728 Department of Law Enforcement to forward the fingerprints to the
729 Federal Bureau of Investigation for federal criminal records
730 checks, and the fingerprints shall be retained by the Department
731 of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of
732 the state and federal criminal history checks required by
733 paragraph (a) and this paragraph may be borne by the department,
734 district school board, or the employee. Under penalty of
735 perjury, each person who is certified under this chapter must
736 agree to inform his or her employer within 48 hours if convicted
737 of any disqualifying offense while he or she is employed in a
738 position for which such certification is required.

739 (c) If it is found under s. 1012.796 that a person who is
740 employed in a position requiring certification under this
741 chapter has not been screened in accordance with this subsection
742 ~~s. 1012.32, or is ineligible for such certification under s.~~
743 ~~1012.315,~~ the person's certification shall be immediately
744 revoked or suspended and he or she shall be immediately
745 suspended from the position requiring certification.

746 (d) The department is a qualified entity for purposes of
747 s. 943.0542 when fulfilling its duties under this section and
748 shall participate in the clearinghouse created under s. 435.12.
749 The rescreening schedule of instructional personnel certified
750 under this section, without regard to whether the previous

751 screening was conducted by the department or by an employing
752 school district, shall be:

753 1. Persons who serve in more than one county and submit
754 fingerprints for rescreening after July 1, 2019, and persons for
755 whom the last screening was conducted on or before December 31,
756 2014, by December 31, 2019.

757 2. Persons for whom the last screening was conducted
758 between January 1, 2015, through December 31, 2016, by December
759 31, 2020.

760 3. Persons for whom the last screening was conducted
761 between January 1, 2017, through December 31, 2018, by December
762 31, 2021.

763 Section 13. Subsection (10) of section 1012.79, Florida
764 Statutes, is amended to read:

765 1012.79 Education Practices Commission; organization.—

766 (10) The commission shall be financed from the following:
767 certification fees; fines, penalties, and costs collected
768 pursuant to s. 1012.796(10) ~~s. 1012.796(9)~~; and general revenue.

769 Section 14. Subsection (1) of section 1012.795, Florida
770 Statutes, is amended to read:

771 1012.795 Education Practices Commission; authority to
772 discipline.—

773 (1) The Education Practices Commission may suspend the
774 educator certificate of any instructional personnel or school
775 administrator, as defined in s. 1012.01(2) or (3), for up to 5

776 | years, thereby denying that person the right to teach or
777 | otherwise be employed by a district school board or public
778 | school in any capacity requiring direct contact with students
779 | for that period of time, after which the person may return to
780 | teaching as provided in subsection (4); may revoke the educator
781 | certificate of any person, thereby denying that person the right
782 | to teach or otherwise be employed by a district school board or
783 | public school in any capacity requiring direct contact with
784 | students for up to 10 years, with reinstatement subject to
785 | subsection (4); may permanently revoke the educator certificate
786 | of any person thereby denying that person the right to teach or
787 | otherwise be employed by a district school board or public
788 | school in any capacity requiring direct contact with students;
789 | may suspend a person's educator certificate, upon an order of
790 | the court or notice by the Department of Revenue relating to the
791 | payment of child support; may place on the disqualification list
792 | pursuant to s. 1001.10(4)(b) an employee or contracted personnel
793 | of any public school, charter school and its governing board, or
794 | private school that accepts scholarship students who participate
795 | in a state scholarship program under chapter 1002 if such
796 | conduct would otherwise result in the permanent revocation of a
797 | certificate; or may impose any other penalty provided by law, if
798 | the person:
799 | (a) Obtained or attempted to obtain an educator
800 | certificate by fraudulent means.

801 (b) Knowingly failed to report:

802 1. Actual or suspected child abuse as required in s.

803 1006.061; ~~or report~~

804 2. Alleged misconduct that would be a violation of s.

805 800.101; or

806 3. Any disqualifying offense under s. 1012.315 by an

807 individual subject to s. 1012.315 or an adult on school grounds

808 ~~by instructional personnel or school administrators which~~

809 ~~affects the health, safety, or welfare of a student as required~~

810 ~~in s. 1012.796.~~

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

812 duties as an employee of the public school system or to teach in

813 or to operate a private school.

814 (d) Has been guilty of gross immorality or an act

815 involving moral turpitude as defined by rule of the State Board

816 of Education, including engaging in or soliciting sexual,

817 romantic, or lewd conduct with a student or minor.

818 (e) Has had an educator certificate or other professional

819 license sanctioned by this or any other state or has had the

820 authority to practice the regulated profession revoked,

821 suspended, or otherwise acted against, including a denial of

822 certification or licensure, by the licensing or certifying

823 authority of any jurisdiction, including its agencies and

824 subdivisions. The licensing or certifying authority's acceptance

825 of a relinquishment, stipulation, consent order, or other

826 settlement offered in response to or in anticipation of the
827 filing of charges against the licensee or certificateholder
828 shall be construed as action against the license or certificate.
829 For purposes of this section, a sanction or action against a
830 professional license, a certificate, or an authority to practice
831 a regulated profession must relate to being an educator or the
832 fitness of or ability to be an educator.

833 (f) Has been convicted or found guilty of, has had
834 adjudication withheld for, or has pled guilty or nolo contendere
835 to a misdemeanor, felony, or any other criminal charge, other
836 than a minor traffic violation.

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

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

842 (i) Has been the subject of a court order or notice by the
843 Department of Revenue pursuant to s. 409.2598 directing the
844 Education Practices Commission to suspend the certificate as a
845 result of noncompliance with a child support order, a subpoena,
846 an order to show cause, or a written agreement with the
847 Department of Revenue.

848 (j) Has violated the Principles of Professional Conduct
849 for the Education Profession prescribed by State Board of
850 Education rules.

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

853 (l) Has violated any order of the Education Practices
 854 Commission.

855 (m) Has been the subject of a court order or plea
 856 agreement in any jurisdiction which requires the
 857 certificateholder to surrender or otherwise relinquish his or
 858 her educator's certificate. A surrender or relinquishment shall
 859 be for permanent revocation of the certificate. A person may not
 860 surrender or otherwise relinquish his or her certificate prior
 861 to a finding of probable cause by the commissioner as provided
 862 in s. 1012.796.

863 (n) Has been determined ineligible for the issuance or
 864 renewal of a certificate ~~disqualified from educator~~
 865 ~~certification~~ under s. 1012.56(10)(b) ~~s. 1012.315~~.

866 (o) Has committed a third recruiting offense as determined
 867 by the Florida High School Athletic Association (FHSAA) pursuant
 868 to s. 1006.20(2)(b).

869 Section 15. Subsections (8) and (9) of section 1012.796,
 870 Florida Statutes, are renumbered as subsections (9) and (10),
 871 respectively, subsection (5) is amended, and paragraph (g) is
 872 added to subsection (1), paragraph (i) is added to subsection
 873 (7), and a new subsection (8) is added to that section, to read:

874 1012.796 Complaints against teachers and administrators;
 875 procedure; penalties.—

876 (1)

877 (g) The department shall immediately investigate any
878 legally sufficient complaint that involves misconduct by an
879 employee or contracted personnel of a public school; a charter
880 school, including its governing board; or a private school that
881 accepts scholarship students who participate in a state
882 scholarship program under chapter 1002, that affects the health,
883 safety, or welfare of a student and would otherwise result in
884 the permanent revocation of a certificate, giving the complaint
885 priority over other pending complaints.

886 (5) When an allegation of misconduct by an individual
887 subject to s. 1012.315 ~~instructional personnel or school~~
888 ~~administrators, as defined in s. 1012.01,~~ is received, if the
889 alleged misconduct affects the health, safety, or welfare of a
890 student, the district school superintendent in consultation with
891 the school principal, or upon the request of the Commissioner of
892 Education, must, at a minimum, immediately suspend the
893 individual ~~instructional personnel or school administrators~~ from
894 regularly assigned duties, with pay, and remove ~~reassign~~ the
895 individual from any position ~~suspended personnel or~~
896 ~~administrators to positions~~ that may ~~do not~~ require direct
897 contact with students in the district school system. Such
898 suspension shall continue until the completion of the
899 proceedings and the determination of sanctions, if any, pursuant
900 to this section and s. 1012.795.

901 (7) A panel of the commission shall enter a final order
902 either dismissing the complaint or imposing one or more of the
903 following penalties:

904 (i) Place an individual who is not a certificateholder on
905 the disqualification list pursuant to s. 1001.10(4)(b) if the
906 conduct meets the standard for revocation of a certificate.

907
908 The penalties imposed under this subsection are in addition to,
909 and not in lieu of, the penalties required for a third
910 recruiting offense pursuant to s. 1006.20(2)(b).

911 (8) An individual on the disqualification list pursuant to
912 s. 1001.10(4)(b) may not serve or apply to serve as an employee
913 or contracted personnel at any public or private school in the
914 state. An individual who knowingly violates this subsection
915 commits a felony of the third degree, punishable as provided in
916 s. 775.082 or s. 775.083.

917 Section 16. This act shall take effect July 1, 2019.