

1 A bill to be entitled
2 An act relating to education; amending s. 1001.10,
3 F.S.; requiring the Department of Education to
4 maintain a disqualification list of certain
5 individuals; requiring the department to provide
6 access to specified information to certain staff for
7 specified purposes; amending s. 1001.20, F.S.;
8 authorizing the Office of Inspector General within the
9 Department of Education to issue and serve certain
10 subpoenas for specified purposes; authorizing the
11 inspector general to petition circuit courts for
12 specified purposes; amending s. 1001.42, F.S.;
13 providing that a school board official forfeits his or
14 her salary for 1 year under certain circumstances;
15 amending s. 1001.51, F.S.; providing that a district
16 school superintendent forfeits his or her salary for 1
17 year under additional circumstances; amending s.
18 1002.33, F.S.; prohibiting certain individuals from
19 employment at a charter school; providing requirements
20 for charter schools relating to employing certain
21 individuals; requiring the governing board of a
22 charter school to establish the duty of instructional
23 personnel and school administrators to report
24 specified alleged misconduct by certain individuals;
25 prohibiting a person on the disqualification list from

26 employment in specified positions; amending s.
27 1002.421, F.S.; requiring certain private schools to
28 deny employment to certain individuals; requiring
29 private schools to provide an employment determination
30 for certain prospective employees; authorizing the
31 Commissioner of Education to permanently revoke an
32 owner's or operator's authority to establish or
33 operate a private school in the state under certain
34 circumstances; amending s. 1006.061, F.S.; revising
35 the contents of a sign certain educational entities
36 are required to post to include information relating
37 to reporting of certain criminal acts; amending s.
38 1012.21, F.S.; providing criteria by which individuals
39 are added to a specified database; amending s.
40 1012.22, F.S.; providing district school board and
41 district school superintendents requirements relating
42 to employment determination for certain prospective
43 employees; amending s. 1012.315, F.S.; providing that
44 certain individuals are ineligible for an educator
45 certification or specified employment; amending s.
46 1012.795, F.S.; revising acts that warrant a
47 disciplinary action by the commission; amending s.
48 1012.796, F.S.; requiring a district school
49 superintendent to immediately suspend certain
50 individuals and take specified action as a results of

51 | alleged misconduct; prohibiting certain individuals
52 | from serving or applying to serve in specified
53 | positions at public schools and specified private
54 | schools; providing criminal penalties; providing an
55 | effective date.

56 |
57 | Be It Enacted by the Legislature of the State of Florida:
58 |

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

61 | 1001.10 Commissioner of Education; general powers and
62 | duties.—

63 | (4) The Department of Education shall:

64 | (a) Provide technical assistance to school districts,
65 | charter schools, the Florida School for the Deaf and the Blind,
66 | and private schools that accept scholarship students who
67 | participate in a state scholarship program under chapter 1002 in
68 | the development of policies, procedures, and training related to
69 | employment practices and standards of ethical conduct for
70 | instructional personnel and school administrators, as defined in
71 | s. 1012.01.

72 | (b) Maintain a disqualification list that includes the
73 | following:

74 | 1. Individuals whose educator certificates have been
75 | permanently revoked by a panel of the commission pursuant to s.

76 1012.796(7)(b).

77 2. Individuals who were owners or operators of a private
 78 school whose authority to establish or operate a private school
 79 in the state has been permanently denied or revoked by the
 80 Commissioner of Education under s. 1002.421(3)(c).

81 (5) The Department of Education shall provide authorized
 82 staff of school districts, charter schools, the Florida School
 83 for the Deaf and the Blind, and private schools that accept
 84 scholarship students who participate in a state scholarship
 85 program under chapter 1002 with access to electronic
 86 verification of information from the following employment
 87 screening tools:

88 (a) The Professional Practices' Database of Disciplinary
 89 Actions Against Educators. ~~and~~

90 (b) The department's ~~Department of Education's~~ Teacher
 91 Certification Database.

92 (c) The department's computer database of certain persons
 93 whose employment was terminated or who resigned in lieu of
 94 termination or during the course of an investigation established
 95 pursuant to s. 1012.21.

96 (d) The department's disqualification list under paragraph
 97 (4)(b).

98
 99 This subsection does not require the department to provide these
 100 staff with unlimited access to the databases. However, the

101 department shall provide the staff with access to the data
102 necessary for performing employment history checks of the
103 instructional personnel and school administrators included in
104 the databases.

105 Section 2. Paragraph (e) of subsection (4) of section
106 1001.20, Florida Statutes, is amended to read:

107 1001.20 Department under direction of state board.—

108 (4) The Department of Education shall establish the
109 following offices within the Office of the Commissioner of
110 Education which shall coordinate their activities with all other
111 divisions and offices:

112 (e) Office of Inspector General.—Organized using existing
113 resources and funds and responsible for promoting
114 accountability, efficiency, and effectiveness and detecting
115 fraud and abuse within school districts, the Florida School for
116 the Deaf and the Blind, and Florida College System institutions
117 in Florida. If the Commissioner of Education determines that a
118 district school board, the Board of Trustees for the Florida
119 School for the Deaf and the Blind, or a Florida College System
120 institution board of trustees is unwilling or unable to address
121 substantiated allegations made by any person relating to waste,
122 fraud, or financial mismanagement within the school district,
123 the Florida School for the Deaf and the Blind, or the Florida
124 College System institution, the office shall conduct,
125 coordinate, or request investigations into such substantiated

126 | allegations. The office shall investigate allegations or reports
127 | of possible fraud or abuse against a district school board made
128 | by any member of the Cabinet; the presiding officer of either
129 | house of the Legislature; a chair of a substantive or
130 | appropriations committee with jurisdiction; or a member of the
131 | board for which an investigation is sought. The office shall
132 | have access to all information and personnel necessary to
133 | perform its duties and shall have all of its current powers,
134 | duties, and responsibilities authorized in s. 20.055. The office
135 | may issue and serve subpoenas and subpoenas duces tecum to
136 | compel the attendance of witnesses and the production of
137 | documents, reports, answers, records, accounts, and other data
138 | in any medium. In the event of noncompliance with a subpoena or
139 | a subpoena duces tecum issued under this section, the inspector
140 | general may petition the circuit court of the county in which
141 | the person subpoenaed resides or has his or her principal place
142 | of business for an order requiring the subpoenaed person to
143 | appear and testify and to produce documents, reports, answers,
144 | records, accounts, or other data as specified in the subpoena or
145 | subpoena duces tecum.

146 | Section 3. Paragraph (b) of subsection (7) of section
147 | 1001.42, Florida Statutes, is amended to read:

148 | 1001.42 Powers and duties of district school board.—The
149 | district school board, acting as a board, shall exercise all
150 | powers and perform all duties listed below:

151 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
152 instructional personnel and administrative personnel, as defined
153 in s. 1012.01, from employment in any position that requires
154 direct contact with students if the personnel are ineligible for
155 such employment under s. 1012.315. An elected or appointed
156 school board official forfeits his or her salary for 1 year if:

157 (b) The school board official knowingly fails to adopt
158 policies that require:

159 1. Instructional personnel and administrative personnel to
160 report alleged misconduct by other instructional personnel and
161 administrative personnel;

162 2. The district school superintendent to report misconduct
163 by instructional personnel or school administrators that would
164 result in disqualification from educator certification or
165 employment as provided in s. 1012.315 to the law enforcement
166 agencies with jurisdiction over the conduct; or

167 3. The investigation of all reports of alleged misconduct
168 by instructional personnel and administrative personnel, if the
169 misconduct affects the health, safety, or welfare of a student
170 and the reporting of misconduct that meets the definition of
171 abuse, abandonment, or neglect under s. 39.01 to the Department
172 of Children and Families' central abuse hotline pursuant to s.
173 39.201.

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

176 1001.51 Duties and responsibilities of district school
 177 superintendent.—The district school superintendent shall
 178 exercise all powers and perform all duties listed below and
 179 elsewhere in the law, provided that, in so doing, he or she
 180 shall advise and counsel with the district school board. The
 181 district school superintendent shall perform all tasks necessary
 182 to make sound recommendations, nominations, proposals, and
 183 reports required by law to be acted upon by the district school
 184 board. All such recommendations, nominations, proposals, and
 185 reports by the district school superintendent shall be either
 186 recorded in the minutes or shall be made in writing, noted in
 187 the minutes, and filed in the public records of the district
 188 school board. It shall be presumed that, in the absence of the
 189 record required in this section, the recommendations,
 190 nominations, and proposals required of the district school
 191 superintendent were not contrary to the action taken by the
 192 district school board in such matters.

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

199 (a) Forms, blanks, and reports.—Require that all employees
 200 accurately keep all records and promptly make in proper form all

201 reports required by the education code or by rules of the State
202 Board of Education; recommend the keeping of such additional
203 records and the making of such additional reports as may be
204 deemed necessary to provide data essential for the operation of
205 the school system; and prepare such forms and blanks as may be
206 required and ensure that these records and reports are properly
207 prepared.

208 (b) Reports to the department.—Prepare, for the approval
209 of the district school board, all reports required by law or
210 rules of the State Board of Education to be made to the
211 department and transmit promptly all such reports, when
212 approved, to the department, as required by law. If any reports
213 are not transmitted at the time and in the manner prescribed by
214 law or by State Board of Education rules, the salary of the
215 district school superintendent must be withheld until the report
216 has been properly submitted. Unless otherwise provided by rules
217 of the State Board of Education, the annual report on attendance
218 and personnel is due on or before July 1, and the annual school
219 budget and the report on finance are due on the date prescribed
220 by the commissioner.

221
222 Any district school superintendent who knowingly signs and
223 transmits to any state official a report that the superintendent
224 knows to be false or incorrect; who knowingly fails to
225 investigate any allegation of misconduct that ~~by instructional~~

HB 883

2020

226 ~~personnel or school administrators, as defined in s. 1012.01,~~
227 ~~which~~ affects the health, safety, or welfare of a student, that
228 would be a violation of s. 800.101, or that would be a
229 disqualifying offense under s. 1012.315; who knowingly fails to
230 report the alleged misconduct to the department as required in
231 s. 1012.796; or who knowingly fails to report misconduct to the
232 law enforcement agencies with jurisdiction over the conduct
233 pursuant to district school board policy under s. 1001.42(6),
234 forfeits his or her salary for 1 year following the date of such
235 act or failure to act.

236 Section 5. Paragraph (g) of subsection (12) of section
237 1002.33, Florida Statutes, is amended to read:

238 1002.33 Charter schools.—

239 (12) EMPLOYEES OF CHARTER SCHOOLS.—

240 (g)1. A charter school shall employ or contract with
241 employees who have undergone background screening as provided in
242 s. 1012.32. Members of the governing board of the charter school
243 shall also undergo background screening in a manner similar to
244 that provided in s. 1012.32. An individual may not be employed
245 as an employee or contract personnel of a charter school or
246 serve as a member of a charter school governing board if the
247 individual is on the disqualification list maintained by the
248 department pursuant to s. 1001.10(4)(b). Before making an offer
249 of employment, the charter school must check the database under
250 s. 1012.21 and if the individual is in the database, the charter

251 school must document the individual's suitability for employment
252 at the school.

253 2. A charter school shall disqualify instructional
254 personnel and school administrators, as defined in s. 1012.01,
255 from employment in any position that requires direct contact
256 with students if the personnel or administrators are ineligible
257 for such employment under s. 1012.315.

258 3. The governing board of a charter school shall adopt
259 policies establishing standards of ethical conduct for
260 instructional personnel and school administrators. The policies
261 must require all instructional personnel and school
262 administrators, as defined in s. 1012.01, to complete training
263 on the standards; establish the duty of instructional personnel
264 and school administrators to report, and procedures for
265 reporting, alleged misconduct by an individual subject to s.
266 1012.315 ~~other instructional personnel and school administrators~~
267 which affects the health, safety, or welfare of a student; and
268 include an explanation of the liability protections provided
269 under ss. 39.203 and 768.095. A charter school, or any of its
270 employees, may not enter into a confidentiality agreement
271 regarding terminated or dismissed instructional personnel or
272 school administrators, or personnel or administrators who resign
273 in lieu of termination, based in whole or in part on misconduct
274 that affects the health, safety, or welfare of a student, and
275 may not provide instructional personnel or school administrators

276 with employment references or discuss the personnel's or
277 administrators' performance with prospective employers in
278 another educational setting, without disclosing the personnel's
279 or administrators' misconduct. Any part of an agreement or
280 contract that has the purpose or effect of concealing misconduct
281 by instructional personnel or school administrators which
282 affects the health, safety, or welfare of a student is void, is
283 contrary to public policy, and may not be enforced.

284 4. Before employing an individual ~~instructional personnel~~
285 ~~or school administrators~~ in any position that requires direct
286 contact with students, a charter school shall conduct employment
287 history checks of individuals ~~each of the personnel's or~~
288 ~~administrators' previous employers~~, screen the instructional
289 ~~personnel or school administrators~~ through use of the educator
290 screening tools described in s. 1001.10(5), and document the
291 findings. If unable to contact a previous employer, the charter
292 school must document efforts to contact the employer.

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

296 Section 6. Paragraph (o) of subsection (1) and subsection
297 (3) of section 1002.421, Florida Statutes, are amended to read:

298 1002.421 State school choice scholarship program
299 accountability and oversight.—

300 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private

301 school participating in an educational scholarship program
302 established pursuant to this chapter must be a private school as
303 defined in s. 1002.01(2) in this state, be registered, and be in
304 compliance with all requirements of this section in addition to
305 private school requirements outlined in s. 1002.42, specific
306 requirements identified within respective scholarship program
307 laws, and other provisions of Florida law that apply to private
308 schools, and must:

309 (o) Before employing an individual ~~instructional personnel~~
310 ~~or school administrators~~ in any position that requires direct
311 contact with students, conduct employment history checks of ~~each~~
312 ~~of the personnel's or administrators'~~ previous employers, screen
313 the individual ~~personnel or administrators~~ through use of the
314 ~~educator~~ screening tools described in s. 1001.10(5), and
315 document the findings. If unable to contact a previous employer,
316 the private school must document efforts to contact the
317 employer. The private school may not employ an individual whose
318 educator certificate is revoked, who is barred from reapplying
319 for an educator certificate, or who is on the disqualification
320 list maintained by the department pursuant to s. 1001.10(4)(b).
321 Before making an offer of employment, the private school must
322 check the database under s. 1012.21 and if the individual is in
323 the database, the private school must document the individual's
324 suitability for employment at the school.
325

326 The department shall suspend the payment of funds to a private
327 school that knowingly fails to comply with this subsection, and
328 shall prohibit the school from enrolling new scholarship
329 students, for 1 fiscal year and until the school complies. If a
330 private school fails to meet the requirements of this subsection
331 or has consecutive years of material exceptions listed in the
332 report required under paragraph (q), the commissioner may
333 determine that the private school is ineligible to participate
334 in a scholarship program.

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

337 (a) Shall deny, suspend, or revoke a private school's
338 participation in a scholarship program if it is determined that
339 the private school has failed to comply with this section or
340 exhibits a previous pattern of failure to comply. However, if
341 the noncompliance is correctable within a reasonable amount of
342 time, not to exceed 45 days, and if the health, safety, or
343 welfare of the students is not threatened, the commissioner may
344 issue a notice of noncompliance which provides the private
345 school with a timeframe within which to provide evidence of
346 compliance before taking action to suspend or revoke the private
347 school's participation in the scholarship program.

348 (b) May deny, suspend, or revoke a private school's
349 participation in a scholarship program if the commissioner
350 determines that an owner or operator of the private school is

351 operating or has operated an educational institution in this
352 state or in another state or jurisdiction in a manner contrary
353 to the health, safety, or welfare of the public or if the owner
354 or operator has exhibited a previous pattern of failure to
355 comply with this section or specific requirements identified
356 within respective scholarship program laws. For purposes of this
357 subsection, the term "owner or operator" has the same meaning as
358 provided in paragraph (1) (p).

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

367 (d)1.~~(e)1.~~ In making such a determination, may consider
368 factors that include, but are not limited to, acts or omissions
369 by an owner or operator which led to a previous denial,
370 suspension, or revocation of participation in a state or federal
371 education scholarship program; an owner's or operator's failure
372 to reimburse the department or scholarship-funding organization
373 for scholarship funds improperly received or retained by a
374 school; the imposition of a prior criminal sanction related to
375 an owner's or operator's management or operation of an

376 | educational institution; the imposition of a civil fine or
377 | administrative fine, license revocation or suspension, or
378 | program eligibility suspension, termination, or revocation
379 | related to an owner's or operator's management or operation of
380 | an educational institution; or other types of criminal
381 | proceedings in which an owner or operator was found guilty of,
382 | regardless of adjudication, or entered a plea of nolo contendere
383 | or guilty to, any offense involving fraud, deceit, dishonesty,
384 | or moral turpitude.

385 | 2. The commissioner's determination is subject to the
386 | following:

387 | a. If the commissioner intends to deny, suspend, or revoke
388 | a private school's participation in the scholarship program, the
389 | department shall notify the private school of such proposed
390 | action in writing by certified mail and regular mail to the
391 | private school's address of record with the department. The
392 | notification shall include the reasons for the proposed action
393 | and notice of the timelines and procedures set forth in this
394 | paragraph.

395 | b. The private school that is adversely affected by the
396 | proposed action shall have 15 days after receipt of the notice
397 | of proposed action to file with the department's agency clerk a
398 | request for a proceeding pursuant to ss. 120.569 and 120.57. If
399 | the private school is entitled to a hearing under s. 120.57(1),
400 | the department shall forward the request to the Division of

401 Administrative Hearings.

402 c. Upon receipt of a request referred pursuant to this
403 subparagraph, the director of the Division of Administrative
404 Hearings shall expedite the hearing and assign an administrative
405 law judge who shall commence a hearing within 30 days after the
406 receipt of the formal written request by the division and enter
407 a recommended order within 30 days after the hearing or within
408 30 days after receipt of the hearing transcript, whichever is
409 later. Each party shall be allowed 10 days in which to submit
410 written exceptions to the recommended order. A final order shall
411 be entered by the agency within 30 days after the entry of a
412 recommended order. The provisions of this sub-subparagraph may
413 be waived upon stipulation by all parties.

414 (e)~~(d)~~ May immediately suspend payment of scholarship
415 funds if it is determined that there is probable cause to
416 believe that there is:

417 1. An imminent threat to the health, safety, or welfare of
418 the students;

419 2. A previous pattern of failure to comply with this
420 section; or

421 3. Fraudulent activity on the part of the private school.
422 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
423 activity pursuant to this section, the department's Office of
424 Inspector General is authorized to release personally
425 identifiable records or reports of students to the following

426 persons or organizations:

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

431 b. A person or entity authorized by a court of competent
432 jurisdiction in compliance with an order of that court or the
433 attorney of record pursuant to a lawfully issued subpoena,
434 consistent with the Family Educational Rights and Privacy Act,
435 20 U.S.C. s. 1232g.

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

442

443 The commissioner's order suspending payment pursuant to this
444 paragraph may be appealed pursuant to the same procedures and
445 timelines as the notice of proposed action set forth in
446 subparagraph (d)2 ~~(e)2~~.

447 Section 7. Paragraph (a) of subsection (4) of section
448 1006.061, Florida Statutes, is amended to read:

449 1006.061 Child abuse, abandonment, and neglect policy.—
450 Each district school board, charter school, and private school

451 that accepts scholarship students who participate in a state
 452 scholarship program under chapter 1002 shall:

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

457 1. The statewide toll-free telephone number of the central
 458 abuse hotline as provided in chapter 39.~~†~~

459 2. Instructions to call 911 for emergencies.~~†~~ ~~and~~

460 3. Directions for accessing the Department of Children and
 461 Families Internet website for more information on reporting
 462 abuse, neglect, and exploitation.

463 4. Directions for accessing the Department of Education's
 464 website for more information on reporting acts that violate s.
 465 800.101.

466
 467 The Department of Education shall develop, and publish on the
 468 department's Internet website, sample notices suitable for
 469 posting in accordance with subsections (1), (2), and (4).

470 Section 8. Subsection (2) of section 1012.21, Florida
 471 Statutes, is amended to read:

472 1012.21 Department of Education duties; K-12 personnel.—

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

476 (a) The Department of Education shall establish a computer
477 database containing the names of persons identified under
478 paragraph (b) whose employment is terminated under s.
479 1012.33(1)(a) or (4)(c), which ~~information~~ shall be available to
480 the district school superintendents and their designees.

481 (b) Each district school superintendent shall report to
482 the Department of Education the name of any person who meets the
483 following criteria terminated under s. 1012.33(1)(a) or (4)(c)
484 within 10 working days after the date of final action by the
485 district school board on the termination, and the department
486 shall immediately enter ~~the information~~ in the computer records
487 the name of any person:

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

489 2. Terminated or who resigned in lieu of termination or
490 during the course of an investigation involving misconduct that
491 affects the health, safety, or welfare of a student, including,
492 but not limited to, misconduct under s. 800.101(2) or misconduct
493 that meets the definition of abuse, abandonment, or neglect
494 under s. 39.01.

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

496 Section 9. Paragraph (a) of subsection (1) of section
497 1012.22, Florida Statutes, is amended to read:

498 1012.22 Public school personnel; powers and duties of the
499 district school board.—The district school board shall:

500 (1) Designate positions to be filled, prescribe

501 qualifications for those positions, and provide for the
502 appointment, compensation, promotion, suspension, and dismissal
503 of employees as follows, subject to the requirements of this
504 chapter:

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

506 1. The district school board shall require that before
507 recommending any individual to the district school board for
508 employment, the district school superintendent must check the
509 database under s. 1012.21 and if the individual is in the
510 database, the district school superintendent must document the
511 individual's suitability for employment at a public school
512 within the school district.

513 ~~2.1.~~ The district school board shall act upon written
514 recommendations submitted by the district school superintendent
515 for positions to be filled, for minimum qualifications for
516 personnel for the various positions, and for the persons
517 nominated to fill such positions.

518 ~~3.2.~~ The district school board may reject for good cause
519 any employee nominated.

520 ~~4.3.~~ If the third nomination by the district school
521 superintendent for any position is rejected for good cause, if
522 the district school superintendent fails to submit a nomination
523 for initial employment within a reasonable time as prescribed by
524 the district school board, or if the district school
525 superintendent fails to submit a nomination for reemployment

526 within the time prescribed by law, the district school board may
527 proceed on its own motion to fill such position.

528 ~~5.4.~~ The district school board's decision to reject a
529 person's nomination does not give that person a right of action
530 to sue over the rejection and may not be used as a cause of
531 action by the nominated employee.

532 Section 10. Section 1012.315, Florida Statutes, is amended
533 to read:

534 1012.315 Screening standards ~~Disqualification from~~
535 ~~employment.~~—A person is ineligible for educator certification or
536 employment in any position that requires direct contact with
537 students in a district school system, charter school, or a
538 private school that participates ~~accepts scholarship students~~
539 ~~who participate~~ in a state scholarship program under chapter
540 1002 if the person is on the disqualification list maintained by
541 the department pursuant to s. 1001.10(4)(b), is registered as a
542 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(c), or has
543 been convicted of:

544 (1) Any felony offense prohibited under any of the
545 following statutes:

546 (a) Section 393.135, relating to sexual misconduct with
547 certain developmentally disabled clients and reporting of such
548 sexual misconduct.

549 (b) Section 394.4593, relating to sexual misconduct with
550 certain mental health patients and reporting of such sexual

551 misconduct.

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

554 (d) Section 782.04, relating to murder.

555 (e) Section 782.07, relating to manslaughter, aggravated
556 manslaughter of an elderly person or disabled adult, aggravated
557 manslaughter of a child, or aggravated manslaughter of an
558 officer, a firefighter, an emergency medical technician, or a
559 paramedic.

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

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

562 (h) Section 784.075, relating to battery on a detention or
563 commitment facility staff member or a juvenile probation
564 officer.

565 (i) Section 787.01, relating to kidnapping.

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

567 (k) Section 787.025, relating to luring or enticing a
568 child.

569 (l) Section 787.04(2), relating to leading, taking,
570 enticing, or removing a minor beyond the state limits, or
571 concealing the location of a minor, with criminal intent pending
572 custody proceedings.

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

576 dependency proceedings or proceedings concerning alleged abuse
577 or neglect of a minor.

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

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

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

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

588 (r) Section 794.05, relating to unlawful sexual activity
589 with certain minors.

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

591 (t) Chapter 796, relating to prostitution.

592 (u) Chapter 800, relating to lewdness and indecent
593 exposure.

594 (v) Section 800.101, relating to offenses against students
595 by authority figures.

596 (w) Section 806.01, relating to arson.

597 (x) Section 810.14, relating to voyeurism.

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

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

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

603 (bb) Section 812.019, relating to dealing in stolen
 604 property.

605 (cc) Section 812.13, relating to robbery.

606 (dd) Section 812.131, relating to robbery by sudden
 607 snatching.

608 (ee) Section 812.133, relating to carjacking.

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

610 (gg) Section 817.563, relating to fraudulent sale of
 611 controlled substances.

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

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

616 (jj) Section 825.1025, relating to lewd or lascivious
 617 offenses committed upon or in the presence of an elderly person
 618 or disabled person.

619 (kk) Section 826.04, relating to incest.

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

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

624 (nn) Section 827.071, relating to sexual performance by a
 625 child.

626 (oo) Section 843.01, relating to resisting arrest with
627 violence.

628 (pp) Chapter 847, relating to obscenity.

629 (qq) Section 874.05, relating to causing, encouraging,
630 soliciting, or recruiting another to join a criminal street
631 gang.

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

635 (ss) Section 916.1075, relating to sexual misconduct with
636 certain forensic clients and reporting of such sexual
637 misconduct.

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

640 (uu) Section 985.701, relating to sexual misconduct in
641 juvenile justice programs.

642 (vv) Section 985.711, relating to introduction, removal,
643 or possession of contraband at a juvenile detention facility or
644 commitment program.

645 (2) Any misdemeanor offense prohibited under any of the
646 following statutes:

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

649 (b) Section 787.025, relating to luring or enticing a
650 child.

651 (3) Any criminal act committed in another state or under
 652 federal law which, if committed in this state, constitutes an
 653 offense prohibited under any statute listed in subsection (1) or
 654 subsection (2).

655 (4) Any delinquent act committed in this state or any
 656 delinquent or criminal act committed in another state or under
 657 federal law which, if committed in this state, qualifies an
 658 individual for inclusion on the Registered Juvenile Sex Offender
 659 List under s. 943.0435(1)(h)1.d.

660 Section 11. Paragraph (b) of subsection (1) of section
 661 1012.795, Florida Statutes, is amended to read:

662 1012.795 Education Practices Commission; authority to
 663 discipline.—

664 (1) The Education Practices Commission may suspend the
 665 educator certificate of any instructional personnel or school
 666 administrator, as defined in s. 1012.01(2) or (3), for up to 5
 667 years, thereby denying that person the right to teach or
 668 otherwise be employed by a district school board or public
 669 school in any capacity requiring direct contact with students
 670 for that period of time, after which the person may return to
 671 teaching as provided in subsection (4); may revoke the educator
 672 certificate of any person, thereby denying that person the right
 673 to teach or otherwise be employed by a district school board or
 674 public school in any capacity requiring direct contact with
 675 students for up to 10 years, with reinstatement subject to

676 subsection (4); may permanently revoke the educator certificate
677 of any person thereby denying that person the right to teach or
678 otherwise be employed by a district school board or public
679 school in any capacity requiring direct contact with students;
680 may suspend a person's educator certificate, upon an order of
681 the court or notice by the Department of Revenue relating to the
682 payment of child support; or may impose any other penalty
683 provided by law, if the person:

684 (b) Knowingly failed to report:

685 1. Actual or suspected child abuse as required in s.
686 1006.061; ~~or report~~

687 2. Alleged misconduct that would be a violation of s.
688 800.101; or

689 3. A disqualifying offense under s. 1012.315 ~~by~~
690 ~~instructional personnel or school administrators which affects~~
691 ~~the health, safety, or welfare of a student as required in s.~~
692 ~~1012.796.~~

693 Section 12. Subsection (5) of section 1012.796, Florida
694 Statutes, is amended, and subsection (10) is added to that
695 section, to read:

696 1012.796 Complaints against teachers and administrators;
697 procedure; penalties.—

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

701 alleged misconduct affects the health, safety, or welfare of a
702 student, the district school superintendent in consultation with
703 the school principal, or upon the request of the Commissioner of
704 Education, must, at a minimum, immediately suspend the
705 individual instructional personnel or school administrators from
706 regularly assigned duties, with pay, and remove ~~reassign~~ the
707 individual from any position ~~suspended personnel or~~
708 ~~administrators to positions~~ that may ~~do not~~ require direct
709 contact with students in the district school system. Such
710 suspension shall continue until the completion of the
711 proceedings and the determination of sanctions, if any, pursuant
712 to this section and s. 1012.795.

713 (10) An individual on the disqualification list maintained
714 by the department pursuant to s. 1001.10(4)(b) may not serve or
715 apply to serve as an employee or contracted personnel at any
716 public school or private school that accepts funds from a state
717 scholarship program under chapter 1002 in the state. An
718 individual who knowingly violates this provision commits a
719 felony of the third degree, punishable as provided in s. 775.082
720 or s. 775.083.

721 Section 13. This act shall take effect July 1, 2020.