

By Senator Perry

8-01134-21

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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 that includes the  
5           identities of certain persons; providing requirements  
6           for the disqualification list; authorizing the  
7           department to remove a person from the  
8           disqualification list if certain conditions are met;  
9           requiring the State Board of Education to adopt rules;  
10          requiring the department to provide certain staff with  
11          access to information from the disqualification list;  
12          amending s. 1001.42, F.S.; requiring district school  
13          boards to investigate certain complaints and report  
14          certain results of such investigations to the  
15          department; requiring the department to place a person  
16          who is terminated, or resigns in lieu of termination,  
17          for a certain reason on the disqualification list;  
18          requiring district school boards to adopt policies  
19          establishing standards of ethical conduct for  
20          educational support employees; requiring district  
21          school boards to disqualify educational support  
22          employees from employment in certain circumstances;  
23          requiring district school boards to report a  
24          disqualified person to the department for inclusion on  
25          the disqualification list; revising the circumstances  
26          under which a school board official shall forfeit his  
27          or her salary for 1 year; amending s. 1002.33, F.S.;  
28          prohibiting an individual who is on the  
29          disqualification list from being employed by a charter

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30 school or serving as a member of a charter school  
31 governing board; requiring a charter school to  
32 disqualify certain persons and make a report to the  
33 department to include the person on the  
34 disqualification list; requiring charter school  
35 governing boards to adopt policies establishing  
36 standards of ethical conduct for certain employees;  
37 requiring charter schools to perform a certain  
38 screening before employing a person in any position  
39 that requires direct contact with students; requiring  
40 charter schools to comply with a specified provision;  
41 assigning duties to certain charter school  
42 administrative personnel and a charter school  
43 governing board; amending s. 1002.421, F.S.; requiring  
44 certain private schools to adopt policies establishing  
45 standards of ethical conduct for certain employees;  
46 revising requirements for certain private schools  
47 relating to employment; requiring certain private  
48 schools to disqualify certain persons and make a  
49 report to the department to include the person on the  
50 disqualification list; authorizing the Commissioner of  
51 Education to deny or revoke the authority of an owner  
52 or operator of a certain private school to establish  
53 or operate a private school under certain conditions;  
54 requiring the commissioner to include such person on  
55 the disqualification list; amending s. 1002.45, F.S.;  
56 revising virtual instruction program provider  
57 qualifications for department approval; expanding the  
58 screening requirements for employees and personnel of

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59 an approved virtual instruction program provider;  
60 requiring an approved virtual instruction program  
61 provider to disqualify certain persons and make a  
62 report to the department to include the persons on the  
63 disqualification list; requiring an approved virtual  
64 instruction program provider to comply with a  
65 specified provision; requiring an approved virtual  
66 instruction program provider to inform the district  
67 school board of a certain complaint; amending s.  
68 1006.061, F.S.; requiring certain schools to include  
69 information related to certain employees in a required  
70 posting; amending s. 1012.31, F.S.; clarifying a  
71 school district reporting requirement; amending s.  
72 1012.315, F.S.; expanding ineligibility for educator  
73 certification or employment to persons who are on the  
74 disqualification list; amending s. 1012.32, F.S.;  
75 expanding requirements for screening of certain  
76 personnel of a virtual instruction program;  
77 prohibiting district school boards from requiring  
78 additional background screening of certain employees  
79 and personnel; amending s. 1012.795, F.S.; expanding  
80 the authority of the Education Practices Commission to  
81 discipline certain employees and personnel; amending  
82 s. 1012.796, F.S.; requiring the department to  
83 complete an investigation before issuing a new  
84 educator certificate to certain persons; clarifying  
85 the duty of a district school board to perform certain  
86 investigations; requiring certain entities to report  
87 certain arrests and allegations of misconduct of

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88 certain employees, personnel, and administrators to  
89 the department; requiring district school boards to  
90 adopt certain policies and procedures regarding  
91 educational support employees; requiring school  
92 superintendents to report certain misconduct of  
93 educational support employees to the department;  
94 requiring the department to include certain employees,  
95 personnel, and administrators on the disqualification  
96 list; requiring the department to maintain certain  
97 reports of misconduct; clarifying the department's  
98 duty to investigate certificated personnel; requiring  
99 a district school superintendent to suspend and  
100 reassign educational support employees for a certain  
101 allegation of misconduct; expanding penalties that may  
102 be imposed by the commission; authorizing the  
103 commission to direct the department to include a  
104 certain person on the disqualification list for  
105 certain conduct; prohibiting persons on the  
106 disqualification list from serving or applying to  
107 serve as employees or contract personnel at certain  
108 institutions; providing criminal penalties; amending  
109 s. 1012.797, F.S.; expanding the list of entities that  
110 law enforcement agencies must notify of certain  
111 charges; requiring law enforcement agencies to notify  
112 certain institutions of certain charges against  
113 employees or contractors; providing an effective date.

114  
115 Be It Enacted by the Legislature of the State of Florida:  
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117 Section 1. Subsections (4) and (5) of section 1001.10,  
118 Florida Statutes, are amended to read:

119 1001.10 Commissioner of Education; general powers and  
120 duties.—

121 (4) (a) The Department of Education shall provide technical  
122 assistance to school districts, charter schools, the Florida  
123 School for the Deaf and the Blind, and private schools that  
124 accept scholarship students who participate in a state  
125 scholarship program under chapter 1002 in the development of  
126 policies, procedures, and training related to employment  
127 practices and standards of ethical conduct for instructional  
128 personnel and school administrators, as defined in s. 1012.01.

129 (b) The department shall maintain a disqualification list,  
130 which must include the following information:

131 1. The identity of any person who has been permanently  
132 denied an educator certificate or whose educator certificate has  
133 been permanently revoked and the person has been placed on the  
134 list as directed by the Education Practices Commission pursuant  
135 to s. 1012.795(1) or s. 1012.796(7);

136 2. The identity of any person who has been permanently  
137 disqualified by the commissioner to be an owner or operator of a  
138 private school participating in state scholarship programs  
139 pursuant to s. 1002.421 for a reason that reflects any risk of  
140 harm to the health, safety, or welfare of a student;

141 3. The identity of any person who has been terminated, or  
142 has resigned in lieu of termination, from employment with a  
143 district school board as a result of misconduct that affects the  
144 health, safety, or welfare of a student; and

145 4. The identity of any person who has been disqualified

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146 from employment pursuant to s. 1012.315.

147 (c) The department may remove a person from the  
148 disqualification list if the person demonstrates that:

149 1. A completed law enforcement investigation resulted in an  
150 exoneration or no conviction or finding of guilt, and a  
151 completed investigation and proceeding, as applicable, by the  
152 responsible education agency resulted in no finding that the  
153 person committed disqualifying conduct; or

154 2. The person was not the subject of the report of  
155 disqualifying conduct and was included on the disqualification  
156 list in error or as a result of mistaken identity.

157 (d) The State Board of Education shall adopt rules to  
158 implement the disqualification list.

159 (5) The Department of Education shall provide authorized  
160 staff of school districts, charter schools, the Florida School  
161 for the Deaf and the Blind, and private schools that accept  
162 scholarship students who participate in a state scholarship  
163 program under chapter 1002 with access to electronic  
164 verification of information from the following employment  
165 screening tools:

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

168 (b) The Department of Education's Teacher Certification  
169 Database; and

170 (c) The Department of Education's disqualification list  
171 maintained pursuant to paragraph (4) (b).

172  
173 This subsection does not require the department to provide these  
174 staff with unlimited access to the databases. However, the

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175 department shall provide the staff with access to the data  
176 necessary for performing employment history checks of the  
177 educational support employees, instructional personnel, and  
178 school administrators included in the databases.

179 Section 2. Subsections (6) and (7) of section 1001.42,  
180 Florida Statutes, are amended, and paragraph (c) is added to  
181 subsection (5) of that section, to read:

182 1001.42 Powers and duties of district school board.—The  
183 district school board, acting as a board, shall exercise all  
184 powers and perform all duties listed below:

185 (5) PERSONNEL.—

186 (c) Immediately investigate any legally sufficient  
187 complaint that involves misconduct by an educational support  
188 employee, instructional personnel, or administrative personnel  
189 which affects the health, safety, or welfare of a student and  
190 would result in termination. An investigation that results in  
191 termination, or the accused person's resignation in lieu of  
192 termination, must be reported to the department, and the  
193 department shall place the person on the disqualification list  
194 maintained pursuant to s. 1001.10(4)(b).

195 (6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT  
196 EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL,  
197 AND SCHOOL OFFICERS.—Adopt policies establishing standards of  
198 ethical conduct for educational support employees, instructional  
199 personnel, administrative personnel, and school officers. The  
200 policies must require all educational support employees,  
201 instructional personnel, administrative personnel, and school  
202 officers, as defined in s. 1012.01, to complete training on the  
203 standards; establish the duty of educational support employees,

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204 instructional personnel, administrative personnel, and school  
205 officers to report, and procedures for reporting, alleged  
206 misconduct by other educational support employees, instructional  
207 or administrative personnel, and school officers which affects  
208 the health, safety, or welfare of a student, including  
209 misconduct that involves engaging in or soliciting sexual,  
210 romantic, or lewd conduct with a student; require the district  
211 school superintendent to report to law enforcement misconduct by  
212 educational support employees, instructional personnel, or  
213 school administrators that would result in disqualification from  
214 educator certification or employment as provided in s. 1012.315;  
215 and include an explanation of the liability protections provided  
216 under ss. 39.203 and 768.095. A district school board, or any of  
217 its employees or personnel, may not enter into a confidentiality  
218 agreement regarding terminated or dismissed educational support  
219 employees, instructional or administrative personnel, or school  
220 officers who resign in lieu of termination, based in whole or in  
221 part on misconduct that affects the health, safety, or welfare  
222 of a student, and may not provide educational support employees,  
223 instructional personnel, administrative personnel, or school  
224 officers with employment references or discuss the employees',  
225 personnel's, or officers' performance with prospective employers  
226 in another educational setting, without disclosing the  
227 employees', personnel's, or officers' misconduct. Any part of an  
228 agreement or contract that has the purpose or effect of  
229 concealing misconduct by educational support employees,  
230 instructional personnel, administrative personnel, or school  
231 officers which affects the health, safety, or welfare of a  
232 student is void, is contrary to public policy, and may not be



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233 enforced.

234 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
235 educational support employees, instructional personnel, and  
236 administrative personnel, as defined in s. 1012.01, from  
237 employment in any position that requires direct contact with  
238 students if the employees or personnel are ineligible for such  
239 employment under s. 1012.315, and, if the disqualifying conduct  
240 occurs subsequent to employment, report the disqualified  
241 employees or personnel and the disqualifying circumstances to  
242 the department for inclusion on the disqualification list  
243 maintained by the department pursuant to s. 1001.10(4)(b). An  
244 elected or appointed school board official forfeits his or her  
245 salary for 1 year if:

246 (a) The school board official knowingly signs and transmits  
247 to any state official a report of alleged misconduct by  
248 educational support employees, instructional personnel, or  
249 administrative personnel which affects the health, safety, or  
250 welfare of a student and the school board official knows the  
251 report to be false or incorrect; or

252 (b) The school board official knowingly fails to adopt  
253 policies that require:

254 1. Educational support employees, instructional personnel,  
255 and administrative personnel to report alleged misconduct by  
256 other educational support employees, instructional personnel,  
257 and administrative personnel;

258 2. The district school superintendent to report misconduct  
259 by educational support employees, instructional personnel, or  
260 school administrators that would result in disqualification from  
261 educator certification or employment as provided in s. 1012.315

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262 to the law enforcement agencies with jurisdiction over the  
263 conduct and the department as required by s. 1012.796; or

264 3. The complete investigation of all reports of alleged  
265 misconduct by educational support employees, instructional  
266 personnel, and administrative personnel, if the misconduct  
267 affects the health, safety, or welfare of a student, regardless  
268 of whether the educational support employees, instructional  
269 personnel, or administrative personnel resign or are terminated  
270 before the conclusion of the investigation. The policy must  
271 require the superintendent to notify the department of the  
272 result of the investigation and whether the misconduct warranted  
273 termination, regardless of whether the person resigned or was  
274 terminated before the conclusion of the investigation.

275 Section 3. Paragraph (g) of subsection (12) and paragraphs  
276 (b) and (c) of subsection (16) of section 1002.33, Florida  
277 Statutes, are amended to read:

278 1002.33 Charter schools.—

279 (12) EMPLOYEES OF CHARTER SCHOOLS.—

280 (g)1. A charter school shall employ or contract with  
281 employees who have undergone background screening as provided in  
282 s. 1012.32. Members of the governing board of the charter school  
283 shall also undergo background screening in a manner similar to  
284 that provided in s. 1012.32. A person may not be employed by a  
285 charter school or serve as a member of a charter school  
286 governing board if the person is ineligible pursuant to s.  
287 1012.315 or is included on the disqualification list maintained  
288 by the department pursuant to s. 1001.10(4)(b).

289 2. A charter school shall disqualify educational support  
290 employees, instructional personnel, and school administrators,

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291 as defined in s. 1012.01, from employment in any position that  
292 requires direct contact with students if the employees,  
293 personnel, or administrators are ineligible for such employment  
294 under s. 1012.315, and, if the disqualifying conduct occurs  
295 subsequent to employment, report the person and the  
296 disqualifying circumstances to the department for inclusion on  
297 the disqualification list maintained pursuant to s.  
298 1001.10(4)(b).

299 3. The governing board of a charter school shall adopt  
300 policies establishing standards of ethical conduct for  
301 educational support employees, instructional personnel, and  
302 school administrators. The policies must require all educational  
303 support employees, instructional personnel, and school  
304 administrators, as defined in s. 1012.01, to complete training  
305 on the standards; establish the duty of educational support  
306 employees, instructional personnel, and school administrators to  
307 report, and procedures for reporting, alleged misconduct by  
308 other educational support employees, instructional personnel,  
309 and school administrators which affects the health, safety, or  
310 welfare of a student; and include an explanation of the  
311 liability protections provided under ss. 39.203 and 768.095. A  
312 charter school, or any of its employees, may not enter into a  
313 confidentiality agreement regarding terminated or dismissed  
314 educational support employees, instructional personnel, or  
315 school administrators, or personnel or administrators who resign  
316 in lieu of termination, based in whole or in part on misconduct  
317 that affects the health, safety, or welfare of a student, and  
318 may not provide educational support employees, instructional  
319 personnel, or school administrators with employment references

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320 or discuss the employees', personnel's, or administrators'  
321 performance with prospective employers in another educational  
322 setting, without disclosing the employees', personnel's or  
323 administrators' misconduct. Any part of an agreement or contract  
324 that has the purpose or effect of concealing misconduct by  
325 educational support employees, instructional personnel, or  
326 school administrators which affects the health, safety, or  
327 welfare of a student is void, is contrary to public policy, and  
328 may not be enforced.

329 4. Before employing a person ~~instructional personnel or~~  
330 ~~school administrators~~ in any position that requires direct  
331 contact with students, a charter school shall conduct employment  
332 history checks of each of the person's ~~personnel's or~~  
333 ~~administrators'~~ previous employers, screen the person  
334 ~~instructional personnel or school administrators~~ through use of  
335 the ~~educator~~ screening tools described in s. 1001.10(5), and  
336 document the findings. If unable to contact a previous employer,  
337 the charter school must document efforts to contact the  
338 employer.

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

342 (16) EXEMPTION FROM STATUTES.—

343 (b) ~~Additionally~~, A charter school also shall be in  
344 compliance with the following statutes:

- 345 1. Section 286.011, relating to public meetings and  
346 records, public inspection, and criminal and civil penalties.
- 347 2. Chapter 119, relating to public records.
- 348 3. Section 1003.03, relating to the maximum class size,

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349 except that the calculation for compliance pursuant to s.  
350 1003.03 shall be the average at the school level.

351 4. Section 1012.22(1)(c), relating to compensation and  
352 salary schedules.

353 5. Section 1012.33(5), relating to workforce reductions.

354 6. Section 1012.335, relating to contracts with  
355 instructional personnel hired on or after July 1, 2011.

356 7. Section 1012.34, relating to the substantive  
357 requirements for performance evaluations for instructional  
358 personnel and school administrators.

359 8. Section 1006.12, relating to safe-school officers.

360 9. Section 1006.07(7), relating to threat assessment teams.

361 10. Section 1006.07(9), relating to School Environmental  
362 Safety Incident Reporting.

363 11. Section 1006.1493, relating to the Florida Safe Schools  
364 Assessment Tool.

365 12. Section 1006.07(6)(c), relating to adopting an active  
366 assailant response plan.

367 13. Section 943.082(4)(b), relating to the mobile  
368 suspicious activity reporting tool.

369 14. Section 1012.584, relating to youth mental health  
370 awareness and assistance training.

371 15. Section 1012.796, relating to complaints against  
372 educational support employees, teachers, and administrators.

373 (c) For purposes of subparagraphs (b)4.-7. and 15.:

374 1. The duties assigned to a district school superintendent  
375 apply to charter school administrative personnel, as defined in  
376 s. 1012.01(3)(a) and (b), and the charter school governing board  
377 shall designate at least one administrative person to be

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378 responsible for such duties.

379 2. The duties assigned to a district school board apply to  
380 a charter school governing board.

381 3. A charter school may hire instructional personnel and  
382 other employees on an at-will basis.

383 4. Notwithstanding any provision to the contrary,  
384 instructional personnel and other employees on contract may be  
385 suspended or dismissed any time during the term of the contract  
386 without cause.

387 Section 4. Paragraphs (n) and (o) of subsection (1) and  
388 subsection (3) of section 1002.421, Florida Statutes, are  
389 amended, and paragraph (r) of subsection (1) is added to that  
390 section, to read:

391 1002.421 State school choice scholarship program  
392 accountability and oversight.—

393 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
394 school participating in an educational scholarship program  
395 established pursuant to this chapter must be a private school as  
396 defined in s. 1002.01(2) in this state, be registered, and be in  
397 compliance with all requirements of this section in addition to  
398 private school requirements outlined in s. 1002.42, specific  
399 requirements identified within respective scholarship program  
400 laws, and other provisions of Florida law that apply to private  
401 schools, and must:

402 (n) Adopt policies establishing standards of ethical  
403 conduct for educational support employees, instructional  
404 personnel, and school administrators. The policies must require  
405 all educational support employees, instructional personnel, and  
406 school administrators, as defined in s. 1012.01, to complete

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407 training on the standards; establish the duty of educational  
408 support employees, instructional personnel, and school  
409 administrators to report, and procedures for reporting, alleged  
410 misconduct by other educational support employees, instructional  
411 personnel, and school administrators which affects the health,  
412 safety, or welfare of a student; and include an explanation of  
413 the liability protections provided under ss. 39.203 and 768.095.  
414 A private school, or any of its employees, may not enter into a  
415 confidentiality agreement regarding terminated or dismissed  
416 educational support employees, instructional personnel, or  
417 school administrators, or personnel or administrators who resign  
418 in lieu of termination, based in whole or in part on misconduct  
419 that affects the health, safety, or welfare of a student, and  
420 may not provide the employees, ~~instructional personnel~~, or  
421 school administrators with employment references or discuss the  
422 employees', ~~personnel's~~, or administrators' performance with  
423 prospective employers in another educational setting, without  
424 disclosing the employees', ~~personnel's~~, or administrators'  
425 misconduct. Any part of an agreement or contract that has the  
426 purpose or effect of concealing misconduct by educational  
427 support employees, instructional personnel, or school  
428 administrators which affects the health, safety, or welfare of a  
429 student is void, is contrary to public policy, and may not be  
430 enforced.

431 (o) Before employing an individual ~~instructional personnel~~  
432 ~~or school administrators~~ in any position that requires direct  
433 contact with students, conduct employment history checks of ~~each~~  
434 ~~of the personnel's or administrators'~~ previous employers, screen  
435 the individual using the ~~personnel or administrators through use~~

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436 ~~of the educator~~ screening tools described in s. 1001.10(5), and  
437 document the findings. If unable to contact a previous employer,  
438 the private school must document efforts to contact the  
439 employer. The private school must deny employment to any  
440 individual whose educator certificate is revoked, who is barred  
441 from reapplication for an educator certificate, or who is  
442 identified on the disqualification list maintained by the  
443 department pursuant to s. 1001.10(4)(b).

444 (r) Disqualify educational support employees, instructional  
445 personnel, and school administrators from employment in any  
446 position that requires direct contact with students if the  
447 personnel or administrators are ineligible for such employment  
448 pursuant to this section or s. 1012.315, and, if the  
449 disqualifying conduct occurs subsequent to employment, report  
450 the person and the disqualifying circumstances to the department  
451 for inclusion on the disqualification list maintained pursuant  
452 to s. 1001.10(4)(b).

453  
454 The department shall suspend the payment of funds to a private  
455 school that knowingly fails to comply with this subsection, and  
456 shall prohibit the school from enrolling new scholarship  
457 students, for 1 fiscal year and until the school complies. If a  
458 private school fails to meet the requirements of this subsection  
459 or has consecutive years of material exceptions listed in the  
460 report required under paragraph (q), the commissioner may  
461 determine that the private school is ineligible to participate  
462 in a scholarship program.

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

464 The Commissioner of Education:



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465 (a) Shall deny, suspend, or revoke a private school's  
466 participation in a scholarship program if it is determined that  
467 the private school has failed to comply with this section or  
468 exhibits a previous pattern of failure to comply. However, if  
469 the noncompliance is correctable within a reasonable amount of  
470 time, not to exceed 45 days, and if the health, safety, or  
471 welfare of the students is not threatened, the commissioner may  
472 issue a notice of noncompliance which provides the private  
473 school with a timeframe within which to provide evidence of  
474 compliance before taking action to suspend or revoke the private  
475 school's participation in the scholarship program.

476 (b) May deny, suspend, or revoke a private school's  
477 participation in a scholarship program if the commissioner  
478 determines that an owner or operator of the private school is  
479 operating or has operated an educational institution in this  
480 state or in another state or jurisdiction in a manner contrary  
481 to the health, safety, or welfare of the public or if the owner  
482 or operator has exhibited a previous pattern of failure to  
483 comply with this section or specific requirements identified  
484 within respective scholarship program laws. For purposes of this  
485 subsection, the term "owner or operator" has the same meaning as  
486 provided in paragraph (1) (p).

487 (c) May permanently deny or revoke the authority of an  
488 owner or operator to establish or operate a private school  
489 participating in an educational scholarship program pursuant to  
490 this chapter if the commissioner decides that the owner or  
491 operator is operating or has operated an educational institution  
492 in this state or another state or jurisdiction in a manner  
493 contrary to the health, safety, or welfare of the public, and

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494 shall include such person on the disqualification list  
495 maintained by the department pursuant to s. 1001.10(4)(b).

496 (d)1.~~(e)1.~~ In making such a determination, may consider  
497 factors that include, but are not limited to, acts or omissions  
498 by an owner or operator which led to a previous denial,  
499 suspension, or revocation of participation in a state or federal  
500 education scholarship program; an owner's or operator's failure  
501 to reimburse the department or scholarship-funding organization  
502 for scholarship funds improperly received or retained by a  
503 school; the imposition of a prior criminal sanction related to  
504 an owner's or operator's management or operation of an  
505 educational institution; the imposition of a civil fine or  
506 administrative fine, license revocation or suspension, or  
507 program eligibility suspension, termination, or revocation  
508 related to an owner's or operator's management or operation of  
509 an educational institution; or other types of criminal  
510 proceedings in which an owner or operator was found guilty of,  
511 regardless of adjudication, or entered a plea of nolo contendere  
512 or guilty to, any offense involving fraud, deceit, dishonesty,  
513 or moral turpitude.

514 2. The commissioner's determination is subject to the  
515 following:

516 a. If the commissioner intends to deny, suspend, or revoke  
517 a private school's participation in the scholarship program, the  
518 department shall notify the private school of such proposed  
519 action in writing by certified mail and regular mail to the  
520 private school's address of record with the department. The  
521 notification shall include the reasons for the proposed action  
522 and notice of the timelines and procedures set forth in this

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523 paragraph.

524       b. The private school that is adversely affected by the  
525 proposed action shall have 15 days after receipt of the notice  
526 of proposed action to file with the department's agency clerk a  
527 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
528 the private school is entitled to a hearing under s. 120.57(1),  
529 the department shall forward the request to the Division of  
530 Administrative Hearings.

531       c. Upon receipt of a request referred pursuant to this  
532 subparagraph, the director of the Division of Administrative  
533 Hearings shall expedite the hearing and assign an administrative  
534 law judge who shall commence a hearing within 30 days after the  
535 receipt of the formal written request by the division and enter  
536 a recommended order within 30 days after the hearing or within  
537 30 days after receipt of the hearing transcript, whichever is  
538 later. Each party shall be allowed 10 days in which to submit  
539 written exceptions to the recommended order. A final order shall  
540 be entered by the agency within 30 days after the entry of a  
541 recommended order. The provisions of this sub-subparagraph may  
542 be waived upon stipulation by all parties.

543       (e)~~(d)~~ May immediately suspend payment of scholarship funds  
544 if it is determined that there is probable cause to believe that  
545 there is:

546       1. An imminent threat to the health, safety, or welfare of  
547 the students;

548       2. A previous pattern of failure to comply with this  
549 section; or

550       3. Fraudulent activity on the part of the private school.  
551 Notwithstanding s. 1002.22, in incidents of alleged fraudulent

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552 activity pursuant to this section, the department's Office of  
553 Inspector General is authorized to release personally  
554 identifiable records or reports of students to the following  
555 persons or organizations:

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

560 b. A person or entity authorized by a court of competent  
561 jurisdiction in compliance with an order of that court or the  
562 attorney of record pursuant to a lawfully issued subpoena,  
563 consistent with the Family Educational Rights and Privacy Act,  
564 20 U.S.C. s. 1232g.

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

571  
572 The commissioner's order suspending payment pursuant to this  
573 paragraph may be appealed pursuant to the same procedures and  
574 timelines as the notice of proposed action set forth in  
575 subparagraph (d)2. ~~subparagraph (c)2.~~

576 Section 5. Paragraph (a) of subsection (2) of section  
577 1002.45, Florida Statutes, is amended to read:

578 1002.45 Virtual instruction programs.—

579 (2) PROVIDER QUALIFICATIONS.—

580 (a) The department shall annually publish online a list of

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581 providers approved to offer virtual instruction programs. To be  
582 approved by the department, a provider must document that it:

583 1. Is nonsectarian in its programs, admission policies,  
584 employment practices, and operations;

585 2. Complies with the antidiscrimination provisions of s.  
586 1000.05;

587 3. Locates an administrative office or offices in this  
588 state, requires its administrative staff to be state residents,  
589 requires all instructional staff to be Florida-certified  
590 teachers under chapter 1012, and conducts background screenings  
591 and receives arrest reports for all employees or contracted  
592 personnel, as required by s. 1012.32, using state and national  
593 criminal history records, and designates at least one  
594 administrator to be responsible for the duties and requirements  
595 related to background screening assigned to a district school  
596 board and superintendent under ss. 1012.465 and 1012.56(10);

597 4. Disqualifies educational support employees,  
598 instructional personnel, and administrative personnel, as  
599 defined in s. 1012.01, from employment in any position that  
600 requires direct contact with students, if the employees or  
601 personnel are ineligible for such employment under s. 1012.315,  
602 and, if the disqualifying conduct occurs subsequent to  
603 employment, reports the disqualified employees or personnel and  
604 the disqualifying circumstances to the department for inclusion  
605 on the disqualification list maintained by the department  
606 pursuant to s. 1001.10(4)(b).

607 ~~5.4.~~ Provides to parents and students specific information  
608 posted and accessible online that includes, but is not limited  
609 to, the following teacher-parent and teacher-student contact

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610 information for each course:

611 a. How to contact the instructor via phone, e-mail, or  
612 online messaging tools.

613 b. How to contact technical support via phone, e-mail, or  
614 online messaging tools.

615 c. How to contact the administration office via phone, e-  
616 mail, or online messaging tools.

617 d. Any requirement for regular contact with the instructor  
618 for the course and clear expectations for meeting the  
619 requirement.

620 e. The requirement that the instructor in each course must,  
621 at a minimum, conduct one contact via phone with the parent and  
622 the student each month;

623 ~~6.5.~~ Possesses prior, successful experience offering online  
624 courses to elementary, middle, or high school students as  
625 demonstrated by quantified student learning gains in each  
626 subject area and grade level provided for consideration as an  
627 instructional program option. However, for a provider without  
628 sufficient prior, successful experience offering online courses,  
629 the department may conditionally approve the provider to offer  
630 courses measured pursuant to subparagraph (8)(a)2. Conditional  
631 approval shall be valid for 1 school year only and, based on the  
632 provider's experience in offering the courses, the department  
633 shall determine whether to grant approval to offer a virtual  
634 instruction program;

635 ~~7.6.~~ Is accredited by a regional accrediting association as  
636 defined by State Board of Education rule;

637 ~~8.7.~~ Ensures instructional and curricular quality through a  
638 detailed curriculum and student performance accountability plan

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639 that addresses every subject and grade level it intends to  
640 provide through contract with the school district, including:

641 a. Courses and programs that meet the standards of the  
642 International Association for K-12 Online Learning and the  
643 Southern Regional Education Board.

644 b. Instructional content and services that align with, and  
645 measure student attainment of, student proficiency in the Next  
646 Generation Sunshine State Standards.

647 c. Mechanisms that determine and ensure that a student has  
648 satisfied requirements for grade level promotion and high school  
649 graduation with a standard diploma, as appropriate;

650 9.8. Publishes for the general public, in accordance with  
651 disclosure requirements adopted in rule by the State Board of  
652 Education, as part of its application as a provider and in all  
653 contracts negotiated pursuant to this section:

654 a. Information and data about the curriculum of each full-  
655 time and part-time program.

656 b. School policies and procedures.

657 c. Certification status and physical location of all  
658 administrative and instructional personnel.

659 d. Hours and times of availability of instructional  
660 personnel.

661 e. Student-teacher ratios.

662 f. Student completion and promotion rates.

663 g. Student, educator, and school performance accountability  
664 outcomes;

665 10.9. If the provider is a Florida College System  
666 institution, employs instructors who meet the certification  
667 requirements for instructional staff under chapter 1012; and

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668       ~~11.10.~~ Performs an annual financial audit of its accounts  
669 and records conducted by an independent certified public  
670 accountant which is in accordance with rules adopted by the  
671 Auditor General, is conducted in compliance with generally  
672 accepted auditing standards, and includes a report on financial  
673 statements presented in accordance with generally accepted  
674 accounting principles.

675       12. Complies with s. 1012.796, relating to complaints  
676 against educational support employees, teachers, and  
677 administrators and designates at least one administrator to be  
678 responsible for the duties and requirements assigned to a  
679 district school board and superintendent pursuant to that  
680 section. A virtual instruction provider must inform the district  
681 school board of a complaint regarding misconduct or an arrest of  
682 instructional or noninstructional personnel.

683       Section 6. Subsection (2) of section 1006.061, Florida  
684 Statutes, is amended to read:

685       1006.061 Child abuse, abandonment, and neglect policy.—Each  
686 district school board, charter school, and private school that  
687 accepts scholarship students who participate in a state  
688 scholarship program under chapter 1002 shall:

689       (2) Post in a prominent place at each school site and on  
690 each school's Internet website, if available, the policies and  
691 procedures for reporting alleged misconduct by educational  
692 support employees, instructional personnel, or school  
693 administrators which affects the health, safety, or welfare of a  
694 student; the contact person to whom the report is made; and the  
695 penalties imposed on educational support employees,  
696 instructional personnel, or school administrators who fail to



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697 report suspected or actual child abuse or alleged misconduct by  
698 other educational support employees, instructional personnel, or  
699 school administrators.

700  
701 The Department of Education shall develop, and publish on the  
702 department's Internet website, sample notices suitable for  
703 posting in accordance with subsections (1), (2), and (4).

704 Section 7. Paragraph (a) of subsection (3) of section  
705 1012.31, Florida Statutes, is amended to read:

706 1012.31 Personnel files.—Public school system employee  
707 personnel files shall be maintained according to the following  
708 provisions:

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

711 1. Any complaint and any material relating to the  
712 investigation of a complaint against an employee shall be  
713 confidential and exempt from the provisions of s. 119.07(1)  
714 until the conclusion of the preliminary investigation or until  
715 such time as the preliminary investigation ceases to be active.  
716 If the preliminary investigation is concluded with the finding  
717 that there is no probable cause to proceed further and with no  
718 disciplinary action taken or charges filed, a statement to that  
719 effect signed by the responsible investigating official shall be  
720 attached to the complaint, and the complaint and all such  
721 materials shall be open thereafter to inspection pursuant to s.  
722 119.07(1). If the preliminary investigation is concluded with  
723 the finding that there is probable cause to proceed further or  
724 with disciplinary action taken or charges filed, the complaint  
725 and all such materials shall be open thereafter to inspection

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726 pursuant to s. 119.07(1). If the preliminary investigation  
727 ceases to be active, the complaint and all such materials shall  
728 be open thereafter to inspection pursuant to s. 119.07(1). For  
729 the purpose of this subsection, a preliminary investigation  
730 shall be considered active as long as it is continuing with a  
731 reasonable, good faith anticipation that an administrative  
732 finding will be made in the foreseeable future. An investigation  
733 shall be presumed to be inactive if no finding relating to  
734 probable cause is made within 60 days after the complaint is  
735 made. This subparagraph does not absolve the school district of  
736 the duty to issue any legally required notifications, including  
737 the ~~its~~ duty to provide any legally sufficient complaint to the  
738 department ~~in accordance with~~ within 30 days after the date on  
739 which the subject matter of the complaint comes to the attention  
740 of the school district pursuant to s. 1012.796(1)(d)1. and 3.,  
741 regardless of the status of the complaint.

742 2. An employee evaluation prepared pursuant to s. 1012.33,  
743 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
744 Education or district school board under the authority of those  
745 sections shall be confidential and exempt from the provisions of  
746 s. 119.07(1) until the end of the school year immediately  
747 following the school year in which the evaluation was made. No  
748 evaluation prepared before July 1, 1983, shall be made public  
749 pursuant to this section.

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

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

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755           5. Employee medical records, including psychiatric and  
756           psychological records, shall be confidential and exempt from the  
757           provisions of s. 119.07(1); however, at any hearing relative to  
758           the competency or performance of an employee, the administrative  
759           law judge, hearing officer, or panel shall have access to such  
760           records.

761           Section 8. Section 1012.315, Florida Statutes, is amended  
762           to read:

763           1012.315 Disqualification from employment.—A person is  
764           ineligible for educator certification or employment in any  
765           position that requires direct contact with students in a  
766           district school system, charter school, or private school that  
767           accepts scholarship students who participate in a state  
768           scholarship program under chapter 1002 if the person is included  
769           in the disqualification list maintained by the department  
770           pursuant to s. 1001.10(4)(b) or has been convicted of:

771           (1) Any felony offense prohibited under any of the  
772           following statutes:

773           (a) Section 393.135, relating to sexual misconduct with  
774           certain developmentally disabled clients and reporting of such  
775           sexual misconduct.

776           (b) Section 394.4593, relating to sexual misconduct with  
777           certain mental health patients and reporting of such sexual  
778           misconduct.

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

781           (d) Section 782.04, relating to murder.

782           (e) Section 782.07, relating to manslaughter, aggravated  
783           manslaughter of an elderly person or disabled adult, aggravated

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784 manslaughter of a child, or aggravated manslaughter of an  
785 officer, a firefighter, an emergency medical technician, or a  
786 paramedic.

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

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

789 (h) Section 784.075, relating to battery on a detention or  
790 commitment facility staff member or a juvenile probation  
791 officer.

792 (i) Section 787.01, relating to kidnapping.

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

794 (k) Section 787.025, relating to luring or enticing a  
795 child.

796 (l) Section 787.04(2), relating to leading, taking,  
797 enticing, or removing a minor beyond the state limits, or  
798 concealing the location of a minor, with criminal intent pending  
799 custody proceedings.

800 (m) Section 787.04(3), relating to leading, taking,  
801 enticing, or removing a minor beyond the state limits, or  
802 concealing the location of a minor, with criminal intent pending  
803 dependency proceedings or proceedings concerning alleged abuse  
804 or neglect of a minor.

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

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

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

812 (q) Former s. 794.041, relating to sexual activity with or

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813 solicitation of a child by a person in familial or custodial  
814 authority.

815 (r) Section 794.05, relating to unlawful sexual activity  
816 with certain minors.

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

818 (t) Chapter 796, relating to prostitution.

819 (u) Chapter 800, relating to lewdness and indecent  
820 exposure.

821 (v) Section 800.101, relating to offenses against students  
822 by authority figures.

823 (w) Section 806.01, relating to arson.

824 (x) Section 810.14, relating to voyeurism.

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

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

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

830 (bb) Section 812.019, relating to dealing in stolen  
831 property.

832 (cc) Section 812.13, relating to robbery.

833 (dd) Section 812.131, relating to robbery by sudden  
834 snatching.

835 (ee) Section 812.133, relating to carjacking.

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

837 (gg) Section 817.563, relating to fraudulent sale of  
838 controlled substances.

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

841 (ii) Section 825.103, relating to exploitation of an

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842 elderly person or disabled adult.

843 (jj) Section 825.1025, relating to lewd or lascivious  
844 offenses committed upon or in the presence of an elderly person  
845 or disabled person.

846 (kk) Section 826.04, relating to incest.

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

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

851 (nn) Section 827.071, relating to sexual performance by a  
852 child.

853 (oo) Section 843.01, relating to resisting arrest with  
854 violence.

855 (pp) Chapter 847, relating to obscenity.

856 (qq) Section 874.05, relating to causing, encouraging,  
857 soliciting, or recruiting another to join a criminal street  
858 gang.

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

862 (ss) Section 916.1075, relating to sexual misconduct with  
863 certain forensic clients and reporting of such sexual  
864 misconduct.

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

867 (uu) Section 985.701, relating to sexual misconduct in  
868 juvenile justice programs.

869 (vv) Section 985.711, relating to introduction, removal, or  
870 possession of contraband at a juvenile detention facility or

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871 commitment program.

872 (2) Any misdemeanor offense prohibited under any of the  
873 following statutes:

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

876 (b) Section 787.025, relating to luring or enticing a  
877 child.

878 (3) Any criminal act committed in another state or under  
879 federal law which, if committed in this state, constitutes an  
880 offense prohibited under any statute listed in subsection (1) or  
881 subsection (2).

882 (4) Any delinquent act committed in this state or any  
883 delinquent or criminal act committed in another state or under  
884 federal law which, if committed in this state, qualifies an  
885 individual for inclusion on the Registered Juvenile Sex Offender  
886 List under s. 943.0435(1)(h)1.d.

887 Section 9. Paragraph (a) of subsection (2) and paragraph  
888 (b) of subsection (3) of section 1012.32, Florida Statutes, are  
889 amended to read:

890 1012.32 Qualifications of personnel.—

891 (2)(a) Instructional and noninstructional personnel who are  
892 hired or contracted to fill positions that require direct  
893 contact with students in any district school system, virtual  
894 instruction program, or university lab school must, upon  
895 employment or engagement to provide services, undergo background  
896 screening as required under s. 1012.465 or s. 1012.56, whichever  
897 is applicable. A district school board may not require employees  
898 or contractual personnel of a virtual instruction provider  
899 approved pursuant to s. 1002.45(2) to undergo additional

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900 background screening.

901

902 Fingerprints shall be submitted to the Department of Law  
903 Enforcement for statewide criminal and juvenile records checks  
904 and to the Federal Bureau of Investigation for federal criminal  
905 records checks. A person subject to this subsection who is found  
906 ineligible for employment under s. 1012.315, or otherwise found  
907 through background screening to have been convicted of any crime  
908 involving moral turpitude as defined by rule of the State Board  
909 of Education, shall not be employed, engaged to provide  
910 services, or serve in any position that requires direct contact  
911 with students. Probationary persons subject to this subsection  
912 terminated because of their criminal record have the right to  
913 appeal such decisions. The cost of the background screening may  
914 be borne by the district school board, the charter school, the  
915 employee, the contractor, or a person subject to this  
916 subsection. A district school board shall reimburse a charter  
917 school the cost of background screening if it does not notify  
918 the charter school of the eligibility of a governing board  
919 member or instructional or noninstructional personnel within the  
920 earlier of 14 days after receipt of the background screening  
921 results from the Florida Department of Law Enforcement or 30  
922 days of submission of fingerprints by the governing board member  
923 or instructional or noninstructional personnel.

924 (3)

925 (b) The Department of Law Enforcement shall search all  
926 arrest fingerprints received under s. 943.051 against the  
927 fingerprints retained in the statewide automated biometric  
928 identification system under paragraph (a). Any arrest record



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929 that is identified with the retained fingerprints of a person  
930 subject to the background screening under this section shall be  
931 reported to the employing or contracting school district,  
932 virtual instruction provider approved pursuant to s. 1002.45(2),  
933 or the school district with which the person is affiliated. All  
934 school districts and approved virtual instruction providers are  
935 ~~Each school district is~~ required to participate in this search  
936 process by payment of an annual fee to the Department of Law  
937 Enforcement and by informing the Department of Law Enforcement  
938 of any change in the affiliation, employment, or contractual  
939 status or place of affiliation, employment, or contracting of  
940 its instructional and noninstructional personnel whose  
941 fingerprints are retained under paragraph (a). The Department of  
942 Law Enforcement shall adopt a rule setting the amount of the  
943 annual fee to be imposed upon each school district and approved  
944 virtual instruction provider for performing these searches and  
945 establishing the procedures for the retention of instructional  
946 and noninstructional personnel fingerprints and the  
947 dissemination of search results. The fee may be borne by the  
948 district school board, the approved virtual instruction  
949 provider, the contractor, or the person fingerprinted.

950 Section 10. Subsection (1) of section 1012.795, Florida  
951 Statutes, is amended to read:

952 1012.795 Education Practices Commission; authority to  
953 discipline.—

954 (1) The Education Practices Commission may suspend the  
955 educator certificate of any instructional personnel or school  
956 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
957 years, thereby denying that person the right to teach or

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958 otherwise be employed by a district school board or public  
959 school in any capacity requiring direct contact with students  
960 for that period of time, after which the person may return to  
961 teaching as provided in subsection (4); may revoke the educator  
962 certificate of any person, thereby denying that person the right  
963 to teach or otherwise be employed by a district school board or  
964 public school in any capacity requiring direct contact with  
965 students for up to 10 years, with reinstatement subject to  
966 subsection (4); may permanently revoke the educator certificate  
967 of any person thereby denying that person the right to teach or  
968 otherwise be employed by a district school board or public  
969 school in any capacity requiring direct contact with students;  
970 may suspend a person's educator certificate, upon an order of  
971 the court or notice by the Department of Revenue relating to the  
972 payment of child support; may direct the department to place  
973 employees or contractual personnel of any public school, charter  
974 school, charter school governing board, or private school that  
975 participates in a state scholarship program under chapter 1002  
976 on the disqualification list maintained by the department  
977 pursuant to s. 1001.10(4)(b) for misconduct that would render  
978 the person ineligible pursuant to s. 1012.315; or may impose any  
979 other penalty provided by law, if the person:

980 (a) Obtained or attempted to obtain an educator certificate  
981 by fraudulent means.

982 (b) Knowingly failed to report actual or suspected child  
983 abuse as required in s. 1006.061 or report alleged misconduct by  
984 instructional personnel or school administrators which affects  
985 the health, safety, or welfare of a student as required in s.  
986 1012.796.

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

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

994 (e) Has had an educator certificate or other professional  
995 license sanctioned by this or any other state or has had the  
996 authority to practice the regulated profession revoked,  
997 suspended, or otherwise acted against, including a denial of  
998 certification or licensure, by the licensing or certifying  
999 authority of any jurisdiction, including its agencies and  
1000 subdivisions. The licensing or certifying authority's acceptance  
1001 of a relinquishment, stipulation, consent order, or other  
1002 settlement offered in response to or in anticipation of the  
1003 filing of charges against the licensee or certificateholder  
1004 shall be construed as action against the license or certificate.  
1005 For purposes of this section, a sanction or action against a  
1006 professional license, a certificate, or an authority to practice  
1007 a regulated profession must relate to being an educator or the  
1008 fitness of or ability to be an educator.

1009 (f) Has been convicted or found guilty of, has had  
1010 adjudication withheld for, or has pled guilty or nolo contendere  
1011 to a misdemeanor, felony, or any other criminal charge, other  
1012 than a minor traffic violation.

1013 (g) Upon investigation, has been found guilty of personal  
1014 conduct that seriously reduces that person's effectiveness as an  
1015 employee of the district school board.

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1016 (h) Has breached a contract, as provided in s. 1012.33(2)  
1017 or s. 1012.335.

1018 (i) Has been the subject of a court order or notice by the  
1019 Department of Revenue pursuant to s. 409.2598 directing the  
1020 Education Practices Commission to suspend the certificate as a  
1021 result of noncompliance with a child support order, a subpoena,  
1022 an order to show cause, or a written agreement with the  
1023 Department of Revenue.

1024 (j) Has violated the Principles of Professional Conduct for  
1025 the Education Profession prescribed by State Board of Education  
1026 rules.

1027 (k) Has otherwise violated the provisions of law, the  
1028 penalty for which is the revocation of the educator certificate.

1029 (l) Has violated any order of the Education Practices  
1030 Commission.

1031 (m) Has been the subject of a court order or plea agreement  
1032 in any jurisdiction which requires the certificateholder to  
1033 surrender or otherwise relinquish his or her educator's  
1034 certificate. A surrender or relinquishment shall be for  
1035 permanent revocation of the certificate. A person may not  
1036 surrender or otherwise relinquish his or her certificate prior  
1037 to a finding of probable cause by the commissioner as provided  
1038 in s. 1012.796.

1039 (n) Has been disqualified from educator certification under  
1040 s. 1012.315.

1041 (o) Has committed a third recruiting offense as determined  
1042 by the Florida High School Athletic Association (FHSAA) pursuant  
1043 to s. 1006.20(2)(b).

1044 (p) Has violated test security as provided in s. 1008.24.

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1045 Section 11. Section 1012.796, Florida Statutes, is amended  
1046 to read:

1047 1012.796 Complaints against educational support employees,  
1048 teachers, and administrators; procedure; penalties.-

1049 (1) (a) The Department of Education shall cause to be  
1050 investigated expeditiously any complaint filed before it or  
1051 otherwise called to its attention which, if legally sufficient,  
1052 contains grounds for the revocation or suspension of a  
1053 certificate or any other appropriate penalty as set forth in  
1054 subsection (7). The complaint is legally sufficient if it  
1055 contains the ultimate facts that ~~which~~ show a violation has  
1056 occurred as provided in s. 1012.795 and defined by rule of the  
1057 State Board of Education. The department shall investigate or  
1058 continue to investigate and take appropriate action on a  
1059 complaint even though the original complainant withdraws the  
1060 complaint or otherwise indicates a desire not to cause it to be  
1061 investigated or prosecuted to completion. The department may  
1062 investigate or continue to investigate and take action on a  
1063 complaint filed against a person whose educator certificate has  
1064 expired if the act or acts that are the basis for the complaint  
1065 were allegedly committed while that person possessed an educator  
1066 certificate and may not issue a new certificate to such person  
1067 unless an investigation has been completed.

1068 (b) The department shall immediately investigate any  
1069 legally sufficient complaint that involves misconduct by any  
1070 certificated personnel which affects the health, safety, or  
1071 welfare of a student, giving the complaint priority over other  
1072 pending complaints. The department must investigate or continue  
1073 to investigate and take action on such a complaint filed against

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1074 a person whose educator certificate has expired if the act or  
1075 acts that are the basis for the complaint were allegedly  
1076 committed while that person possessed an educator certificate.

1077 (c) When an investigation is undertaken, the department  
1078 shall notify the certificateholder or applicant for  
1079 certification and the district school superintendent or the  
1080 university laboratory school, charter school, or private school  
1081 in which the certificateholder or applicant for certification is  
1082 employed or was employed at the time the alleged offense  
1083 occurred. In addition, the department shall inform the  
1084 certificateholder or applicant for certification of the  
1085 substance of any complaint that ~~which~~ has been filed against  
1086 that certificateholder or applicant, unless the department  
1087 determines that such notification would be detrimental to the  
1088 investigation, in which case the department may withhold  
1089 notification.

1090 (d)1. Each school district shall file in writing with the  
1091 department all legally sufficient complaints within 30 days  
1092 after the date on which subject matter of the complaint comes to  
1093 the attention of the school district, regardless of whether the  
1094 subject of the complaint is still an employee of the school  
1095 district. A complaint is legally sufficient if it contains  
1096 ultimate facts that show a violation has occurred as provided in  
1097 s. 1012.795 and defined by rule of the State Board of Education.  
1098 The school district shall include all information relating to  
1099 the complaint which is known to the school district at the time  
1100 of filing.

1101 2. A school district shall immediately notify the  
1102 department if the subject of a legally sufficient complaint of

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1103 misconduct affecting the health, safety, or welfare of a student  
1104 resigns or is terminated before the conclusion of the school  
1105 district's investigation. Upon receipt of the notification, the  
1106 department shall place an alert on the person's certification  
1107 file indicating that he or she resigned or was terminated before  
1108 an investigation involving allegations of misconduct affecting  
1109 the health, safety, or welfare of a student was concluded. In  
1110 such circumstances, the database may not include specific  
1111 information relating to the alleged misconduct until permitted  
1112 by subsection (4). This subparagraph does not limit or restrict  
1113 the duty of the district school board to investigate the  
1114 complaint and misconduct and report the findings and conclusion  
1115 to the department.

1116 3. Each district school board or superintendent, charter  
1117 school governing board, approved virtual instruction provider,  
1118 and private school that participates in a state scholarship  
1119 program under chapter 1002 shall immediately report to the  
1120 Department of Education an arrest or conviction of educational  
1121 support employees, administrative or instructional personnel, or  
1122 school officials for an offense that reflects a risk of harm to  
1123 the health, safety, or welfare of a student or would render the  
1124 person ineligible pursuant to s. 1012.315, as determined by  
1125 state board rule adopted pursuant to this section. The same  
1126 reporting requirements apply to a substantiated allegation of  
1127 such misconduct by educational support employees, administrative  
1128 or instructional personnel, or school officials, regardless of  
1129 whether the accused person has been arrested or convicted in  
1130 relation to the misconduct.

1131 4.3. Each district school board shall develop and adopt

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1132 policies and procedures to comply with this reporting  
1133 requirement. School board policies and procedures must include  
1134 standards for screening, hiring, and terminating educational  
1135 support employees, instructional personnel, and school  
1136 administrators, as defined in s. 1012.01; standards of ethical  
1137 conduct for educational support employees, instructional  
1138 personnel, and school administrators; the duties of educational  
1139 support employees, instructional personnel, and school  
1140 administrators for upholding the standards; detailed procedures  
1141 for reporting alleged misconduct by educational support  
1142 employees, instructional personnel, and school administrators  
1143 which affects the health, safety, or welfare of a student;  
1144 requirements for the reassignment of educational support  
1145 employees, instructional personnel, and ~~or~~ school administrators  
1146 pending the outcome of a misconduct investigation; and penalties  
1147 for failing to comply with s. 1001.51 or s. 1012.795. The  
1148 district school board policies and procedures must ~~shall~~ include  
1149 appropriate penalties for all personnel of the district school  
1150 board for nonreporting and procedures for promptly informing the  
1151 district school superintendent of each legally sufficient  
1152 complaint. The district school superintendent is charged with  
1153 knowledge of these policies and procedures and is accountable  
1154 for the training of all educational support employees,  
1155 instructional personnel, and school administrators of the school  
1156 district on the standards of ethical conduct, policies, and  
1157 procedures.

1158 5.4. If the district school superintendent has knowledge of  
1159 a legally sufficient complaint and does not report the  
1160 complaint, or fails to enforce the policies and procedures of



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1161 the district school board, and fails to comply with the  
1162 requirements of this subsection, in addition to other actions  
1163 against certificateholders authorized by law, the district  
1164 school superintendent is subject to penalties as specified in s.  
1165 1001.51(12).

1166 ~~6.5.~~ If the superintendent determines that misconduct by  
1167 educational support employees, instructional personnel, or  
1168 school administrators who hold an educator certificate affects  
1169 the health, safety, or welfare of a student and the misconduct  
1170 warrants termination, the educational support employees,  
1171 instructional personnel, or school administrators may resign or  
1172 be terminated, and the superintendent must report the misconduct  
1173 to the department in the format prescribed by the department.  
1174 The department shall place such educational support employees,  
1175 instructional personnel, or school administrators on the  
1176 disqualification list maintained by the department pursuant to  
1177 s. 1001.10(4)(b). The department shall maintain each report of  
1178 misconduct as a public record in the educational support  
1179 employees', instructional personnel's, or school administrators'  
1180 certification files. This paragraph does not limit or restrict  
1181 the power and duty of the department to investigate complaints  
1182 regarding certificated personnel, regardless of the school  
1183 district's untimely filing, or failure to file, complaints and  
1184 followup reports. This subparagraph does not create a duty for  
1185 the department to investigate complaints regarding noncertified  
1186 personnel.

1187 (e) If allegations arise against an employee who is  
1188 certified under s. 1012.56 and employed in an educator-  
1189 certificated position in any public school, charter school or

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1190 governing board thereof, or private school that accepts  
1191 scholarship students who participate in a state scholarship  
1192 program under chapter 1002, the school shall file in writing  
1193 with the department a legally sufficient complaint within 30  
1194 days after the date on which the subject matter of the complaint  
1195 came to the attention of the school, regardless of whether the  
1196 subject of the allegations is still an employee of the school. A  
1197 complaint is legally sufficient if it contains ultimate facts  
1198 that show a violation has occurred as provided in s. 1012.795  
1199 and defined by rule of the State Board of Education. The school  
1200 shall include all known information relating to the complaint  
1201 with the filing of the complaint. This paragraph does not limit  
1202 or restrict the power and duty of the department to investigate  
1203 complaints, regardless of the school's untimely filing, or  
1204 failure to file, complaints and followup reports. A school  
1205 described in this paragraph shall immediately notify the  
1206 department if the subject of a legally sufficient complaint of  
1207 misconduct affecting the health, safety, or welfare of a student  
1208 resigns or is terminated before the conclusion of the school's  
1209 investigation. Upon receipt of the notification, the department  
1210 shall place an alert on the person's certification file  
1211 indicating that he or she resigned or was terminated before an  
1212 investigation involving allegations of misconduct affecting the  
1213 health, safety, or welfare of a student was concluded. In such  
1214 circumstances, the database may not include specific information  
1215 relating to the alleged misconduct until permitted by subsection  
1216 (4).

1217 (f) Notwithstanding any other law, all law enforcement  
1218 agencies, state attorneys, social service agencies, district

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1219 school boards, and the Division of Administrative Hearings shall  
1220 fully cooperate with and, upon request, shall provide unredacted  
1221 documents to the Department of Education to further  
1222 investigations and prosecutions conducted pursuant to this  
1223 section. Any document received may not be redisclosed except as  
1224 authorized by law.

1225 (2) The Commissioner of Education shall develop job  
1226 specifications for investigative personnel employed by the  
1227 department. Such specifications shall be substantially  
1228 equivalent to or greater than those job specifications of  
1229 investigative personnel employed by the Department of Business  
1230 and Professional Regulation. The department may contract with  
1231 the Department of Business and Professional Regulation for  
1232 investigations. No person who is responsible for conducting an  
1233 investigation of a teacher or administrator may prosecute the  
1234 same case. The department general counsel or members of that  
1235 staff may conduct prosecutions under this section.

1236 (3) The department staff shall advise the commissioner  
1237 concerning the findings of the investigation and of all  
1238 referrals by the Florida High School Athletic Association  
1239 (FHSA) pursuant to ss. 1006.20(2)(b) and 1012.795. The  
1240 department general counsel or members of that staff shall review  
1241 the investigation or the referral and advise the commissioner  
1242 concerning probable cause or lack thereof. The determination of  
1243 probable cause shall be made by the commissioner. The  
1244 commissioner shall provide an opportunity for a conference, if  
1245 requested, prior to determining probable cause. The commissioner  
1246 may enter into deferred prosecution agreements in lieu of  
1247 finding probable cause if, in his or her judgment, such

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1248 agreements are in the best interests of the department, the  
1249 certificateholder, and the public. Such deferred prosecution  
1250 agreements shall become effective when filed with the clerk of  
1251 the Education Practices Commission. However, a deferred  
1252 prosecution agreement may not be entered into if there is  
1253 probable cause to believe that a felony or an act of moral  
1254 turpitude, as defined by rule of the State Board of Education,  
1255 has occurred, or for referrals by the FHSAA. Upon finding no  
1256 probable cause, the commissioner shall dismiss the complaint and  
1257 may issue a letter of guidance to the certificateholder.

1258 (4) The complaint and all information obtained pursuant to  
1259 the investigation by the department shall be confidential and  
1260 exempt from the provisions of s. 119.07(1) until the conclusion  
1261 of the preliminary investigation of the complaint, until such  
1262 time as the preliminary investigation ceases to be active, or  
1263 until such time as otherwise provided by s. 1012.798(6).  
1264 However, the complaint and all material assembled during the  
1265 investigation may be inspected and copied by the  
1266 certificateholder under investigation, or the  
1267 certificateholder's designee, after the investigation is  
1268 concluded, but prior to the determination of probable cause by  
1269 the commissioner. If the preliminary investigation is concluded  
1270 with the finding that there is no probable cause to proceed, the  
1271 complaint and information shall be open thereafter to inspection  
1272 pursuant to s. 119.07(1). If the preliminary investigation is  
1273 concluded with the finding that there is probable cause to  
1274 proceed and a complaint is filed pursuant to subsection (6), the  
1275 complaint and information shall be open thereafter to inspection  
1276 pursuant to s. 119.07(1). If the preliminary investigation

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1277 ceases to be active, the complaint and all such material shall  
1278 be open thereafter to inspection pursuant to s. 119.07(1),  
1279 except as otherwise provided pursuant to s. 1012.798(6). For the  
1280 purpose of this subsection, a preliminary investigation shall be  
1281 considered active as long as it is continuing with a reasonable,  
1282 good faith anticipation that an administrative finding will be  
1283 made in the foreseeable future.

1284 (5) When an allegation of misconduct by educational support  
1285 employees, instructional personnel, or school administrators, as  
1286 defined in s. 1012.01, is received, if the alleged misconduct  
1287 affects the health, safety, or welfare of a student, the  
1288 district school superintendent in consultation with the school  
1289 principal, or upon the request of the Commissioner of Education,  
1290 must immediately suspend the educational support employees,  
1291 instructional personnel, or school administrators from regularly  
1292 assigned duties, with pay, and reassign the suspended employees,  
1293 personnel, or administrators to positions that do not require  
1294 direct contact with students in the district school system. Such  
1295 suspension shall continue until the completion of the  
1296 proceedings and the determination of sanctions, if any, pursuant  
1297 to this section and s. 1012.795.

1298 (6) Upon the finding of probable cause, the commissioner  
1299 shall file a formal complaint and prosecute the complaint  
1300 pursuant to the provisions of chapter 120. An administrative law  
1301 judge shall be assigned by the Division of Administrative  
1302 Hearings of the Department of Management Services to hear the  
1303 complaint if there are disputed issues of material fact. The  
1304 administrative law judge shall make recommendations in  
1305 accordance with the provisions of subsection (7) to the

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1306 appropriate Education Practices Commission panel which shall  
1307 conduct a formal review of such recommendations and other  
1308 pertinent information and issue a final order. The commission  
1309 shall consult with its legal counsel prior to issuance of a  
1310 final order.

1311 (7) A panel of the commission shall enter a final order  
1312 either dismissing the complaint or imposing one or more of the  
1313 following penalties:

1314 (a) Denial of an application for a certificate or for an  
1315 administrative or supervisory endorsement on a teaching  
1316 certificate. The denial may provide that the applicant may not  
1317 reapply for certification, and that the department may refuse to  
1318 consider that applicant's application, for a specified period of  
1319 time or permanently.

1320 (b) Revocation or suspension of a certificate.

1321 (c) Imposition of an administrative fine not to exceed  
1322 \$2,000 for each count or separate offense.

1323 (d) Placement of the teacher, administrator, or supervisor  
1324 on probation for a period of time and subject to such conditions  
1325 as the commission may specify, including requiring the certified  
1326 teacher, administrator, or supervisor to complete additional  
1327 appropriate college courses or work with another certified  
1328 educator, with the administrative costs of monitoring the  
1329 probation assessed to the educator placed on probation. An  
1330 educator who has been placed on probation shall, at a minimum:

1331 1. Immediately notify the investigative office in the  
1332 Department of Education upon employment or separation from  
1333 employment in any public or private position requiring a Florida  
1334 educator's certificate.

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- 1335           2. Have his or her immediate supervisor submit annual  
1336 performance reports to the investigative office in the  
1337 Department of Education.
- 1338           3. Pay to the commission within the first 6 months of each  
1339 probation year the administrative costs of monitoring probation  
1340 assessed to the educator.
- 1341           4. Violate no law and fully comply with all district school  
1342 board policies, school rules, and State Board of Education  
1343 rules.
- 1344           5. Satisfactorily perform his or her assigned duties in a  
1345 competent, professional manner.
- 1346           6. Bear all costs of complying with the terms of a final  
1347 order entered by the commission.
- 1348           (e) Restriction of the authorized scope of practice of the  
1349 teacher, administrator, or supervisor.
- 1350           (f) Reprimand of the teacher, administrator, or supervisor  
1351 in writing, with a copy to be placed in the certification file  
1352 of such person.
- 1353           (g) Imposition of an administrative sanction, upon a person  
1354 whose teaching certificate has expired, for an act or acts  
1355 committed while that person possessed a teaching certificate or  
1356 an expired certificate subject to late renewal, which sanction  
1357 bars that person from applying for a new certificate for a  
1358 period of 10 years or less, or permanently.
- 1359           (h) Refer the teacher, administrator, or supervisor to the  
1360 recovery network program provided in s. 1012.798 under such  
1361 terms and conditions as the commission may specify.
- 1362           (i) Direct the department to place educational support  
1363 employees, instructional personnel, or school administrators on

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1364 the disqualification list maintained by the department pursuant  
1365 to s. 1001.10(4)(b) for conduct that would render the person  
1366 ineligible pursuant to s. 1012.315.

1367  
1368 The penalties imposed under this subsection are in addition to,  
1369 and not in lieu of, the penalties required for a third  
1370 recruiting offense pursuant to s. 1006.20(2)(b).

1371 (8) Violations of the provisions of a final order shall  
1372 result in an order to show cause issued by the clerk of the  
1373 Education Practices Commission if requested by the Department of  
1374 Education. Upon failure of the educator, at the time and place  
1375 stated in the order, to show cause satisfactorily to the  
1376 Education Practices Commission why a penalty for violating the  
1377 provisions of a final order should not be imposed, the Education  
1378 Practices Commission shall impose whatever penalty is  
1379 appropriate as established in s. 1012.795(6). The Department of  
1380 Education shall prosecute the individual ordered to show cause  
1381 before the Education Practices Commission. The Department of  
1382 Education and the individual may enter into a settlement  
1383 agreement, which shall be presented to the Education Practices  
1384 Commission for consideration. Any probation period will be  
1385 tolled when an order to show cause has been issued until the  
1386 issue is resolved by the Education Practices Commission;  
1387 however, the other terms and conditions of the final order shall  
1388 be in full force and effect until changed by the Education  
1389 Practices Commission.

1390 (9) All moneys collected by, or awarded to, the commission  
1391 as fees, fines, penalties, or costs shall be deposited into the  
1392 Educational Certification and Service Trust Fund pursuant to s.



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1393 1012.59.

1394 (10) Persons included on the disqualification list  
1395 maintained by the department pursuant to s. 1001.10(4)(b) may  
1396 not serve or apply to serve as employees or contractual  
1397 personnel at any public school or private school participating  
1398 in a state scholarship program under chapter 1002. A person who  
1399 knowingly violates this subsection, or an employer who knowingly  
1400 hires a person in violation of this subsection, commits a felony  
1401 of the third degree, punishable as provided in s. 775.082 or s.  
1402 775.083.

1403 Section 12. Section 1012.797, Florida Statutes, is amended  
1404 to read:

1405 1012.797 Notification by law enforcement ~~of district school~~  
1406 ~~superintendent~~ of certain charges against or convictions of  
1407 employees.-

1408 (1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any  
1409 other ~~provision of~~ law to the contrary, a law enforcement agency  
1410 shall, within 48 hours, notify the appropriate district school  
1411 superintendent, charter school governing board, or private  
1412 school owner or administrator, as applicable, of the name and  
1413 address of any employee or contractor of the school district,  
1414 charter school, or private school, as applicable, who is charged  
1415 with a felony or with a misdemeanor involving the abuse of a  
1416 minor child or the sale or possession of a controlled substance.  
1417 The notification shall include the specific charge for which the  
1418 employee or contractor ~~of the school district~~ was arrested. Such  
1419 notification shall include other education providers such as the  
1420 Florida School for the Deaf and the Blind, university lab  
1421 schools, and private elementary and secondary schools.

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1422           (2) Except to the extent necessary to protect the health,  
1423 safety, and welfare of other students, the information obtained  
1424 by the district school superintendent pursuant to this section  
1425 may be released only to appropriate school personnel or as  
1426 otherwise provided by law.

1427           Section 13. This act shall take effect July 1, 2021.