

By the Committee on Appropriations; and Senators Perry and Diaz

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1                                   A bill to be entitled  
2       An act relating to educator conduct; amending s.  
3       1001.10, F.S.; requiring the Department of Education  
4       to maintain a disqualification list of certain  
5       persons; providing for the removal of a person from  
6       the list under certain circumstances; requiring the  
7       State Board of Education to adopt rules; requiring the  
8       department to provide access to specified information  
9       to certain staff for specified purposes; amending s.  
10      1001.42, F.S.; providing that certain provisions  
11      relating to conduct and prohibition from employment  
12      apply to educational support employees; prohibiting  
13      certain employees and personnel from employment under  
14      certain circumstances; requiring district school  
15      boards to report specified persons to the department  
16      for inclusion on the list; providing that a school  
17      board official forfeits his or her salary for 1 year  
18      under additional circumstances; amending s. 1001.51,  
19      F.S.; providing that a district school superintendent  
20      forfeits his or her salary for 1 year under additional  
21      circumstances; amending s. 1002.33, F.S.; prohibiting  
22      certain individuals from employment at a charter  
23      school; providing requirements for charter schools  
24      relating to employing certain individuals; requiring  
25      the governing board of a charter school to establish  
26      the duty of instructional personnel and school  
27      administrators to report specified alleged misconduct  
28      by certain individuals; prohibiting an individual on  
29      the list from employment in specified positions;

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30 requiring a charter school to report specified  
31 individuals to the department for inclusion on a  
32 certain list; amending s. 1002.421, F.S.; requiring  
33 certain private schools to include educational support  
34 employees in specified policies; requiring certain  
35 private schools to deny employment to certain persons;  
36 prohibiting the employment of certain employees and  
37 personnel under circumstances; requiring private  
38 schools to report specified persons to the department  
39 for inclusion on a certain list; authorizing the  
40 Commissioner of Education to permanently revoke an  
41 owner's or operator's authority to establish or  
42 operate a private school in the state under certain  
43 circumstances; amending s. 1006.061, F.S.; revising  
44 the contents of a sign certain educational entities  
45 are required to post to include information relating  
46 to reporting of certain criminal acts; amending s.  
47 1012.27, F.S.; revising the requirements for certain  
48 employment history checks to include a specified  
49 affidavit; amending s. 1012.31, requiring certain  
50 persons to execute and maintain an affidavit of  
51 separation form for specified purposes; providing  
52 requirements for such affidavit; amending s. 1012.315,  
53 F.S.; providing that certain persons are ineligible  
54 for an educator certification or specified employment;  
55 amending s. 1012.795, F.S.; revising acts that warrant  
56 a disciplinary action by the Education Practices  
57 Commission; amending s. 1012.796, F.S.; prohibiting  
58 the department from issuing a certificate to certain

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59 persons; requiring the commissioner to make a  
60 determination of probable cause within a specified  
61 timeframe for complaints relating to sexual misconduct  
62 with a student; providing for such timeframe to be  
63 held in abeyance under certain circumstances;  
64 providing construction; requiring certain individuals  
65 to be placed on a disqualification list; requiring the  
66 commissioner to remove certain suspended personnel or  
67 administrators from certain positions under specified  
68 circumstances; requiring a district school  
69 superintendent to immediately suspend certain  
70 individuals and take specified action as a results of  
71 alleged misconduct; prohibiting certain individuals  
72 from serving or applying to serve in specified  
73 positions at public schools and specified private  
74 schools; providing a timeframe for specified  
75 investigations; providing timeframe for administrative  
76 suspension; providing criminal penalties; amending s.  
77 1012.797, F.S.; revising provisions relating to  
78 notification by law enforcement of certain charges  
79 against employees; expanding the entities who receive  
80 such notifications; requiring a school principal or  
81 designee to notify certain parents of such  
82 notifications within a specified timeframe; providing  
83 minimum requirements for parental notifications;  
84 providing an effective date.

85

86 Be It Enacted by the Legislature of the State of Florida:

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

90 1001.10 Commissioner of Education; general powers and  
91 duties.—

92 (4) The Department of Education shall:

93 (a) Provide technical assistance to school districts,  
94 charter schools, the Florida School for the Deaf and the Blind,  
95 and private schools that accept scholarship students who  
96 participate in a state scholarship program under chapter 1002 in  
97 the development of policies, procedures, and training related to  
98 employment practices and standards of ethical conduct for  
99 instructional personnel and school administrators, as defined in  
100 s. 1012.01.

101 (b) Maintain a disqualification list that includes all of  
102 the following:

103 1. The identity of each person who has been permanently  
104 denied an educator certificate or whose educator certificate has  
105 been permanently revoked and has been placed on the list as  
106 directed by the Education Practices Commission pursuant to s.  
107 1012.795(1) or s. 1012.796(7).

108 2. The identity of each person who has been permanently  
109 disqualified by the commissioner from owning or operating a  
110 private school that participates in state scholarship programs  
111 under s. 1002.421.

112 3. The identity of each person who has been terminated, or  
113 has resigned in lieu of termination, from employment as a result  
114 of sexual misconduct with a student.

115 4. The identity of each person who is ineligible for  
116 educator certification or employment pursuant to s. 1012.315.

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

119 1. A completed law enforcement investigation resulted in an  
120 exoneration or no conviction or finding of guilt and a completed  
121 investigation and proceeding, as applicable, by the responsible  
122 education agency resulted in a finding that the person did not  
123 commit disqualifying conduct;

124 2. The person was not the subject of the report of  
125 disqualifying conduct and was included on the disqualification  
126 list in error or as a result of mistaken identity; or

127 3. The employer that submitted the person for inclusion on  
128 the disqualification list requests that the person be removed  
129 and submits documentation to support the request.

130 (d) The State Board of Education shall adopt rules to  
131 implement this subsection.

132 (5) The Department of Education shall provide authorized  
133 staff of school districts, charter schools, the Florida School  
134 for the Deaf and the Blind, and private schools that accept  
135 scholarship students who participate in a state scholarship  
136 program under chapter 1002 with access to electronic  
137 verification of information from the following employment  
138 screening tools:

139 (a) The Professional Practices' Database of Disciplinary  
140 Actions Against Educators. ~~;~~ and

141 (b) The department's ~~Department of Education's~~ Teacher  
142 Certification Database.

143 (c) The department's disqualification list under paragraph

144 (4) (b).

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146 This subsection does not require the department to provide these  
147 staff with unlimited access to the databases. However, the  
148 department shall provide the staff with access to the data  
149 necessary for performing employment history checks of the  
150 persons ~~instructional personnel and school administrators~~  
151 included in the databases.

152 Section 2. Subsections (6) and (7) of section 1001.42,  
153 Florida Statutes, are amended to read:

154 1001.42 Powers and duties of district school board.—The  
155 district school board, acting as a board, shall exercise all  
156 powers and perform all duties listed below:

157 (6) STANDARDS OF ETHICAL CONDUCT ~~FOR INSTRUCTIONAL~~  
158 ~~PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS.~~—Adopt  
159 policies establishing standards of ethical conduct for  
160 educational support employees, instructional personnel,  
161 administrative personnel, and school officers. The policies must  
162 require all educational support employees, instructional  
163 personnel, administrative personnel, and school officers, as  
164 defined in s. 1012.01, to complete training on the standards;  
165 establish the duty of educational support employees,  
166 instructional personnel, administrative personnel, and school  
167 officers to report, and procedures for reporting, alleged  
168 misconduct by other educational support employees, instructional  
169 or administrative personnel, and school officers which affects  
170 the health, safety, or welfare of a student, including  
171 misconduct that involves engaging in or soliciting sexual,  
172 romantic, or lewd conduct with a student; require the district  
173 school superintendent to report to law enforcement misconduct by  
174 educational support employees, instructional personnel, or

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175 school administrators that would result in disqualification from  
 176 educator certification or employment as provided in s. 1012.315;  
 177 and include an explanation of the liability protections provided  
 178 under ss. 39.203 and 768.095. A district school board, or any of  
 179 its employees or personnel, may not enter into a confidentiality  
 180 agreement regarding terminated or dismissed educational support  
 181 employees, instructional or administrative personnel, or school  
 182 officers who resign in lieu of termination, based in whole or in  
 183 part on misconduct that affects the health, safety, or welfare  
 184 of a student, and may not provide educational support employees,  
 185 instructional personnel, administrative personnel, or school  
 186 officers with employment references or discuss the employees',  
 187 personnel's, or officers' performance with prospective employers  
 188 in another educational setting, without disclosing the  
 189 employees', personnel's, or officers' misconduct. Any part of an  
 190 agreement or contract that has the purpose or effect of  
 191 concealing misconduct by educational support employees,  
 192 instructional personnel, administrative personnel, or school  
 193 officers which affects the health, safety, or welfare of a  
 194 student is void, is contrary to public policy, and may not be  
 195 enforced.

196 (7) PROHIBITION DISQUALIFICATION FROM EMPLOYMENT.—Prohibit  
 197 educational support employees, ~~Disqualify~~ instructional  
 198 personnel, and administrative personnel, as defined in s.  
 199 1012.01, from employment in any position that requires direct  
 200 contact with students if the employees or personnel are  
 201 ineligible for such employment under s. 1012.315 or have been  
 202 terminated or resigned in lieu of termination for sexual  
 203 misconduct with a student. If the prohibited conduct occurs

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204 while employed, the district school board must report the  
205 employees or personnel and the disqualifying circumstances to  
206 the department for inclusion on the disqualification list  
207 maintained by the department pursuant s. 1001.10(4)(b). An  
208 elected or appointed school board official forfeits his or her  
209 salary for 1 year if:

210 (a) The school board official knowingly signs and transmits  
211 to any state official a report of alleged misconduct by  
212 educational support employees, instructional personnel, or  
213 administrative personnel which affects the health, safety, or  
214 welfare of a student and the school board official knows the  
215 report to be false or incorrect; or

216 (b) The school board official knowingly fails to adopt  
217 policies that require:

218 1. Educational support employees, instructional personnel,  
219 and administrative personnel to report alleged misconduct by  
220 other educational support employees, instructional personnel,  
221 and administrative personnel;

222 2. The district school superintendent to report misconduct  
223 by educational support employees, instructional personnel, or  
224 school administrators that would result in disqualification from  
225 educator certification or employment as provided in s. 1012.315  
226 to the law enforcement agencies with jurisdiction over the  
227 conduct; or

228 3. The investigation of all reports of alleged misconduct  
229 by educational support employees, instructional personnel, and  
230 administrative personnel, if the misconduct affects the health,  
231 safety, or welfare of a student, regardless of whether the  
232 person resigned or was terminated before the conclusion of the



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233 investigation. The policies must require the district school  
234 superintendent to notify the department of the result of the  
235 investigation and whether the misconduct warranted termination,  
236 regardless of whether the person resigned or was terminated  
237 before the conclusion of the investigation.

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

240 1001.51 Duties and responsibilities of district school  
241 superintendent.—The district school superintendent shall  
242 exercise all powers and perform all duties listed below and  
243 elsewhere in the law, provided that, in so doing, he or she  
244 shall advise and counsel with the district school board. The  
245 district school superintendent shall perform all tasks necessary  
246 to make sound recommendations, nominations, proposals, and  
247 reports required by law to be acted upon by the district school  
248 board. All such recommendations, nominations, proposals, and  
249 reports by the district school superintendent shall be either  
250 recorded in the minutes or shall be made in writing, noted in  
251 the minutes, and filed in the public records of the district  
252 school board. It shall be presumed that, in the absence of the  
253 record required in this section, the recommendations,  
254 nominations, and proposals required of the district school  
255 superintendent were not contrary to the action taken by the  
256 district school board in such matters.

257 (12) RECORDS AND REPORTS.—Recommend such records as should  
258 be kept in addition to those prescribed by rules of the State  
259 Board of Education; prepare forms for keeping such records as  
260 are approved by the district school board; ensure that such  
261 records are properly kept; and make all reports that are needed

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262 or required, as follows:

263 (a) *Forms, blanks, and reports.*—Require that all employees  
264 accurately keep all records and promptly make in proper form all  
265 reports required by the education code or by rules of the State  
266 Board of Education; recommend the keeping of such additional  
267 records and the making of such additional reports as may be  
268 deemed necessary to provide data essential for the operation of  
269 the school system; and prepare such forms and blanks as may be  
270 required and ensure that these records and reports are properly  
271 prepared.

272 (b) *Reports to the department.*—Prepare, for the approval of  
273 the district school board, all reports required by law or rules  
274 of the State Board of Education to be made to the department and  
275 transmit promptly all such reports, when approved, to the  
276 department, as required by law. If any reports are not  
277 transmitted at the time and in the manner prescribed by law or  
278 by State Board of Education rules, the salary of the district  
279 school superintendent must be withheld until the report has been  
280 properly submitted. Unless otherwise provided by rules of the  
281 State Board of Education, the annual report on attendance and  
282 personnel is due on or before July 1, and the annual school  
283 budget and the report on finance are due on the date prescribed  
284 by the commissioner.

285

286 Any district school superintendent who knowingly signs and  
287 transmits to any state official a report that the superintendent  
288 knows to be false or incorrect; who knowingly fails to complete  
289 the investigation of ~~investigate~~ any allegation of misconduct  
290 that by instructional personnel or school administrators, as

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291 ~~defined in s. 1012.01, which~~ affects the health, safety, or  
292 welfare of a student, that would be a violation of s. 800.101,  
293 or that would be a disqualifying offense under s. 1012.315, or  
294 any allegation of sexual misconduct with a student; who  
295 knowingly fails to report the alleged misconduct to the  
296 department as required in s. 1012.796; or who knowingly fails to  
297 report misconduct to the law enforcement agencies with  
298 jurisdiction over the conduct pursuant to district school board  
299 policy under s. 1001.42(6), forfeits his or her salary for 1  
300 year following the date of such act or failure to act.

301 Section 4. Paragraph (g) of subsection (12) of section  
302 1002.33, Florida Statutes, is amended to read:

303 1002.33 Charter schools.—

304 (12) EMPLOYEES OF CHARTER SCHOOLS.—

305 (g)1. A charter school shall employ or contract with  
306 employees who have undergone background screening as provided in  
307 s. 1012.32. Members of the governing board of the charter school  
308 shall also undergo background screening in a manner similar to  
309 that provided in s. 1012.32. An individual may not be employed  
310 as an employee or contract personnel of a charter school or  
311 serve as a member of a charter school governing board if the  
312 individual is on the disqualification list maintained by the  
313 department pursuant to s. 1001.10(4)(b).

314 2. A charter school shall prohibit educational support  
315 employees, disqualify instructional personnel, and school  
316 administrators, as defined in s. 1012.01, from employment in any  
317 position that requires direct contact with students if the  
318 employees, personnel, or administrators are ineligible for such  
319 employment under s. 1012.315 or have been terminated or resigned

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320 in lieu of termination for sexual misconduct with a student. If  
321 the prohibited conduct occurs while employed, a charter school  
322 must report the individual and the disqualifying circumstances  
323 to the department for inclusion on the disqualification list  
324 maintained pursuant to s. 1001.10(4)(b).

325         3. The governing board of a charter school shall adopt  
326 policies establishing standards of ethical conduct for  
327 educational support employees, instructional personnel, and  
328 school administrators. The policies must require all educational  
329 support employees, instructional personnel, and school  
330 administrators, as defined in s. 1012.01, to complete training  
331 on the standards; establish the duty of educational support  
332 employees, instructional personnel, and school administrators to  
333 report, and procedures for reporting, alleged misconduct that ~~by~~  
334 ~~other instructional personnel and school administrators which~~  
335 affects the health, safety, or welfare of a student; and include  
336 an explanation of the liability protections provided under ss.  
337 39.203 and 768.095. A charter school, or any of its employees,  
338 may not enter into a confidentiality agreement regarding  
339 terminated or dismissed educational support employees,  
340 instructional personnel, or school administrators, or employees,  
341 personnel, or administrators who resign in lieu of termination,  
342 based in whole or in part on misconduct that affects the health,  
343 safety, or welfare of a student, and may not provide employees,  
344 ~~instructional personnel,~~ or ~~school~~ administrators with  
345 employment references or discuss the employees', personnel's, or  
346 administrators' performance with prospective employers in  
347 another educational setting, without disclosing the employees',  
348 personnel's, or administrators' misconduct. Any part of an

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349 agreement or contract that has the purpose or effect of  
350 concealing misconduct by educational support employees,  
351 instructional personnel, or school administrators which affects  
352 the health, safety, or welfare of a student is void, is contrary  
353 to public policy, and may not be enforced.

354 4. Before employing an individual ~~instructional personnel~~  
355 ~~or school administrators~~ in any position that requires direct  
356 contact with students, a charter school shall conduct employment  
357 history checks of each individual ~~of the personnel's or~~  
358 ~~administrators' previous employers,~~ screen the ~~instructional~~  
359 ~~personnel or school administrators~~ through use of the educator  
360 screening tools described in s. 1001.10(5), and document the  
361 findings. If unable to contact a previous employer, the charter  
362 school must document efforts to contact the employer.

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

366 Section 5. Paragraphs (n) and (o) of subsection (1) and  
367 subsection (3) of section 1002.421, Florida Statutes, are  
368 amended, and paragraph (r) is added to subsection (1) of that  
369 section, to read:

370 1002.421 State school choice scholarship program  
371 accountability and oversight.—

372 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
373 school participating in an educational scholarship program  
374 established pursuant to this chapter must be a private school as  
375 defined in s. 1002.01(2) in this state, be registered, and be in  
376 compliance with all requirements of this section in addition to  
377 private school requirements outlined in s. 1002.42, specific

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378 requirements identified within respective scholarship program  
379 laws, and other provisions of Florida law that apply to private  
380 schools, and must:

381 (n) Adopt policies establishing standards of ethical  
382 conduct for educational support employees, instructional  
383 personnel, and school administrators. The policies must require  
384 all educational support employees, instructional personnel, and  
385 school administrators, as defined in s. 1012.01, to complete  
386 training on the standards; establish the duty of educational  
387 support employees, instructional personnel, and school  
388 administrators to report, and procedures for reporting, alleged  
389 misconduct by other educational support employees, instructional  
390 personnel, and school administrators which affects the health,  
391 safety, or welfare of a student; and include an explanation of  
392 the liability protections provided under ss. 39.203 and 768.095.  
393 A private school, or any of its employees, may not enter into a  
394 confidentiality agreement regarding terminated or dismissed  
395 educational support employees, instructional personnel, or  
396 school administrators, or employees, personnel, or  
397 administrators who resign in lieu of termination, based in whole  
398 or in part on misconduct that affects the health, safety, or  
399 welfare of a student, and may not provide the employees,  
400 ~~instructional personnel~~, or ~~school~~ administrators with  
401 employment references or discuss the employees', personnel's, or  
402 administrators' performance with prospective employers in  
403 another educational setting, without disclosing the employees',  
404 personnel's, or administrators' misconduct. Any part of an  
405 agreement or contract that has the purpose or effect of  
406 concealing misconduct by educational support employees,

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407 instructional personnel, or school administrators which affects  
408 the health, safety, or welfare of a student is void, is contrary  
409 to public policy, and may not be enforced.

410 (o) Before employing a person ~~instructional personnel or~~  
411 ~~school administrators~~ in any position that requires direct  
412 contact with students, conduct employment history checks of ~~each~~  
413 ~~of the personnel's or administrators'~~ previous employers, screen  
414 the person ~~personnel or administrators~~ through use of the  
415 ~~educator~~ screening tools described in s. 1001.10(5), and  
416 document the findings. If unable to contact a previous employer,  
417 the private school must document efforts to contact the  
418 employer. The private school may not employ a person whose  
419 educator certificate is revoked, who is barred from reapplying  
420 for an educator certificate, or who is on the disqualification  
421 list maintained by the department pursuant to s. 1001.10(4)(b).

422 (r) Prohibit education support employees, instructional  
423 personnel, and school administrators from employment in any  
424 position that requires direct contact with students if the  
425 personnel or administrators are ineligible for such employment  
426 pursuant to this section or s. 1012.315, or have been terminated  
427 or resigned in lieu of termination for sexual misconduct with a  
428 student. If the prohibited conduct occurs subsequent to  
429 employment, the private school must report the person and the  
430 disqualifying circumstances to the department for inclusion on  
431 the disqualification list maintained pursuant to s.  
432 1001.10(4)(b).

433  
434 The department shall suspend the payment of funds to a private  
435 school that knowingly fails to comply with this subsection, and

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436 shall prohibit the school from enrolling new scholarship  
437 students, for 1 fiscal year and until the school complies. If a  
438 private school fails to meet the requirements of this subsection  
439 or has consecutive years of material exceptions listed in the  
440 report required under paragraph (q), the commissioner may  
441 determine that the private school is ineligible to participate  
442 in a scholarship program.

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

444 The Commissioner of Education:

445 (a) Shall deny, suspend, or revoke a private school's  
446 participation in a scholarship program if it is determined that  
447 the private school has failed to comply with this section or  
448 exhibits a previous pattern of failure to comply. However, if  
449 the noncompliance is correctable within a reasonable amount of  
450 time, not to exceed 45 days, and if the health, safety, or  
451 welfare of the students is not threatened, the commissioner may  
452 issue a notice of noncompliance which provides the private  
453 school with a timeframe within which to provide evidence of  
454 compliance before taking action to suspend or revoke the private  
455 school's participation in the scholarship program.

456 (b) May deny, suspend, or revoke a private school's  
457 participation in a scholarship program if the commissioner  
458 determines that an owner or operator of the private school is  
459 operating or has operated an educational institution in this  
460 state or in another state or jurisdiction in a manner contrary  
461 to the health, safety, or welfare of the public or if the owner  
462 or operator has exhibited a previous pattern of failure to  
463 comply with this section or specific requirements identified  
464 within respective scholarship program laws. For purposes of this



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465 subsection, the term "owner or operator" has the same meaning as  
466 provided in paragraph (1) (p).

467 (c) May permanently deny or revoke the authority of an  
468 owner or operator to establish or operate a private school in  
469 this state if the commissioner decides that the owner or  
470 operator is operating or has operated an educational institution  
471 in this state or another state or jurisdiction in a manner  
472 contrary to the health, safety, or welfare of the public, and  
473 shall include such individuals on the disqualification list  
474 maintained by the department pursuant to s. 1001.10(4) (b).

475 (d)1.~~(e)1.~~ In making such a determination, may consider  
476 factors that include, but are not limited to, acts or omissions  
477 by an owner or operator which led to a previous denial,  
478 suspension, or revocation of participation in a state or federal  
479 education scholarship program; an owner's or operator's failure  
480 to reimburse the department or scholarship-funding organization  
481 for scholarship funds improperly received or retained by a  
482 school; the imposition of a prior criminal sanction related to  
483 an owner's or operator's management or operation of an  
484 educational institution; the imposition of a civil fine or  
485 administrative fine, license revocation or suspension, or  
486 program eligibility suspension, termination, or revocation  
487 related to an owner's or operator's management or operation of  
488 an educational institution; or other types of criminal  
489 proceedings in which an owner or operator was found guilty of,  
490 regardless of adjudication, or entered a plea of nolo contendere  
491 or guilty to, any offense involving fraud, deceit, dishonesty,  
492 or moral turpitude.

493 2. The commissioner's determination is subject to the

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494 following:

495 a. If the commissioner intends to deny, suspend, or revoke  
496 a private school's participation in the scholarship program, the  
497 department shall notify the private school of such proposed  
498 action in writing by certified mail and regular mail to the  
499 private school's address of record with the department. The  
500 notification shall include the reasons for the proposed action  
501 and notice of the timelines and procedures set forth in this  
502 paragraph.

503 b. The private school that is adversely affected by the  
504 proposed action shall have 15 days after receipt of the notice  
505 of proposed action to file with the department's agency clerk a  
506 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
507 the private school is entitled to a hearing under s. 120.57(1),  
508 the department shall forward the request to the Division of  
509 Administrative Hearings.

510 c. Upon receipt of a request referred pursuant to this  
511 subparagraph, the director of the Division of Administrative  
512 Hearings shall expedite the hearing and assign an administrative  
513 law judge who shall commence a hearing within 30 days after the  
514 receipt of the formal written request by the division and enter  
515 a recommended order within 30 days after the hearing or within  
516 30 days after receipt of the hearing transcript, whichever is  
517 later. Each party shall be allowed 10 days in which to submit  
518 written exceptions to the recommended order. A final order shall  
519 be entered by the agency within 30 days after the entry of a  
520 recommended order. The provisions of this sub-subparagraph may  
521 be waived upon stipulation by all parties.

522 (e) ~~(d)~~ May immediately suspend payment of scholarship funds

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523 if it is determined that there is probable cause to believe that  
524 there is:

525 1. An imminent threat to the health, safety, or welfare of  
526 the students;

527 2. A previous pattern of failure to comply with this  
528 section; or

529 3. Fraudulent activity on the part of the private school.  
530 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
531 activity pursuant to this section, the department's Office of  
532 Inspector General is authorized to release personally  
533 identifiable records or reports of students to the following  
534 persons or organizations:

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

539 b. A person or entity authorized by a court of competent  
540 jurisdiction in compliance with an order of that court or the  
541 attorney of record pursuant to a lawfully issued subpoena,  
542 consistent with the Family Educational Rights and Privacy Act,  
543 20 U.S.C. s. 1232g.

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

550  
551 The commissioner's order suspending payment pursuant to this

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552 paragraph may be appealed pursuant to the same procedures and  
553 timelines as the notice of proposed action set forth in  
554 subparagraph (d)2 ~~(e)2~~.

555 Section 6. Subsection (2) and paragraph (a) of subsection  
556 (4) of section 1006.061, Florida Statutes, are amended to read:

557 1006.061 Child abuse, abandonment, and neglect policy.—Each  
558 district school board, charter school, and private school that  
559 accepts scholarship students who participate in a state  
560 scholarship program under chapter 1002 shall:

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

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

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

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

579 3. Directions for accessing the Department of Children and  
580 Families Internet website for more information on reporting

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581 abuse, neglect, and exploitation.

582 4. Directions for accessing the Department of Education's  
583 website for more information on reporting acts that violate s.  
584 800.101.

585

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

589 Section 7. Subsection (6) of section 1012.27, Florida  
590 Statutes, is amended to read:

591 1012.27 Public school personnel; powers and duties of  
592 district school superintendent.—The district school  
593 superintendent is responsible for directing the work of the  
594 personnel, subject to the requirements of this chapter, and in  
595 addition the district school superintendent shall perform the  
596 following:

597 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person in  
598 any position that requires direct contact with students, conduct  
599 employment history checks of each of the person's previous  
600 employers, review each affidavit of separation from previous  
601 employers pursuant to s. 1012.31, screen instructional personnel  
602 and school administrators, as defined in s. 1012.01, through use  
603 of the educator screening tools described in s. 1001.10(5), and  
604 document the findings. If unable to contact a previous employer,  
605 the district school superintendent shall document efforts to  
606 contact the employer.

607 Section 8. Paragraph (a) of subsection (2) of section  
608 1012.31, Florida Statutes, is amended to read:

609 1012.31 Personnel files.—Public school system employee

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610 personnel files shall be maintained according to the following  
611 provisions:

612 (2) (a) Materials relating to work performance, discipline,  
613 suspension, or dismissal must be reduced to writing and signed  
614 by a person competent to know the facts or make the judgment. In  
615 cases of separation due to termination or resignation in lieu of  
616 termination, the person shall execute and maintain an affidavit  
617 of separation, on the form adopted by the Department of  
618 Education, setting forth in detail the facts and reasons for  
619 such separation. The affidavit must expressly disclose when  
620 separation is due to a report of sexual misconduct with a  
621 student. The affidavit of separation must be executed under oath  
622 and constitutes an official statement within the purview of s.  
623 837.06. The affidavit of separation must include conspicuous  
624 language that intentional false execution of the affidavit  
625 constitutes a misdemeanor of the second degree ~~The resignation~~  
626 ~~or termination of an employee before an investigation of alleged~~  
627 ~~misconduct by the employee affecting the health, safety, or~~  
628 ~~welfare of a student is concluded must be clearly indicated in~~  
629 ~~the employee's personnel file.~~

630 Section 9. Section 1012.315, Florida Statutes, is amended  
631 to read:

632 1012.315 Screening standards ~~Disqualification from~~  
633 ~~employment.~~-A person is ineligible for educator certification or  
634 employment in any position that requires direct contact with  
635 students in a district school system, charter school, or a  
636 private school that participates ~~accepts scholarship students~~  
637 ~~who participate~~ in a state scholarship program under chapter  
638 1002 if the person is on the disqualification list maintained by

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639 the department pursuant to s. 1001.10(4)(b), is registered as a  
640 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C), or has  
641 been convicted or found guilty of, has had adjudication withheld  
642 for, or has pled guilty or nolo contendere to ~~of~~:

643 (1) Any felony offense prohibited under any of the  
644 following statutes:

645 (a) Section 393.135, relating to sexual misconduct with  
646 certain developmentally disabled clients and reporting of such  
647 sexual misconduct.

648 (b) Section 394.4593, relating to sexual misconduct with  
649 certain mental health patients and reporting of such sexual  
650 misconduct.

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

653 (d) Section 782.04, relating to murder.

654 (e) Section 782.07, relating to manslaughter, aggravated  
655 manslaughter of an elderly person or disabled adult, aggravated  
656 manslaughter of a child, or aggravated manslaughter of an  
657 officer, a firefighter, an emergency medical technician, or a  
658 paramedic.

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

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

661 (h) Section 784.075, relating to battery on a detention or  
662 commitment facility staff member or a juvenile probation  
663 officer.

664 (i) Section 787.01, relating to kidnapping.

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

666 (k) Section 787.025, relating to luring or enticing a  
667 child.

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668 (l) Section 787.04(2), relating to leading, taking,  
669 enticing, or removing a minor beyond the state limits, or  
670 concealing the location of a minor, with criminal intent pending  
671 custody proceedings.

672 (m) Section 787.04(3), relating to leading, taking,  
673 enticing, or removing a minor beyond the state limits, or  
674 concealing the location of a minor, with criminal intent pending  
675 dependency proceedings or proceedings concerning alleged abuse  
676 or neglect of a minor.

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

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

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

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

687 (r) Section 794.05, relating to unlawful sexual activity  
688 with certain minors.

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

690 (t) Chapter 796, relating to prostitution.

691 (u) Chapter 800, relating to lewdness and indecent  
692 exposure.

693 (v) Section 800.101, relating to offenses against students  
694 by authority figures.

695 (w) Section 806.01, relating to arson.

696 (x) Section 810.14, relating to voyeurism.



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- 697 (y) Section 810.145, relating to video voyeurism.
- 698 (z) Section 812.014(6), relating to coordinating the  
699 commission of theft in excess of \$3,000.
- 700 (aa) Section 812.0145, relating to theft from persons 65  
701 years of age or older.
- 702 (bb) Section 812.019, relating to dealing in stolen  
703 property.
- 704 (cc) Section 812.13, relating to robbery.
- 705 (dd) Section 812.131, relating to robbery by sudden  
706 snatching.
- 707 (ee) Section 812.133, relating to carjacking.
- 708 (ff) Section 812.135, relating to home-invasion robbery.
- 709 (gg) Section 817.563, relating to fraudulent sale of  
710 controlled substances.
- 711 (hh) Section 825.102, relating to abuse, aggravated abuse,  
712 or neglect of an elderly person or disabled adult.
- 713 (ii) Section 825.103, relating to exploitation of an  
714 elderly person or disabled adult.
- 715 (jj) Section 825.1025, relating to lewd or lascivious  
716 offenses committed upon or in the presence of an elderly person  
717 or disabled person.
- 718 (kk) Section 826.04, relating to incest.
- 719 (ll) Section 827.03, relating to child abuse, aggravated  
720 child abuse, or neglect of a child.
- 721 (mm) Section 827.04, relating to contributing to the  
722 delinquency or dependency of a child.
- 723 (nn) Section 827.071, relating to sexual performance by a  
724 child.
- 725 (oo) Section 843.01, relating to resisting arrest with

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726 violence.

727 (pp) Chapter 847, relating to obscenity.

728 (qq) Section 874.05, relating to causing, encouraging,  
729 soliciting, or recruiting another to join a criminal street  
730 gang.

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

734 (ss) Section 916.1075, relating to sexual misconduct with  
735 certain forensic clients and reporting of such sexual  
736 misconduct.

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

739 (uu) Section 985.701, relating to sexual misconduct in  
740 juvenile justice programs.

741 (vv) Section 985.711, relating to introduction, removal, or  
742 possession of contraband at a juvenile detention facility or  
743 commitment program.

744 (2) Any misdemeanor offense prohibited under any of the  
745 following statutes:

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

748 (b) Section 787.025, relating to luring or enticing a  
749 child.

750 (3) Any criminal act committed in another state or under  
751 federal law which, if committed in this state, constitutes an  
752 offense prohibited under any statute listed in subsection (1) or  
753 subsection (2).

754 (4) Any delinquent act committed in this state or any

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755 delinquent or criminal act committed in another state or under  
756 federal law which, if committed in this state, qualifies an  
757 individual for inclusion on the Registered Juvenile Sex Offender  
758 List under s. 943.0435(1)(h)1.d.

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

761 1012.795 Education Practices Commission; authority to  
762 discipline.—

763 (1) The Education Practices Commission may suspend the  
764 educator certificate of any instructional personnel or school  
765 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
766 years, thereby denying that person the right to teach or  
767 otherwise be employed by a district school board or public  
768 school in any capacity requiring direct contact with students  
769 for that period of time, after which the person may return to  
770 teaching as provided in subsection (4); may revoke the educator  
771 certificate of any person, thereby denying that person the right  
772 to teach or otherwise be employed by a district school board or  
773 public school in any capacity requiring direct contact with  
774 students for up to 10 years, with reinstatement subject to  
775 subsection (4); may permanently revoke the educator certificate  
776 of any person thereby denying that person the right to teach or  
777 otherwise be employed by a district school board or public  
778 school in any capacity requiring direct contact with students;  
779 may suspend a person's educator certificate, upon an order of  
780 the court or notice by the Department of Revenue relating to the  
781 payment of child support; may direct the department to place a  
782 certificateholder employed by a public school, charter school,  
783 charter school governing board, or private school that

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784 participates in a state scholarship program under chapter 1002  
785 on the disqualification list maintained by the department  
786 pursuant to s. 1001.10(4)(b) for misconduct that would render  
787 the person ineligible pursuant to s. 1012.315 or sexual  
788 misconduct with a student; or may impose any other penalty  
789 provided by law, if the person:

790 (a) Obtained or attempted to obtain an educator certificate  
791 by fraudulent means.

792 (b) Knowingly failed to report actual or suspected child  
793 abuse as required in s. 1006.061 or report alleged misconduct by  
794 instructional personnel or school administrators which affects  
795 the health, safety, or welfare of a student as required in s.  
796 1012.796.

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

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

804 (e) Has had an educator certificate or other professional  
805 license sanctioned by this or any other state or has had the  
806 authority to practice the regulated profession revoked,  
807 suspended, or otherwise acted against, including a denial of  
808 certification or licensure, by the licensing or certifying  
809 authority of any jurisdiction, including its agencies and  
810 subdivisions. The licensing or certifying authority's acceptance  
811 of a relinquishment, stipulation, consent order, or other  
812 settlement offered in response to or in anticipation of the

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813 filing of charges against the licensee or certificateholder  
814 shall be construed as action against the license or certificate.  
815 For purposes of this section, a sanction or action against a  
816 professional license, a certificate, or an authority to practice  
817 a regulated profession must relate to being an educator or the  
818 fitness of or ability to be an educator.

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

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

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

828 (i) Has been the subject of a court order or notice by the  
829 Department of Revenue pursuant to s. 409.2598 directing the  
830 Education Practices Commission to suspend the certificate as a  
831 result of noncompliance with a child support order, a subpoena,  
832 an order to show cause, or a written agreement with the  
833 Department of Revenue.

834 (j) Has violated the Principles of Professional Conduct for  
835 the Education Profession prescribed by State Board of Education  
836 rules.

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

839 (l) Has violated any order of the Education Practices  
840 Commission.

841 (m) Has been the subject of a court order or plea agreement

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842 in any jurisdiction which requires the certificateholder to  
843 surrender or otherwise relinquish his or her educator's  
844 certificate. A surrender or relinquishment shall be for  
845 permanent revocation of the certificate. A person may not  
846 surrender or otherwise relinquish his or her certificate prior  
847 to a finding of probable cause by the commissioner as provided  
848 in s. 1012.796.

849 (n) Has been disqualified from educator certification under  
850 s. 1012.315.

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

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

855 Section 11. Paragraphs (a), (b), (d), and (e) of subsection  
856 (1) and subsection (5) of section 1012.796, Florida Statutes,  
857 are amended, paragraph (i) is added to subsection (7), and  
858 subsection (10) is added to that section, to read:

859 1012.796 Complaints against teachers and administrators;  
860 procedure; penalties.—

861 (1)(a) The Department of Education shall cause to be  
862 investigated expeditiously any complaint filed before it or  
863 otherwise called to its attention which, if legally sufficient,  
864 contains grounds for the revocation or suspension of a  
865 certificate or any other appropriate penalty as set forth in  
866 subsection (7). The complaint is legally sufficient if it  
867 contains the ultimate facts which show a violation has occurred  
868 as provided in s. 1012.795 and defined by rule of the State  
869 Board of Education. The department shall investigate or continue  
870 to investigate and take appropriate action on a complaint even

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871 though the original complainant withdraws the complaint or  
872 otherwise indicates a desire not to cause it to be investigated  
873 or prosecuted to completion. The department may investigate or  
874 continue to investigate and take action on a complaint filed  
875 against a person whose educator certificate has expired if the  
876 act or acts that are the basis for the complaint were allegedly  
877 committed while that person possessed an educator certificate  
878 and may not issue a certificate to such a person unless an  
879 investigation has been completed.

880 (b) The department shall immediately investigate any  
881 legally sufficient complaint that involves misconduct by any  
882 certificated personnel which affects the health, safety, or  
883 welfare of a student, giving the complaint priority over other  
884 pending complaints. The department must investigate or continue  
885 to investigate and take action on such a complaint filed against  
886 a person whose educator certificate has expired if the act or  
887 acts that are the basis for the complaint were allegedly  
888 committed while that person possessed an educator certificate.  
889 The Commissioner of Education shall make a determination of  
890 probable cause within 90 days after receipt of any complaint  
891 involving sexual misconduct with a student. Upon the written  
892 request of a state attorney, this deadline may be held in  
893 abeyance during criminal proceedings related to the sexual  
894 misconduct with a student.

895 (d)1. Each school district shall file in writing with the  
896 department all legally sufficient complaints within 30 days  
897 after the date on which subject matter of the complaint comes to  
898 the attention of the school district, regardless of whether the  
899 subject of the complaint is still an employee of the school

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900 district. A complaint is legally sufficient if it contains  
901 ultimate facts that show a violation has occurred as provided in  
902 s. 1012.795 and defined by rule of the State Board of Education.  
903 The school district shall include all information relating to  
904 the complaint which is known to the school district at the time  
905 of filing.

906 2. A school district shall immediately notify the  
907 department if the subject of a legally sufficient complaint of  
908 misconduct affecting the health, safety, or welfare of a student  
909 resigns or is terminated before the conclusion of the school  
910 district's investigation. Upon receipt of the notification, the  
911 department shall place an alert on the person's certification  
912 file indicating that he or she resigned or was terminated before  
913 an investigation involving allegations of misconduct affecting  
914 the health, safety, or welfare of a student was concluded. In  
915 such circumstances, the database may not include specific  
916 information relating to the alleged misconduct until permitted  
917 by subsection (4). This subparagraph does not limit or restrict  
918 the duty of the district school board to investigate the  
919 complaint and report the findings and conclusion to the  
920 department.

921 3. Each district school board shall develop and adopt  
922 policies and procedures to comply with this reporting  
923 requirement. School board policies and procedures must include  
924 standards for screening, hiring, and terminating instructional  
925 personnel and school administrators, as defined in s. 1012.01;  
926 standards of ethical conduct for instructional personnel and  
927 school administrators; the duties of instructional personnel and  
928 school administrators for upholding the standards; detailed



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929 procedures for reporting alleged misconduct by instructional  
930 personnel and school administrators which affects the health,  
931 safety, or welfare of a student; requirements for the  
932 reassignment of instructional personnel and ~~or~~ school  
933 administrators pending the outcome of a misconduct  
934 investigation; and penalties for failing to comply with s.  
935 1001.51 or s. 1012.795. The district school board policies and  
936 procedures must ~~shall~~ include appropriate penalties for all  
937 personnel of the district school board for nonreporting and  
938 procedures for promptly informing the district school  
939 superintendent of each legally sufficient complaint. The  
940 district school superintendent is charged with knowledge of  
941 these policies and procedures and is accountable for the  
942 training of all instructional personnel and school  
943 administrators of the school district on the standards of  
944 ethical conduct, policies, and procedures.

945 4. If the district school superintendent has knowledge of a  
946 legally sufficient complaint and does not report the complaint,  
947 or fails to enforce the policies and procedures of the district  
948 school board, and fails to comply with the requirements of this  
949 subsection, in addition to other actions against  
950 certificateholders authorized by law, the district school  
951 superintendent is subject to penalties as specified in s.  
952 1001.51(12).

953 5. If the superintendent determines that misconduct by  
954 instructional personnel or school administrators who hold an  
955 educator certificate affects the health, safety, or welfare of a  
956 student and the misconduct warrants termination, the  
957 instructional personnel or school administrators may resign or

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958 be terminated, and the superintendent must report the misconduct  
959 to the department in the format prescribed by the department.  
960 The department shall maintain each report of misconduct as a  
961 public record in the instructional personnel's or school  
962 administrators' certification files. This paragraph does not  
963 limit or restrict the power and duty of the department to  
964 investigate complaints regarding certificateholders, regardless  
965 of the school district's untimely filing, or failure to file,  
966 complaints and followup reports. This subparagraph does not  
967 create a duty for the department to investigate complaints  
968 regarding noncertificateholders.

969 (e) If allegations arise against an employee who is  
970 certified under s. 1012.56 and employed in an educator-  
971 certificated position in any public school, charter school or  
972 governing board thereof, or private school that accepts  
973 scholarship students who participate in a state scholarship  
974 program under chapter 1002, the school shall file in writing  
975 with the department a legally sufficient complaint within 30  
976 days after the date on which the subject matter of the complaint  
977 came to the attention of the school, regardless of whether the  
978 subject of the allegations is still an employee of the school. A  
979 complaint is legally sufficient if it contains ultimate facts  
980 that show a violation has occurred as provided in s. 1012.795  
981 and defined by rule of the State Board of Education. The school  
982 shall include all known information relating to the complaint  
983 with the filing of the complaint. This paragraph does not limit  
984 or restrict the power and duty of the department to investigate  
985 complaints, regardless of the school's untimely filing, or  
986 failure to file, complaints and followup reports. A school

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987 described in this paragraph shall immediately notify the  
988 department if the subject of a legally sufficient complaint of  
989 misconduct affecting the health, safety, or welfare of a student  
990 resigns or is terminated before the conclusion of the school's  
991 investigation. Upon receipt of the notification, the department  
992 shall place an alert on the person's certification file  
993 indicating that he or she resigned or was terminated before an  
994 investigation involving allegations of misconduct affecting the  
995 health, safety, or welfare of a student was concluded and place  
996 the person on the disqualification list maintained by the  
997 department pursuant to s. 1001.10(4)(b). In such circumstances,  
998 the database may not include specific information relating to  
999 the alleged misconduct until permitted by subsection (4).

1000 (5) When an allegation of misconduct by instructional  
1001 personnel or school administrators, as defined in s. 1012.01, is  
1002 received, if the alleged misconduct affects the health, safety,  
1003 or welfare of a student, the district school superintendent in  
1004 consultation with the school principal, or upon the request of  
1005 the Commissioner of Education, must, at a minimum, immediately  
1006 suspend the instructional personnel or school administrators  
1007 from regularly assigned duties, with pay, and remove ~~reassign~~  
1008 the suspended personnel or administrators from ~~to~~ positions that  
1009 may do not require direct contact with students in the district  
1010 school system. Such suspension shall continue until submission  
1011 of a legally sufficient complaint. The proceedings and  
1012 determination of sanctions shall be completed by a school  
1013 district within 1 year after submission of the legally  
1014 sufficient complaint ~~the completion of the proceedings and the~~  
1015 ~~determination of sanctions, if any, pursuant to this section and~~

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1016 ~~s. 1012.795.~~

1017 (7) A panel of the commission shall enter a final order  
1018 either dismissing the complaint or imposing one or more of the  
1019 following penalties:

1020 (i) Direct the department to place instructional personnel  
1021 or school administrators on the disqualification list maintained  
1022 by the department pursuant to s. 1001.10(4)(b) for conduct that  
1023 would render the person ineligible pursuant to s. 1012.315 or  
1024 sexual misconduct with a student.

1025  
1026 The penalties imposed under this subsection are in addition to,  
1027 and not in lieu of, the penalties required for a third  
1028 recruiting offense pursuant to s. 1006.20(2)(b).

1029 (10) A person on the disqualification list maintained by  
1030 the department pursuant to s. 1001.10(4)(b) shall be notified  
1031 that he or she may not serve or apply to serve as an employee or  
1032 contracted personnel at a public school or private school that  
1033 participates in a state scholarship program under chapter 1002.  
1034 A person who knowingly violates this provision commits a felony  
1035 of the third degree, punishable as provided in s. 775.082 or s.  
1036 775.083.

1037 Section 12. Section 1012.797, Florida Statutes, is amended  
1038 to read:

1039 1012.797 Notification of ~~district school superintendent of~~  
1040 ~~certain charges against or convictions of employees.-~~

1041 ~~(1)~~ Notwithstanding the provisions of s. 985.04(7) or any  
1042 other ~~provision of~~ law to the contrary, a law enforcement agency  
1043 shall, within 48 hours, notify the appropriate district school  
1044 superintendent, charter school governing board, private school

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1045 owner or administrator, president of the Florida School for the  
1046 Deaf and the Blind, or university lab schools director or  
1047 principal, as applicable, when its ~~of the name and address of~~  
1048 any employee ~~of the school district who~~ is arrested for charged  
1049 with a felony or with a misdemeanor involving the abuse of a  
1050 minor child or the sale or possession of a controlled substance.  
1051 The notification shall include the specific charge for which the  
1052 employee of the school district was arrested. Notwithstanding  
1053 ss. 1012.31(3)(a)1. and 1012.796(4), within 24 hours after such  
1054 notification, the school principal or designee shall notify  
1055 parents of enrolled students who had direct contact with the  
1056 employee and include, at a minimum, the name and specific  
1057 charges against the employee. Such notification shall include  
1058 other education providers such as the Florida School for the  
1059 Deaf and the Blind, university lab schools, and private  
1060 elementary and secondary schools.

1061 ~~(2) Except to the extent necessary to protect the health,~~  
1062 ~~safety, and welfare of other students, the information obtained~~  
1063 ~~by the district school superintendent pursuant to this section~~  
1064 ~~may be released only to appropriate school personnel or as~~  
1065 ~~otherwise provided by law.~~

1066 Section 13. This act shall take effect July 1, 2021.