

1 A bill to be entitled
2 An act relating to education; amending s. 435.02,
3 F.S.; revising the definition of the term "specified
4 agency"; amending s. 435.12, F.S.; requiring certain
5 employees to submit to rescreening on a specified
6 schedule; amending 800.101, F.S.; providing criminal
7 penalties for certain actions related to specified
8 reports; amending ss. 943.0585 and 943.059, F.S.;
9 prohibiting certain persons from denying criminal
10 history records that have been expunged or sealed;
11 amending s. 1001.4205, F.S.; authorizing members of
12 the Legislature to visit any public school in the
13 legislative district of the member; providing
14 requirements for such visits; amending s. 1002.421,
15 F.S.; revising background screening requirements for
16 certain private schools; amending s. 1004.04, F.S.;
17 revising teacher preparation program core curricula
18 requirements; revising criteria for continued program
19 approval; authorizing the State Board of Education to
20 adopt rules that include certain criteria and
21 authorize continued program approval; requiring the
22 State Board of Education to adopt rules that establish
23 certain continued program approval criteria; revising
24 specified requirements relating to field experiences;
25 amending s. 1004.85, F.S.; revising teacher

26 preparation program core curricula requirements;
27 requiring certain program candidates to complete a
28 minimum period of field experience, as determined by
29 the State Board of Education; revising criteria for
30 continued program approval; authorizing the State
31 Board of Education to adopt rules that include certain
32 criteria and authorize continued program approval;
33 requiring the State Board of Education to adopt rules
34 that establish certain continued program approval
35 criteria; amending s. 1012.22, F.S.; requiring certain
36 compensation to be included in calculating certain
37 salary adjustments; amending s. 1012.315, F.S.;
38 revising screening requirements for specified
39 individuals; providing applicability; amending s.
40 1012.32, F.S.; revising the procedure for background
41 screenings; deleting the right to appeal certain
42 terminations; revising provisions specifying financial
43 responsibility and reimbursement for background
44 screenings; amending s. 1012.34, F.S.; providing that
45 certain procedures relating to a school district's
46 instructional, administrative, and supervisory
47 personnel set the standards of service to be offered
48 to the public and are not subject to collective
49 bargaining; amending s. 1012.465, F.S.; conforming
50 provisions to changes made by the act; amending s.

51 1012.467, F.S.; repealing certain reciprocity
 52 provisions on a specified date; amending s. 1012.56,
 53 F.S.; prohibiting certain persons from having
 54 specified responsibilities before the results of a
 55 background screening are available; requiring certain
 56 provisions to be implemented by a certain date;
 57 providing an exception; providing effective dates.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Subsection (5) of section 435.02, Florida
 62 Statutes, is amended to read:

63 435.02 Definitions.—For the purposes of this chapter, the
 64 term:

65 (5) "Specified agency" means the Department of Health, the
 66 Department of Children and Families, ~~the Division of Vocational~~
 67 ~~Rehabilitation within the Department of Education,~~ the Agency
 68 for Health Care Administration, the Department of Elderly
 69 Affairs, the Department of Juvenile Justice, the Agency for
 70 Persons with Disabilities, the Department of Education, each
 71 district unit under s. 1001.30, special district units under s.
 72 1011.24, the Florida School for the Deaf and the Blind under s.
 73 1002.36, the Florida Virtual School under s. 1002.37, virtual
 74 instruction programs under s. 1002.45, charter schools under s.
 75 1002.33, hope operators under s. 1002.333, private schools

76 participating in an educational scholarship program under s.
77 1002.421, alternative schools under s. 1008.341, regional
78 workforce boards providing services as defined in s. 445.002(3),
79 and local licensing agencies approved pursuant to s. 402.307,
80 when these agencies are conducting state and national criminal
81 history background screening on persons who work with children
82 or persons who are elderly or disabled.

83 Section 2. Subsection (3) of section 435.12, Florida
84 Statutes, is amended to read:

85 435.12 Care Provider Background Screening Clearinghouse.—

86 (3)(a) Employees of each district unit under s. 1001.30,
87 special district units under s. 1011.24, the Florida School for
88 the Deaf and the Blind under s. 1002.36, the Florida Virtual
89 School under s. 1002.37, virtual instruction programs under s.
90 1002.45, charter schools under s. 1002.33, hope operators under
91 s. 1002.333, private schools participating in an educational
92 scholarship program under s. 1002.421, and alternative schools
93 under s. 1008.341 must be rescreened in compliance with the
94 following schedule:

95 1. Employees for whom the last screening was conducted on
96 or before June 30, 2019, must be rescreened by June 30, 2024.

97 2. Employees for whom the last screening was conducted
98 between July 1, 2019, and June 30, 2021, must be rescreened by
99 June 30, 2025.

100 3. Employees for whom the last screening was conducted

101 between July 1, 2021, and December 31, 2022, must be rescreened
102 by June 30, 2026.

103 (b) A person is not required to be rescreened before
104 January 1, 2023, solely for the purpose of retention under this
105 section if the person was screened before participation by the
106 specified agencies named in paragraph (a) in the clearinghouse.

107 ~~(3) An employee who has undergone a fingerprint-based~~
108 ~~criminal history check by a specified agency before the~~
109 ~~clearinghouse is operational is not required to be checked again~~
110 ~~solely for the purpose of entry in the clearinghouse. Every~~
111 ~~employee who is or will become subject to fingerprint-based~~
112 ~~criminal history checks to be eligible to be licensed, have~~
113 ~~their license renewed, or meet screening or rescreening~~
114 ~~requirements by a specified agency once the specified agency~~
115 ~~participates in the clearinghouse shall be subject to the~~
116 ~~requirements of this section with respect to entry of records in~~
117 ~~the clearinghouse and retention of fingerprints for reporting~~
118 ~~the results of searching against state incoming arrest~~
119 ~~fingerprint submissions.~~

120 Section 3. Effective October 1, 2022, subsections (3) and
121 (4) of section 800.101, Florida Statutes, are amended, and
122 subsection (5) is added to that section, to read:

123 800.101 Offenses against students by authority figures.—

124 (3) A person who violates subsection (2) ~~this section~~
125 commits a felony of the second degree, punishable as provided in

126 | s. 775.082, s. 775.083, or s. 775.084.

127 | (4) Subsection (2) ~~This section~~ does not apply to conduct
 128 | constituting an offense that is subject to reclassification
 129 | under s. 775.0862.

130 | (5) (a) A person who is required to report a violation of
 131 | subsection (2) and who knowingly or willfully fails to do so, or
 132 | who knowingly or willfully prevents another person from doing
 133 | so, commits a misdemeanor of the first degree, punishable as
 134 | provided in s. 775.082 or s. 775.083.

135 | (b) A person who knowingly or willfully submits false,
 136 | inaccurate, or incomplete information while reporting a
 137 | violation of subsection (2) commits a misdemeanor of the first
 138 | degree, punishable as provided in s. 775.082 or s. 775.083.

139 | (c) A person who knowingly or willfully coerces or
 140 | threatens another person with the intent to alter his or her
 141 | testimony or written report regarding a violation of subsection
 142 | (2) commits a misdemeanor of the first degree, punishable as
 143 | provided in s. 775.082 or s. 775.083.

144 | Section 4. Paragraph (b) of subsection (6) of section
 145 | 943.0585, Florida Statutes, is amended to read:

146 | 943.0585 Court-ordered expunction of criminal history
 147 | records.—

148 | (6) EFFECT OF EXPUNCTION ORDER.—

149 | (b) The person who is the subject of a criminal history
 150 | record that is expunged under this section or under other

151 provisions of law, including former ss. 893.14, 901.33, and
 152 943.058, may lawfully deny or fail to acknowledge the arrests
 153 covered by the expunged record, except when the subject of the
 154 record:

155 1. Is a candidate for employment with a criminal justice
 156 agency;

157 2. Is a defendant in a criminal prosecution;

158 3. Concurrently or subsequently petitions for relief under
 159 this section, s. 943.0583, or s. 943.059;

160 4. Is a candidate for admission to The Florida Bar;

161 5. Is seeking to be employed or licensed by or to contract
 162 with the Department of Children and Families, the Division of
 163 Vocational Rehabilitation within the Department of Education,
 164 the Agency for Health Care Administration, the Agency for
 165 Persons with Disabilities, the Department of Health, the
 166 Department of Elderly Affairs, or the Department of Juvenile
 167 Justice or to be employed or used by such contractor or licensee
 168 in a sensitive position having direct contact with children, the
 169 disabled, or the elderly;

170 6.a. Is seeking to be employed or licensed by, or contract
 171 with, the Department of Education, any district unit under s.
 172 1001.30, any special district unit under s. 1011.24, the Florida
 173 School for the Deaf and the Blind under s. 1002.36, the Florida
 174 Virtual School under s. 1002.37, any virtual instruction program
 175 under s. 1002.45 ~~school board, any university laboratory school,~~

176 any charter school under s. 1002.33, any hope operator under s.
 177 1002.333, any alternative school under s. 1008.341 ~~school~~, any
 178 private or parochial school, or any local governmental entity
 179 that licenses child care facilities;

180 b. Is seeking to be employed or used by a contractor or
 181 licensee under sub-subparagraph a.; or

182 c. Is a person screened under s. 1012.467;

183 7. Is seeking to be licensed by the Division of Insurance
 184 Agent and Agency Services within the Department of Financial
 185 Services; or

186 8. Is seeking to be appointed as a guardian pursuant to s.
 187 744.3125.

188 Section 5. Paragraph (b) of subsection (6) of section
 189 943.059, Florida Statutes, is amended to read:

190 943.059 Court-ordered sealing of criminal history
 191 records.—

192 (6) EFFECT OF ORDER.—

193 (b) The subject of the criminal history record sealed
 194 under this section or under other provisions of law, including
 195 former ss. 893.14, 901.33, and 943.058, may lawfully deny or
 196 fail to acknowledge the arrests covered by the sealed record,
 197 except when the subject of the record:

198 1. Is a candidate for employment with a criminal justice
 199 agency;

200 2. Is a defendant in a criminal prosecution;

201 3. Concurrently or subsequently petitions for relief under
 202 this section, s. 943.0583, or s. 943.0585;

203 4. Is a candidate for admission to The Florida Bar;

204 5. Is seeking to be employed or licensed by or to contract
 205 with the Department of Children and Families, the Division of
 206 Vocational Rehabilitation within the Department of Education,
 207 the Agency for Health Care Administration, the Agency for
 208 Persons with Disabilities, the Department of Health, the
 209 Department of Elderly Affairs, or the Department of Juvenile
 210 Justice or to be employed or used by such contractor or licensee
 211 in a sensitive position having direct contact with children, the
 212 disabled, or the elderly;

213 6.a. Is seeking to be employed or licensed by, or contract
 214 with, the Department of Education, a district unit under s.
 215 1001.30, a special district unit under s. 1011.24, the Florida
 216 School for the Deaf and the Blind under s. 1002.36, the Florida
 217 Virtual School under s. 1002.37, a virtual instruction program
 218 under s. 1002.45 ~~school board, a university laboratory school, a~~
 219 charter school under s. 1002.33, a hope operator under s.
 220 1002.333, an alternative school under s. 1008.341, a private or
 221 parochial school, or a local governmental entity that licenses
 222 child care facilities;

223 b. Is seeking to be employed or used by a contractor or
 224 licensee under sub-subparagraph a.; or

225 c. Is a person screened under s. 1012.467;

226 7. Is attempting to purchase a firearm from a licensed
 227 importer, licensed manufacturer, or licensed dealer and is
 228 subject to a criminal history check under state or federal law;

229 8. Is seeking to be licensed by the Division of Insurance
 230 Agent and Agency Services within the Department of Financial
 231 Services;

232 9. Is seeking to be appointed as a guardian pursuant to s.
 233 744.3125; or

234 10. Is seeking to be licensed by the Bureau of License
 235 Issuance of the Division of Licensing within the Department of
 236 Agriculture and Consumer Services to carry a concealed weapon or
 237 concealed firearm. This subparagraph applies only in the
 238 determination of an applicant's eligibility under s. 790.06.

239 Section 6. Effective July 1, 2022, section 1001.4205,
 240 Florida Statutes, is amended to read:

241 1001.4205 Individuals authorized to visit schools
 242 ~~Visitation of schools by an individual school board or charter~~
 243 ~~school governing board member.~~—An individual member of a
 244 district school board may, on any day and at any time at his or
 245 her pleasure, visit any district school in his or her school
 246 district. An individual charter school governing board member
 247 may, on any day and at any time at his or her pleasure, visit
 248 any charter school governed by the charter school's governing
 249 board. A member of the Legislature may visit any public school
 250 in the legislative district of the member. An individual

251 visiting a school pursuant to this section ~~The board member~~ must
 252 sign in and sign out at the school's main office and wear his or
 253 her ~~board~~ identification badge at all times while present on
 254 school premises. The board, the school, or any other person or
 255 entity, including, but not limited to, the principal of the
 256 school, the school superintendent, or any other board member,
 257 may not require an individual visiting the school pursuant to
 258 this section ~~the visiting board member~~ to provide notice before
 259 visiting the school. The school may offer, but may not require,
 260 an escort to accompany an individual visiting the school
 261 pursuant to this section ~~a visiting board member~~ during the
 262 visit. Another board member or a district employee, including,
 263 but not limited to, the superintendent, the school principal, or
 264 his or her designee, may not limit the duration or scope of the
 265 visit or direct an individual visiting the school pursuant to
 266 this section ~~a visiting board member~~ to leave the premises. A
 267 board, district, or school administrative policy or practice may
 268 not prohibit or limit the authority granted to an individual ~~a~~
 269 ~~board member~~ under this section.

270 Section 7. Paragraph (e) of subsection (1) of section
 271 1002.421, Florida Statutes, is amended to read:

272 1002.421 State school choice scholarship program
 273 accountability and oversight.—

274 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 275 school participating in an educational scholarship program

276 established pursuant to this chapter must be a private school as
277 defined in s. 1002.01(2) in this state, be registered, and be in
278 compliance with all requirements of this section in addition to
279 private school requirements outlined in s. 1002.42, specific
280 requirements identified within respective scholarship program
281 laws, and other provisions of Florida law that apply to private
282 schools, and must:

283 (e) Annually complete and submit to the department a
284 notarized scholarship compliance statement certifying that all
285 school employees and contracted personnel with direct student
286 contact have undergone background screening pursuant to s.
287 435.12 ~~s. 943.0542~~ and have met the screening standards as
288 provided in s. 435.04.

289
290 The department shall suspend the payment of funds to a private
291 school that knowingly fails to comply with this subsection, and
292 shall prohibit the school from enrolling new scholarship
293 students, for 1 fiscal year and until the school complies. If a
294 private school fails to meet the requirements of this subsection
295 or has consecutive years of material exceptions listed in the
296 report required under paragraph (q), the commissioner may
297 determine that the private school is ineligible to participate
298 in a scholarship program.

299 Section 8. Effective July 1, 2022, paragraph (b) of
300 subsection (2), paragraphs (a) and (b) of subsection (4), and

301 paragraph (c) of subsection (5) of section 1004.04, Florida
 302 Statutes, are amended to read:

303 1004.04 Public accountability and state approval for
 304 teacher preparation programs.—

305 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

306 (b) The rules to establish uniform core curricula for each
 307 state-approved teacher preparation program must include, but are
 308 not limited to, the following:

309 1. Candidate instruction and assessment in the Florida
 310 Educator Accomplished Practices across content areas.

311 2. The use of state-adopted content standards to guide
 312 curricula and instruction.

313 3. Scientifically researched and evidence-based reading
 314 instructional strategies that improve reading performance for
 315 all students, including explicit, systematic, and sequential
 316 approaches to teaching phonemic awareness, phonics, vocabulary,
 317 fluency, and text comprehension and multisensory intervention
 318 strategies.

319 4. Content literacy and mathematics practices.

320 5. Strategies appropriate for the instruction of English
 321 language learners.

322 6. Strategies appropriate for the instruction of students
 323 with disabilities.

324 7. Strategies to differentiate instruction based on
 325 student needs.

326 8. Strategies and practices to support evidence-based
 327 content aligned to state standards and grading practices ~~The use~~
 328 ~~of character-based classroom management.~~

329 9. Strategies appropriate for the early identification of
 330 a student in crisis or experiencing a mental health challenge
 331 and the referral of such student to a mental health professional
 332 for support.

333 10. Strategies to support the use of technology in
 334 education and distance learning.

335 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
 336 teacher preparation program shall be based upon evidence that
 337 the program continues to implement the requirements for initial
 338 approval and upon significant, objective, and quantifiable
 339 measures of the program and the performance of the program
 340 completers.

341 (a) The criteria for continued approval must include each
 342 of the following:

343 1. Candidate readiness based on passage rates on educator
 344 certification examinations under s. 1012.56, as applicable
 345 ~~Documentation from the program that each program candidate met~~
 346 ~~the admission requirements provided in subsection (3).~~

347 ~~2. Documentation from the program that the program and~~
 348 ~~each program completer have met the requirements provided in~~
 349 ~~subsection (2).~~

350 ~~2.3.~~ Evidence of performance in each of the following

351 areas:

352 ~~a. Placement rate of program completers into instructional~~
353 ~~positions in Florida public schools and private schools, if~~
354 ~~available.~~

355 ~~b. Rate of retention for employed program completers in~~
356 ~~instructional positions in Florida public schools.~~

357 ~~a.e.~~ Performance of students in prekindergarten through
358 grade 12 who are assigned to in-field program completers on
359 statewide assessments using the results of the student learning
360 growth formula adopted under s. 1012.34.

361 ~~d. Performance of students in prekindergarten through~~
362 ~~grade 12 who are assigned to in-field program completers~~
363 ~~aggregated by student subgroup, as defined in the federal~~
364 ~~Elementary and Secondary Education Act (ESEA), 20 U.S.C. s.~~
365 ~~6311(b)(2)(C)(v)(II), as a measure of how well the program~~
366 ~~prepares teachers to work with a diverse population of students~~
367 ~~in a variety of settings in Florida public schools.~~

368 ~~b.e.~~ Results of program completers' annual evaluations in
369 accordance with the timeline as set forth in s. 1012.34.

370 ~~c.f.~~ Workforce contributions, including placement of
371 program completers in instructional positions in Florida public
372 and private schools, with additional weight given to production
373 of program completers in statewide critical teacher shortage
374 areas as identified in s. 1012.07.

375 ~~3.4.~~ Results of the program completers' survey measuring

376 their satisfaction with preparation for the realities of the
377 classroom.

378 ~~4.5.~~ Results of the employers' survey measuring
379 satisfaction with the program and the program's responsiveness
380 to local school districts.

381 (b) The State Board of Education shall adopt rules for
382 continued approval of teacher preparation programs which include
383 the program review process, the continued approval timelines,
384 and the performance level targets for each of the continued
385 approval criteria in paragraph (a). Additional criteria may be
386 approved by the State Board of Education. The Commissioner of
387 Education shall determine the continued approval of each program
388 based on the data collected pursuant to this section and the
389 rules of the State Board of Education, which may include
390 weighted criteria and may authorize continued program approval
391 based on a review conducted by a nationally recognized
392 accrediting entity. The rules must establish criteria, based on
393 program size, for determining whether a program review is
394 necessary, whether program quality should be aggregated and
395 measured at the provider or institution level, and whether
396 program reviews may be validly conducted on a remote basis.

397 (5) PRESERVICE FIELD EXPERIENCE.—All postsecondary
398 instructors, school district personnel and instructional
399 personnel, and school sites preparing instructional personnel
400 through preservice field experience courses and internships

401 shall meet special requirements. District school boards may pay
402 student teachers during their internships.

403 (c) Preservice field experience must fully prepare a
404 candidate to manage a classroom by requiring the candidate to
405 practice and demonstrate the uniform core curricula specific to
406 the candidate's area or areas of program concentration with a
407 diverse population of students in a variety of challenging
408 environments, including, but not limited to, high-poverty
409 schools, urban schools, and rural schools. Beginning with
410 candidates entering a program in the 2023-2024 school year, a
411 minimum of 60 hours of preservice ~~The length of structured~~ field
412 experience must be completed before the culminating field
413 experience, which must include a minimum of 12 weeks of student
414 teaching experiences may be extended to ensure that candidates
415 achieve the competencies needed to meet certification
416 requirements.

417 Section 9. Effective July 1, 2022, paragraph (a) of
418 subsection (3) and subsections (4), (5), and (8) of section
419 1004.85, Florida Statutes, are amended to read:

420 1004.85 Postsecondary educator preparation institutes.—

421 (3) Educator preparation institutes approved pursuant to
422 this section may offer competency-based certification programs
423 specifically designed for noneducation major baccalaureate
424 degree holders to enable program participants to meet the
425 educator certification requirements of s. 1012.56. An educator

426 preparation institute choosing to offer a competency-based
427 certification program pursuant to the provisions of this section
428 must implement a program previously approved by the Department
429 of Education for this purpose or a program developed by the
430 institute and approved by the department for this purpose.
431 Approved programs shall be available for use by other approved
432 educator preparation institutes.

433 (a) Within 90 days after receipt of a request for
434 approval, the Department of Education shall approve a
435 preparation program pursuant to the requirements of this
436 subsection or issue a statement of the deficiencies in the
437 request for approval. The department shall approve a
438 certification program if the institute provides evidence of the
439 institute's capacity to implement a competency-based program
440 that includes each of the following:

441 1.a. Participant instruction and assessment in the Florida
442 Educator Accomplished Practices across content areas.

443 b. The use of state-adopted student content standards to
444 guide curriculum and instruction.

445 c. Scientifically researched and evidence-based reading
446 instructional strategies that improve reading performance for
447 all students, including explicit, systematic, and sequential
448 approaches to teaching phonemic awareness, phonics, vocabulary,
449 fluency, and text comprehension and multisensory intervention
450 strategies.

- 451 d. Content literacy and mathematical practices.
- 452 e. Strategies appropriate for instruction of English
453 language learners.
- 454 f. Strategies appropriate for instruction of students with
455 disabilities.
- 456 g. Strategies to differentiate instruction based on
457 student needs.
- 458 h. Strategies and practices to support evidence-based
459 content aligned to state standards and grading practices ~~The use~~
460 ~~of character-based classroom management.~~
- 461 i. Strategies appropriate for the early identification of
462 a student in crisis or experiencing a mental health challenge
463 and the referral of such student to a mental health professional
464 for support.
- 465 j. Strategies to support the use of technology in
466 education and distance learning.
- 467 2. An educational plan for each participant to meet
468 certification requirements and demonstrate his or her ability to
469 teach the subject area for which the participant is seeking
470 certification, which is based on an assessment of his or her
471 competency in the areas listed in subparagraph 1.
- 472 3. Field experiences appropriate to the certification
473 subject area specified in the educational plan with a diverse
474 population of students in a variety of challenging environments,
475 including, but not limited to, high-poverty schools, urban

476 schools, and rural schools, under the supervision of qualified
477 educators. Beginning with candidates entering a program in the
478 2023-2024 school year, a minimum period of field experience, as
479 determined in state board rule, must be completed before serving
480 as the teacher of record.

481 4. A certification ombudsman to facilitate the process and
482 procedures required for participants who complete the program to
483 meet any requirements related to the background screening
484 pursuant to s. 1012.32 and educator professional or temporary
485 certification pursuant to s. 1012.56.

486 (4) Continued approval of each program approved pursuant
487 to this section shall be determined by the Commissioner of
488 Education based upon a periodic review of the following areas:

489 (a) Candidate readiness based on passage rates on educator
490 certification examinations under s. 1012.56, as applicable
491 ~~Documentation from the program that each program completer has~~
492 ~~met the requirements of paragraphs (3)(a)-(c).~~

493 (b) Evidence of performance in each of the following
494 areas:

495 ~~1. Placement rate of program completers into instructional~~
496 ~~positions in Florida public schools and private schools, if~~
497 ~~available.~~

498 ~~2. Rate of retention for employed program completers in~~
499 ~~instructional positions in Florida public schools.~~

500 ~~1.3.~~ Performance of students in prekindergarten through

501 grade 12 who are assigned to in-field program completers on
502 statewide assessments using the results of the student learning
503 growth formula adopted under s. 1012.34.

504 ~~4. Performance of students in prekindergarten through~~
505 ~~grade 12 who are assigned to in-field program completers~~
506 ~~aggregated by student subgroups, as defined in the federal~~
507 ~~Elementary and Secondary Education Act (ESEA), 20 U.S.C. s.~~
508 ~~6311(b)(2)(C)(v)(II), as a measure of how well the program~~
509 ~~prepares teachers to work with a diverse population of students~~
510 ~~in a variety of settings in Florida public schools.~~

511 2.5. Results of program completers' annual evaluations in
512 accordance with the timeline as set forth in s. 1012.34.

513 ~~3.6.~~ Production of program completers in statewide
514 critical teacher shortage areas as identified in s. 1012.07.

515 (5) Each institute approved pursuant to this section shall
516 submit to the Department of Education annual performance
517 evaluations that measure the effectiveness of the programs,
518 including the pass rates of participants on all examinations
519 required for teacher certification, employment rates,
520 longitudinal retention rates, and satisfaction surveys of
521 employers and program completers ~~candidates~~. The satisfaction
522 surveys must be designed to measure the sufficient preparation
523 of the educator for the realities of the classroom and the
524 institute's responsiveness to local school districts. These
525 evaluations shall be used by the Department of Education for

526 | purposes of continued approval of an educator preparation
527 | institute's certification program.

528 | (8) The State Board of Education shall ~~may~~ adopt rules
529 | pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
530 | ~~provisions of this section, which may include weighted criteria~~
531 | and may authorize continued program approval based on a review
532 | conducted by a nationally recognized accrediting entity. The
533 | rules must establish criteria, based on program size, for
534 | determining whether a program review is necessary, whether
535 | program quality should be aggregated and measured at the
536 | provider or institution level, and whether program reviews may
537 | be validly conducted on a remote basis including performance
538 | ~~targets for the measures used for continued program approval~~
539 | ~~described in subsection (4).~~

540 | Section 10. Effective upon becoming a law, paragraph (c)
541 | of subsection (1) of section 1012.22, Florida Statutes, is
542 | amended to read:

543 | 1012.22 Public school personnel; powers and duties of the
544 | district school board.—The district school board shall:

545 | (1) Designate positions to be filled, prescribe
546 | qualifications for those positions, and provide for the
547 | appointment, compensation, promotion, suspension, and dismissal
548 | of employees as follows, subject to the requirements of this
549 | chapter:

550 | (c) Compensation and salary schedules.—

- 551 1. Definitions.—As used in this paragraph:
- 552 a. "Adjustment" means an addition to the base salary
- 553 schedule that is not a bonus and becomes part of the employee's
- 554 permanent base salary and shall be considered compensation under
- 555 s. 121.021(22).
- 556 b. "Grandfathered salary schedule" means the salary
- 557 schedule or schedules adopted by a district school board before
- 558 July 1, 2014, pursuant to subparagraph 4.
- 559 c. "Instructional personnel" means instructional personnel
- 560 as defined in s. 1012.01(2)(a)-(d), excluding substitute
- 561 teachers.
- 562 d. "Performance salary schedule" means the salary schedule
- 563 or schedules adopted by a district school board pursuant to
- 564 subparagraph 5.
- 565 e. "Salary schedule" means the schedule or schedules used
- 566 to provide the base salary for district school board personnel.
- 567 f. "School administrator" means a school administrator as
- 568 defined in s. 1012.01(3)(c).
- 569 g. "Supplement" means an annual addition to the base
- 570 salary for the term of the negotiated supplement as long as the
- 571 employee continues his or her employment for the purpose of the
- 572 supplement. A supplement does not become part of the employee's
- 573 continuing base salary but shall be considered compensation
- 574 under s. 121.021(22).
- 575 2. Cost-of-living adjustment.—A district school board may

576 provide a cost-of-living salary adjustment if the adjustment:
 577 a. Does not discriminate among comparable classes of
 578 employees based upon the salary schedule under which they are
 579 compensated.
 580 b. Does not exceed 50 percent of the annual adjustment
 581 provided to instructional personnel rated as effective.
 582 3. Advanced degrees.—A district school board may not use
 583 advanced degrees in setting a salary schedule for instructional
 584 personnel or school administrators hired on or after July 1,
 585 2011, unless the advanced degree is held in the individual's
 586 area of certification and is only a salary supplement.
 587 4. Grandfathered salary schedule.—
 588 a. The district school board shall adopt a salary schedule
 589 or salary schedules to be used as the basis for paying all
 590 school employees hired before July 1, 2014. Instructional
 591 personnel on annual contract as of July 1, 2014, shall be placed
 592 on the performance salary schedule adopted under subparagraph 5.
 593 Instructional personnel on continuing contract or professional
 594 service contract may opt into the performance salary schedule if
 595 the employee relinquishes such contract and agrees to be
 596 employed on an annual contract under s. 1012.335. Such an
 597 employee shall be placed on the performance salary schedule and
 598 may not return to continuing contract or professional service
 599 contract status. Any employee who opts into the performance
 600 salary schedule may not return to the grandfathered salary

601 schedule.

602 b. In determining the grandfathered salary schedule for
603 instructional personnel, a district school board must base a
604 portion of each employee's compensation upon performance
605 demonstrated under s. 1012.34 and shall provide differentiated
606 pay for both instructional personnel and school administrators
607 based upon district-determined factors, including, but not
608 limited to, additional responsibilities, school demographics,
609 critical shortage areas, and level of job performance
610 difficulties.

611 5. Performance salary schedule.—By July 1, 2014, the
612 district school board shall adopt a performance salary schedule
613 that provides annual salary adjustments for instructional
614 personnel and school administrators based upon performance
615 determined under s. 1012.34. Employees hired on or after July 1,
616 2014, or employees who choose to move from the grandfathered
617 salary schedule to the performance salary schedule shall be
618 compensated pursuant to the performance salary schedule once
619 they have received the appropriate performance evaluation for
620 this purpose.

621 a. Base salary.—The base salary shall be established as
622 follows:

623 (I) The base salary for instructional personnel or school
624 administrators who opt into the performance salary schedule
625 shall be the salary paid in the prior year, including

626 adjustments only.

627 (II) Instructional personnel or school administrators new
 628 to the district, returning to the district after a break in
 629 service without an authorized leave of absence, or appointed for
 630 the first time to a position in the district in the capacity of
 631 instructional personnel or school administrator shall be placed
 632 on the performance salary schedule. Beginning July 1, 2021, and
 633 until such time as the minimum base salary as defined in s.
 634 1011.62(16) equals or exceeds \$47,500, the annual increase to
 635 the minimum base salary shall not be less than 150 percent of
 636 the largest adjustment made to the salary of an employee on the
 637 grandfathered salary schedule. Thereafter, the annual increase
 638 to the minimum base salary shall not be less than 75 percent of
 639 the largest adjustment for an employee on the grandfathered
 640 salary schedule.

641 b. Salary adjustments.—Salary adjustments for highly
 642 effective or effective performance shall be established as
 643 follows:

644 (I) The annual salary adjustment under the performance
 645 salary schedule for an employee rated as highly effective must
 646 be at least 25 percent greater than the highest annual salary
 647 adjustment available to an employee of the same classification
 648 through any other salary schedule adopted by the district.

649 (II) The annual salary adjustment under the performance
 650 salary schedule for an employee rated as effective must be equal

651 to at least 50 percent and no more than 75 percent of the annual
652 adjustment provided for a highly effective employee of the same
653 classification.

654 (III) A salary schedule shall not provide an annual salary
655 adjustment for an employee who receives a rating other than
656 highly effective or effective for the year.

657 c. Salary supplements.—In addition to the salary
658 adjustments, each district school board shall provide for salary
659 supplements for activities that must include, but are not
660 limited to:

661 (I) Assignment to a Title I eligible school.

662 (II) Assignment to a school that earned a grade of "F" or
663 three consecutive grades of "D" pursuant to s. 1008.34 such that
664 the supplement remains in force for at least 1 year following
665 improved performance in that school.

666 (III) Certification and teaching in critical teacher
667 shortage areas. Statewide critical teacher shortage areas shall
668 be identified by the State Board of Education under s. 1012.07.
669 However, the district school board may identify other areas of
670 critical shortage within the school district for purposes of
671 this sub-sub-subparagraph and may remove areas identified by the
672 state board which do not apply within the school district.

673 (IV) Assignment of additional academic responsibilities.

674
675 If budget constraints in any given year limit a district school

676 board's ability to fully fund all adopted salary schedules, the
 677 performance salary schedule shall not be reduced on the basis of
 678 total cost or the value of individual awards in a manner that is
 679 proportionally greater than reductions to any other salary
 680 schedules adopted by the district. Any compensation for
 681 longevity of service awarded to instructional personnel who are
 682 on any other salary schedule must be included in calculating the
 683 salary adjustments required by sub-subparagraph b.

684 Section 11. Section 1012.315, Florida Statutes, is amended
 685 to read:

686 1012.315 Screening standards.—A person is ineligible for
 687 educator certification or employment in any position that
 688 requires direct contact with students in a district school
 689 system, a charter school, or a private school that participates
 690 in a state scholarship program under chapter 1002 if the person
 691 is on the disqualification list maintained by the department
 692 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
 693 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
 694 for an exemption under s. 435.07(4)(c), or has been convicted or
 695 found guilty of, has had adjudication withheld for, or has pled
 696 guilty or nolo contendere to:

697 (1) Any felony offense prohibited under any of the
 698 following statutes:

699 (a) Section 393.135, relating to sexual misconduct with
 700 certain developmentally disabled clients and reporting of such

701 sexual misconduct.

702 (b) Section 394.4593, relating to sexual misconduct with
703 certain mental health patients and reporting of such sexual
704 misconduct.

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

707 (d) Section 782.04, relating to murder.

708 (e) Section 782.07, relating to manslaughter, aggravated
709 manslaughter of an elderly person or disabled adult, aggravated
710 manslaughter of a child, or aggravated manslaughter of an
711 officer, a firefighter, an emergency medical technician, or a
712 paramedic.

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

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

715 (h) Section 784.075, relating to battery on a detention or
716 commitment facility staff member or a juvenile probation
717 officer.

718 (i) Section 787.01, relating to kidnapping.

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

720 (k) Section 787.025, relating to luring or enticing a
721 child.

722 (l) Section 787.04(2), relating to leading, taking,
723 enticing, or removing a minor beyond the state limits, or
724 concealing the location of a minor, with criminal intent pending
725 custody proceedings.

726 (m) Section 787.04(3), relating to leading, taking,
 727 enticing, or removing a minor beyond the state limits, or
 728 concealing the location of a minor, with criminal intent pending
 729 dependency proceedings or proceedings concerning alleged abuse
 730 or neglect of a minor.

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

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

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

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

741 (r) Section 794.05, relating to unlawful sexual activity
 742 with certain minors.

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

744 (t) Chapter 796, relating to prostitution.

745 (u) Chapter 800, relating to lewdness and indecent
 746 exposure.

747 (v) Section 800.101, relating to offenses against students
 748 by authority figures.

749 (w) Section 806.01, relating to arson.

750 (x) Section 810.14, relating to voyeurism.

- 751 (y) Section 810.145, relating to video voyeurism.
- 752 (z) Section 812.014(6), relating to coordinating the
- 753 commission of theft in excess of \$3,000.
- 754 (aa) Section 812.0145, relating to theft from persons 65
- 755 years of age or older.
- 756 (bb) Section 812.019, relating to dealing in stolen
- 757 property.
- 758 (cc) Section 812.13, relating to robbery.
- 759 (dd) Section 812.131, relating to robbery by sudden
- 760 snatching.
- 761 (ee) Section 812.133, relating to carjacking.
- 762 (ff) Section 812.135, relating to home-invasion robbery.
- 763 (gg) Section 817.563, relating to fraudulent sale of
- 764 controlled substances.
- 765 (hh) Section 825.102, relating to abuse, aggravated abuse,
- 766 or neglect of an elderly person or disabled adult.
- 767 (ii) Section 825.103, relating to exploitation of an
- 768 elderly person or disabled adult.
- 769 (jj) Section 825.1025, relating to lewd or lascivious
- 770 offenses committed upon or in the presence of an elderly person
- 771 or disabled person.
- 772 (kk) Section 826.04, relating to incest.
- 773 (ll) Section 827.03, relating to child abuse, aggravated
- 774 child abuse, or neglect of a child.
- 775 (mm) Section 827.04, relating to contributing to the

776 delinquency or dependency of a child.
 777 (nn) Section 827.071, relating to sexual performance by a
 778 child.
 779 (oo) Section 843.01, relating to resisting arrest with
 780 violence.
 781 (pp) Chapter 847, relating to obscenity.
 782 (qq) Section 874.05, relating to causing, encouraging,
 783 soliciting, or recruiting another to join a criminal street
 784 gang.
 785 (rr) Chapter 893, relating to drug abuse prevention and
 786 control, if the offense was a felony of the second degree or
 787 greater severity.
 788 (ss) Section 916.1075, relating to sexual misconduct with
 789 certain forensic clients and reporting of such sexual
 790 misconduct.
 791 (tt) Section 944.47, relating to introduction, removal, or
 792 possession of contraband at a correctional facility.
 793 (uu) Section 985.701, relating to sexual misconduct in
 794 juvenile justice programs.
 795 (vv) Section 985.711, relating to introduction, removal,
 796 or possession of contraband at a juvenile detention facility or
 797 commitment program.
 798 (2) Any misdemeanor offense prohibited under any of the
 799 following statutes:
 800 (a) Section 784.03, relating to battery, if the victim of

801 the offense was a minor.

802 (b) Section 787.025, relating to luring or enticing a
803 child.

804 (3) Any criminal act committed in another state or under
805 federal law which, if committed in this state, constitutes an
806 offense prohibited under any statute listed in subsection (1) or
807 subsection (2).

808 (4) Any delinquent act committed in this state or any
809 delinquent or criminal act committed in another state or under
810 federal law which, if committed in this state, qualifies an
811 individual for inclusion on the Registered Juvenile Sex Offender
812 List under s. 943.0435(1)(h)1.d.

813 Section 12. The changes made to s. 1012.315, Florida
814 Statutes, by this act apply to individuals who are screened
815 after January 1, 2024.

816 Section 13. Subsections (2) and (3) of section 1012.32,
817 Florida Statutes, are amended to read:

818 1012.32 Qualifications of personnel.—

819 (2)(a) Instructional and noninstructional personnel who
820 are hired or contracted to fill positions that require direct
821 contact with students in any district school system or
822 university lab school must, upon employment or engagement to
823 provide services, undergo background screening as required under
824 s. 1012.465 or s. 1012.56, whichever is applicable.

825 (b)1. Instructional and noninstructional personnel who are

826 hired or contracted to fill positions in a charter school other
827 than a school of hope as defined in s. 1002.333, and members of
828 the governing board of such charter school, in compliance with
829 s. 1002.33(12)(g), upon employment, engagement of services, or
830 appointment, shall undergo background screening as required
831 under s. 1012.465 or s. 1012.56, whichever is applicable, ~~by~~
832 ~~filing with the district school board for the school district in~~
833 ~~which the charter school is located a complete set of~~
834 ~~fingerprints taken by an authorized law enforcement agency or an~~
835 ~~employee of the school or school district who is trained to take~~
836 ~~fingerprints.~~

837 2. Instructional and noninstructional personnel who are
838 hired or contracted to fill positions in a school of hope as
839 defined in s. 1002.333, and members of the governing board of
840 such school of hope, upon employment, engagement of services, or
841 appointment, shall undergo background screening as required
842 under s. 1012.465 or s. 1012.56, whichever is applicable ~~file~~
843 ~~with the school of hope a complete set of fingerprints taken by~~
844 ~~an authorized law enforcement agency, by an employee of the~~
845 ~~school of hope or school district who is trained to take~~
846 ~~fingerprints, or by any other entity recognized by the~~
847 ~~Department of Law Enforcement to take fingerprints.~~

848 (c) Instructional and noninstructional personnel who are
849 hired or contracted to fill positions that require direct
850 contact with students in an alternative school that operates

851 under contract with a district school system must, upon
852 employment or engagement to provide services, undergo background
853 screening as required under s. 1012.465 or s. 1012.56, whichever
854 is applicable, ~~by filing with the district school board for the~~
855 ~~school district to which the alternative school is under~~
856 ~~contract a complete set of fingerprints taken by an authorized~~
857 ~~law enforcement agency or an employee of the school or school~~
858 ~~district who is trained to take fingerprints.~~

859 (d) Student teachers and persons participating in a field
860 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
861 district school system, lab school, or charter school must, upon
862 engagement to provide services, undergo background screening as
863 required under s. 1012.56.

864
865 ~~Required fingerprints must be submitted to the Department of Law~~
866 ~~Enforcement for statewide criminal and juvenile records checks~~
867 ~~and to the Federal Bureau of Investigation for federal criminal~~
868 ~~records checks.~~ A person subject to this subsection who is found
869 ineligible for employment under s. 1012.315, or otherwise found
870 through background screening to have been convicted of any crime
871 involving moral turpitude as defined by rule of the State Board
872 of Education, may ~~shall~~ not be employed, engaged to provide
873 services, or serve in any position that requires direct contact
874 with students. ~~Probationary persons subject to this subsection~~
875 ~~terminated because of their criminal record have the right to~~

876 ~~appeal such decisions.~~ The cost of the background screening may
877 be borne by the employer ~~district school board, the charter~~
878 ~~school, the employee, the contractor,~~ or a person subject to
879 this subsection. ~~A district school board shall reimburse a~~
880 ~~charter school the cost of background screening if it does not~~
881 ~~notify the charter school of the eligibility of a governing~~
882 ~~board member or instructional or noninstructional personnel~~
883 ~~within the earlier of 14 days after receipt of the background~~
884 ~~screening results from the Florida Department of Law Enforcement~~
885 ~~or 30 days of submission of fingerprints by the governing board~~
886 ~~member or instructional or noninstructional personnel.~~

887 (3) A background screening required under this section
888 shall be conducted in accordance with s. 435.12.

889 ~~(3)(a) All fingerprints submitted to the Department of Law~~
890 ~~Enforcement as required by subsection (2) shall be retained by~~
891 ~~the Department of Law Enforcement in a manner provided by rule~~
892 ~~and entered in the statewide automated biometric identification~~
893 ~~system authorized by s. 943.05(2)(b). Such fingerprints shall~~
894 ~~thereafter be available for all purposes and uses authorized for~~
895 ~~arrest fingerprints entered in the statewide automated biometric~~
896 ~~identification system pursuant to s. 943.051.~~

897 ~~(b) The Department of Law Enforcement shall search all~~
898 ~~arrest fingerprints received under s. 943.051 against the~~
899 ~~fingerprints retained in the statewide automated biometric~~
900 ~~identification system under paragraph (a). Any arrest record~~

901 ~~that is identified with the retained fingerprints of a person~~
902 ~~subject to the background screening under this section shall be~~
903 ~~reported to the employing or contracting school district or the~~
904 ~~school district with which the person is affiliated. Each school~~
905 ~~district is required to participate in this search process by~~
906 ~~payment of an annual fee to the Department of Law Enforcement~~
907 ~~and by informing the Department of Law Enforcement of any change~~
908 ~~in the affiliation, employment, or contractual status or place~~
909 ~~of affiliation, employment, or contracting of its instructional~~
910 ~~and noninstructional personnel whose fingerprints are retained~~
911 ~~under paragraph (a). The Department of Law Enforcement shall~~
912 ~~adopt a rule setting the amount of the annual fee to be imposed~~
913 ~~upon each school district for performing these searches and~~
914 ~~establishing the procedures for the retention of instructional~~
915 ~~and noninstructional personnel fingerprints and the~~
916 ~~dissemination of search results. The fee may be borne by the~~
917 ~~district school board, the contractor, or the person~~
918 ~~fingerprinted.~~

919 ~~(c) Personnel whose fingerprints are not retained by the~~
920 ~~Department of Law Enforcement under paragraphs (a) and (b) must~~
921 ~~be refingerprinted and rescreened in accordance with subsection~~
922 ~~(2) upon reemployment or reengagement to provide services in~~
923 ~~order to comply with the requirements of this subsection.~~

924 Section 14. Effective upon becoming a law, paragraph (a)
925 of subsection (1) of section 1012.34, Florida Statutes, is

926 amended to read:

927 1012.34 Personnel evaluation procedures and criteria.—

928 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

929 (a) For the purpose of increasing student academic
 930 performance by improving the quality of instructional,
 931 administrative, and supervisory services in the public schools
 932 of the state, the district school superintendent shall establish
 933 procedures for evaluating the performance of duties and
 934 responsibilities of all instructional, administrative, and
 935 supervisory personnel employed by the school district. The
 936 procedures established by the district school superintendent set
 937 the standards of service to be offered to the public within the
 938 meaning of s. 447.209 and are not subject to collective
 939 bargaining. The district school superintendent shall provide
 940 instructional personnel the opportunity to review their class
 941 rosters for accuracy and to correct any mistakes. The district
 942 school superintendent shall report accurate class rosters for
 943 the purpose of calculating district and statewide student
 944 performance and annually report the evaluation results of
 945 instructional personnel and school administrators to the
 946 Department of Education in addition to the information required
 947 under subsection (5).

948 Section 15. Section 1012.465, Florida Statutes, is amended
 949 to read:

950 1012.465 Background screening requirements for certain

951 noninstructional school district employees and contractors.—

952 (1) Except as provided in s. 1012.467 or s. 1012.468,
953 noninstructional school district employees or contractual
954 personnel who are permitted access on school grounds when
955 students are present, who have direct contact with students or
956 who have access to or control of school funds must meet the
957 ~~level 2~~ screening requirements of ~~as described in~~ s. 1012.32.
958 Contractual personnel shall include any vendor, individual, or
959 entity under contract with a school or the school board.

960 (2) ~~Every 5 years following employment or entry into a~~
961 ~~contract in a capacity described in subsection (1), each person~~
962 ~~who is so employed or under contract with the school district~~
963 ~~must meet level 2 screening requirements as described in s.~~
964 ~~1012.32, at which time the school district shall request the~~
965 ~~Department of Law Enforcement to forward the fingerprints to the~~
966 ~~Federal Bureau of Investigation for the level 2 screening. If,~~
967 ~~for any reason following employment or entry into a contract in~~
968 ~~a capacity described in subsection (1), the fingerprints of a~~
969 ~~person who is so employed or under contract with the school~~
970 ~~district are not retained by the Department of Law Enforcement~~
971 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~
972 ~~set of fingerprints with the district school superintendent of~~
973 ~~the employing or contracting school district. Upon submission of~~
974 ~~fingerprints for this purpose, the school district shall request~~
975 ~~the Department of Law Enforcement to forward the fingerprints to~~

976 ~~the Federal Bureau of Investigation for the level 2 screening,~~
 977 ~~and the fingerprints shall be retained by the Department of Law~~
 978 ~~Enforcement under s. 1012.32(3)(a) and (b).~~ The cost of the
 979 state and federal criminal history check required by level 2
 980 screening may be borne by the district school board, the
 981 contractor, or the person fingerprinted. Under penalty of
 982 perjury, each person who is employed or under contract in a
 983 capacity described in subsection (1) must agree to inform his or
 984 her employer or the party with whom he or she is under contract
 985 within 48 hours if convicted of any disqualifying offense while
 986 he or she is employed or under contract in that capacity.

987 (3) If it is found that a person who is employed or under
 988 contract in a capacity described in subsection (1) does not meet
 989 the screening level 2 requirements, the person shall be
 990 immediately suspended from working in that capacity and shall
 991 remain suspended until final resolution of any appeals.

992 Section 16. Subsections (2) through (7) of section
 993 1012.467, Florida Statutes, are amended to read:

994 1012.467 Noninstructional contractors who are permitted
 995 access to school grounds when students are present; background
 996 screening requirements.—

997 (2)(a) A fingerprint-based criminal history check shall be
 998 performed on each noninstructional contractor who is permitted
 999 access to school grounds when students are present, whose
 1000 performance of the contract with the school or school board is

1001 not anticipated to result in direct contact with students, and
1002 for whom any unanticipated contact would be infrequent and
1003 incidental using the process described in s. 1012.32(3).
1004 ~~Criminal history checks shall be performed at least once every 5~~
1005 ~~years. For the initial criminal history check, each~~
1006 ~~noninstructional contractor who is subject to the criminal~~
1007 ~~history check shall file with the Department of Law Enforcement~~
1008 ~~a complete set of fingerprints taken by an authorized law~~
1009 ~~enforcement agency or an employee of a school district, a public~~
1010 ~~school, or a private company who is trained to take~~
1011 ~~fingerprints. The fingerprints shall be electronically submitted~~
1012 ~~for state processing to the Department of Law Enforcement, which~~
1013 ~~shall in turn submit the fingerprints to the Federal Bureau of~~
1014 ~~Investigation for national processing.~~ The results of each
1015 criminal history check shall be reported to the school district
1016 in which the individual is seeking access and entered into the
1017 shared system described in subsection (7). The school district
1018 shall screen the results using the disqualifying offenses in
1019 paragraph (b) ~~(g)~~. The cost of the criminal history check may be
1020 borne by the district school board, the school, or the
1021 contractor. ~~A fee that is charged by a district school board for~~
1022 ~~such checks may not exceed 30 percent of the total amount~~
1023 ~~charged by the Department of Law Enforcement and the Federal~~
1024 ~~Bureau of Investigation.~~
1025 ~~(b) As authorized by law, the Department of Law~~

1026 ~~Enforcement shall retain the fingerprints submitted by the~~
1027 ~~school districts pursuant to this subsection to the Department~~
1028 ~~of Law Enforcement for a criminal history background screening~~
1029 ~~in a manner provided by rule and enter the fingerprints in the~~
1030 ~~statewide automated biometric identification system authorized~~
1031 ~~by s. 943.05(2)(b). The fingerprints shall thereafter be~~
1032 ~~available for all purposes and uses authorized for arrest~~
1033 ~~fingerprints entered into the statewide automated biometric~~
1034 ~~identification system under s. 943.051.~~

1035 ~~(c) As authorized by law, the Department of Law~~
1036 ~~Enforcement shall search all arrest fingerprints received under~~
1037 ~~s. 943.051 against the fingerprints retained in the statewide~~
1038 ~~automated biometric identification system under paragraph (b).~~

1039 ~~(d) School districts may participate in the search process~~
1040 ~~described in this subsection by paying an annual fee to the~~
1041 ~~Department of Law Enforcement.~~

1042 ~~(e) A fingerprint retained pursuant to this subsection~~
1043 ~~shall be purged from the automated biometric identification~~
1044 ~~system 5 years following the date the fingerprint was initially~~
1045 ~~submitted. The Department of Law Enforcement shall set the~~
1046 ~~amount of the annual fee to be imposed upon each participating~~
1047 ~~agency for performing these searches and establishing the~~
1048 ~~procedures for retaining fingerprints and disseminating search~~
1049 ~~results. The fee may be borne as provided by law. Fees may be~~
1050 ~~waived or reduced by the executive director of the Department of~~

1051 ~~Law Enforcement for good cause shown.~~

1052 ~~(f) A noninstructional contractor who is subject to a~~
 1053 ~~criminal history check under this section shall inform a school~~
 1054 ~~district that he or she has completed a criminal history check~~
 1055 ~~in another school district within the last 5 years. The school~~
 1056 ~~district shall verify the results of the contractor's criminal~~
 1057 ~~history check using the shared system described in subsection~~
 1058 ~~(7). The school district may not charge the contractor a fee for~~
 1059 ~~verifying the results of his or her criminal history check.~~

1060 ~~(b)(g)~~ A noninstructional contractor for whom a criminal
 1061 history check is required under this section may not have been
 1062 convicted of any of the following offenses designated in the
 1063 Florida Statutes, any similar offense in another jurisdiction,
 1064 or any similar offense committed in this state which has been
 1065 redesignated from a former provision of the Florida Statutes to
 1066 one of the following offenses:

1067 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 1068 the registration of an individual as a sexual offender.

1069 2. Section 393.135, relating to sexual misconduct with
 1070 certain developmentally disabled clients and the reporting of
 1071 such sexual misconduct.

1072 3. Section 394.4593, relating to sexual misconduct with
 1073 certain mental health patients and the reporting of such sexual
 1074 misconduct.

1075 4. Section 775.30, relating to terrorism.

- 1076 5. Section 782.04, relating to murder.
- 1077 6. Section 787.01, relating to kidnapping.
- 1078 7. Any offense under chapter 800, relating to lewdness and
1079 indecent exposure.
- 1080 8. Section 826.04, relating to incest.
- 1081 9. Section 827.03, relating to child abuse, aggravated
1082 child abuse, or neglect of a child.
- 1083 (3) If it is found that a noninstructional contractor has
1084 been convicted of any of the offenses listed in paragraph (2) (b)
1085 ~~(2) (g)~~, the individual shall be immediately suspended from
1086 having access to school grounds and shall remain suspended
1087 unless and until the conviction is set aside in any
1088 postconviction proceeding.
- 1089 (4) A noninstructional contractor who has been convicted
1090 of any of the offenses listed in paragraph (2) (b) ~~(2) (g)~~ may not
1091 be permitted on school grounds when students are present unless
1092 the contractor has received a full pardon or has had his or her
1093 civil rights restored. A noninstructional contractor who is
1094 present on school grounds in violation of this subsection
1095 commits a felony of the third degree, punishable as provided in
1096 s. 775.082 or s. 775.083.
- 1097 (5) If a school district has reasonable cause to believe
1098 that grounds exist for the denial of a contractor's access to
1099 school grounds when students are present, it shall notify the
1100 contractor in writing, stating the specific record that

1101 indicates noncompliance with the standards set forth in this
1102 section. It is the responsibility of the affected contractor to
1103 contest his or her denial. The only basis for contesting the
1104 denial is proof of mistaken identity or that an offense from
1105 another jurisdiction is not disqualifying under paragraph (2) (b)
1106 ~~(2) (g)~~.

1107 (6) Each contractor who is subject to the requirements of
1108 this section shall agree to inform his or her employer or the
1109 party to whom he or she is under contract and the school
1110 district within 48 hours if he or she is arrested for any of the
1111 disqualifying offenses in paragraph (2) (b) ~~(2) (g)~~. A contractor
1112 who willfully fails to comply with this subsection commits a
1113 felony of the third degree, punishable as provided in s. 775.082
1114 or s. 775.083. If the employer of a contractor or the party to
1115 whom the contractor is under contract knows the contractor has
1116 been arrested for any of the disqualifying offenses in paragraph
1117 (2) (b) ~~(2) (g)~~ and authorizes the contractor to be present on
1118 school grounds when students are present, such employer or such
1119 party commits a felony of the third degree, punishable as
1120 provided in s. 775.082 or s. 775.083.

1121 (7) (a) The Department of Law Enforcement shall implement a
1122 system that allows for the results of a criminal history check
1123 provided to a school district to be shared with other school
1124 districts through a secure Internet website or other secure
1125 electronic means. School districts must accept reciprocity of

1126 level 2 screenings for Florida High School Athletic Association
 1127 officials.

1128 (b) An employee of a school district, a charter school, a
 1129 lab school, a charter lab school, or the Florida School for the
 1130 Deaf and the Blind who requests or shares criminal history
 1131 information under this section is immune from civil or criminal
 1132 liability for any good faith conduct that occurs during the
 1133 performance of and within the scope of responsibilities related
 1134 to the record check.

1135 (c) This subsection is repealed July 31, 2026.

1136 Section 17. Paragraph (c) of subsection (10) of section
 1137 1012.56, Florida Statutes, is redesignated as paragraph (d),
 1138 and paragraph (b) of that subsection is amended to read:

1139 1012.56 Educator certification requirements.—

1140 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 1141 PERIODICALLY.—

1142 (b) To maintain the safety and well-being of children and
 1143 the integrity of the system of public education, a person may
 1144 not be certified ~~receive a certificate~~ under this chapter to
 1145 have the responsibility for the safety and well-being of
 1146 children until the person's screening under s. 1012.32 is
 1147 completed and the results have been submitted to the Department
 1148 of Education or to the person's employer ~~district school~~
 1149 ~~superintendent of the school district that employs the person.~~
 1150 Every 5 years after obtaining initial certification, each person

1151 | who is required to be certified under this chapter must be
1152 | rescreened in accordance with s. 1012.32, at which time the
1153 | employer ~~school district~~ shall request the Department of Law
1154 | Enforcement to forward the fingerprints to the Federal Bureau of
1155 | Investigation for federal criminal records checks pursuant to s.
1156 | 435.12.

1157 | (c) If, for any reason after obtaining initial
1158 | certification, the fingerprints of a person who is required to
1159 | be certified under this chapter are not retained by the
1160 | Department of Law Enforcement under s. 1012.32(3) ~~s.~~
1161 | ~~1012.32(3)(a) and (b)~~, the person must file a complete set of
1162 | fingerprints with the employer ~~district school superintendent of~~
1163 | ~~the employing school district~~. Upon submission of fingerprints
1164 | for this purpose, the employer ~~school district~~ shall request the
1165 | Department of Law Enforcement to forward the fingerprints to the
1166 | Federal Bureau of Investigation for federal criminal records
1167 | checks, and the fingerprints shall be retained by the Department
1168 | of Law Enforcement under s. 1012.32(3) ~~s. 1012.32(3)(a) and (b)~~.
1169 | The cost of the state and federal criminal history checks
1170 | required by paragraph (a) and this paragraph may be borne by the
1171 | employer ~~district school board~~ or the employee. Under penalty of
1172 | perjury, each person who is certified under this chapter must
1173 | agree to inform his or her employer within 48 hours if convicted
1174 | of any disqualifying offense while he or she is employed in a
1175 | position for which such certification is required.

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1176 Section 18. The changes made to ss. 1012.32 and 1012.56,
1177 Florida Statutes, by this act must be implemented by January 1,
1178 2024, or by a later date determined by the Agency for Health
1179 Care Administration.

1180 Section 19. Except as otherwise expressly provided in this
1181 act and except for this section, which shall take effect upon
1182 this act becoming a law, this act shall take effect January 1,
1183 2023.