



289492

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (4) of section 800.101,  
Florida Statutes, is redesignated as subsection (5), new  
subsection (4) is added to that section, and subsection (3) of  
that section is amended, to read:

800.101 Offenses against students by authority figures.—

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



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12 s. 775.082, s. 775.083, or s. 775.084.

13 (4) (a) A person who is required to make a report regarding  
14 an incident of sexual misconduct with a student which could  
15 impact an educator's inclusion on the disqualification list  
16 maintained by the Department of Education pursuant to s.  
17 1001.10 (4) (b) and who knowingly or willfully fails to make such  
18 report, or knowingly or willfully prevents another person from  
19 doing so, commits a misdemeanor of the first degree, punishable  
20 as provided in s. 775.082 or s. 775.083.

21 (b) A person who knowingly or willfully submits inaccurate,  
22 incomplete, or untruthful information with respect to a report  
23 regarding an incident of sexual misconduct with a student which  
24 could impact an educator's inclusion on the disqualification  
25 list maintained by the Department of Education pursuant to s.  
26 1001.10 (4) (b) commits a misdemeanor of the first degree,  
27 punishable as provided in s. 775.082 or s. 775.083.

28 (c) A person who knowingly or willfully coerces or  
29 threatens any other person with the intent to alter testimony or  
30 a written report regarding an incident of sexual misconduct with  
31 a student which could impact an educator's inclusion on the  
32 disqualification list maintained by the Department of Education  
33 pursuant to s. 1001.10 (4) (b) commits a misdemeanor of the first  
34 degree, punishable as provided in s. 775.082 or s. 775.083.

35 Section 2. Subsection (2) and paragraph (b) of subsection  
36 (3) of section 1012.32, Florida Statutes, are amended, and  
37 subsection (4) is added to that section, to read:

38 1012.32 Qualifications of personnel.—

39 (2) (a) Instructional and noninstructional personnel ~~who are~~  
40 hired or contracted to fill positions that require direct



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41 contact with students in any district school system or  
42 university lab school must, upon employment or engagement to  
43 provide services, undergo background screening as required under  
44 s. 1012.465 or s. 1012.56, whichever is applicable.

45 (b)1. Instructional and noninstructional personnel ~~who are~~  
46 hired or contracted to fill positions in a charter school other  
47 than a school of hope as defined in s. 1002.333, and members of  
48 the governing board of such charter school, in compliance with  
49 s. 1002.33(12)(g), upon employment, engagement of services, or  
50 appointment, shall undergo background screening as required  
51 under s. 1012.465 or s. 1012.56, whichever is applicable, by  
52 filing with the employing entity ~~district school board for the~~  
53 ~~school district in which the charter school is located a~~  
54 complete set of fingerprints taken by an authorized law  
55 enforcement agency or an employee of the school ~~or school~~  
56 ~~district~~ who is trained to take fingerprints.

57 2. Instructional and noninstructional personnel ~~who are~~  
58 hired or contracted to fill positions in a school of hope as  
59 defined in s. 1002.333, and members of the governing board of  
60 such school of hope, shall file with the school of hope a  
61 complete set of fingerprints taken by an authorized law  
62 enforcement agency, by an employee of the school of hope ~~or~~  
63 ~~school district~~ who is trained to take fingerprints, or by any  
64 other entity recognized by the Department of Law Enforcement to  
65 take fingerprints.

66 (c) Instructional and noninstructional personnel ~~who are~~  
67 hired or contracted to fill positions that require direct  
68 contact with students in an alternative school that operates  
69 under contract with a district school system must, upon



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70 employment or engagement to provide services, undergo background  
71 screening as required under s. 1012.465 or s. 1012.56, whichever  
72 is applicable, by filing with the alternative school district  
73 ~~school board for the school district to which the alternative~~  
74 ~~school is under contract~~ a complete set of fingerprints taken by  
75 an authorized law enforcement agency or an employee of the  
76 school ~~or school district~~ who is trained to take fingerprints.

77 (d) Student teachers and persons participating in a field  
78 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
79 district school system, lab school, or charter school must, upon  
80 engagement to provide services, undergo background screening as  
81 required under s. 1012.56.

82  
83 Required fingerprints must be submitted to the Department of Law  
84 Enforcement for statewide criminal and juvenile records checks  
85 and to the Federal Bureau of Investigation for federal criminal  
86 records checks. A person subject to this subsection who is found  
87 ineligible for employment under s. 1012.315, or otherwise found  
88 through background screening to have been convicted of any crime  
89 involving moral turpitude as defined by rule of the State Board  
90 of Education, may ~~shall~~ not be employed, engaged to provide  
91 services, or serve in any position that requires direct contact  
92 with students. Probationary persons subject to this subsection  
93 who are terminated because of their criminal record have the  
94 right to appeal such decisions. Except for a person's  
95 ineligibility for employment as provided in this section, an  
96 employing entity has the sole authority for determining a  
97 person's employment eligibility. The cost of the background  
98 screening may be borne by the employing entity ~~district school~~



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99 ~~board, the charter school, the employee, the contractor, or a~~  
100 ~~person subject to this subsection. A district school board shall~~  
101 ~~reimburse a charter school the cost of background screening if~~  
102 ~~it does not notify the charter school of the eligibility of a~~  
103 ~~governing board member or instructional or noninstructional~~  
104 ~~personnel within the earlier of 14 days after receipt of the~~  
105 ~~background screening results from the Florida Department of Law~~  
106 ~~Enforcement or 30 days of submission of fingerprints by the~~  
107 ~~governing board member or instructional or noninstructional~~  
108 ~~personnel.~~

109 (3)

110 (b) The Department of Law Enforcement shall search all  
111 arrest fingerprints received under s. 943.051 against the  
112 fingerprints retained in the statewide automated biometric  
113 identification system under paragraph (a). Any arrest record  
114 ~~that is~~ identified with the retained fingerprints of a person  
115 subject to the background screening under this section must  
116 ~~shall~~ be reported to the employing entity ~~or contracting school~~  
117 ~~district or the school district with which the person is~~  
118 ~~affiliated.~~ Each employing entity ~~school district~~ is required to  
119 participate in this search process by payment of an annual fee  
120 to the Department of Law Enforcement and by informing the  
121 Department of Law Enforcement of any change in the ~~affiliation,~~  
122 ~~employment,~~ or contractual status ~~or place of affiliation,~~  
123 ~~employment,~~ or ~~contracting~~ of its instructional and  
124 noninstructional personnel whose fingerprints are retained under  
125 paragraph (a). The Department of Law Enforcement shall adopt a  
126 rule setting the amount of the annual fee to be imposed upon  
127 each employing entity ~~school district~~ for performing these



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128 searches and establishing the procedures for the retention of  
129 instructional and noninstructional personnel fingerprints and  
130 the dissemination of search results. The fee may be borne by the  
131 employing entity ~~district school board, the contractor,~~ or the  
132 person fingerprinted.

133 (4) For purposes of this section, the term "employing  
134 entity" means a district school board, charter school,  
135 alternative school, or any other entity that requires employees  
136 to complete a background screening pursuant to this section.

137 Section 3. Paragraph (a) of subsection (1) of section  
138 1012.34, Florida Statutes, is amended to read:

139 1012.34 Personnel evaluation procedures and criteria.—

140 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

141 (a) For the purpose of increasing student academic  
142 performance by improving the quality of instructional,  
143 administrative, and supervisory services in the public schools  
144 of this ~~the~~ state, the district school superintendent shall  
145 establish procedures for evaluating the performance of duties  
146 and responsibilities of all instructional, administrative, and  
147 supervisory personnel employed by the school district. The  
148 procedures established by the district school superintendent set  
149 the standards of service to be offered to the public within the  
150 meaning of s. 447.209 and are not subject to the collective  
151 bargaining process. The district school superintendent shall  
152 provide instructional personnel the opportunity to review their  
153 class rosters for accuracy and to correct any mistakes. The  
154 district school superintendent shall report accurate class  
155 rosters for the purpose of calculating district and statewide  
156 student performance and annually report the evaluation results



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157 of instructional personnel and school administrators to the  
158 Department of Education in addition to the information required  
159 under subsection (5).

160 Section 4. This act shall take effect upon becoming a law.

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162 ===== T I T L E A M E N D M E N T =====

163 And the title is amended as follows:

164 Delete everything before the enacting clause

165 and insert:

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A bill to be entitled

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An act relating to school personnel; amending s.

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800.101, F.S.; prohibiting a person who is required to

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make certain reports concerning sexual misconduct with

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a student from knowingly or willfully failing to make

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such report or knowingly or willfully preventing

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another person from doing so; prohibiting a person

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from knowingly or willfully submitting inaccurate,

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incomplete, or untruthful information with respect to

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a report concerning sexual misconduct with a student;

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prohibiting a person from knowingly or willfully

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coercing or threatening any other person with the

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intent to alter testimony or a written report

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concerning sexual misconduct with a student; providing

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criminal penalties; amending s. 1012.32, F.S.;

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specifying that certain instructional and

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noninstructional personnel must file fingerprints with

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the employing entity or alternative school, as

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applicable, rather than the district school board;

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conforming provisions to changes made by the act;



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186 providing that an employing entity has the sole  
187 authority for determining the employment eligibility  
188 of certain personnel; providing an exception;  
189 requiring the Department of Law Enforcement to report  
190 the results from background screenings to the  
191 employing entity; defining the term "employing  
192 entity"; amending s. 1012.34, F.S.; providing that  
193 certain procedures established by district school  
194 superintendents set the standards of service to be  
195 offered to the public within the meaning of a  
196 specified provision and are not subject to the  
197 collective bargaining process; providing an effective  
198 date.