

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to school employees; providing a short
3 title; amending s. 790.401, F.S.; requiring that risk
4 protection orders include whether the respondent is
5 serving as a district school board member or is
6 employed as instructional personnel; requiring courts
7 that issue risk protection orders to require that the
8 petitioner immediately notify the respondent's
9 employer or entity of service of the issuance of a
10 risk protection order if the respondent meets
11 specified criteria and to notify the respondent of
12 such notice requirement if the court issues such an
13 order; amending s. 1012.32, F.S.; requiring
14 instructional personnel to disclose to their employer
15 any prior arrests, criminal convictions, guilty pleas,
16 pleas of nolo contendere, and any criminal records
17 that were expunged; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. This act may be cited as "Stratton's Law."

22 Section 2. Paragraphs (g) and (h) of subsection (3) of
23 section 790.401, Florida Statutes, are amended to read:

24 790.401 Risk protection orders.—

25 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

26 (g) A risk protection order must include all of the
27 following:

28 1. A statement of the grounds supporting the issuance of
29 the order;

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30 2. The date the order was issued;

31 3. The date the order ends;

32 4. Whether a mental health evaluation or chemical
33 dependency evaluation of the respondent is required;

34 5. The address of the court in which any responsive
35 pleading should be filed;

36 6. A description of the requirements for the surrender of
37 all firearms and ammunition that the respondent owns, under
38 subsection (7); ~~and~~

39 7. Whether the respondent is serving as a member of a
40 district school board as defined in s. 1003.01 or is employed as
41 instructional personnel as defined in s. 1012.01; and

42 8. The following statement:

43
44 "To the subject of this protection order: This order
45 will last until the date noted above. If you have not
46 done so already, you must surrender immediately to the
47 (insert name of local law enforcement agency) all
48 firearms and ammunition that you own in your custody,
49 control, or possession and any license to carry a
50 concealed weapon or firearm issued to you under s.
51 790.06, Florida Statutes. You may not have in your
52 custody or control, or purchase, possess, receive, or
53 attempt to purchase or receive, a firearm or
54 ammunition while this order is in effect. You have the
55 right to request one hearing to vacate this order,
56 starting after the date of the issuance of this order,
57 and to request another hearing after every extension
58 of the order, if any. You may seek the advice of an

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59 attorney as to any matter connected with this order.”

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61 (h) If the court issues a risk protection order, the court
62 must:

63 1. Require that the petitioner immediately notify the
64 respondent's employer or entity of service of the issuance of
65 such risk protection order if the respondent meets the criteria
66 under subparagraph (g)7., and the court must notify the
67 respondent of such notice requirement; and

68 2. Inform the respondent that he or she is entitled to
69 request a hearing to vacate the order in the manner provided by
70 subsection (6). The court shall provide the respondent with a
71 form to request a hearing to vacate.

72 Section 3. Paragraph (e) is added to subsection (2) of
73 section 1012.32, Florida Statutes, to read:

74 1012.32 Qualifications of personnel.—

75 (2)

76 (e) Instructional personnel as described in paragraphs (a),
77 (b), and (c) must disclose any prior arrests, criminal
78 convictions, guilty pleas, and pleas of nolo contendere,
79 including any such records that were expunged, to their
80 employer, in addition to the background screening required under
81 s. 1012.56.

82
83 A person subject to this subsection who is found ineligible for
84 employment under s. 1012.315, or otherwise found through
85 background screening to have been convicted of any crime
86 involving moral turpitude as defined by rule of the State Board
87 of Education, may not be employed, engaged to provide services,

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88 or serve in any position that requires direct contact with
89 students. The cost of the background screening may be borne by
90 the employer or a person subject to this subsection.

91 Section 4. This act shall take effect July 1, 2024.