

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

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

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 21 Section 1. Paragraphs (g) and (h) of subsection (3) of
 22 section 790.401, Florida Statutes, are amended to read:
 23 790.401 Risk protection orders.—
 24 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—
 25 (g) A risk protection order must include all of the

26 following:

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

29 2. The date the order was issued;

30 3. The date the order ends;

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

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

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

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

41 8. The following statement:

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43 "To the subject of this protection order: This order
44 will last until the date noted above. If you have not
45 done so already, you must surrender immediately to the
46 (insert name of local law enforcement agency) all
47 firearms and ammunition that you own in your custody,
48 control, or possession and any license to carry a
49 concealed weapon or firearm issued to you under s.
50 790.06, Florida Statutes. You may not have in your

51 custody or control, or purchase, possess, receive, or
52 attempt to purchase or receive, a firearm or
53 ammunition while this order is in effect. You have the
54 right to request one hearing to vacate this order,
55 starting after the date of the issuance of this order,
56 and to request another hearing after every extension
57 of the order, if any. You may seek the advice of an
58 attorney as to any matter connected with this order."

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

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

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

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

73 1012.32 Qualifications of personnel.—

74 (2)

75 (e) Instructional personnel as described in paragraphs

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

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82 A person subject to this subsection who is found ineligible for
83 employment under s. 1012.315, or otherwise found through
84 background screening to have been convicted of any crime
85 involving moral turpitude as defined by rule of the State Board
86 of Education, may not be employed, engaged to provide services,
87 or serve in any position that requires direct contact with
88 students. The cost of the background screening may be borne by
89 the employer or a person subject to this subsection.

90 Section 3. This act shall take effect July 1, 2024.