

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1374

INTRODUCER: Rules Committee and Senator Yarborough

SUBJECT: School District Reporting Requirements

DATE: April 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2. <u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3. <u>Brick</u>	<u>Yeatman</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct by:

- Requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by law enforcement or through self-reporting requirements.
- Expanding law enforcement notification requirements to include additional disqualifying offenses listed in Level 2 background screening standards and mandating notification within 48 hours of an arrest for these offenses.
- Expanding self-reporting requirements to include offenses listed in Level 2 background screening standards and requiring instructional and administrative personnel to report an arrest within 48 hours.
- Clarifying that self-reports are not admissions of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

The bill authorizes public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

The bill takes effect July 1, 2025.

II. Present Situation:

Screening and Employment Standards for School Employees

Florida law establishes screening standards for individuals seeking educator certification or employment in positions that require direct contact with students in district schools, charter schools, and private schools participating in state scholarship programs.¹ A person is ineligible for employment if they:²

- Are on the disqualification list maintained by the Department of Education.
- Are registered as a sex offender under federal law.
- Are ineligible based on a security background check conducted pursuant to Level 2 background screening standards.³
- Have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to:
 - Any criminal act committed in another state or under federal law that would constitute a disqualifying offense under Level 2 background screening standards.
 - Any delinquent act that would qualify the individual for inclusion on Florida's Registered Juvenile Sex Offender List.

Currently, background screening for school volunteers is at the discretion of the school district or private school.⁴ The only statewide requirement is that volunteers in public schools must be checked against the sexual offender and predator database before being allowed to volunteer.⁵

Level 2 Background Screenings and Disqualifying Offenses

Individuals seeking employment in positions involving direct contact with vulnerable populations, including students, are subject to Level 2 background screening requirements.⁶ Level 2 background screenings utilize fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, national criminal history records checks through the Federal Bureau of Investigation, and local criminal records checks through local law enforcement agencies.⁷ Additionally, a search of the sexual predator and sexual offender registries will be conducted for any state where the individual resided within the past five years.⁸ Disqualifying offenses include certain felony and misdemeanor offenses related to violence, abuse, sexual misconduct, and controlled substances.⁹ These offenses form the basis for screening standards applicable to school personnel.

¹ Section 1012.315, F.S.

² Section 1012.315(5), F.S.

³ Section 435.04(2), F.S.

⁴ Section 435.04, F.S.

⁵ Section [943.04351, F.S.](#)

⁶ Sections 435.04 and 1012.315, F.S.

⁷ Section 435.04(1)(a), F.S.

⁸ *Id.*

⁹ Section 435.04, F.S.

Criminal History Screening and Use of the Background Screening Clearinghouse

The Department of Law Enforcement (FDLE) maintains the state's criminal history records and provides access to national fingerprint-based background checks through its coordination with the Federal Bureau of Investigation.¹⁰ FDLE is authorized to retain fingerprints submitted by qualified agencies and to issue ongoing arrest notifications when individuals previously screened are arrested for new offenses.¹¹

The Agency for Health Care Administration (AHCA), in consultation with FDLE, operates the Care Provider Background Screening Clearinghouse (clearinghouse), a secure web-based system that allows fingerprint-based criminal history results to be shared among specified state agencies and qualified entities.¹²

The clearinghouse includes mechanisms for fingerprint retention, arrest monitoring, and eligibility determinations.¹³ To participate, employers and qualified entities must register with the clearinghouse, initiate criminal history checks through it, and maintain up-to-date affiliation or employment status records for screened individuals.¹⁴

State law requires the use of the clearinghouse to conduct rescreenings of employees at school districts, charter schools, private schools participating in scholarship programs, virtual instruction programs, and other listed educational entities.¹⁵

In addition to the clearinghouse, national criminal history checks may be requested through FDLE under federal and state law by entities qualified to screen individuals who work with children, the elderly, or persons with disabilities.¹⁶ A "qualified entity" may request such screening for purposes of employment, licensing, or volunteer affiliation, subject to fingerprint-based processing and the applicable record-sharing framework.¹⁷

Educator Disqualification

The Department of Education (DOE) maintains a disqualification list of individuals permanently prohibited from certain education positions, including those with revoked certificates, disqualifications related to private schools, or employment terminations due to misconduct endangering the health, safety, or welfare of a student.¹⁸

A person may be removed from the disqualification list under certain conditions, including a completed law enforcement investigation resulting in exoneration, correction of mistaken identity, or an employer's request for removal with supporting documentation.¹⁹

¹⁰ Section 943.05(1), F.S.

¹¹ Section 943.05(2)(g), F.S.

¹² Section 435.12(1), F.S.

¹³ Section 435.12(2)(a), F.S.

¹⁴ Section 435.12(2)(c)-(d), F.S.

¹⁵ Section 435.12(3)(a), F.S.

¹⁶ Section 943.0542(1), F.S.

¹⁷ Section 943.0542(2)(a), F.S.

¹⁸ Section 1001.10(4)(b), F.S.

¹⁹ Section 1001.10(4)(c), F.S.

To support employment screening, the DOE provides electronic verification access to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept state scholarships for students.²⁰ This access allows authorized personnel to review the:²¹

- Professional Practices' Database of Disciplinary Actions Against Educators.
- DOE Teacher Certification Database.
- Disqualification List maintained under state law.

Law Enforcement Notification of Employee Arrests

Law enforcement agencies are required to notify school officials within 48 hours when a school employee is arrested for a felony offense, child abuse, or the sale or possession of a controlled substance.²² The notification must be sent to the district school superintendent, charter school governing board, private school administrator, university lab school director, or president of the Florida School for the Deaf and the Blind, as applicable.²³ Additionally, within 24 hours, school principals or their designees must notify parents of enrolled students who had direct contact with the arrested employee and disclose the employee's name and the specific charges.²⁴

Self-Reporting Requirements for Employees

Certified teachers must self-report within 48 hours to appropriate authorities, as determined by the school district, any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice is not considered an admission of guilt, and may not be used in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual must self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment.²⁵

Instructional and administrative personnel who become aware that a sexual battery has been committed by a student upon another student are legally required to report the offense to law enforcement.²⁶

Instructional personnel include classroom teachers, student personnel services staff, librarians, and other staff providing direct instructional support.²⁷ Administrative personnel include school-based administrators, such as principals, and district-based instructional and noninstructional administrators.²⁸

²⁰ Section 1001.10(5), F.S.

²¹ Section 1001.10(5), F.S.

²² Section 1012.797, F.S.

²³ Section 1012.797, F.S.

²⁴ Section 1012.797, F.S.

²⁵ Rule 6A-10.081(2)(b)13., F.A.C.

²⁶ Section 1012.799(1), F.S.

²⁷ Section 1012.01(2), F.S.

²⁸ Section 1012.01(3), F.S.

Temporary Removal of Instructional Personnel

District school boards are responsible for establishing policies related to the employment and discipline of instructional personnel, including appointment, promotion, suspension, and dismissal of employees.²⁹ The law does not currently mandate the temporary removal of instructional personnel following an arrest. However, school boards have the authority to suspend or dismiss employees in accordance with applicable laws and district policies.³⁰

Investigation and Disciplinary Procedures for Educators

The DOE investigates legally sufficient complaints against certified educators, including those whose certificates have expired if the alleged misconduct occurred while they were certified.³¹

Mandatory Reporting by School Districts

School districts must report legally sufficient complaints to the DOE within 30 days, regardless of whether the educator remains employed.³² If an educator resigns or is terminated before an investigation is completed, the DOE must:

- Place an alert on the person's certification file.³³
- Add the individual to the disqualification list, preventing future employment in schools.³⁴

Suspension of Educators

If an allegation involves student health, safety, or welfare, the district school superintendent must take immediate action:³⁵

- Suspend the educator with pay.
- Remove the individual from any position involving direct student contact.
- Maintain the suspension until a legally sufficient complaint is submitted, with the school district required to complete disciplinary proceedings within one year.

School District Policies and Accountability

School districts must establish policies for educator screening, misconduct reporting, and personnel reassignment.³⁶ Superintendents who fail to report misconduct may face penalties, including salary forfeiture for one year.³⁷

III. Effect of Proposed Changes:

CS/SB 1374 strengthens reporting and accountability measures related to educator arrests and misconduct.

²⁹ Section 1012.22(1), F.S.

³⁰ Section 1012.22(1)(f), F.S.

³¹ Section 1012.796(1)(a), F.S.

³² Section 1012.796(1)(d)1., F.S.

³³ Section 1012.796(1)(d)2., F.S.

³⁴ Section 1012.796(1)(e), F.S.

³⁵ Section 1012.796(5), F.S.

³⁶ Section 1012.796(1)(d), F.S.

³⁷ Section 1012.796(1)(d)4., F.S. (citing s. 1001.51(12), F.S.).

Criminal History Screening and Use of the Background Screening Clearinghouse

The bill amends s. 435.12, F.S., to authorize public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

Temporary Removal of Instructional Personnel

The bill amends s. 1012.22, F.S., by requiring district school boards to adopt a policy for the temporary removal of instructional personnel from the classroom within 24 hours of an arrest for a felony offense or a misdemeanor offense listed in Level 2 background screening standards when notified by:

- Law enforcement; or
- The employee pursuant to self-reporting requirements.

Expanded Law Enforcement Notification Requirements

The bill amends s. 1012.797, F.S., by expanding the scope of arrest notifications that law enforcement agencies must provide to school officials. The bill adds offenses listed in Level 2 background screening standards to existing notification requirements, providing that law enforcement agencies must report an employee's arrest for these offenses to the appropriate school officials within 48 hours.

Expanded Self-Reporting Requirements

The bill amends s. 1012.799, F.S., by expanding self-reporting requirements for school personnel. The bill:

- Adds offenses listed in Level 2 background screening standards to the existing self-reporting requirements, requiring instructional and administrative personnel to report an arrest for such an offense within 48 hours to a designated school district authority.
- Clarifies that a self-report is not an admission of guilt and cannot be used against the employee in any civil, criminal, administrative, or judicial proceeding.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 435.12, 1012.22, 1012.797, and 1012.799.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 8, 2025:

The committee substitute authorizes public schools and private schools that participate in state scholarship programs to screen volunteers through the Care Provider Background Screening Clearinghouse or to request national criminal history checks through the Florida Department of Law Enforcement.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
