

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1391 Sexual Offenses Against Students

SPONSOR(S): Rodrigues

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	10 Y, 0 N	Painter	Sumner
2) Education Committee			
3) Judiciary Committee			

SUMMARY ANALYSIS

HB 1391 makes it a second-degree felony for an authority figure to solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student enrolled at a school. The bill defines:

- "Authority figure" as a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers.
- "School" as a private school, a voluntary prekindergarten education program, early learning program, a public school, the Florida School for the Deaf and the Blind, and the Florida Virtual School. Facilities dedicated exclusively to adult education are not included.

Florida law contains several provisions designed to protect students, maintain safe and ethical school environments, and hold school officials and employees accountable for misconduct. The bill further enhances student safety and increases accountability for school officials and employees by:

- Providing that a conviction offenses against students disqualifies a person from educator certification or employment in a position with a public school or certain private schools that involves direct contact with students;
- Providing that, for purposes of disciplining an educator's certificate, gross immorality or an act involving moral turpitude includes having a romantic relationship with or soliciting or engaging in sexual contact with a student or minor;
- Providing that an employee's resignation or termination of employment does not affect a school district's responsibility to report legally sufficient complaints of misconduct to the Florida Department of Education within 30 days;
- Requiring district school board policies to include mandatory reporting of alleged misconduct that involves gross immorality or moral turpitude and to require district school superintendents to report to law enforcement misconduct by school district personnel that would result in disqualification from certification or employment;
- Forfeiting a district school board member's salary for 1 year if he or she knowingly fails to adopt policies requiring the superintendent to report disqualifying misconduct to law enforcement;
- Forfeiting a district school superintendent's salary for 1 year if he or she knowingly fails to report disqualifying misconduct to law enforcement; and
- Requiring a district school superintendent to notify in writing the parent of a student whose health, safety, or welfare is affected by a legally sufficient complaint of misconduct and requiring the notification to include certain information.

The bill has an indeterminate fiscal impact on state government due to the criminalization of a new offense.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Sexual Conduct by Authority Figures with Adult Students

Offenses against Sexual Conduct with Minors

There is no prohibition against consensual sexual conduct between a school authority figure and an adult student. However, there are several statutes in Florida law that prohibit adults from engaging or attempting to engage in sexual or lewd conduct with a minor. A "minor" is defined as any person under the age of 18 years.¹ These offenses include:

- It is a third degree felony to use a computer online service, internet service, or any other device capable of electronic data storage, such as a cell phone, to seduce, solicit, lure, or entice, or attempt to do these things, with someone believed to be a minor.²
- It is a third degree felony for any person to transmit material harmful to a minor.³ "Material harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:⁴
 - Predominately appeals to a prurient, shameful, or morbid interest;
 - Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- It is a second degree felony for a person to travel any distance for the purpose of engaging in any illegal act or otherwise engage in other unlawful sexual conduct with a child, or with another person believed by the person to be a child.⁵
- It is a felony offense for an adult to commit any lewd or lascivious battery, molestation, conduct, or exhibition, upon a child.⁶

Reclassification of Sexual Offenses Committed by an Authority Figure on a Minor

Section 943.0435(1)(h)1, F.S., includes the following offenses involving minor victims:

- Kidnapping of child under age 13.⁷
- False imprisonment of child under age 13.⁸
- A person over 18 who intentionally lures or entices or attempts to lure or entice a child under the age of 12 into a structure, dwelling, or conveyance for other than lawful purposes.⁹
- Human trafficking of minors.¹⁰
- Sexual battery of a minor.¹¹
- Unlawful sexual activity with a minor.¹²
- Lewd or indecent exposure involving a minor.¹³
- Video voyeurism involving a minor.¹⁴

¹ S. 847.001(8), F.S.

² S. 847.0135(3), F.S.

³ S. 847.0138(2)-(3), F.S.

⁴ S. 847.001(6), F.S.

⁵ S. 847.0135(4), F.S.

⁶ S. 800.04, F.S.

⁷ S. 787.01, F.S.

⁸ S. 787.02, F.S.

⁹ S. 785.025(2)(c), where the victim is a minor.

¹⁰ S. 787.06(3)(b), (d), (f), or (g), F.S.

¹¹ S. 794.011, F.S.

¹² S. 794.05, F.S.

¹³ S. 800.04, F.S.

- Sexual performance by a child.¹⁵
- Distributing harmful material to a minor.¹⁶
- Possession or transmission of child pornography.¹⁷

Florida law enhances any felony offense under s. 943.0435(1)(h)1 if it is committed by an authority figure of a school upon a student.¹⁸ An authority figure is a person 18 years of age or older who is employed by, volunteering at, or under contract with a school.¹⁹ A student is a person younger than 18 years of age who is enrolled at a school.²⁰ The offense is reclassified as follows:

- A felony of the third-degree²¹ is reclassified to a second-degree felony.
- A felony of the second-degree²² is reclassified to a first-degree felony.
- A felony of the first-degree²³ is reclassified to a life felony.²⁴

Teacher-Adult Student Relationship Laws in Other States

Other states have enacted similar legislature to prohibit teachers from having relationships with adult students.

In Connecticut, it is sexual assault in the second degree when a school employee engages in sexual intercourse with a student enrolled in the school, regardless of that student's age.²⁵

North Carolina categorizes the offense level based on the age difference between the school personnel and the adult student.²⁶ If the defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, or other school personnel, is at least four years older than the student and engages in vaginal intercourse or a sexual act with the student, the defendant is guilty of a class G²⁷ felony. If the defendant is less than four years older than the student, then the defendant is guilty of a lesser degree class I²⁸ felony.²⁹

Georgia makes it sexual assault punishable by up to twenty-five years if a teacher, principal, assistant principal, or other administrator of any school who has supervisory or disciplinary authority over a student engages in sexual contact with the student and knew or should have known the student was enrolled at the same school.³⁰ This is regardless of age.³¹ This conduct is not prohibited if the student is married to the other individual.³²

A law passed in 2009 in Arkansas that stated it was sexual assault in the second degree for a teacher in a public school to engage in sexual contact with another person who was a student enrolled in the public school and was less than 21 years of age.³³ In *Paschal v. State*, the defendant was a teacher and convicted of sexual assault for having a sexual relationship with an eighteen-year-old student.³⁴

¹⁴ S. 810.145(8), F.S.

¹⁵ S. 827.071, F.S.

¹⁶ S. 847.0133, F.S.

¹⁷ S. 847.0135, F.S.

¹⁸ S. 775.0862, F.S.

¹⁹ S. 775.0862(a), F.S.

²⁰ S. 775.0862(c), F.S.

²¹ A third-degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. SS. 775.082(3)(e) and 775.083(1)(c), F.S.

²² A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. SS. 775.082(3)(d) and 775.083(1)(b), F.S.

²³ A first-degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. SS. 775.082(3)(b)1 and 775.083(1)(b), F.S.

²⁴ A life felony is punishable by up to a term of imprisonment for life and a \$15,000 fine. SS. 775.082(3)(a)3 and 775.083(1)(a), F.S.

²⁵ CONN. GEN. STAT. § 53a-71.

²⁶ N.C. GEN. STAT. ANN. § 14-27.7.

²⁷ Class G felonies are considered mid-level felonies in North Carolina and punishable by potential prison time. See *North Carolina Structured Sentencing*, available at: http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/ssstrainingmanual_09.pdf (last visited January 22, 2018).

²⁸ Class I felonies are considered low-level felonies in North Carolina and punishable by probation. Supra, FN 27.

²⁹ Id.

³⁰ GA. CODE ANN. § 16-6-5.1.

³¹ Id.

³² Id.

³³ ARK. CODE ANN. § 5-14-125(a)(6).

³⁴ *Paschal v. State*, 388 S.W. 3d 429 (2012 Ark. 127).

Paschal appealed his conviction, arguing that the statute violated his fundamental privacy right to engage in private, consensual, noncommercial acts of sexual intimacy with an adult. The Arkansas Supreme Court agreed, and held that because the two were adults engaged in a consensual sexual relationship, the statute unconstitutionally infringed on a fundamental right. In reaching this decision, the state Supreme Court stated that the statute was not the least restrictive method available to carry out a state's legitimate interest and therefore it was unconstitutional.³⁵ Following the Arkansas Supreme Court Decision, state legislatures amended the statute. It currently states it is second degree sexual assault for person in a public or private school K-12, who is a teacher, principal, athletic coach, or counselor, in a position of trust or authority to use his or her position of trust or authority over a student enrolled in the school and less than twenty-one years of age to engage in sexual contact with that student.³⁶

Recent Events Involving Teacher and Adult Student Relationships in Florida

In Summer 2017, in Pasco County, a former school resource officer was fired for misconduct involving several high school female students.³⁷ An investigation revealed that Resource Officer Milton Arroyo, 50, shared his personal phone number and social media account with female students.³⁸ He specifically targeted students 18 years of age or older and asked one female student to send a picture of her bra and another if she'd like to see a picture of his genitals.³⁹ Investigations also showed Arroyo used law enforcement databases to look up information on the students, their parents and staff at the school.⁴⁰ Milton Arroyo joined the Pasco Sheriff's Office in January 2015 after 21 years as a law enforcement officer in New York.⁴¹ The Pasco County Sheriff's Office could not charge Arroyo with any criminal offense for sexual misconduct. However, he was charged with offenses against computer networks and systems for his unauthorized use of a law enforcement database.⁴²

Qualifications for Educator Certification and Employment

General Requirements

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).⁴³ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.⁴⁴ The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."⁴⁵

To be eligible for an educator certificate, a person must, among other things, be of good moral character and submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment.⁴⁶

³⁵ Id.
³⁶ Supra, FN 30.
³⁷ WFLA Web Staff, *Former Pasco Co. school resource officer fired for misconduct*, WFLA News Channel 8 (July 8, 2017), available at: <http://wfla.com/2017/07/07/former-school-resource-officer-fired-in-pasco-co/>.
³⁸ Id.
³⁹ Chris Bowling, *Pasco school resource officer fired for inappropriate messages*, Tampa Bay Times (July 7, 2017), available at: <http://www.tampabay.com/news/publicsafety/crime/pasco-school-resource-officer-fired-for-inappropriate-messages/2329730>.
⁴⁰ Id.
⁴¹ Id.
⁴² WFLA Web Staff, *Former Pasco Co. school resource officer fired for misconduct*, WFLA News Channel 8 (July 8, 2017), available at: <http://wfla.com/2017/07/07/former-school-resource-officer-fired-in-pasco-co/>.
⁴³ SS. 1012.55(1) and 1002.33(12)(f), F.S.
⁴⁴ SS. 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.
⁴⁵ S. 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.
⁴⁶ S. 1012.56(2)(a)-(f), F.S.

To be eligible for appointment in any position in any district school system, a person also must be of good moral character and not have a criminal history that requires the applicant's disqualification from certification or employment.⁴⁷ Instructional personnel and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students must undergo background screening, as applicable.⁴⁸ To be employed in an instructional capacity, the person must be 18 years or older and hold a certificate or license issued by the SBE or the Department of Children and Families, except in specific circumstances.⁴⁹

Disqualifying Offenses

Under the law, a person is ineligible for educator certification, and employment as an instructional personnel or school administrator with direct student contact in a public school or a private school that accepts McKay or Florida Tax Credit scholarship students, if he or she is convicted of a number of specified criminal offenses.⁵⁰ The specified criminal offenses under s. 1012.315, F.S. are as follows:

- Sexual misconduct with certain developmentally disabled clients, mental health patients, forensic clients, or sexual misconduct in juvenile justice programs.
- Abuse, neglect, or exploitation of aged persons or disabled adults.
- Murder.
- Manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
- Aggravated assault.
- Aggravated battery.
- Battery on a detention or commitment facility staff member or a juvenile probation officer.
- Kidnapping.
- False imprisonment.
- Luring or enticing a child.
- Leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody or dependency proceedings.
- Exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of school.
- Possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
- Sexual battery.
- Sexual activity with or solicitation of a child by a person in familial or custodial authority.
- Unlawful sexual activity with certain minors.
- Female genital mutilations.
- Prostitution.
- Lewdness and indecent exposure.
- Arson.
- Voyeurism.
- Coordinating the commission of theft in excess of \$3,000.
- Theft from persons 65 years or older.
- Dealing in stolen property.
- Robbery.
- Robbery by sudden snatching.
- Carjacking.
- Home-invasion robbery.
- Fraudulent sale of controlled substance.
- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

⁴⁷ S. 1012.32(1), F.S.

⁴⁸ S. 1012.32(2)(a), F.S.

⁴⁹ S. 1012.32(1), F.S.

⁵⁰ SS. 1001.42(7), 1012.315(1)-(2), and 1012.32(1), F.S.

- Incest.
- Child abuse, aggravated child abuse, or neglect of a child.
- Contributing to the delinquency or dependency of a child.
- Sexual performance by a child.
- Resisting arrest with violence.
- Obscenity.
- Causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- Any drug abuse charges under ch. 893, F.S., if offense was a second degree felony or higher.
- Introduction, removal, or possession of contraband at a correctional facility or juvenile detention facility or commitment program.
- Misdemeanor battery if the victim of the offense was a minor.

Any person who is found ineligible for employment or otherwise found through background screening to have been convicted of any crime involving moral turpitude⁵¹ may not be employed, engaged to provide services, or serve in any position that requires direct contact with students.⁵²

Education Practices Commission

The State Board of Education (SBE) has adopted in rule standards for educator conduct referred to as the Principles of Professional Conduct for the Education Profession.⁵³ The Education Practices Commission (EPC) is established in Florida law to interpret and apply the principles.⁵⁴ At least once each year, the EPC must report to and meet with the SBE.⁵⁵ The EPC is authorized to revoke or suspend an educator certificate or take other appropriate action as provided in law.⁵⁶

Specifically, the EPC may take revoke or suspend the educator certification if a person, among other things:⁵⁷

- has been guilty of gross immorality or an act involving moral turpitude as defined by SBE rule;
- has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation; or
- has been disqualified from educator certification based on a conviction for certain criminal offenses.

The law provides that the DOE may deny certification if the department possesses satisfactory evidence that an applicant has committed an act or acts, or that a situation exists, for which the EPC would be authorized to revoke a teaching certificate.⁵⁸ The decision of the DOE is subject to review by the EPC upon the filing of a written request from the applicant within 20 days after receipt of notice of denial.⁵⁹

⁵¹ Rule 6A-5.056(7), F.A.C., provides a list of offenses that are considered crimes involving moral turpitude, including the offenses listed in s. 1012.315, F.S.

⁵² S. 1012.32(2), F.S.

⁵³ S. 1012.795(1)(j), F.S.; rule 6A-10.081, F.A.C.

⁵⁴ S. 1012.79(7)(a), F.S.

⁵⁵ Id. at (c).

⁵⁶ S. 1012.79(7)(b), F.S.

⁵⁷ S. 1012.795(1), F.S.

⁵⁸ S. 1012.56(12)(a), F.S.

⁵⁹ Id. at (b).

Investigations of Alleged Misconduct

The DOE must expeditiously investigate any filed complaint or otherwise called to its attention which, if legally sufficient,⁶⁰ contains grounds for the revocation or suspension of a certificate or any other appropriate penalty.⁶¹ Legally sufficient complaints of misconduct that affect the health, safety, or welfare of a student must be given priority over other pending complaints.⁶² The DOE's Office of Professional Practice Services administers the state grievance process, investigates alleged misconduct by certified educators, and pursues disciplinary actions against the certificates of educators who are found to have committed acts of misconduct.⁶³

The law requires each school district to file with the DOE all legally sufficient complaints within 30 days after the date on which the subject matter comes to the attention of the school district.⁶⁴ The report must include all information relating to the complaint known to the school district. Each district school board must adopt policies and procedures for reporting legally sufficient complaints of misconduct to the DOE.⁶⁵

Complaints and materials relating to a school district's investigation of a complaint are confidential and exempt from public records laws until the conclusion of the preliminary investigation or until the investigation is considered inactive.⁶⁶ A preliminary investigation is active so long as it is continuing with a reasonable, good faith, anticipation that an administrative finding will be made in the foreseeable future. An investigation is presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made.⁶⁷

Standards of Ethical Conduct for Instructional Personnel and School Administrators

Florida law requires each district school board to adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.⁶⁸ Among other things, the policies must establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health safety, or welfare of a student.⁶⁹

A school board member who knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators or that require the investigation of all reports of alleged misconduct that affect the health, safety, or welfare of a student forfeits his or her salary for 1 year.⁷⁰ Additionally, a district school superintendent who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators that affects the health safety, or welfare of a student or who knowingly fails to report the misconduct to the DOE forfeits his or her salary for 1 year.⁷¹

⁶⁰ A complaint is legally sufficient if it contains "ultimate facts that show a violation has occurred" as provided in law and state board rule. S. 1012.796(1)(d), F.S.

⁶¹ S. 1012.796(1)(a), F.S.

⁶² S. 1012.796(1)(b), F.S.

⁶³ Florida Department of Education, *Professional Practices*, <http://www.fldoe.org/teaching/professional-practices/> (last visited Jan. 23, 2018).

⁶⁴ S. 1012.796(1)(d), F.S.

⁶⁵ *Id.*

⁶⁶ S. 1012.31(3)(a)1., F.S.

⁶⁷ *Id.*

⁶⁸ S. 1001.42(6), F.S. The terms "instructional personnel" and "school administrators" are defined under s. 1012.01(2) and (3)(c), F.S. See also s. 1012.796(1)(d), F.S. (requiring school district policies to include standards of ethical conduct for instructional personnel and school administrators).

⁶⁹ *Id.*

⁷⁰ S. 1001.42(7)(b), F.S.

⁷¹ S. 1001.51(12), F.S.

Effect of Proposed Changes

Sexual Conduct by Authority Figures with Adult Students

HB 1391 prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student. The bill criminalizes this conduct between an authority figure and a student, regardless of the student's age and regardless of whether or not the behavior was consensual. In addition, the bill does not require that the authority figure use his or her position of authority over the student in order to procure the sexual conduct. It is enough that the person is an authority figure and engages in such conduct with a student to violate the prohibition of this bill.

An authority figure is defined as a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers. School is given the same meaning as provided in s. 1003.01, F.S. and includes a private school as defined in s. 1002.01, F.S., a voluntary prekindergarten education program as described in s. 1002.53(3), early learning programs, a public school as described in s. 402.3025(1), the Florida School for the Deaf and Blind, and the Florida Virtual School. The term school does not include a facility dedicated exclusively to adult education.

The bill does not define the terms, "sexual conduct," and "lewd conduct." However, other statutes and case law do define these terms. Section 847.001(16), F.S., defines "sexual conduct"⁷² to mean:

- Actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse;
- Actual lewd exhibition of the genitals;
- Actual physical contact with a person's clothed or unclothed genitals, public area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or
- Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

The term "lewdness" is defined in case law as:

- The equivalent of both licentiousness⁷³ and lasciviousness.⁷⁴
- Wicked, lustful, unchaste, licentious, or sensual design by the perpetrator of an act condemned by law as lewd.⁷⁵

Disqualifications from Employment and Duty to Report

The bill revises the list of disqualifying criminal offenses to include the newly created prohibition on authority figures engaging or soliciting in sexual, romantic, or lewd conduct with a student. The bill specifies that any person is ineligible for employment in any position that requires direct contact with students if he or she has been convicted of a disqualifying offense. The current prohibition applies specifically to instructional personnel and school administrators.

The bill specifies that the act of having a romantic relationship with or soliciting or engaging in sexual contact with a student or minor is an act involving moral turpitude for purposes of certified educator discipline and expressly includes such behavior within the jurisdiction of the EPC to suspend or revoke an educator certificate.

The bill also specifies that misconduct affecting the health, safety, or welfare of a student includes misconduct that involves gross immorality or moral turpitude for purposes of district school board policies. In effect, this expressly provides that instructional personnel and school administrators have a duty to report inappropriate relationships between other instructional personnel and school administrators.

⁷² A mother's breastfeeding of her baby does not constitute "sexual conduct."

⁷³ *Holton v. State*, 28 Fla. 303 (1891).

⁷⁴ *McGuire v. State*, 489 So. 2d 729 (Fla. 1986).

⁷⁵ *Chesebrough v. State*, 255 So. 2d 675 (Fla. 1971).

Under the bill, district school board policy must require district school superintendents to report to law enforcement any misconduct by school district personnel that would result in disqualification from educator certification or employment. Further, the bill provides that a school board member who knowingly fails to adopt a policy requiring the district school superintendent to report disqualifying misconduct forfeits his or her salary for 1 year. A district superintendent who fails to report disqualifying conduct to law enforcement also forfeits his or her salary for 1 year.

With respect to investigations of complaints of misconduct by a school district, the bill provides that the exemption from public records laws for active investigations does not absolve a school district from its duty to provide any legally sufficient complaint to the DOE within 30 days, regardless of the status of the complaint. Further, the bill specifies that a school district must file a legally sufficient complaint with the DOE within 30 days regardless of whether the subject of the complaint is still an employee of the school district.

B. SECTION DIRECTORY:

Section 1: Creating s. 800.101, F.S., relating to offenses against students by authority figures.

Section 2: Amending s. 1001.42, F.S., relating to powers and duties of district school boards.

Section 3: Amending s. 1001.51, F.S., relating to duties and responsibilities of district school superintendent.

Section 4: Amending s. 1012.31, F.S., relating to personnel files.

Section 5: Amending s. 1012.315, F.S., relating to disqualification from employment.

Section 6: Amending s. 1012.795, F.S., relating to education practices commission; authority to discipline.

Section 7: Amending s. 1012.796, F.S., relating to complaints against teachers and administrators; procedure; penalties.

Section 8: Providing an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate fiscal impact on state government due to the criminalization of new offenses.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES