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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Pre-K - 12 Education)

A bill to be entitled

An act relating to school accountability; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide technical assistance and authorized staff; amending s. 1002.20, F.S.; updating terminology; amending s. 1002.385, F.S.; revising requirements for private schools that participate in the Gardiner Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; amending s. 1002.39, F.S.; revising the purpose of department site visits at private schools participating in the John M. McKay Scholarships for Students with Disabilities Program; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private



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28 school to meet certain requirements constitutes a  
29 basis for program ineligibility; revising the purpose  
30 of department site visits at private schools  
31 participating in the Florida Tax Credit Scholarship  
32 Program; authorizing the department to make followup  
33 site visits at any time to certain private schools;  
34 amending s. 1002.421, F.S.; defining the term "owner  
35 or operator"; requiring a private school to employ or  
36 contract with teachers who meet certain qualifications  
37 and provide information about such qualifications to  
38 the department and parents; revising the conditions  
39 under which a private school employee may be exempted  
40 from background screening requirements; specifying  
41 that a private school is ineligible to participate in  
42 certain scholarship programs under certain  
43 circumstances; requiring the department to annually  
44 visit certain private schools; authorizing the  
45 department to make certain followup site visits at any  
46 time; requiring the Division of State Fire Marshal to  
47 annually provide the department with fire safety  
48 inspection reports for certain private schools;  
49 requiring that certain private schools provide the  
50 department with a report from an independent certified  
51 public accountant under certain circumstances;  
52 amending s. 1006.061, F.S.; revising the applicability  
53 of certain child abuse, abandonment, and neglect  
54 provisions; amending s. 1012.315, F.S.; revising the  
55 applicability of certain provisions related to  
56 disqualification from employment for the conviction of



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57 specified offenses; amending s. 1012.796, F.S.;

58 revising the applicability of a requirement that

59 certain private schools file specified reports with

60 the department for certain allegations against its

61 employees; providing appropriations; providing an

62 effective date.

63

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

65

66 Section 1. Subsections (4) and (5) of section 1001.10,

67 Florida Statutes, are amended to read:

68 1001.10 Commissioner of Education; general powers and

69 duties.—

70 (4) The Department of Education shall provide technical

71 assistance to school districts, charter schools, the Florida

72 School for the Deaf and the Blind, and private schools that

73 accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.

74 1002.395, or another state scholarship program under chapter

75 1002 in the development of policies, procedures, and training

76 related to employment practices and standards of ethical conduct

77 for instructional personnel and school administrators, as

78 defined in s. 1012.01.

79 (5) The Department of Education shall provide authorized

80 staff of school districts, charter schools, the Florida School

81 for the Deaf and the Blind, and private schools that accept

82 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.

83 1002.395, or another state scholarship program under chapter

84 1002 with access to electronic verification of information from

85 the following employment screening tools:



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86 (a) The Professional Practices' Database of Disciplinary  
87 Actions Against Educators; and

88 (b) The Department of Education's Teacher Certification  
89 Database.

90

91 This subsection does not require the department to provide these  
92 staff with unlimited access to the databases. However, the  
93 department shall provide the staff with access to the data  
94 necessary for performing employment history checks of the  
95 instructional personnel and school administrators included in  
96 the databases.

97 Section 2. Paragraph (b) of subsection (6) of section  
98 1002.20, Florida Statutes, is amended to read:

99 1002.20 K-12 student and parent rights.—Parents of public  
100 school students must receive accurate and timely information  
101 regarding their child's academic progress and must be informed  
102 of ways they can help their child to succeed in school. K-12  
103 students and their parents are afforded numerous statutory  
104 rights including, but not limited to, the following:

105 (6) EDUCATIONAL CHOICE.—

106 (b) *Private educational choices.*—Parents of public school  
107 students may seek private educational choice options under  
108 certain programs.

109 1. Under the McKay Scholarships for Students with  
110 Disabilities Program, the parent of a public school student with  
111 a disability may request and receive a McKay Scholarship for the  
112 student to attend a private school in accordance with s.  
113 1002.39.

114 2. Under the Florida Tax Credit Scholarship Program, the



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115 parent of a student who qualifies for free or reduced-price  
116 school lunch or who is currently placed, or during the previous  
117 state fiscal year was placed, in foster care as defined in s.  
118 39.01 may seek a scholarship from an eligible nonprofit  
119 scholarship-funding organization in accordance with s. 1002.395.

120       3. Under the Gardiner Scholarship Program ~~Florida Personal~~  
121 ~~Learning Scholarship Accounts Program~~, the parent of a student  
122 with a qualifying disability may apply for a Gardiner personal  
123 ~~learning~~ scholarship to be used for individual educational needs  
124 in accordance with s. 1002.385.

125       Section 3. Subsection (8) of section 1002.385, Florida  
126 Statutes, is amended to read:

127       1002.385 The Gardiner Scholarship.—

128       (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
129 private school may be sectarian or nonsectarian and shall:

130       (a) Comply with all requirements for private schools  
131 participating in state school choice scholarship programs  
132 pursuant to s. 1002.421.

133       (b) Provide to the organization, upon request, all  
134 documentation required for the student's participation,  
135 including the private school's and student's fee schedules.

136       (c) Be academically accountable to the parent for meeting  
137 the educational needs of the student by:

138       1. At a minimum, annually providing to the parent a written  
139 explanation of the student's progress.

140       2. Annually administering or making provision for students  
141 participating in the program in grades 3 through 10 to take one  
142 of the nationally norm-referenced tests identified by the  
143 Department of Education or the statewide assessments pursuant to



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144 s. 1008.22. Students with disabilities for whom standardized  
145 testing is not appropriate are exempt from this requirement. A  
146 participating private school shall report a student's scores to  
147 the parent.

148 3. Cooperating with the scholarship student whose parent  
149 chooses to have the student participate in the statewide  
150 assessments pursuant to s. 1008.22 or, if a private school  
151 chooses to offer the statewide assessments, administering the  
152 assessments at the school.

153 a. A participating private school may choose to offer and  
154 administer the statewide assessments to all students who attend  
155 the private school in grades 3 through 10.

156 b. A participating private school shall submit a request in  
157 writing to the Department of Education by March 1 of each year  
158 in order to administer the statewide assessments in the  
159 subsequent school year.

160 (d) Employ or contract with teachers who have regular and  
161 direct contact with each student receiving a scholarship under  
162 this section at the school's physical location.

163 (e) Provide a report from an independent certified public  
164 accountant who performs the agreed-upon procedures developed  
165 under s. 1002.395(6)(o) if the private school receives more than  
166 \$250,000 in funds from scholarships awarded under this chapter  
167 ~~section~~ in a state fiscal year. A private school subject to this  
168 paragraph must annually submit the report by September 15 to the  
169 organization that awarded the majority of the school's  
170 scholarship funds. The agreed-upon procedures must be conducted  
171 in accordance with attestation standards established by the  
172 American Institute of Certified Public Accountants.



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173  
174 If a private school fails or refuses ~~is unable~~ to meet the  
175 requirements of this subsection or has consecutive years of  
176 material exceptions listed in the report required under  
177 paragraph (e), the commissioner may determine that the private  
178 school is ineligible to participate in the program.

179 Section 4. Paragraph (f) of subsection (6) and subsection  
180 (8) of section 1002.39, Florida Statutes, are amended to read:

181 1002.39 The John M. McKay Scholarships for Students with  
182 Disabilities Program.—There is established a program that is  
183 separate and distinct from the Opportunity Scholarship Program  
184 and is named the John M. McKay Scholarships for Students with  
185 Disabilities Program.

186 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
187 shall:

188 (f)1. Conduct ~~random~~ site visits to private schools  
189 participating in the John M. McKay Scholarships for Students  
190 with Disabilities Program as authorized under s. 1002.421(7).  
191 The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify  
192 compliance with the provisions of subsection (7) aimed at  
193 protecting the health, safety, and welfare of students and to  
194 verify the information reported by the schools concerning the  
195 enrollment and attendance of students, the credentials of  
196 teachers, background screening of teachers, and teachers'  
197 fingerprinting results, which information is required by rules  
198 of the State Board of Education, subsection (8), and s.  
199 1002.421. The Department of Education may ~~not~~ make followup more  
200 than three random site visits at any time to any school that has  
201 received a notice of noncompliance or a notice of proposed



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202 action within the previous 2 years pursuant to subsection (7)  
203 ~~each year and may not make more than one random site visit each~~  
204 ~~year to the same private school.~~

205         2. Annually, by December 15, report to the Governor, the  
206 President of the Senate, and the Speaker of the House of  
207 Representatives the Department of Education's actions with  
208 respect to implementing accountability in the scholarship  
209 program under this section and s. 1002.421, any substantiated  
210 allegations or violations of law or rule by an eligible private  
211 school under this program concerning the enrollment and  
212 attendance of students, the credentials of teachers, background  
213 screening of teachers, and teachers' fingerprinting results and  
214 the corrective action taken by the Department of Education.

215         (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
216 eligible to participate in the John M. McKay Scholarships for  
217 Students with Disabilities Program, a private school may be  
218 sectarian or nonsectarian and must:

219             (a) Comply with all requirements for private schools  
220 participating in state school choice scholarship programs  
221 pursuant to s. 1002.421.

222             (b) Provide to the department all documentation required  
223 for a student's participation, including the private school's  
224 and student's fee schedules, at least 30 days before any  
225 quarterly scholarship payment is made for the student pursuant  
226 to paragraph (11) (e). A student is not eligible to receive a  
227 quarterly scholarship payment if the private school fails to  
228 meet this deadline.

229             (c) Be academically accountable to the parent for meeting  
230 the educational needs of the student by:





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231           1. At a minimum, annually providing to the parent a written  
232 explanation of the student's progress.

233           2. Cooperating with the scholarship student whose parent  
234 chooses to participate in the statewide assessments pursuant to  
235 s. 1008.22.

236           (d) Maintain in this state a physical location where a  
237 scholarship student regularly attends classes.

238           (e) If the private school that participates in a state  
239 scholarship program under this chapter receives more than  
240 \$250,000 in funds from scholarships awarded under chapter 1002  
241 in a state fiscal year, provide an annual report from an  
242 independent certified public accountant who performs the agreed-  
243 upon procedures developed under s. 1002.395(6)(o). Such a  
244 private school must annually submit the required report by  
245 September 15 to the organization that awarded the majority of  
246 the school's scholarship funds. The agreed-upon procedures must  
247 be conducted in accordance with attestation standards  
248 established by the American Institute of Certified Public  
249 Accountants.

250  
251 The failure or refusal ~~inability~~ of a private school to meet the  
252 requirements of this subsection shall constitute a basis for the  
253 ineligibility of the private school to participate in the  
254 scholarship program as determined by the department.

255           Section 5. Paragraph (o) of subsection (6), subsection (8),  
256 and paragraph (n) of subsection (9) of section 1002.395, Florida  
257 Statutes, are amended to read:

258           1002.395 Florida Tax Credit Scholarship Program.—

259           (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING



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260 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
261 organization:

262       (o)1.a. Must participate in the joint development of  
263 agreed-upon procedures to be performed by an independent  
264 certified public accountant as required under paragraph (8) (e)  
265 if the scholarship-funding organization provided more than  
266 \$250,000 in scholarship funds to an eligible private school  
267 under this chapter section during the ~~2009-2010~~ state fiscal  
268 year. The agreed-upon procedures must uniformly apply to all  
269 private schools and must determine, at a minimum, whether the  
270 private school has been verified as eligible by the Department  
271 of Education under paragraph (9) (c); has an adequate accounting  
272 system, system of financial controls, and process for deposit  
273 and classification of scholarship funds; and has properly  
274 expended scholarship funds for education-related expenses.  
275 During the development of the procedures, the participating  
276 scholarship-funding organizations shall specify guidelines  
277 governing the materiality of exceptions that may be found during  
278 the accountant's performance of the procedures. The procedures  
279 and guidelines shall be provided to private schools and the  
280 Commissioner of Education by March 15, 2011.

281       b. Must participate in a joint review of the agreed-upon  
282 procedures and guidelines developed under sub-subparagraph a.,  
283 by February 2013 and biennially thereafter, if the scholarship-  
284 funding organization provided more than \$250,000 in scholarship  
285 funds to an eligible private school under this chapter section  
286 during the state fiscal year preceding the biennial review. If  
287 the procedures and guidelines are revised, the revisions must be  
288 provided to private schools and the Commissioner of Education by



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289 March 15, 2013, and biennially thereafter.

290 c. Must monitor the compliance of a private school with  
291 paragraph (8)(e) if the scholarship-funding organization  
292 provided the majority of the scholarship funding to the school.  
293 For each private school subject to paragraph (8)(e), the  
294 appropriate scholarship-funding organization shall notify the  
295 Commissioner of Education by October 30, 2011, and annually  
296 thereafter of:

297 (I) A private school's failure to submit a report required  
298 under paragraph (8)(e); or

299 (II) Any material exceptions set forth in the report  
300 required under paragraph (8)(e).

301 2. Must seek input from the accrediting associations that  
302 are members of the Florida Association of Academic Nonpublic  
303 Schools when jointly developing the agreed-upon procedures and  
304 guidelines under sub-subparagraph 1.a. and conducting a review  
305 of those procedures and guidelines under sub-subparagraph 1.b.

306  
307 Information and documentation provided to the Department of  
308 Education and the Auditor General relating to the identity of a  
309 taxpayer that provides an eligible contribution under this  
310 section shall remain confidential at all times in accordance  
311 with s. 213.053.

312 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
313 private school may be sectarian or nonsectarian and must:

314 (a) Comply with all requirements for private schools  
315 participating in state school choice scholarship programs  
316 pursuant to s. 1002.421.

317 (b) Provide to the eligible nonprofit scholarship-funding



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318 organization, upon request, all documentation required for the  
319 student's participation, including the private school's and  
320 student's fee schedules.

321 (c) Be academically accountable to the parent for meeting  
322 the educational needs of the student by:

323 1. At a minimum, annually providing to the parent a written  
324 explanation of the student's progress.

325 2. Annually administering or making provision for students  
326 participating in the scholarship program in grades 3 through 10  
327 to take one of the nationally norm-referenced tests identified  
328 by the Department of Education or the statewide assessments  
329 pursuant to s. 1008.22. Students with disabilities for whom  
330 standardized testing is not appropriate are exempt from this  
331 requirement. A participating private school must report a  
332 student's scores to the parent. A participating private school  
333 must annually report by August 15 the scores of all  
334 participating students to the Learning System Institute  
335 described in paragraph (9)(j).

336 3. Cooperating with the scholarship student whose parent  
337 chooses to have the student participate in the statewide  
338 assessments pursuant to s. 1008.22 or, if a private school  
339 chooses to offer the statewide assessments, administering the  
340 assessments at the school.

341 a. A participating private school may choose to offer and  
342 administer the statewide assessments to all students who attend  
343 the private school in grades 3 through 10.

344 b. A participating private school must submit a request in  
345 writing to the Department of Education by March 1 of each year  
346 in order to administer the statewide assessments in the



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347 subsequent school year.

348 (d) Employ or contract with teachers who have regular and  
349 direct contact with each student receiving a scholarship under  
350 this section at the school's physical location.

351 (e) Provide a report from an independent certified public  
352 accountant who performs the agreed-upon procedures developed  
353 under paragraph (6)(o) if the private school receives more than  
354 \$250,000 in funds from scholarships awarded under this chapter  
355 ~~section~~ in a state fiscal year. A private school subject to this  
356 paragraph must annually submit the report by September 15 to the  
357 scholarship-funding organization that awarded the majority of  
358 the school's scholarship funds. The agreed-upon procedures must  
359 be conducted in accordance with attestation standards  
360 established by the American Institute of Certified Public  
361 Accountants.

362  
363 If a private school fails or refuses ~~is unable~~ to meet the  
364 requirements of this subsection or has consecutive years of  
365 material exceptions listed in the report required under  
366 paragraph (e), the commissioner may determine that the private  
367 school is ineligible to participate in the scholarship program  
368 as determined by the Department of Education.

369 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
370 Education shall:

371 (n)1. Conduct site visits to private schools participating  
372 in the Florida Tax Credit Scholarship Program as authorized  
373 under s. 1002.421(7). The purposes ~~purpose~~ of the site visits  
374 are is solely to verify compliance with the provisions of  
375 subsection (11) aimed at protecting the health, safety, and



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376 welfare of students and to verify the information reported by  
377 the schools concerning the enrollment and attendance of  
378 students, the credentials of teachers, background screening of  
379 teachers, and teachers' fingerprinting results. ~~The Department~~  
380 ~~of Education may not make more than seven site visits each year,~~  
381 ~~however,~~ The department may make followup ~~additional~~ site visits  
382 at any time to any school that, pursuant to subsection (11), has  
383 received a notice of noncompliance or a notice of proposed  
384 action within the previous 2 years.

385         2. Annually, by December 15, report to the Governor, the  
386 President of the Senate, and the Speaker of the House of  
387 Representatives the Department of Education's actions with  
388 respect to implementing accountability in the scholarship  
389 program under this section and s. 1002.421, any substantiated  
390 allegations or violations of law or rule by an eligible private  
391 school under this program concerning the enrollment and  
392 attendance of students, the credentials of teachers, background  
393 screening of teachers, and teachers' fingerprinting results and  
394 the corrective action taken by the Department of Education.

395         Section 6. Present subsection (7) of section 1002.421,  
396 Florida Statutes, is amended and redesignated as subsection  
397 (11), a new subsection (7) and subsections (8), (9), and (10)  
398 are added to that section, and subsection (1), paragraphs (h)  
399 and (i) of subsection (2), and subsections (4) and (5) of that  
400 section are amended, to read:

401         1002.421 Accountability of private schools participating in  
402 state school choice scholarship programs.—

403         (1) (a) A Florida private school participating in the  
404 Florida Tax Credit Scholarship Program established pursuant to



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405 s. 1002.395 or an educational scholarship program established  
406 pursuant to this chapter must comply with all requirements of  
407 this section in addition to private school requirements outlined  
408 in s. 1002.42, specific requirements identified within  
409 respective scholarship program laws, and other provisions of  
410 Florida law that apply to private schools.

411 (b) For purposes of this section, the term "owner or  
412 operator" includes an owner, operator, superintendent, or  
413 principal of an eligible private school or a person with  
414 equivalent decisionmaking authority over an eligible private  
415 school.

416 (2) A private school participating in a scholarship program  
417 must be a Florida private school as defined in s. 1002.01(2),  
418 must be registered in accordance with s. 1002.42, and must:

419 (h) Employ or contract with teachers who:

420 1. Unless otherwise specified under this paragraph, hold  
421 baccalaureate or higher degrees, have at least 3 years of  
422 teaching experience in public or private schools, or have  
423 objectively identified special skills, knowledge, or expertise  
424 that qualifies them to provide instruction in subjects taught.

425 2. Hold baccalaureate or higher degrees from a regionally  
426 or nationally accredited college or university in the United  
427 States or from a recognized college or university in another  
428 country. This subparagraph applies to full-time teachers hired  
429 after July 1, 2018, who are teaching students in grade 2 or  
430 above.

431  
432 The private school must report to the department, in a format  
433 developed by the department, the qualifications of each teacher



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434 hired by the school, including, but not limited to, an  
435 explanation of the objectively identified special skills or  
436 expertise of such teachers, as applicable. Additionally, the  
437 private school must provide to the parent of each scholarship  
438 student, on the school's website or on a written form provided  
439 by the school, the qualifications of each classroom teacher.

440 (i) Require each employee and contracted personnel with  
441 direct student contact, upon employment or engagement to provide  
442 services, to undergo a state and national background screening,  
443 pursuant to s. 943.0542, by electronically filing with the  
444 Department of Law Enforcement a complete set of fingerprints  
445 taken by an authorized law enforcement agency or an employee of  
446 the private school, a school district, or a private company who  
447 is trained to take fingerprints and deny employment to or  
448 terminate an employee if he or she fails to meet the screening  
449 standards under s. 435.04. Results of the screening shall be  
450 provided to the participating private school. For purposes of  
451 this paragraph:

452 1. An "employee or contracted personnel with direct student  
453 contact" means any employee or contracted personnel who has  
454 unsupervised access to a scholarship student for whom the  
455 private school is responsible.

456 2. The costs of fingerprinting and the background check  
457 shall not be borne by the state.

458 3. Continued employment of an employee or contracted  
459 personnel after notification that he or she has failed the  
460 background screening under this paragraph shall cause a private  
461 school to be ineligible for participation in a scholarship  
462 program.





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463           4. An employee or contracted personnel holding a valid  
464 Florida teaching certificate who has been fingerprinted pursuant  
465 to s. 1012.32 and who is not ineligible for employment pursuant  
466 to s. 1012.315 is not required to comply with the provisions of  
467 this paragraph.

468           (4) A private school that accepts scholarship students  
469 under this chapter ~~s. 1002.39~~ ~~or s. 1002.395~~ must:

470           (a) Disqualify instructional personnel and school  
471 administrators, as defined in s. 1012.01, from employment in any  
472 position that requires direct contact with students if the  
473 personnel or administrators are ineligible for such employment  
474 under s. 1012.315.

475           (b) Adopt and faithfully implement policies establishing  
476 standards of ethical conduct for instructional personnel and  
477 school administrators. The policies must require all  
478 instructional personnel and school administrators, as defined in  
479 s. 1012.01, to complete training on the standards; establish the  
480 duty of instructional personnel and school administrators to  
481 report, and procedures for reporting, alleged misconduct by  
482 other instructional personnel and school administrators which  
483 affects the health, safety, or welfare of a student; and include  
484 an explanation of the liability protections provided under ss.  
485 39.203 and 768.095. A private school, or any of its employees,  
486 may not enter into a confidentiality agreement regarding  
487 terminated or dismissed instructional personnel or school  
488 administrators, or personnel or administrators who resign in  
489 lieu of termination, based in whole or in part on misconduct  
490 that affects the health, safety, or welfare of a student, and  
491 may not provide the instructional personnel or school



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492 administrators with employment references or discuss the  
493 personnel's or administrators' performance with prospective  
494 employers in another educational setting, without disclosing the  
495 personnel's or administrators' misconduct. Any part of an  
496 agreement or contract that has the purpose or effect of  
497 concealing misconduct by instructional personnel or school  
498 administrators which affects the health, safety, or welfare of a  
499 student is void, is contrary to public policy, and may not be  
500 enforced.

501 (c) Before employing instructional personnel or school  
502 administrators in any position that requires direct contact with  
503 students, conduct employment history checks of each of the  
504 personnel's or administrators' previous employers, screen the  
505 personnel or administrators through use of the educator  
506 screening tools described in s. 1001.10(5), and document the  
507 findings. If unable to contact a previous employer, the private  
508 school must document efforts to contact the employer.

509  
510 The department shall suspend the payment of funds under this  
511 chapter ss. 1002.39 and 1002.395 to a private school that  
512 knowingly fails or refuses to comply with this subsection, and  
513 shall prohibit the school from enrolling new scholarship  
514 students, for 1 fiscal year and until the school complies.

515 (5) The failure or refusal ~~inability~~ of a private school to  
516 meet the requirements of this section shall constitute a basis  
517 for the ineligibility of the private school to participate in a  
518 scholarship program as determined by the department.

519 Additionally, a private school is ineligible to participate in a  
520 state scholarship program under this chapter if the owner or



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521 operator of the private school was a debtor in a voluntary or  
522 involuntary bankruptcy petition within the most recent 5 years.

523 (7) (a) The department must annually visit at least 5  
524 percent, and may annually visit up to 7 percent, of the private  
525 schools that participate in the state scholarship programs under  
526 this chapter. Site visits required under subsection (8) are not  
527 included in the annual site visits authorized under this  
528 paragraph.

529 (b) The purposes of the site visits are to verify  
530 compliance with the provisions of this section aimed at  
531 protecting the health, safety, and welfare of students and to  
532 verify the information reported by the schools concerning the  
533 enrollment and attendance of students, the credentials of  
534 teachers, background screening of teachers, and teachers'  
535 fingerprinting results, as required by rules of the State Board  
536 of Education and this section.

537 (c) The department may make followup site visits at any  
538 time to any school that has received a notice of noncompliance  
539 or a notice of proposed action within the previous 2 years, or  
540 for a cause that affects the health, safety, and welfare of a  
541 student.

542 (8) (a) The department shall visit each private school that  
543 notifies the department of the school's intent to participate in  
544 a state scholarship program under this chapter.

545 (b) The purpose of the site visit is to determine that the  
546 school meets the applicable state and local health, safety, and  
547 welfare codes and rules pursuant to this section.

548 (9) The Division of State Fire Marshal shall annually  
549 provide to the department a fire safety inspection report,



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550 prepared by the local fire departments or by entities with whom  
551 they contract to perform fire safety inspections of private  
552 schools, for each private school that participates in a state  
553 scholarship program under this chapter.

554 (10) If a private school that participates in a state  
555 scholarship program under this chapter receives more than  
556 \$250,000 in funds from the scholarships awarded under chapter  
557 1002 in a state fiscal year, the school must provide to the  
558 department a report of the balance sheet and statement of income  
559 expenditures in accordance with generally accepted accounting  
560 procedures from an independent certified public accountant who  
561 performs the agreed-upon procedures.

562 (11)-(7) The State Board of Education shall adopt rules  
563 pursuant to ss. 120.536(1) and 120.54 to administer and enforce  
564 this section.

565 Section 7. Section 1006.061, Florida Statutes, is amended  
566 to read:

567 1006.061 Child abuse, abandonment, and neglect policy.—Each  
568 district school board, charter school, and private school that  
569 accepts scholarship students under s. 1002.385, s. 1002.39, or  
570 s. 1002.395, or another state scholarship program under chapter  
571 1002 shall:

572 (1) Post in a prominent place in each school a notice that,  
573 pursuant to chapter 39, all employees and agents of the district  
574 school board, charter school, or private school have an  
575 affirmative duty to report all actual or suspected cases of  
576 child abuse, abandonment, or neglect; have immunity from  
577 liability if they report such cases in good faith; and have a  
578 duty to comply with child protective investigations and all



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579 other provisions of law relating to child abuse, abandonment,  
580 and neglect. The notice shall also include the statewide toll-  
581 free telephone number of the central abuse hotline.

582 (2) Post in a prominent place at each school site and on  
583 each school's Internet website, if available, the policies and  
584 procedures for reporting alleged misconduct by instructional  
585 personnel or school administrators which affects the health,  
586 safety, or welfare of a student; the contact person to whom the  
587 report is made; and the penalties imposed on instructional  
588 personnel or school administrators who fail to report suspected  
589 or actual child abuse or alleged misconduct by other  
590 instructional personnel or school administrators.

591 (3) Require the principal of the charter school or private  
592 school, or the district school superintendent, or the  
593 superintendent's designee, at the request of the Department of  
594 Children and Families, to act as a liaison to the Department of  
595 Children and Families and the child protection team, as defined  
596 in s. 39.01, when in a case of suspected child abuse,  
597 abandonment, or neglect or an unlawful sexual offense involving  
598 a child the case is referred to such a team; except that this  
599 does not relieve or restrict the Department of Children and  
600 Families from discharging its duty and responsibility under the  
601 law to investigate and report every suspected or actual case of  
602 child abuse, abandonment, or neglect or unlawful sexual offense  
603 involving a child.

604 (4) (a) Post in a prominent place in a clearly visible  
605 location and public area of the school which is readily  
606 accessible to and widely used by students a sign in English and  
607 Spanish that contains:



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608           1. The statewide toll-free telephone number of the central  
609 abuse hotline as provided in chapter 39;

610           2. Instructions to call 911 for emergencies; and

611           3. Directions for accessing the Department of Children and  
612 Families Internet website for more information on reporting  
613 abuse, neglect, and exploitation.

614           (b) The information in paragraph (a) must be put on at  
615 least one poster in each school, on a sheet that measures at  
616 least 11 inches by 17 inches, produced in large print, and  
617 placed at student eye level for easy viewing.

618  
619 The Department of Education shall develop, and publish on the  
620 department's Internet website, sample notices suitable for  
621 posting in accordance with subsections (1), (2), and (4).

622           Section 8. Section 1012.315, Florida Statutes, is amended  
623 to read:

624           1012.315 Disqualification from employment.—A person is  
625 ineligible for educator certification, and instructional  
626 personnel and school administrators, as defined in s. 1012.01,  
627 are ineligible for employment in any position that requires  
628 direct contact with students in a district school system,  
629 charter school, or private school that accepts scholarship  
630 students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or  
631 another state scholarship program under chapter 1002, if the  
632 person, instructional personnel, or school administrator has  
633 been convicted of:

634           (1) Any felony offense prohibited under any of the  
635 following statutes:

636           (a) Section 393.135, relating to sexual misconduct with



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637 certain developmentally disabled clients and reporting of such  
638 sexual misconduct.

639 (b) Section 394.4593, relating to sexual misconduct with  
640 certain mental health patients and reporting of such sexual  
641 misconduct.

642 (c) Section 415.111, relating to adult abuse, neglect, or  
643 exploitation of aged persons or disabled adults.

644 (d) Section 782.04, relating to murder.

645 (e) Section 782.07, relating to manslaughter, aggravated  
646 manslaughter of an elderly person or disabled adult, aggravated  
647 manslaughter of a child, or aggravated manslaughter of an  
648 officer, a firefighter, an emergency medical technician, or a  
649 paramedic.

650 (f) Section 784.021, relating to aggravated assault.

651 (g) Section 784.045, relating to aggravated battery.

652 (h) Section 784.075, relating to battery on a detention or  
653 commitment facility staff member or a juvenile probation  
654 officer.

655 (i) Section 787.01, relating to kidnapping.

656 (j) Section 787.02, relating to false imprisonment.

657 (k) Section 787.025, relating to luring or enticing a  
658 child.

659 (l) Section 787.04(2), relating to leading, taking,  
660 enticing, or removing a minor beyond the state limits, or  
661 concealing the location of a minor, with criminal intent pending  
662 custody proceedings.

663 (m) Section 787.04(3), relating to leading, taking,  
664 enticing, or removing a minor beyond the state limits, or  
665 concealing the location of a minor, with criminal intent pending



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666 dependency proceedings or proceedings concerning alleged abuse  
667 or neglect of a minor.

668 (n) Section 790.115(1), relating to exhibiting firearms or  
669 weapons at a school-sponsored event, on school property, or  
670 within 1,000 feet of a school.

671 (o) Section 790.115(2)(b), relating to possessing an  
672 electric weapon or device, destructive device, or other weapon  
673 at a school-sponsored event or on school property.

674 (p) Section 794.011, relating to sexual battery.

675 (q) Former s. 794.041, relating to sexual activity with or  
676 solicitation of a child by a person in familial or custodial  
677 authority.

678 (r) Section 794.05, relating to unlawful sexual activity  
679 with certain minors.

680 (s) Section 794.08, relating to female genital mutilation.

681 (t) Chapter 796, relating to prostitution.

682 (u) Chapter 800, relating to lewdness and indecent  
683 exposure.

684 (v) Section 806.01, relating to arson.

685 (w) Section 810.14, relating to voyeurism.

686 (x) Section 810.145, relating to video voyeurism.

687 (y) Section 812.014(6), relating to coordinating the  
688 commission of theft in excess of \$3,000.

689 (z) Section 812.0145, relating to theft from persons 65  
690 years of age or older.

691 (aa) Section 812.019, relating to dealing in stolen  
692 property.

693 (bb) Section 812.13, relating to robbery.

694 (cc) Section 812.131, relating to robbery by sudden





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- 695 snatching.
- 696 (dd) Section 812.133, relating to carjacking.
- 697 (ee) Section 812.135, relating to home-invasion robbery.
- 698 (ff) Section 817.563, relating to fraudulent sale of  
699 controlled substances.
- 700 (gg) Section 825.102, relating to abuse, aggravated abuse,  
701 or neglect of an elderly person or disabled adult.
- 702 (hh) Section 825.103, relating to exploitation of an  
703 elderly person or disabled adult.
- 704 (ii) Section 825.1025, relating to lewd or lascivious  
705 offenses committed upon or in the presence of an elderly person  
706 or disabled person.
- 707 (jj) Section 826.04, relating to incest.
- 708 (kk) Section 827.03, relating to child abuse, aggravated  
709 child abuse, or neglect of a child.
- 710 (ll) Section 827.04, relating to contributing to the  
711 delinquency or dependency of a child.
- 712 (mm) Section 827.071, relating to sexual performance by a  
713 child.
- 714 (nn) Section 843.01, relating to resisting arrest with  
715 violence.
- 716 (oo) Chapter 847, relating to obscenity.
- 717 (pp) Section 874.05, relating to causing, encouraging,  
718 soliciting, or recruiting another to join a criminal street  
719 gang.
- 720 (qq) Chapter 893, relating to drug abuse prevention and  
721 control, if the offense was a felony of the second degree or  
722 greater severity.
- 723 (rr) Section 916.1075, relating to sexual misconduct with



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724 certain forensic clients and reporting of such sexual  
725 misconduct.

726 (ss) Section 944.47, relating to introduction, removal, or  
727 possession of contraband at a correctional facility.

728 (tt) Section 985.701, relating to sexual misconduct in  
729 juvenile justice programs.

730 (uu) Section 985.711, relating to introduction, removal, or  
731 possession of contraband at a juvenile detention facility or  
732 commitment program.

733 (2) Any misdemeanor offense prohibited under any of the  
734 following statutes:

735 (a) Section 784.03, relating to battery, if the victim of  
736 the offense was a minor.

737 (b) Section 787.025, relating to luring or enticing a  
738 child.

739 (3) Any criminal act committed in another state or under  
740 federal law which, if committed in this state, constitutes an  
741 offense prohibited under any statute listed in subsection (1) or  
742 subsection (2).

743 (4) Any delinquent act committed in this state or any  
744 delinquent or criminal act committed in another state or under  
745 federal law which, if committed in this state, qualifies an  
746 individual for inclusion on the Registered Juvenile Sex Offender  
747 List under s. 943.0435(1)(h)1.d.

748 Section 9. Paragraph (e) of subsection (1) of section  
749 1012.796, Florida Statutes, is amended to read:

750 1012.796 Complaints against teachers and administrators;  
751 procedure; penalties.—

752 (1)



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753 (e) If allegations arise against an employee who is  
754 certified under s. 1012.56 and employed in an educator-  
755 certificated position in any public school, charter school or  
756 governing board thereof, or private school that accepts  
757 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.  
758 1002.395, or another state scholarship program under chapter  
759 1002, the school shall file in writing with the department a  
760 legally sufficient complaint within 30 days after the date on  
761 which the subject matter of the complaint came to the attention  
762 of the school. A complaint is legally sufficient if it contains  
763 ultimate facts that show a violation has occurred as provided in  
764 s. 1012.795 and defined by rule of the State Board of Education.  
765 The school shall include all known information relating to the  
766 complaint with the filing of the complaint. This paragraph does  
767 not limit or restrict the power and duty of the department to  
768 investigate complaints, regardless of the school's untimely  
769 filing, or failure to file, complaints and followup reports.

770 Section 10. For the 2018-2019 fiscal year, \$596,560 in  
771 recurring funds from the General Revenue Fund and \$142,134 in  
772 nonrecurring funds from the General Revenue Fund are  
773 appropriated to the Department of Education to implement the  
774 provisions of this act.

775 Section 11. This act shall take effect July 1, 2018.