

By Senator Simmons

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1                                   A bill to be entitled  
2       An act relating to school accountability; amending s.  
3       1001.10, F.S.; revising the private schools to which  
4       the Department of Education is required to provide  
5       technical assistance and authorized staff; amending s.  
6       1002.20, F.S.; updating terminology; amending s.  
7       1002.385, F.S.; revising requirements for private  
8       schools that participate in the Gardiner Scholarship  
9       Program; specifying that the failure or refusal,  
10      rather than the inability of, a private school to meet  
11      certain requirements constitutes a basis for program  
12      ineligibility; amending s. 1002.39, F.S.; revising the  
13      purpose of department site visits at private schools  
14      participating in the John M. McKay Scholarships for  
15      Students with Disabilities Program; authorizing the  
16      department to make followup site visits at any time to  
17      certain private schools; requiring participating  
18      private schools to provide a specified report from an  
19      independent certified public accountant under certain  
20      circumstances; specifying that the failure or refusal,  
21      rather than the inability of, a private school to meet  
22      certain requirements constitutes a basis for program  
23      ineligibility; amending s. 1002.395, F.S.; revising  
24      obligations of eligible nonprofit scholarship-funding  
25      organizations participating in the Florida Tax Credit  
26      Scholarship Program; specifying that the failure or  
27      refusal, rather than the inability of, a private  
28      school to meet certain requirements constitutes a  
29      basis for program ineligibility; revising the purpose

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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.; requiring a private school  
35 to employ or contract with teachers who meet certain  
36 qualifications and provide information about such  
37 qualifications to the department; revising the  
38 conditions under which a private school employee may  
39 be exempted from background screening requirements;  
40 specifying that a private school is ineligible to  
41 participate in certain scholarship programs under  
42 certain circumstances; requiring the department to  
43 annually visit certain private schools; authorizing  
44 the department to make certain follow-up site visits  
45 at any time; requiring the Division of State Fire  
46 Marshal to annually provide the department with fire  
47 safety inspection reports for certain private schools;  
48 requiring that certain private schools provide the  
49 department with a report from an independent certified  
50 public accountant under certain circumstances;  
51 amending s. 1006.061, F.S.; revising the applicability  
52 of certain child abuse, abandonment, and neglect  
53 provisions; amending s. 1012.315, F.S.; revising the  
54 applicability of certain provisions related to  
55 disqualification from employment for the conviction of  
56 specified offenses; amending s. 1012.796, F.S.;  
57 revising the applicability of a requirement that  
58 certain private schools file specified reports with

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59 the department for certain allegations against its  
60 employees; providing an effective date.

61

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

63

64 Section 1. Subsections (4) and (5) of section 1001.10,  
65 Florida Statutes, are amended to read:

66 1001.10 Commissioner of Education; general powers and  
67 duties.—

68 (4) The Department of Education shall provide technical  
69 assistance to school districts, charter schools, the Florida  
70 School for the Deaf and the Blind, and private schools that  
71 accept scholarship students under s. 1002.385, s. 1002.39, or s.  
72 1002.395, or another state scholarship program under chapter  
73 1002 in the development of policies, procedures, and training  
74 related to employment practices and standards of ethical conduct  
75 for instructional personnel and school administrators, as  
76 defined in s. 1012.01.

77 (5) The Department of Education shall provide authorized  
78 staff of school districts, charter schools, the Florida School  
79 for the Deaf and the Blind, and private schools that accept  
80 scholarship students under s. 1002.385, s. 1002.39, or s.  
81 1002.395, or another state scholarship program under chapter  
82 1002 with access to electronic verification of information from  
83 the following employment screening tools:

84 (a) The Professional Practices' Database of Disciplinary  
85 Actions Against Educators; and

86 (b) The Department of Education's Teacher Certification  
87 Database.

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88

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

95 Section 2. Paragraph (b) of subsection (6) of section  
96 1002.20, Florida Statutes, is amended to read:

97 1002.20 K-12 student and parent rights.—Parents of public  
98 school students must receive accurate and timely information  
99 regarding their child's academic progress and must be informed  
100 of ways they can help their child to succeed in school. K-12  
101 students and their parents are afforded numerous statutory  
102 rights including, but not limited to, the following:

103 (6) EDUCATIONAL CHOICE.—

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

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

112 2. Under the Florida Tax Credit Scholarship Program, the  
113 parent of a student who qualifies for free or reduced-price  
114 school lunch or who is currently placed, or during the previous  
115 state fiscal year was placed, in foster care as defined in s.  
116 39.01 may seek a scholarship from an eligible nonprofit

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117 scholarship-funding organization in accordance with s. 1002.395.

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

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

125 1002.385 The Gardiner Scholarship.—

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

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

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

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

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

138 2. Annually administering or making provision for students  
139 participating in the program in grades 3 through 10 to take one  
140 of the nationally norm-referenced tests identified by the  
141 Department of Education or the statewide assessments pursuant to  
142 s. 1008.22. Students with disabilities for whom standardized  
143 testing is not appropriate are exempt from this requirement. A  
144 participating private school shall report a student's scores to  
145 the parent.

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

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

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

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

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

171  
172 If a private school fails or refuses ~~is unable~~ to meet the  
173 requirements of this subsection or has consecutive years of  
174 material exceptions listed in the report required under

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175 paragraph (e), the commissioner may determine that the private  
176 school is ineligible to participate in the program.

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

179 1002.39 The John M. McKay Scholarships for Students with  
180 Disabilities Program.—There is established a program that is  
181 separate and distinct from the Opportunity Scholarship Program  
182 and is named the John M. McKay Scholarships for Students with  
183 Disabilities Program.

184 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
185 shall:

186 (f)1. Conduct ~~random~~ site visits to private schools  
187 participating in the John M. McKay Scholarships for Students  
188 with Disabilities Program as authorized under s. 1002.421(7).  
189 The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify  
190 compliance with the provisions of subsection (7) aimed at  
191 protecting the health, safety, and welfare of students and to  
192 verify the information reported by the schools concerning the  
193 enrollment and attendance of students, the credentials of  
194 teachers, background screening of teachers, and teachers'  
195 fingerprinting results, which information is required by rules  
196 of the State Board of Education, subsection (8), and s.  
197 1002.421. The Department of Education may ~~not~~ make followup ~~more~~  
198 than three random site visits at any time to any school that has  
199 received a notice of noncompliance or a notice of proposed  
200 action within the previous 2 years pursuant to subsection (7)  
201 ~~each year and may not make more than one random site visit each~~  
202 ~~year to the same private school.~~

203 2. Annually, by December 15, report to the Governor, the

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

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

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

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

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

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

231 2. Cooperating with the scholarship student whose parent  
232 chooses to participate in the statewide assessments pursuant to



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233 s. 1008.22.

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

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

248  
249 The failure or refusal ~~inability~~ of a private school to meet the  
250 requirements of this subsection shall constitute a basis for the  
251 ineligibility of the private school to participate in the  
252 scholarship program as determined by the department.

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

256 1002.395 Florida Tax Credit Scholarship Program.—

257 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
258 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
259 organization:

260 (o)1.a. Must participate in the joint development of  
261 agreed-upon procedures to be performed by an independent

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

279       b. Must participate in a joint review of the agreed-upon  
280 procedures and guidelines developed under sub-subparagraph a.,  
281 by February 2013 and biennially thereafter, if the scholarship-  
282 funding organization provided more than \$250,000 in scholarship  
283 funds to an eligible private school under this chapter ~~section~~  
284 during the state fiscal year preceding the biennial review. If  
285 the procedures and guidelines are revised, the revisions must be  
286 provided to private schools and the Commissioner of Education by  
287 March 15, 2013, and biennially thereafter.

288       c. Must monitor the compliance of a private school with  
289 paragraph (8) (e) if the scholarship-funding organization  
290 provided the majority of the scholarship funding to the school.

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291 For each private school subject to paragraph (8)(e), the  
292 appropriate scholarship-funding organization shall notify the  
293 Commissioner of Education by October 30, 2011, and annually  
294 thereafter of:

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

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

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

304  
305 Information and documentation provided to the Department of  
306 Education and the Auditor General relating to the identity of a  
307 taxpayer that provides an eligible contribution under this  
308 section shall remain confidential at all times in accordance  
309 with s. 213.053.

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

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

315 (b) Provide to the eligible nonprofit scholarship-funding  
316 organization, upon request, all documentation required for the  
317 student's participation, including the private school's and  
318 student's fee schedules.

319 (c) Be academically accountable to the parent for meeting

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320 the educational needs of the student by:

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

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

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

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

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

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

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

360  
361 If a private school fails or refuses ~~is unable~~ to meet the  
362 requirements of this subsection or has consecutive years of  
363 material exceptions listed in the report required under  
364 paragraph (e), the commissioner may determine that the private  
365 school is ineligible to participate in the scholarship program  
366 as determined by the Department of Education.

367 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
368 Education shall:

369 (n)1. Conduct site visits to private schools participating  
370 in the Florida Tax Credit Scholarship Program as authorized  
371 under s. 1002.421(7). The purposes ~~purpose~~ of the site visits  
372 are is solely to verify compliance with the provisions of  
373 subsection (11) aimed at protecting the health, safety, and  
374 welfare of students and to verify the information reported by  
375 the schools concerning the enrollment and attendance of  
376 students, the credentials of teachers, background screening of  
377 teachers, and teachers' fingerprinting results. ~~The Department~~

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378 ~~of Education may not make more than seven site visits each year;~~  
379 ~~however,~~ The department may make followup ~~additional~~ site visits  
380 at any time to any school that, pursuant to subsection (11), has  
381 received a notice of noncompliance or a notice of proposed  
382 action within the previous 2 years.

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

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

399 1002.421 Accountability of private schools participating in  
400 state school choice scholarship programs.—

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

404 (h) Employ or contract with teachers who hold baccalaureate  
405 or higher degrees from a university or college that is  
406 accredited by a regional or national accrediting agency

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407 recognized by the United States Department of Education, and  
408 who:

409 1. Have at least 3 years of teaching experience in public  
410 or private schools; or

411 2. Have objectively identified special skills, knowledge,  
412 or expertise that qualifies them to provide instruction in  
413 subjects taught.

414

415 The private school must report to the department, in a format  
416 developed by the department, the qualifications of each teacher  
417 hired by the school, including, but not limited to, an  
418 explanation of the objectively identified special skills or  
419 expertise of such teachers, as applicable.

420 (i) Require each employee and contracted personnel with  
421 direct student contact, upon employment or engagement to provide  
422 services, to undergo a state and national background screening,  
423 pursuant to s. 943.0542, by electronically filing with the  
424 Department of Law Enforcement a complete set of fingerprints  
425 taken by an authorized law enforcement agency or an employee of  
426 the private school, a school district, or a private company who  
427 is trained to take fingerprints and deny employment to or  
428 terminate an employee if he or she fails to meet the screening  
429 standards under s. 435.04. Results of the screening shall be  
430 provided to the participating private school. For purposes of  
431 this paragraph:

432 1. An "employee or contracted personnel with direct student  
433 contact" means any employee or contracted personnel who has  
434 unsupervised access to a scholarship student for whom the  
435 private school is responsible.

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

438           3. Continued employment of an employee or contracted  
439 personnel after notification that he or she has failed the  
440 background screening under this paragraph shall cause a private  
441 school to be ineligible for participation in a scholarship  
442 program.

443           4. An employee or contracted personnel holding a valid  
444 Florida teaching certificate who has been fingerprinted pursuant  
445 to s. 1012.32 and who is not ineligible for employment pursuant  
446 to s. 1012.315 is not required to comply with the provisions of  
447 this paragraph.

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

450           (a) Disqualify instructional personnel and school  
451 administrators, as defined in s. 1012.01, from employment in any  
452 position that requires direct contact with students if the  
453 personnel or administrators are ineligible for such employment  
454 under s. 1012.315.

455           (b) Adopt and faithfully implement policies establishing  
456 standards of ethical conduct for instructional personnel and  
457 school administrators. The policies must require all  
458 instructional personnel and school administrators, as defined in  
459 s. 1012.01, to complete training on the standards; establish the  
460 duty of instructional personnel and school administrators to  
461 report, and procedures for reporting, alleged misconduct by  
462 other instructional personnel and school administrators which  
463 affects the health, safety, or welfare of a student; and include  
464 an explanation of the liability protections provided under ss.



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465 39.203 and 768.095. A private school, or any of its employees,  
466 may not enter into a confidentiality agreement regarding  
467 terminated or dismissed instructional personnel or school  
468 administrators, or personnel or administrators who resign in  
469 lieu of termination, based in whole or in part on misconduct  
470 that affects the health, safety, or welfare of a student, and  
471 may not provide the instructional personnel or school  
472 administrators with employment references or discuss the  
473 personnel's or administrators' performance with prospective  
474 employers in another educational setting, without disclosing the  
475 personnel's or administrators' misconduct. Any part of an  
476 agreement or contract that has the purpose or effect of  
477 concealing misconduct by instructional personnel or school  
478 administrators which affects the health, safety, or welfare of a  
479 student is void, is contrary to public policy, and may not be  
480 enforced.

481 (c) Before employing instructional personnel or school  
482 administrators in any position that requires direct contact with  
483 students, conduct employment history checks of each of the  
484 personnel's or administrators' previous employers, screen the  
485 personnel or administrators through use of the educator  
486 screening tools described in s. 1001.10(5), and document the  
487 findings. If unable to contact a previous employer, the private  
488 school must document efforts to contact the employer.

489  
490 The department shall suspend the payment of funds under this  
491 chapter ~~ss. 1002.39 and 1002.395~~ to a private school that  
492 ~~knowingly~~ fails or refuses to comply with this subsection, and  
493 shall prohibit the school from enrolling new scholarship

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494 students, for 1 fiscal year and until the school complies.

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

499 Additionally, a private school is ineligible to participate in a  
500 state scholarship program under this chapter if the owner or  
501 operator of the private school was a debtor in a voluntary or  
502 involuntary bankruptcy petition within the most recent 5 years.

503 (7) (a) The department must annually visit at least 5  
504 percent, and may annually visit up to 7 percent, of the private  
505 schools that participate in the state scholarship programs under  
506 this chapter. Site visits required under subsection (8) are not  
507 included in the annual site visits authorized under this  
508 paragraph.

509 (b) The purposes of the site visits are to verify  
510 compliance with the provisions of this section aimed at  
511 protecting the health, safety, and welfare of students and to  
512 verify the information reported by the schools concerning the  
513 enrollment and attendance of students, the credentials of  
514 teachers, background screening of teachers, and teachers'  
515 fingerprinting results, as required by rules of the State Board  
516 of Education and this section.

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

522 (8) (a) The department shall visit each private school that

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523 notifies the department of the school's intent to participate in  
524 a state scholarship program under this chapter.

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

528 (9) The Division of State Fire Marshal shall annually  
529 provide to the department a fire safety inspection report,  
530 prepared by the local fire departments or by entities with whom  
531 they contract to perform fire safety inspections of private  
532 schools, for each private school that participates in a state  
533 scholarship program under this chapter.

534 (10) If a private school that participates in a state  
535 scholarship program under this chapter receives more than  
536 \$250,000 in funds from the scholarships awarded under chapter  
537 1002 in a state fiscal year, the school must provide to the  
538 department a report of the balance sheet and statement of income  
539 expenditures in accordance with generally accepted accounting  
540 procedures from an independent certified public accountant who  
541 performs the agreed-upon procedures.

542 (11)~~(7)~~ The State Board of Education shall adopt rules  
543 pursuant to ss. 120.536(1) and 120.54 to administer and enforce  
544 this section.

545 Section 7. Section 1006.061, Florida Statutes, is amended  
546 to read:

547 1006.061 Child abuse, abandonment, and neglect policy.—Each  
548 district school board, charter school, and private school that  
549 accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~  
550 s. 1002.395, or another state scholarship program under chapter  
551 1002 shall:

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552 (1) Post in a prominent place in each school a notice that,  
553 pursuant to chapter 39, all employees and agents of the district  
554 school board, charter school, or private school have an  
555 affirmative duty to report all actual or suspected cases of  
556 child abuse, abandonment, or neglect; have immunity from  
557 liability if they report such cases in good faith; and have a  
558 duty to comply with child protective investigations and all  
559 other provisions of law relating to child abuse, abandonment,  
560 and neglect. The notice shall also include the statewide toll-  
561 free telephone number of the central abuse hotline.

562 (2) Post in a prominent place at each school site and on  
563 each school's Internet website, if available, the policies and  
564 procedures for reporting alleged misconduct by instructional  
565 personnel or school administrators which affects the health,  
566 safety, or welfare of a student; the contact person to whom the  
567 report is made; and the penalties imposed on instructional  
568 personnel or school administrators who fail to report suspected  
569 or actual child abuse or alleged misconduct by other  
570 instructional personnel or school administrators.

571 (3) Require the principal of the charter school or private  
572 school, or the district school superintendent, or the  
573 superintendent's designee, at the request of the Department of  
574 Children and Families, to act as a liaison to the Department of  
575 Children and Families and the child protection team, as defined  
576 in s. 39.01, when in a case of suspected child abuse,  
577 abandonment, or neglect or an unlawful sexual offense involving  
578 a child the case is referred to such a team; except that this  
579 does not relieve or restrict the Department of Children and  
580 Families from discharging its duty and responsibility under the

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581 law to investigate and report every suspected or actual case of  
582 child abuse, abandonment, or neglect or unlawful sexual offense  
583 involving a child.

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

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

590 2. Instructions to call 911 for emergencies; and

591 3. Directions for accessing the Department of Children and  
592 Families Internet website for more information on reporting  
593 abuse, neglect, and exploitation.

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

598  
599 The Department of Education shall develop, and publish on the  
600 department's Internet website, sample notices suitable for  
601 posting in accordance with subsections (1), (2), and (4).

602 Section 8. Section 1012.315, Florida Statutes, is amended  
603 to read:

604 1012.315 Disqualification from employment.—A person is  
605 ineligible for educator certification, and instructional  
606 personnel and school administrators, as defined in s. 1012.01,  
607 are ineligible for employment in any position that requires  
608 direct contact with students in a district school system,  
609 charter school, or private school that accepts scholarship

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610 students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or  
611 another state scholarship program under chapter 1002, if the  
612 person, instructional personnel, or school administrator has  
613 been convicted of:

614 (1) Any felony offense prohibited under any of the  
615 following statutes:

616 (a) Section 393.135, relating to sexual misconduct with  
617 certain developmentally disabled clients and reporting of such  
618 sexual misconduct.

619 (b) Section 394.4593, relating to sexual misconduct with  
620 certain mental health patients and reporting of such sexual  
621 misconduct.

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

624 (d) Section 782.04, relating to murder.

625 (e) Section 782.07, relating to manslaughter, aggravated  
626 manslaughter of an elderly person or disabled adult, aggravated  
627 manslaughter of a child, or aggravated manslaughter of an  
628 officer, a firefighter, an emergency medical technician, or a  
629 paramedic.

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

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

632 (h) Section 784.075, relating to battery on a detention or  
633 commitment facility staff member or a juvenile probation  
634 officer.

635 (i) Section 787.01, relating to kidnapping.

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

637 (k) Section 787.025, relating to luring or enticing a  
638 child.

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639 (l) Section 787.04(2), relating to leading, taking,  
640 enticing, or removing a minor beyond the state limits, or  
641 concealing the location of a minor, with criminal intent pending  
642 custody proceedings.

643 (m) Section 787.04(3), relating to leading, taking,  
644 enticing, or removing a minor beyond the state limits, or  
645 concealing the location of a minor, with criminal intent pending  
646 dependency proceedings or proceedings concerning alleged abuse  
647 or neglect of a minor.

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

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

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

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

658 (r) Section 794.05, relating to unlawful sexual activity  
659 with certain minors.

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

661 (t) Chapter 796, relating to prostitution.

662 (u) Chapter 800, relating to lewdness and indecent  
663 exposure.

664 (v) Section 806.01, relating to arson.

665 (w) Section 810.14, relating to voyeurism.

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

667 (y) Section 812.014(6), relating to coordinating the

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668 commission of theft in excess of \$3,000.

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

671 (aa) Section 812.019, relating to dealing in stolen  
672 property.

673 (bb) Section 812.13, relating to robbery.

674 (cc) Section 812.131, relating to robbery by sudden  
675 snatching.

676 (dd) Section 812.133, relating to carjacking.

677 (ee) Section 812.135, relating to home-invasion robbery.

678 (ff) Section 817.563, relating to fraudulent sale of  
679 controlled substances.

680 (gg) Section 825.102, relating to abuse, aggravated abuse,  
681 or neglect of an elderly person or disabled adult.

682 (hh) Section 825.103, relating to exploitation of an  
683 elderly person or disabled adult.

684 (ii) Section 825.1025, relating to lewd or lascivious  
685 offenses committed upon or in the presence of an elderly person  
686 or disabled person.

687 (jj) Section 826.04, relating to incest.

688 (kk) Section 827.03, relating to child abuse, aggravated  
689 child abuse, or neglect of a child.

690 (ll) Section 827.04, relating to contributing to the  
691 delinquency or dependency of a child.

692 (mm) Section 827.071, relating to sexual performance by a  
693 child.

694 (nn) Section 843.01, relating to resisting arrest with  
695 violence.

696 (oo) Chapter 847, relating to obscenity.



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697 (pp) Section 874.05, relating to causing, encouraging,  
698 soliciting, or recruiting another to join a criminal street  
699 gang.

700 (qq) Chapter 893, relating to drug abuse prevention and  
701 control, if the offense was a felony of the second degree or  
702 greater severity.

703 (rr) Section 916.1075, relating to sexual misconduct with  
704 certain forensic clients and reporting of such sexual  
705 misconduct.

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

708 (tt) Section 985.701, relating to sexual misconduct in  
709 juvenile justice programs.

710 (uu) Section 985.711, relating to introduction, removal, or  
711 possession of contraband at a juvenile detention facility or  
712 commitment program.

713 (2) Any misdemeanor offense prohibited under any of the  
714 following statutes:

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

717 (b) Section 787.025, relating to luring or enticing a  
718 child.

719 (3) Any criminal act committed in another state or under  
720 federal law which, if committed in this state, constitutes an  
721 offense prohibited under any statute listed in subsection (1) or  
722 subsection (2).

723 (4) Any delinquent act committed in this state or any  
724 delinquent or criminal act committed in another state or under  
725 federal law which, if committed in this state, qualifies an

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726 individual for inclusion on the Registered Juvenile Sex Offender  
727 List under s. 943.0435(1)(h)1.d.

728 Section 9. Paragraph (e) of subsection (1) of section  
729 1012.796, Florida Statutes, is amended to read:

730 1012.796 Complaints against teachers and administrators;  
731 procedure; penalties.—

732 (1)

733 (e) If allegations arise against an employee who is  
734 certified under s. 1012.56 and employed in an educator-  
735 certificated position in any public school, charter school or  
736 governing board thereof, or private school that accepts  
737 scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s.  
738 1002.395, or another state scholarship program under chapter  
739 1002, the school shall file in writing with the department a  
740 legally sufficient complaint within 30 days after the date on  
741 which the subject matter of the complaint came to the attention  
742 of the school. A complaint is legally sufficient if it contains  
743 ultimate facts that show a violation has occurred as provided in  
744 s. 1012.795 and defined by rule of the State Board of Education.  
745 The school shall include all known information relating to the  
746 complaint with the filing of the complaint. This paragraph does  
747 not limit or restrict the power and duty of the department to  
748 investigate complaints, regardless of the school's untimely  
749 filing, or failure to file, complaints and followup reports.

750 Section 10. This act shall take effect July 1, 2018.