

By Senator Simmons

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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~~

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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.

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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:

9-01330-18

20181756__

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

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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

9-01330-18

20181756__

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.

9-01330-18

20181756__

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

9-01330-18

20181756__

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.