

By Senator Farmer

34-01546-18

20181848__

1 A bill to be entitled
 2 An act relating to the Florida Tax Credit Scholarship
 3 Program; repealing s. 1002.395, F.S., relating to the
 4 Florida Tax Credit Scholarship Program; repealing ss.
 5 211.0251, 212.1831, 220.1875, 561.1211, and 624.51055,
 6 F.S., relating to credit for contributions to eligible
 7 nonprofit scholarship-funding organizations; amending
 8 ss. 11.45, 213.053, 220.02, 220.13, 220.186, 1001.10,
 9 1002.20, 1002.23, 1002.385, 1002.39, 1002.421,
 10 1006.061, 1012.315, and 1012.796, F.S.; conforming
 11 provisions to changes made by the act; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 1002.395, Florida Statutes, is repealed.
 17 Section 2. Section 211.0251, Florida Statutes, is repealed.
 18 Section 3. Section 212.1831, Florida Statutes, is repealed.
 19 Section 4. Section 220.1875, Florida Statutes, is repealed.
 20 Section 5. Section 561.1211, Florida Statutes, is repealed.
 21 Section 6. Section 624.51055, Florida Statutes, is
 22 repealed.

23 Section 7. Paragraph (k) of subsection (2) and subsection
 24 (8) of section 11.45, Florida Statutes, are amended to read:
 25 11.45 Definitions; duties; authorities; reports; rules.—
 26 (2) DUTIES.—The Auditor General shall:
 27 ~~(k) Annually conduct operational audits of the accounts and~~
 28 ~~records of eligible nonprofit scholarship-funding organizations~~
 29 ~~receiving eligible contributions under s. 1002.395, including~~

34-01546-18

20181848__

30 ~~any contracts for services with related entities, to determine~~
31 ~~compliance with the provisions of that section. Such audits~~
32 ~~shall include, but not be limited to, a determination of the~~
33 ~~eligible nonprofit scholarship funding organization's compliance~~
34 ~~with s. 1002.395(6)(j). The Auditor General shall provide its~~
35 ~~report on the results of the audits to the Governor, the~~
36 ~~President of the Senate, the Speaker of the House of~~
37 ~~Representatives, the Chief Financial Officer, and the~~
38 ~~Legislative Auditing Committee, within 30 days of completion of~~
39 ~~the audit.~~

40
41 The Auditor General shall perform his or her duties
42 independently but under the general policies established by the
43 Legislative Auditing Committee. This subsection does not limit
44 the Auditor General's discretionary authority to conduct other
45 audits or engagements of governmental entities as authorized in
46 subsection (3).

47 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
48 consultation with the Board of Accountancy, shall adopt rules
49 for the form and conduct of all financial audits performed by
50 independent certified public accountants pursuant to ss.
51 215.981, 218.39, 1001.453, ~~1002.395~~, 1004.28, and 1004.70. The
52 rules for audits of local governmental entities, charter
53 schools, charter technical career centers, and district school
54 boards must include, but are not limited to, requirements for
55 the reporting of information necessary to carry out the purposes
56 of the Local Governmental Entity, Charter School, Charter
57 Technical Career Center, and District School Board Financial
58 Emergencies Act as stated in s. 218.501.

34-01546-18

20181848__

59 Section 8. Paragraph (s) of subsection (8) of section
60 213.053, Florida Statutes, is amended to read:

61 213.053 Confidentiality and information sharing.—

62 (8) Notwithstanding any other provision of this section,
63 the department may provide:

64 ~~(s) Information relative to ss. 211.0251, 212.1831,~~
65 ~~220.1875, 561.1211, 624.51055, and 1002.395 to the Department of~~
66 ~~Education and the Division of Alcoholic Beverages and Tobacco in~~
67 ~~the conduct of official business.~~

68
69 Disclosure of information under this subsection shall be
70 pursuant to a written agreement between the executive director
71 and the agency. Such agencies, governmental or nongovernmental,
72 shall be bound by the same requirements of confidentiality as
73 the Department of Revenue. Breach of confidentiality is a
74 misdemeanor of the first degree, punishable as provided by s.
75 775.082 or s. 775.083.

76 Section 9. Subsection (8) of section 220.02, Florida
77 Statutes, is amended to read:

78 220.02 Legislative intent.—

79 (8) It is the intent of the Legislature that credits
80 against either the corporate income tax or the franchise tax be
81 applied in the following order: those enumerated in s. 631.828,
82 those enumerated in s. 220.191, those enumerated in s. 220.181,
83 those enumerated in s. 220.183, those enumerated in s. 220.182,
84 those enumerated in s. 220.1895, those enumerated in s. 220.195,
85 those enumerated in s. 220.184, those enumerated in s. 220.186,
86 those enumerated in s. 220.1845, those enumerated in s. 220.19,
87 those enumerated in s. 220.185, ~~those enumerated in s. 220.1875,~~

34-01546-18

20181848__

88 those enumerated in s. 220.192, those enumerated in s. 220.193,
89 those enumerated in s. 288.9916, those enumerated in s.
90 220.1899, those enumerated in s. 220.194, and those enumerated
91 in s. 220.196.

92 Section 10. Paragraph (a) of subsection (1) of section
93 220.13, Florida Statutes, is amended to read:

94 220.13 "Adjusted federal income" defined.—

95 (1) The term "adjusted federal income" means an amount
96 equal to the taxpayer's taxable income as defined in subsection
97 (2), or such taxable income of more than one taxpayer as
98 provided in s. 220.131, for the taxable year, adjusted as
99 follows:

100 (a) *Additions*.—There shall be added to such taxable income:

101 1. The amount of any tax upon or measured by income,
102 excluding taxes based on gross receipts or revenues, paid or
103 accrued as a liability to the District of Columbia or any state
104 of the United States which is deductible from gross income in
105 the computation of taxable income for the taxable year.

106 2. The amount of interest which is excluded from taxable
107 income under s. 103(a) of the Internal Revenue Code or any other
108 federal law, less the associated expenses disallowed in the
109 computation of taxable income under s. 265 of the Internal
110 Revenue Code or any other law, excluding 60 percent of any
111 amounts included in alternative minimum taxable income, as
112 defined in s. 55(b)(2) of the Internal Revenue Code, if the
113 taxpayer pays tax under s. 220.11(3).

114 3. In the case of a regulated investment company or real
115 estate investment trust, an amount equal to the excess of the
116 net long-term capital gain for the taxable year over the amount

34-01546-18

20181848__

117 of the capital gain dividends attributable to the taxable year.

118 4. That portion of the wages or salaries paid or incurred
119 for the taxable year which is equal to the amount of the credit
120 allowable for the taxable year under s. 220.181. This
121 subparagraph shall expire on the date specified in s. 290.016
122 for the expiration of the Florida Enterprise Zone Act.

123 5. That portion of the ad valorem school taxes paid or
124 incurred for the taxable year which is equal to the amount of
125 the credit allowable for the taxable year under s. 220.182. This
126 subparagraph shall expire on the date specified in s. 290.016
127 for the expiration of the Florida Enterprise Zone Act.

128 6. The amount taken as a credit under s. 220.195 which is
129 deductible from gross income in the computation of taxable
130 income for the taxable year.

131 7. That portion of assessments to fund a guaranty
132 association incurred for the taxable year which is equal to the
133 amount of the credit allowable for the taxable year.

134 8. In the case of a nonprofit corporation which holds a
135 pari-mutuel permit and which is exempt from federal income tax
136 as a farmers' cooperative, an amount equal to the excess of the
137 gross income attributable to the pari-mutuel operations over the
138 attributable expenses for the taxable year.

139 9. The amount taken as a credit for the taxable year under
140 s. 220.1895.

141 10. Up to nine percent of the eligible basis of any
142 designated project which is equal to the credit allowable for
143 the taxable year under s. 220.185.

144 ~~11. The amount taken as a credit for the taxable year under~~
145 ~~s. 220.1875. The addition in this subparagraph is intended to~~

34-01546-18

20181848__

146 ~~ensure that the same amount is not allowed for the tax purposes~~
147 ~~of this state as both a deduction from income and a credit~~
148 ~~against the tax. This addition is not intended to result in~~
149 ~~adding the same expense back to income more than once.~~

150 11.12. The amount taken as a credit for the taxable year
151 under s. 220.192.

152 12.13. The amount taken as a credit for the taxable year
153 under s. 220.193.

154 13.14. Any portion of a qualified investment, as defined in
155 s. 288.9913, which is claimed as a deduction by the taxpayer and
156 taken as a credit against income tax pursuant to s. 288.9916.

157 14.15. The costs to acquire a tax credit pursuant to s.
158 288.1254(5) that are deducted from or otherwise reduce federal
159 taxable income for the taxable year.

160 15.16. The amount taken as a credit for the taxable year
161 pursuant to s. 220.194.

162 16.17. The amount taken as a credit for the taxable year
163 under s. 220.196. The addition in this subparagraph is intended
164 to ensure that the same amount is not allowed for the tax
165 purposes of this state as both a deduction from income and a
166 credit against the tax. The addition is not intended to result
167 in adding the same expense back to income more than once.

168 Section 11. Subsection (2) of section 220.186, Florida
169 Statutes, is amended to read:

170 220.186 Credit for Florida alternative minimum tax.—

171 (2) The credit pursuant to this section shall be the amount
172 of the excess, if any, of the tax paid based upon taxable income
173 determined pursuant to s. 220.13(2)(k) over the amount of tax
174 which would have been due based upon taxable income without

34-01546-18

20181848__

175 application of s. 220.13(2)(k), ~~before application of this~~
176 ~~credit without application of any credit under s. 220.1875.~~

177 Section 12. Subsections (4) and (5) of section 1001.10,
178 Florida Statutes, are amended to read:

179 1001.10 Commissioner of Education; general powers and
180 duties.—

181 (4) The Department of Education shall provide technical
182 assistance to school districts, charter schools, the Florida
183 School for the Deaf and the Blind, and private schools that
184 accept scholarship students under s. 1002.39 ~~or s. 1002.395~~ in
185 the development of policies, procedures, and training related to
186 employment practices and standards of ethical conduct for
187 instructional personnel and school administrators, as defined in
188 s. 1012.01.

189 (5) The Department of Education shall provide authorized
190 staff of school districts, charter schools, the Florida School
191 for the Deaf and the Blind, and private schools that accept
192 scholarship students under s. 1002.39 ~~or s. 1002.395~~ with access
193 to electronic verification of information from the following
194 employment screening tools:

195 (a) The Professional Practices' Database of Disciplinary
196 Actions Against Educators; and

197 (b) The Department of Education's Teacher Certification
198 Database.

199

200 This subsection does not require the department to provide these
201 staff with unlimited access to the databases. However, the
202 department shall provide the staff with access to the data
203 necessary for performing employment history checks of the

34-01546-18

20181848__

204 instructional personnel and school administrators included in
205 the databases.

206 Section 13. Paragraph (b) of subsection (6) of section
207 1002.20, Florida Statutes, is amended to read:

208 1002.20 K-12 student and parent rights.—Parents of public
209 school students must receive accurate and timely information
210 regarding their child’s academic progress and must be informed
211 of ways they can help their child to succeed in school. K-12
212 students and their parents are afforded numerous statutory
213 rights including, but not limited to, the following:

214 (6) EDUCATIONAL CHOICE.—

215 (b) *Private educational choices*.—Parents of public school
216 students may seek private educational choice options under
217 certain programs.

218 1. Under the McKay Scholarships for Students with
219 Disabilities Program, the parent of a public school student with
220 a disability may request and receive a McKay Scholarship for the
221 student to attend a private school in accordance with s.
222 1002.39.

223 ~~2. Under the Florida Tax Credit Scholarship Program, the~~
224 ~~parent of a student who qualifies for free or reduced-price~~
225 ~~school lunch or who is currently placed, or during the previous~~
226 ~~state fiscal year was placed, in foster care as defined in s.~~
227 ~~39.01 may seek a scholarship from an eligible nonprofit~~
228 ~~scholarship-funding organization in accordance with s. 1002.395.~~

229 2.3. Under the Florida Personal Learning Scholarship
230 Accounts Program, the parent of a student with a qualifying
231 disability may apply for a personal learning scholarship to be
232 used for individual educational needs in accordance with s.

34-01546-18

20181848__

233 1002.385.

234 Section 14. Subsection (2) of section 1002.23, Florida
235 Statutes, is amended to read:

236 1002.23 Family and School Partnership for Student
237 Achievement Act.—

238 (2) To facilitate meaningful parent and family involvement,
239 the Department of Education shall develop guidelines for a
240 parent guide to successful student achievement which describes
241 what parents need to know about their child's educational
242 progress and how they can help their child to succeed in school.
243 The guidelines shall include, but need not be limited to:

244 (a) Parental information regarding:

245 1. Requirements for their child to be promoted to the next
246 grade, as provided for in s. 1008.25;

247 2. Progress of their child toward achieving state and
248 district expectations for academic proficiency;

249 3. Assessment results, including report cards and progress
250 reports;

251 4. Qualifications of their child's teachers; and

252 5. School entry requirements, including required
253 immunizations and the recommended immunization schedule;

254 (b) Services available for parents and their children, such
255 as family literacy services; mentoring, tutorial, and other
256 academic reinforcement programs; college planning, academic
257 advisement, and student counseling services; and after-school
258 programs;

259 (c) Opportunities for parental participation, such as
260 parenting classes, adult education, school advisory councils,
261 and school volunteer programs;

34-01546-18

20181848__

262 (d) Opportunities for parents to learn about rigorous
 263 academic programs that may be available for their child, such as
 264 honors programs, dual enrollment, advanced placement,
 265 International Baccalaureate, International General Certificate
 266 of Secondary Education (pre-AICE), Advanced International
 267 Certificate of Education, Florida Virtual High School courses,
 268 and accelerated access to postsecondary education;

269 (e) Educational choices, as provided for in s. 1002.20(6)~~7~~
 270 and ~~Florida tax credit scholarships, as provided for in s.~~
 271 ~~1002.395;~~

272 (f) Classroom and test accommodations available for
 273 students with disabilities;

274 (g) School board rules, policies, and procedures for
 275 student promotion and retention, academic standards, student
 276 assessment, courses of study, instructional materials, and
 277 contact information for school and district offices; and

278 (h) Resources for information on student health and other
 279 available resources for parents.

280 Section 15. Paragraphs (e) and (g) of subsection (2),
 281 paragraph (b) of subsection (3), paragraph (c) of subsection
 282 (4), paragraph (e) of subsection (8), paragraph (c) of
 283 subsection (9), and paragraph (g) of subsection (13) of section
 284 1002.385, Florida Statutes, are amended to read:

285 1002.385 The Gardiner Scholarship.—

286 (2) DEFINITIONS.—As used in this section, the term:

287 ~~(c) "Eligible nonprofit scholarship funding organization"~~
 288 ~~or "organization" means a nonprofit scholarship funding~~
 289 ~~organization that is approved pursuant to s. 1002.395(16).~~

290 (f)~~(g)~~ "Eligible private school" means a private school, as

34-01546-18

20181848__

291 defined in s. 1002.01, which is located in this state, which
292 offers an education to students in any grade from kindergarten
293 to grade 12, and which meets the requirements of:

294 1. Sections 1002.42 and 1002.421; and

295 2. A scholarship program under s. 1002.39 ~~or s. 1002.395,~~
296 ~~as applicable,~~ if the private school participates in a
297 scholarship program under s. 1002.39 ~~or s. 1002.395.~~

298 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
299 disability may request and receive from the state a Gardiner
300 Scholarship for the purposes specified in subsection (5) if:

301 (b) The parent has applied to an eligible nonprofit
302 scholarship-funding organization to participate in the program
303 by February 1 before the school year in which the student will
304 participate or an alternative date as set by the organization
305 for any vacant, funded slots. The request must be communicated
306 directly to the organization in a manner that creates a written
307 or electronic record of the request and the date of receipt of
308 the request. In addition to the application and any
309 documentation required by the organization or by State Board of
310 Education rule, the parent may submit a final verification
311 document pursuant to this paragraph to receive scholarship funds
312 in the student's account before the department confirms program
313 eligibility pursuant to paragraph (9)(e). The final verification
314 document must consist of one of the following items applicable
315 to the student:

316 1. A completed withdrawal form from the school district, if
317 the student was enrolled in a public school before the
318 determination of program eligibility.

319 2. A letter of admission or enrollment from an eligible

34-01546-18

20181848__

320 private school for the fiscal year in which the student wishes
321 to participate and, if applicable, a copy of the notification
322 from the private school that the student has withdrawn from the
323 John M. McKay Scholarships for Students with Disabilities
324 Program ~~or the Florida Tax Credit Scholarship Program.~~

325 3. A copy of the notice of the parent's intent to establish
326 and maintain a home education program required by s.
327 1002.41(1)(a) or the annual educational evaluation of the
328 student in a home education program, which is required by s.
329 1002.41(2).

330 (4) PROGRAM PROHIBITIONS.—A student is not eligible for the
331 program if he or she is:

332 (c) Receiving a scholarship pursuant to ~~the Florida Tax~~
333 ~~Credit Scholarship Program under s. 1002.395~~ or the John M.
334 McKay Scholarships for Students with Disabilities Program under
335 s. 1002.39.

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

338 (e) Provide a report from an independent certified public
339 accountant ~~who performs the agreed-upon procedures developed~~
340 ~~under s. 1002.395(6)(e)~~ if the private school receives more than
341 \$250,000 in funds from scholarships awarded under this section
342 in a state fiscal year. A private school subject to this
343 paragraph must annually submit the report by September 15 to the
344 organization that awarded the majority of the school's
345 scholarship funds. ~~The agreed-upon procedures must be conducted~~
346 ~~in accordance with attestation standards established by the~~
347 ~~American Institute of Certified Public Accountants.~~

348

34-01546-18

20181848__

349 If a private school is unable to meet the requirements of this
350 subsection or has consecutive years of material exceptions
351 listed in the report required under paragraph (e), the
352 commissioner may determine that the private school is ineligible
353 to participate in the program.

354 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
355 shall:

356 (c) Investigate any written complaint of a violation of
357 this section by a parent, a student, a private school, a public
358 school or a school district, an organization, a provider, or
359 another appropriate party ~~in accordance with the process~~
360 ~~established by s. 1002.395(9)(f).~~

361 (13) FUNDING AND PAYMENT.—

362 (g) In addition to funds appropriated for scholarship
363 awards and subject to a separate, specific legislative
364 appropriation, an organization may receive an amount equivalent
365 to not more than 3 percent of the amount of each scholarship
366 award from state funds for administrative expenses if the
367 organization has operated as a nonprofit entity for at least the
368 preceding 3 fiscal years and did not have any findings of
369 material weakness or material noncompliance in its most recent
370 audit ~~under s. 1002.395(6)(m)~~. Such administrative expenses must
371 be reasonable and necessary for the organization's management
372 and distribution of scholarships under this section. Funds
373 authorized under this paragraph may not be used for lobbying or
374 political activity or expenses related to lobbying or political
375 activity. An organization may not charge an application fee for
376 a scholarship. Administrative expenses may not be deducted from
377 funds appropriated for scholarship awards.

34-01546-18

20181848__

378 Section 16. Subsection (3) of section 1002.39, Florida
379 Statutes, is amended to read:

380 1002.39 The John M. McKay Scholarships for Students with
381 Disabilities Program.—There is established a program that is
382 separate and distinct from the Opportunity Scholarship Program
383 and is named the John M. McKay Scholarships for Students with
384 Disabilities Program.

385 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
386 not eligible for a John M. McKay Scholarship:

387 (a) While he or she is enrolled in a school operating for
388 the purpose of providing educational services to youth in
389 Department of Juvenile Justice commitment programs;

390 ~~(b) While he or she is receiving a Florida tax credit~~
391 ~~scholarship under s. 1002.395;~~

392 (b)~~(e)~~ While he or she is receiving an educational
393 scholarship pursuant to this chapter;

394 (c)~~(d)~~ While he or she is participating in a home education
395 program as defined in s. 1002.01(1);

396 (d)~~(e)~~ While he or she is participating in a private
397 tutoring program pursuant to s. 1002.43;

398 (e)~~(f)~~ While he or she is participating in a virtual
399 school, correspondence school, or distance learning program that
400 receives state funding pursuant to the student's participation
401 unless the participation is limited to no more than two courses
402 per school year;

403 (f)~~(g)~~ While he or she is enrolled in the Florida School
404 for the Deaf and the Blind;

405 (g)~~(h)~~ While he or she is not having regular and direct
406 contact with his or her private school teachers at the school's

34-01546-18

20181848__

407 physical location unless he or she is enrolled in the private
408 school's transition-to-work program pursuant to subsection (10);
409 or

410 (h)~~(i)~~ If he or she has been issued a temporary 504
411 accommodation plan under s. 504 of the Rehabilitation Act of
412 1973 which is valid for 6 months or less.

413 Section 17. Subsections (1) and (4) of section 1002.421,
414 Florida Statutes, are amended to read:

415 1002.421 Accountability of private schools participating in
416 state school choice scholarship programs.—

417 (1) A Florida private school participating in ~~the Florida~~
418 ~~Tax Credit Scholarship Program established pursuant to s.~~
419 ~~1002.395~~ or an educational scholarship program established
420 pursuant to this chapter must comply with all requirements of
421 this section in addition to private school requirements outlined
422 in s. 1002.42, specific requirements identified within
423 respective scholarship program laws, and other provisions of
424 Florida law that apply to private schools.

425 (4) A private school that accepts scholarship students
426 under s. 1002.39 ~~or s. 1002.395~~ must:

427 (a) Disqualify instructional personnel and school
428 administrators, as defined in s. 1012.01, from employment in any
429 position that requires direct contact with students if the
430 personnel or administrators are ineligible for such employment
431 under s. 1012.315.

432 (b) Adopt policies establishing standards of ethical
433 conduct for instructional personnel and school administrators.
434 The policies must require all instructional personnel and school
435 administrators, as defined in s. 1012.01, to complete training

34-01546-18

20181848__

436 on the standards; establish the duty of instructional personnel
437 and school administrators to report, and procedures for
438 reporting, alleged misconduct by other instructional personnel
439 and school administrators which affects the health, safety, or
440 welfare of a student; and include an explanation of the
441 liability protections provided under ss. 39.203 and 768.095. A
442 private school, or any of its employees, may not enter into a
443 confidentiality agreement regarding terminated or dismissed
444 instructional personnel or school administrators, or personnel
445 or administrators who resign in lieu of termination, based in
446 whole or in part on misconduct that affects the health, safety,
447 or welfare of a student, and may not provide the instructional
448 personnel or school administrators with employment references or
449 discuss the personnel's or administrators' performance with
450 prospective employers in another educational setting, without
451 disclosing the personnel's or administrators' misconduct. Any
452 part of an agreement or contract that has the purpose or effect
453 of concealing misconduct by instructional personnel or school
454 administrators which affects the health, safety, or welfare of a
455 student is void, is contrary to public policy, and may not be
456 enforced.

457 (c) Before employing instructional personnel or school
458 administrators in any position that requires direct contact with
459 students, conduct employment history checks of each of the
460 personnel's or administrators' previous employers, screen the
461 personnel or administrators through use of the educator
462 screening tools described in s. 1001.10(5), and document the
463 findings. If unable to contact a previous employer, the private
464 school must document efforts to contact the employer.

34-01546-18

20181848__

465

466 The department shall suspend the payment of funds under s.
467 1002.39 ~~ss. 1002.39 and 1002.395~~ to a private school that
468 knowingly fails to comply with this subsection, and shall
469 prohibit the school from enrolling new scholarship students, for
470 1 fiscal year and until the school complies.

471 Section 18. Section 1006.061, Florida Statutes, is amended
472 to read:

473 1006.061 Child abuse, abandonment, and neglect policy.—Each
474 district school board, charter school, and private school that
475 accepts scholarship students under s. 1002.39 ~~or s. 1002.395~~
476 shall:

477 (1) Post in a prominent place in each school a notice that,
478 pursuant to chapter 39, all employees and agents of the district
479 school board, charter school, or private school have an
480 affirmative duty to report all actual or suspected cases of
481 child abuse, abandonment, or neglect; have immunity from
482 liability if they report such cases in good faith; and have a
483 duty to comply with child protective investigations and all
484 other provisions of law relating to child abuse, abandonment,
485 and neglect. The notice shall also include the statewide toll-
486 free telephone number of the central abuse hotline.

487 (2) Post in a prominent place at each school site and on
488 each school's Internet website, if available, the policies and
489 procedures for reporting alleged misconduct by instructional
490 personnel or school administrators which affects the health,
491 safety, or welfare of a student; the contact person to whom the
492 report is made; and the penalties imposed on instructional
493 personnel or school administrators who fail to report suspected

34-01546-18

20181848__

494 or actual child abuse or alleged misconduct by other
495 instructional personnel or school administrators.

496 (3) Require the principal of the charter school or private
497 school, or the district school superintendent, or the
498 superintendent's designee, at the request of the Department of
499 Children and Families, to act as a liaison to the Department of
500 Children and Families and the child protection team, as defined
501 in s. 39.01, when in a case of suspected child abuse,
502 abandonment, or neglect or an unlawful sexual offense involving
503 a child the case is referred to such a team; except that this
504 does not relieve or restrict the Department of Children and
505 Families from discharging its duty and responsibility under the
506 law to investigate and report every suspected or actual case of
507 child abuse, abandonment, or neglect or unlawful sexual offense
508 involving a child.

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

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

515 2. Instructions to call 911 for emergencies; and

516 3. Directions for accessing the Department of Children and
517 Families Internet website for more information on reporting
518 abuse, neglect, and exploitation.

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

34-01546-18

20181848__

523

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

527 Section 19. Section 1012.315, Florida Statutes, is amended
528 to read:

529 1012.315 Disqualification from employment.—A person is
530 ineligible for educator certification, and instructional
531 personnel and school administrators, as defined in s. 1012.01,
532 are ineligible for employment in any position that requires
533 direct contact with students in a district school system,
534 charter school, or private school that accepts scholarship
535 students under s. 1002.39 ~~or s. 1002.395~~, if the person,
536 instructional personnel, or school administrator has been
537 convicted of:

538 (1) Any felony offense prohibited under any of the
539 following statutes:

540 (a) Section 393.135, relating to sexual misconduct with
541 certain developmentally disabled clients and reporting of such
542 sexual misconduct.

543 (b) Section 394.4593, relating to sexual misconduct with
544 certain mental health patients and reporting of such sexual
545 misconduct.

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

548 (d) Section 782.04, relating to murder.

549 (e) Section 782.07, relating to manslaughter, aggravated
550 manslaughter of an elderly person or disabled adult, aggravated
551 manslaughter of a child, or aggravated manslaughter of an

34-01546-18

20181848__

552 officer, a firefighter, an emergency medical technician, or a
553 paramedic.

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

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

556 (h) Section 784.075, relating to battery on a detention or
557 commitment facility staff member or a juvenile probation
558 officer.

559 (i) Section 787.01, relating to kidnapping.

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

561 (k) Section 787.025, relating to luring or enticing a
562 child.

563 (l) Section 787.04(2), relating to leading, taking,
564 enticing, or removing a minor beyond the state limits, or
565 concealing the location of a minor, with criminal intent pending
566 custody proceedings.

567 (m) Section 787.04(3), relating to leading, taking,
568 enticing, or removing a minor beyond the state limits, or
569 concealing the location of a minor, with criminal intent pending
570 dependency proceedings or proceedings concerning alleged abuse
571 or neglect of a minor.

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

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

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

579 (q) Former s. 794.041, relating to sexual activity with or
580 solicitation of a child by a person in familial or custodial

34-01546-18

20181848__

581 authority.

582 (r) Section 794.05, relating to unlawful sexual activity
583 with certain minors.

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

585 (t) Chapter 796, relating to prostitution.

586 (u) Chapter 800, relating to lewdness and indecent
587 exposure.

588 (v) Section 806.01, relating to arson.

589 (w) Section 810.14, relating to voyeurism.

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

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

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

595 (aa) Section 812.019, relating to dealing in stolen
596 property.

597 (bb) Section 812.13, relating to robbery.

598 (cc) Section 812.131, relating to robbery by sudden
599 snatching.

600 (dd) Section 812.133, relating to carjacking.

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

602 (ff) Section 817.563, relating to fraudulent sale of
603 controlled substances.

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

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

608 (ii) Section 825.1025, relating to lewd or lascivious
609 offenses committed upon or in the presence of an elderly person

34-01546-18

20181848__

610 or disabled person.

611 (jj) Section 826.04, relating to incest.

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

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

616 (mm) Section 827.071, relating to sexual performance by a
617 child.

618 (nn) Section 843.01, relating to resisting arrest with
619 violence.

620 (oo) Chapter 847, relating to obscenity.

621 (pp) Section 874.05, relating to causing, encouraging,
622 soliciting, or recruiting another to join a criminal street
623 gang.

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

627 (rr) Section 916.1075, relating to sexual misconduct with
628 certain forensic clients and reporting of such sexual
629 misconduct.

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

632 (tt) Section 985.701, relating to sexual misconduct in
633 juvenile justice programs.

634 (uu) Section 985.711, relating to introduction, removal, or
635 possession of contraband at a juvenile detention facility or
636 commitment program.

637 (2) Any misdemeanor offense prohibited under any of the
638 following statutes:

34-01546-18

20181848__

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

641 (b) Section 787.025, relating to luring or enticing a
642 child.

643 (3) Any criminal act committed in another state or under
644 federal law which, if committed in this state, constitutes an
645 offense prohibited under any statute listed in subsection (1) or
646 subsection (2).

647 (4) Any delinquent act committed in this state or any
648 delinquent or criminal act committed in another state or under
649 federal law which, if committed in this state, qualifies an
650 individual for inclusion on the Registered Juvenile Sex Offender
651 List under s. 943.0435(1)(h)1.d.

652 Section 20. Paragraph (e) of subsection (1) of section
653 1012.796, Florida Statutes, is amended to read:

654 1012.796 Complaints against teachers and administrators;
655 procedure; penalties.-

656 (1)

657 (e) If allegations arise against an employee who is
658 certified under s. 1012.56 and employed in an educator-
659 certificated position in any public school, charter school or
660 governing board thereof, or private school that accepts
661 scholarship students under s. 1002.39 ~~or s. 1002.395~~, the school
662 shall file in writing with the department a legally sufficient
663 complaint within 30 days after the date on which the subject
664 matter of the complaint came to the attention of the school. A
665 complaint is legally sufficient if it contains ultimate facts
666 that show a violation has occurred as provided in s. 1012.795
667 and defined by rule of the State Board of Education. The school

34-01546-18

20181848__

668 shall include all known information relating to the complaint
669 with the filing of the complaint. This paragraph does not limit
670 or restrict the power and duty of the department to investigate
671 complaints, regardless of the school's untimely filing, or
672 failure to file, complaints and followup reports.

673 Section 21. This act shall take effect July 1, 2018.