

1 A bill to be entitled
2 An act relating to educational employees; amending s.
3 1001.10, F.S.; requiring the Department of Education
4 to maintain a disqualification list of certain
5 individuals; requiring the department to provide
6 access to the list to certain staff for specified
7 purposes; amending s. 1001.51, F.S.; providing that a
8 district school superintendent who knowingly fails to
9 investigate an allegation of specified misconduct by
10 certain individuals, rather than instructional
11 personnel or school administrators, forfeits his or
12 her salary for a specified period of time; amending s.
13 1002.33, F.S.; requiring the governing board of a
14 charter school to establish the duty of instructional
15 personnel and school administrators to report
16 specified alleged misconduct by certain individuals;
17 prohibiting a person on the disqualification list from
18 being a charter school employee, contract employee, or
19 governing board member; amending s. 1002.421, F.S.;
20 requiring certain private schools to deny employment
21 to certain individuals; authorizing the Commissioner
22 of Education to permanently revoke an owner's or
23 operator's authority to establish or operate a private
24 school in this state under certain circumstances;
25 conforming a cross-reference; amending s. 1012.315,

26 F.S.; providing that a person on the disqualification
27 list is ineligible for an educator certificate or
28 employment in a position that requires direct contact
29 with students; amending s. 1012.79, F.S.; conforming a
30 cross-reference; amending s. 1012.795, F.S.;
31 authorizing the Education Practices Commission to
32 place certain individuals on the disqualification list
33 under certain circumstances; amending s. 1012.796,
34 F.S.; requiring the department to immediately
35 investigate certain complaints of specified
36 individuals; requiring such complaints to be given
37 priority over other pending complaints; requiring a
38 district school superintendent to immediately suspend
39 certain individuals and take specified action as a
40 results of alleged misconduct; authorizing a panel of
41 the commission to place certain individuals on the
42 disqualification list under certain circumstances;
43 prohibiting an individual on the disqualification list
44 from serving or applying to serve as certain
45 employees; providing criminal penalties; providing an
46 effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsections (4) and (5) of section 1001.10,

51 Florida Statutes, are amended to read:

52 1001.10 Commissioner of Education; general powers and
53 duties.—

54 (4) The Department of Education shall:

55 (a) Provide technical assistance to school districts,
56 charter schools, the Florida School for the Deaf and the Blind,
57 and private schools that accept scholarship students who
58 participate in a state scholarship program under chapter 1002 in
59 the development of policies, procedures, and training related to
60 employment practices and standards of ethical conduct for
61 instructional personnel and school administrators, as defined in
62 s. 1012.01.

63 (b) Maintain a disqualification list, which must include
64 the names of the following individuals:

65 1. Individuals who have been placed on the list by the
66 Education Practices Commission pursuant to s. 1012.796(7)(i) or
67 whose educator certificate has been permanently revoked by a
68 panel of the commission pursuant to s. 1012.796(7)(b); and

69 2. Individuals who were an owner or operator of a private
70 school whose authority to establish or operate a private school
71 in this state has been permanently denied or revoked by the
72 Commissioner of Education pursuant to s. 1002.421(3)(c).

73 (5) The Department of Education shall provide authorized
74 staff of school districts, charter schools, the Florida School
75 for the Deaf and the Blind, and private schools that accept

76 scholarship students who participate in a state scholarship
77 program under chapter 1002 with access to electronic
78 verification of information from the following employment
79 screening tools:

80 (a) The Professional Practices' Database of Disciplinary
81 Actions Against Educators; ~~and~~

82 (b) The Department of Education's Teacher Certification
83 Database; and

84 (c) The Department of Education's disqualification list.

85
86 This subsection does not require the department to provide these
87 staff with unlimited access to the databases. However, the
88 department shall provide the staff with access to the data
89 necessary for performing employment history checks of the
90 instructional personnel and school administrators included in
91 the databases.

92 Section 2. Subsection (12) of section 1001.51, Florida
93 Statutes, is amended to read:

94 1001.51 Duties and responsibilities of district school
95 superintendent.—The district school superintendent shall
96 exercise all powers and perform all duties listed below and
97 elsewhere in the law, provided that, in so doing, he or she
98 shall advise and counsel with the district school board. The
99 district school superintendent shall perform all tasks necessary
100 to make sound recommendations, nominations, proposals, and

101 reports required by law to be acted upon by the district school
102 board. All such recommendations, nominations, proposals, and
103 reports by the district school superintendent shall be either
104 recorded in the minutes or shall be made in writing, noted in
105 the minutes, and filed in the public records of the district
106 school board. It shall be presumed that, in the absence of the
107 record required in this section, the recommendations,
108 nominations, and proposals required of the district school
109 superintendent were not contrary to the action taken by the
110 district school board in such matters.

111 (12) RECORDS AND REPORTS.—Recommend such records as should
112 be kept in addition to those prescribed by rules of the State
113 Board of Education; prepare forms for keeping such records as
114 are approved by the district school board; ensure that such
115 records are properly kept; and make all reports that are needed
116 or required, as follows:

117 (a) Forms, blanks, and reports.—Require that all employees
118 accurately keep all records and promptly make in proper form all
119 reports required by the education code or by rules of the State
120 Board of Education; recommend the keeping of such additional
121 records and the making of such additional reports as may be
122 deemed necessary to provide data essential for the operation of
123 the school system; and prepare such forms and blanks as may be
124 required and ensure that these records and reports are properly
125 prepared.

126 (b) Reports to the department.—Prepare, for the approval
127 of the district school board, all reports required by law or
128 rules of the State Board of Education to be made to the
129 department and transmit promptly all such reports, when
130 approved, to the department, as required by law. If any reports
131 are not transmitted at the time and in the manner prescribed by
132 law or by State Board of Education rules, the salary of the
133 district school superintendent must be withheld until the report
134 has been properly submitted. Unless otherwise provided by rules
135 of the State Board of Education, the annual report on attendance
136 and personnel is due on or before July 1, and the annual school
137 budget and the report on finance are due on the date prescribed
138 by the commissioner.

139

140 Any district school superintendent who knowingly signs and
141 transmits to any state official a report that the superintendent
142 knows to be false or incorrect; who knowingly fails to
143 investigate any allegation of misconduct by an individual
144 subject to the requirements of s. 1012.315 ~~instructional~~
145 ~~personnel or school administrators, as defined in s. 1012.01,~~
146 which affects the health, safety, or welfare of a student; who
147 knowingly fails to report the alleged misconduct to the
148 department as required in s. 1012.796; or who knowingly fails to
149 report misconduct to the law enforcement agencies with
150 jurisdiction over the conduct pursuant to district school board

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151 policy under s. 1001.42(6), forfeits his or her salary for 1
152 year following the date of such act or failure to act.

153 Section 3. Paragraph (g) of subsection (12) of section
154 1002.33, Florida Statutes, is amended to read:

155 1002.33 Charter schools.—

156 (12) EMPLOYEES OF CHARTER SCHOOLS.—

157 (g)1. A charter school shall employ or contract with
158 employees who have undergone background screening as provided in
159 s. 1012.32. Members of the governing board of the charter school
160 shall also undergo background screening in a manner similar to
161 that provided in s. 1012.32. An individual may not be an
162 employee or contract employee of a charter school or a member of
163 a governing board if the individual is on the disqualification
164 list pursuant to s. 1001.10(4)(b).

165 2. A charter school shall disqualify instructional
166 personnel and school administrators, as defined in s. 1012.01,
167 from employment in any position that requires direct contact
168 with students if the personnel or administrators are ineligible
169 for such employment under s. 1012.315.

170 3. The governing board of a charter school shall adopt
171 policies establishing standards of ethical conduct for
172 instructional personnel and school administrators. The policies
173 must require all instructional personnel and school
174 administrators, as defined in s. 1012.01, to complete training
175 on the standards; establish the duty of instructional personnel

176 and school administrators to report, and procedures for
177 reporting, alleged misconduct by an individual subject to the
178 requirements of s. 1012.315 ~~other instructional personnel and~~
179 ~~school administrators~~ which affects the health, safety, or
180 welfare of a student; and include an explanation of the
181 liability protections provided under ss. 39.203 and 768.095. A
182 charter school, or any of its employees, may not enter into a
183 confidentiality agreement regarding terminated or dismissed
184 instructional personnel or school administrators, or personnel
185 or administrators who resign in lieu of termination, based in
186 whole or in part on misconduct that affects the health, safety,
187 or welfare of a student, and may not provide instructional
188 personnel or school administrators with employment references or
189 discuss the personnel's or administrators' performance with
190 prospective employers in another educational setting, without
191 disclosing the personnel's or administrators' misconduct. Any
192 part of an agreement or contract that has the purpose or effect
193 of concealing misconduct by instructional personnel or school
194 administrators which affects the health, safety, or welfare of a
195 student is void, is contrary to public policy, and may not be
196 enforced.

197 4. Before employing instructional personnel or school
198 administrators in any position that requires direct contact with
199 students, a charter school shall conduct employment history
200 checks of each of the personnel's or administrators' previous

201 employers, screen the instructional personnel or school
202 administrators through use of the educator screening tools
203 described in s. 1001.10(5), and document the findings. If unable
204 to contact a previous employer, the charter school must document
205 efforts to contact the employer.

206 5. The sponsor of a charter school that knowingly fails to
207 comply with this paragraph shall terminate the charter under
208 subsection (8).

209 Section 4. Paragraphs (c) and (d) of subsection (3) of
210 section 1002.421, Florida Statutes, are redesignated as
211 paragraphs (d) and (e), respectively, paragraph (o) of
212 subsection (1) and present paragraph (d) of subsection (3) are
213 amended, and a new paragraph (c) is added to subsection (3) of
214 that section, to read:

215 1002.421 State school choice scholarship program
216 accountability and oversight.—

217 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
218 school participating in an educational scholarship program
219 established pursuant to this chapter must be a private school as
220 defined in s. 1002.01(2) in this state, be registered, and be in
221 compliance with all requirements of this section in addition to
222 private school requirements outlined in s. 1002.42, specific
223 requirements identified within respective scholarship program
224 laws, and other provisions of Florida law that apply to private
225 schools, and must:

226 (o) Before employing an individual ~~instructional personnel~~
 227 ~~or school administrators~~ in any position that requires direct
 228 contact with students, conduct employment history checks of each
 229 individual's ~~of the personnel's or administrators'~~ previous
 230 employers, screen the individual ~~personnel or administrators~~
 231 through use of the educator screening tools described in s.
 232 1001.10(5), and document the findings. If unable to contact a
 233 previous employer, the private school must document efforts to
 234 contact the employer. The private school must deny employment to
 235 an individual whose educator certificate is revoked, who is
 236 barred from reapplying for an educator certificate, or who is on
 237 the disqualification list pursuant to s. 1001.10(4)(b).

238
 239 The department shall suspend the payment of funds to a private
 240 school that knowingly fails to comply with this subsection, and
 241 shall prohibit the school from enrolling new scholarship
 242 students, for 1 fiscal year and until the school complies. If a
 243 private school fails to meet the requirements of this subsection
 244 or has consecutive years of material exceptions listed in the
 245 report required under paragraph (q), the commissioner may
 246 determine that the private school is ineligible to participate
 247 in a scholarship program.

248 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

249 The Commissioner of Education:

250 (c) May permanently deny or revoke an owner's or

251 operator's authority to establish or operate a private school in
 252 this state if the commissioner decides that the owner or
 253 operator is operating or has operated an educational institution
 254 in this state or another state or jurisdiction in a manner
 255 contrary to the health, safety, or welfare of the public and
 256 shall include such owner or operator on the disqualification
 257 list pursuant to s. 1001.10(4)(b).

258 (e)~~(d)~~ May immediately suspend payment of scholarship
 259 funds if it is determined that there is probable cause to
 260 believe that there is:

261 1. An imminent threat to the health, safety, or welfare of
 262 the students;

263 2. A previous pattern of failure to comply with this
 264 section; or

265 3. Fraudulent activity on the part of the private school.
 266 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 267 activity pursuant to this section, the department's Office of
 268 Inspector General is authorized to release personally
 269 identifiable records or reports of students to the following
 270 persons or organizations:

271 a. A court of competent jurisdiction in compliance with an
 272 order of that court or the attorney of record in accordance with
 273 a lawfully issued subpoena, consistent with the Family
 274 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

275 b. A person or entity authorized by a court of competent

276 jurisdiction in compliance with an order of that court or the
 277 attorney of record pursuant to a lawfully issued subpoena,
 278 consistent with the Family Educational Rights and Privacy Act,
 279 20 U.S.C. s. 1232g.

280 c. Any person, entity, or authority issuing a subpoena for
 281 law enforcement purposes when the court or other issuing agency
 282 has ordered that the existence or the contents of the subpoena
 283 or the information furnished in response to the subpoena not be
 284 disclosed, consistent with the Family Educational Rights and
 285 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

286
 287 The commissioner's order suspending payment pursuant to this
 288 paragraph may be appealed pursuant to the same procedures and
 289 timelines as the notice of proposed action set forth in
 290 subparagraph (d)2. ~~(e)2.~~

291 Section 5. Section 1012.315, Florida Statutes, is amended
 292 to read:

293 1012.315 Disqualification from employment.—A person is
 294 ineligible for educator certification or employment in any
 295 position that requires direct contact with students in a
 296 district school system, charter school, or private school that
 297 accepts scholarship students who participate in a state
 298 scholarship program under chapter 1002 if the person is on the
 299 disqualification list pursuant to s. 1001.10(4)(b) or has been
 300 convicted of:

301 (1) Any felony offense prohibited under any of the
302 following statutes:

303 (a) Section 393.135, relating to sexual misconduct with
304 certain developmentally disabled clients and reporting of such
305 sexual misconduct.

306 (b) Section 394.4593, relating to sexual misconduct with
307 certain mental health patients and reporting of such sexual
308 misconduct.

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

311 (d) Section 782.04, relating to murder.

312 (e) Section 782.07, relating to manslaughter, aggravated
313 manslaughter of an elderly person or disabled adult, aggravated
314 manslaughter of a child, or aggravated manslaughter of an
315 officer, a firefighter, an emergency medical technician, or a
316 paramedic.

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

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

319 (h) Section 784.075, relating to battery on a detention or
320 commitment facility staff member or a juvenile probation
321 officer.

322 (i) Section 787.01, relating to kidnapping.

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

324 (k) Section 787.025, relating to luring or enticing a
325 child.

326 (l) Section 787.04(2), relating to leading, taking,
 327 enticing, or removing a minor beyond the state limits, or
 328 concealing the location of a minor, with criminal intent pending
 329 custody proceedings.

330 (m) Section 787.04(3), relating to leading, taking,
 331 enticing, or removing a minor beyond the state limits, or
 332 concealing the location of a minor, with criminal intent pending
 333 dependency proceedings or proceedings concerning alleged abuse
 334 or neglect of a minor.

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

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

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

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

345 (r) Section 794.05, relating to unlawful sexual activity
 346 with certain minors.

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

348 (t) Chapter 796, relating to prostitution.

349 (u) Chapter 800, relating to lewdness and indecent
 350 exposure.

351 (v) Section 800.101, relating to offenses against students
 352 by authority figures.

353 (w) Section 806.01, relating to arson.

354 (x) Section 810.14, relating to voyeurism.

355 (y) Section 810.145, relating to video voyeurism.

356 (z) Section 812.014(6), relating to coordinating the
 357 commission of theft in excess of \$3,000.

358 (aa) Section 812.0145, relating to theft from persons 65
 359 years of age or older.

360 (bb) Section 812.019, relating to dealing in stolen
 361 property.

362 (cc) Section 812.13, relating to robbery.

363 (dd) Section 812.131, relating to robbery by sudden
 364 snatching.

365 (ee) Section 812.133, relating to carjacking.

366 (ff) Section 812.135, relating to home-invasion robbery.

367 (gg) Section 817.563, relating to fraudulent sale of
 368 controlled substances.

369 (hh) Section 825.102, relating to abuse, aggravated abuse,
 370 or neglect of an elderly person or disabled adult.

371 (ii) Section 825.103, relating to exploitation of an
 372 elderly person or disabled adult.

373 (jj) Section 825.1025, relating to lewd or lascivious
 374 offenses committed upon or in the presence of an elderly person
 375 or disabled person.

- 376 (kk) Section 826.04, relating to incest.
- 377 (ll) Section 827.03, relating to child abuse, aggravated
- 378 child abuse, or neglect of a child.
- 379 (mm) Section 827.04, relating to contributing to the
- 380 delinquency or dependency of a child.
- 381 (nn) Section 827.071, relating to sexual performance by a
- 382 child.
- 383 (oo) Section 843.01, relating to resisting arrest with
- 384 violence.
- 385 (pp) Chapter 847, relating to obscenity.
- 386 (qq) Section 874.05, relating to causing, encouraging,
- 387 soliciting, or recruiting another to join a criminal street
- 388 gang.
- 389 (rr) Chapter 893, relating to drug abuse prevention and
- 390 control, if the offense was a felony of the second degree or
- 391 greater severity.
- 392 (ss) Section 916.1075, relating to sexual misconduct with
- 393 certain forensic clients and reporting of such sexual
- 394 misconduct.
- 395 (tt) Section 944.47, relating to introduction, removal, or
- 396 possession of contraband at a correctional facility.
- 397 (uu) Section 985.701, relating to sexual misconduct in
- 398 juvenile justice programs.
- 399 (vv) Section 985.711, relating to introduction, removal,
- 400 or possession of contraband at a juvenile detention facility or

401 | commitment program.

402 | (2) Any misdemeanor offense prohibited under any of the
403 | following statutes:

404 | (a) Section 784.03, relating to battery, if the victim of
405 | the offense was a minor.

406 | (b) Section 787.025, relating to luring or enticing a
407 | child.

408 | (3) Any criminal act committed in another state or under
409 | federal law which, if committed in this state, constitutes an
410 | offense prohibited under any statute listed in subsection (1) or
411 | subsection (2).

412 | (4) Any delinquent act committed in this state or any
413 | delinquent or criminal act committed in another state or under
414 | federal law which, if committed in this state, qualifies an
415 | individual for inclusion on the Registered Juvenile Sex Offender
416 | List under s. 943.0435(1)(h)1.d.

417 | Section 6. Subsection (10) of section 1012.79, Florida
418 | Statutes, is amended to read:

419 | 1012.79 Education Practices Commission; organization.—

420 | (10) The commission shall be financed from the following:
421 | certification fees; fines, penalties, and costs collected
422 | pursuant to s. 1012.796(10) ~~s. 1012.796(9)~~; and general revenue.

423 | Section 7. Subsection (1) of section 1012.795, Florida
424 | Statutes, is amended to read:

425 | 1012.795 Education Practices Commission; authority to

426 discipline.—

427 (1) The Education Practices Commission may suspend the
428 educator certificate of any instructional personnel or school
429 administrator, as defined in s. 1012.01(2) or (3), for up to 5
430 years, thereby denying that person the right to teach or
431 otherwise be employed by a district school board or public
432 school in any capacity requiring direct contact with students
433 for that period of time, after which the person may return to
434 teaching as provided in subsection (4); may revoke the educator
435 certificate of any person, thereby denying that person the right
436 to teach or otherwise be employed by a district school board or
437 public school in any capacity requiring direct contact with
438 students for up to 10 years, with reinstatement subject to
439 subsection (4); may permanently revoke the educator certificate
440 of any person thereby denying that person the right to teach or
441 otherwise be employed by a district school board or public
442 school in any capacity requiring direct contact with students;
443 may suspend a person's educator certificate, upon an order of
444 the court or notice by the Department of Revenue relating to the
445 payment of child support; may place an employee or contracted
446 personnel of any public school, charter school and its governing
447 board, or private school that accepts scholarship students who
448 participate in a state scholarship program under chapter 1002 on
449 the disqualification list pursuant to s. 1001.10(4)(b) if such
450 conduct would otherwise result in the permanent revocation of a

451 certificate; or may impose any other penalty provided by law, if
452 the person:

453 (a) Obtained or attempted to obtain an educator
454 certificate by fraudulent means.

455 (b) Knowingly failed to report actual or suspected child
456 abuse as required in s. 1006.061 or report alleged misconduct by
457 instructional personnel or school administrators which affects
458 the health, safety, or welfare of a student as required in s.
459 1012.796.

460 (c) Has proved to be incompetent to teach or to perform
461 duties as an employee of the public school system or to teach in
462 or to operate a private school.

463 (d) Has been guilty of gross immorality or an act
464 involving moral turpitude as defined by rule of the State Board
465 of Education, including engaging in or soliciting sexual,
466 romantic, or lewd conduct with a student or minor.

467 (e) Has had an educator certificate or other professional
468 license sanctioned by this or any other state or has had the
469 authority to practice the regulated profession revoked,
470 suspended, or otherwise acted against, including a denial of
471 certification or licensure, by the licensing or certifying
472 authority of any jurisdiction, including its agencies and
473 subdivisions. The licensing or certifying authority's acceptance
474 of a relinquishment, stipulation, consent order, or other
475 settlement offered in response to or in anticipation of the

476 filing of charges against the licensee or certificateholder
477 shall be construed as action against the license or certificate.
478 For purposes of this section, a sanction or action against a
479 professional license, a certificate, or an authority to practice
480 a regulated profession must relate to being an educator or the
481 fitness of or ability to be an educator.

482 (f) Has been convicted or found guilty of, has had
483 adjudication withheld for, or has pled guilty or nolo contendere
484 to a misdemeanor, felony, or any other criminal charge, other
485 than a minor traffic violation.

486 (g) Upon investigation, has been found guilty of personal
487 conduct that seriously reduces that person's effectiveness as an
488 employee of the district school board.

489 (h) Has breached a contract, as provided in s. 1012.33(2)
490 or s. 1012.335.

491 (i) Has been the subject of a court order or notice by the
492 Department of Revenue pursuant to s. 409.2598 directing the
493 Education Practices Commission to suspend the certificate as a
494 result of noncompliance with a child support order, a subpoena,
495 an order to show cause, or a written agreement with the
496 Department of Revenue.

497 (j) Has violated the Principles of Professional Conduct
498 for the Education Profession prescribed by State Board of
499 Education rules.

500 (k) Has otherwise violated the provisions of law, the

501 penalty for which is the revocation of the educator certificate.

502 (l) Has violated any order of the Education Practices
503 Commission.

504 (m) Has been the subject of a court order or plea
505 agreement in any jurisdiction which requires the
506 certificateholder to surrender or otherwise relinquish his or
507 her educator's certificate. A surrender or relinquishment shall
508 be for permanent revocation of the certificate. A person may not
509 surrender or otherwise relinquish his or her certificate prior
510 to a finding of probable cause by the commissioner as provided
511 in s. 1012.796.

512 (n) Has been disqualified from educator certification
513 under s. 1012.315.

514 (o) Has committed a third recruiting offense as determined
515 by the Florida High School Athletic Association (FHSAA) pursuant
516 to s. 1006.20(2)(b).

517 (p) Has violated test security as provided in s. 1008.24.
518 Section 8. Subsections (8) and (9) of section 1012.796,
519 Florida Statutes, are renumbered as subsections (9) and (10),
520 respectively, subsection (5) is amended, and paragraph (g) is
521 added to subsection (1), paragraph (i) is added to subsection
522 (7), and a new subsection (8) is added to that section, to read:

523 1012.796 Complaints against teachers and administrators;
524 procedure; penalties.-

525 (1)

526 (g) The department shall immediately investigate any
527 legally sufficient complaint that involves misconduct by an
528 employee or contracted personnel of a public school; a charter
529 school, including its governing board; or a private school that
530 accepts scholarship students who participate in a state
531 scholarship program under chapter 1002, that affects the health,
532 safety, or welfare of a student and would otherwise result in
533 the permanent revocation of a certificate, giving the complaint
534 priority over other pending complaints.

535 (5) When an allegation of misconduct by an individual
536 subject to the requirements of s. 1012.315 ~~instructional~~
537 ~~personnel or school administrators, as defined in s. 1012.01,~~ is
538 received, if the alleged misconduct affects the health, safety,
539 or welfare of a student, the district school superintendent in
540 consultation with the school principal, or upon the request of
541 the Commissioner of Education, must, at a minimum, immediately
542 suspend the individual ~~instructional personnel or school~~
543 ~~administrators~~ from regularly assigned duties, with pay, and
544 remove ~~reassign~~ the individual from any position ~~suspended~~
545 ~~personnel or administrators to positions that~~ may ~~do not~~ require
546 direct contact with students in the district school system. Such
547 suspension shall continue until the completion of the
548 proceedings and the determination of sanctions, if any, pursuant
549 to this section and s. 1012.795.

550 (7) A panel of the commission shall enter a final order

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551 either dismissing the complaint or imposing one or more of the
552 following penalties:

553 (i) Place an individual who is not a certificateholder on
554 the disqualification list pursuant to s. 1001.10(4)(b) if the
555 conduct meets the standard for revocation of a certificate.

556
557 The penalties imposed under this subsection are in addition to,
558 and not in lieu of, the penalties required for a third
559 recruiting offense pursuant to s. 1006.20(2)(b).

560 (8) An individual on the disqualification list pursuant to
561 s. 1001.10(4)(b) may not serve or apply to serve as an employee
562 or contracted personnel at any public or private school in the
563 state. An individual who knowingly violates this subsection
564 commits a felony of the third degree, punishable as provided in
565 s. 775.082 or s. 775.083.

566 Section 9. This act shall take effect July 1, 2019.