

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 certain lists and databases to certain staff
7 for specified purposes; amending s. 1001.42, F.S.;
8 requiring a school board official to forfeit his or
9 her salary if the official fails to adopt certain
10 child abuse reporting policies; amending s. 1001.51,
11 F.S.; providing that a district school superintendent
12 forfeits his or her salary for a specified period of
13 time under certain circumstances; amending s. 1002.33,
14 F.S.; requiring the governing board of a charter
15 school to establish the duty of instructional
16 personnel and school administrators to report
17 specified alleged misconduct by certain individuals;
18 prohibiting a person on the disqualification list from
19 being a charter school employee, contract employee, or
20 governing board member; requiring charter schools to
21 provide an employment determination for certain
22 prospective employees; amending s. 1002.421, F.S.;
23 requiring certain private schools to deny employment
24 to certain individuals; requiring private schools to
25 provide an employment determination for certain

26 prospective employees; authorizing the Commissioner of
27 Education to permanently revoke an owner's or
28 operator's authority to establish or operate a private
29 school in this state under certain circumstances;
30 amending s. 1006.061, F.S.; revising the contents of a
31 sign certain educational entities are required to post
32 to include information relating to reporting of
33 certain criminal acts; amending s. 1012.21, F.S.;
34 providing criteria by which individuals are added to a
35 specified database; amending s. 1012.22, F.S.;
36 requiring district school superintendents to provide
37 an employment determination for certain prospective
38 employees; amending s. 1012.315, F.S.; providing that
39 certain individuals are ineligible for an educator
40 certification or specified employment; amending s.
41 1012.795, F.S.; revising acts that warrant a
42 disciplinary action by the commission; amending s.
43 1012.796, F.S.; requiring a district school
44 superintendent to immediately suspend certain
45 individuals and take specified action as a results of
46 alleged misconduct; providing criminal penalties;
47 providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:
50

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

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

55 (4) The Department of Education shall:

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

64 (b) Maintain a disqualification list, which must include
 65 the following:

66 1. Individuals whose educator certificates have been
 67 permanently revoked by a panel of the commission pursuant to s.
 68 1012.796(7)(b); and

69 2. Individuals who were owners or operators 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;

84 (c) The Department of Education's computer database of
85 certain persons whose employment was terminated or who resigned
86 in lieu of termination or during the course of an investigation;
87 and

88 (d) The Department of Education's disqualification list
89 pursuant to paragraph (4) (b).

90

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

97 Section 2. Paragraph (b) of subsection (7) of section
98 1001.42, Florida Statutes, is amended to read:

99 1001.42 Powers and duties of district school board.—The
100 district school board, acting as a board, shall exercise all

101 powers and perform all duties listed below:

102 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify
103 instructional personnel and school administrators, as defined in
104 s. 1012.01, from employment in any position that requires direct
105 contact with students if the personnel or administrators are
106 ineligible for such employment under s. 1012.315. An elected or
107 appointed school board official forfeits his or her salary for 1
108 year if:

109 (b) The school board official knowingly fails to adopt
110 policies that require:

111 1. Instructional personnel and school administrators to
112 report alleged misconduct by other instructional personnel and
113 school administrators;

114 2. The district school superintendent to report misconduct
115 by instructional personnel or school administrators that would
116 result in disqualification from educator certification or
117 employment as provided in s. 1012.315 to the law enforcement
118 agencies with jurisdiction over the conduct; or

119 3. The investigation of all reports of alleged misconduct
120 by instructional personnel and school administrators, if the
121 misconduct affects the health, safety, or welfare of a student
122 and the reporting of misconduct that meets the definition of
123 child abuse, abandonment, or neglect under s. 39.01 to the
124 central abuse hotline.

125 Section 3. Subsection (12) of section 1001.51, Florida

126 Statutes, is amended to read:

127 1001.51 Duties and responsibilities of district school
 128 superintendent.—The district school superintendent shall
 129 exercise all powers and perform all duties listed below and
 130 elsewhere in the law, provided that, in so doing, he or she
 131 shall advise and counsel with the district school board. The
 132 district school superintendent shall perform all tasks necessary
 133 to make sound recommendations, nominations, proposals, and
 134 reports required by law to be acted upon by the district school
 135 board. All such recommendations, nominations, proposals, and
 136 reports by the district school superintendent shall be either
 137 recorded in the minutes or shall be made in writing, noted in
 138 the minutes, and filed in the public records of the district
 139 school board. It shall be presumed that, in the absence of the
 140 record required in this section, the recommendations,
 141 nominations, and proposals required of the district school
 142 superintendent were not contrary to the action taken by the
 143 district school board in such matters.

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

150 (a) Forms, blanks, and reports.—Require that all employees

151 accurately keep all records and promptly make in proper form all
152 reports required by the education code or by rules of the State
153 Board of Education; recommend the keeping of such additional
154 records and the making of such additional reports as may be
155 deemed necessary to provide data essential for the operation of
156 the school system; and prepare such forms and blanks as may be
157 required and ensure that these records and reports are properly
158 prepared.

159 (b) Reports to the department.—Prepare, for the approval
160 of the district school board, all reports required by law or
161 rules of the State Board of Education to be made to the
162 department and transmit promptly all such reports, when
163 approved, to the department, as required by law. If any reports
164 are not transmitted at the time and in the manner prescribed by
165 law or by State Board of Education rules, the salary of the
166 district school superintendent must be withheld until the report
167 has been properly submitted. Unless otherwise provided by rules
168 of the State Board of Education, the annual report on attendance
169 and personnel is due on or before July 1, and the annual school
170 budget and the report on finance are due on the date prescribed
171 by the commissioner.

172
173 Any district school superintendent who knowingly signs and
174 transmits to any state official a report that the superintendent
175 knows to be false or incorrect; who knowingly fails to

176 investigate any allegation of misconduct ~~that by instructional~~
177 ~~personnel or school administrators, as defined in s. 1012.01,~~
178 ~~which~~ affects the health, safety, or welfare of a student, that
179 would be a violation of s. 800.101, or that would be a
180 disqualifying offense under s. 1012.315; who knowingly fails to
181 report the alleged misconduct to the department as required in
182 s. 1012.796; or who knowingly fails to report misconduct to the
183 law enforcement agencies with jurisdiction over the conduct
184 pursuant to district school board policy under s. 1001.42(6),
185 forfeits his or her salary for 1 year following the date of such
186 act or failure to act.

187 Section 4. Paragraph (g) of subsection (12) of section
188 1002.33, Florida Statutes, is amended to read:

189 1002.33 Charter schools.—

190 (12) EMPLOYEES OF CHARTER SCHOOLS.—

191 (g)1. A charter school shall employ or contract with
192 employees who have undergone background screening as provided in
193 s. 1012.32. Members of the governing board of the charter school
194 shall also undergo background screening in a manner similar to
195 that provided in s. 1012.32. An individual may not be employed
196 as an employee or contract personnel of a charter school, or
197 serve as a member of a charter school governing board, if the
198 individual is on the disqualification list maintained by the
199 department pursuant to s. 1001.10(4)(b). Before making an offer
200 of employment, the charter school must check the database under

201 s. 1012.21. If the prospective employee is in the database, the
202 charter school must document the individual's suitability for
203 employment at the school.

204 2. A charter school shall disqualify instructional
205 personnel and school administrators, as defined in s. 1012.01,
206 from employment in any position that requires direct contact
207 with students if the personnel or administrators are ineligible
208 for such employment under s. 1012.315.

209 3. The governing board of a charter school shall adopt
210 policies establishing standards of ethical conduct for
211 instructional personnel and school administrators. The policies
212 must require all instructional personnel and school
213 administrators, as defined in s. 1012.01, to complete training
214 on the standards; establish the duty of instructional personnel
215 and school administrators to report, and procedures for
216 reporting, alleged misconduct by an individual subject to s.
217 1012.315 ~~other instructional personnel and school administrators~~
218 which affects the health, safety, or welfare of a student; and
219 include an explanation of the liability protections provided
220 under ss. 39.203 and 768.095. A charter school, or any of its
221 employees, may not enter into a confidentiality agreement
222 regarding terminated or dismissed instructional personnel or
223 school administrators, or personnel or administrators who resign
224 in lieu of termination, based in whole or in part on misconduct
225 that affects the health, safety, or welfare of a student, and

226 | may not provide instructional personnel or school administrators
227 | with employment references or discuss the personnel's or
228 | administrators' performance with prospective employers in
229 | another educational setting, without disclosing the personnel's
230 | or administrators' misconduct. Any part of an agreement or
231 | contract that has the purpose or effect of concealing misconduct
232 | by instructional personnel or school administrators which
233 | affects the health, safety, or welfare of a student is void, is
234 | contrary to public policy, and may not be enforced.

235 | 4. Before employing instructional personnel or school
236 | administrators in any position that requires direct contact with
237 | students, a charter school shall conduct employment history
238 | checks of each of the personnel's or administrators' previous
239 | employers, screen the instructional personnel or school
240 | administrators through use of the educator screening tools
241 | described in s. 1001.10(5), and document the findings. If unable
242 | to contact a previous employer, the charter school must document
243 | efforts to contact the employer.

244 | 5. The sponsor of a charter school that knowingly fails to
245 | comply with this paragraph shall terminate the charter under
246 | subsection (8).

247 | Section 5. Paragraph (o) of subsection (1) and subsection
248 | (3) of section 1002.421, Florida Statutes, are amended to read:

249 | 1002.421 State school choice scholarship program
250 | accountability and oversight.—

251 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
252 school participating in an educational scholarship program
253 established pursuant to this chapter must be a private school as
254 defined in s. 1002.01(2) in this state, be registered, and be in
255 compliance with all requirements of this section in addition to
256 private school requirements outlined in s. 1002.42, specific
257 requirements identified within respective scholarship program
258 laws, and other provisions of Florida law that apply to private
259 schools, and must:

260 (o) Before employing an individual ~~instructional personnel~~
261 ~~or school administrators~~ in any position that requires direct
262 contact with students, conduct employment history checks of ~~each~~
263 ~~of the personnel's or administrators'~~ previous employers, screen
264 the individual personnel or administrators through use of the
265 ~~educator~~ screening tools described in s. 1001.10(5), and
266 document the findings. If unable to contact a previous employer,
267 the private school must document efforts to contact the
268 employer. The private school must deny employment to any
269 individual whose educator certificate is revoked, who is barred
270 from reapplying for an educator certificate, or who is on the
271 disqualification list maintained by the department pursuant to
272 s. 1001.10(4)(b). Before making an offer of employment, the
273 private school must check the database under s. 1012.21. If the
274 prospective employee is in the database, the private school must
275 document the individual's suitability for employment at the

276 school.

277

278 The department shall suspend the payment of funds to a private
279 school that knowingly fails to comply with this subsection, and
280 shall prohibit the school from enrolling new scholarship
281 students, for 1 fiscal year and until the school complies. If a
282 private school fails to meet the requirements of this subsection
283 or has consecutive years of material exceptions listed in the
284 report required under paragraph (q), the commissioner may
285 determine that the private school is ineligible to participate
286 in a scholarship program.

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

288 The Commissioner of Education:

289 (a) Shall deny, suspend, or revoke a private school's
290 participation in a scholarship program if it is determined that
291 the private school has failed to comply with this section or
292 exhibits a previous pattern of failure to comply. However, if
293 the noncompliance is correctable within a reasonable amount of
294 time, not to exceed 45 days, and if the health, safety, or
295 welfare of the students is not threatened, the commissioner may
296 issue a notice of noncompliance which provides the private
297 school with a timeframe within which to provide evidence of
298 compliance before taking action to suspend or revoke the private
299 school's participation in the scholarship program.

300 (b) May deny, suspend, or revoke a private school's

301 participation in a scholarship program if the commissioner
302 determines that an owner or operator of the private school is
303 operating or has operated an educational institution in this
304 state or in another state or jurisdiction in a manner contrary
305 to the health, safety, or welfare of the public or if the owner
306 or operator has exhibited a previous pattern of failure to
307 comply with this section or specific requirements identified
308 within respective scholarship program laws. For purposes of this
309 subsection, the term "owner or operator" has the same meaning as
310 provided in paragraph (1) (p).

311 (c) May permanently deny or revoke the authority of an
312 owner or operator to establish or operate a private school in
313 this state if the commissioner decides that the owner or
314 operator is operating or has operated an educational institution
315 in this state or another state or jurisdiction in a manner
316 contrary to the health, safety, or welfare of the public, and
317 shall include such individuals on the disqualification list
318 maintained by the department pursuant to s. 1001.10(4) (b).

319 (d)1.~~(e)1.~~ In making such a determination, may consider
320 factors that include, but are not limited to, acts or omissions
321 by an owner or operator which led to a previous denial,
322 suspension, or revocation of participation in a state or federal
323 education scholarship program; an owner's or operator's failure
324 to reimburse the department or scholarship-funding organization
325 for scholarship funds improperly received or retained by a

326 school; the imposition of a prior criminal sanction related to
327 an owner's or operator's management or operation of an
328 educational institution; the imposition of a civil fine or
329 administrative fine, license revocation or suspension, or
330 program eligibility suspension, termination, or revocation
331 related to an owner's or operator's management or operation of
332 an educational institution; or other types of criminal
333 proceedings in which an owner or operator was found guilty of,
334 regardless of adjudication, or entered a plea of nolo contendere
335 or guilty to, any offense involving fraud, deceit, dishonesty,
336 or moral turpitude.

337 2. The commissioner's determination is subject to the
338 following:

339 a. If the commissioner intends to deny, suspend, or revoke
340 a private school's participation in the scholarship program, the
341 department shall notify the private school of such proposed
342 action in writing by certified mail and regular mail to the
343 private school's address of record with the department. The
344 notification shall include the reasons for the proposed action
345 and notice of the timelines and procedures set forth in this
346 paragraph.

347 b. The private school that is adversely affected by the
348 proposed action shall have 15 days after receipt of the notice
349 of proposed action to file with the department's agency clerk a
350 request for a proceeding pursuant to ss. 120.569 and 120.57. If

351 the private school is entitled to a hearing under s. 120.57(1),
352 the department shall forward the request to the Division of
353 Administrative Hearings.

354 c. Upon receipt of a request referred pursuant to this
355 subparagraph, the director of the Division of Administrative
356 Hearings shall expedite the hearing and assign an administrative
357 law judge who shall commence a hearing within 30 days after the
358 receipt of the formal written request by the division and enter
359 a recommended order within 30 days after the hearing or within
360 30 days after receipt of the hearing transcript, whichever is
361 later. Each party shall be allowed 10 days in which to submit
362 written exceptions to the recommended order. A final order shall
363 be entered by the agency within 30 days after the entry of a
364 recommended order. The provisions of this sub-subparagraph may
365 be waived upon stipulation by all parties.

366 (e) ~~(d)~~ May immediately suspend payment of scholarship
367 funds if it is determined that there is probable cause to
368 believe that there is:

369 1. An imminent threat to the health, safety, or welfare of
370 the students;

371 2. A previous pattern of failure to comply with this
372 section; or

373 3. Fraudulent activity on the part of the private school.
374 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
375 activity pursuant to this section, the department's Office of

376 Inspector General is authorized to release personally
 377 identifiable records or reports of students to the following
 378 persons or organizations:

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

383 b. A person or entity authorized by a court of competent
 384 jurisdiction in compliance with an order of that court or the
 385 attorney of record pursuant to a lawfully issued subpoena,
 386 consistent with the Family Educational Rights and Privacy Act,
 387 20 U.S.C. s. 1232g.

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

394
 395 The commissioner's order suspending payment pursuant to this
 396 paragraph may be appealed pursuant to the same procedures and
 397 timelines as the notice of proposed action set forth in
 398 subparagraph (d)2~~(e)2~~.

399 Section 6. Paragraph (a) of subsection (4) of section
 400 1006.061, Florida Statutes, is amended to read:

401 1006.061 Child abuse, abandonment, and neglect policy.—
 402 Each district school board, charter school, and private school
 403 that accepts scholarship students who participate in a state
 404 scholarship program under chapter 1002 shall:

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

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

411 2. Instructions to call 911 for emergencies; ~~and~~

412 3. Directions for accessing the Department of Children and
 413 Families Internet website for more information on reporting
 414 abuse, neglect, and exploitation; and

415 4. Directions for accessing the Department of Education's
 416 website for more information on reporting acts that violate s.
 417 800.101.

418
 419 The Department of Education shall develop, and publish on the
 420 department's Internet website, sample notices suitable for
 421 posting in accordance with subsections (1), (2), and (4).

422 Section 7. Subsection (2) of section 1012.21, Florida
 423 Statutes, is amended to read:

424 1012.21 Department of Education duties; K-12 personnel.—

425 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT

426 WAS TERMINATED OR WHO RESIGNED IN LIEU OF TERMINATION OR DURING
427 THE COURSE OF AN INVESTIGATION.—

428 (a) The Department of Education shall establish a computer
429 database containing the names of persons identified pursuant to
430 paragraph (b) whose employment is terminated under s.
431 1012.33(1)(a) or (4)(c), which information shall be available to
432 the district school superintendents and their designees.

433 (b) Each district school superintendent shall report to
434 the Department of Education the name of any person who meets the
435 following criteria ~~terminated under s. 1012.33(1)(a) or (4)(c)~~
436 within 10 working days after the date of final action by the
437 district school board ~~on the termination,~~ and the department
438 shall immediately enter ~~the information~~ in the computer records
439 the name of any person:

440 1. Terminated under s. 1012.33(1)(a) or (4)(c).

441 2. Terminated or who resigned in lieu of termination or
442 during the course of an investigation involving misconduct which
443 affects the health, safety, or welfare of a student, including
444 misconduct that involves engaging in or soliciting sexual,
445 romantic, or lewd conduct with a student under s. 800.101 or
446 misconduct that meets the definition of child abuse,
447 abandonment, or neglect under s. 39.01.

448 3. Disqualified from employment pursuant to s. 1001.42(7).

449 Section 8. Paragraph (a) of subsection (1) of section
450 1012.22, Florida Statutes, is amended to read:

451 1012.22 Public school personnel; powers and duties of the
452 district school board.—The district school board shall:

453 (1) Designate positions to be filled, prescribe
454 qualifications for those positions, and provide for the
455 appointment, compensation, promotion, suspension, and dismissal
456 of employees as follows, subject to the requirements of this
457 chapter:

458 (a) Positions, qualifications, and appointments.—

459 1. Before recommending any individual to the district
460 school board for employment, the district school superintendent
461 must check the database under s. 1012.21. If the prospective
462 employee is in the database, the district school superintendent
463 must document the individual's suitability for employment at a
464 public school within the school district.

465 ~~2.1.~~ The district school board shall act upon written
466 recommendations submitted by the district school superintendent
467 for positions to be filled, for minimum qualifications for
468 personnel for the various positions, and for the persons
469 nominated to fill such positions.

470 ~~3.2.~~ The district school board may reject for good cause
471 any employee nominated.

472 ~~4.3.~~ If the third nomination by the district school
473 superintendent for any position is rejected for good cause, if
474 the district school superintendent fails to submit a nomination
475 for initial employment within a reasonable time as prescribed by

476 the district school board, or if the district school
477 superintendent fails to submit a nomination for reemployment
478 within the time prescribed by law, the district school board may
479 proceed on its own motion to fill such position.

480 ~~5.4.~~ The district school board's decision to reject a
481 person's nomination does not give that person a right of action
482 to sue over the rejection and may not be used as a cause of
483 action by the nominated employee.

484 Section 9. Section 1012.315, Florida Statutes, is amended
485 to read:

486 1012.315 Screening standards ~~Disqualification from~~
487 ~~employment.~~—A person is ineligible for educator certification or
488 employment in any position that requires direct contact with
489 students in a district school system, charter school, or private
490 school that accepts scholarship students who participate in a
491 state scholarship program under chapter 1002 if the person is on
492 the disqualification list maintained by the department pursuant
493 to s. 1001.10(4)(b), is registered as a sex offender as
494 described in 42 U.S.C. s. 9858f(c)(1)(c), or has been convicted
495 of:

496 (1) Any felony offense prohibited under any of the
497 following statutes:

498 (a) Section 393.135, relating to sexual misconduct with
499 certain developmentally disabled clients and reporting of such
500 sexual misconduct.

501 (b) Section 394.4593, relating to sexual misconduct with
 502 certain mental health patients and reporting of such sexual
 503 misconduct.

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

506 (d) Section 782.04, relating to murder.

507 (e) Section 782.07, relating to manslaughter, aggravated
 508 manslaughter of an elderly person or disabled adult, aggravated
 509 manslaughter of a child, or aggravated manslaughter of an
 510 officer, a firefighter, an emergency medical technician, or a
 511 paramedic.

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

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

514 (h) Section 784.075, relating to battery on a detention or
 515 commitment facility staff member or a juvenile probation
 516 officer.

517 (i) Section 787.01, relating to kidnapping.

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

519 (k) Section 787.025, relating to luring or enticing a
 520 child.

521 (l) Section 787.04(2), relating to leading, taking,
 522 enticing, or removing a minor beyond the state limits, or
 523 concealing the location of a minor, with criminal intent pending
 524 custody proceedings.

525 (m) Section 787.04(3), relating to leading, taking,

526 enticing, or removing a minor beyond the state limits, or
527 concealing the location of a minor, with criminal intent pending
528 dependency proceedings or proceedings concerning alleged abuse
529 or neglect of a minor.

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

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

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

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

540 (r) Section 794.05, relating to unlawful sexual activity
541 with certain minors.

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

543 (t) Chapter 796, relating to prostitution.

544 (u) Chapter 800, relating to lewdness and indecent
545 exposure.

546 (v) Section 800.101, relating to offenses against students
547 by authority figures.

548 (w) Section 806.01, relating to arson.

549 (x) Section 810.14, relating to voyeurism.

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

- 551 (z) Section 812.014(6), relating to coordinating the
552 commission of theft in excess of \$3,000.
- 553 (aa) Section 812.0145, relating to theft from persons 65
554 years of age or older.
- 555 (bb) Section 812.019, relating to dealing in stolen
556 property.
- 557 (cc) Section 812.13, relating to robbery.
- 558 (dd) Section 812.131, relating to robbery by sudden
559 snatching.
- 560 (ee) Section 812.133, relating to carjacking.
- 561 (ff) Section 812.135, relating to home-invasion robbery.
- 562 (gg) Section 817.563, relating to fraudulent sale of
563 controlled substances.
- 564 (hh) Section 825.102, relating to abuse, aggravated abuse,
565 or neglect of an elderly person or disabled adult.
- 566 (ii) Section 825.103, relating to exploitation of an
567 elderly person or disabled adult.
- 568 (jj) Section 825.1025, relating to lewd or lascivious
569 offenses committed upon or in the presence of an elderly person
570 or disabled person.
- 571 (kk) Section 826.04, relating to incest.
- 572 (ll) Section 827.03, relating to child abuse, aggravated
573 child abuse, or neglect of a child.
- 574 (mm) Section 827.04, relating to contributing to the
575 delinquency or dependency of a child.

576 (nn) Section 827.071, relating to sexual performance by a
577 child.

578 (oo) Section 843.01, relating to resisting arrest with
579 violence.

580 (pp) Chapter 847, relating to obscenity.

581 (qq) Section 874.05, relating to causing, encouraging,
582 soliciting, or recruiting another to join a criminal street
583 gang.

584 (rr) Chapter 893, relating to drug abuse prevention and
585 control, if the offense was a felony of the second degree or
586 greater severity.

587 (ss) Section 916.1075, relating to sexual misconduct with
588 certain forensic clients and reporting of such sexual
589 misconduct.

590 (tt) Section 944.47, relating to introduction, removal, or
591 possession of contraband at a correctional facility.

592 (uu) Section 985.701, relating to sexual misconduct in
593 juvenile justice programs.

594 (vv) Section 985.711, relating to introduction, removal,
595 or possession of contraband at a juvenile detention facility or
596 commitment program.

597 (2) Any misdemeanor offense prohibited under any of the
598 following statutes:

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

601 (b) Section 787.025, relating to luring or enticing a
 602 child.

603 (3) Any criminal act committed in another state or under
 604 federal law which, if committed in this state, constitutes an
 605 offense prohibited under any statute listed in subsection (1) or
 606 subsection (2).

607 (4) Any delinquent act committed in this state or any
 608 delinquent or criminal act committed in another state or under
 609 federal law which, if committed in this state, qualifies an
 610 individual for inclusion on the Registered Juvenile Sex Offender
 611 List under s. 943.0435(1)(h)1.d.

612 Section 10. Paragraph (b) of subsection (1) of section
 613 1012.795, Florida Statutes, is amended to read:

614 1012.795 Education Practices Commission; authority to
 615 discipline.—

616 (1) The Education Practices Commission may suspend the
 617 educator certificate of any instructional personnel or school
 618 administrator, as defined in s. 1012.01(2) or (3), for up to 5
 619 years, thereby denying that person the right to teach or
 620 otherwise be employed by a district school board or public
 621 school in any capacity requiring direct contact with students
 622 for that period of time, after which the person may return to
 623 teaching as provided in subsection (4); may revoke the educator
 624 certificate of any person, thereby denying that person the right
 625 to teach or otherwise be employed by a district school board or

626 public school in any capacity requiring direct contact with
 627 students for up to 10 years, with reinstatement subject to
 628 subsection (4); may permanently revoke the educator certificate
 629 of any person thereby denying that person the right to teach or
 630 otherwise be employed by a district school board or public
 631 school in any capacity requiring direct contact with students;
 632 may suspend a person's educator certificate, upon an order of
 633 the court or notice by the Department of Revenue relating to the
 634 payment of child support; or may impose any other penalty
 635 provided by law, if the person:

636 (b) Knowingly failed to report:

637 1. Actual or suspected child abuse as required in s.
 638 1006.061; ~~or report~~

639 2. Alleged misconduct that would be a violation of s.
 640 800.101; or

641 3. A disqualifying offense under s. 1012.315 by
 642 ~~instructional personnel or school administrators which affects~~
 643 ~~the health, safety, or welfare of a student as required in s.~~
 644 ~~1012.796.~~

645 Section 11. Subsection (5) of section 1012.796, Florida
 646 Statutes, is amended, and subsection (10) is added to that
 647 section, to read:

648 1012.796 Complaints against teachers and administrators;
 649 procedure; penalties.—

650 (5) When an allegation of misconduct by an individual

651 subject to s. 1012.315 ~~instructional personnel or school~~
652 ~~administrators, as defined in s. 1012.01,~~ is received, if the
653 alleged misconduct affects the health, safety, or welfare of a
654 student, the district school superintendent in consultation with
655 the school principal, or upon the request of the Commissioner of
656 Education, must, at a minimum, immediately suspend the
657 individual ~~instructional personnel or school administrators~~ from
658 regularly assigned duties, with pay, and remove ~~reassign~~ the
659 individual from any position ~~suspended personnel or~~
660 ~~administrators to positions~~ that may ~~do not~~ require direct
661 contact with students in the district school system. Such
662 suspension shall continue until the completion of the
663 proceedings and the determination of sanctions, if any, pursuant
664 to this section and s. 1012.795.

665 (10) An individual on the disqualification list maintained
666 by the department pursuant to s. 1001.10(4)(b) may not serve or
667 apply to serve as an employee or contracted personnel at any
668 public school or private school in this state. An individual who
669 violates this provision commits a felony of the third degree,
670 punishable as provided in s. 775.082 or s. 775.083.

671 Section 12. This act shall take effect July 1, 2019.