A bill to be entitled
An act relating to education; amending s. 1001.10,
F.S.; requiring the Department of Education to
maintain a disqualification list that includes the
identities of certain persons; providing requirements
for the disqualification list; authorizing the
department to remove a person from the
disqualification list if certain conditions are met;
requiring the State Board of Education to adopt rules;
requiring the department to provide certain staff with
access to information from such disqualification list;
amending s. 1001.42, F.S.; requiring district school
boards to investigate certain complaints and report
certain results of such investigations to the
department; requiring the department to place a person
who is terminated, or resigns in lieu of termination,
for a certain reason on the disqualification list;
requiring district school boards to adopt policies
establishing standards of ethical conduct for
educational support employees; requiring district
school boards to disqualify educational support
employees from employment in certain circumstances;
requiring district school boards to report a
disqualified person to the department for inclusion on
the disqualification list; revising the circumstances
for which a school board official shall forfeit his or
her salary for 1 year; amending s. 1002.33, F.S.;
prohibiting an individual who is on the
disqualification list from being employed by a charter
school or serving as a member of a charter school governing board; requiring a charter school to disqualify certain persons and make a report to the department for inclusion of the person on the disqualification list; requiring charter school governing boards to adopt policies establishing standards of ethical conduct for certain employees; requiring charter schools to perform a certain screening before employing a person in any position that requires direct contact with students; requiring charter schools to comply with a specified provision; assigning duties to certain charter school administrative personnel and a charter school governing board; amending s. 1002.421, F.S.; requiring certain private schools to adopt policies establishing standards of ethical conduct for certain employees; revising requirements for certain private schools relating to employment; requiring certain private schools to disqualify certain persons and make a report to the department for the inclusion of the person on the disqualification list; authorizing the Commissioner of Education to deny or revoke the authority of an owner or operator of a certain private school to establish or operate a private school under certain conditions; requiring the commissioner to include such person on the disqualification list; amending s. 1002.45, F.S.; revising virtual instruction program provider qualifications for department approval; expanding the screening
requirements for employees and personnel of an approved virtual instruction program provider; requiring an approved virtual instruction program provider to disqualify certain persons and make a report to the department for inclusion of the person on the disqualification list; requiring an approved virtual instruction program provider to comply with a specified provision; requiring an approved virtual instruction program provider to inform the district school board of a certain complaint; amending s. 1006.061, F.S.; requiring certain schools to include information related to certain employees in a required posting; amending s. 1012.31, F.S.; clarifying a school district reporting requirement; amending s. 1012.315, F.S.; expanding ineligibility for educator certification or employment to persons who are on the disqualification list; amending s. 1012.32, F.S.; expanding requirements for screening of certain personnel of a virtual instruction program; prohibiting district school boards from requiring additional background screening of certain employees and personnel; amending s. 1012.795, F.S.; expanding the authority of the Education Practices Commission to discipline certain employees and personnel; amending s. 1012.796, F.S.; requiring the department to complete an investigation before issuing a new educator certificate to certain persons; clarifying the duty of a district school board to perform certain investigations; requiring certain entities to report
certain arrests and allegations of misconduct of
certain employees, personnel, and administrators to
the department; requiring district school boards to
adopt certain policies and procedures regarding
educational support employees; requiring school
superintendents to report certain misconduct of
educational support employees to the department;
requiring the department to include certain employees,
personnel, and administrators on the disqualification
list; requiring the department to maintain certain
reports of misconduct; clarifying the department’s
duty to investigate certificated personnel; requiring
a district school superintendent to suspend and
reassign educational support employees for a certain
allegation of misconduct; expanding penalties that may
be imposed by the commission; authorizing the
commission to direct the department to include a
certain person on the disqualification list for
certain conduct; prohibiting persons on the
disqualification list from serving or applying to
serve as employees or contract personnel at certain
institutions; providing criminal penalties; amending
s. 1012.797, F.S.; expanding the list of entities that
law enforcement agencies must notify of certain
charges; requiring law enforcement agencies to notify
certain institutions of certain charges against
employees or contractors; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) (a) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(b) The department shall maintain a disqualification list, which must include the following information:

1. The identity of any person who has been permanently denied a certificate or whose educator certificate has been permanently revoked and has been placed on the list as directed by the Education Practices Commission pursuant to s. 1012.795(1) or s. 1012.796(7);

2. The identity of any person who has been permanently disqualified by the commissioner as an owner or operator of a private school participating in state scholarship programs pursuant to s. 1002.421 for a reason that reflects a risk of harm to the health, safety, or welfare of a student;

3. The identity of any person who has been terminated, or has resigned in lieu of termination, from employment with a district school board as a result of misconduct that affects the health, safety, or welfare of a student; and
4. The identity of any person who has been disqualified from employment pursuant to s. 1012.315.

   (c) The department may remove a person from the disqualification list if the person demonstrates that:

   1. A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct; or

   2. The person was not the subject of the report of disqualifying conduct and was included on the disqualification list in error or as a result of mistaken identity.

   (d) The State Board of Education shall adopt rules to implement the disqualification list.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

   (a) The Professional Practices’ Database of Disciplinary Actions Against Educators; and

   (b) The Department of Education’s Teacher Certification Database; and

   (c) The Department of Education’s disqualification list maintained pursuant to paragraph (4)(b).

This subsection does not require the department to provide
these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the educational support employees, instructional personnel, and school administrators included in the databases.

Section 2. Subsections (6) and (7) of section 1001.42, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—

(c) Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination. An investigation that results in termination, or the accused person’s resignation in lieu of termination, must be reported to the department, and the department shall place the person on the disqualification list maintained pursuant to s. 1001.10(4)(b).

(6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the
standards; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees’ personnel’s, or officers’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s, or officers’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a
student is void, is contrary to public policy, and may not be enforced.

(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees or personnel are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to 1001.10(4)(b). An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by educational support employees, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or

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

1. Educational support employees, instructional personnel, and administrative personnel to report alleged misconduct by other educational support employees, instructional personnel, and administrative personnel;

2. The district school superintendent to report misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from
3. The complete investigation of all reports of alleged misconduct by educational support employees, instructional personnel, and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless of whether the educational support employees, instructional personnel, or administrative personnel resign or are terminated before the conclusion of the investigation. The policy must require the superintendent to notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated prior to the conclusion of the investigation.

Section 3. Paragraph (g) of subsection (12) and paragraphs (b) and (c) of subsection (16) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. A person may not be employed by a charter school or serve as a member of a charter school governing board if the person is ineligible pursuant to s. 1012.315 or is included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall disqualify educational support
employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional
personnel, or school administrators with employment references or discuss the employees’, personnel’s, or administrators’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s or administrators’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

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

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

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, A charter school also shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat assessment teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.

13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

14. Section 1012.584, relating to youth mental health awareness and assistance training.

15. Section 1012.796, relating to complaints against educational support employees, teachers, and administrators.

(c) For purposes of subparagraphs (b)4.-7. and 15.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board.
shall designate at least one administrative person to be responsible for such duties.

2. The duties assigned to a district school board apply to a charter school governing board.

3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

Section 4. Paragraphs (n) and (o) of subsection (1) and subsection (3) of section 1002.421, Florida Statutes, are amended, and paragraph (r) of subsection (1) is added to that section, to read:

1002.421 State school choice scholarship program accountability and oversight.—

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

(n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and
school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095.

A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, instructional personnel, or school administrators with employment references or discuss the employees’, personnel’s, or administrators’ performance with prospective employers in another educational setting, without disclosing the employees’, personnel’s, or administrators’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing an individual instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel’s or administrators’ previous employers, screen...
the individual using the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school must deny employment to any individual whose educator certificate is revoked, who is barred from reapplication for an educator certificate, or who is identified on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(r) Disqualify educational support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

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

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
The Commissioner of Education:

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

(b) May deny, suspend, or revoke a private school’s participation in a scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public or if the owner or operator has exhibited a previous pattern of failure to comply with this section or specific requirements identified within respective scholarship program laws. For purposes of this subsection, the term “owner or operator” has the same meaning as provided in paragraph (1)(p).

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

(d)(e)1. In making such a determination, may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner’s or operator’s failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner’s or operator’s management or operation of an educational institution; the imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner’s or operator’s management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

2. The commissioner’s determination is subject to the following:

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

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department’s agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

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

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

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

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

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

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

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

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

The commissioner’s order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (d)2. subparagraph (c)2.

Section 5. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

(2) PROVIDER QUALIFICATIONS.-
(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings and receives arrest reports for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records, and designates at least one administrator to be responsible for the duties and requirements related to background screening assigned to a district school board and superintendent under ss. 1012.465 and 1012.56(10);

4. Disqualifies educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the employees or personnel are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, reports the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

5. Provides to parents and students specific information posted and accessible online that includes, but is not limited
to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact via phone with the parent and the student each month;

6.5 Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider’s experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program;

7.6 Is accredited by a regional accrediting association as defined by State Board of Education rule;

8.7 Ensures instructional and curricular quality through a
detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:
   a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.
   b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.
   c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;
_9.₉_ Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:
   a. Information and data about the curriculum of each full-time and part-time program.
   b. School policies and procedures.
   c. Certification status and physical location of all administrative and instructional personnel.
   d. Hours and times of availability of instructional personnel.
   e. Student-teacher ratios.
   f. Student completion and promotion rates.
   g. Student, educator, and school performance accountability outcomes;
_10.₉_ If the provider is a Florida College System institution, employs instructors who meet the certification
requirements for instructional staff under chapter 1012; and

11. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

12. Complies with s. 1012.796, relating to complaints against educational support employees, teachers, and administrators and designates at least one administrator to be responsible for the duties and requirements assigned to a district school board and superintendent pursuant to that section. A virtual instruction provider must inform the district school board of a complaint regarding misconduct or an arrest of instructional or noninstructional personnel.

Section 6. Subsection (2) of section 1006.061, Florida Statutes, is amended to read:

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

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

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

Section 7. Paragraph (a) of subsection (3) of section 1012.31, Florida Statutes, is amended to read:

1012.31 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(3)(a) Public school system employee personnel files are subject to the provisions of s. 119.07(1), except as follows:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint
and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made. This subparagraph does not absolve the school district of any legally required notifications, including the duty to provide any legally sufficient complaint to the department in accordance with within 30 days after the date on which the subject matter of the complaint comes to the attention of the school district pursuant to s. 1012.796(1)(d)1. and 3., regardless of the status of the complaint.

2. An employee evaluation prepared pursuant to s. 1012.33, s. 1012.34, or s. 1012.56 or rules adopted by the State Board of Education or district school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be
confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

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

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

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

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

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

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

(d) Section 782.04, relating to murder.

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

(f) Section 784.021, relating to aggravated assault.
(g) Section 784.045, relating to aggravated battery.
(h) Section 784.075, relating to battery on a detention or
commitment facility staff member or a juvenile probation
officer.

(i) Section 787.01, relating to kidnapping.
(j) Section 787.02, relating to false imprisonment.
(k) Section 787.025, relating to luring or enticing a
child.

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

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

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

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

(p) Section 794.011, relating to sexual battery.
(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

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

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

(t) Chapter 796, relating to prostitution.

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

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

(w) Section 806.01, relating to arson.

(x) Section 810.14, relating to voyeurism.

(y) Section 810.145, relating to video voyeurism.

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

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

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

(cc) Section 812.13, relating to robbery.

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

(ee) Section 812.133, relating to carjacking.

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

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

(hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
(ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.

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

(kk) Section 826.04, relating to incest.

(ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

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

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

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

(pp) Chapter 847, relating to obscenity.

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

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

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

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

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

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

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

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

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

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

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

Section 9. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1012.32, Florida Statutes, are amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system, virtual instruction program, or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable. A district school board may not require employees or contractual personnel of a virtual instruction provider...
approved pursuant to s. 1002.45(2) to undergo additional background screening.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

(3)

(b) The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric
identification system under paragraph (a). Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing or contracting school district, virtual instruction provider approved pursuant to s. 1002.45(2), or the school district with which the person is affiliated. All school districts and approved virtual instruction providers are required to participate in this search process by payment of an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained under paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district and approved virtual instruction provider for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and the dissemination of search results. The fee may be borne by the district school board, the approved virtual instruction provider, the contractor, or the person fingerprinted.

Section 10. Subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5
years, thereby denying that person the right to teach or
otherwise be employed by a district school board or public
school in any capacity requiring direct contact with students
for that period of time, after which the person may return to
teaching as provided in subsection (4); may revoke the educator
certificate of any person, thereby denying that person the right
to teach or otherwise be employed by a district school board or
public school in any capacity requiring direct contact with
students for up to 10 years, with reinstatement subject to
subsection (4); may permanently revoke the educator certificate
of any person thereby denying that person the right to teach or
otherwise be employed by a district school board or public
school in any capacity requiring direct contact with students;
may suspend a person’s educator certificate, upon an order of
the court or notice by the Department of Revenue relating to the
payment of child support; may direct the department to place
employees or contractual personnel of any public school, charter
school, charter school governing board, or private school that
participates in a state scholarship program under chapter 1002
on the disqualification list maintained by the department
pursuant to s. 1001.10(4)(b) for misconduct that would render
the person ineligible pursuant to s. 1012.315; or may impose any
other penalty provided by law, if the person:

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

(b) Knowingly failed to report actual or suspected child
abuse as required in s. 1006.061 or report alleged misconduct by
instructional personnel or school administrators which affects
the health, safety, or welfare of a student as required in s.
581-02005-20

1012.796.

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

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

(e) Has had an educator certificate or other professional license sanctioned by this or any other state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority’s acceptance of a relinquishment, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of charges against the licensee or certificateholder shall be construed as action against the license or certificate. For purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

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

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

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

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

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

(k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

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

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

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

(o) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) pursuant to s. 1006.20(2)(b).
581-02005-20

(p) Has violated test security as provided in s. 1008.24.

Section 11. Section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against educational support employees, teachers, and administrators; procedure; penalties.—

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The department shall investigate or continue to investigate and take appropriate action on a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate and may not issue a new certificate to such person unless an investigation has been completed.

(b) The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue...
to investigate and take action on such a complaint filed against
a person whose educator certificate has expired if the act or
acts that are the basis for the complaint were allegedly
committed while that person possessed an educator certificate.

(c) When an investigation is undertaken, the department
shall notify the certificateholder or applicant for
certification and the district school superintendent or the
university laboratory school, charter school, or private school
in which the certificateholder or applicant for certification is
employed or was employed at the time the alleged offense
occurred. In addition, the department shall inform the
certificateholder or applicant for certification of the
substance of any complaint that has been filed against
that certificateholder or applicant, unless the department
determines that such notification would be detrimental to the
investigation, in which case the department may withhold
notification.

(d) 1. Each school district shall file in writing with the
department all legally sufficient complaints within 30 days
after the date on which subject matter of the complaint comes to
the attention of the school district, regardless of whether the
subject of the complaint is still an employee of the school
district. A complaint is legally sufficient if it contains
ultimate facts that show a violation has occurred as provided in
s. 1012.795 and defined by rule of the State Board of Education.
The school district shall include all information relating to
the complaint which is known to the school district at the time
of filing.

2. A school district shall immediately notify the
department if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school district’s investigation. Upon receipt of the notification, the department shall place an alert on the person’s certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4). This subparagraph does not limit or restrict the duty of the district school board to investigate the complaint and misconduct and report the findings and conclusion to the department.

3. Each district school board or superintendent, charter school governing board, approved virtual instruction provider, and private school that participates in a state scholarship program under chapter 1002 shall immediately report to the Department of Education an arrest or conviction of educational support employees, administrative or instructional personnel, or school officials for an offense that reflects a risk of harm to the health, safety, or welfare of a student or would render the person ineligible pursuant to s. 1012.315, as determined by state board rule adopted pursuant to this section. The same reporting requirements apply to a substantiated allegation of such misconduct by educational support employees, administrative or instructional personnel, or school officials, regardless of whether the accused person has been arrested or convicted in relation to the misconduct.
Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01; standards of ethical conduct for educational support employees, instructional personnel, and school administrators; the duties of educational support employees, instructional personnel, and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of educational support employees, instructional personnel, and school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures must include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all educational support employees, instructional personnel, and school administrators of the school district on the standards of ethical conduct, policies, and procedures.

If the district school superintendent has knowledge of a legally sufficient complaint and does not report the
complaint, or fails to enforce the policies and procedures of
the district school board, and fails to comply with the
requirements of this subsection, in addition to other actions
against certificateholders authorized by law, the district
school superintendent is subject to penalties as specified in s.
1001.51(12).

6.5. If the superintendent determines that misconduct by
educational support employees, instructional personnel, or
school administrators who hold an educator certificate affects
the health, safety, or welfare of a student and the misconduct
warrants termination, the educational support employees,
instructional personnel, or school administrators may resign or
be terminated, and the superintendent must report the misconduct
to the department in the format prescribed by the department.
The department shall place such educational support employees,
instructional personnel, or school administrators on the
disqualification list maintained by the department pursuant to
s. 1001.10(4)(b). The department shall maintain each report of
misconduct as a public record in the educational support
employees', instructional personnel's, or school administrators'
certification files. This paragraph does not limit or restrict
the power and duty of the department to investigate complaints
regarding certificated personnel, regardless of the school
district’s untimely filing, or failure to file, complaints and
followup reports. This subparagraph does not create a duty for
the department to investigate complaints regarding
noncertificated personnel.

(e) If allegations arise against an employee who is
certified under s. 1012.56 and employed in an educator-
certificated position in any public school, charter school or
governing board thereof, or private school that accepts
scholarship students who participate in a state scholarship
program under chapter 1002, the school shall file in writing
with the department a legally sufficient complaint within 30
days after the date on which the subject matter of the complaint
came to the attention of the school, regardless of whether the
subject of the allegations is still an employee of the school. A
complaint is legally sufficient if it contains ultimate facts
that show a violation has occurred as provided in s. 1012.795
and defined by rule of the State Board of Education. The school
shall include all known information relating to the complaint
with the filing of the complaint. This paragraph does not limit
or restrict the power and duty of the department to investigate
complaints, regardless of the school’s untimely filing, or
failure to file, complaints and followup reports. A school
described in this paragraph shall immediately notify the
department if the subject of a legally sufficient complaint of
misconduct affecting the health, safety, or welfare of a student
resigns or is terminated before the conclusion of the school’s
investigation. Upon receipt of the notification, the department
shall place an alert on the person’s certification file
indicating that he or she resigned or was terminated before an
investigation involving allegations of misconduct affecting the
health, safety, or welfare of a student was concluded. In such
circumstances, the database may not include specific information
relating to the alleged misconduct until permitted by subsection
(4).

(f) Notwithstanding any other law, all law enforcement
agencies, state attorneys, social service agencies, district school boards, and the Division of Administrative Hearings shall fully cooperate with and, upon request, shall provide unredacted documents to the Department of Education to further investigations and prosecutions conducted pursuant to this section. Any document received may not be redisclosed except as authorized by law.

(2) The Commissioner of Education shall develop job specifications for investigative personnel employed by the department. Such specifications shall be substantially equivalent to or greater than those job specifications of investigative personnel employed by the Department of Business and Professional Regulation. The department may contract with the Department of Business and Professional Regulation for investigations. No person who is responsible for conducting an investigation of a teacher or administrator may prosecute the same case. The department general counsel or members of that staff may conduct prosecutions under this section.

(3) The department staff shall advise the commissioner concerning the findings of the investigation and of all referrals by the Florida High School Athletic Association (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The department general counsel or members of that staff shall review the investigation or the referral and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of
finding probable cause if, in his or her judgment, such agreements are in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement may not be entered into if there is probable cause to believe that a felony or an act of moral turpitude, as defined by rule of the State Board of Education, has occurred, or for referrals by the FHSAA. Upon finding no probable cause, the commissioner shall dismiss the complaint and may issue a letter of guidance to the certificateholder.

(4) The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 1012.798(6). However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder’s designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed, the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed and a complaint is filed pursuant to subsection (6), the complaint and information shall be open thereafter to inspection
pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 1012.798(6). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) When an allegation of misconduct by educational support employees, instructional personnel, or school administrators, as defined in s. 1012.01, is received, if the alleged misconduct affects the health, safety, or welfare of a student, the district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must immediately suspend the educational support employees, instructional personnel, or school administrators from regularly assigned duties, with pay, and reassign the suspended employees, personnel, or administrators to positions that do not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in
accordance with the provisions of subsection (7) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant’s application, for a specified period of time or permanently.

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed $2,000 for each count or separate offense.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. An educator who has been placed on probation shall, at a minimum:

1. Immediately notify the investigative office in the Department of Education upon employment or separation from employment in any public or private position requiring a Florida
2. Have his or her immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

3. Pay to the commission within the first 6 months of each probation year the administrative costs of monitoring probation assessed to the educator.

4. Violate no law and fully comply with all district school board policies, school rules, and State Board of Education rules.

5. Satisfactorily perform his or her assigned duties in a competent, professional manner.

6. Bear all costs of complying with the terms of a final order entered by the commission.

   (e) Restriction of the authorized scope of practice of the teacher, administrator, or supervisor.

   (f) Reprimand of the teacher, administrator, or supervisor in writing, with a copy to be placed in the certification file of such person.

   (g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate or an expired certificate subject to late renewal, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

   (h) Refer the teacher, administrator, or supervisor to the recovery network program provided in s. 1012.798 under such terms and conditions as the commission may specify.

   (i) Direct the department to place educational support
employees, instructional personnel, or school administrators on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for conduct that would render the person ineligible pursuant to s. 1012.315.

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

(8) Violations of the provisions of a final order shall result in an order to show cause issued by the clerk of the Education Practices Commission if requested by the Department of Education. Upon failure of the educator, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating the provisions of a final order should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 1012.795(6). The Department of Education shall prosecute the individual ordered to show cause before the Education Practices Commission. The Department of Education and the individual may enter into a settlement agreement, which shall be presented to the Education Practices Commission for consideration. Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission; however, the other terms and conditions of the final order shall be in full force and effect until changed by the Education Practices Commission.

(9) All moneys collected by, or awarded to, the commission as fees, fines, penalties, or costs shall be deposited into the
Educational Certification and Service Trust Fund pursuant to s. 1012.59.

(10) Persons included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) may not serve or apply to serve as employees or contractual personnel at any public school or private school participating in a state scholarship program under chapter 1002. A person who knowingly violates this subsection, or an employer who knowingly hires a person in violation of this subsection, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification by law enforcement of district school superintendent of certain charges against or convictions of employees.—

(1) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter school governing board, or private school owner or administrator, as applicable, of the name and address of any employee or contractor of the school district, charter school, or private school, as applicable, who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee or contractor of the school district was arrested. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university lab
schools, and private elementary and secondary schools.

(2) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the district school superintendent pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

Section 13. This act shall take effect July 1, 2020.