

1 A bill to be entitled
2 An act relating to education; amending s. 1001.10,
3 F.S.; requiring the Department of Education to
4 maintain a disqualification list of certain persons;
5 providing for the removal of a person from a specified
6 list under certain circumstances; requiring the State
7 Board of Education to adopt rules; requiring the
8 department to provide access to specified information
9 to certain staff for specified purposes; amending s.
10 1001.20, F.S.; authorizing the Office of Inspector
11 General within the Department of Education to issue
12 and serve certain subpoenas for specified purposes;
13 authorizing the inspector general to petition circuit
14 courts for specified purposes; amending s. 1001.42,
15 F.S.; providing that certain provisions relating to
16 conduct and prohibition from employment apply to
17 educational support employees; providing for the
18 prohibition of certain employees and personnel under
19 certain circumstances; requiring district school
20 boards to report specified persons to the department
21 for inclusion on a certain list; providing that a
22 school board official forfeits his or her salary for 1
23 year under additional circumstances; amending s.
24 1001.51, F.S.; providing that a district school
25 superintendent forfeits his or her salary for 1 year

26 | under additional circumstances; amending s. 1002.33,
27 | F.S.; prohibiting certain individuals from employment
28 | at a charter school; providing requirements for
29 | charter schools relating to employing certain
30 | individuals; requiring the governing board of a
31 | charter school to establish the duty of instructional
32 | personnel and school administrators to report
33 | specified alleged misconduct by certain individuals;
34 | prohibiting a person on the disqualification list from
35 | employment in specified positions; requiring a charter
36 | school to report specified persons to the department
37 | for inclusion on a certain list; amending s. 1002.421,
38 | F.S.; requiring certain private schools to include
39 | educational support employees in specified policies;
40 | requiring certain private schools to deny employment
41 | to certain individuals; prohibiting the employment of
42 | certain employees and personnel under circumstances;
43 | requiring private schools to report specified persons
44 | to the department for inclusion on a certain list;
45 | authorizing the Commissioner of Education to
46 | permanently revoke an owner's or operator's authority
47 | to establish or operate a private school in the state
48 | under certain circumstances; amending s. 1006.061,
49 | F.S.; revising the contents of a sign certain
50 | educational entities are required to post to include

51 information relating to reporting of certain criminal
52 acts; conforming provisions to changes made by the
53 act; amending s. 1012.27, F.S.; revising the
54 requirements for certain employment history checks to
55 include a specified affidavit; amending s. 1012.31,
56 requiring certain persons to execute and maintain an
57 affidavit of separation form for specified purposes;
58 providing requirements for such affidavit; amending s.
59 1012.315, F.S.; providing that certain individuals are
60 ineligible for an educator certification or specified
61 employment; amending s. 1012.795, F.S.; revising acts
62 that warrant a disciplinary action by the commission;
63 amending s. 1012.796, F.S.; prohibiting the department
64 from issuing a new certificate to certain persons;
65 requiring the commissioner to make a determination of
66 probably cause within a specified timeframe for
67 complaints relating to sexual misconduct with a
68 student; providing for such timeframe to be held in
69 abeyance under certain circumstances; providing
70 construction; requiring certain individuals to be
71 placed on a disqualification list; requiring the
72 commissioner to remove certain suspended personnel or
73 administrators from certain positions under specified
74 circumstances; requiring a district school
75 superintendent to immediately suspend certain

76 individuals and take specified action as a results of
77 alleged misconduct; prohibiting certain individuals
78 from serving or applying to serve in specified
79 positions at public schools and specified private
80 schools; providing a timeframe for specified
81 investigations; providing timeframe for administrative
82 suspension; providing criminal penalties; amending s.
83 1012.797, F.S.; requiring law enforcement notification
84 to charter and private schools; providing an effective
85 date.

86
87 Be It Enacted by the Legislature of the State of Florida:

88
89 Section 1. Subsections (4) and (5) of section 1001.10,
90 Florida Statutes, are amended to read:

91 1001.10 Commissioner of Education; general powers and
92 duties.—

93 (4) The Department of Education shall:

94 (a) Provide technical assistance to school districts,
95 charter schools, the Florida School for the Deaf and the Blind,
96 and private schools that accept scholarship students who
97 participate in a state scholarship program under chapter 1002 in
98 the development of policies, procedures, and training related to
99 employment practices and standards of ethical conduct for
100 instructional personnel and school administrators, as defined in

101 s. 1012.01.

102 (b) Maintain a disqualification list that includes all of
103 the following:

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

109 2. The identity of each person who has been permanently
110 disqualified by the commissioner from owning or operating a
111 private school that participates in state scholarship programs
112 under s. 1002.421.

113 3. The identity of each person who has been terminated, or
114 has resigned in lieu of termination, from employment as a result
115 of sexual misconduct with a student.

116 4. The identity of each person who has been disqualified
117 from employment pursuant to s. 1012.315.

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

120 1. A completed law enforcement investigation resulted in
121 an exoneration or no conviction or finding of guilt and a
122 completed investigation and proceeding, as applicable, by the
123 responsible education agency resulted in a finding that the
124 person did not commit disqualifying conduct;

125 2. The person was not the subject of the report of

126 disqualifying conduct and was included on the disqualification
 127 list in error or as a result of mistaken identity; or

128 3. The school district that submitted the person for
 129 inclusion on the disqualification list requests that the person
 130 be removed and submits documentation to support the request.

131 (d) The State Board of Education shall adopt rules to
 132 implement this subsection.

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

140 (a) The Professional Practices' Database of Disciplinary
 141 Actions Against Educators. ~~;~~ ~~and~~

142 (b) The department's ~~Department of Education's~~ Teacher
 143 Certification Database.

144 (c) The department's disqualification list under paragraph
 145 (4) (b).

146
 147 This subsection does not require the department to provide these
 148 staff with unlimited access to the databases. However, the
 149 department shall provide the staff with access to the data
 150 necessary for performing employment history checks of the

151 persons ~~instructional personnel and school administrators~~
152 included in the databases.

153 Section 2. Paragraph (e) of subsection (4) of section
154 1001.20, Florida Statutes, is amended to read:

155 1001.20 Department under direction of state board.—

156 (4) The Department of Education shall establish the
157 following offices within the Office of the Commissioner of
158 Education which shall coordinate their activities with all other
159 divisions and offices:

160 (e) Office of Inspector General.—Organized using existing
161 resources and funds and responsible for promoting
162 accountability, efficiency, and effectiveness and detecting
163 fraud and abuse within school districts, the Florida School for
164 the Deaf and the Blind, and Florida College System institutions
165 in Florida. If the Commissioner of Education determines that a
166 district school board, the Board of Trustees for the Florida
167 School for the Deaf and the Blind, or a Florida College System
168 institution board of trustees is unwilling or unable to address
169 substantiated allegations made by any person relating to waste,
170 fraud, or financial mismanagement within the school district,
171 the Florida School for the Deaf and the Blind, or the Florida
172 College System institution, the office shall conduct,
173 coordinate, or request investigations into such substantiated
174 allegations. The office shall investigate allegations or reports
175 of possible fraud or abuse against a district school board made

176 by any member of the Cabinet; the presiding officer of either
177 house of the Legislature; a chair of a substantive or
178 appropriations committee with jurisdiction; or a member of the
179 board for which an investigation is sought. The office shall
180 have access to all information and personnel necessary to
181 perform its duties and shall have all of its current powers,
182 duties, and responsibilities authorized in s. 20.055. The office
183 may issue and serve subpoenas and subpoenas duces tecum to
184 compel the attendance of witnesses and the production of
185 documents, reports, answers, records, accounts, and other data
186 in any medium. In the event of noncompliance with a subpoena or
187 a subpoena duces tecum issued under this section, the inspector
188 general may petition the circuit court of the county in which
189 the person subpoenaed resides or has his or her principal place
190 of business for an order requiring the subpoenaed person to
191 appear and testify and to produce documents, reports, answers,
192 records, accounts, or other data as specified in the subpoena or
193 subpoena duces tecum.

194 Section 3. Subsections (6) and (7) of section 1001.42,
195 Florida Statutes, are amended to read:

196 1001.42 Powers and duties of district school board.—The
197 district school board, acting as a board, shall exercise all
198 powers and perform all duties listed below:

199 (6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT
200 EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL,

201 AND SCHOOL OFFICERS.—Adopt policies establishing standards of
202 ethical conduct for educational support employees, instructional
203 personnel, administrative personnel, and school officers. The
204 policies must require all educational support employees,
205 instructional personnel, administrative personnel, and school
206 officers, as defined in s. 1012.01, to complete training on the
207 standards; establish the duty of educational support employees,
208 instructional personnel, administrative personnel, and school
209 officers to report, and procedures for reporting, alleged
210 misconduct by other educational support employees, instructional
211 or administrative personnel, and school officers which affects
212 the health, safety, or welfare of a student, including
213 misconduct that involves engaging in or soliciting sexual,
214 romantic, or lewd conduct with a student; require the district
215 school superintendent to report to law enforcement misconduct by
216 educational support employees, instructional personnel, or
217 school administrators that would result in disqualification from
218 educator certification or employment as provided in s. 1012.315;
219 and include an explanation of the liability protections provided
220 under ss. 39.203 and 768.095. A district school board, or any of
221 its employees or personnel, may not enter into a confidentiality
222 agreement regarding terminated or dismissed educational support
223 employees, instructional or administrative personnel, or school
224 officers who resign in lieu of termination, based in whole or in
225 part on misconduct that affects the health, safety, or welfare

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

238 (7) PROHIBITION ~~DISQUALIFICATION~~ FROM EMPLOYMENT.—Prohibit
239 educational support employees, ~~Disqualify~~ instructional
240 personnel, and administrative personnel, as defined in s.
241 1012.01, from employment in any position that requires direct
242 contact with students if the employees or personnel are
243 ineligible for such employment under s. 1012.315 or have been
244 terminated or resigned in lieu of termination for sexual
245 misconduct with a student. If the prohibited conduct occurs
246 while employed, report the employees or personnel and the
247 disqualifying circumstances to the department for inclusion on
248 the disqualification list maintained by the department pursuant
249 s. 1001.10(4)(b). An elected or appointed school board official
250 forfeits his or her salary for 1 year if:

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

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

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

263 2. The district school superintendent to report misconduct
264 by educational support employees, instructional personnel, or
265 school administrators that would result in disqualification from
266 educator certification or employment as provided in s. 1012.315
267 to the law enforcement agencies with jurisdiction over the
268 conduct; or

269 3. The investigation of all reports of alleged misconduct
270 by educational support employees, instructional personnel, and
271 administrative personnel, if the misconduct affects the health,
272 safety, or welfare of a student, regardless of whether the
273 educational support employees, instructional personnel, or
274 administrative personnel resign or are terminated before the
275 conclusion of the investigation. The policies must require the

276 district school superintendent to notify the department of the
277 result of the investigation and whether the misconduct warranted
278 termination, regardless of whether the person resigned or was
279 terminated before the conclusion of the investigation.

280 Section 4. Subsection (12) of section 1001.51, Florida
281 Statutes, is amended to read:

282 1001.51 Duties and responsibilities of district school
283 superintendent.—The district school superintendent shall
284 exercise all powers and perform all duties listed below and
285 elsewhere in the law, provided that, in so doing, he or she
286 shall advise and counsel with the district school board. The
287 district school superintendent shall perform all tasks necessary
288 to make sound recommendations, nominations, proposals, and
289 reports required by law to be acted upon by the district school
290 board. All such recommendations, nominations, proposals, and
291 reports by the district school superintendent shall be either
292 recorded in the minutes or shall be made in writing, noted in
293 the minutes, and filed in the public records of the district
294 school board. It shall be presumed that, in the absence of the
295 record required in this section, the recommendations,
296 nominations, and proposals required of the district school
297 superintendent were not contrary to the action taken by the
298 district school board in such matters.

299 (12) RECORDS AND REPORTS.—Recommend such records as should
300 be kept in addition to those prescribed by rules of the State

301 Board of Education; prepare forms for keeping such records as
302 are approved by the district school board; ensure that such
303 records are properly kept; and make all reports that are needed
304 or required, as follows:

305 (a) Forms, blanks, and reports.—Require that all employees
306 accurately keep all records and promptly make in proper form all
307 reports required by the education code or by rules of the State
308 Board of Education; recommend the keeping of such additional
309 records and the making of such additional reports as may be
310 deemed necessary to provide data essential for the operation of
311 the school system; and prepare such forms and blanks as may be
312 required and ensure that these records and reports are properly
313 prepared.

314 (b) Reports to the department.—Prepare, for the approval
315 of the district school board, all reports required by law or
316 rules of the State Board of Education to be made to the
317 department and transmit promptly all such reports, when
318 approved, to the department, as required by law. If any reports
319 are not transmitted at the time and in the manner prescribed by
320 law or by State Board of Education rules, the salary of the
321 district school superintendent must be withheld until the report
322 has been properly submitted. Unless otherwise provided by rules
323 of the State Board of Education, the annual report on attendance
324 and personnel is due on or before July 1, and the annual school
325 budget and the report on finance are due on the date prescribed

326 | by the commissioner.

327 |

328 | Any district school superintendent who knowingly signs and
329 | transmits to any state official a report that the superintendent
330 | knows to be false or incorrect; who knowingly fails to complete
331 | the investigation of ~~investigate~~ any allegation of misconduct
332 | that by instructional personnel or school administrators, as
333 | defined in s. 1012.01, which affects the health, safety, or
334 | welfare of a student, that would be a violation of s. 800.101,
335 | or that would be a disqualifying offense under s. 1012.315, or
336 | any allegation of sexual misconduct with a student; who
337 | knowingly fails to report the alleged misconduct to the
338 | department as required in s. 1012.796; or who knowingly fails to
339 | report misconduct to the law enforcement agencies with
340 | jurisdiction over the conduct pursuant to district school board
341 | policy under s. 1001.42(6), forfeits his or her salary for 1
342 | year following the date of such act or failure to act.

343 | Section 5. Paragraph (g) of subsection (12) of section
344 | 1002.33, Florida Statutes, is amended to read:

345 | 1002.33 Charter schools.—

346 | (12) EMPLOYEES OF CHARTER SCHOOLS.—

347 | (g)1. A charter school shall employ or contract with
348 | employees who have undergone background screening as provided in
349 | s. 1012.32. Members of the governing board of the charter school
350 | shall also undergo background screening in a manner similar to

351 that provided in s. 1012.32. An individual may not be employed
352 as an employee or contract personnel of a charter school or
353 serve as a member of a charter school governing board if the
354 individual is on the disqualification list maintained by the
355 department pursuant to s. 1001.10(4)(b).

356 2. A charter school shall prohibit educational support
357 employees, ~~disqualify~~ instructional personnel, and school
358 administrators, as defined in s. 1012.01, from employment in any
359 position that requires direct contact with students if the
360 employees, personnel, or administrators are ineligible for such
361 employment under s. 1012.315 or have been terminated or resigned
362 in lieu of termination for sexual misconduct with a student. If
363 the prohibited conduct occurs while employed, a charter school
364 must report the person and the disqualifying circumstances to
365 the department for inclusion on the disqualification list
366 maintain pursuant to s. 1001.10(4)(b).

367 3. The governing board of a charter school shall adopt
368 policies establishing standards of ethical conduct for
369 educational support employees, instructional personnel, and
370 school administrators. The policies must require all educational
371 support employees, instructional personnel, and school
372 administrators, as defined in s. 1012.01, to complete training
373 on the standards; establish the duty of educational support
374 employees, instructional personnel, and school administrators to
375 report, and procedures for reporting, alleged misconduct that ~~by~~

376 ~~other instructional personnel and school administrators which~~
377 affects the health, safety, or welfare of a student; and include
378 an explanation of the liability protections provided under ss.
379 39.203 and 768.095. A charter school, or any of its employees,
380 may not enter into a confidentiality agreement regarding
381 terminated or dismissed educational support employees,
382 instructional personnel, or school administrators, or employees,
383 personnel, or administrators who resign in lieu of termination,
384 based in whole or in part on misconduct that affects the health,
385 safety, or welfare of a student, and may not provide employees,
386 ~~instructional personnel,~~ or ~~school~~ administrators with
387 employment references or discuss the employees', personnel's, or
388 administrators' performance with prospective employers in
389 another educational setting, without disclosing the employees',
390 personnel's, or administrators' misconduct. Any part of an
391 agreement or contract that has the purpose or effect of
392 concealing misconduct by educational support employees,
393 instructional personnel, or school administrators which affects
394 the health, safety, or welfare of a student is void, is contrary
395 to public policy, and may not be enforced.

396 4. Before employing an individual ~~instructional personnel~~
397 ~~or school administrators~~ in any position that requires direct
398 contact with students, a charter school shall conduct employment
399 history checks of each individual ~~of the personnel's or~~
400 ~~administrators' previous employers,~~ screen the instructional

401 ~~personnel or school administrators~~ through use of the educator
402 screening tools described in s. 1001.10(5), and document the
403 findings. If unable to contact a previous employer, the charter
404 school must document efforts to contact the employer.

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

408 Section 6. Paragraphs (n) and (o) of subsection (1) and
409 subsection (3) of section 1002.421, Florida Statutes, are
410 amended, and paragraph (r) is added to subsection (1) of that
411 section, to read:

412 1002.421 State school choice scholarship program
413 accountability and oversight.—

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

423 (n) Adopt policies establishing standards of ethical
424 conduct for educational support employees, instructional
425 personnel, and school administrators. The policies must require

426 | all educational support employees, instructional personnel, and
427 | school administrators, as defined in s. 1012.01, to complete
428 | training on the standards; establish the duty of educational
429 | support employees, instructional personnel, and school
430 | administrators to report, and procedures for reporting, alleged
431 | misconduct by other educational support employees, instructional
432 | personnel, and school administrators which affects the health,
433 | safety, or welfare of a student; and include an explanation of
434 | the liability protections provided under ss. 39.203 and 768.095.
435 | A private school, or any of its employees, may not enter into a
436 | confidentiality agreement regarding terminated or dismissed
437 | educational support employees, instructional personnel, or
438 | school administrators, or employees, personnel, or
439 | administrators who resign in lieu of termination, based in whole
440 | or in part on misconduct that affects the health, safety, or
441 | welfare of a student, and may not provide the employees,
442 | ~~instructional personnel~~, or ~~school~~ administrators with
443 | employment references or discuss the employees', personnel's, or
444 | administrators' performance with prospective employers in
445 | another educational setting, without disclosing the employees',
446 | personnel's, or administrators' misconduct. Any part of an
447 | agreement or contract that has the purpose or effect of
448 | concealing misconduct by educational support employees,
449 | instructional personnel, or school administrators which affects
450 | the health, safety, or welfare of a student is void, is contrary

451 to public policy, and may not be enforced.

452 (o) Before employing a person ~~instructional personnel or~~
453 ~~school administrators~~ in any position that requires direct
454 contact with students, conduct employment history checks of ~~each~~
455 ~~of the personnel's or administrators'~~ previous employers, screen
456 the person ~~personnel or administrators~~ through use of the
457 ~~educator~~ screening tools described in s. 1001.10(5), and
458 document the findings. If unable to contact a previous employer,
459 the private school must document efforts to contact the
460 employer. The private school may not employ a person whose
461 educator certificate is revoked, who is barred from reapplying
462 for an educator certificate, or who is on the disqualification
463 list maintained by the department pursuant to s. 1001.10(4)(b).

464 (r) Prohibit education support employees, instructional
465 personnel, and school administrators from employment in any
466 position that requires direct contact with students if the
467 personnel or administrators are ineligible for such employment
468 pursuant to this section or s. 1012.315, or have been terminated
469 or resigned in lieu of termination for sexual misconduct with a
470 student. If the prohibited conduct occurs subsequent to
471 employment, report the person and the disqualifying
472 circumstances to the department for inclusion on the
473 disqualification list maintained pursuant to s. 1001.10(4)(b).

474
475 The department shall suspend the payment of funds to a private

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

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

485 The Commissioner of Education:

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

497 (b) May deny, suspend, or revoke a private school's
498 participation in a scholarship program if the commissioner
499 determines that an owner or operator of the private school is
500 operating or has operated an educational institution in this

501 state or in another state or jurisdiction in a manner contrary
502 to the health, safety, or welfare of the public or if the owner
503 or operator has exhibited a previous pattern of failure to
504 comply with this section or specific requirements identified
505 within respective scholarship program laws. For purposes of this
506 subsection, the term "owner or operator" has the same meaning as
507 provided in paragraph (1) (p).

508 (c) May permanently deny or revoke the authority of an
509 owner or operator to establish or operate a private school in
510 the state if the commissioner decides that the owner or operator
511 is operating or has operated an educational institution in the
512 state or another state or jurisdiction in a manner contrary to
513 the health, safety, or welfare of the public, and shall include
514 such individuals on the disqualification list maintained by the
515 department pursuant to s. 1001.10(4)(b).

516 (d)1.~~(e)1.~~ In making such a determination, may consider
517 factors that include, but are not limited to, acts or omissions
518 by an owner or operator which led to a previous denial,
519 suspension, or revocation of participation in a state or federal
520 education scholarship program; an owner's or operator's failure
521 to reimburse the department or scholarship-funding organization
522 for scholarship funds improperly received or retained by a
523 school; the imposition of a prior criminal sanction related to
524 an owner's or operator's management or operation of an
525 educational institution; the imposition of a civil fine or

526 administrative fine, license revocation or suspension, or
527 program eligibility suspension, termination, or revocation
528 related to an owner's or operator's management or operation of
529 an educational institution; or other types of criminal
530 proceedings in which an owner or operator was found guilty of,
531 regardless of adjudication, or entered a plea of nolo contendere
532 or guilty to, any offense involving fraud, deceit, dishonesty,
533 or moral turpitude.

534 2. The commissioner's determination is subject to the
535 following:

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

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

551 c. Upon receipt of a request referred pursuant to this
552 subparagraph, the director of the Division of Administrative
553 Hearings shall expedite the hearing and assign an administrative
554 law judge who shall commence a hearing within 30 days after the
555 receipt of the formal written request by the division and enter
556 a recommended order within 30 days after the hearing or within
557 30 days after receipt of the hearing transcript, whichever is
558 later. Each party shall be allowed 10 days in which to submit
559 written exceptions to the recommended order. A final order shall
560 be entered by the agency within 30 days after the entry of a
561 recommended order. The provisions of this sub-subparagraph may
562 be waived upon stipulation by all parties.

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

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

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

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

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

580 b. A person or entity authorized by a court of competent
 581 jurisdiction in compliance with an order of that court or the
 582 attorney of record pursuant to a lawfully issued subpoena,
 583 consistent with the Family Educational Rights and Privacy Act,
 584 20 U.S.C. s. 1232g.

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

591
 592 The commissioner's order suspending payment pursuant to this
 593 paragraph may be appealed pursuant to the same procedures and
 594 timelines as the notice of proposed action set forth in
 595 subparagraph (d)2 ~~(e)2~~.

596 Section 7. Subsection (2) and paragraph (a) of subsection
 597 (4) of section 1006.061, Florida Statutes, are amended to read:

598 1006.061 Child abuse, abandonment, and neglect policy.—
 599 Each district school board, charter school, and private school
 600 that accepts scholarship students who participate in a state

601 scholarship program under chapter 1002 shall:

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

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

617 1. The statewide toll-free telephone number of the central
 618 abuse hotline as provided in chapter 39.~~†~~

619 2. Instructions to call 911 for emergencies.~~†~~ ~~and~~

620 3. Directions for accessing the Department of Children and
 621 Families Internet website for more information on reporting
 622 abuse, neglect, and exploitation.

623 4. Directions for accessing the Department of Education's
 624 website for more information on reporting acts that violate s.
 625 800.101.

626
627 The Department of Education shall develop, and publish on the
628 department's Internet website, sample notices suitable for
629 posting in accordance with subsections (1), (2), and (4).

630 Section 8. Subsection (6) of section 1012.27, Florida
631 Statutes, is amended to read:

632 1012.27 Public school personnel; powers and duties of
633 district school superintendent.—The district school
634 superintendent is responsible for directing the work of the
635 personnel, subject to the requirements of this chapter, and in
636 addition the district school superintendent shall perform the
637 following:

638 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person
639 in any position that requires direct contact with students,
640 conduct employment history checks of each of the person's
641 previous employers, review each affidavit of separation from
642 previous employers pursuant to s. 1012.31, screen instructional
643 personnel and school administrators, as defined in s. 1012.01,
644 through use of the educator screening tools described in s.
645 1001.10(5), and document the findings. If unable to contact a
646 previous employer, the district school superintendent shall
647 document efforts to contact the employer.

648 Section 9. Paragraph (a) of subsection (2) of section
649 1012.31, Florida Statutes, is amended to read:

650 1012.31 Personnel files.—Public school system employee

651 personnel files shall be maintained according to the following
652 provisions:

653 (2) (a) Materials relating to work performance, discipline,
654 suspension, or dismissal must be reduced to writing and signed
655 by a person competent to know the facts or make the judgment. In
656 cases of separation due to termination or resignation in lieu of
657 termination, such person shall execute and maintain an affidavit
658 of separation, on the form adopted by the Department of
659 Education, setting forth in detail the facts and reasons for
660 such separation. The affidavit must expressly disclose when
661 separation is due to a report of sexual misconduct with a
662 student. The affidavit of separation must be executed under oath
663 and constitutes an official statement within the purview of s.
664 837.06. The affidavit of separation must include conspicuous
665 language that intentional false execution of the affidavit
666 constitutes a misdemeanor of the second degree ~~The resignation~~
667 ~~or termination of an employee before an investigation of alleged~~
668 ~~misconduct by the employee affecting the health, safety, or~~
669 ~~welfare of a student is concluded must be clearly indicated in~~
670 ~~the employee's personnel file.~~

671 Section 10. Section 1012.315, Florida Statutes, is amended
672 to read:

673 1012.315 Screening standards ~~Disqualification from~~
674 ~~employment.~~—A person is ineligible for educator certification or
675 employment in any position that requires direct contact with

676 students in a district school system, charter school, or a
677 private school that participates ~~accepts~~ ~~scholarship students~~
678 ~~who participate~~ in a state scholarship program under chapter
679 1002 if the person is on the disqualification list maintained by
680 the department pursuant to s. 1001.10(4)(b), is registered as a
681 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(c), or has
682 been convicted of:

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

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

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

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

693 (d) Section 782.04, relating to murder.

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

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

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

701 (h) Section 784.075, relating to battery on a detention or
 702 commitment facility staff member or a juvenile probation
 703 officer.

704 (i) Section 787.01, relating to kidnapping.

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

706 (k) Section 787.025, relating to luring or enticing a
 707 child.

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

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

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

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

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

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

726 authority.

727 (r) Section 794.05, relating to unlawful sexual activity

728 with certain minors.

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

730 (t) Chapter 796, relating to prostitution.

731 (u) Chapter 800, relating to lewdness and indecent

732 exposure.

733 (v) Section 800.101, relating to offenses against students

734 by authority figures.

735 (w) Section 806.01, relating to arson.

736 (x) Section 810.14, relating to voyeurism.

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

738 (z) Section 812.014(6), relating to coordinating the

739 commission of theft in excess of \$3,000.

740 (aa) Section 812.0145, relating to theft from persons 65

741 years of age or older.

742 (bb) Section 812.019, relating to dealing in stolen

743 property.

744 (cc) Section 812.13, relating to robbery.

745 (dd) Section 812.131, relating to robbery by sudden

746 snatching.

747 (ee) Section 812.133, relating to carjacking.

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

749 (gg) Section 817.563, relating to fraudulent sale of

750 controlled substances.

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

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

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

758 (kk) Section 826.04, relating to incest.

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

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

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

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

767 (pp) Chapter 847, relating to obscenity.

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

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

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

776 misconduct.

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

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

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

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

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

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

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

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

799 Section 11. Subsection (1) of section 1012.795, Florida
800 Statutes, is amended to read:

801 1012.795 Education Practices Commission; authority to
802 discipline.—

803 (1) The Education Practices Commission may suspend the
804 educator certificate of any instructional personnel or school
805 administrator, as defined in s. 1012.01(2) or (3), for up to 5
806 years, thereby denying that person the right to teach or
807 otherwise be employed by a district school board or public
808 school in any capacity requiring direct contact with students
809 for that period of time, after which the person may return to
810 teaching as provided in subsection (4); may revoke the educator
811 certificate of any person, thereby denying that person the right
812 to teach or otherwise be employed by a district school board or
813 public school in any capacity requiring direct contact with
814 students for up to 10 years, with reinstatement subject to
815 subsection (4); may permanently revoke the educator certificate
816 of any person thereby denying that person the right to teach or
817 otherwise be employed by a district school board or public
818 school in any capacity requiring direct contact with students;
819 may suspend a person's educator certificate, upon an order of
820 the court or notice by the Department of Revenue relating to the
821 payment of child support; may direct the department to place a
822 certificateholder employed by any public school, charter school,
823 charter school governing board, or private school that
824 participates in a state scholarship program under chapter 1002
825 on the disqualification list maintained by the department

826 pursuant to s. 1001.10(4)(b) for misconduct that would render
827 the person ineligible pursuant to s. 1012.315 or sexual
828 misconduct with a student; or may impose any other penalty
829 provided by law, if the person:

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

832 (b) Knowingly failed to report actual or suspected child
833 abuse as required in s. 1006.061 or report alleged misconduct by
834 instructional personnel or school administrators which affects
835 the health, safety, or welfare of a student as required in s.
836 1012.796.

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

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

844 (e) Has had an educator certificate or other professional
845 license sanctioned by this or any other state or has had the
846 authority to practice the regulated profession revoked,
847 suspended, or otherwise acted against, including a denial of
848 certification or licensure, by the licensing or certifying
849 authority of any jurisdiction, including its agencies and
850 subdivisions. The licensing or certifying authority's acceptance

851 of a relinquishment, stipulation, consent order, or other
852 settlement offered in response to or in anticipation of the
853 filing of charges against the licensee or certificateholder
854 shall be construed as action against the license or certificate.
855 For purposes of this section, a sanction or action against a
856 professional license, a certificate, or an authority to practice
857 a regulated profession must relate to being an educator or the
858 fitness of or ability to be an educator.

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

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

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

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

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

876 Education rules.

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

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

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

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

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

894 (p) Has violated test security as provided in s. 1008.24.
895 Section 12. Paragraphs (a), (b), (d), and (e) of
896 subsection (1) and subsection (5) of section 1012.796, Florida
897 Statutes, are amended, paragraph (i) is added to subsection (7),
898 and subsection (10) is added to that section, to read:

899 1012.796 Complaints against teachers and administrators;
900 procedure; penalties.—

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

920 (b) The department shall immediately investigate any
921 legally sufficient complaint that involves misconduct by any
922 certificated personnel which affects the health, safety, or
923 welfare of a student, giving the complaint priority over other
924 pending complaints. The department must investigate or continue
925 to investigate and take action on such a complaint filed against

926 a person whose educator certificate has expired if the act or
927 acts that are the basis for the complaint were allegedly
928 committed while that person possessed an educator certificate.
929 The Commissioner of Education shall make a determination of
930 probable cause within 60 days after receipt of any complaint
931 involving sexual misconduct with a student. Upon the written
932 request of a state attorney, this deadline may be held in
933 abeyance during criminal proceedings related to the sexual
934 misconduct with a student.

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

946 2. A school district shall immediately notify the
947 department if the subject of a legally sufficient complaint of
948 misconduct affecting the health, safety, or welfare of a student
949 resigns or is terminated before the conclusion of the school
950 district's investigation. Upon receipt of the notification, the

951 department shall place an alert on the person's certification
952 file indicating that he or she resigned or was terminated before
953 an investigation involving allegations of misconduct affecting
954 the health, safety, or welfare of a student was concluded. In
955 such circumstances, the database may not include specific
956 information relating to the alleged misconduct until permitted
957 by subsection (4). This subparagraph does not limit or restrict
958 the duty of the district school board to investigate the
959 complaint and report the findings and conclusion to the
960 department.

961 3. Each district school board shall develop and adopt
962 policies and procedures to comply with this reporting
963 requirement. School board policies and procedures must include
964 standards for screening, hiring, and terminating instructional
965 personnel and school administrators, as defined in s. 1012.01;
966 standards of ethical conduct for instructional personnel and
967 school administrators; the duties of instructional personnel and
968 school administrators for upholding the standards; detailed
969 procedures for reporting alleged misconduct by instructional
970 personnel and school administrators which affects the health,
971 safety, or welfare of a student; requirements for the
972 reassignment of instructional personnel and ~~or~~ school
973 administrators pending the outcome of a misconduct
974 investigation; and penalties for failing to comply with s.
975 1001.51 or s. 1012.795. The district school board policies and

976 | procedures must ~~shall~~ include appropriate penalties for all
977 | personnel of the district school board for nonreporting and
978 | procedures for promptly informing the district school
979 | superintendent of each legally sufficient complaint. The
980 | district school superintendent is charged with knowledge of
981 | these policies and procedures and is accountable for the
982 | training of all instructional personnel and school
983 | administrators of the school district on the standards of
984 | ethical conduct, policies, and procedures.

985 | 4. If the district school superintendent has knowledge of
986 | a legally sufficient complaint and does not report the
987 | complaint, or fails to enforce the policies and procedures of
988 | the district school board, and fails to comply with the
989 | requirements of this subsection, in addition to other actions
990 | against certificateholders authorized by law, the district
991 | school superintendent is subject to penalties as specified in s.
992 | 1001.51(12).

993 | 5. If the superintendent determines that misconduct by
994 | instructional personnel or school administrators who hold an
995 | educator certificate affects the health, safety, or welfare of a
996 | student and the misconduct warrants termination, the
997 | instructional personnel or school administrators may resign or
998 | be terminated, and the superintendent must report the misconduct
999 | to the department in the format prescribed by the department.
1000 | The department shall maintain each report of misconduct as a

1001 public record in the instructional personnel's or school
1002 administrators' certification files. This paragraph does not
1003 limit or restrict the power and duty of the department to
1004 investigate complaints regarding certificated personnel,
1005 regardless of the school district's untimely filing, or failure
1006 to file, complaints and followup reports. This subparagraph does
1007 not create a duty for the department to investigate complaints
1008 regarding noncertificated personnel.

1009 (e) If allegations arise against an employee who is
1010 certified under s. 1012.56 and employed in an educator-
1011 certificated position in any public school, charter school or
1012 governing board thereof, or private school that accepts
1013 scholarship students who participate in a state scholarship
1014 program under chapter 1002, the school shall file in writing
1015 with the department a legally sufficient complaint within 30
1016 days after the date on which the subject matter of the complaint
1017 came to the attention of the school, regardless of whether the
1018 subject of the allegations is still an employee of the school. A
1019 complaint is legally sufficient if it contains ultimate facts
1020 that show a violation has occurred as provided in s. 1012.795
1021 and defined by rule of the State Board of Education. The school
1022 shall include all known information relating to the complaint
1023 with the filing of the complaint. This paragraph does not limit
1024 or restrict the power and duty of the department to investigate
1025 complaints, regardless of the school's untimely filing, or

1026 failure to file, complaints and followup reports. A school
1027 described in this paragraph shall immediately notify the
1028 department if the subject of a legally sufficient complaint of
1029 misconduct affecting the health, safety, or welfare of a student
1030 resigns or is terminated before the conclusion of the school's
1031 investigation. Upon receipt of the notification, the department
1032 shall place an alert on the person's certification file
1033 indicating that he or she resigned or was terminated before an
1034 investigation involving allegations of misconduct affecting the
1035 health, safety, or welfare of a student was concluded and place
1036 the person on the disqualification list maintained by the
1037 department pursuant to s. 1001.10(4)(b). In such circumstances,
1038 the database may not include specific information relating to
1039 the alleged misconduct until permitted by subsection (4).

1040 (5) When an allegation of misconduct by instructional
1041 personnel or school administrators, as defined in s. 1012.01, is
1042 received, if the alleged misconduct affects the health, safety,
1043 or welfare of a student, the district school superintendent in
1044 consultation with the school principal, or upon the request of
1045 the Commissioner of Education, must, at a minimum, immediately
1046 suspend the instructional personnel or school administrators
1047 from regularly assigned duties, with pay, and remove ~~reassign~~
1048 the suspended personnel or administrators to positions that may
1049 ~~do not~~ require direct contact with students in the district
1050 school system. Such suspension shall continue until submission

1051 of a legally sufficient complaint. The proceedings and
 1052 determination of sanctions shall be completed by a school
 1053 district within 1 year after submission of the legally
 1054 sufficient complaint ~~the completion of the proceedings and the~~
 1055 ~~determination of sanctions, if any, pursuant to this section and~~
 1056 ~~s. 1012.795.~~

1057 (7) A panel of the commission shall enter a final order
 1058 either dismissing the complaint or imposing one or more of the
 1059 following penalties:

1060 (i) Direct the department to place instructional personnel
 1061 or school administrators on the disqualification list maintained
 1062 by the department pursuant to s. 1001.10(4)(b) for conduct that
 1063 would render the person ineligible pursuant to s. 1012.315 or
 1064 sexual misconduct with a student.

1065
 1066 The penalties imposed under this subsection are in addition to,
 1067 and not in lieu of, the penalties required for a third
 1068 recruiting offense pursuant to s. 1006.20(2)(b).

1069 (10) A person on the disqualification list maintained by
 1070 the department pursuant to s. 1001.10(4)(b) shall be notified
 1071 that he or she may not serve or apply to serve as an employee or
 1072 contracted personnel at a public school or private school that
 1073 participates in a state scholarship program under chapter 1002.
 1074 A person who knowingly violates this provision commits a felony
 1075 of the third degree, punishable as provided in s. 775.082 or s.

1076 | 775.083.

1077 | Section 13. Subsection (1) of section 1012.797, Florida
 1078 | Statutes, is amended to read:

1079 | 1012.797 Notification by law enforcement ~~of district~~
 1080 | ~~school superintendent~~ of certain charges against or convictions
 1081 | of employees.—

1082 | (1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any
 1083 | other ~~provision of~~ law to the contrary, a law enforcement agency
 1084 | shall, within 48 hours, notify the appropriate district school
 1085 | superintendent, charter school governing board, or private
 1086 | school owner or administrator, as applicable, of the name and
 1087 | address of any employee of the school district, charter school,
 1088 | or private school, as applicable, who is charged with a felony
 1089 | or with a misdemeanor involving the abuse of a minor child or
 1090 | the sale or possession of a controlled substance. The
 1091 | notification shall include the specific charge for which the
 1092 | employee of the school district was arrested. Such notification
 1093 | shall include other education providers such as the Florida
 1094 | School for the Deaf and the Blind, university lab schools, and
 1095 | private elementary and secondary schools.

1096 | Section 14. This act shall take effect July 1, 2020.