

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 certificate to certain persons;
65 requiring the commissioner to make a determination of
66 probable 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 is ineligible for
117 educator certification or 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 employer that submitted the person for inclusion on
 129 the disqualification list requests that the person be removed
 130 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, the district school board must report the
247 employees or personnel and the disqualifying circumstances to
248 the department for inclusion on the disqualification list
249 maintained by the department pursuant s. 1001.10(4)(b). An
250 elected or appointed school board official forfeits his or her

251 salary for 1 year if:

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

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

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

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

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

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

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

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

300 (12) RECORDS AND REPORTS.—Recommend such records as should

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

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

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

326 budget and the report on finance are due on the date prescribed
 327 by the commissioner.

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

344 Section 5. Paragraph (g) of subsection (12) of section
 345 1002.33, Florida Statutes, is amended to read:

346 1002.33 Charter schools.—

347 (12) EMPLOYEES OF CHARTER SCHOOLS.—

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

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

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

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

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

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

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

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

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

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

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

424 (n) Adopt policies establishing standards of ethical
425 conduct for educational support employees, instructional

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

451 the health, safety, or welfare of a student is void, is contrary
452 to public policy, and may not be enforced.

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

465 (r) Prohibit education support employees, instructional
466 personnel, and school administrators from employment in any
467 position that requires direct contact with students if the
468 personnel or administrators are ineligible for such employment
469 pursuant to this section or s. 1012.315, or have been terminated
470 or resigned in lieu of termination for sexual misconduct with a
471 student. If the prohibited conduct occurs subsequent to
472 employment, the private school must report the person and the
473 disqualifying circumstances to the department for inclusion on
474 the disqualification list maintained pursuant to s.
475 1001.10(4)(b).

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

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

487 The Commissioner of Education:

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

499 (b) May deny, suspend, or revoke a private school's
500 participation in a scholarship program if the commissioner

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

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

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

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

536 2. The commissioner's determination is subject to the
537 following:

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

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

551 the department shall forward the request to the Division of
552 Administrative Hearings.

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

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

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

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

572 3. Fraudulent activity on the part of the private school.
573 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
574 activity pursuant to this section, the department's Office of
575 Inspector General is authorized to release personally

576 identifiable records or reports of students to the following
577 persons or organizations:

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

582 b. A person or entity authorized by a court of competent
583 jurisdiction in compliance with an order of that court or the
584 attorney of record pursuant to a lawfully issued subpoena,
585 consistent with the Family Educational Rights and Privacy Act,
586 20 U.S.C. s. 1232g.

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

593

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

598 Section 7. Subsection (2) and paragraph (a) of subsection
599 (4) of section 1006.061, Florida Statutes, are amended to read:
600 1006.061 Child abuse, abandonment, and neglect policy.—

601 Each district school board, charter school, and private school
602 that accepts scholarship students who participate in a state
603 scholarship program under chapter 1002 shall:

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

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

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

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

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

625 4. Directions for accessing the Department of Education's

626 website for more information on reporting acts that violate s.
627 800.101.

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

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

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

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

650 Section 9. Paragraph (a) of subsection (2) of section

651 1012.31, Florida Statutes, is amended to read:

652 1012.31 Personnel files.—Public school system employee
653 personnel files shall be maintained according to the following
654 provisions:

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

673 Section 10. Section 1012.315, Florida Statutes, is amended
674 to read:

675 1012.315 Screening standards ~~Disqualification from~~

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

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

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

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

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

695 (d) Section 782.04, relating to murder.

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

- 701 (f) Section 784.021, relating to aggravated assault.
- 702 (g) Section 784.045, relating to aggravated battery.
- 703 (h) Section 784.075, relating to battery on a detention or
 704 commitment facility staff member or a juvenile probation
 705 officer.
- 706 (i) Section 787.01, relating to kidnapping.
- 707 (j) Section 787.02, relating to false imprisonment.
- 708 (k) Section 787.025, relating to luring or enticing a
 709 child.
- 710 (l) Section 787.04(2), relating to leading, taking,
 711 enticing, or removing a minor beyond the state limits, or
 712 concealing the location of a minor, with criminal intent pending
 713 custody proceedings.
- 714 (m) Section 787.04(3), relating to leading, taking,
 715 enticing, or removing a minor beyond the state limits, or
 716 concealing the location of a minor, with criminal intent pending
 717 dependency proceedings or proceedings concerning alleged abuse
 718 or neglect of a minor.
- 719 (n) Section 790.115(1), relating to exhibiting firearms or
 720 weapons at a school-sponsored event, on school property, or
 721 within 1,000 feet of a school.
- 722 (o) Section 790.115(2)(b), relating to possessing an
 723 electric weapon or device, destructive device, or other weapon
 724 at a school-sponsored event or on school property.
- 725 (p) Section 794.011, relating to sexual battery.

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

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

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

732 (t) Chapter 796, relating to prostitution.

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

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

737 (w) Section 806.01, relating to arson.

738 (x) Section 810.14, relating to voyeurism.

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

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

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

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

746 (cc) Section 812.13, relating to robbery.

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

749 (ee) Section 812.133, relating to carjacking.

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

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

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

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

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

760 (kk) Section 826.04, relating to incest.

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

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

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

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

769 (pp) Chapter 847, relating to obscenity.

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

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

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

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

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

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

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

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

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

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

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

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

803 1012.795 Education Practices Commission; authority to
804 discipline.—

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

826 participates in a state scholarship program under chapter 1002
827 on the disqualification list maintained by the department
828 pursuant to s. 1001.10(4)(b) for misconduct that would render
829 the person ineligible pursuant to s. 1012.315 or sexual
830 misconduct with a student; or may impose any other penalty
831 provided by law, if the person:

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

834 (b) Knowingly failed to report actual or suspected child
835 abuse as required in s. 1006.061 or report alleged misconduct by
836 instructional personnel or school administrators which affects
837 the health, safety, or welfare of a student as required in s.
838 1012.796.

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

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

846 (e) Has had an educator certificate or other professional
847 license sanctioned by this or any other state or has had the
848 authority to practice the regulated profession revoked,
849 suspended, or otherwise acted against, including a denial of
850 certification or licensure, by the licensing or certifying

851 authority of any jurisdiction, including its agencies and
852 subdivisions. The licensing or certifying authority's acceptance
853 of a relinquishment, stipulation, consent order, or other
854 settlement offered in response to or in anticipation of the
855 filing of charges against the licensee or certificateholder
856 shall be construed as action against the license or certificate.
857 For purposes of this section, a sanction or action against a
858 professional license, a certificate, or an authority to practice
859 a regulated profession must relate to being an educator or the
860 fitness of or ability to be an educator.

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

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

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

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

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

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

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

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

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

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

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

897 Section 12. Paragraphs (a), (b), (d), and (e) of
898 subsection (1) and subsection (5) of section 1012.796, Florida
899 Statutes, are amended, paragraph (i) is added to subsection (7),
900 and subsection (10) is added to that section, to read:

901 1012.796 Complaints against teachers and administrators;
902 procedure; penalties.—

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

922 (b) The department shall immediately investigate any
923 legally sufficient complaint that involves misconduct by any
924 certificated personnel which affects the health, safety, or
925 welfare of a student, giving the complaint priority over other

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

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

948 2. A school district shall immediately notify the
949 department if the subject of a legally sufficient complaint of
950 misconduct affecting the health, safety, or welfare of a student

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

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

976 investigation; and penalties for failing to comply with s.
977 1001.51 or s. 1012.795. The district school board policies and
978 procedures must ~~shall~~ include appropriate penalties for all
979 personnel of the district school board for nonreporting and
980 procedures for promptly informing the district school
981 superintendent of each legally sufficient complaint. The
982 district school superintendent is charged with knowledge of
983 these policies and procedures and is accountable for the
984 training of all instructional personnel and school
985 administrators of the school district on the standards of
986 ethical conduct, policies, and procedures.

987 4. If the district school superintendent has knowledge of
988 a legally sufficient complaint and does not report the
989 complaint, or fails to enforce the policies and procedures of
990 the district school board, and fails to comply with the
991 requirements of this subsection, in addition to other actions
992 against certificateholders authorized by law, the district
993 school superintendent is subject to penalties as specified in s.
994 1001.51(12).

995 5. If the superintendent determines that misconduct by
996 instructional personnel or school administrators who hold an
997 educator certificate affects the health, safety, or welfare of a
998 student and the misconduct warrants termination, the
999 instructional personnel or school administrators may resign or
1000 be terminated, and the superintendent must report the misconduct

1001 to the department in the format prescribed by the department.
1002 The department shall maintain each report of misconduct as a
1003 public record in the instructional personnel's or school
1004 administrators' certification files. This paragraph does not
1005 limit or restrict the power and duty of the department to
1006 investigate complaints regarding certificated personnel,
1007 regardless of the school district's untimely filing, or failure
1008 to file, complaints and followup reports. This subparagraph does
1009 not create a duty for the department to investigate complaints
1010 regarding noncertificated personnel.

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

1026 or restrict the power and duty of the department to investigate
 1027 complaints, regardless of the school's untimely filing, or
 1028 failure to file, complaints and followup reports. A school
 1029 described in this paragraph shall immediately notify the
 1030 department if the subject of a legally sufficient complaint of
 1031 misconduct affecting the health, safety, or welfare of a student
 1032 resigns or is terminated before the conclusion of the school's
 1033 investigation. Upon receipt of the notification, the department
 1034 shall place an alert on the person's certification file
 1035 indicating that he or she resigned or was terminated before an
 1036 investigation involving allegations of misconduct affecting the
 1037 health, safety, or welfare of a student was concluded and place
 1038 the person on the disqualification list maintained by the
 1039 department pursuant to s. 1001.10(4)(b). In such circumstances,
 1040 the database may not include specific information relating to
 1041 the alleged misconduct until permitted by subsection (4).

1042 (5) When an allegation of misconduct by instructional
 1043 personnel or school administrators, as defined in s. 1012.01, is
 1044 received, if the alleged misconduct affects the health, safety,
 1045 or welfare of a student, the district school superintendent in
 1046 consultation with the school principal, or upon the request of
 1047 the Commissioner of Education, must, at a minimum, immediately
 1048 suspend the instructional personnel or school administrators
 1049 from regularly assigned duties, with pay, and remove ~~reassign~~
 1050 the suspended personnel or administrators from ~~to~~ positions that

1051 may do not require direct contact with students in the district
1052 school system. Such suspension shall continue until submission
1053 of a legally sufficient complaint. The proceedings and
1054 determination of sanctions shall be completed by a school
1055 district within 1 year after submission of the legally
1056 sufficient complaint ~~the completion of the proceedings and the~~
1057 ~~determination of sanctions, if any, pursuant to this section and~~
1058 ~~s. 1012.795.~~

1059 (7) A panel of the commission shall enter a final order
1060 either dismissing the complaint or imposing one or more of the
1061 following penalties:

1062 (i) Direct the department to place instructional personnel
1063 or school administrators on the disqualification list maintained
1064 by the department pursuant to s. 1001.10(4)(b) for conduct that
1065 would render the person ineligible pursuant to s. 1012.315 or
1066 sexual misconduct with a student.

1067
1068 The penalties imposed under this subsection are in addition to,
1069 and not in lieu of, the penalties required for a third
1070 recruiting offense pursuant to s. 1006.20(2)(b).

1071 (10) A person on the disqualification list maintained by
1072 the department pursuant to s. 1001.10(4)(b) shall be notified
1073 that he or she may not serve or apply to serve as an employee or
1074 contracted personnel at a public school or private school that
1075 participates in a state scholarship program under chapter 1002.

1076 A person who knowingly violates this provision commits a felony
 1077 of the third degree, punishable as provided in s. 775.082 or s.
 1078 775.083.

1079 Section 13. Subsection (1) of section 1012.797, Florida
 1080 Statutes, is amended to read:

1081 1012.797 Notification by law enforcement ~~of district~~
 1082 ~~school superintendent~~ of certain charges against or convictions
 1083 of employees.-

1084 (1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any
 1085 other ~~provision of~~ law to the contrary, a law enforcement agency
 1086 shall, within 48 hours, notify the appropriate district school
 1087 superintendent, charter school governing board, or private
 1088 school owner or administrator, as applicable, of the name and
 1089 address of any employee of the school district, charter school,
 1090 or private school, as applicable, who is charged with a felony
 1091 or with a misdemeanor involving the abuse of a minor child or
 1092 the sale or possession of a controlled substance. The
 1093 notification shall include the specific charge for which the
 1094 employee of the school district was arrested. Such notification
 1095 shall include other education providers such as the Florida
 1096 School for the Deaf and the Blind, university lab schools, and
 1097 private elementary and secondary schools.

1098 Section 14. This act shall take effect July 1, 2020.