A bill to be entitled
An act relating to education; amending s. 1001.10, F.S.; requiring the Department of Education to maintain a disqualification list of certain individuals; requiring the department to provide access to specified information to certain staff for specified purposes; amending s. 1001.20, F.S.; authorizing the Office of Inspector General within the Department of Education to issue and serve certain subpoenas for specified purposes; authorizing the inspector general to petition circuit courts for specified purposes; amending s. 1001.42, F.S.; providing that a school board official forfeits his or her salary for 1 year under certain circumstances; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for 1 year under additional circumstances; amending s. 1002.33, F.S.; prohibiting certain individuals from employment at a charter school; providing requirements for charter schools relating to employing certain individuals; requiring the governing board of a charter school to establish the duty of instructional personnel and school administrators to report specified alleged misconduct by certain individuals; prohibiting a person on the disqualification list from...
employment in specified positions; amending s. 1002.421, F.S.; requiring certain private schools to deny employment to certain individuals; requiring private schools to provide an employment determination for certain prospective employees; authorizing the Commissioner of Education to permanently revoke an owner's or operator's authority to establish or operate a private school in the state under certain circumstances; amending s. 1006.061, F.S.; revising the contents of a sign certain educational entities are required to post to include information relating to reporting of certain criminal acts; amending s. 1012.21, F.S.; providing criteria by which individuals are added to a specified database; amending s. 1012.22, F.S.; providing district school board and district school superintendents requirements relating to employment determination for certain prospective employees; amending s. 1012.315, F.S.; providing that certain individuals are ineligible for an educator certification or specified employment; amending s. 1012.795, F.S.; revising acts that warrant a disciplinary action by the commission; amending s. 1012.796, F.S.; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of
alleged misconduct; prohibiting certain individuals from serving or applying to serve in specified positions at public schools and specified private schools; providing criminal penalties; providing an effective date.

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

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

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall:

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

(b) Maintain a disqualification list that includes the following:

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

2. Individuals who were owners or operators of a private school whose authority to establish or operate a private school in the state has been permanently denied or revoked by the Commissioner of Education under s. 1002.421(3)(c).

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

(a) The Professional Practices' Database of Disciplinary Actions Against Educators.

(b) The department's Teacher Certification Database.

(c) The department's computer database of certain persons whose employment was terminated or who resigned in lieu of termination or during the course of an investigation established pursuant to s. 1012.21.

(d) The department's disqualification list under paragraph (4)(b).

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

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

1001.20 Department under direction of state board.—

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

(e) Office of Inspector General.—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the Florida College System institution, the office shall conduct, coordinate, or request investigations into such substantiated allegations.
allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055. The office may issue and serve subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium. In the event of noncompliance with a subpoena or a subpoena duces tecum issued under this section, the inspector general may petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena or subpoena duces tecum.

Section 3. Paragraph (b) of subsection (7) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:
(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify instructional personnel and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year if:

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

      1. Instructional personnel and administrative personnel to report alleged misconduct by other instructional personnel and administrative personnel;

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

      3. The investigation of all reports of alleged misconduct by instructional personnel and administrative personnel, if the misconduct affects the health, safety, or welfare of a student and the reporting of misconduct that meets the definition of abuse, abandonment, or neglect under s. 39.01 to the Department of Children and Families' central abuse hotline pursuant to s. 39.201.

Section 4. Subsection (12) of section 1001.51, Florida Statutes, is amended to read:
1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

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

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

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

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

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

1002.33 Charter schools.—
(12) EMPLOYEES OF CHARTER SCHOOLS.—
(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). Before making an offer of employment, the charter school must check the database under s. 1012.21 and if the individual is in the database, the charter
school must document the individual's suitability for employment at the school.

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

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by an individual subject to s. 1012.315, other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators...
with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

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

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

Section 6. Paragraph (o) of subsection (1) and subsection (3) of section 1002.421, Florida Statutes, are amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

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

(o) Before employing an individual instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the individual personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school may not employ an individual whose educator certificate is revoked, who is barred from reapplying for an educator certificate, or who is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). Before making an offer of employment, the private school must check the database under s. 1012.21 and if the individual is in the database, the private school must document the individual's suitability for employment at the school.
The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

The Commissioner of Education:

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

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

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

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

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

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

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

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

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

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

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

3. Fraudulent activity on the part of the private school.

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

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

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

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

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

Section 7. Paragraph (a) of subsection (4) of section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—

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

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

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

2. Instructions to call 911 for emergencies.

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

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

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

Section 8. Subsection (2) of section 1012.21, Florida Statutes, is amended to read:

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

(2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT WAS TERMINATED OR WHO RESIGNED IN LIEU OF TERMINATION OR DURING THE COURSE OF AN INVESTIGATION.—
(a) The Department of Education shall establish a computer database containing the names of persons identified under paragraph (b) whose employment is terminated under s. 1012.33(1)(a) or (4)(c), which information shall be available to the district school superintendents and their designees.

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

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

2. Terminated or who resigned in lieu of termination or during the course of an investigation involving misconduct that affects the health, safety, or welfare of a student, including, but not limited to, misconduct under s. 800.101(2) or misconduct that meets the definition of abuse, abandonment, or neglect under s. 39.01.

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

Section 9. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

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

(1) Designate positions to be filled, prescribe
qualifications for those positions, and provide for the
appointment, compensation, promotion, suspension, and dismissal
of employees as follows, subject to the requirements of this
chapter:
(a) Positions, qualifications, and appointments.—
1. The district school board shall require that before
recommending any individual to the district school board for
employment, the district school superintendent must check the
database under s. 1012.21 and if the individual is in the
database, the district school superintendent must document the
individual's suitability for employment at a public school
within the school district.
2. The district school board shall act upon written
recommendations submitted by the district school superintendent
for positions to be filled, for minimum qualifications for
personnel for the various positions, and for the persons
nominated to fill such positions.
3. The district school board may reject for good cause
any employee nominated.
4. If the third nomination by the district school
superintendent for any position is rejected for good cause, if
the district school superintendent fails to submit a nomination
for initial employment within a reasonable time as prescribed by
the district school board, or if the district school
superintendent fails to submit a nomination for reemployment
within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

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

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

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

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

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

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

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

(d) Section 782.04, relating to murder.

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

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

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

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

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

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

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

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

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

(p) Section 794.011, relating to sexual battery.

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

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

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

(t) Chapter 796, relating to prostitution.

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

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

(w) Section 806.01, relating to arson.

(x) Section 810.14, relating to voyeurism.

(y) Section 810.145, relating to video voyeurism.

(z) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.
(aa) Section 812.0145, relating to theft from persons 65 years of age or older.

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

(cc) Section 812.13, relating to robbery.

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

(ee) Section 812.133, relating to carjacking.

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

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

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

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

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

(kk) Section 826.04, relating to incest.

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

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

(nn) Section 827.071, relating to sexual performance by a child.
Section 843.01, relating to resisting arrest with violence.

Chapter 847, relating to obscenity.

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

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

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

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

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

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

Any misdemeanor offense prohibited under any of the following statutes:

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

Section 787.025, relating to luring or enticing a child.
(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

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

Section 11. Paragraph (b) of subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to
subsection (4); may permanently revoke the educator certificate
of any person thereby denying that person the right to teach or
otherwise be employed by a district school board or public
school in any capacity requiring direct contact with students;
may suspend a person's educator certificate, upon an order of
the court or notice by the Department of Revenue relating to the
payment of child support; or may impose any other penalty
provided by law, if the person:

(b) Knowingly failed to report:

1. Actual or suspected child abuse as required in s. 1006.061; or report
2. Alleged misconduct that would be a violation of s. 800.101; or
3. A disqualifying offense under s. 1012.315 by
   instructional personnel or school administrators which affects
   the health, safety, or welfare of a student as required in s. 1012.796.

Section 12. Subsection (5) of section 1012.796, Florida
Statutes, is amended, and subsection (10) is added to that
section, to read:

1012.796 Complaints against teachers and administrators;
procedure; penalties.—
(5) When an allegation of misconduct by an individual
subject to s. 1012.315 instructional personnel or school
administrators, as defined in s. 1012.01, is received, if the
alleged misconduct affects the health, safety, or welfare of a student, the district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must, at a minimum, immediately suspend the individual instructional personnel or school administrators from regularly assigned duties, with pay, and remove reassign the individual from any position suspended personnel or administrators to positions that do not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

(10) An individual on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) may not serve or apply to serve as an employee or contracted personnel at any public school or private school that accepts funds from a state scholarship program under chapter 1002 in the state. An individual who knowingly violates this provision commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

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