

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
5 individuals; requiring the department to provide
6 access to specified information to certain staff for
7 specified purposes; amending s. 1001.20, F.S.;
8 authorizing the Office of Inspector General within the
9 Department of Education to issue and serve certain
10 subpoenas for specified purposes; authorizing the
11 inspector general to petition circuit courts for
12 specified purposes; amending s. 1001.42, F.S.;
13 providing that a school board official forfeits his or
14 her salary for 1 year under certain circumstances;
15 amending s. 1001.51, F.S.; providing that a district
16 school superintendent forfeits his or her salary for 1
17 year under additional circumstances; amending s.
18 1002.33, F.S.; prohibiting certain individuals from
19 employment at a charter school; providing requirements
20 for charter schools relating to employing certain
21 individuals; requiring the governing board of a
22 charter school to establish the duty of instructional
23 personnel and school administrators to report
24 specified alleged misconduct by certain individuals;
25 prohibiting a person on the disqualification list from

26 employment in specified positions; amending s.
 27 1002.421, F.S.; requiring certain private schools to
 28 deny employment to certain individuals; requiring
 29 private schools to provide an employment determination
 30 for certain prospective employees; authorizing the
 31 Commissioner of Education to permanently revoke an
 32 owner's or operator's authority to establish or
 33 operate a private school in the state under certain
 34 circumstances; amending s. 1006.061, F.S.; revising
 35 the contents of a sign certain educational entities
 36 are required to post to include information relating
 37 to reporting of certain criminal acts; amending s.
 38 1012.27, F.S.; providing specified employment history
 39 requirements; amending s. 1012.31, providing
 40 requirements for an affidavit-of-separation form;
 41 amending s. 1012.315, F.S.; providing that certain
 42 individuals are ineligible for an educator
 43 certification or specified employment; amending s.
 44 1012.795, F.S.; revising acts that warrant a
 45 disciplinary action by the commission; amending s.
 46 1012.796, F.S.; requiring a district school
 47 superintendent to immediately suspend certain
 48 individuals and take specified action as a results of
 49 alleged misconduct; prohibiting certain individuals
 50 from serving or applying to serve in specified

51 positions at public schools and specified private
 52 schools; providing timeframe for department
 53 investigation; providing timeframe for administrative
 54 suspension; providing criminal penalties; amending s.
 55 1012.797, F.S.; requiring law enforcement notification
 56 to charter and private schools; providing an effective
 57 date.

58
 59 Be It Enacted by the Legislature of the State of Florida:

60
 61 Section 1. Subsections (4) and (5) of section 1001.10,
 62 Florida Statutes, are amended to read:

63 1001.10 Commissioner of Education; general powers and
 64 duties.—

65 (4) The Department of Education shall:

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

74 (b) Maintain a disqualification list that includes all of
 75 the following:

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

81 2. The identity of any person who has been permanently
 82 disqualified by the commissioner from owning or operating a
 83 private school that participates in state scholarship programs
 84 pursuant to s. 1002.421.

85 3. The identity of any person who has been terminated, or
 86 has resigned in lieu of termination, from employment as a result
 87 of sexual misconduct with a student.

88 4. The identity of any person who has been disqualified
 89 from employment pursuant to s. 1012.315.

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

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

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

100 3. The school district that submitted the person for

101 inclusion on the disqualification list requests that the
 102 individual be removed and submits documentation to support the
 103 request.

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

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

113 (a) The Professional Practices' Database of Disciplinary
 114 Actions Against Educators ~~;~~ and

115 (b) The department's ~~Department of Education's~~ Teacher
 116 Certification Database.

117 (c) The department's disqualification list under paragraph
 118 (4) (b).

119 Section 2. Paragraph (e) of subsection (4) of section
 120 1001.20, Florida Statutes, is amended to read:

121 1001.20 Department under direction of state board.—

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

126 (e) Office of Inspector General.—Organized using existing
 127 resources and funds and responsible for promoting
 128 accountability, efficiency, and effectiveness and detecting
 129 fraud and abuse within school districts, the Florida School for
 130 the Deaf and the Blind, and Florida College System institutions
 131 in Florida. If the Commissioner of Education determines that a
 132 district school board, the Board of Trustees for the Florida
 133 School for the Deaf and the Blind, or a Florida College System
 134 institution board of trustees is unwilling or unable to address
 135 substantiated allegations made by any person relating to waste,
 136 fraud, or financial mismanagement within the school district,
 137 the Florida School for the Deaf and the Blind, or the Florida
 138 College System institution, the office shall conduct,
 139 coordinate, or request investigations into such substantiated
 140 allegations. The office shall investigate allegations or reports
 141 of possible fraud or abuse against a district school board made
 142 by any member of the Cabinet; the presiding officer of either
 143 house of the Legislature; a chair of a substantive or
 144 appropriations committee with jurisdiction; or a member of the
 145 board for which an investigation is sought. The office shall
 146 have access to all information and personnel necessary to
 147 perform its duties and shall have all of its current powers,
 148 duties, and responsibilities authorized in s. 20.055. The office
 149 may issue and serve subpoenas and subpoenas duces tecum to
 150 compel the attendance of witnesses and the production of

151 documents, reports, answers, records, accounts, and other data
 152 in any medium. In the event of noncompliance with a subpoena or
 153 a subpoena duces tecum issued under this section, the inspector
 154 general may petition the circuit court of the county in which
 155 the person subpoenaed resides or has his or her principal place
 156 of business for an order requiring the subpoenaed person to
 157 appear and testify and to produce documents, reports, answers,
 158 records, accounts, or other data as specified in the subpoena or
 159 subpoena duces tecum.

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

162 1001.42 Powers and duties of district school board.—The
 163 district school board, acting as a board, shall exercise all
 164 powers and perform all duties listed below:

165 (6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT
 166 EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL,
 167 AND SCHOOL OFFICERS.—Adopt policies establishing standards of
 168 ethical conduct for educational support employees, instructional
 169 personnel, administrative personnel, and school officers. The
 170 policies must require all educational support employees,
 171 instructional personnel, administrative personnel, and school
 172 officers, as defined in s. 1012.01, to complete training on the
 173 standards; establish the duty of educational support employees,
 174 instructional personnel, administrative personnel, and school
 175 officers to report, and procedures for reporting, alleged

176 misconduct by other educational support employees, instructional
177 or administrative personnel, and school officers which affects
178 the health, safety, or welfare of a student, including
179 misconduct that involves engaging in or soliciting sexual,
180 romantic, or lewd conduct with a student; require the district
181 school superintendent to report to law enforcement misconduct by
182 educational support employees, instructional personnel, or
183 school administrators that would result in disqualification from
184 educator certification or employment as provided in s. 1012.315;
185 and include an explanation of the liability protections provided
186 under ss. 39.203 and 768.095. A district school board, or any of
187 its employees or personnel, may not enter into a confidentiality
188 agreement regarding terminated or dismissed educational support
189 employees, instructional or administrative personnel, or school
190 officers who resign in lieu of termination, based in whole or in
191 part on misconduct that affects the health, safety, or welfare
192 of a student, and may not provide educational support employees,
193 instructional personnel, administrative personnel, or school
194 officers with employment references or discuss the employees',
195 personnel's, or officers' performance with prospective employers
196 in another educational setting, without disclosing the
197 employees', personnel's, or officers' misconduct. Any part of an
198 agreement or contract that has the purpose or effect of
199 concealing misconduct by educational support employees,
200 instructional personnel, administrative personnel, or school

201 officers which affects the health, safety, or welfare of a
 202 student is void, is contrary to public policy, and may not be
 203 enforced.

204 (7) PROHIBITION DISQUALIFICATION FROM EMPLOYMENT.—Prohibit
 205 educational support employees, Disqualify instructional
 206 personnel, and administrative personnel, as defined in s.
 207 1012.01, from employment in any position that requires direct
 208 contact with students if the employees or personnel are
 209 ineligible for such employment under s. 1012.315 or have been
 210 terminated or resigned in lieu of termination for sexual
 211 misconduct with a student. If the prohibited conduct occurs
 212 while employed, report the employees or personnel and the
 213 disqualifying circumstances to the department for inclusion on
 214 the disqualification list maintained by the department pursuant
 215 s. 1001.10(4)(b). An elected or appointed school board official
 216 forfeits his or her salary for 1 year if:

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

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

225 1. Educational support employees, instructional personnel,

226 | and administrative personnel to report alleged misconduct by
 227 | other educational support employees, instructional personnel,
 228 | and administrative personnel;

229 | 2. The district school superintendent to report misconduct
 230 | by educational support employees, instructional personnel, or
 231 | school administrators that would result in disqualification from
 232 | educator certification or employment as provided in s. 1012.315
 233 | to the law enforcement agencies with jurisdiction over the
 234 | conduct; or

235 | 3. The investigation of all reports of alleged misconduct
 236 | by educational support employees, instructional personnel, and
 237 | administrative personnel, if the misconduct affects the health,
 238 | safety, or welfare of a student, regardless of whether the
 239 | educational support employees, instructional personnel, or
 240 | administrative personnel resign or are terminated before the
 241 | conclusion of the investigation. The policy must require the
 242 | district school superintendent to notify the department of the
 243 | result of the investigation and whether the misconduct warranted
 244 | termination, regardless of whether the person resigned or was
 245 | terminated prior to the conclusion of the investigation.

246 | Section 3. Subsection (12) of section 1001.51, Florida
 247 | Statutes, is amended to read:

248 | 1001.51 Duties and responsibilities of district school
 249 | superintendent.—The district school superintendent shall
 250 | exercise all powers and perform all duties listed below and

251 elsewhere in the law, provided that, in so doing, he or she
 252 shall advise and counsel with the district school board. The
 253 district school superintendent shall perform all tasks necessary
 254 to make sound recommendations, nominations, proposals, and
 255 reports required by law to be acted upon by the district school
 256 board. All such recommendations, nominations, proposals, and
 257 reports by the district school superintendent shall be either
 258 recorded in the minutes or shall be made in writing, noted in
 259 the minutes, and filed in the public records of the district
 260 school board. It shall be presumed that, in the absence of the
 261 record required in this section, the recommendations,
 262 nominations, and proposals required of the district school
 263 superintendent were not contrary to the action taken by the
 264 district school board in such matters.

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

271 (a) Forms, blanks, and reports.—Require that all employees
 272 accurately keep all records and promptly make in proper form all
 273 reports required by the education code or by rules of the State
 274 Board of Education; recommend the keeping of such additional
 275 records and the making of such additional reports as may be

276 | deemed necessary to provide data essential for the operation of
 277 | the school system; and prepare such forms and blanks as may be
 278 | required and ensure that these records and reports are properly
 279 | prepared.

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

293 |
 294 | Any district school superintendent who knowingly signs and
 295 | transmits to any state official a report that the superintendent
 296 | knows to be false or incorrect; who knowingly fails to complete
 297 | the investigation of ~~investigate~~ any allegation of misconduct
 298 | that ~~by instructional personnel or school administrators, as~~
 299 | ~~defined in s. 1012.01, which~~ affects the health, safety, or
 300 | welfare of a student, that would be a violation of s. 800.101,

301 or that would be a disqualifying offense under s. 1012.315, or
 302 any allegation of sexual misconduct with a student; who
 303 knowingly fails to report the alleged misconduct to the
 304 department as required in s. 1012.796; or who knowingly fails to
 305 report misconduct to the law enforcement agencies with
 306 jurisdiction over the conduct pursuant to district school board
 307 policy under s. 1001.42(6), forfeits his or her salary for 1
 308 year following the date of such act or failure to act.

309 Section 4. Paragraph (g) of subsection (12) of section
 310 1002.33, Florida Statutes, is amended to read:

311 1002.33 Charter schools.—

312 (12) EMPLOYEES OF CHARTER SCHOOLS.—

313 (g)1. A charter school shall employ or contract with
 314 employees who have undergone background screening as provided in
 315 s. 1012.32. Members of the governing board of the charter school
 316 shall also undergo background screening in a manner similar to
 317 that provided in s. 1012.32. An individual may not be employed
 318 as an employee or contract personnel of a charter school or
 319 serve as a member of a charter school governing board if the
 320 individual is on the disqualification list maintained by the
 321 department pursuant to s. 1001.10(4)(b).

322 2. A charter school shall prohibit educational support
 323 employees, disqualify instructional personnel, and school
 324 administrators, as defined in s. 1012.01, from employment in any
 325 position that requires direct contact with students if the

326 employees, personnel, or administrators are ineligible for such
327 employment under s. 1012.315 or have been terminated or resigned
328 in lieu of termination for sexual misconduct with a student. If
329 the prohibited conduct occurs while employed, a charter school
330 must report the person and the disqualifying circumstances to
331 the department for inclusion on the disqualification list
332 maintain pursuant to s. 1001.10(4)(b).

333 3. The governing board of a charter school shall adopt
334 policies establishing standards of ethical conduct for
335 educational support employees, instructional personnel, and
336 school administrators. The policies must require all educational
337 support employees, instructional personnel, and school
338 administrators, as defined in s. 1012.01, to complete training
339 on the standards; establish the duty of educational support
340 employees, instructional personnel, and school administrators to
341 report, and procedures for reporting, alleged misconduct that ~~by~~
342 ~~other instructional personnel and school administrators which~~
343 affects the health, safety, or welfare of a student; and include
344 an explanation of the liability protections provided under ss.
345 39.203 and 768.095. A charter school, or any of its employees,
346 may not enter into a confidentiality agreement regarding
347 terminated or dismissed educational support employees,
348 instructional personnel, or school administrators, or employees,
349 personnel, or administrators who resign in lieu of termination,
350 based in whole or in part on misconduct that affects the health,

351 safety, or welfare of a student, and may not provide educational
352 support employees, instructional personnel, or school
353 administrators with employment references or discuss the
354 employee's, personnel's, or administrators' performance with
355 prospective employers in another educational setting, without
356 disclosing the employee's, personnel's, or administrators'
357 misconduct. Any part of an agreement or contract that has the
358 purpose or effect of concealing misconduct by educational
359 support employees, instructional personnel, or school
360 administrators which affects the health, safety, or welfare of a
361 student is void, is contrary to public policy, and may not be
362 enforced.

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

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

375 Section 5. Paragraphs (n) and (o) of subsection (1) and

376 subsection (3) of section 1002.421, Florida Statutes, are
377 amended, and paragraph (r) is added to subsection (1) of that
378 section, to read:

379 1002.421 State school choice scholarship program
380 accountability and oversight.—

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

390 (n) Adopt policies establishing standards of ethical
391 conduct for educational support employees, instructional
392 personnel, and school administrators. The policies must require
393 all educational support employees, instructional personnel, and
394 school administrators, as defined in s. 1012.01, to complete
395 training on the standards; establish the duty of educational
396 support employees, instructional personnel, and school
397 administrators to report, and procedures for reporting, alleged
398 misconduct by other educational support employees, instructional
399 personnel, and school administrators which affects the health,
400 safety, or welfare of a student; and include an explanation of

401 the liability protections provided under ss. 39.203 and 768.095.
402 A private school, or any of its employees, may not enter into a
403 confidentiality agreement regarding terminated or dismissed
404 educational support employees, instructional personnel, or
405 school administrators, or employees, personnel, or
406 administrators who resign in lieu of termination, based in whole
407 or in part on misconduct that affects the health, safety, or
408 welfare of a student, and may not provide the employees,
409 ~~instructional personnel, or school~~ administrators with
410 employment references or discuss the employees', personnel's, or
411 administrators' performance with prospective employers in
412 another educational setting, without disclosing the employees',
413 personnel's, or administrators' misconduct. Any part of an
414 agreement or contract that has the purpose or effect of
415 concealing misconduct by educational support employees,
416 instructional personnel, or school administrators which affects
417 the health, safety, or welfare of a student is void, is contrary
418 to public policy, and may not be enforced.

419 (o) Before employing an individual ~~instructional personnel~~
420 ~~or school administrators~~ in any position that requires direct
421 contact with students, conduct employment history checks of ~~each~~
422 ~~of the personnel's or administrators'~~ previous employers, screen
423 the individual ~~personnel or administrators~~ through use of the
424 ~~educator~~ screening tools described in s. 1001.10(5), and
425 document the findings. If unable to contact a previous employer,

426 | the private school must document efforts to contact the
427 | employer. The private school may not employ an individual whose
428 | educator certificate is revoked, who is barred from reapplying
429 | for an educator certificate, or who is on the disqualification
430 | list maintained by the department pursuant to s. 1001.10(4)(b).

431 | (r) Prohibit education support employees, instructional
432 | personnel, and school administrators from employment in any
433 | position that requires direct contact with students if the
434 | personnel or administrators are ineligible for such employment
435 | pursuant to this section or s. 1012.315, or have been terminated
436 | or resigned in lieu of termination for sexual misconduct with a
437 | student. If the prohibited conduct occurs subsequent to
438 | employment, report the person and the disqualifying
439 | circumstances to the department for inclusion on the
440 | disqualification list maintained pursuant to s. 1001.10(4)(b).

441 |
442 | The department shall suspend the payment of funds to a private
443 | school that knowingly fails to comply with this subsection, and
444 | shall prohibit the school from enrolling new scholarship
445 | students, for 1 fiscal year and until the school complies. If a
446 | private school fails to meet the requirements of this subsection
447 | or has consecutive years of material exceptions listed in the
448 | report required under paragraph (q), the commissioner may
449 | determine that the private school is ineligible to participate
450 | in a scholarship program.

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

452 The Commissioner of Education:

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

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

475 (c) May permanently deny or revoke the authority of an

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

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

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

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

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

518 c. Upon receipt of a request referred pursuant to this
519 subparagraph, the director of the Division of Administrative
520 Hearings shall expedite the hearing and assign an administrative
521 law judge who shall commence a hearing within 30 days after the
522 receipt of the formal written request by the division and enter
523 a recommended order within 30 days after the hearing or within
524 30 days after receipt of the hearing transcript, whichever is
525 later. Each party shall be allowed 10 days in which to submit

526 | written exceptions to the recommended order. A final order shall
 527 | be entered by the agency within 30 days after the entry of a
 528 | recommended order. The provisions of this sub-subparagraph may
 529 | be waived upon stipulation by all parties.

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

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

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

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

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

547 | b. A person or entity authorized by a court of competent
 548 | jurisdiction in compliance with an order of that court or the
 549 | attorney of record pursuant to a lawfully issued subpoena,
 550 | consistent with the Family Educational Rights and Privacy Act,

551 20 U.S.C. s. 1232g.

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

558

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

563 Section 6. Subsection (2) and paragraph (a) of subsection
 564 (4) of section 1006.061, Florida Statutes, are amended to read:

565 1006.061 Child abuse, abandonment, and neglect policy.—
 566 Each district school board, charter school, and private school
 567 that accepts scholarship students who participate in a state
 568 scholarship program under chapter 1002 shall:

569 (2) Post in a prominent place at each school site and on
 570 each school's ~~Internet~~ website, if available, the policies and
 571 procedures for reporting alleged misconduct by educational
 572 support employees, instructional personnel, or school
 573 administrators which affects the health, safety, or welfare of a
 574 student; the contact person to whom the report is made; and the
 575 penalties imposed on educational support employees,

576 | instructional personnel, or school administrators who fail to
 577 | report suspected or actual child abuse or alleged misconduct by
 578 | other educational support employees, instructional personnel, or
 579 | school administrators.

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

584 | 1. The statewide toll-free telephone number of the central
 585 | abuse hotline as provided in chapter 39.~~7~~

586 | 2. Instructions to call 911 for emergencies.~~7~~ ~~and~~

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

590 | 4. Directions for accessing the Department of Education's
 591 | website for more information on reporting acts that violate s.
 592 | 800.101.

593 |
 594 | The Department of Education shall develop, and publish on the
 595 | department's Internet website, sample notices suitable for
 596 | posting in accordance with subsections (1), (2), and (4).

597 | Section 7. Subsection (6) of section 1012.27, Florida
 598 | Statutes, is amended to read:

599 | 1012.27 Public school personnel; powers and duties of
 600 | district school superintendent.—The district school

601 superintendent is responsible for directing the work of the
602 personnel, subject to the requirements of this chapter, and in
603 addition the district school superintendent shall perform the
604 following:

605 (6) EMPLOYMENT HISTORY CHECKS.—Before employing a person
606 in any position that requires direct contact with students,
607 conduct employment history checks of each of the person's
608 previous employers, review each affidavit of separation from
609 previous employers pursuant to s. 1012.31, screen instructional
610 personnel and school administrators, as defined in s. 1012.01,
611 through use of the educator screening tools described in s.
612 1001.10(5), and document the findings. If unable to contact a
613 previous employer, the district school superintendent shall
614 document efforts to contact the employer.

615 Section 8. Paragraph (a) of subsection (2) of section
616 1012.31, Florida Statutes, is amended to read:

617 1012.31 Personnel files.—Public school system employee
618 personnel files shall be maintained according to the following
619 provisions:

620 (2)(a) Materials relating to work performance, discipline,
621 suspension, or dismissal must be reduced to writing and signed
622 by a person competent to know the facts or make the judgment. In
623 cases of separation due to termination or resignation in lieu of
624 termination, such person shall execute and maintain an affidavit
625 of separation, on the form adopted by the Department of

626 Education, setting forth in detail the facts and reasons for
 627 such separation. The affidavit must expressly disclose when
 628 separation is due to a report of sexual misconduct with a
 629 student. The affidavit of separation must be executed under oath
 630 and constitutes an official statement within the purview of s.
 631 837.06. The affidavit of separation must include conspicuous
 632 language that intentional false execution of the affidavit
 633 constitutes a misdemeanor of the second degree ~~The resignation~~
 634 ~~or termination of an employee before an investigation of alleged~~
 635 ~~misconduct by the employee affecting the health, safety, or~~
 636 ~~welfare of a student is concluded must be clearly indicated in~~
 637 ~~the employee's personnel file.~~

638 Section 9. Section 1012.315, Florida Statutes, is amended
 639 to read:

640 1012.315 Screening standards ~~Disqualification from~~
 641 ~~employment.~~-A person is ineligible for educator certification or
 642 employment in any position that requires direct contact with
 643 students in a district school system, charter school, or a
 644 private school that participates ~~accepts scholarship students~~
 645 ~~who participate~~ in a state scholarship program under chapter
 646 1002 if the person is on the disqualification list maintained by
 647 the department pursuant to s. 1001.10(4)(b), is registered as a
 648 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(c), or has
 649 been convicted of:

650 (1) Any felony offense prohibited under any of the

651 following statutes:

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

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

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

660 (d) Section 782.04, relating to murder.

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

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

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

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

671 (i) Section 787.01, relating to kidnapping.

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

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

675 (l) Section 787.04(2), relating to leading, taking,

676 enticing, or removing a minor beyond the state limits, or
 677 concealing the location of a minor, with criminal intent pending
 678 custody proceedings.

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

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

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

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

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

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

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

697 (t) Chapter 796, relating to prostitution.

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

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

701 | by authority figures.

702 | (w) Section 806.01, relating to arson.

703 | (x) Section 810.14, relating to voyeurism.

704 | (y) Section 810.145, relating to video voyeurism.

705 | (z) Section 812.014(6), relating to coordinating the

706 | commission of theft in excess of \$3,000.

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

708 | years of age or older.

709 | (bb) Section 812.019, relating to dealing in stolen

710 | property.

711 | (cc) Section 812.13, relating to robbery.

712 | (dd) Section 812.131, relating to robbery by sudden

713 | snatching.

714 | (ee) Section 812.133, relating to carjacking.

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

716 | (gg) Section 817.563, relating to fraudulent sale of

717 | controlled substances.

718 | (hh) Section 825.102, relating to abuse, aggravated abuse,

719 | or neglect of an elderly person or disabled adult.

720 | (ii) Section 825.103, relating to exploitation of an

721 | elderly person or disabled adult.

722 | (jj) Section 825.1025, relating to lewd or lascivious

723 | offenses committed upon or in the presence of an elderly person

724 | or disabled person.

725 | (kk) Section 826.04, relating to incest.

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

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

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

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

734 (pp) Chapter 847, relating to obscenity.

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

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

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

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

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

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

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

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

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

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

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

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

768 1012.795 Education Practices Commission; authority to
 769 discipline.—

770 (1) The Education Practices Commission may suspend the
 771 educator certificate of any instructional personnel or school
 772 administrator, as defined in s. 1012.01(2) or (3), for up to 5
 773 years, thereby denying that person the right to teach or
 774 otherwise be employed by a district school board or public
 775 school in any capacity requiring direct contact with students

776 for that period of time, after which the person may return to
777 teaching as provided in subsection (4); may revoke the educator
778 certificate of any person, thereby denying that person the right
779 to teach or otherwise be employed by a district school board or
780 public school in any capacity requiring direct contact with
781 students for up to 10 years, with reinstatement subject to
782 subsection (4); may permanently revoke the educator certificate
783 of any person thereby denying that person the right to teach or
784 otherwise be employed by a district school board or public
785 school in any capacity requiring direct contact with students;
786 may suspend a person's educator certificate, upon an order of
787 the court or notice by the Department of Revenue relating to the
788 payment of child support; may direct the department to place a
789 certificateholder employed by any public school, charter school,
790 charter school governing board, or private school that
791 participates in a state scholarship program under chapter 1002
792 on the disqualification list maintained by the department
793 pursuant to s. 1001.10(4)(b) for misconduct that would render
794 the person ineligible pursuant to s. 1012.315 or sexual
795 misconduct with a student; or may impose any other penalty
796 provided by law, if the person:
797 (a) Obtained or attempted to obtain an educator
798 certificate by fraudulent means.
799 (b) Knowingly failed to report actual or suspected child
800 abuse as required in s. 1006.061 or report alleged misconduct by

801 instructional personnel or school administrators which affects
802 the health, safety, or welfare of a student as required in s.
803 1012.796.

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

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

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

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

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

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

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

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

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

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

848 (m) Has been the subject of a court order or plea
 849 agreement in any jurisdiction which requires the
 850 certificateholder to surrender or otherwise relinquish his or

851 her educator's certificate. A surrender or relinquishment shall
852 be for permanent revocation of the certificate. A person may not
853 surrender or otherwise relinquish his or her certificate prior
854 to a finding of probable cause by the commissioner as provided
855 in s. 1012.796.

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

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

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

862 Section 11. Paragraphs (a), (b), (d), and (e) of
863 subsection (1) and subsection (5) of section 1012.796, Florida
864 Statutes, are amended, and paragraph (i) is added to subsection
865 (7) and subsection (10) is added to that section, to read:

866 1012.796 Complaints against teachers and administrators;
867 procedure; penalties.—

868 (1) (a) The Department of Education shall cause to be
869 investigated expeditiously any complaint filed before it or
870 otherwise called to its attention which, if legally sufficient,
871 contains grounds for the revocation or suspension of a
872 certificate or any other appropriate penalty as set forth in
873 subsection (7). The complaint is legally sufficient if it
874 contains the ultimate facts which show a violation has occurred
875 as provided in s. 1012.795 and defined by rule of the State

876 Board of Education. The department shall investigate or continue
877 to investigate and take appropriate action on a complaint even
878 though the original complainant withdraws the complaint or
879 otherwise indicates a desire not to cause it to be investigated
880 or prosecuted to completion. The department may investigate or
881 continue to investigate and take action on a complaint filed
882 against a person whose educator certificate has expired if the
883 act or acts that are the basis for the complaint were allegedly
884 committed while that person possessed an educator certificate
885 and may not issue a new certificate to such a person unless an
886 investigation has been completed.

887 (b) The department shall immediately investigate any
888 legally sufficient complaint that involves misconduct by any
889 certificated personnel which affects the health, safety, or
890 welfare of a student, giving the complaint priority over other
891 pending complaints. The department must investigate or continue
892 to investigate and take action on such a complaint filed against
893 a person whose educator certificate has expired if the act or
894 acts that are the basis for the complaint were allegedly
895 committed while that person possessed an educator certificate.
896 The Commissioner of Education shall make a determination of
897 probable cause within 60 days of receipt of any complaint
898 involving sexual misconduct with a student. Upon the written
899 request of a state attorney, this timeframe may be held in
900 abeyance during criminal proceedings related to the sexual

901 misconduct with a student.

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

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

926 | complaint and report the findings and conclusion to the
 927 | department.

928 | 3. Each district school board shall develop and adopt
 929 | policies and procedures to comply with this reporting
 930 | requirement. School board policies and procedures must include
 931 | standards for screening, hiring, and terminating instructional
 932 | personnel and school administrators, as defined in s. 1012.01;
 933 | standards of ethical conduct for instructional personnel and
 934 | school administrators; the duties of instructional personnel and
 935 | school administrators for upholding the standards; detailed
 936 | procedures for reporting alleged misconduct by instructional
 937 | personnel and school administrators which affects the health,
 938 | safety, or welfare of a student; requirements for the
 939 | reassignment of instructional personnel and ~~or~~ school
 940 | administrators pending the outcome of a misconduct
 941 | investigation; and penalties for failing to comply with s.
 942 | 1001.51 or s. 1012.795. The district school board policies and
 943 | procedures must ~~shall~~ include appropriate penalties for all
 944 | personnel of the district school board for nonreporting and
 945 | procedures for promptly informing the district school
 946 | superintendent of each legally sufficient complaint. The
 947 | district school superintendent is charged with knowledge of
 948 | these policies and procedures and is accountable for the
 949 | training of all instructional personnel and school
 950 | administrators of the school district on the standards of

951 ethical conduct, policies, and procedures.

952 4. If the district school superintendent has knowledge of
953 a legally sufficient complaint and does not report the
954 complaint, or fails to enforce the policies and procedures of
955 the district school board, and fails to comply with the
956 requirements of this subsection, in addition to other actions
957 against certificateholders authorized by law, the district
958 school superintendent is subject to penalties as specified in s.
959 1001.51(12).

960 5. If the superintendent determines that misconduct by
961 instructional personnel or school administrators who hold an
962 educator certificate affects the health, safety, or welfare of a
963 student and the misconduct warrants termination, the
964 instructional personnel or school administrators may resign or
965 be terminated, and the superintendent must report the misconduct
966 to the department in the format prescribed by the department.
967 The department shall maintain each report of misconduct as a
968 public record in the instructional personnel's or school
969 administrators' certification files. This paragraph does not
970 limit or restrict the power and duty of the department to
971 investigate complaints regarding certificated personnel,
972 regardless of the school district's untimely filing, or failure
973 to file, complaints and followup reports. This subparagraph does
974 not create a duty for the department to investigate complaints
975 regarding noncertificated personnel.

976 (e) If allegations arise against an employee who is
977 certified under s. 1012.56 and employed in an educator-
978 certificated position in any public school, charter school or
979 governing board thereof, or private school that accepts
980 scholarship students who participate in a state scholarship
981 program under chapter 1002, the school shall file in writing
982 with the department a legally sufficient complaint within 30
983 days after the date on which the subject matter of the complaint
984 came to the attention of the school, regardless of whether the
985 subject of the allegations is still an employee of the school. A
986 complaint is legally sufficient if it contains ultimate facts
987 that show a violation has occurred as provided in s. 1012.795
988 and defined by rule of the State Board of Education. The school
989 shall include all known information relating to the complaint
990 with the filing of the complaint. This paragraph does not limit
991 or restrict the power and duty of the department to investigate
992 complaints, regardless of the school's untimely filing, or
993 failure to file, complaints and followup reports. A school
994 described in this paragraph shall immediately notify the
995 department if the subject of a legally sufficient complaint of
996 misconduct affecting the health, safety, or welfare of a student
997 resigns or is terminated before the conclusion of the school's
998 investigation. Upon receipt of the notification, the department
999 shall place an alert on the person's certification file
1000 indicating that he or she resigned or was terminated before an

1001 investigation involving allegations of misconduct affecting the
 1002 health, safety, or welfare of a student was concluded and place
 1003 the person on the disqualification list maintained by the
 1004 department pursuant to s. 1001.10(4)(b). In such circumstances,
 1005 the database may not include specific information relating to
 1006 the alleged misconduct until permitted by subsection (4).

1007 (5) When an allegation of misconduct by instructional
 1008 personnel or school administrators, as defined in s. 1012.01, is
 1009 received, if the alleged misconduct affects the health, safety,
 1010 or welfare of a student, the district school superintendent in
 1011 consultation with the school principal, or upon the request of
 1012 the Commissioner of Education, must, at a minimum, immediately
 1013 suspend the instructional personnel or school administrators
 1014 from regularly assigned duties, with pay, and remove ~~reassign~~
 1015 the suspended personnel or administrators to positions that may
 1016 ~~do not~~ require direct contact with students in the district
 1017 school system. Such suspension shall continue until submission
 1018 of the legally sufficient complaint. The proceedings and
 1019 determination of sanctions shall be completed by a school
 1020 district within 1 year of submission of the legally sufficient
 1021 complaint ~~the completion of the proceedings and the~~
 1022 ~~determination of sanctions, if any, pursuant to this section and~~
 1023 ~~s. 1012.795.~~

1024 (7) A panel of the commission shall enter a final order
 1025 either dismissing the complaint or imposing one or more of the

1026 following penalties:

1027 (i) Direct the department to place instructional personnel
 1028 or school administrators on the disqualification list maintained
 1029 by the department pursuant to s. 1001.10(4)(b), for conduct that
 1030 would render the person ineligible pursuant to s. 1012.315 or
 1031 sexual misconduct with a student.

1032
 1033 The penalties imposed under this subsection are in addition to,
 1034 and not in lieu of, the penalties required for a third
 1035 recruiting offense pursuant to s. 1006.20(2)(b).

1036 (10) An individual on the disqualification list maintained
 1037 by the department pursuant to s. 1001.10(4)(b) shall be notified
 1038 that he or she may not serve or apply to serve as an employee or
 1039 contracted personnel at any public school or private school that
 1040 participates in a state scholarship program under chapter 1002.
 1041 An individual who knowingly violates this provision commits a
 1042 felony of the third degree, punishable as provided in s. 775.082
 1043 or s. 775.083.

1044 Section 12. Subsection (1) of section 1012.797, Florida
 1045 Statutes, is amended to read:

1046 1012.797 Notification by law enforcement ~~of district~~
 1047 ~~school superintendent~~ of certain charges against or convictions
 1048 of employees.—

1049 (1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any
 1050 other ~~provision of~~ law to the contrary, a law enforcement agency

1051 shall, within 48 hours, notify the appropriate district school
1052 superintendent, charter school governing board, or private
1053 school owner or administrator, as applicable, of the name and
1054 address of any employee of the school district, charter school,
1055 or private school, as applicable, who is charged with a felony
1056 or with a misdemeanor involving the abuse of a minor child or
1057 the sale or possession of a controlled substance. The
1058 notification shall include the specific charge for which the
1059 employee of the school district was arrested. Such notification
1060 shall include other education providers such as the Florida
1061 School for the Deaf and the Blind, university lab schools, and
1062 private elementary and secondary schools.

1063 Section 13. This act shall take effect July 1, 2020.