

1                                   A bill to be entitled  
2           An act relating to background screening; amending s.  
3           1002.45, F.S.; revising the requirement relating to  
4           background screening of instructional personnel in  
5           virtual instruction programs; amending s. 1012.315,  
6           F.S.; providing additional offenses that determine  
7           ineligibility for educator certification or employment  
8           in a position that requires direct contact with  
9           students; amending s. 1012.32, F.S.; revising  
10          requirements for the retention, search, and reporting  
11          of fingerprints of school personnel; providing for  
12          Department of Law Enforcement participation in the  
13          national retained print arrest notification program;  
14          providing for fees; amending s. 1012.465, F.S.;  
15          providing background screening requirements for  
16          certain school district employees, certain contractual  
17          personnel, and instructional personnel in virtual  
18          instruction programs; requiring a fingerprint-based  
19          criminal history background screening; providing  
20          requirements for submission, retention, search, and  
21          reporting of fingerprints; providing for fees;  
22          amending s. 1012.467, F.S.; requiring the fingerprints  
23          of certain noninstructional contractors to be enrolled  
24          in the national retained print arrest notification  
25          program; requiring arrest fingerprints to be searched  
26          against state and federal retained fingerprints;

27 providing for fees to be established in rule; revising  
 28 provisions relating to sharing criminal history  
 29 information; amending s. 1012.56, F.S.; revising  
 30 provisions relating to background rescreening for  
 31 educator certification; amending s. 1012.796;  
 32 including persons employed by virtual instruction  
 33 providers against which complaints may be filed;  
 34 amending s. 1012.797, F.S.; revising provisions  
 35 relating to notification to education providers of  
 36 charges against school district employees; reenacting  
 37 ss. 1001.42(7), 1002.33(12)(g), 1002.36(7)(g),  
 38 1002.421(4)(a), 1012.32(1) and (2), 1012.56(10)(a) and  
 39 (c), and 1012.795(1)(n), F.S., relating to district  
 40 school board powers and duties, charter schools, the  
 41 Florida School for the Deaf and the Blind, the  
 42 accountability of private schools participating in  
 43 state school choice scholarship programs,  
 44 qualifications of personnel, educator certification  
 45 requirements, and Education Practices Commission  
 46 authority to discipline, respectively, to incorporate  
 47 the amendment made to s. 1012.315, F.S., in references  
 48 thereto; providing an effective date.

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

52 Section 1. Paragraph (a) of subsection (2) of section

53 1002.45, Florida Statutes, is amended to read:

54 1002.45 Virtual instruction programs.—

55 (2) PROVIDER QUALIFICATIONS.—

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

59 1. Is nonsectarian in its programs, admission policies,  
60 employment practices, and operations.~~†~~

61 2. Complies with the antidiscrimination provisions of s.  
62 1000.05.~~†~~

63 3. Locates an administrative office or offices in this  
64 state.~~†~~

65 4. Requires its administrative staff to be state  
66 residents.~~†~~

67 5. Requires all instructional staff to hold a valid  
68 Florida educator certificate ~~be Florida-certified teachers~~ under  
69 chapter 1012. ~~and~~

70 6. Has submitted a signed affidavit under penalty of  
71 perjury stating that all instructional personnel employed by the  
72 provider hold a valid Florida educator certificate in good  
73 standing and have undergone ~~conducts~~ background screening  
74 ~~screenings for all employees or contracted personnel,~~ as  
75 required by s. 1012.465 ~~1012.32~~, using state and national  
76 criminal history records.~~†~~

77 ~~7.4.~~ Provides to parents and students specific information  
78 posted and accessible online that includes, but is not limited

79 to, the following teacher-parent and teacher-student contact  
80 information for each course:

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

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

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

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

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

93 ~~8.5.~~ Possesses prior, successful experience offering  
94 online courses to elementary, middle, or high school students as  
95 demonstrated by quantified student learning gains in each  
96 subject area and grade level provided for consideration as an  
97 instructional program option. However, for a provider without  
98 sufficient prior, successful experience offering online courses,  
99 the department may conditionally approve the provider to offer  
100 courses measured pursuant to subparagraph (8) (a)2. Conditional  
101 approval shall be valid for 1 school year only and, based on the  
102 provider's experience in offering the courses, the department  
103 shall determine whether to grant approval to offer a virtual  
104 instruction program.‡

105        9.6 Is accredited by a regional accrediting association  
 106 as defined by State Board of Education rule.

107        10.7 Ensures instructional and curricular quality through  
 108 a detailed curriculum and student performance accountability  
 109 plan that addresses every subject and grade level it intends to  
 110 provide through contract with the school district, including:

111            a. Courses and programs that meet the standards of the  
 112 International Association for K-12 Online Learning and the  
 113 Southern Regional Education Board.

114            b. Instructional content and services that align with, and  
 115 measure student attainment of, student proficiency in the Next  
 116 Generation Sunshine State Standards.

117            c. Mechanisms that determine and ensure that a student has  
 118 satisfied requirements for grade level promotion and high school  
 119 graduation with a standard diploma, as appropriate.

120        11.8 Publishes for the general public, in accordance with  
 121 disclosure requirements adopted in rule by the State Board of  
 122 Education, as part of its application as a provider and in all  
 123 contracts negotiated pursuant to this section:

124            a. Information and data about the curriculum of each full-  
 125 time and part-time program.

126            b. School policies and procedures.

127            c. Certification status and physical location of all  
 128 administrative and instructional personnel.

129            d. Hours and times of availability of instructional  
 130 personnel.

- 131 e. Student-teacher ratios.
- 132 f. Student completion and promotion rates.
- 133 g. Student, educator, and school performance
- 134 accountability outcomes.

135 12.9. If the provider is a Florida College System  
 136 institution, employs instructors who meet the certification  
 137 requirements for instructional staff under chapter 1012. ~~7~~ and

138 13.10. Performs an annual financial audit of its accounts  
 139 and records conducted by an independent certified public  
 140 accountant which is in accordance with rules adopted by the  
 141 Auditor General, is conducted in compliance with generally  
 142 accepted auditing standards, and includes a report on financial  
 143 statements presented in accordance with generally accepted  
 144 accounting principles.

145 Section 2. Section 1012.315, Florida Statutes, is amended  
 146 to read:

147 1012.315 Disqualification from employment.—A person is  
 148 ineligible for educator certification, and instructional  
 149 personnel and school administrators, as defined in s. 1012.01,  
 150 are ineligible for employment in any position that requires  
 151 direct contact with students in a district school system,  
 152 charter school, or private school that accepts scholarship  
 153 students under s. 1002.39 or s. 1002.395, if the person,  
 154 instructional personnel, or school administrator has been  
 155 convicted of:

- 156 (1) Any felony offense prohibited under any of the

157 following statutes:

158 (a) Section 39.205, relating to failure to report child  
 159 abuse, abandonment, or neglect.

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

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

166 (d)~~(e)~~ Section 415.111, relating to adult abuse, neglect,  
 167 or exploitation of aged persons or disabled adults.

168 (e) Section 775.085, relating to evidencing prejudice  
 169 while committing offense, if reclassified as a felony.

170 (f)~~(d)~~ Section 782.04, relating to murder.

171 (g) Section 782.051, relating to attempted felony murder.

172 (h)~~(e)~~ Section 782.07, relating to manslaughter,  
 173 aggravated manslaughter of an elderly person or disabled adult,  
 174 aggravated manslaughter of a child, or aggravated manslaughter  
 175 of an officer, a firefighter, an emergency medical technician,  
 176 or a paramedic.

177 (i) Section 782.09(1), relating to killing of unborn quick  
 178 child by injury to mother.

179 (j)~~(f)~~ Section 784.021, relating to aggravated assault.

180 (k)~~(g)~~ Section 784.045, relating to aggravated battery.

181 (l)~~(h)~~ Section 784.075, relating to battery on a detention  
 182 or commitment facility staff member or a juvenile probation

183 officer.

184 (m)~~(i)~~ Section 787.01, relating to kidnapping.

185 (n)~~(j)~~ Section 787.02, relating to false imprisonment.

186 (o)~~(k)~~ Section 787.025, relating to luring or enticing a  
187 child.

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

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

197 (r) Section 787.06, relating to human trafficking.

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

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

204 (u) Section 790.166, relating to weapons of mass  
205 destruction.

206 (v)~~(p)~~ Section 794.011, relating to sexual battery.

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



209 authority.

210       (x)~~(r)~~ Section 794.05, relating to unlawful sexual

211 activity with certain minors.

212       (y)~~(s)~~ Section 794.08, relating to female genital

213 mutilation.

214       (z)~~(t)~~ Chapter 796, relating to prostitution.

215       (aa)~~(u)~~ Chapter 800, relating to lewdness and indecent

216 exposure.

217       (bb)~~(v)~~ Section 806.01, relating to arson.

218       (cc)~~(w)~~ Section 810.14, relating to voyeurism.

219       (dd)~~(x)~~ Section 810.145, relating to video voyeurism.

220       (ee)~~(y)~~ Section 812.014(6), relating to coordinating the

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

222       (ff)~~(z)~~ Section 812.0145, relating to theft from persons

223 65 years of age or older.

224       (gg)~~(aa)~~ Section 812.019, relating to dealing in stolen

225 property.

226       (hh)~~(bb)~~ Section 812.13, relating to robbery.

227       (ii)~~(cc)~~ Section 812.131, relating to robbery by sudden

228 snatching.

229       (jj)~~(dd)~~ Section 812.133, relating to carjacking.

230       (kk)~~(ee)~~ Section 812.135, relating to home-invasion

231 robbery.

232       (ll)~~(ff)~~ Section 817.563, relating to fraudulent sale of

233 controlled substances.

234       (mm)~~(gg)~~ Section 825.102, relating to abuse, aggravated

235 abuse, or neglect of an elderly person or disabled adult.  
 236 (nn)~~(hh)~~ Section 825.103, relating to exploitation of an  
 237 elderly person or disabled adult.  
 238 (oo)~~(ii)~~ Section 825.1025, relating to lewd or lascivious  
 239 offenses committed upon or in the presence of an elderly person  
 240 or disabled person.  
 241 (pp)~~(jj)~~ Section 826.04, relating to incest.  
 242 (qq)~~(kk)~~ Section 827.03, relating to child abuse,  
 243 aggravated child abuse, or neglect of a child.  
 244 (rr)~~(ll)~~ Section 827.04, relating to contributing to the  
 245 delinquency or dependency of a child.  
 246 (ss)~~(mm)~~ Section 827.071, relating to sexual performance  
 247 by a child.  
 248 (tt) Section 838.015, relating to bribery.  
 249 (uu)~~(nn)~~ Section 843.01, relating to resisting arrest with  
 250 violence.  
 251 (vv)~~(oo)~~ Chapter 847, relating to obscenity.  
 252 (ww) Section 859.01, relating to poisoning food or water.  
 253 (xx)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
 254 soliciting, or recruiting another to join a criminal street  
 255 gang.  
 256 (yy) Section 876.32, relating to treason.  
 257 (zz)~~(qq)~~ Chapter 893, relating to drug abuse prevention  
 258 and control, if the offense was a felony of the second degree or  
 259 greater severity.  
 260 (aaa)~~(rr)~~ Section 916.1075, relating to sexual misconduct

261 with certain forensic clients and reporting of such sexual  
 262 misconduct.

263 (bbb) ~~(ss)~~ Section 944.47, relating to introduction,  
 264 removal, or possession of contraband at a correctional facility.

265 (ccc) ~~(tt)~~ Section 985.701, relating to sexual misconduct  
 266 in juvenile justice programs.

267 (ddd) ~~(uu)~~ Section 985.711, relating to introduction,  
 268 removal, or possession of contraband at a juvenile detention  
 269 facility or commitment program.

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

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

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

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

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

285 Section 3. Subsection (3) of section 1012.32, Florida  
 286 Statutes, is amended to read:

287 1012.32 Qualifications of personnel.—  
 288 (3) (a) ~~All fingerprints submitted to~~ The Department of Law  
 289 Enforcement ~~as required by subsection (2)~~ shall retain the  
 290 fingerprints submitted for a criminal history background  
 291 screening pursuant to subsection (2) and s. 1012.465, be  
 292 ~~retained by the Department of Law Enforcement in a manner~~  
 293 ~~provided by rule~~ enter the fingerprints and ~~entered~~ in the  
 294 statewide automated biometric identification system authorized  
 295 by s. 943.05(2) (b), and enroll the fingerprints in the national  
 296 retained print arrest notification program when the national  
 297 program becomes operational and the Department of Law  
 298 Enforcement begins participation in the program. The  
 299 fingerprints of individuals which were retained by the  
 300 Department of Law Enforcement before its participation in the  
 301 national program must be enrolled in the program within 2 years  
 302 after the Department of Law Enforcement begins participation.  
 303 Such fingerprints shall thereafter be available for arrest  
 304 notifications required by paragraph (b) and all purposes and  
 305 uses authorized for arrest fingerprints entered in the statewide  
 306 automated biometric identification system pursuant to s.  
 307 943.051.  
 308 (b) The Department of Law Enforcement shall search all  
 309 arrest fingerprints ~~received under s. 943.051~~ against the  
 310 fingerprints retained ~~in the statewide automated biometric~~  
 311 ~~identification system~~ under paragraph (a) and report- any arrest  
 312 record ~~that is~~ identified by the Department of Law Enforcement

313 ~~or the Federal Bureau of Investigation with the retained~~  
 314 ~~fingerprints of a person subject to the background screening~~  
 315 ~~under this section shall be reported~~ to the employing or  
 316 contracting school district or the school district with which  
 317 the person is affiliated. Each school district is required to  
 318 participate in this search process by payment of fees ~~an annual~~  
 319 ~~fee~~ to the Department of Law Enforcement and by informing the  
 320 Department of Law Enforcement of any change in the ~~affiliation,~~  
 321 ~~employment, or contractual status or place of affiliation,~~  
 322 ~~employment, or contracting~~ of its ~~instructional and~~  
 323 ~~noninstructional~~ personnel whose fingerprints are retained under  
 324 paragraph (a). The Department of Law Enforcement shall adopt a  
 325 rule that sets ~~setting the amount of~~ the annual fee ~~to be~~  
 326 ~~imposed upon~~ each school district must pay to the Department of  
 327 Law Enforcement and identifies the federal subscription fee  
 328 collected and remitted by the Department of Law Enforcement for  
 329 participation in the national retained arrest print notification  
 330 program, as applicable, for performing these searches and  
 331 establishes ~~establishing~~ the procedures for the retention of  
 332 ~~instructional and noninstructional personnel~~ fingerprints  
 333 retained under paragraph (a) and the dissemination of search  
 334 results. The fee may be borne by the district school board, the  
 335 contractor, or the person fingerprinted.

336 (c) Personnel whose fingerprints are not retained by the  
 337 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and  
 338 ~~(b)~~ must be refingerprinted and rescreened in accordance with

339 subsection (2) upon reemployment or reengagement to provide  
 340 services in order to comply with the requirements of this  
 341 subsection.

342 Section 4. Section 1012.465, Florida Statutes, is amended  
 343 to read:

344 1012.465 ~~Background screening~~ Requirements for certain  
 345 ~~noninstructional~~ school district employees, contractual  
 346 personnel, and instructional personnel and contractors.-

347 (1) The following individuals ~~Except as provided in s.~~  
 348 ~~1012.467 or s. 1012.468, noninstructional school district~~  
 349 ~~employees or contractual personnel who are permitted access on~~  
 350 ~~school grounds when students are present, who have direct~~  
 351 ~~contact with students or who have access to or control of school~~  
 352 ~~funds must meet the level 2 screening requirements of this~~  
 353 ~~section: as described in s. 1012.32. Contractual personnel shall~~  
 354 ~~include any vendor, individual, or entity under contract with a~~  
 355 ~~school or the school board.~~

356 (a) Noninstructional school district employees who have  
 357 direct contact with students or who have access to or control of  
 358 school funds.

359 (b) Contractual personnel, including individuals under  
 360 contract with a school or the district school board who provide  
 361 instructional, rehabilitative, medical, or psychological  
 362 services, or other services relating to the education, care,  
 363 custody, or safety of students, that involve direct contact with  
 364 students.

365 (c) Contractual personnel who have access to or control of  
 366 school funds.

367 (d) Instructional personnel who are hired or contracted to  
 368 provide virtual instruction pursuant to s. 1002.45.

369 (2) An individual described in subsection (1) must be of  
 370 good moral character, must not be ineligible under s. 1012.315,  
 371 and must, when required by law, hold a certificate or license  
 372 issued under rules of the State Board of Education or the  
 373 Department of Children and Families, except when employed  
 374 pursuant to s. 1012.55 or under the emergency provisions of s.  
 375 1012.24. Previous residence in this state shall not be required  
 376 as a prerequisite for a person holding a valid Florida  
 377 certificate or license to serve in an instructional capacity.

378 (3) A fingerprint-based criminal history background  
 379 screening shall be performed on each individual described in  
 380 subsection (1) at least once every 5 years. For the initial  
 381 criminal history background screening, the individual shall  
 382 submit electronically to the Department of Law Enforcement for a  
 383 state criminal history check a complete set of fingerprints  
 384 taken by an authorized law enforcement agency, an employee  
 385 trained to take fingerprints for any school district or public  
 386 school, or a private company authorized to take fingerprints  
 387 under s. 943.053(13). The Department of Law Enforcement shall  
 388 submit the fingerprints to the Federal Bureau of Investigation  
 389 for a national criminal history check. The Department of Law  
 390 Enforcement shall report the results of each criminal history

391 check to the school district in which the individual seeks  
 392 access and enter the results into the system described in s.  
 393 1012.467(7).

394 (4) The Department of Law Enforcement shall retain the  
 395 fingerprints submitted for a criminal history background  
 396 screening, enter the fingerprints in the statewide automated  
 397 biometric identification system authorized by s. 943.05(2)(b),  
 398 and enroll the fingerprints in the national retained print  
 399 arrest notification program in accordance with s. 1012.32(3).

400 (5) The Department of Law Enforcement shall search arrest  
 401 fingerprints against the fingerprints retained under subsection  
 402 (4) and report any arrest record identified by the Department of  
 403 Law Enforcement or the Federal Bureau of Investigation to each  
 404 school district in which the person seeks access. Participation  
 405 in the search process is subject to payment of fees pursuant to  
 406 s. 1012.32(3). The fees may be borne by the district school  
 407 board, the contractor, or the person fingerprinted. A fee that  
 408 is charged by a school district may not exceed 30 percent of the  
 409 total amount charged by the Department of Law Enforcement and  
 410 the Federal Bureau of Investigation.

411 (6) An individual subject to this section shall inform a  
 412 school district if a criminal history background screening was  
 413 completed in another school district within the past 5 years.  
 414 The school district shall verify the results of the individual's  
 415 criminal history background screening using the system described  
 416 in s. 1012.467(7). The school district may not charge a fee for



417 verifying the results of the criminal history background  
418 screening.

419 ~~(2) Every 5 years following employment or entry into a~~  
420 ~~contract in a capacity described in subsection (1), each person~~  
421 ~~who is so employed or under contract with the school district~~  
422 ~~must meet level 2 screening requirements as described in s.~~  
423 ~~1012.32, at which time the school district shall request the~~  
424 ~~Department of Law Enforcement to forward the fingerprints to the~~  
425 ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
426 ~~for any reason following employment or entry into a contract in~~  
427 ~~a capacity described in subsection (1), the fingerprints of a~~  
428 ~~person who is so employed or under contract with the school~~  
429 ~~district are not retained by the Department of Law Enforcement~~  
430 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
431 ~~set of fingerprints with the district school superintendent of~~  
432 ~~the employing or contracting school district. Upon submission of~~  
433 ~~fingerprints for this purpose, the school district shall request~~  
434 ~~the Department of Law Enforcement to forward the fingerprints to~~  
435 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
436 ~~and the fingerprints shall be retained by the Department of Law~~  
437 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
438 ~~state and federal criminal history check required by level 2~~  
439 ~~screening may be borne by the district school board, the~~  
440 ~~contractor, or the person fingerprinted. Under penalty of~~  
441 ~~perjury, each person who is employed or under contract in a~~  
442 ~~capacity described in subsection (1) must agree to inform his or~~

443 ~~her employer or the party with whom he or she is under contract~~  
 444 ~~within 48 hours if convicted of any disqualifying offense while~~  
 445 ~~he or she is employed or under contract in that capacity.~~

446 (7)(3) If it is found that a person who is employed or  
 447 under contract in a capacity described in subsection (1) has  
 448 been arrested for a disqualifying offense specified in s.  
 449 1012.315 ~~does not meet the level 2 requirements~~, the person  
 450 shall be immediately suspended from working in that capacity and  
 451 shall remain suspended until final resolution of any appeals.

452 Section 5. Paragraphs (b) through (e) of subsection (2)  
 453 and subsection (7) of section 1012.467, Florida Statutes, are  
 454 amended to read:

455 1012.467 Noninstructional contractors who are permitted  
 456 access to school grounds when students are present; background  
 457 screening requirements.—

458 (2)

459 (b) ~~As authorized by law,~~ The Department of Law  
 460 Enforcement shall retain the fingerprints submitted ~~by the~~  
 461 ~~school districts pursuant to this subsection to the Department~~  
 462 ~~of Law Enforcement~~ for a criminal history background screening  
 463 in a manner provided by rule, and enter the fingerprints in the  
 464 statewide automated biometric identification system authorized  
 465 by s. 943.05(2)(b), and enroll the fingerprints in the national  
 466 retained print arrest notification program in accordance with s.  
 467 1012.32(3). The fingerprints shall thereafter be available for  
 468 arrest notifications required by paragraph (c) and all purposes

469 and uses authorized for arrest fingerprints entered in ~~into~~ the  
 470 statewide automated biometric identification system pursuant to  
 471 ~~under~~ s. 943.051.

472 (c) The Department of Law Enforcement shall search arrest  
 473 fingerprints against the fingerprints retained under paragraph  
 474 (b) and report any arrest record identified by the Department of  
 475 Law Enforcement or the Federal Bureau of Investigation to each  
 476 school district in which the person seeks access. As authorized  
 477 by law, the Department of Law Enforcement shall search all  
 478 arrest fingerprints received under s. 943.051 against the  
 479 fingerprints retained in the statewide automated biometric  
 480 identification system under paragraph (b).

481 (d) School district participation in the search process is  
 482 subject to the payment of fees ~~School districts may participate~~  
 483 ~~in the search process described in this subsection by paying an~~  
 484 ~~annual fee to the Department of Law Enforcement~~ as provided in  
 485 paragraph (e).

486 (e) A fingerprint retained pursuant to this subsection  
 487 shall be purged ~~from the automated biometric identification~~  
 488 ~~system~~ 5 years following the date the fingerprint was initially  
 489 submitted. The Department of Law Enforcement shall set by rule  
 490 the amount of the fees, separately identifying the federal  
 491 subscription fee collected and remitted by the Department of Law  
 492 Enforcement for participation in the national retained print  
 493 arrest notification program, as applicable, annual fee to be  
 494 imposed upon each participating agency for performing ~~these~~

495 searches under this subsection and ~~establishing~~ the procedures  
 496 for retaining fingerprints and disseminating search results. The  
 497 fee may be borne as provided by law. ~~Fees may be waived or~~  
 498 ~~reduced by the executive director of the Department of Law~~  
 499 ~~Enforcement for good cause shown.~~

500 (7) (a) The Department of Law Enforcement shall implement a  
 501 system that allows for the results of a criminal history check  
 502 provided to a school district to be shared with other school  
 503 districts through a secure Internet website or other secure  
 504 electronic means. ~~School districts must accept reciprocity of~~  
 505 ~~level 2 screenings for Florida High School Athletic Association~~  
 506 ~~officials.~~

507 (b) An employee of a school district, a charter school, a  
 508 lab school, a charter lab school, an approved virtual  
 509 instruction provider under s. 1002.45, or the Florida School for  
 510 the Deaf and the Blind who requests or shares criminal history  
 511 information under this section is immune from civil or criminal  
 512 liability for any good faith conduct that occurs during the  
 513 performance of and within the scope of responsibilities related  
 514 to the record check.

515 Section 6. Paragraph (b) of subsection (10) of section  
 516 1012.56, Florida Statutes, is amended to read:

517 1012.56 Educator certification requirements.—

518 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 519 PERIODICALLY.—

520 (b) A person may not receive a certificate under this

521 chapter until the person's screening under s. 1012.32 is  
 522 completed and the results have been submitted to the Department  
 523 of Education or to the district school superintendent of the  
 524 school district that employs the person. Every 5 years after  
 525 obtaining initial certification, each person who is required to  
 526 be certified under this chapter and whose fingerprints have not  
 527 been enrolled in the national retained print arrest notification  
 528 program in accordance with s. 1012.32(3) must be rescreened in  
 529 accordance with s. 1012.32, at which time the school district  
 530 shall request the Department of Law Enforcement to forward the  
 531 fingerprints to the Federal Bureau of Investigation for federal  
 532 criminal records checks. If, for any reason after obtaining  
 533 initial certification, the fingerprints of a person who is  
 534 required to be certified under this chapter are not retained by  
 535 the Department of Law Enforcement under s. 1012.32(3)(a) and  
 536 (b), the person must file a complete set of fingerprints with  
 537 the district school superintendent of the employing school  
 538 district. Upon submission of fingerprints for this purpose, the  
 539 school district shall request the Department of Law Enforcement  
 540 to forward the fingerprints to the Federal Bureau of  
 541 Investigation for federal criminal records checks, and the  
 542 fingerprints shall be retained by the Department of Law  
 543 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
 544 state and federal criminal history checks required by paragraph  
 545 (a) and this paragraph may be borne by the district school board  
 546 or the employee. Under penalty of perjury, each person who is

547 certified under this chapter must agree to inform his or her  
 548 employer within 48 hours if convicted of any disqualifying  
 549 offense while he or she is employed in a position for which such  
 550 certification is required.

551 Section 7. Paragraph (e) of subsection (1) of section  
 552 1012.796, Florida Statutes, is amended to read:

553 1012.796 Complaints against teachers and administrators;  
 554 procedure; penalties.—

555 (1)

556 (e) If allegations arise against an employee who is  
 557 certified under s. 1012.56 and employed in an educator-  
 558 certificated position by ~~in~~ any public school, charter school or  
 559 governing board thereof, approved virtual instruction provider  
 560 under s. 1002.45, or private school that accepts scholarship  
 561 students under s. 1002.39 or s. 1002.395, the school or provider  
 562 shall file in writing with the department a legally sufficient  
 563 complaint within 30 days after the date on which the subject  
 564 matter of the complaint came to the attention of the school or  
 565 provider. A complaint is legally sufficient if it contains  
 566 ultimate facts that show a violation has occurred as provided in  
 567 s. 1012.795 and defined by rule of the State Board of Education.  
 568 The school or provider shall include all known information  
 569 relating to the complaint with the filing of the complaint. This  
 570 paragraph does not limit or restrict the power and duty of the  
 571 department to investigate complaints, regardless of the school's  
 572 or provider's untimely filing, or failure to file, complaints

573 and followup reports.

574 Section 8. Subsection (1) of section 1012.797, Florida  
 575 Statutes, is amended to read:

576 1012.797 Notification of ~~district school superintendent of~~  
 577 certain charges against or convictions of employees.—

578 (1) Notwithstanding the provisions of s. 985.04(7) or any  
 579 other provision of law to the contrary, a law enforcement agency  
 580 shall, within 48 hours, notify the appropriate district school  
 581 superintendent of the name and address of any employee of the  
 582 school district who is charged with a felony or ~~with a~~  
 583 misdemeanor specified in s. 1012.315 or any other crime  
 584 involving the abuse of a minor child or the sale or possession  
 585 of a controlled substance. The notification shall include the  
 586 specific charge for which the employee of the school district  
 587 was arrested. Such notification shall include other education  
 588 providers such as the Florida School for the Deaf and the Blind,  
 589 the Florida Virtual School, university lab schools, charter  
 590 schools, approved virtual instruction providers under s.  
 591 1002.45, and private elementary and secondary schools.

592 Section 9. For the purpose of incorporating the amendment  
 593 made by this act to section 1012.315, Florida Statutes, in a  
 594 reference thereto, subsection (7) of section 1001.42, Florida  
 595 Statutes, is reenacted to read:

596 1001.42 Powers and duties of district school board.—The  
 597 district school board, acting as a board, shall exercise all  
 598 powers and perform all duties listed below:

599 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
 600 instructional personnel and school administrators, as defined in  
 601 s. 1012.01, from employment in any position that requires direct  
 602 contact with students if the personnel or administrators are  
 603 ineligible for such employment under s. 1012.315. An elected or  
 604 appointed school board official forfeits his or her salary for 1  
 605 year if:

606 (a) The school board official knowingly signs and  
 607 transmits to any state official a report of alleged misconduct  
 608 by instructional personnel or school administrators which  
 609 affects the health, safety, or welfare of a student and the  
 610 school board official knows the report to be false or incorrect;  
 611 or

612 (b) The school board official knowingly fails to adopt  
 613 policies that require instructional personnel and school  
 614 administrators to report alleged misconduct by other  
 615 instructional personnel and school administrators, or that  
 616 require the investigation of all reports of alleged misconduct  
 617 by instructional personnel and school administrators, if the  
 618 misconduct affects the health, safety, or welfare of a student.

619 Section 10. For the purpose of incorporating the amendment  
 620 made by this act to section 1012.315, Florida Statutes, in a  
 621 reference thereto, paragraph (g) of subsection (12) of section  
 622 1002.33, Florida Statutes, is reenacted to read:

623 1002.33 Charter schools.—

624 (12) EMPLOYEES OF CHARTER SCHOOLS.—



625 (g)1. A charter school shall employ or contract with  
626 employees who have undergone background screening as provided in  
627 s. 1012.32. Members of the governing board of the charter school  
628 shall also undergo background screening in a manner similar to  
629 that provided in s. 1012.32.

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

635 3. The governing board of a charter school shall adopt  
636 policies establishing standards of ethical conduct for  
637 instructional personnel and school administrators. The policies  
638 must require all instructional personnel and school  
639 administrators, as defined in s. 1012.01, to complete training  
640 on the standards; establish the duty of instructional personnel  
641 and school administrators to report, and procedures for  
642 reporting, alleged misconduct by other instructional personnel  
643 and school administrators which affects the health, safety, or  
644 welfare of a student; and include an explanation of the  
645 liability protections provided under ss. 39.203 and 768.095. A  
646 charter school, or any of its employees, may not enter into a  
647 confidentiality agreement regarding terminated or dismissed  
648 instructional personnel or school administrators, or personnel  
649 or administrators who resign in lieu of termination, based in  
650 whole or in part on misconduct that affects the health, safety,

651 or welfare of a student, and may not provide instructional  
652 personnel or school administrators with employment references or  
653 discuss the personnel's or administrators' performance with  
654 prospective employers in another educational setting, without  
655 disclosing the personnel's or administrators' misconduct. Any  
656 part of an agreement or contract that has the purpose or effect  
657 of concealing misconduct by instructional personnel or school  
658 administrators which affects the health, safety, or welfare of a  
659 student is void, is contrary to public policy, and may not be  
660 enforced.

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

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

673 Section 11. For the purpose of incorporating the amendment  
674 made by this act to section 1012.315, Florida Statutes, in a  
675 reference thereto, paragraph (g) of subsection (7) of section  
676 1002.36, Florida Statutes, is reenacted to read:

677 1002.36 Florida School for the Deaf and the Blind.—  
 678 (7) PERSONNEL SCREENING.—  
 679 (g) For purposes of protecting the health, safety, or  
 680 welfare of students, the Florida School for the Deaf and the  
 681 Blind is considered a school district and must, except as  
 682 otherwise provided in this section, comply with ss. 1001.03,  
 683 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
 684 1012.56, 1012.795, and 1012.796.

685 Section 12. For the purpose of incorporating the amendment  
 686 made by this act to section 1012.315, Florida Statutes, in a  
 687 reference thereto, paragraph (a) of subsection (4) of section  
 688 1002.421, Florida Statutes, is reenacted to read:

689 1002.421 Accountability of private schools participating  
 690 in state school choice scholarship programs.—

691 (4) A private school that accepts scholarship students  
 692 under s. 1002.39 or s. 1002.395 must:

693 (a) Disqualify instructional personnel and school  
 694 administrators, as defined in s. 1012.01, from employment in any  
 695 position that requires direct contact with students if the  
 696 personnel or administrators are ineligible for such employment  
 697 under s. 1012.315.

698  
 699 The department shall suspend the payment of funds under ss.  
 700 1002.39 and 1002.395 to a private school that knowingly fails to  
 701 comply with this subsection, and shall prohibit the school from  
 702 enrolling new scholarship students, for 1 fiscal year and until

703 the school complies.

704 Section 13. For the purpose of incorporating the amendment  
 705 made by this act to section 1012.315, Florida Statutes, in  
 706 references thereto, subsections (1) and (2) of section 1012.32,  
 707 Florida Statutes, are reenacted to read:

708 1012.32 Qualifications of personnel.—

709 (1) To be eligible for appointment in any position in any  
 710 district school system, a person must be of good moral  
 711 character; must have attained the age of 18 years, if he or she  
 712 is to be employed in an instructional capacity; must not be  
 713 ineligible for such employment under s. 1012.315; and must, when  
 714 required by law, hold a certificate or license issued under  
 715 rules of the State Board of Education or the Department of  
 716 Children and Family Services, except when employed pursuant to  
 717 s. 1012.55 or under the emergency provisions of s. 1012.24.  
 718 Previous residence in this state shall not be required in any  
 719 school of the state as a prerequisite for any person holding a  
 720 valid Florida certificate or license to serve in an  
 721 instructional capacity.

722 (2) (a) Instructional and noninstructional personnel who  
 723 are hired or contracted to fill positions that require direct  
 724 contact with students in any district school system or  
 725 university lab school must, upon employment or engagement to  
 726 provide services, undergo background screening as required under  
 727 s. 1012.465 or s. 1012.56, whichever is applicable.

728 (b) Instructional and noninstructional personnel who are

729 hired or contracted to fill positions in any charter school and  
 730 members of the governing board of any charter school, in  
 731 compliance with s. 1002.33(12)(g), must, upon employment,  
 732 engagement of services, or appointment, undergo background  
 733 screening as required under s. 1012.465 or s. 1012.56, whichever  
 734 is applicable, by filing with the district school board for the  
 735 school district in which the charter school is located a  
 736 complete set of fingerprints taken by an authorized law  
 737 enforcement agency or an employee of the school or school  
 738 district who is trained to take fingerprints.

739 (c) Instructional and noninstructional personnel who are  
 740 hired or contracted to fill positions that require direct  
 741 contact with students in an alternative school that operates  
 742 under contract with a district school system must, upon  
 743 employment or engagement to provide services, undergo background  
 744 screening as required under s. 1012.465 or s. 1012.56, whichever  
 745 is applicable, by filing with the district school board for the  
 746 school district to which the alternative school is under  
 747 contract a complete set of fingerprints taken by an authorized  
 748 law enforcement agency or an employee of the school or school  
 749 district who is trained to take fingerprints.

750 (d) Student teachers and persons participating in a field  
 751 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 752 district school system, lab school, or charter school must, upon  
 753 engagement to provide services, undergo background screening as  
 754 required under s. 1012.56.

755  
 756 Fingerprints shall be submitted to the Department of Law  
 757 Enforcement for statewide criminal and juvenile records checks  
 758 and to the Federal Bureau of Investigation for federal criminal  
 759 records checks. A person subject to this subsection who is found  
 760 ineligible for employment under s. 1012.315, or otherwise found  
 761 through background screening to have been convicted of any crime  
 762 involving moral turpitude as defined by rule of the State Board  
 763 of Education, shall not be employed, engaged to provide  
 764 services, or serve in any position that requires direct contact  
 765 with students. Probationary persons subject to this subsection  
 766 terminated because of their criminal record have the right to  
 767 appeal such decisions. The cost of the background screening may  
 768 be borne by the district school board, the charter school, the  
 769 employee, the contractor, or a person subject to this  
 770 subsection.

771 Section 14. For the purpose of incorporating the amendment  
 772 made by this act to section 1012.315, Florida Statutes, in  
 773 references thereto, paragraphs (a) and (c) of subsection (10) of  
 774 section 1012.56, Florida Statutes, are reenacted to read:

775 1012.56 Educator certification requirements.—

776 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 777 PERIODICALLY.—

778 (a) Each person who seeks certification under this chapter  
 779 must be fingerprinted and screened in accordance with s. 1012.32  
 780 and must not be ineligible for such certification under s.

781 1012.315. A person who has been screened in accordance with s.  
 782 1012.32 by a district school board or the Department of  
 783 Education within 12 months before the date the person initially  
 784 obtains certification under this chapter, the results of which  
 785 are submitted to the district school board or to the Department  
 786 of Education, is not required to repeat the screening under this  
 787 paragraph.

788 (c) If it is found under s. 1012.796 that a person who is  
 789 employed in a position requiring certification under this  
 790 chapter has not been screened in accordance with s. 1012.32, or  
 791 is ineligible for such certification under s. 1012.315, the  
 792 person's certification shall be immediately revoked or suspended  
 793 and he or she shall be immediately suspended from the position  
 794 requiring certification.

795 Section 15. For the purpose of incorporating the amendment  
 796 made by this act to section 1012.315, Florida Statutes, in a  
 797 reference thereto, paragraph (n) of subsection (1) of section  
 798 1012.795, Florida Statutes, is reenacted to read:

799 1012.795 Education Practices Commission; authority to  
 800 discipline.—

801 (1) The Education Practices Commission may suspend the  
 802 educator certificate of any person as defined in s. 1012.01(2)  
 803 or (3) for up to 5 years, thereby denying that person the right  
 804 to teach or otherwise be employed by a district school board or  
 805 public school in any capacity requiring direct contact with  
 806 students for that period of time, after which the holder may

807 return to teaching as provided in subsection (4); may revoke the  
 808 educator certificate of any person, thereby denying that person  
 809 the right to teach or otherwise be employed by a district school  
 810 board or public school in any capacity requiring direct contact  
 811 with students for up to 10 years, with reinstatement subject to  
 812 the provisions of subsection (4); may revoke permanently the  
 813 educator certificate of any person thereby denying that person  
 814 the right to teach or otherwise be employed by a district school  
 815 board or public school in any capacity requiring direct contact  
 816 with students; may suspend the educator certificate, upon an  
 817 order of the court or notice by the Department of Revenue  
 818 relating to the payment of child support; or may impose any  
 819 other penalty provided by law, if the person:

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

822 Section 16. This act shall take effect July 1, 2014.