

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

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
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.~~†~~ 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 child  
178 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 or hoax weapons of mass 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), s. 1012.465, and s.  
292 1012.467; enter the fingerprints be retained by the Department  
293 of Law Enforcement in a manner provided by rule and entered in  
294 the statewide automated biometric identification system  
295 authorized by s. 943.05(2) (b); and enroll the fingerprints in  
296 the national retained print arrest notification program when the  
297 national program becomes operational and the Department of Law  
298 Enforcement begins participation in the program. The  
299 fingerprints of individuals screened pursuant to subsection (2)  
300 which are retained by the Department of Law Enforcement before  
301 its participation in the national program must be enrolled in  
302 the program within 2 years after the Department of Law  
303 Enforcement begins participation in the program. The  
304 fingerprints of an individual screened pursuant to s. 1012.465  
305 or s. 1012.467 which are retained by the Department of Law  
306 Enforcement before its participation in the national program  
307 must be enrolled in the program upon the individual's 5-year  
308 rescreening. Fingerprints retained pursuant to s. 1012.465 or s.  
309 1012.467 shall be purged 5 years following the date that the  
310 fingerprints were initially submitted. Such fingerprints shall  
311 thereafter be available for arrest notifications required by  
312 paragraph (b) and all purposes and uses authorized for arrest

313 fingerprints entered in the statewide automated biometric  
314 identification system pursuant to s. 943.051.

315 (b) The Department of Law Enforcement shall search all  
316 arrest fingerprints ~~received under s. 943.051~~ against the  
317 fingerprints retained ~~in the statewide automated biometric~~  
318 ~~identification system~~ under paragraph (a) and report, any arrest  
319 record ~~that is~~ identified by the Department of Law Enforcement  
320 or the Federal Bureau of Investigation ~~with the retained~~  
321 ~~fingerprints of a person subject to the background screening~~  
322 ~~under this section shall be reported~~ to the employing or  
323 contracting school district or the school district with which  
324 the person is affiliated. Each school district is required to  
325 participate in this search process by payment of fees ~~an annual~~  
326 ~~fee~~ to the Department of Law Enforcement and by informing the  
327 Department of Law Enforcement of any change in the ~~affiliation,~~  
328 ~~employment, or contractual status or place of affiliation,~~  
329 ~~employment, or contracting of its instructional and~~  
330 ~~noninstructional~~ personnel whose fingerprints are retained under  
331 paragraph (a). The Department of Law Enforcement shall adopt a  
332 rule that establishes ~~setting the amount of the annual fee to be~~  
333 ~~imposed upon~~ each school district must pay to the Department of  
334 Law Enforcement and identifies the federal subscription fee  
335 collected and remitted by the Department of Law Enforcement for  
336 participation in the national retained print arrest notification  
337 program, as applicable, for performing these searches under this  
338 paragraph and that establishes ~~establishing~~ the procedures for

339 the retention of ~~instructional and noninstructional personnel~~  
 340 fingerprints retained under paragraph (a) and the dissemination  
 341 of search results. The fee may be borne by the district school  
 342 board, the contractor, or the person fingerprinted.

343 (c) Personnel whose fingerprints are not retained by the  
 344 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and  
 345 ~~(b)~~ must be reprinted and rescreened in accordance with  
 346 subsection (2) upon reemployment or reengagement to provide  
 347 services in order to comply with the requirements of this  
 348 subsection.

349 Section 4. Section 1012.465, Florida Statutes, is amended  
 350 to read:

351 1012.465 ~~Background screening~~ Requirements for certain  
 352 ~~noninstructional~~ school district employees, contractual  
 353 personnel, and instructional personnel and contractors.-

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

363 (a) Noninstructional school district employees who have  
 364 direct contact with students or who have access to or control of

365 school funds.

366 (b) Contractual personnel, including individuals under  
367 contract with a school or the district school board who provide  
368 instructional, rehabilitative, medical, or psychological  
369 services, or other services relating to the education, care,  
370 custody, or safety of students, that involve direct contact with  
371 students.

372 (c) Contractual personnel who have access to or control of  
373 school funds.

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

376 (2) An individual described in subsection (1) must be of  
377 good moral character, must not be ineligible under s. 1012.315,  
378 and must, when required by law, hold a certificate or license  
379 issued under rules of the State Board of Education or the  
380 Department of Children and Families, except when employed  
381 pursuant to s. 1012.55 or under the emergency provisions of s.  
382 1012.24. Previous residence in this state shall not be required  
383 as a prerequisite for a person holding a valid Florida  
384 certificate or license to serve in an instructional capacity.

385 (3) A fingerprint-based criminal history background  
386 screening shall be performed on each individual described in  
387 subsection (1) at least once every 5 years. For the initial  
388 criminal history background screening, the individual shall  
389 electronically submit to the Department of Law Enforcement for a  
390 state criminal history check a complete set of fingerprints

391 taken by an authorized law enforcement agency, an employee  
392 trained to take fingerprints for any school district or public  
393 school, or a private company authorized to take fingerprints  
394 under s. 943.053(13). The Department of Law Enforcement shall  
395 submit the fingerprints to the Federal Bureau of Investigation  
396 for a national criminal history check. The Department of Law  
397 Enforcement shall report the results of each criminal history  
398 check to the school district in which the individual seeks  
399 access and enter the results into the system described in s.  
400 1012.467(7).

401 (4) The Department of Law Enforcement shall retain the  
402 fingerprints submitted for a criminal history background  
403 screening, enter the fingerprints in the statewide automated  
404 biometric identification system authorized by s. 943.05(2)(b),  
405 and enroll the fingerprints in the national retained print  
406 arrest notification program in accordance with s. 1012.32(3).

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



417 | the Federal Bureau of Investigation.

418 |       (6) An individual subject to this section shall inform a  
419 | school district if a criminal history background screening was  
420 | completed in another school district within the past 5 years.  
421 | The school district shall verify the results of the individual's  
422 | criminal history background screening using the system described  
423 | in s. 1012.467(7). The school district may not charge a fee for  
424 | verifying the results of the criminal history background  
425 | screening.

426 |       ~~(2) Every 5 years following employment or entry into a~~  
427 | ~~contract in a capacity described in subsection (1), each person~~  
428 | ~~who is so employed or under contract with the school district~~  
429 | ~~must meet level 2 screening requirements as described in s.~~  
430 | ~~1012.32, at which time the school district shall request the~~  
431 | ~~Department of Law Enforcement to forward the fingerprints to the~~  
432 | ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
433 | ~~for any reason following employment or entry into a contract in~~  
434 | ~~a capacity described in subsection (1), the fingerprints of a~~  
435 | ~~person who is so employed or under contract with the school~~  
436 | ~~district are not retained by the Department of Law Enforcement~~  
437 | ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
438 | ~~set of fingerprints with the district school superintendent of~~  
439 | ~~the employing or contracting school district. Upon submission of~~  
440 | ~~fingerprints for this purpose, the school district shall request~~  
441 | ~~the Department of Law Enforcement to forward the fingerprints to~~  
442 | ~~the Federal Bureau of Investigation for the level 2 screening,~~

443 ~~and the fingerprints shall be retained by the Department of Law~~  
444 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
445 ~~state and federal criminal history check required by level 2~~  
446 ~~screening may be borne by the district school board, the~~  
447 ~~contractor, or the person fingerprinted. Under penalty of~~  
448 ~~perjury, each person who is employed or under contract in a~~  
449 ~~capacity described in subsection (1) must agree to inform his or~~  
450 ~~her employer or the party with whom he or she is under contract~~  
451 ~~within 48 hours if convicted of any disqualifying offense while~~  
452 ~~he or she is employed or under contract in that capacity.~~

453 (7)(3) If it is found that a person who is employed or  
454 under contract in a capacity described in subsection (1) has  
455 been arrested for a disqualifying offense specified in s.  
456 1012.315 ~~does not meet the level 2 requirements,~~ the person  
457 shall be immediately suspended from working in that capacity and  
458 shall remain suspended until final resolution of any appeals.

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

462 1012.467 Noninstructional contractors who are permitted  
463 access to school grounds when students are present; background  
464 screening requirements.-

465 (2)

466 (b) ~~As authorized by law,~~ The Department of Law  
467 Enforcement shall retain the fingerprints submitted ~~by the~~  
468 ~~school districts pursuant to this subsection to the Department~~

469 ~~of Law Enforcement~~ for a criminal history background screening  
470 in a manner provided by rule, ~~and~~ and enter the fingerprints in the  
471 statewide automated biometric identification system authorized  
472 by s. 943.05(2)(b), and enroll the fingerprints in the national  
473 retained print arrest notification program in accordance with s.  
474 1012.32(3). The fingerprints shall thereafter be available for  
475 arrest notifications required by paragraph (c) and all purposes  
476 and uses authorized for arrest fingerprints entered in ~~into~~ the  
477 statewide automated biometric identification system pursuant to  
478 ~~under~~ s. 943.051.

479 (c) The Department of Law Enforcement shall search arrest  
480 fingerprints against the fingerprints retained under paragraph  
481 (b) and report any arrest record identified by the Department of  
482 Law Enforcement or the Federal Bureau of Investigation to each  
483 school district in which the person seeks access. ~~As authorized~~  
484 ~~by law,~~ the Department of Law Enforcement shall search all  
485 ~~arrest fingerprints received under s. 943.051 against the~~  
486 ~~fingerprints retained in the statewide automated biometric~~  
487 ~~identification system under paragraph (b).~~

488 (d) School district participation in the search process is  
489 subject to the payment of fees ~~School districts may participate~~  
490 ~~in the search process described in this subsection by paying an~~  
491 ~~annual fee to the Department of Law Enforcement~~ as provided in  
492 paragraph (e).

493 (e) A fingerprint retained pursuant to this subsection  
494 shall be purged ~~from the automated biometric identification~~

495 ~~system~~ 5 years following the date that the fingerprint was  
 496 initially submitted. The Department of Law Enforcement shall set  
 497 by rule the amount of the fees, separately identifying the  
 498 federal subscription fee collected and remitted by the  
 499 Department of Law Enforcement for participation in the national  
 500 retained print arrest notification program, as applicable,  
 501 ~~annual fee to be~~ imposed upon each participating agency for  
 502 performing ~~these~~ searches under this subsection and ~~establishing~~  
 503 the procedures for retaining fingerprints and disseminating  
 504 search results. The fee may be borne as provided by law. ~~Fees~~  
 505 ~~may be waived or reduced by the executive director of the~~  
 506 ~~Department of Law Enforcement for good cause shown.~~

507 (7) (a) The Department of Law Enforcement shall implement a  
 508 system that allows for the results of a criminal history check  
 509 provided to a school district to be shared with other school  
 510 districts through a secure Internet website or other secure  
 511 electronic means. ~~School districts must accept reciprocity of~~  
 512 ~~level 2 screenings for Florida High School Athletic Association~~  
 513 ~~officials.~~

514 (b) An employee of a school district, a charter school, a  
 515 lab school, a charter lab school, an approved virtual  
 516 instruction provider under s. 1002.45, or the Florida School for  
 517 the Deaf and the Blind who requests or shares criminal history  
 518 information under this section is immune from civil or criminal  
 519 liability for any good faith conduct that occurs during the  
 520 performance of and within the scope of responsibilities related

521 to the record check.

522 Section 6. Paragraph (b) of subsection (10) of section  
523 1012.56, Florida Statutes, is amended to read:

524 1012.56 Educator certification requirements.—

525 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
526 PERIODICALLY.—

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

547 to forward the fingerprints to the Federal Bureau of  
548 Investigation for federal criminal records checks, and the  
549 fingerprints shall be retained by the Department of Law  
550 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
551 state and federal criminal history checks required by paragraph  
552 (a) and this paragraph may be borne by the district school board  
553 or the employee. Under penalty of perjury, each person who is  
554 certified under this chapter must agree to inform his or her  
555 employer within 48 hours if convicted of any disqualifying  
556 offense while he or she is employed in a position for which such  
557 certification is required.

558 Section 7. Paragraph (e) of subsection (1) of section  
559 1012.796, Florida Statutes, is amended to read:

560 1012.796 Complaints against teachers and administrators;  
561 procedure; penalties.—

562 (1)

563 (e) If allegations arise against an employee who is  
564 certified under s. 1012.56 and employed in an educator-  
565 certificated position by ~~in~~ any public school, charter school or  
566 governing board thereof, approved virtual instruction provider  
567 under s. 1002.45, or private school that accepts scholarship  
568 students under s. 1002.39 or s. 1002.395, the school or provider  
569 shall file in writing with the department a legally sufficient  
570 complaint within 30 days after the date on which the subject  
571 matter of the complaint came to the attention of the school or  
572 provider. A complaint is legally sufficient if it contains

573 ultimate facts that show a violation has occurred as provided in  
 574 s. 1012.795 and defined by rule of the State Board of Education.  
 575 The school or provider shall include all known information  
 576 relating to the complaint with the filing of the complaint. This  
 577 paragraph does not limit or restrict the power and duty of the  
 578 department to investigate complaints, regardless of the school's  
 579 or provider's untimely filing, or failure to file, complaints  
 580 and followup reports.

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

583 1012.797 Notification of ~~district school superintendent of~~  
 584 certain charges against or convictions of employees.-

585 (1) Notwithstanding the provisions of s. 985.04(7) or any  
 586 other provision of law to the contrary, a law enforcement agency  
 587 shall, within 48 hours, notify the appropriate district school  
 588 superintendent of the name and address of any employee of the  
 589 school district who is charged with a felony or ~~with a~~  
 590 misdemeanor specified in s. 1012.315 or any other crime  
 591 involving the abuse of a minor child or the sale or possession  
 592 of a controlled substance. The notification shall include the  
 593 specific charge for which the employee of the school district  
 594 was arrested. Such notification shall include other education  
 595 providers such as the Florida School for the Deaf and the Blind,  
 596 the Florida Virtual School, university lab schools, charter  
 597 schools, approved virtual instruction providers under s.  
 598 1002.45, and private elementary and secondary schools.

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

603 1001.42 Powers and duties of district school board.—The  
604 district school board, acting as a board, shall exercise all  
605 powers and perform all duties listed below:

606 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
607 instructional personnel and school administrators, as defined in  
608 s. 1012.01, from employment in any position that requires direct  
609 contact with students if the personnel or administrators are  
610 ineligible for such employment under s. 1012.315. An elected or  
611 appointed school board official forfeits his or her salary for 1  
612 year if:

613 (a) The school board official knowingly signs and  
614 transmits to any state official a report of alleged misconduct  
615 by instructional personnel or school administrators which  
616 affects the health, safety, or welfare of a student and the  
617 school board official knows the report to be false or incorrect;  
618 or

619 (b) The school board official knowingly fails to adopt  
620 policies that require instructional personnel and school  
621 administrators to report alleged misconduct by other  
622 instructional personnel and school administrators, or that  
623 require the investigation of all reports of alleged misconduct  
624 by instructional personnel and school administrators, if the



625 misconduct affects the health, safety, or welfare of a student.

626 Section 10. For the purpose of incorporating the amendment  
627 made by this act to section 1012.315, Florida Statutes, in a  
628 reference thereto, paragraph (g) of subsection (12) of section  
629 1002.33, Florida Statutes, is reenacted to read:

630 1002.33 Charter schools.—

631 (12) EMPLOYEES OF CHARTER SCHOOLS.—

632 (g)1. A charter school shall employ or contract with  
633 employees who have undergone background screening as provided in  
634 s. 1012.32. Members of the governing board of the charter school  
635 shall also undergo background screening in a manner similar to  
636 that provided in s. 1012.32.

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

642 3. The governing board of a charter school shall adopt  
643 policies establishing standards of ethical conduct for  
644 instructional personnel and school administrators. The policies  
645 must require all instructional personnel and school  
646 administrators, as defined in s. 1012.01, to complete training  
647 on the standards; establish the duty of instructional personnel  
648 and school administrators to report, and procedures for  
649 reporting, alleged misconduct by other instructional personnel  
650 and school administrators which affects the health, safety, or

651 welfare of a student; and include an explanation of the  
652 liability protections provided under ss. 39.203 and 768.095. A  
653 charter school, or any of its employees, may not enter into a  
654 confidentiality agreement regarding terminated or dismissed  
655 instructional personnel or school administrators, or personnel  
656 or administrators who resign in lieu of termination, based in  
657 whole or in part on misconduct that affects the health, safety,  
658 or welfare of a student, and may not provide instructional  
659 personnel or school administrators with employment references or  
660 discuss the personnel's or administrators' performance with  
661 prospective employers in another educational setting, without  
662 disclosing the personnel's or administrators' misconduct. Any  
663 part of an agreement or contract that has the purpose or effect  
664 of concealing misconduct by instructional personnel or school  
665 administrators which affects the health, safety, or welfare of a  
666 student is void, is contrary to public policy, and may not be  
667 enforced.

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

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

680           Section 11. For the purpose of incorporating the amendment  
681 made by this act to section 1012.315, Florida Statutes, in a  
682 reference thereto, paragraph (g) of subsection (7) of section  
683 1002.36, Florida Statutes, is reenacted to read:

684           1002.36 Florida School for the Deaf and the Blind.—

685           (7) PERSONNEL SCREENING.—

686           (g) For purposes of protecting the health, safety, or  
687 welfare of students, the Florida School for the Deaf and the  
688 Blind is considered a school district and must, except as  
689 otherwise provided in this section, comply with ss. 1001.03,  
690 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
691 1012.56, 1012.795, and 1012.796.

692           Section 12. For the purpose of incorporating the amendment  
693 made by this act to section 1012.315, Florida Statutes, in a  
694 reference thereto, paragraph (a) of subsection (4) of section  
695 1002.421, Florida Statutes, is reenacted to read:

696           1002.421 Accountability of private schools participating  
697 in state school choice scholarship programs.—

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

700           (a) Disqualify instructional personnel and school  
701 administrators, as defined in s. 1012.01, from employment in any  
702 position that requires direct contact with students if the

703 personnel or administrators are ineligible for such employment  
704 under s. 1012.315.

705  
706 The department shall suspend the payment of funds under ss.  
707 1002.39 and 1002.395 to a private school that knowingly fails to  
708 comply with this subsection, and shall prohibit the school from  
709 enrolling new scholarship students, for 1 fiscal year and until  
710 the school complies.

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

715 1012.32 Qualifications of personnel.—

716 (1) To be eligible for appointment in any position in any  
717 district school system, a person must be of good moral  
718 character; must have attained the age of 18 years, if he or she  
719 is to be employed in an instructional capacity; must not be  
720 ineligible for such employment under s. 1012.315; and must, when  
721 required by law, hold a certificate or license issued under  
722 rules of the State Board of Education or the Department of  
723 Children and Families, except when employed pursuant to s.  
724 1012.55 or under the emergency provisions of s. 1012.24.  
725 Previous residence in this state shall not be required in any  
726 school of the state as a prerequisite for any person holding a  
727 valid Florida certificate or license to serve in an  
728 instructional capacity.

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

735           (b) Instructional and noninstructional personnel who are  
736 hired or contracted to fill positions in any charter school and  
737 members of the governing board of any charter school, in  
738 compliance with s. 1002.33(12)(g), must, upon employment,  
739 engagement of services, or appointment, undergo background  
740 screening as required under s. 1012.465 or s. 1012.56, whichever  
741 is applicable, by filing with the district school board for the  
742 school district in which the charter school is located a  
743 complete set of fingerprints taken by an authorized law  
744 enforcement agency or an employee of the school or school  
745 district who is trained to take fingerprints.

746           (c) Instructional and noninstructional personnel who are  
747 hired or contracted to fill positions that require direct  
748 contact with students in an alternative school that operates  
749 under contract with a district school system must, upon  
750 employment or engagement to provide services, undergo background  
751 screening as required under s. 1012.465 or s. 1012.56, whichever  
752 is applicable, by filing with the district school board for the  
753 school district to which the alternative school is under  
754 contract a complete set of fingerprints taken by an authorized

755 law enforcement agency or an employee of the school or school  
756 district who is trained to take fingerprints.

757 (d) Student teachers and persons participating in a field  
758 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
759 district school system, lab school, or charter school must, upon  
760 engagement to provide services, undergo background screening as  
761 required under s. 1012.56.

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

778 Section 14. For the purpose of incorporating the amendment  
779 made by this act to section 1012.315, Florida Statutes, in  
780 references thereto, paragraphs (a) and (c) of subsection (10) of

781 section 1012.56, Florida Statutes, are reenacted to read:

782 1012.56 Educator certification requirements.—

783 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
784 PERIODICALLY.—

785 (a) Each person who seeks certification under this chapter  
786 must be fingerprinted and screened in accordance with s. 1012.32  
787 and must not be ineligible for such certification under s.  
788 1012.315. A person who has been screened in accordance with s.  
789 1012.32 by a district school board or the Department of  
790 Education within 12 months before the date the person initially  
791 obtains certification under this chapter, the results of which  
792 are submitted to the district school board or to the Department  
793 of Education, is not required to repeat the screening under this  
794 paragraph.

795 (c) If it is found under s. 1012.796 that a person who is  
796 employed in a position requiring certification under this  
797 chapter has not been screened in accordance with s. 1012.32, or  
798 is ineligible for such certification under s. 1012.315, the  
799 person's certification shall be immediately revoked or suspended  
800 and he or she shall be immediately suspended from the position  
801 requiring certification.

802 Section 15. For the purpose of incorporating the amendment  
803 made by this act to section 1012.315, Florida Statutes, in a  
804 reference thereto, paragraph (n) of subsection (1) of section  
805 1012.795, Florida Statutes, is reenacted to read:

806 1012.795 Education Practices Commission; authority to

807 discipline.—

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

827 (n) Has been disqualified from educator certification  
828 under s. 1012.315.

829 Section 16. This act shall take effect July 1, 2015.