

**6A-10.082 Mandatory Reporting of Offenses Affecting the Health, Safety and Welfare of Florida**

**Students.**

(1) Definitions. For the purposes of this rule, the following definitions apply:

(a) “Administrative personnel” means any K-12 personnel, as defined by s. 1012.01(3), Florida Statutes.

(b) “Instructional personnel” means any K-12 staff member as defined by s. 1012.01(2), Florida Statutes.

(c) “Substantiated allegation” means evidence of guilt that goes beyond reasonable suspicion and which supports a finding of probable cause to believe the conduct has occurred. It does not require the completion of an investigation and can be a preliminary determination.

(2) Beginning with the 2019-20 school year, in order to provide the Department with information which will form the basis of a complaint to recommend revocation, suspension or other penalty of a educator’s certificate and in order to provide the Commissioner information so that he can exercise his authority to request the reassignment of personnel from direct student contact, within twenty-four (24) hours of the matter coming to the attention of a school district, a school district superintendent must report to the Department of Education an arrest or conviction of any administrative or instructional personnel for any of the offenses listed below. The same reporting requirements apply where there are substantiated allegations of misconduct by any administrative or instructional personnel that would constitute any of the offenses listed below, regardless of whether there has been an arrest or conviction.

(a) Felony offenses:

1. Section 782.04, F.S., relating to murder.

2. Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

3. Section 787.01, F.S., relating to kidnapping.

4. Section 787.025, F.S., relating to luring or enticing a child.

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

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

7. Section 794.011, F.S., relating to sexual battery.

8. Section 794.05, F.S., relating to unlawful sexual activity with certain minors.

9. Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

10. Section 827.071, F.S., relating to sexual performance by a child.

(b) Misdemeanor offenses: Section 787.025, F.S., relating to luring or enticing a child.

(c) Any criminal act committed in another state, or under federal law, which if committed in Florida constitutes an offense prohibited under any statute listed in subsections (2)(a) or (2)(b) of this rule.

(3) The superintendent's report to the Department of Education must include, at a minimum:

(a) the name of the instructional or administrative staff person arrested, convicted, or implicated by a substantiated allegation of misconduct;

(b) the name of the institution where the person is or was employed;

(c) the date on which the school district became aware of the arrest, conviction, or substantiated allegation of misconduct; and

(d) a description of any action taken by the district in response.

(4) The superintendent's report must be emailed to the Department of Education at the following address:

[24hr.DistrictReporting@fldoe.org](mailto:24hr.DistrictReporting@fldoe.org).

*Rulemaking Authority 1001.02(1), 1001.02(2)(n), 1012.796 F.S. Law Implemented 1012.796(1), 1012.796(5) F.S.,*

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