

STATE BOARD OF EDUCATION
Action Item
September 29, 2014

SUBJECT: Approval of New Rule 6A-10.083, Standards Relating to Gross Immorality and Acts of Moral Turpitude

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1012.795(1)(d), 1012.796(3), 1001.02(2)(n), Florida Statutes.

EXECUTIVE SUMMARY

Gross Immorality and Acts of Moral Turpitude are terms used to define conduct that effectively violates the tenets of the education profession but are not necessarily a violation of law or otherwise expressly prohibited in the principles of professional conduct. With evidence to support the conduct defined as grossly immoral or an act of moral turpitude, there could be disciplinary action taken against or the denial of a Florida educator's state-issued certificate.

Florida Statutes requires the adoption of a rule to define gross immorality and acts of moral turpitude.

Supporting Documentation Included: Proposed Rule 6A-10.083, Standards Relating to Gross Immorality and Acts of Moral Turpitude

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6A-10.083, Standards Relating to Gross Immorality and Acts of Moral Turpitude

(1) For the purpose of Section 1012.795(1)(d), Florida Statutes, the term gross immorality shall be defined as any of the following:

(a) Any act or omission, regardless of whether the individual is charged with or convicted of any criminal offense, which would constitute a felony or a first degree misdemeanor under the laws of the State of Florida or any other state or U.S. Territory, or under the laws of the United States of America, which offends the generally accepted moral standards of the community. The following factors shall be considered in determining whether an act or omission rises to the level of gross immorality:

1. The educator's dishonesty or deception;
2. The educator's use of violence;
3. The educator's negligence;
4. The educator's recklessness;
5. The educator's disregard for human life or safety;
6. The educator's deliberation, premeditation or contemplation of an act;
7. The age, abilities and/or limitations of victim(s); and
8. The harm or injury or insult to the victim, regardless of the educator's intent.

(b) Any act or omission resulting in the falsification of any document or information submitted by an educator with the intent to induce the Florida Department of Education to issue, reissue, or renew a Florida educator's certificate.

(c) Any act or omission which involves physical or mental abuse or neglect of a child regardless of whether any physical or mental injury results from the act or omission.

(d) Any act or omission which deprives any student of his/her legal right to education benefits to which he/she is entitled under law.

(e) Any act or omission which would bring dishonor, disrepute, or disgrace to the education profession.

(f) Any act or omission which would offend the generally accepted moral standards of the community considering the factors listed in paragraph (1)(a) of this rule.

(2) For the purpose of Section 1012.795(1)(d) and 1012.796(3), Florida Statutes, Moral Turpitude shall be defined as conduct that is evidenced by an act of baseness, vileness, or depravity in the private or social duties, which according to the accepted standards of the time, a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

Rulemaking authority 1001.02(2)(n), 1012.795(1)(d), 1012.796, FS. Law Implemented 1012.795(1)(d), 1012.796, FS. History - New