

DISQUALIFYING OFFENSES

I. DISQUALIFICATION

A person is ineligible for employment, student teaching, and/or continued employment, with the School Board of Broward County, Florida if the person has been arrested for and awaiting disposition of; convicted of; has been found guilty of, regardless of adjudication; entered a plea of nolo contendere or guilty to; has been adjudicated delinquent and the record has not been sealed or expunged; or a court imposes a sanction as a result of any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

A. Felony Offenses. Any felony offense prohibited under any of the following Florida Statutes:

1. Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.
2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
3. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
4. Section 414.39, relating to fraud, if the offense was a felony.
5. Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
7. Section 782.04, relating to murder.
8. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child.
9. Section 782.071, relating to vehicular homicide.
10. Section 782.09, relating to killing of an unborn child by injury to the mother.
11. Chapter 784, relating to assault, battery and culpable negligence, if the offense was a felony.
12. Section 784.011, relating to assault, if the victim of the offense was a minor
13. Section 784.021, relating to aggravated assault.
14. Section 784.03, relating to battery, if the victim of the offense was a minor.
15. Section 784.045, relating to aggravated battery.
16. Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

17. Section 787.01, relating to kidnapping.
18. Section 787.02, relating to false imprisonment.
19. Section 787.025, relating to luring or enticing a child.
20. Section 787.04(2), relating to leading, taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
21. Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person
22. Section 787.06, relating to human trafficking.
23. Section 787.07, relating to human smuggling.
24. Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
25. Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
26. Section 794.011, relating to sexual battery.
27. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
28. Section 794.05, relating to unlawful sexual activity with certain minors.
29. Section 794.08, relating to female genital mutilation.
30. Chapter 796, relating to prostitution.
31. Section 798.02, relating to lewd and lascivious behavior.
32. Chapter 800, relating to lewdness and indecent exposure.
33. Section 800.101, relating to offenses against students by authority figures.
34. Section 806.01, relating to arson.
35. Section 810.02, relating to burglary.
36. Section 810.14, relating to voyeurism, if the offense is a felony.
37. Section 810.145, relating to video voyeurism, if the offense is a felony.
38. Chapter 812, relating to theft, robbery and related crimes, if the offense is a felony.
39. Section 817.563, relating to fraudulent sale of controlled substances.
40. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
41. Section 825.1025, relating to lewd or lascivious offenses committed

upon or in the presence of an elderly person or disabled adult.

42. Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense is a felony.
43. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
44. Section 826.04, relating to incest.
45. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
46. Section 827.04, relating to contributing to the delinquency or dependency of a child.
47. Section 827.05, relating to negligent treatment of children.
48. Section 827.071, relating to sexual performance by a child.
49. Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering or possession of counterfeit-resistant prescription blanks for controlled substances.
50. Section 836.10, relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
51. Section 843.01, relating to resisting arrest with violence.
52. Section 843.025, relating to depriving law enforcement, correctional, or correctional probation officer means of protection or communication.
53. Section 843.12, relating to aiding in an escape.
54. 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.
55. Chapter 847, relating to obscene literature.
56. Section 859.01, relating to poisoning food or water.
57. Section 873.01, relating to the prohibition on the purchase or sale of human organs and tissue.
58. Section 874.05, relating to encouraging, , or recruiting another to join a criminal gang.
59. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
60. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
61. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
62. Section 944.40, relating to escape.
63. Section 944.46, relating to harboring, concealing, or aiding an escaped

prisoner.

64. Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
65. Section 985.701, relating to sexual misconduct in juvenile justice programs.
- Section 985.711, relating to contraband introduced into

66. detention facilities.

B. Misdemeanor Offenses. Any misdemeanor offense prohibited under any of the following statutes:

1. Section 741.28, relating to domestic violence.
2. Section 784.03, relating to battery, if the victim of the offense was a minor.
3. Section 784.11, relating to assault, if the victim of the offense was a minor.
4. Section 787.025, relating to luring or enticing a child.

C. Crimes Involving Moral Turpitude. Any other crime not listed above involving moral turpitude which shall include, but not be limited to, any crime involving the abuse of a child, the sale and/or possession of a controlled substance, sexual misconduct, sexual battery, possession (includes e-mail transmissions) or sale of pornography involving minors, or sexual relations with students, or lewd and lascivious behavior in the presence of a minor, or otherwise enumerated in Chapter 435, Florida Statutes.

D. Crimes in Other Jurisdictions. Any criminal act committed in another state, country or under federal law, including those punishable by a military tribunal, including courts-martial conducted by the Armed Forces of the United States of America, which, if committed in this state, constitutes an offense prohibited under any statute listed in sections A, B, or C.

E. Delinquent Acts. Any delinquent act committed in this state, or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under Section 943.0435(1)(h)1. d., Florida. Statutes.

II. DEFINITIONS

- A. "Convicted"** means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of

delinquency of a juvenile. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction.

- B.** A “sanction” includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

III. PROCEDURES

The Director of Human Resources Operations or designee shall establish and maintain administrative procedures for implementing this policy.

