



**INTEROFFICE COMMUNICATION**  
**Division of Human Resources**  
**Professional Standards Department**

**DATE:** September 26, 2023

**TO:** HR Staff

**FROM:** Sarah Brown, Ed.D., Executive Officer, Professional Standards  
Kelly King, Executive Officer, Professional Standards

**SUBJECT:** Hiring Guidelines for Applicants with Previous Criminal History

In 2021, Florida Statute 1012.315 screening standards for employment were updated. Hillsborough County Public Schools strictly adheres to these guidelines to determine hiring eligibility. The statute states:

*“A person is ineligible for educator certification or **employment in any position that requires direct contact with students** in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002 if the person is on the disqualification list maintained by the department pursuant to s. [1001.10\(4\)\(b\)](#), is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C), or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any **felony offense prohibited under any of the following statutes:***

- Section [393.135](#), [394.4593](#), relating to sexual misconduct and reporting of such sexual misconduct.
- Section [415.111](#), relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section [782.04](#), relating to murder.
- Section [782.07](#), relating to manslaughter, aggravated manslaughter of an elderly person, disabled adult, a child, an officer, a firefighter, an emergency medical technician, or a paramedic.
- Section [784.021](#), [784.045](#), [784.075](#), relating to aggravated assault, aggravated battery, or battery.
- Section [787.01](#), [787.02](#), relating to kidnapping or false imprisonment.
- Section [787.025](#), relating to luring or enticing a child.
- Section [787.04\(2\)](#), [787.04\(3\)](#), 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, dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- 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.

- 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.
- Section [794.011](#), relating to sexual battery.
- Former s. [794.041](#), relating to sexual activity with or solicitation of a child...
- Section [794.05](#), relating to unlawful sexual activity with certain minors.
- Section [794.08](#), relating to female genital mutilation.
- Chapter 796, relating to prostitution.
- Chapter 800, relating to lewdness and indecent exposure.
- Section [800.101](#), relating to offenses against students by authority figures.
- Section [806.01](#), relating to arson.
- Section [810.14](#), [810.145](#) relating to voyeurism.
- Section [812.014\(6\)](#), relating to coordinating the commission of theft in excess of \$3,000.
- Section [812.0145](#), [812.019](#), relating to theft from persons 65 years of age or older or stolen property
- Section [812.13](#), [812.131](#), relating to robbery.
- Section [812.133](#), relating to carjacking.
- Section [812.135](#), relating to home-invasion robbery.
- Section [817.563](#), relating to fraudulent sale of controlled substances.
- Section [825.102](#), [825.103](#), relating to abuse, aggravated abuse, exploitation, or neglect of an elderly person or disabled adult.
- Section [825.1025](#), relating to lewd or lascivious offenses....
- Section [826.04](#), relating to incest.
- Section [827.03](#), relating to child abuse, aggravated child abuse, or neglect of a child.
- Section [827.04](#), relating to contributing to the delinquency or dependency of a child.
- Section [827.071](#), relating to sexual performance by a child.
- Section [843.01](#), relating to resisting arrest with violence.
- Chapter 847, relating to obscenity.
- Section [874.05](#), relating to causing, encouraging, soliciting, or recruiting to join a criminal street gang.
- Chapter 893, relating to drug abuse prevention and control, a felony of the second degree or greater.
- Section [916.1075](#), relating to sexual misconduct....
- Section [944.47](#) [985.711](#), relating to the introduction, removal, or possession of contraband at a correctional facility, juvenile detention facility, or commitment program.
- Section [985.701](#), relating to sexual misconduct in juvenile justice programs.

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**Any misdemeanor offense prohibited under any of the following statutes is ineligible for hire:**

- Section [784.03](#), relating to battery, if the victim of the offense was a minor.
- Section [787.025](#), relating to luring or enticing a child.

**A criminal act in another state or under federal law is ineligible for hire:**

- Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed above.
- 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 s. [943.0435](#)(1)(h)1.d.

Felony convictions other than those listed above will be reviewed on a case-by-case basis using the factors listed below. However, the applicant must have completed any probationary period or sentencing requirements and 5 years have passed with no new charges.

Misdemeanor convictions other than those listed above will be reviewed on a case-by-case basis using the factors listed below. However, the applicant must have completed any probationary period or sentencing requirements and 3 years have passed with no new charges.

Eligibility criteria will be considered for employment using the following numbered factors relation to the criminal records and specific job applied for:

1. Job-relatedness.
2. Amount of time that has passed since the most recent conviction.
3. Circumstances under which the offense occurred.
4. The age of the applicant when the crime was committed.
5. Whether the offense was an isolated or repeated violation.
6. Evidence of rehabilitation.

Additionally, these guidelines are used to clear all volunteer coaches.

NOTE: The guidelines follow school board policies 1121.01, 3121.01, and 4121.01.

**FLDOE - Certification Violations - FINAL ORDER ISSUED**

Any employee that has been issued a Final Order from the Florida Department of Education must have fulfilled all obligations of the final order **and** have two (2) years of successful teaching experience to be *considered* for employment/rehire.