

STATE BOARD OF EDUCATION
Action Item
April 15, 2015

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 1001.02(2)(n), 1012.795(1)(d), 1012.796(3), 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, F.A.C.

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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 conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that is serious, rather than minor in nature, and which constitutes a flagrant disregard for proper moral standards. Further, the conduct brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.

(2) Without limiting the conduct here defined, conduct listed below in paragraphs (2)(a)-(c), shall prompt review for gross immorality. In determining whether the conduct, act or omission meets the definition of gross immorality, the factors found in subsection (4) shall be considered.

(a) An 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 equivalent law in another state or U.S. Territory, or laws of the United States of America.

(b) An act or omission which results in the intentional falsification of any document or information submitted by an educator for the purpose of inducing the Florida Department of Education to issue, reissue, or renew a Florida educator's certificate.

(c) An intentional violation of test or exam security protocols with the purpose of altering the results for the personal benefit of the educator or which results in a negative impact upon a student or school, such as the invalidation of a student's results/score or requiring a student to re-take a test or use an alternate assessment measure.

(3) For the purpose of Sections 1012.795(1)(d) and 1012.796, Florida Statutes, an act of moral turpitude shall be defined as a crime, regardless of whether the individual is charged or convicted, that is a felony or a first degree misdemeanor under the laws of the State of Florida or equivalent law in another state or U.S. Territory, or laws of the United States of America, that is evidenced by an act of baseness, vileness or depravity in the private and 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.

(4) The following factors shall be considered in determining whether an act or omission rises to the level of gross immorality or moral turpitude under subsections (1), (2), and (3):

(a) The educator's dishonesty or deception;

(b) The educator's use, attempted use or threatened use, of violence;

(c) The educator's malice or cruelty;

(d) The educator's deliberation, premeditation, or contemplation of an act;

(e) The educator's repeated behavior that displays a disregard for law, order, or human safety;

(f) The harm, injury or insult to the victim;

(g) The age, ability or limitation of the victim;

(h) The benefit derived by the educator;

(i) The presence or absence of mitigating factors, such as the educator's age, experience, mental illness, or actions in self-defense.

(5) Accidental, negligent or reckless conduct alone, does not meet the definition of an act of moral turpitude or gross immorality.

Rulemaking Authority 1001.02(2)(n), 1012.795(1)(d), 1012.796 FS. Law Implemented 1012.795(1)(d), 1012.796

FS. History-New