

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

(1) For the purpose of Section 1012.795(1)(d), F.S., the term gross immorality ~~is 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 ~~that 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), ~~will shall~~ prompt review for gross immorality. Except as provided in subsection (5), ~~in~~ determining whether the conduct, act or omission meets the definition of gross immorality, the factors found in subsection (4) ~~must shall~~ be considered.

(a) An act or omission, regardless of whether the individual is charged with or convicted of any criminal offense, ~~that 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 ~~that 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) No change.

(3) For the purpose of Sections 1012.795(1)(d) and 1012.796, F.S., an act of moral turpitude ~~is 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) Except as provided in subsection (5), ~~t~~The following factors ~~must 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) through (i) No change.

(5) An act or omission, regardless of whether the individual is charged with or convicted of any criminal offense, that would constitute a violation of Sections 794.011, 794.027, 794.05, 794.051, 800.02, 800.03, 800.04,

800.09, 800.101, 827.03, 827.04, 827.071, 827.10, or 827.11, F.S., is presumed to be a gross immorality, unless the certificate holder can prove by a preponderance of the evidence through mitigating factors that the act or omission was not one of gross immorality.

(6) ~~(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.*

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