

By the Committee on Education; and Senators Aronberg and
Saunders

304-2425-03

1 A bill to be entitled
2 An act relating to school district and charter
3 school employees and contractors; amending s.
4 1012.32, F.S.; requiring both instructional and
5 noninstructional personnel of charter schools
6 to file fingerprints with the school board of
7 the district within which the charter school is
8 located; providing that contractors have the
9 same probationary status as employees;
10 providing duties of the Department of Law
11 Enforcement with respect to retention and
12 search of fingerprint records submitted on
13 behalf of school employees and contractors;
14 providing duties of school districts and
15 charter schools; providing for fees; providing
16 an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (2) of section 1012.32, Florida
21 Statutes, is amended to read:

22 1012.32 Qualifications of personnel.--
23 (2)(a) Instructional and noninstructional personnel
24 who are hired to fill positions requiring direct contact with
25 students in any district school system or university lab
26 school shall, upon employment, file a complete set of
27 fingerprints taken by an authorized law enforcement officer or
28 an employee of the school or district who is trained to take
29 fingerprints. Instructional and noninstructional personnel who
30 are hired or contracted to fill positions in any charter
31 school and members of the governing board of any charter

1 school, in compliance with s. 1002.33(12)(g), shall, upon
2 employment, engagement of services, or appointment, file with
3 the district school board for the district in which the
4 charter school is located a complete set of fingerprints taken
5 by an authorized law enforcement officer or an employee of the
6 school or district who is trained to take fingerprints.These
7 fingerprints shall be submitted to the Department of Law
8 Enforcement for state processing and to the Federal Bureau of
9 Investigation for federal processing. The new employees or
10 contractors shall be on probationary status pending
11 fingerprint processing and determination of compliance with
12 standards of good moral character. Employees or contractors
13 found through fingerprint processing to have been convicted of
14 a crime involving moral turpitude shall not be employed or
15 engaged to provide services in any position requiring direct
16 contact with students. Probationary employees or contractors
17 terminated because of their criminal record shall have the
18 right to appeal such decisions. The cost of the fingerprint
19 processing may be borne by the district school board, the
20 charter school, or the employee, or the contractor.

21 (b) Personnel who have been fingerprinted or screened
22 pursuant to this subsection and who have not been unemployed
23 or unengaged to provide services in a public or charter school
24 for more than 90 days shall not be required to be
25 refingerprinted or rescreened in order to comply with the
26 requirements of this subsection.

27 (c) Beginning July 1, 2003, all fingerprints submitted
28 to the Department of Law Enforcement as required by paragraph
29 (a), shall be retained by the Department of Law Enforcement
30 and entered in the statewide automated fingerprint
31 identification system authorized by s. 943.05(2)(b). Such

1 fingerprints shall thereafter be available for all purposes
2 and uses authorized for arrest fingerprint cards entered in
3 the statewide automated fingerprint identification system
4 pursuant to s. 943.051.

5 (d) Beginning December 15, 2004, the Department of Law
6 Enforcement shall search all arrest fingerprint cards received
7 pursuant to s. 943.051 against the fingerprints retained in
8 the statewide automated fingerprint identification system
9 pursuant to paragraph (c). Any arrest records that are thus
10 identified with the retained employee or contractor
11 fingerprints will be reported to the employing school district
12 or, in the case of a charter school, to the school district in
13 which the charter school is located. Each school district and
14 charter school is required to participate in this search
15 process by payment of an annual fee to the Department of Law
16 Enforcement and by informing the Department of Law Enforcement
17 of any change in the employment or contractual status or place
18 of employment or provision of services of its instructional
19 and noninstructional personnel whose fingerprints are retained
20 pursuant to paragraph (c). The Department of Law Enforcement
21 shall establish by rule the amount of the annual fee to be
22 imposed upon each school district and charter school for
23 performing these searches, and procedures for the retention of
24 employee and contractor fingerprints and the dissemination of
25 search results. The fee may be paid by the district school
26 board, the charter school, the employee, or the contractor.

27 Section 2. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB's 1254 and 1662
4 The committee substitute combines Senate bills 1254 and 1662.
5 The committee substitute requires, beginning July 1, 2003, all
6 fingerprints submitted to the Department of Law Enforcement
7 for personnel having direct contact with students in a
8 district school system, university lab school, or charter
9 school, be entered into a statewide automated fingerprint
10 identification system. Beginning December 15, 2004, the
11 Department of Law Enforcement shall search all arrest
12 fingerprint cards for a match in the system. Any matches shall
13 be reported to the employing school district or charter
14 school. Each school district or charter school is required to
15 pay a fee to participate in the system which may be passed on
16 to the employee. The school district or charter school must
17 report any change in employment for personnel whose
18 fingerprints are in the system. The Department of Law
19 Enforcement shall establish the fee by rule.
20 The committee substitute requires all charter school
21 personnel, including contractors with a charter school, to
22 undergo a fingerprint check taken by an authorized law
23 enforcement officer or an employee of the school or district
24 who is trained to take fingerprints.
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