

By the Committee on Education; and Senator Aronberg

304-2059-04

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 requirements for fingerprinting as  
10          employees; providing duties of the Department  
11          of Law Enforcement with respect to retention of  
12          fingerprint records submitted on behalf of  
13          school employees and contractors; providing for  
14          the availability of such fingerprints;  
15          requiring an arrest record to be reported to  
16          the employing or contracting school district;  
17          requiring the Department of Law Enforcement to  
18          adopt rules setting an annual fee for  
19          performing searches; providing an effective  
20          date.

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

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

26           1012.32 Qualifications of personnel.--

27           (2)(a) Instructional and noninstructional personnel  
28 who are hired or contracted to fill positions requiring direct  
29 contact with students in any district school system or  
30 university lab school shall, upon employment or engagement to  
31 provide services, file a complete set of fingerprints taken by

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

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

1           (c) Beginning July 1, 2004, all fingerprints submitted  
2 to the Department of Law Enforcement as required by paragraph  
3 (a) shall be retained by the Department of Law Enforcement and  
4 entered in the statewide automated fingerprint identification  
5 system authorized by s. 943.05(2)(b). Such fingerprints must  
6 thereafter be available for all purposes and uses authorized  
7 for arrest fingerprint cards entered in the statewide  
8 automated fingerprint identification system pursuant to s.  
9 943.051.

10           (d) Beginning December 15, 2004, the Department of Law  
11 Enforcement shall search all arrest fingerprint cards received  
12 under s. 943.051 against the fingerprints retained in the  
13 statewide automated fingerprint identification system under  
14 paragraph (c). Any arrest record that is identified with the  
15 retained employee or contractual personnel fingerprints shall  
16 be reported to the employing or contracting school district.  
17 Each school district shall participate in this search process  
18 by paying an annual fee to the Department of Law Enforcement  
19 and by informing the Department of Law Enforcement of any  
20 change in the employment or contractual status or place of  
21 employment or contracting of its instructional and  
22 noninstructional personnel whose fingerprints are retained  
23 under paragraph (c). The Department of Law Enforcement shall  
24 adopt a rule setting the amount of the annual fee to be  
25 imposed upon each school district for performing these  
26 searches and establishing the procedures for retaining the  
27 fingerprints of employee or contractual personnel and for  
28 disseminating search results. The fee may be borne by the  
29 district school board or by the employee or contracted person.

30           Section 2. This act shall take effect July 1, 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1296

The committee substitute requires the Department of Law Enforcement to search all arrest fingerprint cards against the fingerprints retained in the statewide automated fingerprint identification system that are received by the Department of Law Enforcement from school districts for personnel having direct contact with students. The committee substitute requires the Department of Law Enforcement to report any arrest record matches to the school district. The committee substitute requires each school district to participate in the search process by paying a fee and authorizes the Department of Law Enforcement to establish the fee by rule.

The committee substitute conforms the fingerprint requirements of contractors with a school district to the fingerprint requirements of contractors with a charter school as provided in the bill.