

1 A bill to be entitled
 2 An act relating to public school personnel; amending ss.
 3 1012.32, 1012.465, and 1012.56, F.S.; requiring background
 4 screening of school volunteers; providing that the cost of
 5 background screening of school volunteers and teacher
 6 mentors shall be borne by district school boards from
 7 funds appropriated by the Legislature; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (2) of section 1012.32, Florida
 13 Statutes, is amended to read:

14 1012.32 Qualifications of personnel.--

15 (2)(a) Instructional and noninstructional personnel who
 16 are hired or contracted, or appointed as school volunteers, to
 17 fill positions requiring direct contact with students in any
 18 district school system or university lab school shall, upon
 19 employment, ~~or~~ engagement to provide services, or appointment,
 20 undergo background screening as required under s. 1012.465 or s.
 21 1012.56, whichever is applicable.

22 (b) Instructional and noninstructional personnel who are
 23 hired or contracted, or appointed as school volunteers, to fill
 24 positions in any charter school and members of the governing
 25 board of any charter school, in compliance with s.
 26 1002.33(12)(g), shall, upon employment, engagement of services,
 27 or appointment, undergo background screening as required under
 28 s. 1012.465 or s. 1012.56, whichever is applicable, by filing

HB 0051

2005

29 | with the district school board for the school district in which
30 | the charter school is located a complete set of fingerprints
31 | taken by an authorized law enforcement agency or an employee of
32 | the school or school district who is trained to take
33 | fingerprints.

34 | (c) Instructional and noninstructional personnel who are
35 | hired or contracted, or appointed as school volunteers, to fill
36 | positions requiring direct contact with students in an
37 | alternative school that operates under contract with a district
38 | school system shall, upon employment, ~~or~~ engagement to provide
39 | services, or appointment, undergo background screening as
40 | required under s. 1012.465 or s. 1012.56, whichever is
41 | applicable, by filing with the district school board for the
42 | school district to which the alternative school is under
43 | contract a complete set of fingerprints taken by an authorized
44 | law enforcement agency or an employee of the school or school
45 | district who is trained to take fingerprints.

46 | (d) Student teachers, persons participating in a field
47 | experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
48 | participating in a short-term experience as a teacher assistant
49 | pursuant to s. 1004.04(10) in any district school system, lab
50 | school, or charter school shall, upon engagement to provide
51 | services, undergo background screening as required under s.
52 | 1012.56.

53 |
54 | Fingerprints shall be submitted to the Department of Law
55 | Enforcement for state processing and to the Federal Bureau of
56 | Investigation for federal processing. Persons subject to this

57 subsection found through fingerprint processing to have been
 58 convicted of a crime involving moral turpitude shall not be
 59 employed, engaged to provide services, appointed, or serve in
 60 any position requiring direct contact with students.
 61 Probationary persons subject to this subsection terminated
 62 because of their criminal record have the right to appeal such
 63 decisions. The cost of the background screening may be borne by
 64 the district school board, the charter school, the employee, the
 65 contractor, or a person subject to this subsection except that,
 66 in the case of a school volunteer or a teacher mentor, the cost
 67 shall be borne by the district school board from funds
 68 appropriated by the Legislature for such purpose.

69 Section 2. Section 1012.465, Florida Statutes, is amended
 70 to read:

71 1012.465 Background screening requirements for certain
 72 noninstructional school district employees, ~~and~~ contractors, and
 73 school volunteers.--

74 (1) Noninstructional school district employees, ~~or~~
 75 contractual personnel, and school volunteers who have direct
 76 contact with students or have access to or control of school
 77 funds must meet level 2 screening requirements as described in
 78 s. 1012.32.

79 (2) Every 5 years following employment, ~~or~~ entry into a
 80 contract, or appointment as a school volunteer in a capacity
 81 described in subsection (1), each person who is so employed or
 82 under contract with, or appointed by, the school district must
 83 meet level 2 screening requirements as described in s. 1012.32,
 84 at which time the school district shall request the Department

HB 0051

2005

85 of Law Enforcement to forward the fingerprints to the Federal
86 Bureau of Investigation for the level 2 screening. If, for any
87 reason following employment, ~~or~~ entry into a contract, or
88 appointment in a capacity described in subsection (1), the
89 fingerprints of a person who is so employed or under contract
90 with, or appointed by, the school district are not retained by
91 the Department of Law Enforcement under s. 1012.32(3)(a) and
92 (b), the person must file a complete set of fingerprints with
93 the district school superintendent of the employing, ~~or~~
94 contracting, or appointing school district. Upon submission of
95 fingerprints for this purpose, the school district shall request
96 the Department of Law Enforcement to forward the fingerprints to
97 the Federal Bureau of Investigation for the level 2 screening,
98 and the fingerprints shall be retained by the Department of Law
99 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
100 state and federal criminal history check required by level 2
101 screening may be borne by the district school board, the
102 contractor, or the person fingerprinted except that, in the case
103 of a school volunteer, the cost shall be borne by the district
104 school board from funds appropriated by the Legislature for such
105 purpose. Under penalty of perjury, each person who is employed,
106 ~~or~~ under contract, or appointed in a capacity described in
107 subsection (1) must agree to inform his or her employer, ~~or~~ the
108 party with whom he or she is under contract, or the party by
109 whom he or she was appointed within 48 hours if convicted of any
110 disqualifying offense while he or she is employed, ~~or~~ under
111 contract, or appointed in that capacity.

112 (3) If it is found that a person who is employed, ~~or~~ under
 113 contract, or appointed in a capacity described in subsection (1)
 114 does not meet the level 2 requirements, the person shall be
 115 immediately suspended from working in that capacity and shall
 116 remain suspended until final resolution of any appeals.

117 Section 3. Paragraph (b) of subsection (9) of section
 118 1012.56, Florida Statutes, is amended to read:

119 1012.56 Educator certification requirements.--

120 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 121 PERIODICALLY.--

122 (b) A person may not receive a certificate under this
 123 chapter until the level 2 screening has been completed and the
 124 results have been submitted to the Department of Education or to
 125 the district school superintendent of the school district that
 126 employs the person. Every 5 years after obtaining initial
 127 certification, each person who is required to be certified under
 128 this chapter must meet level 2 screening requirements as
 129 described in s. 1012.32, at which time the school district shall
 130 request the Department of Law Enforcement to forward the
 131 fingerprints to the Federal Bureau of Investigation for the
 132 level 2 screening. If, for any reason after obtaining initial
 133 certification, the fingerprints of a person who is required to
 134 be certified under this chapter are not retained by the
 135 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
 136 the person must file a complete set of fingerprints with the
 137 district school superintendent of the employing school district.
 138 Upon submission of fingerprints for this purpose, the school
 139 district shall request the Department of Law Enforcement to

HB 0051

2005

140 forward the fingerprints to the Federal Bureau of Investigation
141 for the level 2 screening, and the fingerprints shall be
142 retained by the Department of Law Enforcement under s.
143 1012.32(3)(a) and (b). The cost of the state and federal
144 criminal history check required by level 2 screening may be
145 borne by the district school board or the employee except that,
146 in the case of a teacher mentor, the cost shall be borne by the
147 district school board from funds appropriated by the Legislature
148 for such purpose. Under penalty of perjury, each person who is
149 certified under this chapter must agree to inform his or her
150 employer within 48 hours if convicted of any disqualifying
151 offense while he or she is employed in a position for which such
152 certification is required.

153 Section 4. This act shall take effect July 1, 2005.