

By Senator Argenziano

3-793-06

1 A bill to be entitled
2 An act relating to background screening of
3 noninstructional school personnel and
4 contractors; amending s. 1012.465, F.S.;
5 requiring that school districts comply with
6 certain requirements for background screening
7 for noninstructional personnel and contractors
8 by a specified date; creating s. 1012.467,
9 F.S.; defining the term "contractor";
10 authorizing a district school board to exempt a
11 contractor from certain screening requirements
12 if the contractor has only incidental contact
13 with students; requiring that such a contractor
14 is subject to a search of his or her name or
15 other identifying information against
16 registration information of sexual predators
17 and sexual offenders; prohibiting a contractor
18 who is identified as a sexual predator or
19 sexual offender from being on school grounds
20 when students are present; providing an
21 effective date.

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

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25 Section 1. Subsection (1) of section 1012.465, Florida
26 Statutes, is amended to read:

27 1012.465 Background screening requirements for certain
28 noninstructional school district employees and contractors.--

29 (1)(a) Except as provided in s. 1012.467,
30 noninstructional school district employees or contractual
31 personnel who are permitted access on school grounds when

1 students are present, who have direct contact with students or
2 who have access to or control of school funds must meet level
3 2 screening requirements as described in s. 1012.32.

4 Contractual personnel shall include any vendor, individual, or
5 entity under contract with the school board.

6 (b) By May 6, 2006, each school district must comply
7 with the requirements of this subsection which apply to
8 persons who are permitted access on school grounds when
9 students are present, but who do not have direct contact with
10 students or access to or control of school funds.

11 Section 2. Section 1012.467, Florida Statutes, is
12 created to read:

13 1012.467 Noninstructional contractors permitted access
14 to school grounds when students are present; incidental
15 contact; exemptions; screening requirements.--

16 (1) As used in this section, the term "contractor"
17 means a noninstructional vendor, individual, or entity that is
18 employed under a contract with a school or a district school
19 board.

20 (2) A district school board may exempt from the
21 screening requirements in s. 1012.465 a contractor who is
22 permitted access to school grounds when students are present
23 and who does not have direct contact with students if the
24 school board determines that the contractor has only
25 incidental contact with students. The district school board
26 shall determine whether the contractor has only incidental
27 contact with students by considering the totality of the
28 following circumstances:

29 (a) The contractor has limited contact with students.

30 (b) The contractor is located at a site that is of a
31 distant proximity to students.

1 (c) The contractor remains at a separate and secure
2 site that has perimeter fencing on school grounds.

3 (d) The contractor is under the direct and constant
4 supervision of an employee or contractor who has had a
5 criminal history records check and who meets the screening
6 requirements of s. 1012.32, s. 1012.465, or s. 1012.56.

7 (3) If a district school board determines that a
8 contractor who is exempt under this section no longer has
9 incidental contact with students, the contractor may not be
10 permitted on school grounds when students are present and may
11 not have direct contact with students until the contractor
12 meets the screening requirements of s. 1012.465.

13 (4)(a) A contractor who is exempt under this section
14 from the screening requirements of s. 1012.465 is subject to a
15 search of his or her name or other identifying information
16 against the registration information regarding sexual
17 predators and sexual offenders which is maintained by the
18 Department of Law Enforcement under s. 943.043 and the
19 national public registry of sex offenders which is maintained
20 by the United States Department of Justice. The school
21 district shall conduct the search required under this
22 subsection.

23 (b) If a contractor is identified as a sexual predator
24 or sexual offender in the search required by this subsection,
25 the contractor may not be permitted on school grounds when
26 students are present.

27 Section 3. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Requires that school districts comply with certain requirements for background screening for noninstructional personnel and contractors by May 6, 2006. Authorizes a district school board to exempt a contractor from certain screening requirements if the contractor has only incidental contact with students. Requires that the contractor is subject to a search of his or her name or other identifying information against registration information of sexual predators and sexual offenders. Prohibits a contractor who is identified as a sexual predator or sexual offender from being on school grounds when students are present.