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A bill to be entitled  
 An act relating to background screening of school  
 volunteers; amending s. 1002.421, F.S.; providing  
 background screening requirements for school and after-  
 school program volunteers with direct student contact at  
 private schools participating in scholarship programs;  
 creating s. 1012.466, F.S.; providing background screening  
 requirements for school and after-school program  
 volunteers with direct student contact at public schools;  
 providing an effective date.

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

Section 1. Paragraphs (e) and (i) of subsection (2) and  
 subsection (3) of section 1002.421, Florida Statutes, are  
 amended to read:

1002.421 Accountability of private schools participating  
 in state school choice scholarship programs.--

(2) A private school participating in a scholarship  
 program must be a Florida private school as defined in s.  
 1002.01(2), must be registered in accordance with s. 1002.42,  
 and must:

(e) Annually complete and submit to the department a  
 notarized scholarship compliance statement certifying that all  
 school employees, ~~and~~ contracted personnel, and school and  
after-school program volunteers with direct student contact have  
 undergone background screening pursuant to s. 943.0542.

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28           (i) Require each employee, ~~and~~ contracted personnel, and  
29 school and after-school program volunteer with direct student  
30 contact, upon employment or engagement to provide services, to  
31 undergo a state and national background screening, pursuant to  
32 s. 943.0542, by electronically filing with the Department of Law  
33 Enforcement a complete set of fingerprints taken by an  
34 authorized law enforcement agency or an employee of the private  
35 school, a school district, or a private company who is trained  
36 to take fingerprints and deny employment or engagement to or  
37 terminate an employee, contracted personnel, or school or after-  
38 school program volunteer if he or she fails to meet the  
39 screening standards under s. 435.04. Results of the screening  
40 shall be provided to the participating private school. For  
41 purposes of this paragraph:

42           1. An "employee, ~~or~~ contracted personnel, or school or  
43 after-school program volunteer with direct student contact"  
44 means any employee, ~~or~~ contracted personnel, or school or after-  
45 school volunteer who has unsupervised access to a scholarship  
46 student for whom the private school is responsible.

47           2. The costs of fingerprinting and the background check  
48 shall not be borne by the state.

49           3. Continued employment or engagement to provide services  
50 of an employee, ~~or~~ contracted personnel, or school or after-  
51 school program volunteer after notification that he or she has  
52 failed the background screening under this paragraph shall cause  
53 a private school to be ineligible for participation in a  
54 scholarship program.

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55           4. An employee, ~~or~~ contracted personnel, or school or  
56 after-school program volunteer holding a valid Florida teaching  
57 certificate who has been fingerprinted pursuant to s. 1012.32 is  
58 not required to comply with the provisions of this paragraph.

59           (3) (a) Beginning July 1, 2007, all fingerprints submitted  
60 to the Department of Law Enforcement as required by this section  
61 shall be retained by the Department of Law Enforcement in a  
62 manner provided by rule and entered in the statewide automated  
63 fingerprint identification system authorized by s. 943.05(2)(b).  
64 Such fingerprints shall thereafter be available for all purposes  
65 and uses authorized for arrest fingerprint cards entered in the  
66 statewide automated fingerprint identification system pursuant  
67 to s. 943.051.

68           (b) Beginning July 1, 2007, the Department of Law  
69 Enforcement shall search all arrest fingerprint cards received  
70 under s. 943.051 against the fingerprints retained in the  
71 statewide automated fingerprint identification system under  
72 paragraph (a). Any arrest record that is identified with the  
73 retained fingerprints of a person subject to the background  
74 screening under this section shall be reported to the employing  
75 or engaging school with which the person is affiliated. Each  
76 private school participating in a scholarship program is  
77 required to participate in this search process by informing the  
78 Department of Law Enforcement of any change in the employment,  
79 ~~or contractual,~~ or engagement to provide services status of its  
80 personnel whose fingerprints are retained under paragraph (a).  
81 The Department of Law Enforcement shall adopt a rule setting the  
82 amount of the annual fee to be imposed upon each private school

83 for performing these searches and establishing the procedures  
84 for the retention of private school employee, ~~and~~ contracted  
85 personnel, and school and after-school program volunteer  
86 fingerprints and the dissemination of search results. The fee  
87 may be borne by the private school or the person fingerprinted.

88 (c) Employees, ~~and~~ contracted personnel, and school and  
89 after-school program volunteers whose fingerprints are not  
90 retained by the Department of Law Enforcement under paragraphs  
91 (a) and (b) are required to be refingerprinted and must meet  
92 state and national background screening requirements upon  
93 reemployment or reengagement to provide services in order to  
94 comply with the requirements of this section.

95 (d) Every 5 years following employment or engagement to  
96 provide services with a private school, employees, ~~or~~ contracted  
97 personnel, or school or after-school program volunteers required  
98 to be screened under this section must meet screening standards  
99 under s. 435.04, at which time the private school shall request  
100 the Department of Law Enforcement to forward the fingerprints to  
101 the Federal Bureau of Investigation for national processing. If  
102 the fingerprints of employees, ~~or~~ contracted personnel, or  
103 school or after-school program volunteers are not retained by  
104 the Department of Law Enforcement under paragraph (a),  
105 employees, ~~and~~ contracted personnel, and school and after-school  
106 program volunteers must electronically file a complete set of  
107 fingerprints with the Department of Law Enforcement. Upon  
108 submission of fingerprints for this purpose, the private school  
109 shall request that the Department of Law Enforcement forward the  
110 fingerprints to the Federal Bureau of Investigation for national

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111 processing, and the fingerprints shall be retained by the  
112 Department of Law Enforcement under paragraph (a).

113 Section 2. Section 1012.466, Florida Statutes, is created  
114 to read:

115 1012.466 Background screening requirements for school and  
116 after-school program volunteers.--

117 (1) Each school and after-school program volunteer who has  
118 direct contact with students must meet level 2 screening  
119 requirements as described in s. 1012.32.

120 (2) Every 5 years following engagement to provide services  
121 in a capacity described in subsection (1), each person who is so  
122 engaged with a school must meet level 2 screening requirements  
123 as described in s. 1012.32, at which time the school shall  
124 request the Department of Law Enforcement to forward the  
125 fingerprints to the Federal Bureau of Investigation for the  
126 level 2 screening. If, for any reason following engagement to  
127 provide services in a capacity described in subsection (1), the  
128 fingerprints of a person who is so engaged are not retained by  
129 the Department of Law Enforcement under s. 1012.32(3)(a) and  
130 (b), the person must file a complete set of fingerprints with  
131 the district school superintendent. Upon submission of  
132 fingerprints for this purpose, the school district shall request  
133 the Department of Law Enforcement to forward the fingerprints to  
134 the Federal Bureau of Investigation for the level 2 screening,  
135 and the fingerprints shall be retained by the Department of Law  
136 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
137 state and federal criminal history check required by level 2  
138 screening may be borne by the district school board, the school,

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139 or the person fingerprinted. Under penalty of perjury, each  
140 person who is engaged to provide services in a capacity  
141 described in subsection (1) must agree to inform the school  
142 within 48 hours if convicted of any disqualifying offense while  
143 he or she is engaged in that capacity.

144 (3) If it is found that a person who is engaged to provide  
145 services in a capacity described in subsection (1) does not meet  
146 the level 2 requirements, the person shall be immediately  
147 suspended from working in that capacity and shall remain  
148 suspended until final resolution of any appeals.

149 Section 3. This act shall take effect July 1, 2007.