

FOR CONSIDERATION By the Committee on Education Pre-K - 12

581-00783H-09

20097050__

1 A bill to be entitled
2 An act relating to criminal background screenings;
3 amending s. 402.302, F.S.; revising the terms "child
4 care personnel" and "screening" to specify the
5 personnel who are subject to the screening
6 requirements and conform to changes made by the act;
7 amending s. 402.3025, F.S.; conforming provisions to
8 changes made by the act; amending s. 402.305, F.S.;
9 prohibiting the Department of Children and Family
10 Services from adopting different background screening
11 standards for facilities that serve different age
12 groups; revising the minimum screening standards for
13 child care personnel; prohibiting the Department of
14 Children and Family Services from granting an
15 exemption from disqualification for child care,
16 prekindergarten, and other personnel who are convicted
17 of certain offenses; creating s. 402.3056, F.S.;
18 requiring that child care personnel in facilities,
19 nonpublic schools, family day care homes, and large
20 family child care homes meet certain background
21 screening requirements; requiring that such child care
22 personnel be screened every 5 years; requiring that a
23 child care facility or entity prohibit personnel who
24 fail to meet the screening requirements from having
25 direct contact with children; requiring that child
26 care personnel agree to inform their employer within a
27 specified period after being charged with or convicted
28 of any disqualifying offense; requiring that the
29 Department of Children and Family Services screen the

581-00783H-09

20097050__

30 results of state criminal history records checks for a
31 prekindergarten director who is employed by a private
32 prekindergarten provider that is a nonpublic school or
33 a faith-based child care provider exempt from
34 licensure; requiring that the prekindergarten director
35 screen the results of state criminal history records
36 checks for a prekindergarten instructor who is
37 employed by such provider; authorizing the department
38 or the local licensing agency to visit the site of a
39 private prekindergarten provider that is a nonpublic
40 school or a faith-based child care provider to ensure
41 compliance with the screening requirements; requiring
42 that a local law enforcement agency notify the
43 appropriate owner or operator of a child care facility
44 or entity if an employee of such facility or entity is
45 charged with certain offenses; requiring that such
46 notification include the specific charges for which
47 the employee was arrested; repealing s. 402.3057,
48 F.S., relating to persons who are not required to be
49 refingerprinted or rescreened; creating s. 402.3132,
50 F.S.; requiring that the Department of Children and
51 Family Services adopt rules to define the term "good
52 moral character" and specify additional screening
53 requirements; amending s. 1002.55, F.S.; conforming
54 provisions to changes made by the act; creating s.
55 1002.56, F.S.; requiring that certain personnel of
56 school districts and private prekindergarten providers
57 meet background screening requirements; requiring that
58 such personnel be screened every 5 years; requiring

581-00783H-09

20097050__

59 that such personnel be denied employment or terminated
60 if they fail to meet the screening requirements;
61 providing that such personnel are ineligible for an
62 exemption from disqualification for employment under
63 certain circumstances; prohibiting a public school or
64 private prekindergarten provider from delivering the
65 Voluntary Prekindergarten Education Program if a
66 school district or provider continues to employ a
67 person who fails the screening requirements; requiring
68 certain personnel of a school district or private
69 prekindergarten provider to agree to inform the school
70 or provider within a specified period after being
71 charged with or convicted of any disqualifying
72 offense; amending ss. 1002.61 and 1002.63, F.S.;
73 conforming provisions to changes made by the act;
74 amending ss. 1012.465 and 1012.56, F.S.; requiring
75 that educators and noninstructional personnel agree to
76 inform their respective employers within a specified
77 period after being charged with or convicted of
78 certain disqualifying offenses; amending s. 1012.797,
79 F.S.; conforming provisions to changes made by the
80 act; providing an effective date.

81

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

83

84 Section 1. Subsections (3) and (13) of section 402.302,
85 Florida Statutes, are amended to read:

86 402.302 Definitions.—

87 (3) "Child care personnel" means all owners, operators,

581-00783H-09

20097050__

88 employees, and volunteers working in a child care facility. The
89 term does not include persons who work in a child care facility
90 after hours when children are not present or parents of children
91 in Head Start. For purposes of screening, the term includes any
92 member, over the age of 12 years, of a child care facility
93 operator's family, or person, over the age of 12 years, residing
94 with a child care facility operator if the child care facility
95 is located in or adjacent to the home of the operator or if the
96 family member of, or person residing with, the child care
97 facility operator has any direct contact with the children in
98 the facility during its hours of operation. Members of the
99 operator's family or persons residing with the operator who are
100 between the ages of 12 years and 18 years shall not be required
101 to be fingerprinted but shall be screened for delinquency
102 records. For purposes of screening, the term shall also include
103 persons who work in child care programs which provide care for
104 children 15 hours or more each week in public or nonpublic
105 schools pursuant to s. 402.3025(2), summer day camps, licensed
106 or registered family day care homes pursuant to s. 402.313,
107 licensed large family child care homes pursuant to s. 420.3131,
108 or those programs otherwise exempted under s. 402.316. The term
109 does not include public or nonpublic school personnel who are
110 providing care during regular school hours, or after hours for
111 activities related to a school's program for grades kindergarten
112 through 12. A volunteer who assists on an intermittent basis for
113 less than 40 hours per month is not included in the term
114 "personnel" for the purposes of screening and training, provided
115 that the volunteer is under direct and constant supervision by
116 persons who meet the personnel requirements of s. 402.305(2).

581-00783H-09

20097050__

117 Students who observe and participate in a child care facility as
118 a part of their required coursework shall not be considered
119 child care personnel, provided such observation and
120 participation are on an intermittent basis and the students are
121 under direct and constant supervision of child care personnel.

122 (13) "Screening" means the act of assessing the background
123 of child care personnel and volunteers and includes, but is not
124 limited to, employment history checks, local criminal history
125 records checks through local law enforcement agencies,
126 fingerprinting for all purposes and checks in this subsection,
127 statewide criminal history records checks through the Department
128 of Law Enforcement, and federal criminal history records checks
129 through the Federal Bureau of Investigation.

130 Section 2. Paragraph (c) of subsection (2) of section
131 402.3025, Florida Statutes, is amended to read:

132 402.3025 Public and nonpublic schools.—For the purposes of
133 ss. 402.301-402.319, the following shall apply:

134 (2) NONPUBLIC SCHOOLS.—

135 (c) Programs for children who are at least 3 years of age,
136 but under 5 years of age, shall not be deemed to be child care
137 and shall not be subject to the provisions of ss. 402.301-
138 402.319 relating to child care facilities, provided the programs
139 in the schools are operated and staffed directly by the schools,
140 provided a majority of the children enrolled in the schools are
141 5 years of age or older, and provided there is compliance with
142 the screening requirements for personnel pursuant to s. 402.305
143 ~~or s. 402.3057~~. A nonpublic school may designate certain
144 programs as child care, in which case these programs shall be
145 subject to the provisions of ss. 402.301-402.319.

581-00783H-09

20097050__

146 Section 3. Paragraph (c) of subsection (1) and paragraphs
147 (a) and (b) of subsection (2) of section 402.305, Florida
148 Statutes, are amended to read:

149 402.305 Licensing standards; child care facilities.—

150 (1) LICENSING STANDARDS.—The department shall establish
151 licensing standards that each licensed child care facility must
152 meet regardless of the origin or source of the fees used to
153 operate the facility or the type of children served by the
154 facility.

155 (c) The minimum standards for child care facilities shall
156 be adopted in the rules of the department and shall address the
157 areas delineated in this section. The department, in adopting
158 rules to establish minimum standards for child care facilities,
159 shall recognize that different age groups of children may
160 require different standards. Except for the standards in
161 subsection (2) (a) and s. 402.3056, the department may adopt
162 different minimum standards for facilities that serve children
163 in different age groups, including school-age children. The
164 department shall also adopt by rule a definition for child care
165 which distinguishes between child care programs that require
166 child care licensure and after-school programs that do not
167 require licensure. Notwithstanding any other provision of law to
168 the contrary, minimum child care licensing standards shall be
169 developed to provide for reasonable, affordable, and safe
170 before-school and after-school care. Standards, at a minimum,
171 shall allow for a credentialed director to supervise multiple
172 before-school and after-school sites.

173 (2) PERSONNEL.—Minimum standards for child care personnel
174 shall include minimum requirements as to:

581-00783H-09

20097050__

175 (a) Good moral character, as defined by the department by
176 rule, and background ~~based upon~~ screening pursuant to s.
177 402.3056. This screening shall be conducted as provided in
178 chapter 435, using the level 2 standards for screening set forth
179 in that chapter.

180 (b) The department may grant exemptions from
181 disqualification from working with children or the
182 developmentally disabled as provided in s. 435.07. However, the
183 department may not grant an exemption from disqualification to
184 any employee of a licensed child care facility, a nonpublic
185 school pursuant to s. 402.3025(2), a summer day camp, a licensed
186 or registered family day care home pursuant to s. 402.313, a
187 licensed large family child care home pursuant to s. 402.3131, a
188 facility exempt from licensure under s. 402.316, or a
189 prekindergarten provider under part V of chapter 1002 who is
190 convicted of any of the offenses listed in s. 1012.315.

191 Section 4. Section 402.3056, Florida Statutes, is created
192 to read:

193 402.3056 Background screening requirements for child care
194 personnel.—

195 (1) (a) Child care personnel, as defined in s. 402.302(3),
196 who work in a licensed child care facility, a nonpublic school
197 pursuant to s. 402.3025(2), a summer day camp, a licensed or
198 registered family day care home pursuant to s. 402.313, a
199 licensed large family child care home pursuant to s. 402.3131,
200 or a facility exempt from licensure under s. 402.316 must:

201 1. Be of good moral character, as defined by the department
202 by rule;

203 2. Electronically file with the Department of Law

581-00783H-09

20097050__

204 Enforcement for state criminal history records checks a complete
205 set of fingerprints taken by an authorized law enforcement
206 agency or an employee of a child care provider, a local
207 licensing agency, school district, or private company who is
208 trained to take fingerprints; and

209 3. Be screened before employment using the level 2
210 screening standards in s. 435.04.

211 (b) Upon the submission of fingerprints under this
212 subsection, the Department of Law Enforcement shall forward the
213 fingerprints to the Federal Bureau of Investigation for national
214 criminal history records checks.

215 (2) Each person in subsection (1) shall be screened every 5
216 years after beginning employment to ensure that he or she is of
217 good moral character and meets the level 2 screening standards
218 in s. 435.04. If the fingerprints of the person are not retained
219 by the Department of Law Enforcement, the person must
220 electronically file a complete set of fingerprints with the
221 Department of Law Enforcement for state criminal history records
222 checks. Upon the submission of fingerprints for this purpose,
223 the Department of Law Enforcement shall forward the fingerprints
224 to the Federal Bureau of Investigation for national criminal
225 history records checks.

226 (3) If a person in subsection (1) fails to meet the
227 screening requirements in this section, he or she shall be
228 denied employment or terminated pursuant to s. 435.06. However,
229 a person described in subsection (1) is ineligible for an
230 exemption from disqualification under s. 435.07 in any position
231 that has direct contact with children if the person has been
232 convicted of any offense listed in s. 1012.315.

581-00783H-09

20097050__

233 (4) Under penalty of perjury, each person in subsection (1)
234 must agree to inform his or her employer within 48 hours after
235 being charged with or convicted of any disqualifying offense
236 while he or she is an owner, operator, or employee.

237 (5) The Department of Children and Family Services shall
238 screen the results of state criminal history records checks for
239 a private prekindergarten director under part V of chapter 1002
240 who is employed by a private prekindergarten provider that is a
241 nonpublic school exempt from licensure under s. 402.3025(2) or a
242 faith-based child care provider exempt from licensure under s.
243 402.316. The private prekindergarten director shall screen the
244 results of state criminal history records checks for a private
245 prekindergarten instructor under part V of chapter 1002 who is
246 employed by a private prekindergarten provider that is a
247 nonpublic school exempt from licensure under s. 402.3025(2) or a
248 faith-based child care provider exempt from licensure under s.
249 402.316.

250 (6) The Department of Children and Family Services or the
251 local licensing agency approved by the department pursuant to s.
252 402.307, whichever is applicable, may visit the site of a
253 private prekindergarten provider under part V of chapter 1002
254 which is a nonpublic school exempt from licensure under s.
255 402.3025(2) or a faith-based child care provider exempt from
256 licensure under s. 402.316, at reasonable times during regular
257 business hours, to ensure compliance with the background
258 screening requirements in s. 1002.56. The department or the
259 local licensing agency, whichever is applicable, may have access
260 to prekindergarten personnel and may inspect records to verify
261 compliance with the background screening requirements in s.

581-00783H-09

20097050__

262 1002.56.

263 (7) Notwithstanding any law to the contrary, a local law
264 enforcement agency shall, within 48 hours, notify the
265 appropriate owner or operator of a facility, nonpublic school,
266 summer day camp, family day care home, or large family child
267 care home listed in subsection (1) of the name and address of
268 any employee of the facility, nonpublic school, summer day camp,
269 family day care home, or large family child care home who is
270 charged with a felony or with a misdemeanor involving the abuse
271 of a minor child or the sale or possession of a controlled
272 substance. The notification shall include the specific charge
273 for which the employee of the facility, nonpublic school, summer
274 day camp, family day care home, or large family child care home
275 was arrested.

276 Section 5. Section 402.3057, Florida Statutes, is repealed.

277 Section 6. Section 402.3132, Florida Statutes, is created
278 to read:

279 402.3132 Rules.—The Department of Children and Family
280 Services shall adopt rules pursuant to ss. 120.536(1) and 120.54
281 to define the term "good moral character" and to specify any
282 screening that is required in addition to the requirements in s.
283 402.3056.

284 Section 7. Paragraphs (d), (e), and (f) of subsection (3)
285 of section 1002.55, Florida Statutes, are amended to read:

286 1002.55 School-year prekindergarten program delivered by
287 private prekindergarten providers.—

288 (3) To be eligible to deliver the prekindergarten program,
289 a private prekindergarten provider must meet each of the
290 following requirements:

581-00783H-09

20097050__

291 (d) 1. Each prekindergarten instructor employed by the
292 private prekindergarten provider must meet the requirements in
293 s. 1002.56 ~~be of good moral character, must be screened using~~
294 ~~the level 2 screening standards in s. 435.04 before employment~~
295 ~~and rescreened at least once every 5 years, must be denied~~
296 ~~employment or terminated if required under s. 435.06,~~ and must
297 not be ineligible to teach in a public school because his or her
298 educator certificate is suspended or revoked.

299 2. Each prekindergarten director employed by a private
300 prekindergarten provider must meet the requirements in s.
301 1002.56.

302 (e) A private prekindergarten provider may assign a
303 substitute instructor to temporarily replace a credentialed
304 instructor if the credentialed instructor assigned to a
305 prekindergarten class is absent and, ~~as long as~~ the substitute
306 instructor meets the requirements in s. 1002.56. A substitute
307 instructor must not be ineligible to teach in a public school
308 because his or her educator certificate is suspended or revoked
309 ~~is of good moral character and has been screened before~~
310 ~~employment in accordance with level 2 background screening~~
311 ~~requirements in chapter 435.~~ The Agency for Workforce Innovation
312 shall adopt rules to implement this paragraph which shall
313 include required qualifications of substitute instructors and
314 the circumstances and time limits for which a private
315 prekindergarten provider may assign a substitute instructor.

316 (f) Each of the private prekindergarten provider's
317 prekindergarten classes must be composed of at least 4 students
318 but may not exceed 18 students. In order to protect the health
319 and safety of students, each private prekindergarten provider

581-00783H-09

20097050__

320 must also provide appropriate adult supervision for students at
321 all times and, for each prekindergarten class composed of 11 or
322 more students, must have, in addition to a prekindergarten
323 instructor who meets the requirements ~~in~~ of paragraph (c), at
324 least one adult prekindergarten instructor who is not required
325 to meet those requirements but who must meet each requirement in
326 ~~of~~ paragraph (d). This paragraph does not supersede any
327 requirement imposed on a provider under ss. 402.301-402.319
328 which is more stringent than the requirements in paragraph (d).

329 Section 8. Section 1002.56, Florida Statutes, is created to
330 read:

331 1002.56 Background screening requirements for certain
332 employees of school districts and private prekindergarten
333 owners, operators, and employees having direct contact with
334 students.-

335 (1) (a) A person who is employed by a school district to
336 work in a prekindergarten program delivered by a public school
337 or a person who owns or operates or is employed by a private
338 prekindergarten provider, and who has direct contact with
339 students, must:

340 1. Be of good moral character;

341 2. Electronically file with the Department of Law
342 Enforcement for state criminal history records checks a complete
343 set of fingerprints taken by an authorized law enforcement
344 agency or an employee of a school district or private company
345 who is trained to take fingerprints; and

346 3. Be screened before employment using the level 2
347 screening standards in s. 435.04.

348 (b) Upon the submission of fingerprints under this

581-00783H-09

20097050__

349 subsection, the Department of Law Enforcement shall forward the
350 fingerprints to the Federal Bureau of Investigation for national
351 criminal history records checks.

352 (2) Each owner, operator, or employee in subsection (1)
353 shall be screened every 5 years after beginning employment to
354 ensure that he or she is of good moral character and meets the
355 level 2 screening standards in s. 435.04. If the fingerprints of
356 an owner, operator, or employee in subsection (1) are not
357 retained by the Department of Law Enforcement, the owner,
358 operator, or employee must electronically file a complete set of
359 fingerprints with the Department of Law Enforcement for state
360 criminal history records checks. Upon the submission of
361 fingerprints for this purpose, the Department of Law Enforcement
362 shall forward the fingerprints to the Federal Bureau of
363 Investigation for national criminal history records checks.

364 (3) If an owner, operator, or employee in subsection (1)
365 fails to meet the screening requirements in this section, the
366 person shall be denied employment or terminated pursuant to s.
367 435.06. However, an individual described in subsection (1) is
368 ineligible for an exemption from disqualification under s.
369 435.07 in any position that has direct contact with students if
370 the individual has been convicted of any offense listed in s.
371 1012.315.

372 (4) A public school or prekindergarten provider is
373 ineligible to deliver the Voluntary Prekindergarten Education
374 Program if the school district or the private prekindergarten
375 provider continues to employ a person after receiving
376 notification that he or she has failed to meet the requirements
377 in this section.

581-00783H-09

20097050__

378 (5) Under penalty of perjury, each owner, operator, or
379 employee in subsection (1) must agree to inform his or her
380 employer within 48 hours after being charged with or convicted
381 of any disqualifying offense while he or she is an owner,
382 operator, or employee.

383 (6) This section does not supersede the employment
384 requirements for instructional personnel and noninstructional
385 personnel, whichever is applicable, in public schools which are
386 more stringent than the requirements in this section.

387 Section 9. Subsections (5), (6), and (7) of section
388 1002.61, Florida Statutes, as amended by section 5 of chapter
389 2009-3, Laws of Florida, are amended to read:

390 1002.61 Summer prekindergarten program delivered by public
391 schools and private prekindergarten providers.-

392 (5) (a) Each prekindergarten instructor employed by a public
393 school district and each ~~or~~ private prekindergarten instructor
394 employed by a private prekindergarten provider delivering the
395 summer prekindergarten program must meet the requirements in s.
396 1002.56 ~~be of good moral character, must be screened using the~~
397 level 2 screening standards in s. 435.04 before employment and
398 rescreened at least once every 5 years, must be denied
399 employment or terminated if required under s. 435.06, and must
400 not be ineligible to teach in a public school because his or her
401 educator certificate is suspended or revoked. This subsection
402 does not supersede employment requirements for instructional
403 personnel in public schools which are more stringent than the
404 requirements in ~~of~~ this subsection.

405 (b) Each prekindergarten director employed by a private
406 prekindergarten provider must meet the requirements in s.

581-00783H-09

20097050__

407 1002.56.

408 (6) A public school or private prekindergarten provider may
409 assign a substitute instructor to temporarily replace a
410 credentialed instructor if the credentialed instructor assigned
411 to a prekindergarten class is absent ~~and, as long as the~~
412 substitute instructor meets the requirements in s. 1002.56. A
413 substitute instructor must not be ineligible to teach in a
414 public school because his or her educator certificate is
415 suspended or revoked ~~is of good moral character and has been~~
416 ~~screened before employment in accordance with level 2 background~~
417 ~~screening requirements in chapter 435.~~ This subsection does not
418 supersede employment requirements for instructional personnel in
419 public schools which are more stringent than the requirements in
420 ~~of~~ this subsection. The Agency for Workforce Innovation shall
421 adopt rules to implement this subsection which shall include
422 required qualifications of substitute instructors and the
423 circumstances and time limits for which a public school or
424 private prekindergarten provider may assign a substitute
425 instructor.

426 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7), each
427 prekindergarten class in the summer prekindergarten program,
428 regardless of whether the class is a public school's or private
429 prekindergarten provider's class, must be composed of at least 4
430 students but may not exceed 12 students beginning with the 2009
431 summer session. In order to protect the health and safety of
432 students, each public school or private prekindergarten provider
433 must also provide appropriate adult supervision for students at
434 all times. A person who provides adult supervision must meet the
435 requirements in subsection (5). This subsection does not

581-00783H-09

20097050__

436 supersede any requirement imposed on a provider under ss.
437 402.301-402.319 which is more stringent than the requirements in
438 subsection (5).

439 Section 10. Subsections (5) and (6) of section 1002.63,
440 Florida Statutes, as amended by section 6 of chapter 2009-3,
441 Laws of Florida, are amended to read:

442 1002.63 School-year prekindergarten program delivered by
443 public schools.-

444 (5) Each prekindergarten instructor employed by a ~~public~~
445 school district delivering the school-year prekindergarten
446 program must meet the requirements in s. 1002.56 ~~be of good~~
447 ~~moral character, must be screened using the level 2 screening~~
448 ~~standards in s. 435.04 before employment and rescreened at least~~
449 ~~once every 5 years, must be denied employment or terminated if~~
450 ~~required under s. 435.06,~~ and must not be ineligible to teach in
451 a public school because his or her educator certificate is
452 suspended or revoked. This subsection does not supersede
453 employment requirements for instructional personnel in public
454 schools which are more stringent than the requirements in ~~of~~
455 this subsection.

456 (6) A public school prekindergarten provider may assign a
457 substitute instructor to temporarily replace a credentialed
458 instructor if the credentialed instructor assigned to a
459 prekindergarten class is absent and, ~~as long as~~ the substitute
460 instructor meets the requirements in s. 1002.56. A substitute
461 instructor must not be ineligible to teach in a public school
462 because his or her educator certificate is suspended or revoked
463 ~~is of good moral character and has been screened before~~
464 ~~employment in accordance with level 2 background screening~~

581-00783H-09

20097050__

465 ~~requirements in chapter 435.~~ This subsection does not supersede
466 employment requirements for instructional personnel in public
467 schools which are more stringent than the requirements in ~~of~~
468 this subsection. The Agency for Workforce Innovation shall adopt
469 rules to implement this subsection which shall include required
470 qualifications of substitute instructors and the circumstances
471 and time limits for which a public school prekindergarten
472 provider may assign a substitute instructor.

473 Section 11. Subsection (2) of section 1012.465, Florida
474 Statutes, is amended to read:

475 1012.465 Background screening requirements for certain
476 noninstructional school district employees and contractors.—

477 (2) Every 5 years following employment or entry into a
478 contract in a capacity described in subsection (1), each person
479 who is so employed or under contract with the school district
480 must meet level 2 screening requirements as described in s.
481 1012.32, at which time the school district shall request the
482 Department of Law Enforcement to forward the fingerprints to the
483 Federal Bureau of Investigation for the level 2 screening. If,
484 for any reason following employment or entry into a contract in
485 a capacity described in subsection (1), the fingerprints of a
486 person who is so employed or under contract with the school
487 district are not retained by the Department of Law Enforcement
488 under s. 1012.32(3)(a) and (b), the person must file a complete
489 set of fingerprints with the district school superintendent of
490 the employing or contracting school district. Upon submission of
491 fingerprints for this purpose, the school district shall request
492 the Department of Law Enforcement to forward the fingerprints to
493 the Federal Bureau of Investigation for the level 2 screening,

581-00783H-09

20097050__

494 and the fingerprints shall be retained by the Department of Law
495 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
496 state and federal criminal history check required by level 2
497 screening may be borne by the district school board, the
498 contractor, or the person fingerprinted. Under penalty of
499 perjury, each person who is employed or under contract in a
500 capacity described in subsection (1) must agree to inform his or
501 her employer or the party with whom he or she is under contract
502 within 48 hours after being charged with or ~~if~~ convicted of any
503 disqualifying offense while he or she is employed or under
504 contract in that capacity.

505 Section 12. Paragraph (b) of subsection (10) of section
506 1012.56, Florida Statutes, is amended to read:

507 1012.56 Educator certification requirements.—

508 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
509 PERIODICALLY.—

510 (b) A person may not receive a certificate under this
511 chapter until the person's screening under s. 1012.32 is
512 completed and the results have been submitted to the Department
513 of Education or to the district school superintendent of the
514 school district that employs the person. Every 5 years after
515 obtaining initial certification, each person who is required to
516 be certified under this chapter must be rescreened in accordance
517 with s. 1012.32, at which time the school district shall request
518 the Department of Law Enforcement to forward the fingerprints to
519 the Federal Bureau of Investigation for federal criminal records
520 checks. If, for any reason after obtaining initial
521 certification, the fingerprints of a person who is required to
522 be certified under this chapter are not retained by the

581-00783H-09

20097050__

523 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
524 the person must file a complete set of fingerprints with the
525 district school superintendent of the employing school district.
526 Upon submission of fingerprints for this purpose, the school
527 district shall request the Department of Law Enforcement to
528 forward the fingerprints to the Federal Bureau of Investigation
529 for federal criminal records checks, and the fingerprints shall
530 be retained by the Department of Law Enforcement under s.
531 1012.32(3)(a) and (b). The cost of the state and federal
532 criminal history checks required by paragraph (a) and this
533 paragraph may be borne by the district school board or the
534 employee. Under penalty of perjury, each person who is certified
535 under this chapter must agree to inform his or her employer
536 within 48 hours after being charged with or if convicted of any
537 disqualifying offense while he or she is employed in a position
538 for which such certification is required.

539 Section 13. Section 1012.797, Florida Statutes, is amended
540 to read:

541 1012.797 Notification of district school superintendent and
542 other education providers of certain charges against or
543 convictions of employees.—

544 (1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any
545 other ~~provision of~~ law to the contrary, a law enforcement agency
546 shall, within 48 hours, notify the appropriate district school
547 superintendent of the name and address of any employee of the
548 school district who is charged with a felony or with a
549 misdemeanor involving the abuse of a minor child or the sale or
550 possession of a controlled substance. The notification shall
551 include the specific charge for which the employee of the school

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552 district was arrested. Such notification shall include other
553 education providers such as the Florida School for the Deaf and
554 the Blind, university lab schools, ~~and~~ private elementary and
555 secondary schools, and private prekindergarten providers under
556 part V of chapter 1002.

557 (2) Except to the extent necessary to protect the health,
558 safety, and welfare of other students, the information obtained
559 by the district school superintendent pursuant to this section
560 may be released only to appropriate school personnel or as
561 otherwise provided by law.

562 Section 14. This act shall take effect July 1, 2009.