

HB 627

2011

1 A bill to be entitled
 2 An act relating to background screening requirements for
 3 certain noninstructional school district employees and
 4 contractors; amending s. 1012.465, F.S.; requiring the
 5 Department of Agriculture and Consumer Services to conduct
 6 background screening and issue valid statewide
 7 certificates to certain noninstructional school district
 8 employees or contractual personnel; providing requirements
 9 for certificate eligibility and display; providing for
 10 payment of certain costs associated with certification;
 11 requiring the department to periodically check for
 12 disqualification of a certificateholder and to provide
 13 notification; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 1012.465, Florida Statutes, is amended
 18 to read:

19 1012.465 Background screening requirements for certain
 20 noninstructional school district employees and contractors.—

21 (1) Except as provided in s. 1012.467 or s. 1012.468,
 22 noninstructional school district employees or contractual
 23 personnel who are permitted access on school grounds when
 24 students are present, who have direct contact with students or
 25 who have access to or control of school funds must meet level 2
 26 screening requirements as described in s. 1012.32 and hold valid
 27 certification pursuant to this section. Contractual personnel
 28 shall include any vendor, individual, or entity under contract

29 with a school or the school board.

30 (2) The Department of Agriculture and Consumer Services
 31 shall fingerprint and conduct background checks through the
 32 Department of Law Enforcement for employees and contractual
 33 personnel described in subsection (1) and issue a valid
 34 statewide certificate signifying that a person has met the
 35 uniform, statewide level 2 screening requirements as described
 36 in s. 1012.32.

37 (3) (a) The Department of Agriculture and Consumer Services
 38 shall issue a valid statewide certificate if the applicant:

39 1. Is a resident of the United States and a citizen of the
 40 United States or a permanent resident alien of the United States
 41 as determined by the United States Bureau of Citizenship and
 42 Immigration Services;

43 2. Is 18 years or older; and

44 3. Meets the screening standards of s. 435.04.

45 (b) Certificates issued by the Department of Agriculture
 46 and Consumer Services must bear a color photograph of the
 47 certificateholder. The certificateholder must carry the
 48 certificate and valid identification at all times in which the
 49 certificateholder is on school grounds and must display both the
 50 certificate and valid identification upon demand by a duly
 51 authorized school district employee.

52 (4) ~~(2)~~ Every 5 years following issuance of a certificate
 53 for background screening ~~employment or entry into a contract in~~
 54 a capacity described in subsection (1), each person who is so
 55 employed or under contract with the school district must meet
 56 level 2 screening requirements as described in s. 1012.32 and

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57 provide to the school district a valid certificate issued by the
58 Department of Agriculture and Consumer Services, ~~at which time~~
59 ~~the school district shall request the Department of Law~~
60 ~~Enforcement to forward the fingerprints to the Federal Bureau of~~
61 ~~Investigation for the level 2 screening. If, for any reason~~
62 ~~following employment or entry into a contract in a capacity~~
63 ~~described in subsection (1), the fingerprints of a person who is~~
64 ~~so employed or under contract with the school district are not~~
65 ~~retained by the Department of Law Enforcement under s.~~
66 ~~1012.32(3) (a) and (b), the person must file a complete set of~~
67 ~~fingerprints with the district school superintendent of the~~
68 ~~employing or contracting school district. Upon submission of~~
69 ~~fingerprints for this purpose, the school district shall request~~
70 ~~the Department of Law Enforcement to forward the fingerprints to~~
71 ~~the Federal Bureau of Investigation for the level 2 screening,~~
72 ~~and the fingerprints shall be retained by the Department of Law~~
73 ~~Enforcement under s. 1012.32(3) (a) and (b). The cost of the~~
74 application for a certificate for background screening shall be
75 borne by the contractor or the person fingerprinted and the cost
76 of the state and federal criminal history check required by
77 level 2 screening may be borne by ~~the district school board,~~ the
78 contractor, ~~or~~ the person fingerprinted. Under penalty of
79 perjury, each person who is employed or under contract in a
80 capacity described in subsection (1) must agree to inform his or
81 her employer or the party with whom he or she is under contract
82 within 48 hours if convicted of any disqualifying offense while
83 he or she is employed or under contract in that capacity.

84 (5) The Department of Agriculture and Consumer Services

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85 shall retain a file of certificateholders and shall check the
86 file against the Florida Criminal Information Center database a
87 minimum of every 3 months throughout the term of the
88 certificate. If any person who is employed or under contract in
89 a capacity described in subsection (1) is found to have become
90 disqualified under the provisions of this section, the
91 Department of Agriculture and Consumer Services shall notify the
92 school district and the contractor that such person no longer
93 meets the level 2 screening requirements as described in s.
94 1012.32.

95 (6) ~~(3)~~ If it is found that a person who is employed or
96 under contract in a capacity described in subsection (1) does
97 not meet the level 2 requirements, the person shall be
98 immediately suspended from working in that capacity and shall
99 remain suspended until final resolution of any appeals.

100 Section 2. This act shall take effect July 1, 2011.