

By Senator Dean

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1 A bill to be entitled
2 An act relating to background screening requirements
3 for certain noninstructional school district employees
4 and contractors; amending s. 1012.465, F.S.;
5 authorizing the Department of Agriculture and Consumer
6 Services, rather than the Department of Law
7 Enforcement, to take fingerprints, conduct background
8 checks through the Department of Law Enforcement, and
9 issue statewide certificates signifying that a person
10 has met the uniform, statewide qualifications
11 necessary for noninstructional school district
12 employees or contractual personnel to have access to
13 school grounds when students are present, have direct
14 contact with students, or have access to or control of
15 school funds; specifying the criteria to receive a
16 certificate; requiring school district employees or
17 contractual personnel to possess a valid certificate
18 issued to the school district by the Department of
19 Agriculture and Consumer Services; requiring the
20 school district employee or contractual personnel to
21 bear the cost of the state and federal criminal
22 history check required by the screening; requiring
23 each person employed or under contract to inform his
24 or her employer within 48 hours if the employee is
25 convicted of a disqualifying offense; requiring the
26 Department of Agriculture and Consumer Services to
27 maintain a database of certificateholders and to
28 compare that database to the Florida Criminal
29 Information Center database at least once every 3

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30 months; requiring the Department of Agriculture and
31 Consumer Services to notify the contractor and school
32 district if any person who is employed by or under
33 contract with, a school district is found to be a
34 disqualified employee; requiring the school district
35 employee or contractual personnel to possess the
36 certificate whenever he or she is on school grounds;
37 providing for a noncriminal penalty for failing to
38 possess or display the certificate when on school
39 grounds; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Section 1012.465, Florida Statutes, is amended
44 to read:

45 1012.465 Background screening requirements for certain
46 noninstructional school district employees and contractors.—

47 (1) Except as provided in s. 1012.467 or s. 1012.468,
48 noninstructional school district employees or contractual
49 personnel who are permitted access on school grounds when
50 students are present, who have direct contact with students or
51 who have access to or control of school funds must meet level 2
52 screening requirements as described in s. 1012.32. Contractual
53 personnel ~~shall~~ include any vendor, individual, or entity under
54 contract with a school or the school board.

55 (2) The Department of Agriculture and Consumer Services may
56 take fingerprints, conduct background checks through the
57 Department of Law Enforcement, and issue statewide certificates
58 signifying that a person has met the uniform, statewide

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59 qualifications required under level 2 screening requirements as
60 described in s. 1012.32.

61 (3) The Department of Agriculture and Consumer Services
62 shall issue a certificate if the applicant:

63 (a) Is a resident of the United States and a citizen of the
64 United States or a permanent resident alien of the United
65 States, as determined by the United States Bureau of Citizenship
66 and Immigration Services;

67 (b) Is 18 years or older; and

68 (c) Meets the screening standards of s. 435.04.

69 (4)~~(2)~~ Every 5 years following employment or entry into a
70 contract in a capacity described in subsection (1), each person
71 who is so employed or under contract with the school district
72 must meet level 2 screening requirements as described in s.
73 1012.32, and shall possess a valid certificate issued to the
74 school district by the Department of Agriculture and Consumer
75 Services. The cost of the state and federal criminal history
76 check required by level 2 screening shall be borne by the person
77 screened. Under penalty of perjury, each person who is employed
78 or under contract in a capacity described in subsection (1) must
79 inform his or her employer within 48 hours if he or she is
80 convicted of a disqualifying offense. ~~at which time the school~~
81 ~~district shall request the Department of Law Enforcement to~~
82 ~~forward the fingerprints to the Federal Bureau of Investigation~~
83 ~~for the level 2 screening. If, for any reason following~~
84 ~~employment or entry into a contract in a capacity described in~~
85 ~~subsection (1), the fingerprints of a person who is so employed~~
86 ~~or under contract with the school district are not retained by~~
87 ~~the Department of Law Enforcement under s. 1012.32(3)(a) and~~

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88 ~~(b), the person must file a complete set of fingerprints with~~
89 ~~the district school superintendent of the employing or~~
90 ~~contracting school district. Upon submission of fingerprints for~~
91 ~~this purpose, the school district shall request the Department~~
92 ~~of Law Enforcement to forward the fingerprints to the Federal~~
93 ~~Bureau of Investigation for the level 2 screening, and the~~
94 ~~fingerprints shall be retained by the Department of Law~~
95 ~~Enforcement under s. 1012.32(3) (a) and (b). The cost of the~~
96 ~~state and federal criminal history check required by level 2~~
97 ~~screening may be borne by the district school board, the~~
98 ~~contractor, or the person fingerprinted. Under penalty of~~
99 ~~perjury, each person who is employed or under contract in a~~
100 ~~capacity described in subsection (1) must agree to inform his or~~
101 ~~her employer or the party with whom he or she is under contract~~
102 ~~within 48 hours if convicted of any disqualifying offense while~~
103 ~~he or she is employed or under contract in that capacity.~~

104 (5) The Department of Agriculture and Consumer Services
105 shall maintain a database of certificateholders and compare that
106 database to the Florida Criminal Information Center database at
107 least once every 3 months throughout the term of the
108 certificate. If a person employed by or under contract with a
109 school district is found to be disqualified under the provisions
110 of this section, the Department of Agriculture and Consumer
111 Services shall notify the contractor and school district that
112 such person no longer meets the level 2 screening requirements
113 as described in s. 1012.32.

114 (6) Certificates issued by the Department of Agriculture
115 and Consumer Services must bear a color photograph of the
116 certificateholder. The certificateholder must carry the

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117 certificate, together with valid identification, at all times
118 that the certificateholder is on school grounds and must display
119 the certificate and proper identification upon demand by a duly
120 authorized school system employee. A person under contract with
121 or employed by a school district who violates this subsection
122 commits a noncriminal violation as defined in s. 775.08,
123 punishable by a fine of \$25, payable to the school district.

124 (7)-(3) If it is found that a person who is employed or
125 under contract in a capacity described in subsection (1) does
126 not meet the level 2 requirements, the person shall be
127 immediately suspended from working in that capacity and shall
128 remain suspended until final resolution of any appeals.

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