

By Senator Diaz

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1 A bill to be entitled
2 An act relating to background screenings for school
3 personnel; amending s. 1012.32, F.S.; requiring each
4 employing entity that employs instructional and
5 noninstructional personnel who have direct contact
6 with students to submit certain individuals'
7 fingerprints to the Department of Law Enforcement;
8 conforming provisions to changes made by the act;
9 providing that an employing entity has the sole
10 authority for determining the employment eligibility
11 of certain personnel; providing an exception;
12 requiring the Department of Law Enforcement to report
13 the results from background screenings to the
14 employing entity; defining the term "employing
15 entity"; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (2) and paragraph (b) of subsection
20 (3) of section 1012.32, Florida Statutes, are amended, and
21 subsection (4) is added to that section, to read:

22 1012.32 Qualifications of personnel.—

23 (2) (a) Instructional and noninstructional personnel ~~who are~~
24 hired or contracted to fill positions that require direct
25 contact with students in any district school system or
26 university lab school must, upon employment or engagement to
27 provide services, undergo background screening as required under
28 s. 1012.465 or s. 1012.56, whichever is applicable.

29 (b)1. Instructional and noninstructional personnel ~~who are~~

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30 hired or contracted to fill positions in a charter school other
31 than a school of hope as defined in s. 1002.333, and members of
32 the governing board of such charter school, in compliance with
33 s. 1002.33(12)(g), upon employment, engagement of services, or
34 appointment, shall undergo background screening as required
35 under s. 1012.465 or s. 1012.56, whichever is applicable, by
36 filing with the employing entity ~~district school board for the~~
37 ~~school district in which the charter school is located~~ a
38 complete set of fingerprints taken by an authorized law
39 enforcement agency or an employee of the school ~~or school~~
40 ~~district~~ who is trained to take fingerprints.

41 2. Instructional and noninstructional personnel ~~who are~~
42 hired or contracted to fill positions in a school of hope as
43 defined in s. 1002.333, and members of the governing board of
44 such school of hope, shall file with the school of hope a
45 complete set of fingerprints taken by an authorized law
46 enforcement agency, by an employee of the school of hope ~~or~~
47 ~~school district~~ who is trained to take fingerprints, or by any
48 other entity recognized by the Department of Law Enforcement to
49 take fingerprints.

50 (c) Instructional and noninstructional personnel ~~who are~~
51 hired or contracted to fill positions that require direct
52 contact with students in an alternative school that operates
53 under contract with a district school system must, upon
54 employment or engagement to provide services, undergo background
55 screening as required under s. 1012.465 or s. 1012.56, whichever
56 is applicable, by filing with the alternative school ~~district~~
57 ~~school board for the school district to which the alternative~~
58 ~~school is under contract~~ a complete set of fingerprints taken by

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59 an authorized law enforcement agency or an employee of the
60 school ~~or school district~~ who is trained to take fingerprints.

61 (d) Student teachers and persons participating in a field
62 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
63 district school system, lab school, or charter school must, upon
64 engagement to provide services, undergo background screening as
65 required under s. 1012.56.

66

67 Required fingerprints must be submitted to the Department of Law
68 Enforcement for statewide criminal and juvenile records checks
69 and to the Federal Bureau of Investigation for federal criminal
70 records checks. A person subject to this subsection who is found
71 ineligible for employment under s. 1012.315, or otherwise found
72 through background screening to have been convicted of any crime
73 involving moral turpitude as defined by rule of the State Board
74 of Education, may ~~shall~~ not be employed, engaged to provide
75 services, or serve in any position that requires direct contact
76 with students. Probationary persons subject to this subsection
77 who are terminated because of their criminal record have the
78 right to appeal such decisions. Except for a person's
79 ineligibility for employment as provided in this section, an
80 employing entity has the sole authority for determining a
81 person's employment eligibility. The cost of the background
82 screening may be borne by the employing entity ~~district school~~
83 ~~board, the charter school, the employee, the contractor, or a~~
84 person subject to this subsection. ~~A district school board shall~~
85 ~~reimburse a charter school the cost of background screening if~~
86 ~~it does not notify the charter school of the eligibility of a~~
87 ~~governing board member or instructional or noninstructional~~

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88 ~~personnel within the earlier of 14 days after receipt of the~~
89 ~~background screening results from the Florida Department of Law~~
90 ~~Enforcement or 30 days of submission of fingerprints by the~~
91 ~~governing board member or instructional or noninstructional~~
92 ~~personnel.~~

93 (3)

94 (b) The Department of Law Enforcement shall search all
95 arrest fingerprints received under s. 943.051 against the
96 fingerprints retained in the statewide automated biometric
97 identification system under paragraph (a). Any arrest record
98 ~~that is~~ identified with the retained fingerprints of a person
99 subject to the background screening under this section must
100 ~~shall~~ be reported to the employing entity ~~or contracting school~~
101 ~~district or the school district with which the person is~~
102 ~~affiliated.~~ Each employing entity ~~school district~~ is required to
103 participate in this search process by payment of an annual fee
104 to the Department of Law Enforcement and by informing the
105 Department of Law Enforcement of any change in the ~~affiliation,~~
106 ~~employment,~~ or contractual status ~~or place of affiliation,~~
107 ~~employment,~~ or ~~contracting~~ of its instructional and
108 noninstructional personnel whose fingerprints are retained under
109 paragraph (a). The Department of Law Enforcement shall adopt a
110 rule setting the amount of the annual fee to be imposed upon
111 each employing entity ~~school district~~ for performing these
112 searches and establishing the procedures for the retention of
113 instructional and noninstructional personnel fingerprints and
114 the dissemination of search results. The fee may be borne by the
115 employing entity ~~district school board, the contractor,~~ or the
116 person fingerprinted.

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117 (4) For purposes of this section, the term "employing
118 entity" means a district school board, charter school,
119 alternative school, or any other entity that requires employees
120 to complete a background screening pursuant to this section.

121 Section 2. This act shall take effect July 1, 2022.