

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Education

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BILL: CS/SB 1044

INTRODUCER: Education Pre-K -12 Committee and Senator Grall

SUBJECT: School Chaplains

DATE: February 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1044 authorizes each school district or charter school to adopt a policy to authorize volunteer school chaplains to provide supports, services, and programs to students as assigned by the district school board or charter school governing board.

This bill has an indeterminate, likely insignificant fiscal impact on school districts. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Student Personnel Services**

Student personnel services include staff members responsible for:

- Advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments;
- Providing placement services; and
- Performing educational evaluations; and similar functions.

Included in this classification are certified school counselors, social workers, career specialists, and school psychologists.<sup>1</sup>

School counselors are considered instructional personnel within Florida's public school system.<sup>2</sup> To be employed as a school counselor, or in any other instructional capacity in a public school, a person must be certified as required by law and State Board of Education rule.<sup>3</sup>

In the 2022-2023 school year, there were 6,754 certified school counselors working in Florida school districts, serving 2,870,507 students. Each of the 67 school districts reported at least one school counselor on staff.<sup>4</sup> On average, there was one school counselor for every 425 students.

### **Background Screening of School Personnel**

Subject to limited exceptions discussed below,<sup>5</sup> personnel who are hired or contracted to fill positions that require direct contact with students in any public school must, upon employment or engagement to provide services, undergo background screening and are ineligible if they have a disqualifying offense on their record.<sup>6</sup> Screening requirements for volunteers are determined by each district school board or charter school governing board.<sup>7</sup>

A district school board may not require criminal history record checks of a noninstructional contractor who may have direct contact with a student if the noninstructional contractor is:

- Under the direct supervision and within the line of sight of a school district employee or contractor who has had a criminal history check and meets screening requirements.
- Required by law to undergo and is up-to-date with a level 2 background screening<sup>8</sup> for licensure, certification, employment, or other purposes.
- A law enforcement officer<sup>9</sup> assigned or dispatched to the school.
- An employee or medical director of an ambulance provider, who is providing services within the scope of part III of chapter 401 on behalf of such ambulance provider.<sup>10</sup>

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<sup>1</sup> Section 1012.01(2)(b), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1012.55(1)(b), F.S.

<sup>4</sup> The Florida Department of Education, *Staff in Florida's Public Schools, District Reports: Full-Time Staff 2022-23, Survey 2*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.shtml>; and The Florida Department of Education, *Membership in Florida Public Schools, Survey 2, 2022-2023*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.shtml>. (Last visited Feb. 13, 2024)

<sup>5</sup> *See* s. 1012.468, F.S.

<sup>6</sup> Section 1012.32(2)(a), F.S., and *see* s. 1012.315, F.S., for disqualifying offenses.

<sup>7</sup> Rule 6A-1.0502, F.A.C.

<sup>8</sup> As specified in s. 435.04, F.S.

<sup>9</sup> As defined in s. 943.10, F.S.

<sup>10</sup> Section 1012.468, F.S.

## Chaplains

An institutional chaplain is a clergyman officially attached to a branch of the military, to an institution, or to a family or court.<sup>11</sup> A chaplain may:<sup>12</sup>

- Minister in areas of critical incident stress, grief and loss, trauma, and stress management.
- Provide counsel, education, advocacy, life-improvement skills, and recovery training.
- Build a bridge between the secular and spiritual environments of community life.
- Bring life changing service in every sector of community life, such as health and welfare, education, transitional living, emergency service, and governmental support.

School chaplains provide counsel, prayer, and spiritual care for school staff, students, and families.<sup>13</sup>

### III. Effect of Proposed Changes:

This bill authorizes each school district or charter school to adopt a policy to authorize volunteer school chaplains to provide supports, services, and programs to students as assigned by the district school board or charter school governing board. The bill requires the policy to:

- Describe the supports, services, or programs that volunteer school chaplains may be assigned;
- Require that principals of schools with a volunteer school chaplain inform all parents of the availability of such supports, services, and programs; and
- Require written parental consent before a student participates in or receives supports, services, and programs provided by a volunteer school chaplain. Parents must be permitted to select a volunteer school chaplain from the list provided by the school district, which must include the chaplain's religious affiliation, if any.

The bill requires any school district that adopts a volunteer school chaplain policy to publish the list of volunteer school chaplains, including any religious affiliation, on the school district's website.

The bill modifies s. 1012.465, F.S., to require volunteer school chaplains to meet the background screening requirements for noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present or have direct contact with students.

The bill takes effect July 1, 2024.

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<sup>11</sup> Merriam-Webster, *Chaplain*, <https://www.merriam-webster.com/dictionary/chaplain#:~:text=%3A%20a%20clergyman%20in%20charge%20of,of%20a%20club%20or%20society> (last visited Feb. 13, 2024).

<sup>12</sup> International Fellowship of Chaplains, *What does being a Chaplain mean?*, <https://ifoc.org/> (last visited Feb. 13, 2024).

<sup>13</sup> National School Chaplain Association, *Follow your calling*, <https://www.nationalschoolchaplainassociation.org/> (last visited Feb. 13, 2024).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

This bill could have an indeterminate, yet insignificant, fiscal impact to school districts or volunteers chaplains to cover the required background screening.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1012.465 of the Florida Statutes.

This bill creates section 1012.461 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on February 6, 2024:**

The committee substitute removes the requirement that school boards vote by January 1, 2025, on whether to adopt a volunteer school chaplain policy.

- B. **Amendments:**

None.