

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 1287](#)

**TITLE:** School District Personnel and Volunteers

**SPONSOR(S):** Robinson, W.

**COMPANION BILL:** [SB 1374](#) (Yarborough)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Education Administration](#)

13 Y, 4 N, As CS

## SUMMARY

### Effect of the Bill:

The bill supports student safety by requiring district school boards to adopt a policy to temporarily remove instructional personnel from the classroom within 24 hours of notification by law enforcement or the instructional personnel of specified arrests, expanding the offenses that require notification to educational entities by law enforcement after the arrest of a school employee, and requiring instructional and administrative staff to self-report specified arrest and final judgement information to school districts. The bill clarifies that school districts have discretion when screening school volunteers.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

The bill requires district school boards to adopt a policy to temporarily remove instructional personnel from the classroom within 24 hours of notification by law enforcement or the instructional personnel of any arrest for a felony, or of an arrest for a misdemeanor involving any offense included as a disqualifying offense under a [Level 2 background screening](#). (Section [2](#)).

The bill requires [law enforcement notification](#) of the appropriate district school superintendent, charter school governing board, private school owner or administrator, president of the Florida School for the Deaf and the Blind, or university lab school's director or principal upon the arrest of an employee for any felony or a misdemeanor involving an offense included as a disqualifying offense under a Level 2 background screening. (Section [3](#)).

The bill requires instructional and administrative personnel of a school district to [self-report](#), within 48 hours, to an individual designated by the superintendent:

- Any arrest for a felony, or for a misdemeanor involving any offense included as a disqualifying offense under a Level 2 background screening. Such notice shall not be considered an admission of guilt and such notice shall not be admissible for any purpose in any civil, criminal, administrative, judicial, investigatory, or adjudicatory proceeding.
- A final judgement, any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a traffic violation. When handling sealed and expunged records disclosed, school district personnel must comply with confidentiality provisions. (Section [4](#)).

**STORAGE NAME:** h1287.EAS

**DATE:** 4/3/2025

The bill clarifies that school districts have discretion when screening school volunteers. If a school district elects to screen its volunteers, the bill authorizes the use of the [Care Provider Background Screening Clearinghouse](#) (Clearinghouse) or the [Volunteer Employee Criminal History System](#) (VECHS) system for the background screenings. (Section 1).

The effective date of the bill is July 1, 2025. (Section 5).

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Screening and Employment Standards for School Employees](#)

Florida law establishes screening standards for individuals seeking educator certification or employment in positions that require direct contact with students in district schools, charter schools, and private schools participating in state scholarship programs.<sup>1</sup> A person is ineligible for employment if they:<sup>2</sup>

- Are on the disqualification list maintained by the Department of Education (DOE).
- Are registered as a sex offender under federal law.
- Are ineligible based on a security background check conducted pursuant to Level 2 background screening standards.<sup>3</sup>

Have been convicted or found guilty of, have had adjudication withheld for, or have pled guilty or nolo contendere to:

- Any criminal act committed in another state or under federal law that would constitute a disqualifying offense under Level 2 background screening standards.
- Any delinquent act that would qualify the individual for inclusion on Florida's Registered Juvenile Sex Offender List.

Currently, background screening for school volunteers is at the discretion of the school district.<sup>4</sup> The only requirement is that all volunteers must be checked against the sex offender database prior to volunteering.<sup>5</sup>

#### [Level 2 Background Screenings and Disqualifying Offenses](#)

Individuals seeking employment in positions involving direct contact with vulnerable populations, including students, are subject to Level 2 background screening requirements.<sup>6</sup> Disqualifying offenses include certain felony and misdemeanor offenses related to violence, abuse, sexual misconduct, and controlled substances.<sup>7</sup> These offenses form the basis for screening standards applicable to school personnel.

#### [Care Provider Background Screening Clearinghouse](#)

The Clearinghouse conducts background screenings for authorized agencies and provides the opportunity for participating screening agencies to share the results of criminal history checks as well as maintains fingerprints as part of the Rap Back Service,<sup>8</sup> which allows continual review of fingerprints against new criminal history information.<sup>9</sup>

Current designated agencies participating in the clearinghouse include:

- the Agency for Health Care Administration (AHCA);
- the Department of Health;
- the Department of Children and Families;

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<sup>1</sup> Section [1012.315, F.S.](#)

<sup>2</sup> Section [1012.315\(5\), F.S.](#)

<sup>3</sup> Section [435.04\(2\), F.S.](#)

<sup>4</sup> Section 435.04, F.S.

<sup>5</sup> Section [943.04351, F.S.](#)

<sup>6</sup> Sections [435.04](#) and [1012.315, F.S.](#)

<sup>7</sup> Section [435.04, F.S.](#)

<sup>8</sup> See text accompanying note 15, *infra*.

<sup>9</sup> Section [435.12, F.S.](#)

- the Department of Elder Affairs;
- the Agency for Persons with Disabilities;
- the DOE;
- each district unit;
- special district units;
- the Florida School for the Deaf and the Blind;
- the Florida Virtual School;
- virtual instruction programs;
- charter schools;
- hope operators;
- private schools participating in an educational scholarship program;
- alternative schools;
- regional workforce boards; and
- local licensing agencies, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.<sup>10</sup>

### **Volunteer Employee Criminal History System**

The VECHS was enacted in 1999 to implement the National Child Protection Act (NCPA). The VECHS program provides state and national criminal history record information on applicants, employees, and volunteers to qualified entities. Qualified entities that register with the FDLE may screen personnel and employees through the submission of fingerprints. A “qualified entity” is a business or organization that provides care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.<sup>11</sup> Organizations that are statutorily required to obtain criminal history record checks on their employees or volunteers may not use the VECHS.<sup>12</sup> Each request must be voluntary and conform to the requirements of the National Child Protection Act of 1993, as amended.<sup>13</sup> After a qualified entity registers with the FDLE, the department assigns that qualified entity an Originating Agency Identifier (ORI) number by the FDLE to facilitate such screenings. The FDLE periodically audits qualified entities to ensure compliance with federal and state law.<sup>14</sup>

### **Noncriminal Justice Rap Back Service (Fingerprint Retention)**

The Noncriminal Justice Rap Back Service is managed by the FBI's Criminal Justice Information Services Division (Division). When an individual's fingerprints are submitted through an approved Next Generation Identification (NGI) connection and retained in the NGI System, the Division has the authority to enroll the fingerprints in the Rap Back Service. Once enrolled, the individual's fingerprints will be subject to future searches in the NGI System. With Rap Back, an electronic notification will be generated if some time later a person in the Clearinghouse engages in any criminal activity where fingerprints are taken and submitted to the NGI System. The screening entities are also notified if any previously unreported criminal activity is updated to the Identity History Summary. Without Rap Back, employers or organizations depend on the screened individuals to self-report their own criminal activity or have it discovered as a result of re-fingerprinting, possibly years later.<sup>15</sup>

Rap Back is available for Florida criminal records and national Rap Back is available through the Clearinghouse. Screening entities may be required to use the state Rap Back service, such as when individuals are screened through the Clearinghouse. Qualified entities screening through the VECHS may opt to enroll a screened individual in the state Rap Back Service by requesting, and paying for, retention of fingerprints.

### **Educator Disqualification**

<sup>10</sup> Section [435.02\(5\), F.S.](#) (definition of “Specified agency”).

<sup>11</sup> Section [943.0542\(1\), F.S.](#)

<sup>12</sup> Florida Department of Law Enforcement, *About VECHS*, <https://www.fdle.state.fl.us/Background-Checks/About-Us> (last visited Apr. 2, 2025).

<sup>13</sup> Section [943.0542\(2\), F.S.](#)

<sup>14</sup> Florida Department of Law Enforcement, *Agency Analysis of 2023 House Bill 249* (Feb. 10, 2023), p. 2.

<sup>15</sup> Federal Bureau of Investigation, *CJIS Noncriminal Rap Back Service*, <https://www.fbi.gov/video-repository/cjis-non-crim-rapback-2020.mp4/view> (last visited Apr. 2, 2025).

The DOE maintains a disqualification list of individuals permanently prohibited from certain education positions, including those with revoked certificates, disqualifications related to private schools, or employment terminations due to misconduct endangering the health, safety, or welfare of a student.<sup>16</sup>

A person may be removed from the disqualification list under certain conditions, including a completed law enforcement investigation resulting in exoneration, correction of mistaken identity, or an employer's request for removal with supporting documentation.<sup>17</sup>

To support employment screening, the DOE provides electronic verification access to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept state scholarships for students.<sup>18</sup> This access allows authorized personnel to review:<sup>19</sup>

- The Professional Practices' Database of Disciplinary Actions Against Educators.
- The DOE Teacher Certification Database.
- The Disqualification List maintained under state law.

### **Law Enforcement Notification of Employee Arrests**

Law enforcement agencies are required to notify school officials within 48 hours when a school employee is arrested for a felony offense, child abuse, or the sale or possession of a controlled substance.<sup>20</sup> The notification must be sent to the district school superintendent, charter school governing board, private school administrator, university lab school director, or president of the Florida School for the Deaf and the Blind, as applicable.<sup>21</sup> Additionally, within 24 hours, school principals or their designees must notify parents of enrolled students who had direct contact with the arrested employee and disclose the employee's name and the specific charges.<sup>22</sup>

### **Self-Reporting Requirements for Employees**

Certified teachers must self-report within 48 hours to appropriate authorities, as determined by the school district, any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice is not considered an admission of guilt, and may not be used in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual must self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment.<sup>23</sup>

Instructional and administrative personnel who become aware that a sexual battery has been committed by a student upon another student are legally required to report the offense to law enforcement.<sup>24</sup>

Instructional personnel include classroom teachers, student personnel services staff, librarians, and other staff providing direct instructional support.<sup>25</sup> Administrative personnel include school-based administrators, such as principals, and district-based instructional and noninstructional administrators.<sup>26</sup>

### **Temporary Removal of Instructional Personnel**

District school boards are responsible for establishing policies related to the employment and discipline of instructional personnel, including appointment, promotion, suspension, and dismissal of employees.<sup>27</sup> The law does not currently mandate the temporary removal of instructional personnel following an arrest. However, school

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<sup>16</sup> Section [1001.10\(4\)\(b\), F.S.](#)

<sup>17</sup> Section [1001.10\(4\)\(c\), F.S.](#)

<sup>18</sup> Section [1001.10\(5\), F.S.](#)

<sup>19</sup> Section [1001.10\(5\), F.S.](#)

<sup>20</sup> Section [1012.797, F.S.](#)

<sup>21</sup> Section [1012.797, F.S.](#)

<sup>22</sup> Section [1012.797, F.S.](#)

<sup>23</sup> Rule 6A-10.081(2)(b)13., F.A.C.

<sup>24</sup> Section [1012.799\(1\), F.S.](#)

<sup>25</sup> Section [1012.01\(2\), F.S.](#)

<sup>26</sup> Section [1012.01\(3\), F.S.](#)

<sup>27</sup> Section [1012.22\(1\), F.S.](#)

boards have the authority to suspend or dismiss employees in accordance with applicable laws and district policies.<sup>28</sup>

### **Investigation and Disciplinary Procedures for Educators**

The DOE investigates legally sufficient complaints against certified educators, including those whose certificates have expired if the alleged misconduct occurred while they were certified.<sup>29</sup>

### **Mandatory Reporting by School Districts**

School districts must report legally sufficient complaints to the DOE within 30 days, regardless of whether the educator remains employed.<sup>30</sup> If an educator resigns or is terminated before an investigation is completed, the DOE must:

- Place an alert on the person's certification file.<sup>31</sup>
- Add the individual to the disqualification list, preventing future employment in schools.<sup>32</sup>

### **Suspension of Educators**

If an allegation involves student health, safety, or welfare, the district school superintendent must take immediate action.<sup>33</sup>

- Suspend the educator with pay.
- Remove the individual from any position involving direct student contact.
- Maintain the suspension until a legally sufficient complaint is submitted, with the school district required to complete disciplinary proceedings within one year.

### **School District Policies and Accountability**

School districts must establish policies for educator screening, misconduct reporting, and personnel reassignment.<sup>34</sup> Superintendents who fail to report misconduct may face penalties, including salary forfeiture for one year.<sup>35</sup>

### **RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	<a href="#">CS/SB 676</a>	Trabulsy	Grall	Became law on July 1, 2024, except as otherwise provided.
2022	<a href="#">SB 2524</a>	Fine	Broxson	Became law on July 1, 2022, except as otherwise provided.

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<sup>28</sup> Section [1012.22\(1\)\(f\), F.S.](#)

<sup>29</sup> Section [1012.796\(1\)\(a\), F.S.](#)

<sup>30</sup> Section [1012.796\(1\)\(d\)1., F.S.](#)

<sup>31</sup> Section [1012.796\(1\)\(d\)2., F.S.](#)

<sup>32</sup> Section [1012.796\(1\)\(e\), F.S.](#)

<sup>33</sup> Section [1012.796\(5\), F.S.](#)

<sup>34</sup> Section [1012.796\(1\)\(d\), F.S.](#)

<sup>35</sup> Section [1012.796\(1\)\(d\)4., F.S.](#) (citing [s. 1001.51\(12\), F.S.](#)).

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Education Administration Subcommittee</a>	13 Y, 4 N, As CS	4/2/2025	Sleap	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified that the background screening of school volunteers is at the discretion of the school district and authorized the use of specified background screening systems should school districts elect to require such background screenings.			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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