

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1296

SPONSOR: Education Committee and Senator Aronberg

SUBJECT: Charter School and School District Personnel/Fingerprinting

DATE: March 4, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The CS requires, beginning July 1, 2004, all fingerprints submitted to the Department of Law Enforcement (FDLE) by school districts and charter schools, for personnel having direct contact with students, shall be retained by FDLE and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b), F.S. The fingerprints must be available for all uses authorized under s. 943.051, F.S.

The CS requires, beginning December 15, 2004, the Department of Law Enforcement (FDLE) to search all arrest fingerprint cards against the fingerprints retained in the statewide automated fingerprint identification system. FDLE must report any fingerprint matches to the school district. Each school district is required to participate in the search process by paying an annual fee to FDLE and by informing FDLE of any changes in the employment or contractual status of its personnel. The CS authorizes FDLE to adopt rules imposing the annual fee. The fee may be paid by the school district, the employee, or the contracted person.

The CS clarifies the procedure by which charter school personnel having direct contact with students and members of the charter school governing board are fingerprinted by requiring these individuals to file with the local district school board a complete set of fingerprints taken by an authorized law enforcement officer or employee of the school or district who is trained to take fingerprints. The CS conforms the fingerprint requirements for school district personnel to include contractors.

The CS codifies the Department of Education's interpretation of personnel under s. 1012.32, F.S., to include contractors.

This CS substantially amends s. 1012.32, F.S.

## **II. Present Situation:**

Section 1012.32, F.S., requires a fingerprint check, upon employment, of all personnel who are hired to fill positions requiring direct contact with students in any district school system or university lab school. The Department of Education requires all school district employees and contractors, upon employment, to undergo a fingerprint check if the personnel are hired to fill a position requiring direct contact with children. The Department of Education has interpreted the term "personnel" in s. 1012.32, F.S., to encompass contractors.

Section 1002.33, F.S., requires a charter school to employ or contract with employees who have been fingerprinted pursuant to s. 1012.32. Additionally, members of the governing board of a charter school are required to be fingerprinted.

FDLE has previously expressed concern that without a matching fingerprint comparison, some offenders would not be identified or some persons would be identified with a criminal record that is not theirs.

The costs for the initial fingerprint checks are borne by either the school district or the employee. FDLE assesses a \$23 fee to process a background check.

## **III. Effect of Proposed Changes:**

This CS requires, beginning July 1, 2004, all fingerprints submitted to the Department of Law Enforcement (FDLE) by school districts and charter schools, for personnel having direct contact with students, be retained by FDLE and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b), F.S. The fingerprints must be available for all uses authorized under s. 943.051, F.S.

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The CS has an effective date of July 1, 2004.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

If the school district decides to pass the cost of the fingerprint search on to its employees or persons contracting with the school district, there will be an approximate cost of \$6.00 per check per person.

**C. Government Sector Impact:**

The Florida Department of Law Enforcement (FDLE) is already implementing the statewide automated fingerprint identification system and the system will be on line in either late 2004 or early 2005. FDLE estimates that there will be a fiscal impact of approximately \$450,000 for retaining fingerprint records and searching the records against fingerprint arrest reports (approximately 75,000 personnel last year times \$6.00 per check). This cost may be borne by the school district, its employees, or persons contracting with the district.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.