

By Senator Aronberg

27-737A-04

1 A bill to be entitled
 2 An act relating to school district and charter
 3 school employees and contractors; amending s.
 4 1012.32, F.S.; requiring both instructional and
 5 noninstructional personnel of charter schools
 6 to file fingerprints with the school board of
 7 the district within which the charter school is
 8 located; providing that contractors have the
 9 same probationary status as employees;
 10 providing duties of the Department of Law
 11 Enforcement with respect to retention of
 12 fingerprint records submitted on behalf of
 13 school employees and contractors; providing for
 14 the availability of such fingerprints;
 15 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) of section 1012.32, Florida
 20 Statutes, is amended to read:

21 1012.32 Qualifications of personnel.--

22 (2)(a) Instructional and noninstructional personnel
 23 who are hired to fill positions requiring direct contact with
 24 students in any district school system or university lab
 25 school shall, upon employment, file a complete set of
 26 fingerprints taken by an authorized law enforcement officer or
 27 an employee of the school or district who is trained to take
 28 fingerprints. Instructional and noninstructional personnel who
 29 are hired or contracted to fill positions in any charter
 30 school and members of the governing board of any charter
 31 school, in compliance with s. 1002.33(12)(g), shall, upon

1 employment, engagement of services, or appointment, file with
2 the district school board for the district in which the
3 charter school is located a complete set of fingerprints taken
4 by an authorized law enforcement officer or an employee of the
5 school or district who is trained to take fingerprints.These
6 fingerprints shall be submitted to the Department of Law
7 Enforcement for state processing and to the Federal Bureau of
8 Investigation for federal processing. The new employees or
9 contractors shall be on probationary status pending
10 fingerprint processing and determination of compliance with
11 standards of good moral character. Employees or contractors
12 found through fingerprint processing to have been convicted of
13 a crime involving moral turpitude shall not be employed or
14 engaged to provide services in any position requiring direct
15 contact with students. Probationary employees or contractors
16 terminated because of their criminal record shall have the
17 right to appeal such decisions. The cost of the fingerprint
18 processing may be borne by the district school board, the
19 charter school, or the employee, or the contractor.

20 (b) Personnel who have been fingerprinted or screened
21 pursuant to this subsection and who have not been unemployed
22 or unengaged to provide services in a public or charter school
23 for more than 90 days shall not be required to be
24 reprinted or rescreened in order to comply with the
25 requirements of this subsection.

26 (c) Beginning July 1, 2004, all fingerprints submitted
27 to the Department of Law Enforcement as required by paragraph
28 (a) shall be retained by the Department of Law Enforcement and
29 entered in the statewide automated fingerprint identification
30 system authorized by s. 943.05(2)(b). Such fingerprints must
31 thereafter be available for all purposes and uses authorized

1 for arrest fingerprint cards entered in the statewide
2 automated fingerprint identification system pursuant to s.
3 943.051.

4 Section 2. This act shall take effect July 1, 2004.

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7 SENATE SUMMARY

8 Requires both instructional and noninstructional
9 personnel of charter schools to file fingerprints with
10 the school board of the district within which the charter
11 school is located. Provides that contractors who contract
12 with public schools or charter schools have the same
13 probationary status as employees. Provides duties of the
14 Department of Law Enforcement with respect to retention
15 of fingerprint records submitted on behalf of school
16 employees and contractors. Provides for the availability
17 of such fingerprints.