

1989

Session Law 89-535

Florida Senate & House of Representatives

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H 4-B GENERAL BILL/1ST ENG by Campbell (Similar CS/2ND ENG/H 474, H 3-B, S 1001, 1ST ENG/S 2-B, Compare S 7-B)

~~Deaf-Blind School/Community Colleges~~; requires personnel screening & security background investigations for Fla. School for the Deaf & the Blind; provides prerequisites for initial & continuing employment; repeals provision which authorizes community college boards of trustees to levy ad valorem tax for capital outlay purposes; removes provisions which specify counties served by state community colleges, etc. Creates 242.335; amends 240.3031, 415.51; repeals 240.345(3). Effective Date: 07/06/89 except as otherwise provided.

06/19/89 HOUSE Filed; Introduced, referred to Education; Finance & Taxation; Appropriations -HJ 2; On Committee agenda—Education, 06/20/89, 8:30 am, 413-C

06/20/89 HOUSE Preliminary Committee Action by Education: Favorable with 3 amendments; Comm. Report: Favorable with 3 amendment(s) by Education -HJ 25; Now in Finance & Taxation -HJ 25; On Committee agenda—Appropriations, 06/20/89, 9:45 am, or upon adjournment of last committee of reference, 21-HOB—if received; Withdrawn from Finance & Taxation -HJ 8; Now in Appropriations; Withdrawn from Appropriations -HJ 8; Placed in Rules & Calendar; Placed on Special Order Calendar; Read second time -HJ 14; Amendments adopted; Read third time; Passed as amended; YEAS 112 NAYS 0 -HJ 16

06/20/89 SENATE In Messages: Received; Passed; YEAS 31 NAYS 0 -SJ 13

06/20/89

Ordered enrolled

06/22/89

Signed by Officers and presented to Governor

07/06/89

Approved by Governor; Chapter No. 89-535

NO STAFF ANALYSIS PREPARED BY HOUSE EDUCATION COMMITTEE
ON HB 4-B.

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME:\wp\summary\CSH0474.edk
DATE: 4/20/89

HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 474

RELATING TO: The Florida School for the Deaf and the Blind

SPONSOR(S): Representative Campbell

EFFECTIVE DATE: July 1, 1989

COMPANION BILL(S): SB 1001 Companion by Senator Bankhead

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY:

House Bill 474 requires fingerprinting of all current employees and personnel hired by the Florida School for the Deaf and the Blind. All persons will be required to undergo personnel screening and security background investigations as a condition of employment and continued employment. Background checking will be done by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). These provisions will take effect beginning July 1, 1989.

A. PRESENT SITUATION:

Section 231.02, F.S., requires that to be eligible for appointment in any position in a district school system, a person shall be of good moral character. Presently, all persons applying for initial teacher certification (s. 231.17, F.S.) or work as a substitute teacher (s. 231.47, F.S.) in Florida are required to submit fingerprints to the Department of Education, Bureau of Teacher Certification for background checking by the FDLE and FBI. The cost for processing is paid by the applicant. Fingerprinting and background checking of noncertified personnel is left to the discretion of each school district.

Section 402.3055, F.S., requires all persons employed in a licensed child care facility to submit a set of fingerprints for screening within five days of employment. The cost of processing and background checking is borne by the applicant.

The Florida School for the Deaf and the Blind in Saint Augustine is a residential facility. It is governed by a board of trustees, under the direction of the Department of Education. The school is not affiliated with any of the 67 school districts.

B. EFFECT OF PROPOSED CHANGES:

House Bill 474 would create s. 242.335, F.S., which would require personnel screening and security background investigations for employees of the Florida School for the Deaf and the Blind. The provisions of the bill would impose requirements similar to Section 402.3055, F.S., and Section 402.305, F.S. which applies to new employees of child care facilities. The latter specifies those criminal offenses for which any applicant may be disqualified from employment. These offenses include murder, vehicular homicide, child abuse, aggravated battery and incest.

House Bill 474 would require that each applicant for employment at the school would submit a set of fingerprints for background checking by FDLE and the FBI. It would also require that all current employees submit to the same procedures. This procedure is necessary only for noncertified employees. Certified employees, such as teachers, are already covered under s. 231.17, F.S.

House Bill 474 would also require personnel screening and security background investigations as a condition of employment and continued employment. In addition to fingerprinting, such procedures shall include employment history checks, checks of references, local criminal records checks through local law enforcement agencies, statewide criminal records checks through FDLE, federal criminal records checks through the FBI, and abuse registry clearance.

C. SECTION-BY-SECTION ANALYSIS:

None.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The school might require the employees and applicants to pay the \$24 cost for background checking. Ten dollars of this would go to FDLE and \$14 would go to the FBI.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

House Bill 474 is consistent with the following goals and policies of the state comprehensive plan:

(2)(a) Florida shall provide programs sufficient to protect the health, safety, and welfare of all its children.

(7)(b) 11. Increase crime prevention efforts to enhance the protection of individual personal safety and property, especially for those individuals who are most vulnerable.

IV. COMMENTS:

House Bill 474 is consistent with the following declaration in the Speaker's Policy Statement:

I.A.1.g. Schools should be kept safer by removing violent and criminal elements as well as weapons and firearms from traditional classroom settings.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

George D. Phillipy
George D. Phillipy

Staff Director:
Neal H. Berger
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SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
