

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1073 School Employee Background Checks
SPONSOR(S): Rep. Domino
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1254

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice (Sub)		Cole	De La Paz
2) Public Safety and Crime Prevention			
3) Public Safety Appropriations (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

The bill requires the Florida Department of Law Enforcement (FDLE) to conduct annual background check on all school employees by running the name, date of birth, and social security number of each employee through their criminal database. Recently hired employees who were subject to individual background checks within the last twelve months, would be exempt. The Department of Education (DOE) is required to provide the necessary information to FDLE for the background checks to be run.

The bill does not allow a fee to be charged by FDLE for these checks to be conducted.

The bill requires FDLE to promptly notify DOE of the name of any current school employee whose name is found in the criminal database. DOE is then required to notify the school district in which the employee works, and the district will take the appropriate action. The bill relieves FDLE and DOE of the responsibility to conduct any follow up investigations on any employees whose names are found in the database.

DOE currently has the information required in this bill and can provide it to FDLE. FDLE's system and DOE's system are not compatible, however. Every name, date of birth, and social security number will have to be entered manually once the information arrives at FDLE.

The bill specifies school employees as falling under this background check requirement. DOE has all of the information required on the instructional personnel who work for each of the sixty seven school districts in one database. DOE does not have a database containing janitors, secretaries, librarians, administrative personnel, aides, etc. DOE does not readily have access to employees who work for Charter Schools, Department of Juvenile Justice programs, and employees of the Florida Virtual School. The employees of the aforementioned programs do not work for a particular district, but for the school or program. S.1012.32, F.S. currently mandates all noninstructional personnel be fingerprinted and background checks run on them. DOE does not have any of these types of employee records in their databases.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1073.pscp.doc
DATE: March 10, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 1073 creates a statute requiring FDLE to run annual background checks on school employees throughout the state. Initial background checks are currently required by DOE on all new instructional personnel. Each teacher applicant is fingerprinted and must pay a \$15 fee as part of their application process. FDLE enters their information and fingerprints into their system and conducts a criminal history check. DOE currently has no jurisdiction over administration staff, secretaries, janitors, librarians, etc. S.1012.32, F.S. currently mandates all noninstructional personnel be fingerprinted and background checks run on them. DOE does not have any of these types of employee records in their databases, however.

The bill specifies “school employees” as having to have background checks conducted by FDLE. Under DOE rules, “school employees” would include all of the aforementioned group. DOE currently maintains a database of all sixty seven school districts’ instructional personnel, which includes teachers. They could easily provide the information required to FDLE on that group of people. FDLE’s and DOE’s computer systems are not compatible, however. The individual school districts would be required to have all of the other groups of school employees fingerprinted and have their information provided to FDLE. All of the estimated 350, 000 employee names, birth dates, and social security numbers of these employees would have to be entered manually by FDLE. The bill exempts FDLE from running the names of employees hired in the last twelve months.

While all new instructional personnel are required to be fingerprinted, and their print cards sent to FDLE, there is no current requirement that FDLE check those prints against new arrests or run annual background checks of any type. The bill mandates that FDLE run a background check by name, date of birth, and social security number annually. FCIC and NCIC does not currently allow for massive one time checks such as required by this bill.

FDLE estimates it will have to hire at least five new employees to manually enter each of these names, dates of birth, and social security numbers and then conduct the background checks. The bill does not allow FDLE to charge the usual \$15 fee for this service.

C. SECTION DIRECTORY:

Section 1: Creates a statute requiring FDLE to conduct annual database checks for all school employees.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

FDLE estimates it would lose approximately \$5,250,000 per year in fees that are normally charged to run background checks. In addition, there are expected to be approximately 350,000 background checks that will have to be run annually. The current \$15 fee FDLE charges to run a background check, will not be allowed to be charged by this bill.

2. Expenditures:

FDLE estimates an approximate cost of \$208.691 for the first year, \$212.253 the second year, and \$216.569 the third year to originally develop and maintain this program. There would be an initial cost of approximately \$5200 in programming costs to develop the type of system required by the bill. FDLE estimates it would have to hire at least five new Communication Liaisons in order to comply with the bill's mandate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is a large fiscal impact to FDLE in initial set up and continuing operating costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

FDLE has suggested in their analysis of this bill that the Legislature create a system in which FDLE would maintain school district employee fingerprints on file, effective July 1, 2003. Once they Integrated Criminal History System is fully operational (FY 04/05), incoming arrests can be automatically searched against fingerprints in the database and DOE notified almost immediately after arrest. DOE currently mandates that all instructional personnel have fingerprints on file with FDLE. They instituted a policy of a renewable 5-year teaching certificate several years ago and believe that they have captured most, if not all, of their teachers and aides by now. They estimate that approximately 60-70 percent of school employees are instructional personnel. Name checks are notoriously unreliable without fingerprint comparisons.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.