

# **PreK - 12 Committee**

**Meeting**  
**Tuesday, October 18, 2005**  
**12:45 — 2:00 p.m.**  
**Morris Hall**

Allan G. Bense  
Speaker

Ralph Arza  
Committee Chair



# **Florida House of Representatives**

**Allan G. Bense**

**Speaker**

## **PreK-12 Committee**

**Ralph Arza, Chair**

**Representative Lorraine Ausley**

**Representative Elyn Bogdanoff**

**Representative Marti Coley**

**Representative Frank Farkas**

**Representative Kenneth Gottlieb**

**Joe Pickens, Vice Chair**

**Representative Stan Mayfield**

**Representative Dave Murzin**

**Representative Curtis Richardson**

**Representative Trey Traviesa**

### **AGENDA**

**October 18, 2005**

- I. Call to Order**
- II. Chairman's Opening Remarks**
- III. Presentation on Palm Beach County's AAA Schools**
  - Superintendent Art Johnson**
- IV. Update on Fingerprint Issues Required Pursuant to HB 1877**
  - Representative Marti Coley**
- V. Report on Member Topic Assignments**
- VI. Chairman's Closing Remarks**
- VII. Adjournment**

**Florida House of Representatives**  
**Representative Marti Coley**  
District 7

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Civil Justice Committee  
PreK-12 Committee  
Trans. & Econ. Development Appropriations  
Committee  
Utilities & Telecommunications Committee

Marti.Coley@myfloridahouse.gov

October 13, 2005

The Honorable Ralph Arza, Chairman  
House PreK-12 Committee  
Florida House of Representatives  
204 House Office Building  
402 South Monroe Street  
Tallahassee, Florida 32399-1300

Dear Chairman Arza,

I am writing in regards to my upcoming presentation to the PreK-12 Committee on October 18, 2005. My intention is to present the ideas below as options for the committee's consideration in addressing those issues raised around the implementation of the Jessica Lunsford Act (Chapter No. 2005-28), specifically its effect on section 1012.465, Florida Statutes.

The concepts below are taken largely from correspondence and conversations with representatives of the organizations referenced and individual vendors who contract with school districts in Florida. While the information below is organized by proposal, my remarks will combine common elements in these proposals and discuss them collectively.

**Florida School Board Association, Florida Association of District School Superintendents and the Florida High School Athletic Association**

- ✚ Replace the requirement for Level 2 screening with a requirement that individuals be checked against the sexual offender/predator database maintained by FDLE.
  - Shift responsibility from the school district to the vendor/contractor, who would be required to conduct the search, rather than the school district.
  - Place the requirement in section 943.04351.<sup>1</sup>
  - Add new paragraph to section 1001.42 that school districts shall develop rules and contractual provisions to implement the provisions of new section 943.04351 (2).
- ✚ Restore original wording in section 1012.465 (1).

<sup>1</sup> Presently, FDLE is authorized to retain fingerprints pursuant to section 1012.31, F.S. for school districts that submit fingerprints to the department. If the fingerprint requirement were maintained, but the language was moved to another section of Florida Statutes, such an authorization would likely need to be replicated in the new section.

### **Florida High School Athletic Association**

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- ✚ Exempt sports contest officials from the requirements of the Lunsford Act.
  - Require the Association to annually check its contest officials using the sexual offender/predator database maintained by FDLE.

### **Florida Department of Law Enforcement**

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- ✚ Share the results of criminal history background checks through a secure website (Florida Shared School Results System). – **ALREADY IMPLEMENTING**
  - Provide the submitting school district notice of any subsequent Florida arrest information.
- ✚ Mandate annual rechecks for vendors/contractors under this system.

### **Associated Builders and Contractors (ABC) of Florida**

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- ✚ Require the contractor to certify to the district school board on an annual basis that all of its employees who provide or deliver goods, materials or services on school property while students are present have been screened to determine if any employee is a convicted predator or offender as listed in the FDLE sexual offender/predator database and the National Sex Offender Public Registry.
  - Shift responsibility from the school districts to the vendor/contractor, who would be required to conduct the search rather than the school district.
  - Leave the requirement in its current section of statute.
  - Provide that persons who appear on either public registry may not provide services in that school district, removing school district's determination of moral turpitude.
- ✚ Delay the implementation of the security requirement until the problems with implementation can be addressed.

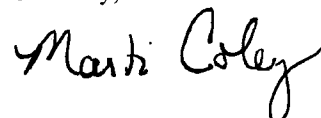
### **General Suggestions from Vendors and Individual Constituents**

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- ✚ Extend the deadline for compliance – New effective date possibly April 2006.
- ✚ Move background screening requirements into the Criminal Justice Code.
- ✚ Have a statewide identity card issued when someone is fingerprinted in one district; other districts could then accept the card.
- ✚ Exclude incidental vendors (i.e. delivery or sports officials); distinguish between incidental and direct contact with students.
- ✚ Change the statute to distinguish between supervised and unsupervised campus visitors.
- ✚ Have FDLE allow a reverse hit system to notify districts if someone has a charge after the district has cleared him/her.
- ✚ Take judgments of moral turpitude away from the school districts and have FDLE utilize a list of automatically disqualifying criminal offenses.
- ✚ Require school districts to accept the background checks contractors/vendors have completed in other counties.

Thank you again Chairman Arza for this opportunity to serve the House PreK-12 Committee and help foster the discussion on an issue which is critical to our school districts, the many constituents who provide needed services to those districts and the many parents whose greatest priority is the safety and well-being of their children.

Sincerely,



Marti Coley  
State Representative