

By Senator Grall

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1 A bill to be entitled
2 An act relating to background screenings; amending s.
3 435.02, F.S.; defining the terms "affiliation" and
4 "qualified entity"; amending s. 435.04, F.S.; revising
5 level 2 screening requirements; amending s. 435.12,
6 F.S.; deleting obsolete language; requiring the Care
7 Provider Background Screening Clearinghouse to allow
8 the results of certain screenings after a date certain
9 to be shared among specified agencies and qualified
10 entities; requiring qualified entities participating
11 in the clearinghouse to meet certain requirements;
12 conforming provisions to changes made by the act;
13 amending s. 943.0438, F.S.; revising the definition of
14 the term "athletic coach"; revising requirements
15 relating to background screenings for independent
16 sanctioning authorities; requiring independent
17 sanctioning authorities to participate in the
18 Volunteer and Employee Criminal History System;
19 amending s. 943.05, F.S.; revising requirements for
20 the Criminal Justice Information Program relating to
21 fingerprint searches; requiring the program to develop
22 a method for identifying or verifying an individual
23 through automated biometrics; amending s. 943.0542,
24 F.S.; requiring qualified entities to initiate all
25 background criminal history checks through the
26 clearinghouse after a date certain; requiring, rather
27 than authorizing, the Department of Law Enforcement to
28 periodically audit qualified entities; requiring
29 qualified entities initiating background criminal

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30 history checks through the clearinghouse to comply
31 with specified provisions; requiring that certain
32 fingerprints be entered into the clearinghouse;
33 providing requirements to the clearinghouse relating
34 to such checks; amending s. 1012.315, F.S.; revising
35 screening standard requirements for educator
36 certification or employment in positions that require
37 direct contact with certain students; amending s.
38 1012.467, F.S.; revising criminal history check
39 requirements for certain noninstructional contractors;
40 reenacting ss. 39.821(1), 381.0059(1), 381.986(9),
41 393.0655(5), 397.487(6), 397.4871(5) and (6)(b),
42 402.62(3)(a), 408.809(2)(a), (3) and (4), 409.913(13),
43 413.011(7), 413.208(2)(d) and (e), 430.0402(6),
44 435.03(2), 435.07(4)(a), 456.0135(5), 464.018(1)(e),
45 468.3101(1)(m), 744.309(3), 744.474(12), 985.04(6)(a),
46 985.644(3)(a), 1002.36(7)(b), 1002.395(6)(b),
47 1002.421(1)(e), (m), and (p), 1002.55(3)(d),
48 1002.61(5), 1002.63(5), 1006.20(2)(e), 1012.321, and
49 1012.468(2)(b), F.S., relating to qualifications of
50 guardians ad litem, background screening requirements
51 for school health services personnel, medical use of
52 marijuana, screening of direct service providers,
53 voluntary certification of recovery residences,
54 recovery residence administrator certification, the
55 Strong Families Tax Credit, background screening,
56 oversight of the integrity of the Medicaid program,
57 the Division of Blind Services and the Rehabilitation
58 Council for the Blind, service providers, screening of

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59 direct service providers, level 1 screening standards,
60 exemptions from disqualification, general background
61 screening provisions, disciplinary actions,
62 disciplinary grounds and actions, who may be appointed
63 guardian of a resident ward, reasons for removal of
64 guardian, records, personnel standards and
65 investigation, the Florida School for the Deaf and the
66 Blind, the Florida Tax Credit Scholarship Program,
67 state school choice scholarship program accountability
68 and oversight, school-year prekindergarten program
69 delivered by private prekindergarten providers, summer
70 prekindergarten program delivered by public schools
71 and private prekindergarten providers, school-year
72 prekindergarten program delivered by public schools,
73 athletics in public K-12 schools, exceptions for
74 certain instructional personnel from background
75 screening requirements, and exceptions to certain
76 fingerprinting and criminal history checks,
77 respectively, to incorporate the amendment made to s.
78 435.04, F.S., in references thereto; reenacting ss.
79 1001.10(4)(b), 1001.42(6), 1001.51(12)(b),
80 1002.33(12)(g), 1002.333(6)(d), 1002.421(1)(r),
81 1012.32(1), 1012.56(10)(a) and (d), 1012.795(1), and
82 1012.796(7)(i), F.S., relating to the Commissioner of
83 Education, powers and duties of district school board,
84 duties and responsibilities of district school
85 superintendent, charter schools, persistently low-
86 performing schools, state school choice scholarship
87 program accountability and oversight, qualifications

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88 of personnel, educator certification requirements, the
89 Education Practices Commission, and complaints against
90 teachers and administrators, respectively, to
91 incorporate the amendment made to s. 1012.315, F.S.,
92 in references thereto; reenacting s. 1012.468(2) and
93 (3) (a), F.S., relating to exceptions to certain
94 fingerprinting and criminal history checks, to
95 incorporate the amendment made to s. 1012.467, F.S.,
96 in references thereto; providing an appropriation;
97 providing an effective date.

98

99 Be It Enacted by the Legislature of the State of Florida:

100

101 Section 1. Present subsections (1) through (4), (5), and
102 (6) of section 435.02, Florida Statutes, are redesignated as
103 subsections (2) through (5), (7), and (8), respectively, and new
104 subsections (1) and (6) are added to that section, to read:

105 435.02 Definitions.—For the purposes of this chapter, the
106 term:

107 (1) "Affiliation" means employment by or serving as a
108 volunteer or contractor with a qualified entity in a position
109 for which screening is not required by law but which is allowed
110 under the National Child Protection Act.

111 (6) "Qualified entity" has the same meaning as provided in
112 s. 943.0542(1) (b).

113 Section 2. Present paragraphs (bb) through (zz) of
114 subsection (2) of section 435.04, Florida Statutes, are
115 redesignated as paragraphs (gg) through (eee), new paragraphs
116 (k), (m), (n), (y), and (cc) are added to that subsection, and

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117 paragraphs (a), (b), and (d) of subsection (1) and present
118 paragraphs (k) through (aa) of subsection (2) of that section
119 are amended, to read:

120 435.04 Level 2 screening standards.—

121 (1) (a) All employees required by law to be screened
122 pursuant to this section must undergo security background
123 investigations as a condition of employment and continued
124 employment which includes, but need not be limited to,
125 fingerprinting for statewide criminal history records checks
126 through the Department of Law Enforcement, ~~and~~ and national criminal
127 history records checks through the Federal Bureau of
128 Investigation and a search of criminal history records, sexual
129 predator and sexual offender registries, and child abuse and
130 neglect registries of any state in which the current or
131 prospective employee resided during the preceding 5 years. Such
132 background investigations, ~~and~~ and may include local criminal
133 records checks through local law enforcement agencies.

134 (b) Fingerprints submitted pursuant to this section ~~on or~~
135 ~~after July 1, 2012,~~ must be submitted electronically to the
136 Department of Law Enforcement.

137 ~~(d) An agency may require by rule that fingerprints~~
138 ~~submitted pursuant to this section must be submitted~~
139 ~~electronically to the Department of Law Enforcement on a date~~
140 ~~earlier than July 1, 2012.~~

141 (2) The security background investigations under this
142 section must ensure that no persons subject to the provisions of
143 this section have been arrested for and are awaiting final
144 disposition of, have been found guilty of, regardless of
145 adjudication, or entered a plea of nolo contendere or guilty to,

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146 or have been adjudicated delinquent and the record has not been
147 sealed or expunged for, any offense prohibited under any of the
148 following provisions of state law or similar law of another
149 jurisdiction:

150 (k) Section 784.021, relating to aggravated assault.

151 (l)~~(k)~~ Section 784.03, relating to battery, if the victim
152 of the offense was a minor.

153 (m) Section 784.045, relating to aggravated battery.

154 (n) Section 784.075, relating to battery on a detention or
155 commitment facility staff member or juvenile probation officer.

156 (o)~~(l)~~ Section 787.01, relating to kidnapping.

157 (p)~~(m)~~ Section 787.02, relating to false imprisonment.

158 (q)~~(n)~~ Section 787.025, relating to luring or enticing a
159 child.

160 (r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or
161 removing a child beyond the state limits with criminal intent
162 pending custody proceedings.

163 (s)~~(p)~~ Section 787.04(3), relating to carrying a child
164 beyond the state lines with criminal intent to avoid producing a
165 child at a custody hearing or delivering the child to the
166 designated person.

167 (t)~~(q)~~ Section 790.115(1), relating to exhibiting firearms
168 or weapons within 1,000 feet of a school.

169 (u)~~(r)~~ Section 790.115(2)(b), relating to possessing an
170 electric weapon or device, destructive device, or other weapon
171 on school property.

172 (v)~~(s)~~ Section 794.011, relating to sexual battery.

173 (w)~~(t)~~ Former s. 794.041, relating to prohibited acts of
174 persons in familial or custodial authority.

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175 ~~(x)(u)~~ Section 794.05, relating to unlawful sexual activity
176 with certain minors.

177 (y) Section 794.08, relating to female genital mutilation.

178 ~~(z)(v)~~ Chapter 796, relating to prostitution.

179 ~~(aa)(w)~~ Section 798.02, relating to lewd and lascivious
180 behavior.

181 ~~(bb)(*)~~ Chapter 800, relating to lewdness and indecent
182 exposure.

183 (cc) Section 800.101, relating to offenses against students
184 by authority figures.

185 ~~(dd)(y)~~ Section 806.01, relating to arson.

186 ~~(ee)(z)~~ Section 810.02, relating to burglary.

187 ~~(ff)(aa)~~ Section 810.14, relating to voyeurism, ~~if the~~
188 ~~offense is a felony.~~

189 Section 3. Subsections (1) and (2) of section 435.12,
190 Florida Statutes, are amended to read:

191 435.12 Care Provider Background Screening Clearinghouse.—

192 (1) The Agency for Health Care Administration in
193 consultation with the Department of Law Enforcement shall create
194 a secure web-based system, which shall be known as the "Care
195 Provider Background Screening Clearinghouse" or
196 "clearinghouse."~~," and which shall be implemented to the full~~
197 ~~extent practicable no later than September 30, 2013, subject to~~
198 ~~the specified agencies being funded and equipped to participate~~
199 ~~in such program.~~ The clearinghouse shall allow the results of
200 criminal history checks provided to the specified agencies and,
201 beginning January 1, 2025, or a later date established by the
202 Agency for Health Care Administration, to qualified entities
203 participating in the clearinghouse, for screening of persons

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204 qualified as care providers under s. 943.0542 to be shared among
205 the specified agencies and such qualified entities when a person
206 has applied to volunteer, be employed, be licensed, or enter
207 into a contract that requires, or has an affiliation that allows
208 for, a state and national fingerprint-based criminal history
209 check. The Agency for Health Care Administration and the
210 Department of Law Enforcement may adopt rules to create forms or
211 implement procedures needed to carry out this section.

212 (2) (a) To ensure that the information in the clearinghouse
213 is current, the fingerprints of a person ~~an employee required to~~
214 ~~be screened by a specified agency~~ and included in the
215 clearinghouse must be:

216 1. Retained by the Department of Law Enforcement pursuant
217 to s. 943.05(2) (g) and (h) and (3), and the Department of Law
218 Enforcement must report the results of searching those
219 fingerprints against state incoming arrest fingerprint
220 submissions to the Agency for Health Care Administration for
221 inclusion in the clearinghouse.

222 2. Retained by the Federal Bureau of Investigation in the
223 national retained print arrest notification program as soon as
224 the Department of Law Enforcement begins participation in such
225 program. Arrest prints will be searched against retained prints
226 at the Federal Bureau of Investigation and notification of
227 arrests will be forwarded to the Florida Department of Law
228 Enforcement and reported to the Agency for Health Care
229 Administration for inclusion in the clearinghouse.

230 3. Resubmitted for a Federal Bureau of Investigation
231 national criminal history check every 5 years until such time as
232 the fingerprints are retained by the Federal Bureau of

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233 Investigation.

234 4. Subject to retention on a 5-year renewal basis with fees
235 collected at the time of initial submission or resubmission of
236 fingerprints.

237 5. Submitted with a photograph of the person taken at the
238 time the fingerprints are submitted.

239 (b) Until such time as the fingerprints are enrolled in the
240 national retained print arrest notification program at the
241 Federal Bureau of Investigation, an employee with a break in
242 service of more than 90 days from a position that requires
243 screening ~~by a specified agency~~ must submit to a national
244 screening if the person returns to a position that requires
245 screening ~~by a specified agency~~.

246 (c) An employer of persons subject to screening or a
247 qualified entity participating in the clearinghouse ~~by a~~
248 ~~specified agency~~ must register with the clearinghouse and
249 maintain the employment or affiliation status of all persons
250 included in employees within the clearinghouse. Initial
251 employment or affiliation status and any changes in status must
252 be reported within 10 business days.

253 (d) An employer or a qualified entity participating in the
254 clearinghouse must register with and initiate all criminal
255 history checks through the clearinghouse before referring an
256 employee or potential employee or a person with a current or
257 potential affiliation with a qualified entity participating in
258 the clearinghouse for electronic fingerprint submission to the
259 Department of Law Enforcement. The registration must include the
260 employee's full first name, middle initial, and last name;
261 social security number; date of birth; mailing address; sex; and

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262 race. Individuals, persons, applicants, and controlling
263 interests that cannot legally obtain a social security number
264 must provide an individual taxpayer identification number.

265 Section 4. Paragraph (a) of subsection (1), paragraphs (a)
266 and (b) of subsection (2), and subsection (4) of section
267 943.0438, Florida Statutes, are amended to read:

268 943.0438 Athletic coaches for independent sanctioning
269 authorities.—

270 (1) As used in this section, the term:

271 (a) "Athletic coach" means a person who:

272 1. Is authorized by an independent sanctioning authority to
273 work as a manager, coach, assistant coach, or referee ~~for 20 or~~
274 ~~more hours within a calendar year~~, whether for compensation or
275 as a volunteer, for a youth athletic team based in this state;
276 and

277 2. Has direct contact with one or more minors on the youth
278 athletic team.

279 (2) An independent sanctioning authority shall:

280 (a) ~~1.~~ Conduct a level 2 ~~±~~ background screening pursuant to
281 s. 435.04 ~~s. 435.03~~ of each current and prospective athletic
282 coach. The authority may not delegate this responsibility to an
283 individual team and may not authorize any person to act as an
284 athletic coach unless a level 2 ~~±~~ background screening has been
285 ~~is~~ conducted and has ~~does not~~ resulted ~~result~~ in
286 disqualification under paragraph (b). ~~Level 1 background~~
287 ~~screenings shall be conducted annually for each athletic coach.~~
288 ~~For purposes of this section, a background screening shall~~
289 ~~include a search of the athletic coach's name or other~~
290 ~~identifying information against state and federal registries of~~

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291 ~~sexual predators and sexual offenders, which are available to~~
292 ~~the public on Internet sites provided by:~~

293 ~~a. The Department of Law Enforcement under s. 943.043; and~~

294 ~~b. The Attorney General of the United States under 42~~
295 ~~U.S.C. s. 16920.~~

296 ~~2. For purposes of this section, a background screening~~
297 ~~conducted by a commercial consumer reporting agency in~~
298 ~~compliance with the federal Fair Credit Reporting Act using the~~
299 ~~identifying information referenced in subparagraph 1. that~~
300 ~~includes a level 1 background screening and a search of that~~
301 ~~information against the sexual predator and sexual offender~~
302 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
303 ~~deemed to satisfy the requirements of this paragraph.~~

304 (b) Disqualify any person from acting as an athletic coach
305 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified
306 ~~on a registry described in paragraph (a).~~ The authority may
307 allow a person disqualified under this paragraph to act as an
308 athletic coach if it determines that the person meets the
309 requirements for an exemption from disqualification under s.
310 435.07.

311 (4) ~~The Legislature encourages~~ Independent sanctioning
312 authorities for youth athletic teams shall ~~to~~ participate in the
313 Volunteer and Employee Criminal History System, as authorized by
314 the National Child Protection Act of 1993 and s. 943.0542.

315 Section 5. Paragraph (h) of subsection (2) of section
316 943.05, Florida Statutes, is amended, and paragraph (i) is added
317 to that subsection, to read:

318 943.05 Criminal Justice Information Program; duties; crime
319 reports.-

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320 (2) The program shall:

321 (h) For each specified agency under s. 435.02, each
322 qualified entity under s. 943.0542 participating in the Care
323 Provider Background Screening Clearinghouse under s. 435.12, or
324 any other agency or qualified entity that officially requests
325 retention of fingerprints or for which retention is otherwise
326 required by law, search all arrest fingerprint submissions
327 received under s. 943.051 against the fingerprints retained in
328 the statewide automated biometric identification system under
329 paragraph (g).

330 1. Any arrest record that is identified with the retained
331 fingerprints of a person subject to background screening as
332 provided in paragraph (g) shall be reported to the appropriate
333 agency or qualified entity.

334 2. To participate in this search process, agencies or
335 qualified entities must notify each person fingerprinted that
336 his or her fingerprints will be retained, pay an annual fee to
337 the department unless otherwise provided by law, and inform the
338 department of any change in the affiliation, employment, or
339 contractual status of each person whose fingerprints are
340 retained under paragraph (g) if such change removes or
341 eliminates the agency or qualified entity's basis or need for
342 receiving reports of any arrest of that person, so that the
343 agency or qualified entity is not obligated to pay the upcoming
344 annual fee for the retention and searching of that person's
345 fingerprints to the department. The department shall adopt a
346 rule setting the amount of the annual fee to be imposed upon
347 each participating agency or qualified entity for performing
348 these searches and establishing the procedures for the retention

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349 of fingerprints and the dissemination of search results. The fee
350 may be borne by the agency, qualified entity, or person subject
351 to fingerprint retention or as otherwise provided by law.

352 Consistent with the recognition of criminal justice agencies
353 expressed in s. 943.053(3), these services shall be provided to
354 criminal justice agencies for criminal justice purposes free of
355 charge. Qualified entities that elect to participate in the
356 fingerprint retention and search process are required to timely
357 remit the fee to the department by a payment mechanism approved
358 by the department. If requested by the qualified entity, and
359 with the approval of the department, such fees may be timely
360 remitted to the department by a qualified entity upon receipt of
361 an invoice for such fees from the department. Failure of a
362 qualified entity to pay the amount due on a timely basis or as
363 invoiced by the department may result in the refusal by the
364 department to permit the qualified entity to continue to
365 participate in the fingerprint retention and search process
366 until all fees due and owing are paid.

367 3. Agencies that participate in the fingerprint retention
368 and search process may adopt rules pursuant to ss. 120.536(1)
369 and 120.54 to require employers to keep the agency informed of
370 any change in the affiliation, employment, or contractual status
371 of each person whose fingerprints are retained under paragraph
372 (g) if such change removes or eliminates the agency's basis or
373 need for receiving reports of any arrest of that person, so that
374 the agency is not obligated to pay the upcoming annual fee for
375 the retention and searching of that person's fingerprints to the
376 department.

377 (i) Develop, for federal approval, a method for identifying

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378 or verifying an individual through automated biometrics.

379 Section 6. Section 943.0542, Florida Statutes, is amended
380 to read:

381 943.0542 Access to criminal history information provided by
382 the department or the Care Provider Background Screening
383 Clearinghouse to qualified entities.—

384 (1) As used in this section, the term:

385 (a) "Care" means the provision of care, treatment,
386 education, training, instruction, supervision, or recreation to
387 children, the elderly, or individuals with disabilities.

388 (b) "Qualified entity" means a business or organization,
389 whether public, private, operated for profit, operated not for
390 profit, or voluntary, which provides care or care placement
391 services, including a business or organization that licenses or
392 certifies others to provide care or care placement services.

393 (2) ~~(a)~~ A qualified entity must initiate all background
394 criminal history checks through the department. Beginning
395 January 1, 2025, or a later date established by the Agency for
396 Health Care Administration, a qualified entity must initiate all
397 background criminal history checks through the Care Provider
398 Background Screening Clearinghouse under s. 435.12.

399 (a) If a qualified entity initiates a background criminal
400 history check through the department, the qualified entity must:

401 1. Register with the department before submitting a request
402 for screening under this section. Each such request must be
403 voluntary and conform to the requirements established in the
404 National Child Protection Act of 1993, as amended. As a part of
405 the registration, the qualified entity must agree to comply with
406 state and federal law and must so indicate by signing an

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407 agreement approved by the department. The department shall ~~may~~
408 periodically audit qualified entities to ensure compliance with
409 federal law and this section.

410 ~~2.(b) A qualified entity shall~~ Submit to the department a
411 request for screening an employee or volunteer or person
412 applying to be an employee or volunteer by submitting
413 fingerprints, or the request may be submitted electronically.
414 The qualified entity must maintain a signed waiver allowing the
415 release of the state and national criminal history record
416 information to the qualified entity.

417 ~~3.(e)~~ Each such request must be accompanied by payment of a
418 fee for a statewide criminal history check by the department
419 established by s. 943.053, plus the amount currently prescribed
420 by the Federal Bureau of Investigation for the national criminal
421 history check in compliance with the National Child Protection
422 Act of 1993, as amended. Payments must be made in the manner
423 prescribed by the department by rule.

424 ~~4.(d)~~ Any current or prospective employee or volunteer who
425 is subject to a request for screening must indicate to the
426 qualified entity submitting the request the name and address of
427 each qualified entity that has submitted a previous request for
428 screening regarding that employee or volunteer.

429 (b) If a qualified entity initiates a background criminal
430 history check through the clearinghouse, the qualified entity
431 must comply with s. 435.12. All fingerprints received under this
432 section must be entered into the clearinghouse as provided in s.
433 435.12.

434 (3) The clearinghouse or the department shall provide
435 directly to the qualified entity the state criminal history

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436 records that are not exempt from disclosure under chapter 119 or
437 otherwise confidential under law. A person who is the subject of
438 a state criminal history record may challenge the record only as
439 provided in s. 943.056.

440 (4) The national criminal history data is available to
441 qualified entities to use only for the purpose of screening
442 employees and volunteers or persons applying to be an employee
443 or volunteer with a qualified entity. The clearinghouse or the
444 department shall provide this national criminal history record
445 information directly to the qualified entity as authorized by
446 the written waiver required for submission of a request to the
447 department.

448 (5) The determination whether the criminal history record
449 shows that the employee or volunteer has been convicted of or is
450 under pending indictment for any crime that bears upon the
451 fitness of the employee or volunteer to have responsibility for
452 the safety and well-being of children, the elderly, or disabled
453 persons shall solely be made by the qualified entity. This
454 section does not require the department to make such a
455 determination on behalf of any qualified entity.

456 (6) The qualified entity must notify in writing the person
457 of his or her right to obtain a copy of any background screening
458 report, including the criminal history records, if any,
459 contained in the report, and of the person's right to challenge
460 the accuracy and completeness of any information contained in
461 any such report and to obtain a determination as to the validity
462 of such challenge before a final determination regarding the
463 person is made by the qualified entity reviewing the criminal
464 history information. A qualified entity that is required by law

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465 to apply screening criteria, including any right to contest or
466 request an exemption from disqualification, shall apply such
467 screening criteria to the state and national criminal history
468 record information received from the department for those
469 persons subject to the required screening.

470 (7) The department may establish a database of registered
471 qualified entities and make this data available free of charge
472 to all registered qualified entities. The database must include,
473 at a minimum, the name, address, and phone number of each
474 qualified entity.

475 (8) A qualified entity is not liable for damages solely for
476 failing to obtain the information authorized under this section
477 with respect to an employee or volunteer. The state, any
478 political subdivision of the state, or any agency, officer, or
479 employee of the state or a political subdivision is not liable
480 for damages for providing the information requested under this
481 section.

482 (9) The department has authority to adopt rules to
483 implement this section.

484 Section 7. Section 1012.315, Florida Statutes, is amended
485 to read:

486 1012.315 Screening standards.—A person is ineligible for
487 educator certification or employment in any position that
488 requires direct contact with students in a district school
489 system, a charter school, or a private school that participates
490 in a state scholarship program under chapter 1002 if the person
491 is on the disqualification list maintained by the department
492 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
493 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible

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494 for an exemption under s. 435.07(4)(c), or is ineligible based
495 on the security background investigation under s. 435.04(2) has
496 ~~been convicted or found guilty of, has had adjudication withheld~~
497 ~~for, or has pled guilty or nolo contendere to:~~

498 ~~(1) Any felony offense prohibited under any of the~~
499 ~~following statutes:~~

500 ~~(a) Section 393.135, relating to sexual misconduct with~~
501 ~~certain developmentally disabled clients and reporting of such~~
502 ~~sexual misconduct.~~

503 ~~(b) Section 394.4593, relating to sexual misconduct with~~
504 ~~certain mental health patients and reporting of such sexual~~
505 ~~misconduct.~~

506 ~~(c) Section 415.111, relating to adult abuse, neglect, or~~
507 ~~exploitation of aged persons or disabled adults.~~

508 ~~(d) Section 782.04, relating to murder.~~

509 ~~(e) Section 782.07, relating to manslaughter; aggravated~~
510 ~~manslaughter of an elderly person or disabled adult; aggravated~~
511 ~~manslaughter of a child; or aggravated manslaughter of an~~
512 ~~officer, a firefighter, an emergency medical technician, or a~~
513 ~~paramedic.~~

514 ~~(f) Section 784.021, relating to aggravated assault.~~

515 ~~(g) Section 784.045, relating to aggravated battery.~~

516 ~~(h) Section 784.075, relating to battery on a detention or~~
517 ~~commitment facility staff member or a juvenile probation~~
518 ~~officer.~~

519 ~~(i) Section 787.01, relating to kidnapping.~~

520 ~~(j) Section 787.02, relating to false imprisonment.~~

521 ~~(k) Section 787.025, relating to luring or enticing a~~
522 ~~child.~~

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523 ~~(l) Section 787.04(2), relating to leading, taking,~~
524 ~~enticing, or removing a minor beyond the state limits, or~~
525 ~~concealing the location of a minor, with criminal intent pending~~
526 ~~eustody proceedings.~~

527 ~~(m) Section 787.04(3), relating to leading, taking,~~
528 ~~enticing, or removing a minor beyond the state limits, or~~
529 ~~concealing the location of a minor, with criminal intent pending~~
530 ~~dependency proceedings or proceedings concerning alleged abuse~~
531 ~~or neglect of a minor.~~

532 ~~(n) Section 790.115(1), relating to exhibiting firearms or~~
533 ~~weapons at a school sponsored event, on school property, or~~
534 ~~within 1,000 feet of a school.~~

535 ~~(o) Section 790.115(2)(b), relating to possessing an~~
536 ~~electric weapon or device, destructive device, or other weapon~~
537 ~~at a school sponsored event or on school property.~~

538 ~~(p) Section 794.011, relating to sexual battery.~~

539 ~~(q) Former s. 794.041, relating to sexual activity with or~~
540 ~~solicitation of a child by a person in familial or custodial~~
541 ~~authority.~~

542 ~~(r) Section 794.05, relating to unlawful sexual activity~~
543 ~~with certain minors.~~

544 ~~(s) Section 794.08, relating to female genital mutilation.~~

545 ~~(t) Chapter 796, relating to prostitution.~~

546 ~~(u) Chapter 800, relating to lewdness and indecent~~
547 ~~exposure.~~

548 ~~(v) Section 800.101, relating to offenses against students~~
549 ~~by authority figures.~~

550 ~~(w) Section 806.01, relating to arson.~~

551 ~~(x) Section 810.14, relating to voyeurism.~~

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- 552 ~~(y) Section 810.145, relating to video voyeurism.~~
- 553 ~~(z) Section 812.014(6), relating to coordinating the~~
554 ~~commission of theft in excess of \$3,000.~~
- 555 ~~(aa) Section 812.0145, relating to theft from persons 65~~
556 ~~years of age or older.~~
- 557 ~~(bb) Section 812.019, relating to dealing in stolen~~
558 ~~property.~~
- 559 ~~(cc) Section 812.13, relating to robbery.~~
- 560 ~~(dd) Section 812.131, relating to robbery by sudden~~
561 ~~snatching.~~
- 562 ~~(ee) Section 812.133, relating to carjacking.~~
- 563 ~~(ff) Section 812.135, relating to home invasion robbery.~~
- 564 ~~(gg) Section 817.563, relating to fraudulent sale of~~
565 ~~controlled substances.~~
- 566 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
567 ~~or neglect of an elderly person or disabled adult.~~
- 568 ~~(ii) Section 825.103, relating to exploitation of an~~
569 ~~elderly person or disabled adult.~~
- 570 ~~(jj) Section 825.1025, relating to lewd or lascivious~~
571 ~~offenses committed upon or in the presence of an elderly person~~
572 ~~or disabled person.~~
- 573 ~~(kk) Section 826.04, relating to incest.~~
- 574 ~~(ll) Section 827.03, relating to child abuse, aggravated~~
575 ~~child abuse, or neglect of a child.~~
- 576 ~~(mm) Section 827.04, relating to contributing to the~~
577 ~~delinquency or dependency of a child.~~
- 578 ~~(nn) Section 827.071, relating to sexual performance by a~~
579 ~~child.~~
- 580 ~~(oo) Section 843.01, relating to resisting arrest with~~

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581 ~~violence.~~

582 ~~(pp) Chapter 847, relating to obscenity.~~

583 ~~(qq) Section 874.05, relating to causing, encouraging,~~

584 ~~soliciting, or recruiting another to join a criminal street~~

585 ~~gang.~~

586 ~~(rr) Chapter 893, relating to drug abuse prevention and~~

587 ~~control, if the offense was a felony of the second degree or~~

588 ~~greater severity.~~

589 ~~(ss) Section 916.1075, relating to sexual misconduct with~~

590 ~~certain forensic clients and reporting of such sexual~~

591 ~~misconduct.~~

592 ~~(tt) Section 944.47, relating to introduction, removal, or~~

593 ~~possession of contraband at a correctional facility.~~

594 ~~(uu) Section 985.701, relating to sexual misconduct in~~

595 ~~juvenile justice programs.~~

596 ~~(vv) Section 985.711, relating to introduction, removal, or~~

597 ~~possession of contraband at a juvenile detention facility or~~

598 ~~commitment program.~~

599 ~~(2) Any misdemeanor offense prohibited under any of the~~

600 ~~following statutes:~~

601 ~~(a) Section 784.03, relating to battery, if the victim of~~

602 ~~the offense was a minor.~~

603 ~~(b) Section 787.025, relating to luring or enticing a~~

604 ~~child.~~

605 ~~(3) Any criminal act committed in another state or under~~

606 ~~federal law which, if committed in this state, constitutes an~~

607 ~~offense prohibited under any statute listed in subsection (1) or~~

608 ~~subsection (2).~~

609 ~~(4) Any delinquent act committed in this state or any~~

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610 ~~delinquent or criminal act committed in another state or under~~
611 ~~federal law which, if committed in this state, qualifies an~~
612 ~~individual for inclusion on the Registered Juvenile Sex Offender~~
613 ~~List under s. 943.0435(1)(h)1.d.~~

614 Section 8. Subsection (2) of section 1012.467, Florida
615 Statutes, is amended to read:

616 1012.467 Noninstructional contractors who are permitted
617 access to school grounds when students are present; background
618 screening requirements.-

619 (2) (a) A fingerprint-based criminal history check shall be
620 performed on each noninstructional contractor who is permitted
621 access to school grounds when students are present, whose
622 performance of the contract with the school or school board is
623 not anticipated to result in direct contact with students, and
624 for whom any unanticipated contact would be infrequent and
625 incidental using the process described in s. 1012.32(3). The
626 results of each criminal history check shall be reported to the
627 school district in which the individual is seeking access and
628 entered into the shared system described in subsection (7). The
629 school district shall screen the results using the disqualifying
630 offenses in s. 435.04(2) ~~paragraph (b)~~. The cost of the criminal
631 history check may be borne by the district school board, the
632 school, or the contractor.

633 (b) A noninstructional contractor for whom a criminal
634 history check is required under this section may not have been
635 convicted of any of the ~~following~~ offenses in s. 435.04(2)
636 ~~designated in the Florida Statutes, any similar offense in~~
637 ~~another jurisdiction, or any similar offense committed in this~~
638 ~~state which has been redesignated from a former provision of the~~

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639 ~~Florida Statutes to one of the following offenses:~~

640 ~~1. Any offense listed in s. 943.0435(1)(h)1., relating to~~
641 ~~the registration of an individual as a sexual offender.~~

642 ~~2. Section 393.135, relating to sexual misconduct with~~
643 ~~certain developmentally disabled clients and the reporting of~~
644 ~~such sexual misconduct.~~

645 ~~3. Section 394.4593, relating to sexual misconduct with~~
646 ~~certain mental health patients and the reporting of such sexual~~
647 ~~misconduct.~~

648 ~~4. Section 775.30, relating to terrorism.~~

649 ~~5. Section 782.04, relating to murder.~~

650 ~~6. Section 787.01, relating to kidnapping.~~

651 ~~7. Any offense under chapter 800, relating to lewdness and~~
652 ~~indecent exposure.~~

653 ~~8. Section 826.04, relating to incest.~~

654 ~~9. Section 827.03, relating to child abuse, aggravated~~
655 ~~child abuse, or neglect of a child.~~

656 Section 9. For the purpose of incorporating the amendment
657 made by this act to section 435.04, Florida Statutes, in a
658 reference thereto, subsection (1) of section 39.821, Florida
659 Statutes, is reenacted to read:

660 39.821 Qualifications of guardians ad litem.—

661 (1) Because of the special trust or responsibility placed
662 in a guardian ad litem, the Guardian Ad Litem Program may use
663 any private funds collected by the program, or any state funds
664 so designated, to conduct a security background investigation
665 before certifying a volunteer to serve. A security background
666 investigation must include, but need not be limited to,
667 employment history checks, checks of references, local criminal

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668 history records checks through local law enforcement agencies,
669 and statewide criminal history records checks through the
670 Department of Law Enforcement. Upon request, an employer shall
671 furnish a copy of the personnel record for the employee or
672 former employee who is the subject of a security background
673 investigation conducted under this section. The information
674 contained in the personnel record may include, but need not be
675 limited to, disciplinary matters and the reason why the employee
676 was terminated from employment. An employer who releases a
677 personnel record for purposes of a security background
678 investigation is presumed to have acted in good faith and is not
679 liable for information contained in the record without a showing
680 that the employer maliciously falsified the record. A security
681 background investigation conducted under this section must
682 ensure that a person is not certified as a guardian ad litem if
683 the person has an arrest awaiting final disposition for, been
684 convicted of, regardless of adjudication, entered a plea of nolo
685 contendere or guilty to, or been adjudicated delinquent and the
686 record has not been sealed or expunged for, any offense
687 prohibited under the provisions listed in s. 435.04. All
688 applicants must undergo a level 2 background screening pursuant
689 to chapter 435 before being certified to serve as a guardian ad
690 litem. In analyzing and evaluating the information obtained in
691 the security background investigation, the program must give
692 particular emphasis to past activities involving children,
693 including, but not limited to, child-related criminal offenses
694 or child abuse. The program has sole discretion in determining
695 whether to certify a person based on his or her security
696 background investigation. The information collected pursuant to

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697 the security background investigation is confidential and exempt
698 from s. 119.07(1).

699 Section 10. For the purpose of incorporating the amendment
700 made by this act to section 435.04, Florida Statutes, in a
701 reference thereto, subsection (1) of section 381.0059, Florida
702 Statutes, is reenacted to read:

703 381.0059 Background screening requirements for school
704 health services personnel.—

705 (1) Pursuant to the provisions of chapter 435, any person
706 who provides services under a school health services plan
707 pursuant to s. 381.0056 must meet level 2 screening requirements
708 as described in s. 435.04. A person may satisfy the requirements
709 of this subsection by submitting proof of compliance with the
710 requirements of level 2 screening conducted within 12 months
711 before the date that person initially provides services under a
712 school health services plan.

713 Section 11. For the purpose of incorporating the amendment
714 made by this act to section 435.04, Florida Statutes, in a
715 reference thereto, subsection (9) of section 381.986, Florida
716 Statutes, is reenacted to read:

717 381.986 Medical use of marijuana.—

718 (9) BACKGROUND SCREENING.—An individual required to undergo
719 a background screening pursuant to this section must pass a
720 level 2 background screening as provided under chapter 435,
721 which, in addition to the disqualifying offenses provided in s.
722 435.04, shall exclude an individual who has an arrest awaiting
723 final disposition for, has been found guilty of, regardless of
724 adjudication, or has entered a plea of nolo contendere or guilty
725 to an offense under chapter 837, chapter 895, or chapter 896 or

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726 similar law of another jurisdiction.

727 (a) Such individual must submit a full set of fingerprints
728 to the department or to a vendor, entity, or agency authorized
729 by s. 943.053(13). The department, vendor, entity, or agency
730 shall forward the fingerprints to the Department of Law
731 Enforcement for state processing, and the Department of Law
732 Enforcement shall forward the fingerprints to the Federal Bureau
733 of Investigation for national processing.

734 (b) Fees for state and federal fingerprint processing and
735 retention shall be borne by the individual. The state cost for
736 fingerprint processing shall be as provided in s. 943.053(3)(e)
737 for records provided to persons or entities other than those
738 specified as exceptions therein.

739 (c) Fingerprints submitted to the Department of Law
740 Enforcement pursuant to this subsection shall be retained by the
741 Department of Law Enforcement as provided in s. 943.05(2)(g) and
742 (h) and, when the Department of Law Enforcement begins
743 participation in the program, enrolled in the Federal Bureau of
744 Investigation's national retained print arrest notification
745 program. Any arrest record identified shall be reported to the
746 department.

747 Section 12. For the purpose of incorporating the amendment
748 made by this act to section 435.04, Florida Statutes, in a
749 reference thereto, subsection (5) of section 393.0655, Florida
750 Statutes, is reenacted to read:

751 393.0655 Screening of direct service providers.—

752 (5) ~~DISQUALIFYING OFFENSES.~~—The background screening
753 conducted under this section must ensure that, in addition to
754 the disqualifying offenses listed in s. 435.04, no person

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755 subject to the provisions of this section has an arrest awaiting
756 final disposition for, has been found guilty of, regardless of
757 adjudication, or entered a plea of nolo contendere or guilty to,
758 or has been adjudicated delinquent and the record has not been
759 sealed or expunged for, any offense prohibited under any of the
760 following provisions of state law or similar law of another
761 jurisdiction:

762 (a) Any authorizing statutes, if the offense was a felony.

763 (b) This chapter, if the offense was a felony.

764 (c) Section 409.920, relating to Medicaid provider fraud.

765 (d) Section 409.9201, relating to Medicaid fraud.

766 (e) Section 817.034, relating to fraudulent acts through
767 mail, wire, radio, electromagnetic, photoelectronic, or
768 photooptical systems.

769 (f) Section 817.234, relating to false and fraudulent
770 insurance claims.

771 (g) Section 817.505, relating to patient brokering.

772 (h) Section 817.568, relating to criminal use of personal
773 identification information.

774 (i) Section 817.60, relating to obtaining a credit card
775 through fraudulent means.

776 (j) Section 817.61, relating to fraudulent use of credit
777 cards, if the offense was a felony.

778 (k) Section 831.01, relating to forgery.

779 (l) Section 831.02, relating to uttering forged
780 instruments.

781 (m) Section 831.07, relating to forging bank bills, checks,
782 drafts, or promissory notes.

783 (n) Section 831.09, relating to uttering forged bank bills,

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784 checks, drafts, or promissory notes.

785 Section 13. For the purpose of incorporating the amendment
786 made by this act to section 435.04, Florida Statutes, in a
787 reference thereto, subsection (6) of section 397.487, Florida
788 Statutes, is reenacted to read:

789 397.487 Voluntary certification of recovery residences.—

790 (6) All owners, directors, and chief financial officers of
791 an applicant recovery residence are subject to level 2
792 background screening as provided under s. 408.809 and chapter
793 435. A recovery residence is ineligible for certification, and a
794 credentialing entity shall deny a recovery residence's
795 application, if any owner, director, or chief financial officer
796 has been found guilty of, or has entered a plea of guilty or
797 nolo contendere to, regardless of adjudication, any offense
798 listed in s. 408.809(4) or s. 435.04(2) unless the department
799 has issued an exemption under s. 435.07. Exemptions from
800 disqualification applicable to service provider personnel
801 pursuant to s. 397.4073 or s. 435.07 shall apply to this
802 subsection. In accordance with s. 435.04, the department shall
803 notify the credentialing agency of an owner's, director's, or
804 chief financial officer's eligibility based on the results of
805 his or her background screening.

806 Section 14. For the purpose of incorporating the amendment
807 made by this act to section 435.04, Florida Statutes, in a
808 reference thereto, Subsection (5) and paragraph (b) of
809 subsection (6) of section 397.4871, Florida Statutes, are
810 reenacted to read:

811 397.4871 Recovery residence administrator certification.—

812 (5) All applicants are subject to level 2 background

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813 screening as provided under chapter 435. An applicant is
814 ineligible, and a credentialing entity shall deny the
815 application, if the applicant has been found guilty of, or has
816 entered a plea of guilty or nolo contendere to, regardless of
817 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
818 unless the department has issued an exemption under s. 435.07.
819 Exemptions from disqualification applicable to service provider
820 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to
821 this subsection. In accordance with s. 435.04, the department
822 shall notify the credentialing agency of the applicant's
823 eligibility based on the results of his or her background
824 screening.

825 (6) The credentialing entity shall issue a certificate of
826 compliance upon approval of a person's application. The
827 certification shall automatically terminate 1 year after
828 issuance if not renewed.

829 (b) If a certified recovery residence administrator of a
830 recovery residence is arrested for or found guilty of, or enters
831 a plea of guilty or nolo contendere to, regardless of
832 adjudication, any offense listed in s. 435.04(2) while acting in
833 that capacity, the recovery residence shall immediately remove
834 the person from that position and shall notify the credentialing
835 entity within 3 business days after such removal. The recovery
836 residence shall have 30 days to retain a certified recovery
837 residence administrator. The credentialing entity shall revoke
838 the certificate of compliance of any recovery residence that
839 fails to meet these requirements.

840 Section 15. For the purpose of incorporating the amendment
841 made by this act to section 435.04, Florida Statutes, in a

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842 reference thereto, paragraph (a) of subsection (3) of section
843 402.62, Florida Statutes, is reenacted to read:

844 402.62 Strong Families Tax Credit.—

845 (3) RESPONSIBILITIES OF ELIGIBLE CHARITABLE ORGANIZATIONS.—
846 An eligible charitable organization that receives a contribution
847 under this section must do all of the following:

848 (a) Apply for admittance into the Department of Law
849 Enforcement's Volunteer and Employee Criminal History System
850 and, if accepted, conduct background screening on all volunteers
851 and staff working directly with children in any program funded
852 under this section pursuant to s. 943.0542. Background screening
853 shall use level 2 screening standards pursuant to s. 435.04 and
854 additionally include, but need not be limited to, a check of the
855 Dru Sjodin National Sex Offender Public Website.

856 Section 16. For the purpose of incorporating the amendment
857 made by this act to section 435.04, Florida Statutes, in a
858 reference thereto, paragraph (a) of subsection (2) and
859 subsections (3) and (4) of section 408.809, Florida Statutes,
860 are reenacted to read:

861 408.809 Background screening; prohibited offenses.—

862 (2) Every 5 years following his or her licensure,
863 employment, or entry into a contract in a capacity that under
864 subsection (1) would require level 2 background screening under
865 chapter 435, each such person must submit to level 2 background
866 rescreening as a condition of retaining such license or
867 continuing in such employment or contractual status. For any
868 such rescreening, the agency shall request the Department of Law
869 Enforcement to forward the person's fingerprints to the Federal
870 Bureau of Investigation for a national criminal history record

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871 check unless the person's fingerprints are enrolled in the
872 Federal Bureau of Investigation's national retained print arrest
873 notification program. If the fingerprints of such a person are
874 not retained by the Department of Law Enforcement under s.
875 943.05(2)(g) and (h), the person must submit fingerprints
876 electronically to the Department of Law Enforcement for state
877 processing, and the Department of Law Enforcement shall forward
878 the fingerprints to the Federal Bureau of Investigation for a
879 national criminal history record check. The fingerprints shall
880 be retained by the Department of Law Enforcement under s.
881 943.05(2)(g) and (h) and enrolled in the national retained print
882 arrest notification program when the Department of Law
883 Enforcement begins participation in the program. The cost of the
884 state and national criminal history records checks required by
885 level 2 screening may be borne by the licensee or the person
886 fingerprinted. The agency may accept as satisfying the
887 requirements of this section proof of compliance with level 2
888 screening standards submitted within the previous 5 years to
889 meet any provider or professional licensure requirements of the
890 Department of Financial Services for an applicant for a
891 certificate of authority or provisional certificate of authority
892 to operate a continuing care retirement community under chapter
893 651, provided that:

894 (a) The screening standards and disqualifying offenses for
895 the prior screening are equivalent to those specified in s.
896 435.04 and this section;

897 (3) All fingerprints must be provided in electronic format.
898 Screening results shall be reviewed by the agency with respect
899 to the offenses specified in s. 435.04 and this section, and the

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900 qualifying or disqualifying status of the person named in the
901 request shall be maintained in a database. The qualifying or
902 disqualifying status of the person named in the request shall be
903 posted on a secure website for retrieval by the licensee or
904 designated agent on the licensee's behalf.

905 (4) In addition to the offenses listed in s. 435.04, all
906 persons required to undergo background screening pursuant to
907 this part or authorizing statutes must not have an arrest
908 awaiting final disposition for, must not have been found guilty
909 of, regardless of adjudication, or entered a plea of nolo
910 contendere or guilty to, and must not have been adjudicated
911 delinquent and the record not have been sealed or expunged for
912 any of the following offenses or any similar offense of another
913 jurisdiction:

914 (a) Any authorizing statutes, if the offense was a felony.

915 (b) This chapter, if the offense was a felony.

916 (c) Section 409.920, relating to Medicaid provider fraud.

917 (d) Section 409.9201, relating to Medicaid fraud.

918 (e) Section 741.28, relating to domestic violence.

919 (f) Section 777.04, relating to attempts, solicitation, and
920 conspiracy to commit an offense listed in this subsection.

921 (g) Section 784.03, relating to battery, if the victim is a
922 vulnerable adult as defined in s. 415.102 or a patient or
923 resident of a facility licensed under chapter 395, chapter 400,
924 or chapter 429.

925 (h) Section 817.034, relating to fraudulent acts through
926 mail, wire, radio, electromagnetic, photoelectronic, or
927 photooptical systems.

928 (i) Section 817.234, relating to false and fraudulent

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929 insurance claims.

930 (j) Section 817.481, relating to obtaining goods by using a
931 false or expired credit card or other credit device, if the
932 offense was a felony.

933 (k) Section 817.50, relating to fraudulently obtaining
934 goods or services from a health care provider.

935 (l) Section 817.505, relating to patient brokering.

936 (m) Section 817.568, relating to criminal use of personal
937 identification information.

938 (n) Section 817.60, relating to obtaining a credit card
939 through fraudulent means.

940 (o) Section 817.61, relating to fraudulent use of credit
941 cards, if the offense was a felony.

942 (p) Section 831.01, relating to forgery.

943 (q) Section 831.02, relating to uttering forged
944 instruments.

945 (r) Section 831.07, relating to forging bank bills, checks,
946 drafts, or promissory notes.

947 (s) Section 831.09, relating to uttering forged bank bills,
948 checks, drafts, or promissory notes.

949 (t) Section 831.30, relating to fraud in obtaining
950 medicinal drugs.

951 (u) Section 831.31, relating to the sale, manufacture,
952 delivery, or possession with the intent to sell, manufacture, or
953 deliver any counterfeit controlled substance, if the offense was
954 a felony.

955 (v) Section 895.03, relating to racketeering and collection
956 of unlawful debts.

957 (w) Section 896.101, relating to the Florida Money

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958 Laundering Act.

959

960 If, upon rescreening, a person who is currently employed or
961 contracted with a licensee and was screened and qualified under
962 s. 435.04 has a disqualifying offense that was not a
963 disqualifying offense at the time of the last screening, but is
964 a current disqualifying offense and was committed before the
965 last screening, he or she may apply for an exemption from the
966 appropriate licensing agency and, if agreed to by the employer,
967 may continue to perform his or her duties until the licensing
968 agency renders a decision on the application for exemption if
969 the person is eligible to apply for an exemption and the
970 exemption request is received by the agency no later than 30
971 days after receipt of the rescreening results by the person.

972 Section 17. For the purpose of incorporating the amendment
973 made by this act to section 435.04, Florida Statutes, in a
974 reference thereto, subsection (13) of section 409.913, Florida
975 Statutes, is reenacted to read:

976 409.913 Oversight of the integrity of the Medicaid
977 program.—The agency shall operate a program to oversee the
978 activities of Florida Medicaid recipients, and providers and
979 their representatives, to ensure that fraudulent and abusive
980 behavior and neglect of recipients occur to the minimum extent
981 possible, and to recover overpayments and impose sanctions as
982 appropriate. Each January 15, the agency and the Medicaid Fraud
983 Control Unit of the Department of Legal Affairs shall submit a
984 report to the Legislature documenting the effectiveness of the
985 state's efforts to control Medicaid fraud and abuse and to
986 recover Medicaid overpayments during the previous fiscal year.

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987 The report must describe the number of cases opened and
988 investigated each year; the sources of the cases opened; the
989 disposition of the cases closed each year; the amount of
990 overpayments alleged in preliminary and final audit letters; the
991 number and amount of fines or penalties imposed; any reductions
992 in overpayment amounts negotiated in settlement agreements or by
993 other means; the amount of final agency determinations of
994 overpayments; the amount deducted from federal claiming as a
995 result of overpayments; the amount of overpayments recovered
996 each year; the amount of cost of investigation recovered each
997 year; the average length of time to collect from the time the
998 case was opened until the overpayment is paid in full; the
999 amount determined as uncollectible and the portion of the
1000 uncollectible amount subsequently reclaimed from the Federal
1001 Government; the number of providers, by type, that are
1002 terminated from participation in the Medicaid program as a
1003 result of fraud and abuse; and all costs associated with
1004 discovering and prosecuting cases of Medicaid overpayments and
1005 making recoveries in such cases. The report must also document
1006 actions taken to prevent overpayments and the number of
1007 providers prevented from enrolling in or reenrolling in the
1008 Medicaid program as a result of documented Medicaid fraud and
1009 abuse and must include policy recommendations necessary to
1010 prevent or recover overpayments and changes necessary to prevent
1011 and detect Medicaid fraud. All policy recommendations in the
1012 report must include a detailed fiscal analysis, including, but
1013 not limited to, implementation costs, estimated savings to the
1014 Medicaid program, and the return on investment. The agency must
1015 submit the policy recommendations and fiscal analyses in the

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1016 report to the appropriate estimating conference, pursuant to s.
1017 216.137, by February 15 of each year. The agency and the
1018 Medicaid Fraud Control Unit of the Department of Legal Affairs
1019 each must include detailed unit-specific performance standards,
1020 benchmarks, and metrics in the report, including projected cost
1021 savings to the state Medicaid program during the following
1022 fiscal year.

1023 (13) The agency shall terminate participation of a Medicaid
1024 provider in the Medicaid program and may seek civil remedies or
1025 impose other administrative sanctions against a Medicaid
1026 provider, if the provider or any principal, officer, director,
1027 agent, managing employee, or affiliated person of the provider,
1028 or any partner or shareholder having an ownership interest in
1029 the provider equal to 5 percent or greater, has been convicted
1030 of a criminal offense under federal law or the law of any state
1031 relating to the practice of the provider's profession, or a
1032 criminal offense listed under s. 408.809(4), s. 409.907(10), or
1033 s. 435.04(2). If the agency determines that the provider did not
1034 participate or acquiesce in the offense, termination will not be
1035 imposed. If the agency effects a termination under this
1036 subsection, the agency shall take final agency action.

1037 Section 18. For the purpose of incorporating the amendment
1038 made by this act to section 435.04, Florida Statutes, in a
1039 reference thereto, subsection (7) of section 413.011, Florida
1040 Statutes, is reenacted to read:

1041 413.011 Division of Blind Services, legislative policy,
1042 intent; internal organizational structure and powers;
1043 Rehabilitation Council for the Blind.—

1044 (7) EMPLOYMENT SCREENING.—The division shall require all

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1045 employees and applicants for employment to undergo personnel
1046 screening and security background investigations as provided in
1047 chapter 435, using the level 2 standards for screening set forth
1048 in that chapter, as a condition of employment and continued
1049 employment. All division employees and applicants for employment
1050 must meet level 2 screening standards as provided in s. 435.04
1051 prior to employment and as a condition of continued employment.

1052 Section 19. For the purpose of incorporating the amendment
1053 made by this act to section 435.04, Florida Statutes, in a
1054 reference thereto, paragraphs (d) and (e) of subsection (2) of
1055 section 413.208, Florida Statutes, are reenacted to read:

1056 413.208 Service providers; quality assurance; fitness for
1057 responsibilities; background screening.—

1058 (2)

1059 (d)1. Every 5 years following the initial screening, each
1060 person subject to background screening under this section must
1061 submit to level 2 background rescreening as a condition of the
1062 service provider retaining such registration.

1063 2. Until the person's background screening results are
1064 retained in the clearinghouse created under s. 435.12, the
1065 division may accept as satisfying the requirements of this
1066 section proof of compliance with level 2 screening standards
1067 submitted within the previous 5 years to meet any provider or
1068 professional licensure requirements of the Agency for Health
1069 Care Administration, the Department of Health, the Department of
1070 Elderly Affairs, the Agency for Persons with Disabilities, or
1071 the Department of Children and Families, provided:

1072 a. The screening standards and disqualifying offenses for
1073 the prior screening are equivalent to those specified in s.

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1074 435.04 and this section;

1075 b. The person subject to screening has not had a break in
1076 service from a position that requires level 2 screening for more
1077 than 90 days; and

1078 c. Such proof is accompanied, under penalty of perjury, by
1079 an affidavit of compliance with the provisions of chapter 435
1080 and this section.

1081 (e) In addition to the disqualifying offenses listed in s.
1082 435.04, all persons subject to undergo background screening
1083 pursuant to this section must not have an arrest awaiting final
1084 disposition for, must not have been found guilty of, regardless
1085 of adjudication, or entered a plea of nolo contendere or guilty
1086 to, and must not have been adjudicated delinquent, and the
1087 record has not been expunged for, any offense prohibited under
1088 any of the following provisions or similar law of another
1089 jurisdiction:

1090 1. Section 409.920, relating to Medicaid provider fraud.

1091 2. Section 409.9201, relating to Medicaid fraud.

1092 3. Section 741.28, relating to domestic violence.

1093 4. Section 817.034, relating to fraudulent acts through
1094 mail, wire, radio, electromagnetic, photoelectronic, or
1095 photooptical systems.

1096 5. Section 817.234, relating to false and fraudulent
1097 insurance claims.

1098 6. Section 817.505, relating to patient brokering.

1099 7. Section 817.568, relating to criminal use of personal
1100 identification information.

1101 8. Section 817.60, relating to obtaining a credit card
1102 through fraudulent means.

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1103 9. Section 817.61, relating to fraudulent use of credit
1104 cards, if the offense was a felony.

1105 10. Section 831.01, relating to forgery.

1106 11. Section 831.02, relating to uttering forged
1107 instruments.

1108 12. Section 831.07, relating to forging bank bills, checks,
1109 drafts, or promissory notes.

1110 13. Section 831.09, relating to uttering forged bank bills,
1111 checks, drafts, or promissory notes.

1112 14. Section 831.31, relating to the sale, manufacture,
1113 delivery, or possession with the intent to sell, manufacture, or
1114 deliver any counterfeit controlled substance, if the offense was
1115 a felony.

1116 Section 20. For the purpose of incorporating the amendment
1117 made by this act to section 435.04, Florida Statutes, in a
1118 reference thereto, subsection (6) of section 430.0402, Florida
1119 Statutes, is reenacted to read:

1120 430.0402 Screening of direct service providers.—

1121 (6) The background screening conducted pursuant to this
1122 section must ensure that, in addition to the disqualifying
1123 offenses listed in s. 435.04, no person subject to the
1124 provisions of this section has an arrest awaiting final
1125 disposition for, has been found guilty of, regardless of
1126 adjudication, or entered a plea of nolo contendere or guilty to,
1127 or has been adjudicated delinquent and the record has not been
1128 sealed or expunged for, any offense prohibited under any of the
1129 following provisions of state law or similar law of another
1130 jurisdiction:

1131 (a) Section 409.920, relating to Medicaid provider fraud.

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- 1132 (b) Section 409.9201, relating to Medicaid fraud.
- 1133 (c) Section 817.034, relating to fraudulent acts through
1134 mail, wire, radio, electromagnetic, photoelectronic, or
1135 photooptical systems.
- 1136 (d) Section 817.234, relating to false and fraudulent
1137 insurance claims.
- 1138 (e) Section 817.505, relating to patient brokering.
- 1139 (f) Section 817.568, relating to criminal use of personal
1140 identification information.
- 1141 (g) Section 817.60, relating to obtaining a credit card
1142 through fraudulent means.
- 1143 (h) Section 817.61, relating to fraudulent use of credit
1144 cards, if the offense was a felony.
- 1145 (i) Section 831.01, relating to forgery.
- 1146 (j) Section 831.02, relating to uttering forged
1147 instruments.
- 1148 (k) Section 831.07, relating to forging bank bills, checks,
1149 drafts, or promissory notes.
- 1150 (l) Section 831.09, relating to uttering forged bank bills,
1151 checks, drafts, or promissory notes.
- 1152 Section 21. For the purpose of incorporating the amendment
1153 made by this act to section 435.04, Florida Statutes, in a
1154 reference thereto, subsection (2) of section 435.03, Florida
1155 Statutes, is reenacted to read:
- 1156 435.03 Level 1 screening standards.—
- 1157 (2) Any person required by law to be screened pursuant to
1158 this section must not have an arrest awaiting final disposition,
1159 must not have been found guilty of, regardless of adjudication,
1160 or entered a plea of nolo contendere or guilty to, and must not

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1161 have been adjudicated delinquent and the record has not been
1162 sealed or expunged for, any offense prohibited under s.
1163 435.04(2) or similar law of another jurisdiction.

1164 Section 22. For the purpose of incorporating the amendment
1165 made by this act to section 435.04, Florida Statutes, in a
1166 reference thereto, paragraph (a) of subsection (4) of section
1167 435.07, Florida Statutes, is reenacted to read:

1168 435.07 Exemptions from disqualification.—Unless otherwise
1169 provided by law, the provisions of this section apply to
1170 exemptions from disqualification for disqualifying offenses
1171 revealed pursuant to background screenings required under this
1172 chapter, regardless of whether those disqualifying offenses are
1173 listed in this chapter or other laws.

1174 (4)(a) Disqualification from employment under this chapter
1175 may not be removed from, nor may an exemption be granted to, any
1176 personnel who is found guilty of, regardless of adjudication, or
1177 who has entered a plea of nolo contendere or guilty to, any
1178 felony covered by s. 435.03 or s. 435.04 solely by reason of any
1179 pardon, executive clemency, or restoration of civil rights.

1180 Section 23. For the purpose of incorporating the amendment
1181 made by this act to section 435.04, Florida Statutes, in a
1182 reference thereto, subsection (5) of section 456.0135, Florida
1183 Statutes, is reenacted to read:

1184 456.0135 General background screening provisions.—

1185 (5) In addition to the offenses listed in s. 435.04, all
1186 persons required to undergo background screening under this
1187 section, other than those licensed under s. 465.022, must not
1188 have an arrest awaiting final disposition for, must not have
1189 been found guilty of, regardless of adjudication, or entered a

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1190 plea of nolo contendere or guilty to, and must not have been
1191 adjudicated delinquent and the record not have been sealed or
1192 expunged for an offense under s. 784.03 or any similar offense
1193 of another jurisdiction relating to battery, if the victim is a
1194 vulnerable adult as defined in s. 415.102 or a patient or
1195 resident of a facility licensed under chapter 395, chapter 400,
1196 or chapter 429.

1197 Section 24. For the purpose of incorporating the amendment
1198 made by this act to section 435.04, Florida Statutes, in a
1199 reference thereto, paragraph (e) of subsection (1) of section
1200 464.018, Florida Statutes, is reenacted to read:

1201 464.018 Disciplinary actions.—

1202 (1) The following acts constitute grounds for denial of a
1203 license or disciplinary action, as specified in ss. 456.072(2)
1204 and 464.0095:

1205 (e) Having been found guilty of or entered a plea of nolo
1206 contendere or guilty to, regardless of adjudication, any offense
1207 prohibited under s. 435.04 or similar statute of another
1208 jurisdiction; or having committed an act which constitutes
1209 domestic violence as defined in s. 741.28.

1210 Section 25. For the purpose of incorporating the amendment
1211 made by this act to section 435.04, Florida Statutes, in a
1212 reference thereto, paragraph (m) of subsection (1) of section
1213 468.3101, Florida Statutes, is reenacted to read:

1214 468.3101 Disciplinary grounds and actions.—

1215 (1) The department may make or require to be made any
1216 investigations, inspections, evaluations, and tests, and require
1217 the submission of any documents and statements, which it
1218 considers necessary to determine whether a violation of this

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1219 part has occurred. The following acts shall be grounds for
1220 disciplinary action as set forth in this section:

1221 (m) Having been found guilty of, regardless of
1222 adjudication, or pleading guilty or nolo contendere to, any
1223 offense prohibited under s. 435.04 or similar statute of another
1224 jurisdiction.

1225 Section 26. For the purpose of incorporating the amendment
1226 made by this act to section 435.04, Florida Statutes, in a
1227 reference thereto, subsection (3) of section 744.309, Florida
1228 Statutes, is reenacted to read:

1229 744.309 Who may be appointed guardian of a resident ward.—

1230 (3) DISQUALIFIED PERSONS.—No person who has been convicted
1231 of a felony or who, from any incapacity or illness, is incapable
1232 of discharging the duties of a guardian, or who is otherwise
1233 unsuitable to perform the duties of a guardian, shall be
1234 appointed to act as guardian. Further, no person who has been
1235 judicially determined to have committed abuse, abandonment, or
1236 neglect against a child as defined in s. 39.01 or s. 984.03(1),
1237 (2), and (37), or who has been found guilty of, regardless of
1238 adjudication, or entered a plea of nolo contendere or guilty to,
1239 any offense prohibited under s. 435.04 or similar statute of
1240 another jurisdiction, shall be appointed to act as a guardian.
1241 Except as provided in subsection (5) or subsection (6), a person
1242 who provides substantial services to the proposed ward in a
1243 professional or business capacity, or a creditor of the proposed
1244 ward, may not be appointed guardian and retain that previous
1245 professional or business relationship. A person may not be
1246 appointed a guardian if he or she is in the employ of any
1247 person, agency, government, or corporation that provides service

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1248 to the proposed ward in a professional or business capacity,
1249 except that a person so employed may be appointed if he or she
1250 is the spouse, adult child, parent, or sibling of the proposed
1251 ward or the court determines that the potential conflict of
1252 interest is insubstantial and that the appointment would clearly
1253 be in the proposed ward's best interest. The court may not
1254 appoint a guardian in any other circumstance in which a conflict
1255 of interest may occur.

1256 Section 27. For the purpose of incorporating the amendment
1257 made by this act to section 435.04, Florida Statutes, in a
1258 reference thereto, subsection (12) of section 744.474, Florida
1259 Statutes, is reenacted to read:

1260 744.474 Reasons for removal of guardian.—A guardian may be
1261 removed for any of the following reasons, and the removal shall
1262 be in addition to any other penalties prescribed by law:

1263 (12) Having been found guilty of, regardless of
1264 adjudication, or entered a plea of nolo contendere or guilty to,
1265 any offense prohibited under s. 435.04 or similar statute of
1266 another jurisdiction.

1267 Section 28. For the purpose of incorporating the amendment
1268 made by this act to section 435.04, Florida Statutes, in a
1269 reference thereto, paragraph (a) of subsection (6) of section
1270 985.04, Florida Statutes, is reenacted to read:

1271 985.04 Oaths; records; confidential information.—

1272 (6) (a) Records maintained by the department, including
1273 copies of records maintained by the court, which pertain to a
1274 child found to have committed a delinquent act which, if
1275 committed by an adult, would be a crime specified in s. 435.04
1276 may not be destroyed under this section for 25 years after the

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1277 youth's final referral to the department, except in cases of the
1278 death of the child. Such records, however, shall be sealed by
1279 the court for use only in meeting the screening requirements for
1280 personnel in s. 402.3055 and the other sections cited above, or
1281 under departmental rule; however, current criminal history
1282 information must be obtained from the Department of Law
1283 Enforcement in accordance with s. 943.053. The information shall
1284 be released to those persons specified in the above cited
1285 sections for the purposes of complying with those sections. The
1286 court may punish by contempt any person who releases or uses the
1287 records for any unauthorized purpose.

1288 Section 29. For the purpose of incorporating the amendment
1289 made by this act to section 435.04, Florida Statutes, in a
1290 reference thereto, paragraph (a) of subsection (3) of section
1291 985.644, Florida Statutes, is reenacted to read:

1292 985.644 Departmental contracting powers; personnel
1293 standards and investigation.—

1294 (3) (a) All employees of the department and all personnel of
1295 contract providers for any program for children, including all
1296 owners, operators, employees, persons who have access to
1297 confidential juvenile records, and volunteers, must complete:

1298 1. A level 2 employment screening pursuant to chapter 435
1299 before employment. The security background investigation
1300 conducted under this section must ensure that, in addition to
1301 the disqualifying offenses listed in s. 435.04, no person
1302 subject to the background screening provisions of this section
1303 has an arrest awaiting final disposition for, been found guilty
1304 of, regardless of adjudication, or entered a plea of nolo
1305 contendere or guilty to, or been adjudicated delinquent and the

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1306 record has not been sealed or expunged for, any offense
1307 prohibited under the following provisions of state law or
1308 similar laws of another jurisdiction:

1309 a. Section 784.07, relating to assault or battery of law
1310 enforcement officers, firefighters, emergency medical care
1311 providers, public transit employees or agents, or other
1312 specified officers.

1313 b. Section 817.568, relating to criminal use of personal
1314 identification information.

1315 2. A national criminal records check by the Federal Bureau
1316 of Investigation every 5 years following the date of the
1317 person's employment.

1318 Section 30. For the purpose of incorporating the amendment
1319 made by this act to section 435.04, Florida Statutes, in a
1320 reference thereto, paragraph (b) of subsection (7) of section
1321 1002.36, Florida Statutes, is reenacted to read:

1322 1002.36 Florida School for the Deaf and the Blind.—

1323 (7) PERSONNEL SCREENING.—

1324 (b) As a prerequisite for initial and continuing employment
1325 at the Florida School for the Deaf and the Blind:

1326 1. The applicant or employee shall submit to the Florida
1327 School for the Deaf and the Blind a complete set of fingerprints
1328 taken by an authorized law enforcement agency or an employee of
1329 the Florida School for the Deaf and the Blind who is trained to
1330 take fingerprints. The Florida School for the Deaf and the Blind
1331 shall submit the fingerprints to the Department of Law
1332 Enforcement for state processing and the Federal Bureau of
1333 Investigation for federal processing.

1334 2.a. The applicant or employee shall attest to the minimum

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1335 standards for good moral character as contained in chapter 435,
1336 using the level 2 standards set forth in that chapter under
1337 penalty of perjury.

1338 b. New personnel shall be on a probationary status pending
1339 a determination of compliance with such minimum standards for
1340 good moral character. This paragraph is in addition to any
1341 probationary status provided for by Florida law or Florida
1342 School for the Deaf and the Blind rules or collective bargaining
1343 contracts.

1344 3. The Florida School for the Deaf and the Blind shall
1345 review the record of the applicant or employee with respect to
1346 the crimes contained in s. 435.04 and shall notify the applicant
1347 or employee of its findings. When disposition information is
1348 missing on a criminal record, it shall be the responsibility of
1349 the applicant or employee, upon request of the Florida School
1350 for the Deaf and the Blind, to obtain and supply within 30 days
1351 the missing disposition information to the Florida School for
1352 the Deaf and the Blind. Failure to supply missing information
1353 within 30 days or to show reasonable efforts to obtain such
1354 information shall result in automatic disqualification of an
1355 applicant and automatic termination of an employee.

1356 4. After an initial personnel screening and security
1357 background investigation, written notification shall be given to
1358 the affected employee within a reasonable time prior to any
1359 subsequent screening and investigation.

1360 Section 31. For the purpose of incorporating the amendment
1361 made by this act to section 435.04, Florida Statutes, in a
1362 reference thereto, paragraph (b) of subsection (6) of section
1363 1002.395, Florida Statutes, is reenacted to read:

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1364 1002.395 Florida Tax Credit Scholarship Program.—
1365 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1366 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1367 organization:
1368 (b) Must comply with the following background check
1369 requirements:
1370 1. All owners and operators as defined in subparagraph
1371 (2) (i) 1. are, before employment or engagement to provide
1372 services, subject to level 2 background screening as provided
1373 under chapter 435. The fingerprints for the background screening
1374 must be electronically submitted to the Department of Law
1375 Enforcement and can be taken by an authorized law enforcement
1376 agency or by an employee of the eligible nonprofit scholarship-
1377 funding organization or a private company who is trained to take
1378 fingerprints. However, the complete set of fingerprints of an
1379 owner or operator may not be taken by the owner or operator. The
1380 results of the state and national criminal history check shall
1381 be provided to the Department of Education for screening under
1382 chapter 435. The cost of the background screening may be borne
1383 by the eligible nonprofit scholarship-funding organization or
1384 the owner or operator.
1385 2. Every 5 years following employment or engagement to
1386 provide services or association with an eligible nonprofit
1387 scholarship-funding organization, each owner or operator must
1388 meet level 2 screening standards as described in s. 435.04, at
1389 which time the nonprofit scholarship-funding organization shall
1390 request the Department of Law Enforcement to forward the
1391 fingerprints to the Federal Bureau of Investigation for level 2
1392 screening. If the fingerprints of an owner or operator are not

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1393 retained by the Department of Law Enforcement under subparagraph
1394 3., the owner or operator must electronically file a complete
1395 set of fingerprints with the Department of Law Enforcement. Upon
1396 submission of fingerprints for this purpose, the eligible
1397 nonprofit scholarship-funding organization shall request that
1398 the Department of Law Enforcement forward the fingerprints to
1399 the Federal Bureau of Investigation for level 2 screening, and
1400 the fingerprints shall be retained by the Department of Law
1401 Enforcement under subparagraph 3.

1402 3. Fingerprints submitted to the Department of Law
1403 Enforcement as required by this paragraph must be retained by
1404 the Department of Law Enforcement in a manner approved by rule
1405 and entered in the statewide automated biometric identification
1406 system authorized by s. 943.05(2)(b). The fingerprints must
1407 thereafter be available for all purposes and uses authorized for
1408 arrest fingerprints entered in the statewide automated biometric
1409 identification system pursuant to s. 943.051.

1410 4. The Department of Law Enforcement shall search all
1411 arrest fingerprints received under s. 943.051 against the
1412 fingerprints retained in the statewide automated biometric
1413 identification system under subparagraph 3. Any arrest record
1414 that is identified with an owner's or operator's fingerprints
1415 must be reported to the Department of Education. The Department
1416 of Education shall participate in this search process by paying
1417 an annual fee to the Department of Law Enforcement and by
1418 informing the Department of Law Enforcement of any change in the
1419 employment, engagement, or association status of the owners or
1420 operators whose fingerprints are retained under subparagraph 3.
1421 The Department of Law Enforcement shall adopt a rule setting the

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1422 amount of the annual fee to be imposed upon the Department of
1423 Education for performing these services and establishing the
1424 procedures for the retention of owner and operator fingerprints
1425 and the dissemination of search results. The fee may be borne by
1426 the owner or operator of the nonprofit scholarship-funding
1427 organization.

1428 5. A nonprofit scholarship-funding organization whose owner
1429 or operator fails the level 2 background screening is not
1430 eligible to provide scholarships under this section.

1431 6. A nonprofit scholarship-funding organization whose owner
1432 or operator in the last 7 years has filed for personal
1433 bankruptcy or corporate bankruptcy in a corporation of which he
1434 or she owned more than 20 percent shall not be eligible to
1435 provide scholarships under this section.

1436 7. In addition to the offenses listed in s. 435.04, a
1437 person required to undergo background screening pursuant to this
1438 part or authorizing statutes must not have an arrest awaiting
1439 final disposition for, must not have been found guilty of, or
1440 entered a plea of nolo contendere to, regardless of
1441 adjudication, and must not have been adjudicated delinquent, and
1442 the record must not have been sealed or expunged for, any of the
1443 following offenses or any similar offense of another
1444 jurisdiction:

- 1445 a. Any authorizing statutes, if the offense was a felony.
- 1446 b. This chapter, if the offense was a felony.
- 1447 c. Section 409.920, relating to Medicaid provider fraud.
- 1448 d. Section 409.9201, relating to Medicaid fraud.
- 1449 e. Section 741.28, relating to domestic violence.
- 1450 f. Section 817.034, relating to fraudulent acts through

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1451 mail, wire, radio, electromagnetic, photoelectronic, or
1452 photooptical systems.

1453 g. Section 817.234, relating to false and fraudulent
1454 insurance claims.

1455 h. Section 817.505, relating to patient brokering.

1456 i. Section 817.568, relating to criminal use of personal
1457 identification information.

1458 j. Section 817.60, relating to obtaining a credit card
1459 through fraudulent means.

1460 k. Section 817.61, relating to fraudulent use of credit
1461 cards, if the offense was a felony.

1462 l. Section 831.01, relating to forgery.

1463 m. Section 831.02, relating to uttering forged instruments.

1464 n. Section 831.07, relating to forging bank bills, checks,
1465 drafts, or promissory notes.

1466 o. Section 831.09, relating to uttering forged bank bills,
1467 checks, drafts, or promissory notes.

1468 p. Section 831.30, relating to fraud in obtaining medicinal
1469 drugs.

1470 q. Section 831.31, relating to the sale, manufacture,
1471 delivery, or possession with the intent to sell, manufacture, or
1472 deliver any counterfeit controlled substance, if the offense was
1473 a felony.

1474

1475 Information and documentation provided to the Department of
1476 Education and the Auditor General relating to the identity of a
1477 taxpayer that provides an eligible contribution under this
1478 section shall remain confidential at all times in accordance
1479 with s. 213.053.

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1480 Section 32. For the purpose of incorporating the amendment
1481 made by this act to section 435.04, Florida Statutes, in a
1482 reference thereto, paragraphs (e), (m), and (p) of subsection
1483 (1) of section 1002.421, Florida Statutes, are reenacted to
1484 read:

1485 1002.421 State school choice scholarship program
1486 accountability and oversight.—

1487 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1488 school participating in an educational scholarship program
1489 established pursuant to this chapter must be a private school as
1490 defined in s. 1002.01(2) in this state, be registered, and be in
1491 compliance with all requirements of this section in addition to
1492 private school requirements outlined in s. 1002.42, specific
1493 requirements identified within respective scholarship program
1494 laws, and other provisions of Florida law that apply to private
1495 schools, and must:

1496 (e) Annually complete and submit to the department a
1497 notarized scholarship compliance statement certifying that all
1498 school employees and contracted personnel with direct student
1499 contact have undergone background screening pursuant to s.
1500 435.12 and have met the screening standards as provided in s.
1501 435.04.

1502 (m) Require each employee and contracted personnel with
1503 direct student contact, upon employment or engagement to provide
1504 services, to undergo a state and national background screening,
1505 pursuant to s. 943.0542, by electronically filing with the
1506 Department of Law Enforcement a complete set of fingerprints
1507 taken by an authorized law enforcement agency or an employee of
1508 the private school, a school district, or a private company who

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1509 is trained to take fingerprints and deny employment to or
1510 terminate an employee if he or she fails to meet the screening
1511 standards under s. 435.04. Results of the screening shall be
1512 provided to the participating private school. For purposes of
1513 this paragraph:

1514 1. An "employee or contracted personnel with direct student
1515 contact" means any employee or contracted personnel who has
1516 unsupervised access to a scholarship student for whom the
1517 private school is responsible.

1518 2. The costs of fingerprinting and the background check
1519 shall not be borne by the state.

1520 3. Continued employment of an employee or contracted
1521 personnel after notification that he or she has failed the
1522 background screening under this paragraph shall cause a private
1523 school to be ineligible for participation in a scholarship
1524 program.

1525 4. An employee or contracted personnel holding a valid
1526 Florida teaching certificate who has been fingerprinted pursuant
1527 to s. 1012.32 is not required to comply with the provisions of
1528 this paragraph.

1529 5. All fingerprints submitted to the Department of Law
1530 Enforcement as required by this section shall be retained by the
1531 Department of Law Enforcement in a manner provided by rule and
1532 entered in the statewide automated biometric identification
1533 system authorized by s. 943.05(2)(b). Such fingerprints shall
1534 thereafter be available for all purposes and uses authorized for
1535 arrest fingerprints entered in the statewide automated biometric
1536 identification system pursuant to s. 943.051.

1537 6. The Department of Law Enforcement shall search all

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1538 arrest fingerprints received under s. 943.051 against the
1539 fingerprints retained in the statewide automated biometric
1540 identification system under subparagraph 5. Any arrest record
1541 that is identified with the retained fingerprints of a person
1542 subject to the background screening under this section shall be
1543 reported to the employing school with which the person is
1544 affiliated. Each private school participating in a scholarship
1545 program is required to participate in this search process by
1546 informing the Department of Law Enforcement of any change in the
1547 employment or contractual status of its personnel whose
1548 fingerprints are retained under subparagraph 5. The Department
1549 of Law Enforcement shall adopt a rule setting the amount of the
1550 annual fee to be imposed upon each private school for performing
1551 these searches and establishing the procedures for the retention
1552 of private school employee and contracted personnel fingerprints
1553 and the dissemination of search results. The fee may be borne by
1554 the private school or the person fingerprinted.

1555 7. Employees and contracted personnel whose fingerprints
1556 are not retained by the Department of Law Enforcement under
1557 subparagraphs 5. and 6. are required to be refingerprinted and
1558 must meet state and national background screening requirements
1559 upon reemployment or reengagement to provide services in order
1560 to comply with the requirements of this section.

1561 8. Every 5 years following employment or engagement to
1562 provide services with a private school, employees or contracted
1563 personnel required to be screened under this section must meet
1564 screening standards under s. 435.04, at which time the private
1565 school shall request the Department of Law Enforcement to
1566 forward the fingerprints to the Federal Bureau of Investigation

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1567 for national processing. If the fingerprints of employees or
1568 contracted personnel are not retained by the Department of Law
1569 Enforcement under subparagraph 5., employees and contracted
1570 personnel must electronically file a complete set of
1571 fingerprints with the Department of Law Enforcement. Upon
1572 submission of fingerprints for this purpose, the private school
1573 shall request that the Department of Law Enforcement forward the
1574 fingerprints to the Federal Bureau of Investigation for national
1575 processing, and the fingerprints shall be retained by the
1576 Department of Law Enforcement under subparagraph 5.

1577 (p) Require each owner or operator of the private school,
1578 prior to employment or engagement to provide services, to
1579 undergo level 2 background screening as provided under chapter
1580 435. For purposes of this paragraph, the term "owner or
1581 operator" means an owner, operator, superintendent, or principal
1582 of, or a person with equivalent decisionmaking authority over, a
1583 private school participating in a scholarship program
1584 established pursuant to this chapter. The fingerprints for the
1585 background screening must be electronically submitted to the
1586 Department of Law Enforcement and may be taken by an authorized
1587 law enforcement agency or a private company who is trained to
1588 take fingerprints. However, the complete set of fingerprints of
1589 an owner or operator may not be taken by the owner or operator.
1590 The owner or operator shall provide a copy of the results of the
1591 state and national criminal history check to the Department of
1592 Education. The cost of the background screening may be borne by
1593 the owner or operator.

1594 1. Every 5 years following employment or engagement to
1595 provide services, each owner or operator must meet level 2

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1596 screening standards as described in s. 435.04, at which time the
1597 owner or operator shall request the Department of Law
1598 Enforcement to forward the fingerprints to the Federal Bureau of
1599 Investigation for level 2 screening. If the fingerprints of an
1600 owner or operator are not retained by the Department of Law
1601 Enforcement under subparagraph 2., the owner or operator must
1602 electronically file a complete set of fingerprints with the
1603 Department of Law Enforcement. Upon submission of fingerprints
1604 for this purpose, the owner or operator shall request that the
1605 Department of Law Enforcement forward the fingerprints to the
1606 Federal Bureau of Investigation for level 2 screening, and the
1607 fingerprints shall be retained by the Department of Law
1608 Enforcement under subparagraph 2.

1609 2. Fingerprints submitted to the Department of Law
1610 Enforcement as required by this paragraph must be retained by
1611 the Department of Law Enforcement in a manner approved by rule
1612 and entered in the statewide automated biometric identification
1613 system authorized by s. 943.05(2)(b). The fingerprints must
1614 thereafter be available for all purposes and uses authorized for
1615 arrest fingerprints entered in the statewide automated biometric
1616 identification system pursuant to s. 943.051.

1617 3. The Department of Law Enforcement shall search all
1618 arrest fingerprints received under s. 943.051 against the
1619 fingerprints retained in the statewide automated biometric
1620 identification system under subparagraph 2. Any arrest record
1621 that is identified with an owner's or operator's fingerprints
1622 must be reported to the owner or operator, who must report to
1623 the Department of Education. Any costs associated with the
1624 search shall be borne by the owner or operator.

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1625 4. An owner or operator who fails the level 2 background
1626 screening is not eligible to participate in a scholarship
1627 program under this chapter.

1628 5. In addition to the offenses listed in s. 435.04, a
1629 person required to undergo background screening pursuant to this
1630 part or authorizing statutes may not have an arrest awaiting
1631 final disposition for, must not have been found guilty of, or
1632 entered a plea of nolo contendere to, regardless of
1633 adjudication, and must not have been adjudicated delinquent for,
1634 and the record must not have been sealed or expunged for, any of
1635 the following offenses or any similar offense of another
1636 jurisdiction:

- 1637 a. Any authorizing statutes, if the offense was a felony.
1638 b. This chapter, if the offense was a felony.
1639 c. Section 409.920, relating to Medicaid provider fraud.
1640 d. Section 409.9201, relating to Medicaid fraud.
1641 e. Section 741.28, relating to domestic violence.
1642 f. Section 817.034, relating to fraudulent acts through
1643 mail, wire, radio, electromagnetic, photoelectronic, or
1644 photooptical systems.
1645 g. Section 817.234, relating to false and fraudulent
1646 insurance claims.
1647 h. Section 817.505, relating to patient brokering.
1648 i. Section 817.568, relating to criminal use of personal
1649 identification information.
1650 j. Section 817.60, relating to obtaining a credit card
1651 through fraudulent means.
1652 k. Section 817.61, relating to fraudulent use of credit
1653 cards, if the offense was a felony.

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1654 1. Section 831.01, relating to forgery.
1655 m. Section 831.02, relating to uttering forged instruments.
1656 n. Section 831.07, relating to forging bank bills, checks,
1657 drafts, or promissory notes.
1658 o. Section 831.09, relating to uttering forged bank bills,
1659 checks, drafts, or promissory notes.
1660 p. Section 831.30, relating to fraud in obtaining medicinal
1661 drugs.
1662 q. Section 831.31, relating to the sale, manufacture,
1663 delivery, or possession with the intent to sell, manufacture, or
1664 deliver any counterfeit controlled substance, if the offense was
1665 a felony.
1666 6. At least 30 calendar days before a transfer of ownership
1667 of a private school, the owner or operator shall notify the
1668 parent of each scholarship student.
1669 7. The owner or operator of a private school that has been
1670 deemed ineligible to participate in a scholarship program
1671 pursuant to this chapter may not transfer ownership or
1672 management authority of the school to a relative in order to
1673 participate in a scholarship program as the same school or a new
1674 school. For purposes of this subparagraph, the term "relative"
1675 means father, mother, son, daughter, grandfather, grandmother,
1676 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
1677 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
1678 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1679 stepdaughter, stepbrother, stepsister, half-brother, or half-
1680 sister.
1681
1682 The department shall suspend the payment of funds to a private

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1683 school that knowingly fails to comply with this subsection, and
1684 shall prohibit the school from enrolling new scholarship
1685 students, for 1 fiscal year and until the school complies. If a
1686 private school fails to meet the requirements of this subsection
1687 or has consecutive years of material exceptions listed in the
1688 report required under paragraph (q), the commissioner may
1689 determine that the private school is ineligible to participate
1690 in a scholarship program.

1691 Section 33. For the purpose of incorporating the amendment
1692 made by this act to section 435.04, Florida Statutes, in a
1693 reference thereto, paragraph (d) of subsection (3) of section
1694 1002.55, Florida Statutes, is reenacted to read:

1695 1002.55 School-year prekindergarten program delivered by
1696 private prekindergarten providers.—

1697 (3) To be eligible to deliver the prekindergarten program,
1698 a private prekindergarten provider must meet each of the
1699 following requirements:

1700 (d) Each prekindergarten instructor employed by the private
1701 prekindergarten provider must be of good moral character, must
1702 be screened using the level 2 screening standards in s. 435.04
1703 before employment and rescreened at least once every 5 years,
1704 must be denied employment or terminated if required under s.
1705 435.06, and must not be ineligible to teach in a public school
1706 because his or her educator certificate is suspended or revoked.

1707 Section 34. For the purpose of incorporating the amendment
1708 made by this act to section 435.04, Florida Statutes, in a
1709 reference thereto, subsection (5) of section 1002.61, Florida
1710 Statutes, is reenacted to read:

1711 1002.61 Summer prekindergarten program delivered by public

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1712 schools and private prekindergarten providers.-

1713 (5) Each prekindergarten instructor employed by a public
1714 school or private prekindergarten provider delivering the summer
1715 prekindergarten program must be of good moral character, must be
1716 screened using the level 2 screening standards in s. 435.04
1717 before employment and rescreened at least once every 5 years,
1718 must be denied employment or terminated if required under s.
1719 435.06, and must not be ineligible to teach in a public school
1720 because his or her educator certificate is suspended or revoked.
1721 This subsection does not supersede employment requirements for
1722 instructional personnel in public schools which are more
1723 stringent than the requirements of this subsection.

1724 Section 35. For the purpose of incorporating the amendment
1725 made by this act to section 435.04, Florida Statutes, in a
1726 reference thereto, subsection (5) of section 1002.63, Florida
1727 Statutes, is reenacted to read:

1728 1002.63 School-year prekindergarten program delivered by
1729 public schools.-

1730 (5) Each prekindergarten instructor employed by a public
1731 school delivering the school-year prekindergarten program must
1732 be of good moral character, must be screened using the level 2
1733 screening standards in s. 435.04 before employment and
1734 rescreened at least once every 5 years, must be denied
1735 employment or terminated if required under s. 435.06, and must
1736 not be ineligible to teach in a public school because his or her
1737 educator certificate is suspended or revoked. This subsection
1738 does not supersede employment requirements for instructional
1739 personnel in public schools which are more stringent than the
1740 requirements of this subsection.

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1741 Section 36. For the purpose of incorporating the amendment
1742 made by this act to section 435.04, Florida Statutes, in a
1743 reference thereto, paragraph (e) of subsection (2) of section
1744 1006.20, Florida Statutes, is reenacted to read:

1745 1006.20 Athletics in public K-12 schools.—

1746 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

1747 (e) The FHSAA shall adopt bylaws that regulate persons who
1748 conduct investigations on behalf of the FHSAA. The bylaws shall
1749 include provisions that require an investigator to:

1750 1. Undergo level 2 background screening under s. 435.04,
1751 establishing that the investigator has not committed any
1752 disqualifying offense listed in s. 435.04, unless the
1753 investigator can provide proof of compliance with level 2
1754 screening standards submitted within the previous 5 years to
1755 meet any professional licensure requirements, provided:

1756 a. The investigator has not had a break in service from a
1757 position that requires level 2 screening for more than 90 days;
1758 and

1759 b. The investigator submits, under penalty of perjury, an
1760 affidavit verifying that the investigator has not committed any
1761 disqualifying offense listed in s. 435.04 and is in full
1762 compliance with this paragraph.

1763 2. Be appointed as an investigator by the executive
1764 director.

1765 3. Carry a photo identification card that shows the FHSAA
1766 name, logo, and the investigator's official title.

1767 4. Adhere to the following guidelines:

1768 a. Investigate only those alleged violations assigned by
1769 the executive director or the board of directors.

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1770 b. Conduct interviews on Monday through Friday between the
1771 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
1772 the interviewee.

1773 c. Allow the parent of any student being interviewed to be
1774 present during the interview.

1775 d. Search residences or other private areas only with the
1776 permission of the executive director and the written consent of
1777 the student's parent and only with a parent or a representative
1778 of the parent present.

1779 Section 37. For the purpose of incorporating the amendment
1780 made by this act to section 435.04, Florida Statutes, in a
1781 reference thereto, section 1012.321, Florida Statutes, is
1782 reenacted to read:

1783 1012.321 Exceptions for certain instructional personnel
1784 from background screening requirements.—Instructional personnel
1785 who are required to undergo level 2 background screening under
1786 s. 393.0655 or s. 402.305 and who meet the level 2 screening
1787 standards in s. 435.04 are not required to be rescreened in
1788 order to satisfy the screening requirements in s. 1012.32 if the
1789 instructional personnel:

1790 (1) Have completed the criminal history check within 5
1791 years prior to having direct contact with students;

1792 (2) Are rescreened every 5 years and meet the level 2
1793 screening standards; and

1794 (3) Have their fingerprints retained by the Department of
1795 Law Enforcement.

1796 Section 38. For the purpose of incorporating the amendment
1797 made by this act to section 435.04, Florida Statutes, in a
1798 reference thereto, paragraph (b) of subsection (2) of section

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1799 1012.468, Florida Statutes, is reenacted to read:

1800 1012.468 Exceptions to certain fingerprinting and criminal
1801 history checks.—

1802 (2) A district school board shall exempt from the screening
1803 requirements set forth in ss. 1012.465 and 1012.467 the
1804 following noninstructional contractors:

1805 (b) Noninstructional contractors who are required by law to
1806 undergo a level 2 background screening pursuant to s. 435.04 for
1807 licensure, certification, employment, or other purposes and who
1808 submit evidence of meeting the following criteria:

1809 1. The contractor meets the screening standards in s.
1810 435.04;

1811 2. The contractor's license or certificate is active and in
1812 good standing, if the contractor is a licensee or
1813 certificateholder; and

1814 3. The contractor completed the criminal history check
1815 within 5 years prior to seeking access to school grounds when
1816 students are present.

1817 Section 39. For the purpose of incorporating the amendment
1818 made by this act to section 1012.315, Florida Statutes, in a
1819 reference thereto, paragraph (b) of subsection (4) of section
1820 1001.10, Florida Statutes, is reenacted to read:

1821 1001.10 Commissioner of Education; general powers and
1822 duties.—

1823 (4) The Department of Education shall:

1824 (b) Maintain a disqualification list that includes all of
1825 the following:

1826 1. The identity of each person who has been permanently
1827 denied an educator certificate or whose educator certificate has

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1828 been permanently revoked and has been placed on the list as
1829 directed by the Education Practices Commission pursuant to s.
1830 1012.795(1) or s. 1012.796(7).

1831 2. The identity of each person who has been permanently
1832 disqualified by the commissioner from owning or operating a
1833 private school that participates in state scholarship programs
1834 under s. 1002.421.

1835 3. The identity of each person who has been terminated, or
1836 has resigned in lieu of termination, from employment as a result
1837 of sexual misconduct with a student.

1838 4. The identity of each person who is ineligible for
1839 educator certification or employment pursuant to s. 1012.315.

1840 Section 40. For the purpose of incorporating the amendment
1841 made by this act to section 1012.315, Florida Statutes, in a
1842 reference thereto, subsection (6) of section 1001.42, Florida
1843 Statutes, is reenacted to read:

1844 1001.42 Powers and duties of district school board.—The
1845 district school board, acting as a board, shall exercise all
1846 powers and perform all duties listed below:

1847 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
1848 establishing standards of ethical conduct for educational
1849 support employees, instructional personnel, administrative
1850 personnel, and school officers. The policies must require all
1851 educational support employees, instructional personnel,
1852 administrative personnel, and school officers, as defined in s.
1853 1012.01, to complete training on the standards; establish the
1854 duty of educational support employees, instructional personnel,
1855 administrative personnel, and school officers to report, and
1856 procedures for reporting, alleged misconduct by other

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1857 educational support employees, instructional or administrative
1858 personnel, and school officers which affects the health, safety,
1859 or welfare of a student, including misconduct that involves
1860 engaging in or soliciting sexual, romantic, or lewd conduct with
1861 a student; require the district school superintendent to report
1862 to law enforcement misconduct by educational support employees,
1863 instructional personnel, or school administrators that would
1864 result in disqualification from educator certification or
1865 employment as provided in s. 1012.315; and include an
1866 explanation of the liability protections provided under ss.
1867 39.203 and 768.095. A district school board, or any of its
1868 employees or personnel, may not enter into a confidentiality
1869 agreement regarding terminated or dismissed educational support
1870 employees, instructional or administrative personnel, or school
1871 officers who resign in lieu of termination, based in whole or in
1872 part on misconduct that affects the health, safety, or welfare
1873 of a student, and may not provide educational support employees,
1874 instructional personnel, administrative personnel, or school
1875 officers with employment references or discuss the employees',
1876 personnel's, or officers' performance with prospective employers
1877 in another educational setting, without disclosing the
1878 employees', personnel's, or officers' misconduct. Any part of an
1879 agreement or contract that has the purpose or effect of
1880 concealing misconduct by educational support employees,
1881 instructional personnel, administrative personnel, or school
1882 officers which affects the health, safety, or welfare of a
1883 student is void, is contrary to public policy, and may not be
1884 enforced.

1885 Section 41. For the purpose of incorporating the amendment

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1886 made by this act to section 1012.315, Florida Statutes, in a
1887 reference thereto, paragraph (b) of subsection (12) of section
1888 1001.51, Florida Statutes, is reenacted to read:

1889 1001.51 Duties and responsibilities of district school
1890 superintendent.—The district school superintendent shall
1891 exercise all powers and perform all duties listed below and
1892 elsewhere in the law, provided that, in so doing, he or she
1893 shall advise and counsel with the district school board. The
1894 district school superintendent shall perform all tasks necessary
1895 to make sound recommendations, nominations, proposals, and
1896 reports required by law to be acted upon by the district school
1897 board. All such recommendations, nominations, proposals, and
1898 reports by the district school superintendent shall be either
1899 recorded in the minutes or shall be made in writing, noted in
1900 the minutes, and filed in the public records of the district
1901 school board. It shall be presumed that, in the absence of the
1902 record required in this section, the recommendations,
1903 nominations, and proposals required of the district school
1904 superintendent were not contrary to the action taken by the
1905 district school board in such matters.

1906 (12) RECORDS AND REPORTS.—Recommend such records as should
1907 be kept in addition to those prescribed by rules of the State
1908 Board of Education; prepare forms for keeping such records as
1909 are approved by the district school board; ensure that such
1910 records are properly kept; and make all reports that are needed
1911 or required, as follows:

1912 (b) *Reports to the department.*—Prepare, for the approval of
1913 the district school board, all reports required by law or rules
1914 of the State Board of Education to be made to the department and

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1915 transmit promptly all such reports, when approved, to the
1916 department, as required by law. If any reports are not
1917 transmitted at the time and in the manner prescribed by law or
1918 by State Board of Education rules, the salary of the district
1919 school superintendent must be withheld until the report has been
1920 properly submitted. Unless otherwise provided by rules of the
1921 State Board of Education, the annual report on attendance and
1922 personnel is due on or before July 1, and the annual school
1923 budget and the report on finance are due on the date prescribed
1924 by the commissioner.

1925
1926 Any district school superintendent who knowingly signs and
1927 transmits to any state official a report that the superintendent
1928 knows to be false or incorrect; who knowingly fails to complete
1929 the investigation of any allegation of misconduct that affects
1930 the health, safety, or welfare of a student, that would be a
1931 violation of s. 800.101, or that would be a disqualifying
1932 offense under s. 1012.315, or any allegation of sexual
1933 misconduct with a student; who knowingly fails to report the
1934 alleged misconduct to the department as required in s. 1012.796;
1935 or who knowingly fails to report misconduct to the law
1936 enforcement agencies with jurisdiction over the conduct pursuant
1937 to district school board policy under s. 1001.42(6), forfeits
1938 his or her salary for 1 year following the date of such act or
1939 failure to act.

1940 Section 42. For the purpose of incorporating the amendment
1941 made by this act to section 1012.315, Florida Statutes, in a
1942 reference thereto, paragraph (g) of subsection (12) of section
1943 1002.33, Florida Statutes, is reenacted to read:

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1944 1002.33 Charter schools.—

1945 (12) EMPLOYEES OF CHARTER SCHOOLS.—

1946 (g)1. A charter school shall employ or contract with

1947 employees who have undergone background screening as provided in

1948 s. 1012.32. Members of the governing board of the charter school

1949 shall also undergo background screening in a manner similar to

1950 that provided in s. 1012.32. An individual may not be employed

1951 as an employee or contract personnel of a charter school or

1952 serve as a member of a charter school governing board if the

1953 individual is on the disqualification list maintained by the

1954 department pursuant to s. 1001.10(4)(b).

1955 2. A charter school shall prohibit educational support

1956 employees, instructional personnel, and school administrators,

1957 as defined in s. 1012.01, from employment in any position that

1958 requires direct contact with students if the employees,

1959 personnel, or administrators are ineligible for such employment

1960 under s. 1012.315 or have been terminated or have resigned in

1961 lieu of termination for sexual misconduct with a student. If the

1962 prohibited conduct occurs while employed, a charter school must

1963 report the individual and the disqualifying circumstances to the

1964 department for inclusion on the disqualification list maintained

1965 pursuant to s. 1001.10(4)(b).

1966 3. The governing board of a charter school shall adopt

1967 policies establishing standards of ethical conduct for

1968 educational support employees, instructional personnel, and

1969 school administrators. The policies must require all educational

1970 support employees, instructional personnel, and school

1971 administrators, as defined in s. 1012.01, to complete training

1972 on the standards; establish the duty of educational support

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1973 employees, instructional personnel, and school administrators to
1974 report, and procedures for reporting, alleged misconduct that
1975 affects the health, safety, or welfare of a student; and include
1976 an explanation of the liability protections provided under ss.
1977 39.203 and 768.095. A charter school, or any of its employees,
1978 may not enter into a confidentiality agreement regarding
1979 terminated or dismissed educational support employees,
1980 instructional personnel, or school administrators, or employees,
1981 personnel, or administrators who resign in lieu of termination,
1982 based in whole or in part on misconduct that affects the health,
1983 safety, or welfare of a student, and may not provide employees,
1984 personnel, or administrators with employment references or
1985 discuss the employees', personnel's, or administrators'
1986 performance with prospective employers in another educational
1987 setting, without disclosing the employees', personnel's, or
1988 administrators' misconduct. Any part of an agreement or contract
1989 that has the purpose or effect of concealing misconduct by
1990 educational support employees, instructional personnel, or
1991 school administrators which affects the health, safety, or
1992 welfare of a student is void, is contrary to public policy, and
1993 may not be enforced.

1994 4. Before employing an individual in any position that
1995 requires direct contact with students, a charter school shall
1996 conduct employment history checks of each individual through use
1997 of the educator screening tools described in s. 1001.10(5), and
1998 document the findings. If unable to contact a previous employer,
1999 the charter school must document efforts to contact the
2000 employer.

2001 5. The sponsor of a charter school that knowingly fails to

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2002 comply with this paragraph shall terminate the charter under
2003 subsection (8).

2004 Section 43. For the purpose of incorporating the amendment
2005 made by this act to section 1012.315, Florida Statutes, in a
2006 reference thereto, paragraph (d) of subsection (6) of section
2007 1002.333, Florida Statutes, is reenacted to read:

2008 1002.333 Persistently low-performing schools.—

2009 (6) STATUTORY AUTHORITY.—

2010 (d) A hope operator may employ school administrators and
2011 instructional personnel who do not meet the requirements of s.
2012 1012.56 if the school administrators and instructional personnel
2013 are not ineligible for such employment under s. 1012.315.

2014 Section 44. For the purpose of incorporating the amendment
2015 made by this act to section 1012.315, Florida Statutes, in a
2016 reference thereto, paragraph (r) of subsection (1) of section
2017 1002.421, Florida Statutes, is reenacted to read:

2018 1002.421 State school choice scholarship program
2019 accountability and oversight.—

2020 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
2021 school participating in an educational scholarship program
2022 established pursuant to this chapter must be a private school as
2023 defined in s. 1002.01(2) in this state, be registered, and be in
2024 compliance with all requirements of this section in addition to
2025 private school requirements outlined in s. 1002.42, specific
2026 requirements identified within respective scholarship program
2027 laws, and other provisions of Florida law that apply to private
2028 schools, and must:

2029 (r) Prohibit education support employees, instructional
2030 personnel, and school administrators from employment in any

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2031 position that requires direct contact with students if the
2032 personnel or administrators are ineligible for such employment
2033 pursuant to this section or s. 1012.315, or have been terminated
2034 or have resigned in lieu of termination for sexual misconduct
2035 with a student. If the prohibited conduct occurs subsequent to
2036 employment, the private school must report the person and the
2037 disqualifying circumstances to the department for inclusion on
2038 the disqualification list maintained pursuant to s.
2039 1001.10(4)(b).

2040
2041 The department shall suspend the payment of funds to a private
2042 school that knowingly fails to comply with this subsection, and
2043 shall prohibit the school from enrolling new scholarship
2044 students, for 1 fiscal year and until the school complies. If a
2045 private school fails to meet the requirements of this subsection
2046 or has consecutive years of material exceptions listed in the
2047 report required under paragraph (q), the commissioner may
2048 determine that the private school is ineligible to participate
2049 in a scholarship program.

2050 Section 45. For the purpose of incorporating the amendment
2051 made by this act to section 1012.315, Florida Statutes, in a
2052 reference thereto, Subsection (1) of section 1012.32, Florida
2053 Statutes, is reenacted to read:

2054 1012.32 Qualifications of personnel.—

2055 (1) To be eligible for appointment in any position in any
2056 district school system, a person must be of good moral
2057 character; must have attained the age of 18 years, if he or she
2058 is to be employed in an instructional capacity; must not be
2059 ineligible for such employment under s. 1012.315; and must, when

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2060 required by law, hold a certificate or license issued under
2061 rules of the State Board of Education or the Department of
2062 Children and Families, except when employed pursuant to s.
2063 1012.55 or under the emergency provisions of s. 1012.24.
2064 Previous residence in this state shall not be required in any
2065 school of the state as a prerequisite for any person holding a
2066 valid Florida certificate or license to serve in an
2067 instructional capacity.

2068 Section 46. For the purpose of incorporating the amendment
2069 made by this act to section 1012.315, Florida Statutes, in a
2070 reference thereto, paragraphs (a) and (d) of subsection (10) of
2071 section 1012.56, Florida Statutes, are reenacted to read:

2072 1012.56 Educator certification requirements.—

2073 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
2074 PERIODICALLY.—

2075 (a) Each person who seeks certification under this chapter
2076 must be fingerprinted and screened in accordance with s. 1012.32
2077 and must not be ineligible for such certification under s.
2078 1012.315. A person who has been screened in accordance with s.
2079 1012.32 by a district school board or the Department of
2080 Education within 12 months before the date the person initially
2081 obtains certification under this chapter, the results of which
2082 are submitted to the district school board or to the Department
2083 of Education, is not required to repeat the screening under this
2084 paragraph.

2085 (d) If it is found under s. 1012.796 that a person who is
2086 employed in a position requiring certification under this
2087 chapter has not been screened in accordance with s. 1012.32, or
2088 is ineligible for such certification under s. 1012.315, the

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2089 person's certification shall be immediately revoked or suspended
2090 and he or she shall be immediately suspended from the position
2091 requiring certification.

2092 Section 47. For the purpose of incorporating the amendment
2093 made by this act to section 1012.315, Florida Statutes, in a
2094 reference thereto, subsection (1) of section 1012.795, Florida
2095 Statutes, is reenacted to read:

2096 1012.795 Education Practices Commission; authority to
2097 discipline.—

2098 (1) The Education Practices Commission may suspend the
2099 educator certificate of any instructional personnel or school
2100 administrator, as defined in s. 1012.01(2) or (3), for up to 5
2101 years, thereby denying that person the right to teach or
2102 otherwise be employed by a district school board or public
2103 school in any capacity requiring direct contact with students
2104 for that period of time, after which the person may return to
2105 teaching as provided in subsection (4); may revoke the educator
2106 certificate of any person, thereby denying that person the right
2107 to teach or otherwise be employed by a district school board or
2108 public school in any capacity requiring direct contact with
2109 students for up to 10 years, with reinstatement subject to
2110 subsection (4); may permanently revoke the educator certificate
2111 of any person thereby denying that person the right to teach or
2112 otherwise be employed by a district school board or public
2113 school in any capacity requiring direct contact with students;
2114 may suspend a person's educator certificate, upon an order of
2115 the court or notice by the Department of Revenue relating to the
2116 payment of child support; may direct the department to place a
2117 certificateholder employed by a public school, charter school,

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2118 charter school governing board, or private school that
2119 participates in a state scholarship program under chapter 1002
2120 on the disqualification list maintained by the department
2121 pursuant to s. 1001.10(4)(b) for misconduct that would render
2122 the person ineligible pursuant to s. 1012.315 or sexual
2123 misconduct with a student; or may impose any other penalty
2124 provided by law, if the person:

2125 (a) Obtained or attempted to obtain an educator certificate
2126 by fraudulent means.

2127 (b) Knowingly failed to report actual or suspected child
2128 abuse as required in s. 1006.061 or report alleged misconduct by
2129 instructional personnel or school administrators which affects
2130 the health, safety, or welfare of a student as required in s.
2131 1012.796.

2132 (c) Has proved to be incompetent to teach or to perform
2133 duties as an employee of the public school system or to teach in
2134 or to operate a private school.

2135 (d) Has been guilty of gross immorality or an act involving
2136 moral turpitude as defined by rule of the State Board of
2137 Education, including engaging in or soliciting sexual, romantic,
2138 or lewd conduct with a student or minor.

2139 (e) Has had an educator certificate or other professional
2140 license sanctioned by this or any other state or has had the
2141 authority to practice the regulated profession revoked,
2142 suspended, or otherwise acted against, including a denial of
2143 certification or licensure, by the licensing or certifying
2144 authority of any jurisdiction, including its agencies and
2145 subdivisions. The licensing or certifying authority's acceptance
2146 of a relinquishment, stipulation, consent order, or other

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2147 settlement offered in response to or in anticipation of the
2148 filing of charges against the licensee or certificateholder
2149 shall be construed as action against the license or certificate.
2150 For purposes of this section, a sanction or action against a
2151 professional license, a certificate, or an authority to practice
2152 a regulated profession must relate to being an educator or the
2153 fitness of or ability to be an educator.

2154 (f) Has been convicted or found guilty of, has had
2155 adjudication withheld for, or has pled guilty or nolo contendere
2156 to a misdemeanor, felony, or any other criminal charge, other
2157 than a minor traffic violation.

2158 (g) Upon investigation, has been found guilty of personal
2159 conduct that seriously reduces that person's effectiveness as an
2160 employee of the district school board.

2161 (h) Has breached a contract, as provided in s. 1012.33(2)
2162 or s. 1012.335.

2163 (i) Has been the subject of a court order or notice by the
2164 Department of Revenue pursuant to s. 409.2598 directing the
2165 Education Practices Commission to suspend the certificate as a
2166 result of noncompliance with a child support order, a subpoena,
2167 an order to show cause, or a written agreement with the
2168 Department of Revenue.

2169 (j) Has violated the Principles of Professional Conduct for
2170 the Education Profession prescribed by State Board of Education
2171 rules.

2172 (k) Has otherwise violated the provisions of law, the
2173 penalty for which is the revocation of the educator certificate.

2174 (l) Has violated any order of the Education Practices
2175 Commission.

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2176 (m) Has been the subject of a court order or plea agreement
2177 in any jurisdiction which requires the certificateholder to
2178 surrender or otherwise relinquish his or her educator's
2179 certificate. A surrender or relinquishment shall be for
2180 permanent revocation of the certificate. A person may not
2181 surrender or otherwise relinquish his or her certificate prior
2182 to a finding of probable cause by the commissioner as provided
2183 in s. 1012.796.

2184 (n) Has been disqualified from educator certification under
2185 s. 1012.315.

2186 (o) Has committed a third recruiting offense as determined
2187 by the Florida High School Athletic Association (FHSAA) pursuant
2188 to s. 1006.20(2)(b).

2189 (p) Has violated test security as provided in s. 1008.24.
2190 Section 48. For the purpose of incorporating the amendment
2191 made by this act to section 1012.315, Florida Statutes, in a
2192 reference thereto, paragraph (i) of subsection (7) of section
2193 1012.796, Florida Statutes, is reenacted to read:

2194 1012.796 Complaints against teachers and administrators;
2195 procedure; penalties.—

2196 (7) A panel of the commission shall enter a final order
2197 either dismissing the complaint or imposing one or more of the
2198 following penalties:

2199 (i) Direct the department to place instructional personnel
2200 or school administrators on the disqualification list maintained
2201 by the department pursuant to s. 1001.10(4)(b) for conduct that
2202 would render the person ineligible pursuant to s. 1012.315 or
2203 sexual misconduct with a student.

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2205 The penalties imposed under this subsection are in addition to,
2206 and not in lieu of, the penalties required for a third
2207 recruiting offense pursuant to s. 1006.20(2)(b).

2208 Section 49. For the purpose of incorporating the amendment
2209 made by this act to section 1012.467, Florida Statutes, in a
2210 reference thereto, subsection (2) and paragraph (a) of
2211 subsection (3) of section 1012.468, Florida Statutes, are
2212 reenacted to read:

2213 1012.468 Exceptions to certain fingerprinting and criminal
2214 history checks.—

2215 (2) A district school board shall exempt from the screening
2216 requirements set forth in ss. 1012.465 and 1012.467 the
2217 following noninstructional contractors:

2218 (a)1. Noninstructional contractors who are under the direct
2219 supervision of a school district employee or contractor who has
2220 had a criminal history check and meets the screening
2221 requirements under s. 1012.32, s. 1012.465, s. 1012.467, or s.
2222 1012.56. For purposes of this paragraph, the term "direct
2223 supervision" means that a school district employee or contractor
2224 is physically present with a noninstructional contractor when
2225 the contractor has access to a student and the access remains in
2226 the school district employee's or the contractor's line of
2227 sight.

2228 2. If a noninstructional contractor who is exempt under
2229 this subsection is no longer under direct supervision as
2230 specified in subparagraph 1., the contractor may not be
2231 permitted on school grounds when students are present until the
2232 contractor meets the screening requirements in s. 1012.465 or s.
2233 1012.467.

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2234 (b) Noninstructional contractors who are required by law to
2235 undergo a level 2 background screening pursuant to s. 435.04 for
2236 licensure, certification, employment, or other purposes and who
2237 submit evidence of meeting the following criteria:

2238 1. The contractor meets the screening standards in s.
2239 435.04;

2240 2. The contractor's license or certificate is active and in
2241 good standing, if the contractor is a licensee or
2242 certificateholder; and

2243 3. The contractor completed the criminal history check
2244 within 5 years prior to seeking access to school grounds when
2245 students are present.

2246 (c) A law enforcement officer, as defined in s. 943.10, who
2247 is assigned or dispatched to school grounds by his or her
2248 employer.

2249 (d) An employee or medical director of an ambulance
2250 provider, licensed pursuant to chapter 401, who is providing
2251 services within the scope of part III of chapter 401 on behalf
2252 of such ambulance provider.

2253 (e) Noninstructional contractors who remain at a site where
2254 students are not permitted if the site is separated from the
2255 remainder of the school grounds by a single chain-link fence of
2256 6 feet in height.

2257 (f) A noninstructional contractor who provides pickup or
2258 delivery services and those services involve brief visits on
2259 school grounds when students are present.

2260 (g) An investigator for the Florida High School Athletic
2261 Association (FHSAA) who meets the requirements under s.
2262 1006.20(2)(e).

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2263 (3) (a) A noninstructional contractor who is exempt under
2264 this section from the screening requirements set forth in s.
2265 1012.465 or s. 1012.467 is subject to a search of his or her
2266 name or other identifying information against the registration
2267 information regarding sexual predators and sexual offenders
2268 maintained by the Department of Law Enforcement under s. 943.043
2269 and the National Sex Offender Public Registry maintained by the
2270 United States Department of Justice. The school district shall
2271 conduct the search required under this subsection without charge
2272 or fee to the contractor.

2273 Section 50. For the 2023-2024 fiscal year, the sums of
2274 \$285,367 in recurring funds from the Health Care Trust Fund and
2275 \$581,064 in nonrecurring funds from the Health Care Trust Fund
2276 are appropriated to the Agency for Health Care Administration
2277 and five full-time equivalent positions with associated salary
2278 rate of 173,431 are authorized for the purpose of implementing
2279 this act.

2280 Section 51. This act shall take effect July 1, 2024.