

By the Committee on Appropriations; and Senator Grall

576-04247-23

2023676c1

1 A bill to be entitled
2 An act relating to level 2 background screenings;
3 amending s. 435.02, F.S.; providing definitions;
4 amending s. 435.04, F.S.; expanding authorized records
5 that may be checked during a level 2 background
6 screening; adding additional disqualifying offenses to
7 level 2 background screening requirements; removing
8 obsolete language; amending s. 435.12, F.S.;
9 authorizing certain qualified entities to participate
10 in the Care Provider Background Screening
11 Clearinghouse beginning on a specified date; requiring
12 the Agency for Health Care Administration to perform
13 certain actions beginning on a specified date;
14 requiring the clearinghouse to share eligibility
15 determinations with certain entities; revising the
16 timeframe for certain reporting requirements; revising
17 deadlines for rescreening certain employees; removing
18 obsolete language; conforming provisions to changes
19 made by the act; amending s. 943.0438, F.S.; revising
20 the definition of the term "athletic coach"; requiring
21 level 2, instead of level 1, background screenings for
22 current and prospective athletic coaches; providing
23 timeframes for independent sanctioning authorities to
24 disqualify certain persons from acting as an athletic
25 coach for certain reasons; requiring independent
26 sanctioning authorities to participate in a specified
27 system; conforming provisions to changes made by the
28 act; amending s. 943.05, F.S.; expanding the agencies
29 and entities which may use the Criminal Justice

576-04247-23

2023676c1

30 Information Program; requiring the program to develop,
31 for federal approval, a specified method for
32 identifying or verifying an individual; amending s.
33 943.0542, F.S.; requiring qualified entities to
34 initiate background criminal history checks through
35 the Department of Law Enforcement or the clearinghouse
36 beginning on a specified date; providing requirements
37 for qualified entities initiating criminal history
38 checks through the clearinghouse; providing
39 requirements for the clearinghouse; revising standards
40 for determinations of whether a criminal history
41 record shows certain information; requiring the agency
42 to make certain determinations regarding the
43 eligibility of certain employees or volunteers
44 beginning on a specified date; amending s. 1012.315,
45 F.S.; revising screening requirements for specified
46 individuals; requiring the agency to make certain
47 determinations regarding the eligibility of certain
48 employees beginning on a specified date; conforming
49 provisions to changes made by the act; amending s.
50 1012.467, F.S.; requiring the agency to make certain
51 determinations regarding the eligibility of certain
52 noninstructional contractors beginning on a specified
53 date; amending s. 1012.56, F.S.; requiring the records
54 of a person applying for educator certification to be
55 referred to the agency beginning on a specified date;
56 requiring background screening results to be submitted
57 to the clearinghouse by a specified date; reenacting
58 ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333,

576-04247-23

2023676c1

59 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796,
60 F.S., to incorporate the amendments made by this act
61 to s. 1012.315, F.S., in references thereto;
62 reenacting s. 1012.468, F.S., to incorporate the
63 amendments made by this act to s. 1012.467, F.S., in a
64 reference thereto; providing an appropriation;
65 requiring that certain provisions be implemented by
66 the later of a specified date or a date determined by
67 the agency; providing effective dates.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Present subsections (1) through (4), (5), and
72 (6) of section 435.02, Florida Statutes, are redesignated as
73 subsections (2) through (5), (7), and (8), respectively, and new
74 subsections (1) and (6) are added to that section, to read:

75 435.02 Definitions.—For the purposes of this chapter, the
76 term:

77 (1) "Affiliation" means the status of a person employed or
78 serving as a volunteer or contractor with a qualified entity in
79 a position for which screening is not required by law but is
80 authorized under the National Child Protection Act.

81 (6) "Qualified entity" has the same meaning as in s.
82 943.0542(1).

83 Section 2. Paragraphs (a), (b), and (d) of subsection (1)
84 and subsection (2) of section 435.04, Florida Statutes, are
85 amended to read:

86 435.04 Level 2 screening standards.—

87 (1) (a) All employees required by law to be screened under

576-04247-23

2023676c1

88 ~~pursuant to~~ this section must undergo security background
89 investigations as a condition of employment and continued
90 employment which includes, but is not ~~need not be~~ limited to,
91 fingerprinting for statewide criminal history records checks
92 through the Department of Law Enforcement, ~~and~~ national criminal
93 history records checks through the Federal Bureau of
94 Investigation, and ~~may include~~ local criminal records checks
95 through local law enforcement agencies. A security background
96 investigation under this section also includes a search of the
97 sexual predator and sexual offender registries of any state in
98 which the current or prospective employee resided during the
99 immediate preceding 5 years.

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

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

107 (2) The security background investigations under this
108 section must ensure that ~~no~~ persons subject to ~~the provisions of~~
109 this section have not been arrested for and are awaiting final
110 disposition of, have not been found guilty of, regardless of
111 adjudication, or entered a plea of nolo contendere or guilty to,
112 or have not been adjudicated delinquent and the record has not
113 been sealed or expunged for, any offense prohibited under any of
114 the following provisions of state law or similar law of another
115 jurisdiction:

116 (a) Section 393.135, relating to sexual misconduct with

576-04247-23

2023676c1

117 certain developmentally disabled clients and reporting of such
118 sexual misconduct.

119 (b) Section 394.4593, relating to sexual misconduct with
120 certain mental health patients and reporting of such sexual
121 misconduct.

122 (c) Section 415.111, relating to adult abuse, neglect, or
123 exploitation of aged persons or disabled adults.

124 (d) Section 777.04, relating to attempts, solicitation, and
125 conspiracy to commit an offense listed in this subsection.

126 (e) Section 782.04, relating to murder.

127 (f) Section 782.07, relating to manslaughter, aggravated
128 manslaughter of an elderly person or disabled adult, or
129 aggravated manslaughter of a child.

130 (g) Section 782.071, relating to vehicular homicide.

131 (h) Section 782.09, relating to killing of an unborn child
132 by injury to the mother.

133 (i) Chapter 784, relating to assault, battery, and culpable
134 negligence, if the offense was a felony.

135 (j) Section 784.011, relating to assault, if the victim of
136 the offense was a minor.

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

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

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

141 (n) Section 784.075, relating to battery on staff of a
142 detention or commitment facility or on a juvenile probation
143 officer.

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

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

576-04247-23

2023676c1

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

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

151 (s)~~(p)~~ Section 787.04(3), relating to carrying a child
152 beyond the state lines with criminal intent to avoid producing a
153 child at a custody hearing or delivering the child to the
154 designated person.

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

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

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

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

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

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

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

167 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious
168 behavior.

169 (bb)~~(*)~~ Chapter 800, relating to lewdness and indecent
170 exposure and offenses against students by authority figures.

171 (cc)~~(y)~~ Section 806.01, relating to arson.

172 (dd)~~(z)~~ Section 810.02, relating to burglary.

173 (ee)~~(aa)~~ Section 810.14, relating to voyeurism, if the
174 offense is a felony.

576-04247-23

2023676c1

175 (ff)~~(bb)~~ Section 810.145, relating to video voyeurism, if
176 the offense is a felony.

177 (gg)~~(ee)~~ Chapter 812, relating to theft, robbery, and
178 related crimes, if the offense is a felony.

179 (hh)~~(dd)~~ Section 817.563, relating to fraudulent sale of
180 controlled substances, only if the offense was a felony.

181 (ii)~~(ee)~~ Section 825.102, relating to abuse, aggravated
182 abuse, or neglect of an elderly person or disabled adult.

183 (jj)~~(ff)~~ Section 825.1025, relating to lewd or lascivious
184 offenses committed upon or in the presence of an elderly person
185 or disabled adult.

186 (kk)~~(gg)~~ Section 825.103, relating to exploitation of an
187 elderly person or disabled adult, if the offense was a felony.

188 (ll)~~(hh)~~ Section 826.04, relating to incest.

189 (mm)~~(ii)~~ Section 827.03, relating to child abuse,
190 aggravated child abuse, or neglect of a child.

191 (nn)~~(jj)~~ Section 827.04, relating to contributing to the
192 delinquency or dependency of a child.

193 (oo)~~(kk)~~ Former s. 827.05, relating to negligent treatment
194 of children.

195 (pp)~~(ll)~~ Section 827.071, relating to sexual performance by
196 a child.

197 (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with
198 violence.

199 (rr)~~(nn)~~ Section 843.025, relating to depriving a law
200 enforcement, correctional, or correctional probation officer
201 means of protection or communication.

202 (ss)~~(oo)~~ Section 843.12, relating to aiding in an escape.

203 (tt)~~(pp)~~ Section 843.13, relating to aiding in the escape

576-04247-23

2023676c1

204 of juvenile inmates in correctional institutions.

205 (uu)~~(qq)~~ Chapter 847, relating to obscene literature.

206 (vv)~~(rr)~~ Section 874.05, relating to encouraging or

207 recruiting another to join a criminal gang.

208 (ww)~~(ss)~~ Chapter 893, relating to drug abuse prevention and

209 control, only if the offense was a felony or if any other person

210 involved in the offense was a minor.

211 (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct

212 with certain forensic clients and reporting of such sexual

213 misconduct.

214 (yy)~~(uu)~~ Section 944.35(3), relating to inflicting cruel or

215 inhuman treatment on an inmate resulting in great bodily harm.

216 (zz)~~(vv)~~ Section 944.40, relating to escape.

217 (aaa)~~(ww)~~ Section 944.46, relating to harboring,

218 concealing, or aiding an escaped prisoner.

219 (bbb)~~(xx)~~ Section 944.47, relating to introduction of

220 contraband into a correctional facility.

221 (ccc)~~(yy)~~ Section 985.701, relating to sexual misconduct in

222 juvenile justice programs.

223 (ddd)~~(zz)~~ Section 985.711, relating to contraband

224 introduced into detention facilities.

225 Section 3. Effective upon this act becoming a law,

226 subsections (1) and (2) and paragraph (a) of subsection (3) of

227 section 435.12, Florida Statutes, are amended to read:

228 435.12 Care Provider Background Screening Clearinghouse.—

229 (1) The Agency for Health Care Administration in

230 consultation with the Department of Law Enforcement shall create

231 a secure web-based system, which shall be known as the "Care

232 Provider Background Screening Clearinghouse" or

576-04247-23

2023676c1

233 ~~"clearinghouse."~~ and which shall be implemented to the full
234 extent practicable no later than September 30, 2013, subject to
235 the specified agencies being funded and equipped to participate
236 in such program. The clearinghouse must ~~shall~~ allow the results
237 of criminal history checks provided to the specified agencies
238 and, beginning January 1, 2026, or a later date as determined by
239 the Agency for Health Care Administration, to qualified entities
240 participating in the clearinghouse for screening of persons
241 qualified as care providers under s. 943.0542 to be shared among
242 the specified agencies and qualified entities when a person has
243 applied to volunteer, be employed, be licensed, ~~or~~ enter into a
244 contract, or has an affiliation that allows or that requires a
245 state and national fingerprint-based criminal history check.
246 Beginning January 1, 2025, or a later date as determined by the
247 Agency for Health Care Administration, the Agency for Health
248 Care Administration shall review and determine eligibility for
249 all criminal history checks submitted to the clearinghouse for
250 the Department of Education. The clearinghouse shall share
251 eligibility determinations with the Department of Education and
252 the qualified entities. The Agency for Health Care
253 Administration and the Department of Law Enforcement may adopt
254 rules to create forms or implement procedures needed to carry
255 out this section.

256 (2) (a) To ensure that the information in the clearinghouse
257 is current, the fingerprints of a person ~~an employee required to~~
258 ~~be screened by a specified agency~~ and included in the
259 clearinghouse must be:

260 1. Retained by the Department of Law Enforcement pursuant
261 to s. 943.05(2)(g) and (h) and (3), and the Department of Law

576-04247-23

2023676c1

262 Enforcement must report the results of searching those
263 fingerprints against state incoming arrest fingerprint
264 submissions to the Agency for Health Care Administration for
265 inclusion in the clearinghouse.

266 2. Retained by the Federal Bureau of Investigation in the
267 national retained print arrest notification program as soon as
268 the Department of Law Enforcement begins participation in such
269 program. Arrest prints will be searched against retained prints
270 at the Federal Bureau of Investigation and notification of
271 arrests will be forwarded to the Florida Department of Law
272 Enforcement and reported to the Agency for Health Care
273 Administration for inclusion in the clearinghouse.

274 3. Resubmitted for a Federal Bureau of Investigation
275 national criminal history check every 5 years until such time as
276 the fingerprints are retained by the Federal Bureau of
277 Investigation.

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

281 5. Submitted with a photograph of the person taken at the
282 time the fingerprints are submitted.

283 (b) Until such time as the fingerprints are enrolled in the
284 national retained print arrest notification program at the
285 Federal Bureau of Investigation, a person ~~an employee~~ with a
286 break in service of more than 90 days from a position that
287 requires screening by a specified agency or qualified entity
288 must submit to a national screening if the person returns to a
289 position that requires screening by a specified agency or
290 qualified entity.

576-04247-23

2023676c1

291 (c) An employer of persons subject to screening or a
292 qualified entity participating in the clearinghouse ~~by a~~
293 ~~specified agency~~ must register with the clearinghouse and
294 maintain the employment or affiliation status of all persons
295 included in employees within the clearinghouse. Initial
296 employment or affiliation status and any changes in status must
297 be reported within 5 10 business days after a person receives
298 his or her initial status or after a change in his or her status
299 has been made.

300 (d) An employer or a qualified entity participating in the
301 clearinghouse must register with and initiate all criminal
302 history checks through the clearinghouse before referring an
303 employee or potential employee or a person with a current or
304 potential affiliation with a qualified entity for electronic
305 fingerprint submission to the Department of Law Enforcement. The
306 registration must include the person's ~~employee's~~ full first
307 name, middle initial, and last name; social security number;
308 date of birth; mailing address; sex; and race. Individuals,
309 persons, applicants, and controlling interests that cannot
310 legally obtain a social security number must provide an
311 individual taxpayer identification number.

312 (3) (a) Employees of each district unit under s. 1001.30,
313 special district units under s. 1011.24, the Florida School for
314 the Deaf and the Blind under s. 1002.36, the Florida Virtual
315 School under s. 1002.37, virtual instruction programs under s.
316 1002.45, charter schools under s. 1002.33, hope operators under
317 s. 1002.333, private schools participating in an educational
318 scholarship program established pursuant to chapter 1002, and
319 alternative schools under s. 1008.341 must be rescreened in

576-04247-23

2023676c1

320 compliance with the following schedule:

321 1. Employees for whom the last screening was conducted on
322 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,
323 2025 ~~2024~~.

324 2. Employees for whom the last screening was conducted
325 between July 1, 2021 ~~2019~~, and June 30, 2022 ~~2021~~, must be
326 rescreened by June 30, 2026 ~~2025~~.

327 3. Employees for whom the last screening was conducted
328 between July 1, 2022 ~~2021~~, and December 31, 2023 ~~2022~~, must be
329 rescreened by June 30, 2027 ~~2026~~.

330 Section 4. Paragraph (a) of subsection (1), paragraphs (a)
331 and (b) of subsection (2), and subsection (4) of section
332 943.0438, Florida Statutes, are amended to read:

333 943.0438 Athletic coaches for independent sanctioning
334 authorities.—

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

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

337 1. Is authorized by an independent sanctioning authority to
338 work as a coach, assistant coach, manager, or referee ~~for 20 or~~
339 ~~more hours within a calendar year~~, whether for compensation or
340 as a volunteer, for a youth athletic team based in this state;
341 and

342 2. Has direct contact with one or more minors on the youth
343 athletic team.

344 (2) An independent sanctioning authority shall:

345 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening under s.
346 435.04 ~~pursuant to s. 435.03~~ of each current and prospective
347 athletic coach. The authority may not delegate this
348 responsibility to an individual team and may not authorize any

576-04247-23

2023676c1

349 person to act as an athletic coach unless a level 2 ± background
350 screening is conducted and does not result in disqualification
351 under paragraph (b). ~~Level 1 background screenings shall be~~
352 ~~conducted annually for each athletic coach. For purposes of this~~
353 ~~section, a background screening shall include a search of the~~
354 ~~athletic coach's name or other identifying information against~~
355 ~~state and federal registries of sexual predators and sexual~~
356 ~~offenders, which are available to the public on Internet sites~~
357 ~~provided by:~~

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

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

361 2. ~~For purposes of this section, a background screening~~
362 ~~conducted by a commercial consumer reporting agency in~~
363 ~~compliance with the federal Fair Credit Reporting Act using the~~
364 ~~identifying information referenced in subparagraph 1. that~~
365 ~~includes a level 1 background screening and a search of that~~
366 ~~information against the sexual predator and sexual offender~~
367 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
368 ~~deemed to satisfy the requirements of this paragraph.~~

369 (b) 1. Before January 1, 2026, or a later date as determined
370 by the Agency for Health Care Administration for the
371 participation of qualified entities in the Care Provider
372 Background Screening Clearinghouse under s. 435.12, disqualify
373 any person from acting as an athletic coach as provided in s.
374 435.04 s. 435.03 or if he or she is identified on a registry
375 described in paragraph (a). The authority may allow a person
376 disqualified under this subparagraph ~~paragraph~~ to act as an
377 athletic coach if it determines that the person meets the

576-04247-23

2023676c1

378 requirements for an exemption from disqualification under s.
379 435.07.

380 2. On or after January 1, 2026, or a later date as
381 determined by the Agency for Health Care Administration, not
382 allow any person to act as an athletic coach if he or she does
383 not pass the background screening qualifications in s. 435.04.
384 The authority may allow a person disqualified under this
385 subparagraph to act as an athletic coach if the person has
386 successfully completed the exemption from the disqualification
387 process under s. 435.07.

388 (4) ~~The Legislature encourages~~ Independent sanctioning
389 authorities for youth athletic teams must ~~to~~ participate in the
390 Volunteer and Employee Criminal History System, as authorized by
391 the National Child Protection Act of 1993 and s. 943.0542.

392 Section 5. Paragraph (h) of subsection (2) of section
393 943.05, Florida Statutes, is amended, and paragraph (i) is added
394 to that subsection, to read:

395 943.05 Criminal Justice Information Program; duties; crime
396 reports.—

397 (2) The program shall:

398 (h) For each specified agency, as defined in s. 435.02,
399 each qualified entity participating in the Care Provider
400 Background Screening Clearinghouse under s. 435.12, or any other
401 agency or qualified entity that officially requests retention of
402 fingerprints or for which retention is otherwise required by
403 law, search all arrest fingerprint submissions received under s.
404 943.051 against the fingerprints retained in the statewide
405 automated biometric identification system under paragraph (g).

406 1. Any arrest record that is identified with the retained

576-04247-23

2023676c1

407 fingerprints of a person subject to background screening as
408 provided in paragraph (g) must ~~shall~~ be reported to the
409 appropriate agency or qualified entity.

410 2. To participate in this search process, agencies or
411 qualified entities must notify each person fingerprinted that
412 his or her fingerprints will be retained, pay an annual fee to
413 the department unless otherwise provided by law, and inform the
414 department of any change in the affiliation, employment, or
415 contractual status of each person whose fingerprints are
416 retained under paragraph (g) if such change removes or
417 eliminates the agency or qualified entity's basis or need for
418 receiving reports of any arrest of that person, so that the
419 agency or qualified entity is not obligated to pay the upcoming
420 annual fee for the retention and searching of that person's
421 fingerprints to the department. The department shall adopt a
422 rule setting the amount of the annual fee to be imposed upon
423 each participating agency or qualified entity for performing
424 these searches and establishing the procedures for the retention
425 of fingerprints and the dissemination of search results. The fee
426 may be borne by the agency, qualified entity, or person subject
427 to fingerprint retention or as otherwise provided by law.
428 Consistent with the recognition of criminal justice agencies
429 expressed in s. 943.053(3), these services must ~~shall~~ be
430 provided to criminal justice agencies for criminal justice
431 purposes free of charge. Qualified entities that elect to
432 participate in the fingerprint retention and search process are
433 required to timely remit the fee to the department by a payment
434 mechanism approved by the department. If requested by the
435 qualified entity, and with the approval of the department, such

576-04247-23

2023676c1

436 fees may be timely remitted to the department by a qualified
437 entity upon receipt of an invoice for such fees from the
438 department. Failure of a qualified entity to pay the amount due
439 on a timely basis or as invoiced by the department may result in
440 the refusal by the department to permit the qualified entity to
441 continue to participate in the fingerprint retention and search
442 process until all fees due and owing are paid.

443 3. Agencies that participate in the fingerprint retention
444 and search process may adopt rules pursuant to ss. 120.536(1)
445 and 120.54 to require employers to keep the agency informed of
446 any change in the affiliation, employment, or contractual status
447 of each person whose fingerprints are retained under paragraph
448 (g) if such change removes or eliminates the agency's basis or
449 need for receiving reports of any arrest of that person, so that
450 the agency is not obligated to pay the upcoming annual fee for
451 the retention and searching of that person's fingerprints to the
452 department.

453 (i) Develop, for federal approval, a method for identifying
454 or verifying a person through automated biometrics.

455 Section 6. Subsections (2) through (6) of section 943.0542,
456 Florida Statutes, are amended to read:

457 943.0542 Access to criminal history information provided by
458 the department to qualified entities.-

459 (2)(a) Beginning January 1, 2026, or a later date as
460 determined by the Agency for Health Care Administration, a
461 qualified entity must initiate all background criminal history
462 checks through the department or through the Care Provider
463 Background Screening Clearinghouse under s. 435.12.

464 (a)1. If a qualified entity initiates a background criminal

576-04247-23

2023676c1

465 history check through the department, the qualified entity must:

466 a. Register with the department before submitting a request
467 for screening under this section. Each such request must be
468 voluntary and conform to the requirements established in the
469 National Child Protection Act of 1993, as amended. As a part of
470 the registration, the qualified entity must agree to comply with
471 state and federal law and must so indicate by signing an
472 agreement approved by the department. The department shall ~~may~~
473 periodically audit qualified entities to ensure compliance with
474 federal law and this section.

475 b. ~~(b) A qualified entity shall~~ Submit to the department a
476 request for screening an employee or volunteer or person
477 applying to be an employee or volunteer by submitting
478 fingerprints, or the request may be submitted electronically.
479 The qualified entity must maintain a signed waiver allowing the
480 release of the state and national criminal history record
481 information to the qualified entity.

482 2. ~~(e)~~ Each ~~such~~ request for screening must be accompanied
483 by payment of a fee for a statewide criminal history check by
484 the department established by s. 943.053, plus the amount
485 currently prescribed by the Federal Bureau of Investigation for
486 the national criminal history check in compliance with the
487 National Child Protection Act of 1993, as amended. Payments must
488 be made in the manner prescribed by the department by rule.

489 3. ~~(d)~~ Any current or prospective employee or volunteer who
490 is subject to a request for screening must indicate to the
491 qualified entity submitting the request the name and address of
492 each qualified entity that has submitted a previous request for
493 screening regarding that employee or volunteer.

576-04247-23

2023676c1

494 (b) Once a qualified entity initiates a background criminal
495 history check through the Care Provider Background Screening
496 Clearinghouse, the qualified entity must comply with s. 435.12.
497 All fingerprints received pursuant to this section must be
498 entered into the clearinghouse as provided in s. 435.12.

499 (3) The department or the Care Provider Background
500 Screening Clearinghouse shall provide directly to the qualified
501 entity the state criminal history records that are not exempt
502 from disclosure under chapter 119 or otherwise confidential
503 under law. A person who is the subject of a state criminal
504 history record may challenge the record only as provided in s.
505 943.056.

506 (4) The national criminal history data is available to
507 qualified entities to use only for the purpose of screening
508 employees and volunteers or persons applying to be an employee
509 or volunteer with a qualified entity. The department or Care
510 Provider Background Screening Clearinghouse shall provide this
511 national criminal history record information directly to the
512 qualified entity as authorized by the written waiver required
513 for submission of a request to the department.

514 (5) The determination whether the criminal history record
515 shows that the employee or volunteer has not been arrested for
516 and is awaiting final disposition of, regardless of
517 adjudication, or entered a plea of nolo contendere or guilty to,
518 or has been adjudicated delinquent and the record has not been
519 sealed or expunged for, any offense listed under s. 435.02(2)
520 ~~convicted of or is under pending indictment for any crime that~~
521 ~~bears upon the fitness of the employee or volunteer to have~~
522 ~~responsibility for the safety and well-being of children, the~~

576-04247-23

2023676c1

523 ~~elderly, or disabled persons~~ shall solely be made by the
524 qualified entity. Beginning January 1, 2026, or a later date as
525 determined by the Agency for Health Care Administration, the
526 Agency for Health Care Administration shall determine the
527 eligibility of the employee or volunteer of a qualified entity.
528 This section does not require the department to make such a
529 determination on behalf of any qualified entity.

530 (6) The qualified entity must notify in writing the person
531 of his or her right to obtain a copy of any background screening
532 report, including the criminal history records, if any,
533 contained in the report, and of the person's right to challenge
534 the accuracy and completeness of any information contained in
535 any such report and to obtain a determination as to the validity
536 of such challenge before a final determination regarding the
537 person is made by the qualified entity reviewing the criminal
538 history information. A qualified entity that is required by law
539 to apply screening criteria, including any right to contest or
540 request an exemption from disqualification, shall apply such
541 screening criteria to the state and national criminal history
542 record information received from the department or Care Provider
543 Background Screening Clearinghouse for those persons subject to
544 the required screening.

545 Section 7. Section 1012.315, Florida Statutes, is amended
546 to read:

547 1012.315 Screening standards.—A person is ineligible for
548 educator certification or employment in any position that
549 requires direct contact with students in a district school
550 system, a charter school, or a private school that participates
551 in a state scholarship program under chapter 1002 if the person:

576-04247-23

2023676c1

552 (1) Is on the disqualification list maintained by the
553 department under ~~pursuant to~~ s. 1001.10(4)(b); or

554 (2) Is registered as a sex offender as described in 42
555 U.S.C. s. 9858f(c)(1)(C); or

556 (3) Is ineligible based on a security background
557 investigation under s. 435.04(2). Beginning January 1, 2025, or
558 a later date as determined by the Agency for Health Care
559 Administration, the Agency for Health Care Administration shall
560 determine the eligibility of employees in any position that
561 requires direct contact with students in a district school
562 system, a charter school, or a private school that participates
563 in a state scholarship program under chapter 1002;

564 (4) Would be ineligible for an exemption under s.
565 435.07(4)(c); or, ~~or has been convicted or found guilty of, has~~
566 ~~had adjudication withheld for, or has pled guilty or nolo~~
567 ~~contendere to:~~

568 ~~(1) Any felony offense prohibited under any of the~~
569 ~~following statutes:~~

570 ~~(a) Section 393.135, relating to sexual misconduct with~~
571 ~~certain developmentally disabled clients and reporting of such~~
572 ~~sexual misconduct.~~

573 ~~(b) Section 394.4593, relating to sexual misconduct with~~
574 ~~certain mental health patients and reporting of such sexual~~
575 ~~misconduct.~~

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

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

579 ~~(e) Section 782.07, relating to manslaughter; aggravated~~
580 ~~manslaughter of an elderly person or disabled adult; aggravated~~

576-04247-23

2023676c1

581 ~~manslaughter of a child; or aggravated manslaughter of an~~
582 ~~officer, a firefighter, an emergency medical technician, or a~~
583 ~~paramedic.~~

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

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

586 ~~(h) Section 784.075, relating to battery on a detention or~~
587 ~~commitment facility staff member or a juvenile probation~~
588 ~~officer.~~

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

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

591 ~~(k) Section 787.025, relating to luring or enticing a~~
592 ~~child.~~

593 ~~(l) Section 787.04(2), relating to leading, taking,~~
594 ~~enticing, or removing a minor beyond the state limits, or~~
595 ~~concealing the location of a minor, with criminal intent pending~~
596 ~~eustody proceedings.~~

597 ~~(m) Section 787.04(3), relating to leading, taking,~~
598 ~~enticing, or removing a minor beyond the state limits, or~~
599 ~~concealing the location of a minor, with criminal intent pending~~
600 ~~dependency proceedings or proceedings concerning alleged abuse~~
601 ~~or neglect of a minor.~~

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

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

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

609 ~~(q) Former s. 794.041, relating to sexual activity with or~~

576-04247-23

2023676c1

610 ~~solicitation of a child by a person in familial or custodial~~
611 ~~authority.~~

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

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

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

616 ~~(u) Chapter 800, relating to lewdness and indecent~~
617 ~~exposure.~~

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

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

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

622 ~~(y) Section 810.145, relating to video voyeurism.~~

623 ~~(z) Section 812.014(6), relating to coordinating the~~
624 ~~commission of theft in excess of \$3,000.~~

625 ~~(aa) Section 812.0145, relating to theft from persons 65~~
626 ~~years of age or older.~~

627 ~~(bb) Section 812.019, relating to dealing in stolen~~
628 ~~property.~~

629 ~~(cc) Section 812.13, relating to robbery.~~

630 ~~(dd) Section 812.131, relating to robbery by sudden~~
631 ~~snatching.~~

632 ~~(ee) Section 812.133, relating to carjacking.~~

633 ~~(ff) Section 812.135, relating to home invasion robbery.~~

634 ~~(gg) Section 817.563, relating to fraudulent sale of~~
635 ~~controlled substances.~~

636 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
637 ~~or neglect of an elderly person or disabled adult.~~

638 ~~(ii) Section 825.103, relating to exploitation of an~~

576-04247-23

2023676c1

639 ~~elderly person or disabled adult.~~

640 ~~(jj) Section 825.1025, relating to lewd or lascivious~~

641 ~~offenses committed upon or in the presence of an elderly person~~

642 ~~or disabled person.~~

643 ~~(kk) Section 826.04, relating to incest.~~

644 ~~(ll) Section 827.03, relating to child abuse, aggravated~~

645 ~~child abuse, or neglect of a child.~~

646 ~~(mm) Section 827.04, relating to contributing to the~~

647 ~~delinquency or dependency of a child.~~

648 ~~(nn) Section 827.071, relating to sexual performance by a~~

649 ~~child.~~

650 ~~(oo) Section 843.01, relating to resisting arrest with~~

651 ~~violence.~~

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

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

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

655 ~~gang.~~

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

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

658 ~~greater severity.~~

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

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

661 ~~misconduct.~~

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

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

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

665 ~~juvenile justice programs.~~

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

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

576-04247-23

2023676c1

668 ~~commitment program.~~

669 ~~(2) Any misdemeanor offense prohibited under any of the~~
670 ~~following statutes:~~

671 ~~(a) Section 784.03, relating to battery, if the victim of~~
672 ~~the offense was a minor.~~

673 ~~(b) Section 787.025, relating to luring or enticing a~~
674 ~~child.~~

675 (5)(3) Has been convicted or found guilty of, has had
676 adjudication withheld for, or has pled guilty or nolo contendere
677 to:

678 (a) Any criminal act committed in another state or under
679 federal law which, if committed in this state, constitutes a
680 disqualifying an offense prohibited under any statute listed in
681 s. 435.04(2) subsection (1) or subsection (2).

682 (b)(4) Any delinquent act committed in this state or any
683 delinquent or criminal act committed in another state or under
684 federal law which, if committed in this state, qualifies an
685 individual for inclusion on the Registered Juvenile Sex Offender
686 List under s. 943.0435(1)(h)1.d.

687 Section 8. Paragraph (a) of subsection (2) of section
688 1012.467, Florida Statutes, is amended to read:

689 1012.467 Noninstructional contractors who are permitted
690 access to school grounds when students are present; background
691 screening requirements.—

692 (2) (a) A fingerprint-based criminal history check must
693 ~~shall~~ be performed on each noninstructional contractor who is
694 permitted access to school grounds when students are present,
695 whose performance of the contract with the school or school
696 board is not anticipated to result in direct contact with

576-04247-23

2023676c1

697 students, and for whom any unanticipated contact would be
698 infrequent and incidental using the process described in s.
699 1012.32(3). The results of each criminal history check must
700 ~~shall~~ be reported to the school district in which the individual
701 is seeking access and entered into the shared system described
702 in subsection (7). The school district shall screen the results
703 using the disqualifying offenses in paragraph (b). Beginning
704 January 1, 2025, or a later date as determined by the Agency for
705 Health Care Administration, the Agency for Health Care
706 Administration shall determine the eligibility of a
707 noninstructional contractor. The cost of the criminal history
708 check may be borne by the district school board, the school, or
709 the contractor.

710 Section 9. Paragraph (d) of subsection (2) and paragraph
711 (a) of subsection (10) of section 1012.56, Florida Statutes, are
712 amended to read:

713 1012.56 Educator certification requirements.—

714 (2) ELIGIBILITY CRITERIA.—To be eligible to seek
715 certification, a person must:

716 (d) Submit to background screening in accordance with
717 subsection (10). If the background screening indicates a
718 criminal history or if the applicant acknowledges a criminal
719 history, the applicant's records shall be referred to the
720 investigative section in the Department of Education for review
721 and determination of eligibility for certification. Beginning
722 January 1, 2025, or a later date as determined by the Agency for
723 Health Care Administration, the applicant's records must be
724 referred to the Agency for Health Care Administration. If the
725 applicant fails to provide the necessary documentation requested

576-04247-23

2023676c1

726 by the department within 90 days after the date of the receipt
727 of the certified mail request, the statement of eligibility and
728 pending application shall become invalid.

729 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
730 PERIODICALLY.—

731 (a) Each person who seeks certification under this chapter
732 must be fingerprinted and screened in accordance with s. 1012.32
733 and must not be ineligible for such certification under s.
734 1012.315. A person who has been screened in accordance with s.
735 1012.32 by a district school board or the Department of
736 Education within 12 months before the date the person initially
737 obtains certification under this chapter, the results of which
738 are submitted to the district school board or to the Department
739 of Education, is not required to repeat the screening under this
740 paragraph. Beginning January 1, 2025, or a later date as
741 determined by the Agency for Health Care Administration, the
742 background screening results must be submitted to the Care
743 Provider Background Screening Clearinghouse.

744 Section 10. (1) Sections 1001.10, 1001.42, 1001.51,
745 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and
746 1012.796, Florida Statutes, are reenacted for the purpose of
747 incorporating the amendments made by this act to s. 1012.315,
748 Florida Statutes, in references thereto.

749 (2) Section 1012.468, Florida Statutes, is reenacted for
750 the purpose of incorporating the amendments made by this act to
751 s. 1012.467, Florida Statutes, in a reference thereto.

752 Section 11. (1) For the 2023-2024 fiscal year, the sums of
753 \$400,000 in recurring funds from the Health Care Trust Fund and
754 \$4 million in nonrecurring funds from the Health Care Trust Fund

576-04247-23

2023676c1

755 are appropriated to the Agency for Health Care Administration.

756 (2) This section shall take effect July 1, 2023.

757 Section 12. The changes made to s. 435.12, Florida
758 Statutes, by this act must be implemented by January 1, 2025, or
759 a later date as determined by the Agency for Health Care
760 Administration.

761 Section 13. Except as otherwise expressly provided in this
762 act and except for this section, which shall take effect upon
763 this act becoming a law, this act shall take effect July 1,
764 2024.