

Bill No. CS for CS for SB 2280

Barcode 981072

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity  
(Argenziano) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause,

and insert:

Section 1. Effective August 1, 2006, section 322.141,  
Florida Statutes, is amended to read:

322.141 Color or markings of certain licenses or  
identification cards.--

(1) All licenses originally issued or reissued by the  
department to persons under the age of 21 years for the  
operation of motor vehicles shall have markings or color which  
shall be obviously separate and distinct from all other  
licenses issued by the department for the operation of motor  
vehicles.

(2)(a) All licenses for the operation of motor  
vehicles originally issued or reissued by the department to  
persons who have insulin-dependent diabetes may, at the  
request of the applicant, have distinctive markings separate

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1 and distinct from all other licenses issued by the department.

2 (b) At the time of application for original license or  
3 reissue, the department shall require such proof as it deems  
4 appropriate that a person has insulin-dependent diabetes.

5 (3) All licenses for the operation of motor vehicles  
6 or identification cards originally issued or reissued by the  
7 department to persons who are designated as sexual predators  
8 under s. 775.21 or subject to registration as sexual offenders  
9 under s. 943.0435 or s. 944.607 shall have on the front of the  
10 license the following:

11 (a) For a person designated as a sexual predator under  
12 s. 775.21, the marking "775.21, F.S."

13 (b) For a person subject to registration as a sexual  
14 offender under s. 943.0435 or s. 944.607, the marking  
15 "943.0435, F.S."

16 Section 2. Effective February 1, 2007, paragraph (c)  
17 is added to subsection (5) of section 322.212, Florida  
18 Statutes, to read:

19 322.212 Unauthorized possession of, and other unlawful  
20 acts in relation to, driver's license or identification  
21 card.--

22 (5)

23 (c) It is unlawful for any person to have in his or  
24 her possession a driver's license or identification card upon  
25 which the sexual predator or sexual offender markings required  
26 by s. 322.141 are not displayed or have been altered.

27 Section 3. Paragraph (f) of subsection (6) of section  
28 775.21, Florida Statutes, is amended to read:

29 775.21 The Florida Sexual Predators Act.--

30 (6) REGISTRATION.--

31 (f) Within 48 hours after the registration required

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1 under paragraph (a) or paragraph (e), a sexual predator who is  
 2 not incarcerated and who resides in the community, including a  
 3 sexual predator under the supervision of the Department of  
 4 Corrections, shall register in person at a driver's license  
 5 office of the Department of Highway Safety and Motor Vehicles  
 6 and shall present proof of registration. At the driver's  
 7 license office the sexual predator shall:

8           1. If otherwise qualified, secure a Florida driver's  
 9 license, renew a Florida driver's license, or secure an  
 10 identification card. The sexual predator shall identify  
 11 himself or herself as a sexual predator who is required to  
 12 comply with this section, provide his or her place of  
 13 permanent or temporary residence, including a rural route  
 14 address and a post office box, and submit to the taking of a  
 15 photograph for use in issuing a driver's license, renewed  
 16 license, or identification card, and for use by the department  
 17 in maintaining current records of sexual predators. A post  
 18 office box shall not be provided in lieu of a physical  
 19 residential address. If the sexual predator's place of  
 20 residence is a motor vehicle, trailer, mobile home, or  
 21 manufactured home, as defined in chapter 320, the sexual  
 22 predator shall also provide to the Department of Highway  
 23 Safety and Motor Vehicles the vehicle identification number;  
 24 the license tag number; the registration number; and a  
 25 description, including color scheme, of the motor vehicle,  
 26 trailer, mobile home, or manufactured home. If a sexual  
 27 predator's place of residence is a vessel, live-aboard vessel,  
 28 or houseboat, as defined in chapter 327, the sexual predator  
 29 shall also provide to the Department of Highway Safety and  
 30 Motor Vehicles the hull identification number; the  
 31 manufacturer's serial number; the name of the vessel,

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1 live-aboard vessel, or houseboat; the registration number; and  
2 a description, including color scheme, of the vessel,  
3 live-aboard vessel, or houseboat.

4           2. Pay the costs assessed by the Department of Highway  
5 Safety and Motor Vehicles for issuing or renewing a driver's  
6 license or identification card as required by this section.  
7 The driver's license or identification card issued shall  
8 comply with s. 322.141(3).

9           3. Provide, upon request, any additional information  
10 necessary to confirm the identity of the sexual predator,  
11 including a set of fingerprints.

12  
13 The sheriff shall promptly provide to the department the  
14 information received from the sexual predator.

15           Section 4. Subsection (3) of section 943.0435, Florida  
16 Statutes, is amended to read:

17           943.0435 Sexual offenders required to register with  
18 the department; penalty.--

19           (3) Within 48 hours after the report required under  
20 subsection (2), a sexual offender shall report in person at a  
21 driver's license office of the Department of Highway Safety  
22 and Motor Vehicles, unless a driver's license or  
23 identification card that complies with the requirements of s.  
24 322.141(3) was previously secured or updated under s. 944.607.  
25 At the driver's license office the sexual offender shall:

26           (a) If otherwise qualified, secure a Florida driver's  
27 license, renew a Florida driver's license, or secure an  
28 identification card. The sexual offender shall identify  
29 himself or herself as a sexual offender who is required to  
30 comply with this section and shall provide proof that the  
31 sexual offender reported as required in subsection (2). The

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1 sexual offender shall provide any of the information specified  
2 in subsection (2), if requested. The sexual offender shall  
3 submit to the taking of a photograph for use in issuing a  
4 driver's license, renewed license, or identification card, and  
5 for use by the department in maintaining current records of  
6 sexual offenders.

7 (b) Pay the costs assessed by the Department of  
8 Highway Safety and Motor Vehicles for issuing or renewing a  
9 driver's license or identification card as required by this  
10 section. The driver's license or identification card issued  
11 shall comply with s. 322.141(3).

12 (c) Provide, upon request, any additional information  
13 necessary to confirm the identity of the sexual offender,  
14 including a set of fingerprints.

15 Section 5. Subsection (9) of section 944.607, Florida  
16 Statutes, is amended to read:

17 944.607 Notification to Department of Law Enforcement  
18 of information on sexual offenders.--

19 (9) A sexual offender, as described in this section,  
20 who is under the supervision of the Department of Corrections  
21 but who is not incarcerated shall, in addition to the  
22 registration requirements provided in subsection (4), register  
23 and obtain a distinctive driver's license or identification  
24 card in the manner provided in s. 943.0435(3), (4), and (5),  
25 unless the sexual offender is a sexual predator, in which case  
26 he or she shall register and obtain a distinctive driver's  
27 license or identification card as required under s. 775.21. A  
28 sexual offender who fails to comply with the requirements of  
29 s. 943.0435 is subject to the penalties provided in s.  
30 943.0435(9).

31 Section 6. Subsection (1) of section 1012.465, Florida

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1 Statutes, is amended to read:

2 1012.465 Background screening requirements for certain  
3 noninstructional school district employees and contractors.--

4 (1) Except as provided in s. 1012.467,  
5 noninstructional school district employees or contractual  
6 personnel who are permitted access on school grounds when  
7 students are present, who have direct contact with students or  
8 who have access to or control of school funds must meet level  
9 2 screening requirements as described in s. 1012.32.

10 Contractual personnel shall include any vendor, individual, or  
11 entity under contract with a school or the school board.

12 Section 7. Section 1012.467, Florida Statutes, is  
13 created to read:

14 1012.467 Noninstructional contractors who are  
15 permitted access to school grounds when students are present;  
16 background screening requirements.--

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

18 (a) "Noninstructional contractor" means any vendor,  
19 individual, or entity under contract with a school or with the  
20 school board who receives remuneration for services performed  
21 for the school district or a school, but who is not otherwise  
22 considered an employee of the school district. The term also  
23 includes any employee of a contractor who performs services  
24 for the school district or school under the contract and any  
25 subcontractor and its employees.

26 (b) "Convicted" has the same meaning as in s.  
27 943.0435.

28 (c) "School grounds" means the buildings and grounds  
29 of any public prekindergarten, kindergarten, elementary  
30 school, middle school, junior high school, high school, or  
31 secondary school, or any combination of grades prekindergarten

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1 through grade 12, together with the school district land on  
2 which the buildings are located. The term does not include:

3 1. Any other facility or location where school classes  
4 or activities may be located or take place;

5 2. The buildings and grounds of any public  
6 prekindergarten, kindergarten, elementary school, middle  
7 school, junior high school, high school, or secondary school,  
8 or contiguous school district land, during any time period in  
9 which students are not permitted access; or

10 3. Any building described in this paragraph during any  
11 period in which it is used solely as a career or technical  
12 center under part IV of chapter 1004 for postsecondary and  
13 adult education.

14 (2)(a) A fingerprint-based criminal history check  
15 shall be performed on the noninstructional contractors who are  
16 permitted access to school grounds when students are present  
17 and who do not have direct contact with students. Criminal  
18 history checks shall be performed at least once every 3 years.  
19 For the initial criminal history check, each noninstructional  
20 contractor who is subject to the criminal history check shall  
21 file with the Department of Law Enforcement a complete set of  
22 fingerprints taken by an authorized law enforcement agency or  
23 an employee of a school district, a public school, or a  
24 private company who is trained to take fingerprints. The  
25 fingerprints shall be electronically submitted for state  
26 processing to the Department of Law Enforcement, which shall  
27 in turn submit the fingerprints to the Federal Bureau of  
28 Investigation for national processing. The results of each  
29 criminal history check shall be reported to the school  
30 district in which the individual is seeking access and entered  
31 into the shared system described in subsection (7). The school

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1 district shall screen the results using the disqualifying  
 2 offenses in paragraph (g). The cost of the criminal history  
 3 check may be borne by the district school board, the school,  
 4 or the contractor. A fee that is charged by a district school  
 5 board for such checks may not exceed 30 percent of the total  
 6 amount charged by the Department of Law Enforcement and the  
 7 Federal Bureau of Investigation.

8 (b) As authorized by law, the Department of Law  
 9 Enforcement shall retain the fingerprints submitted by the  
 10 school districts pursuant to this subsection to the Department  
 11 of Law Enforcement for a criminal history background screening  
 12 in a manner provided by rule and enter the fingerprints in the  
 13 statewide automated fingerprint identification system  
 14 authorized by s. 943.05(2)(b). The fingerprints shall  
 15 thereafter be available for all purposes and uses authorized  
 16 for arrest fingerprint cards entered into the statewide  
 17 automated fingerprint identification system under s. 943.051.

18 (c) As authorized by law, the Department of Law  
 19 Enforcement shall search all arrest fingerprint cards received  
 20 under s. 943.051 against the fingerprints retained in the  
 21 statewide automated fingerprint identification system under  
 22 paragraph (b).

23 (d) School districts may participate in the search  
 24 process described in this subsection by payment of an annual  
 25 fee to the Department of La Enforcement.

26 (e) A fingerprint retained pursuant to this subsection  
 27 shall be purged from the automated fingerprint identification  
 28 system 3 years from the date the fingerprint was initially  
 29 submitted. The Department of law enforcement shall set the  
 30 amount of the annual fee to be imposed upon each participating  
 31 agency for performing these searches and establishing the



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1 procedures for the retention of fingerprints and the  
 2 dissemination of search results. The fee may be borne as  
 3 provided by law. Fees may be waived or reduced by the  
 4 executive director of the Department of Law Enforcement for  
 5 good cause shown.

6 (f) A noninstructional contractor who is subject to a  
 7 criminal history check under this section shall inform a  
 8 school district that he or she has completed a criminal  
 9 history check in another school district within the last 3  
 10 years. The school district shall verify the results of the  
 11 contractor's criminal history check using the shared system  
 12 described in subsection (7). The school district shall not  
 13 charge the contractor a fee for verifying the results of his  
 14 or her criminal history check.

15 (g) A noninstructional contractor for whom a criminal  
 16 history check is required under this section may not have been  
 17 convicted of any of the following offenses designated in the  
 18 Florida Statutes, any similar offense in another jurisdiction,  
 19 or any similar offense committed in this state that has been  
 20 redesignated from a former provision of the Florida Statutes  
 21 to one of the following offenses:

22 1. Any offense listed in s. 943.0435(1)(a)1., relating  
 23 to the registration of an individual as a sexual offender.

24 2. Section 393.135, relating to sexual misconduct with  
 25 certain developmentally disabled clients and the reporting of  
 26 such sexual misconduct.

27 3. Section 394.4593, relating to sexual misconduct  
 28 with certain mental health patients and the reporting of such  
 29 sexual misconduct.

30 4. Section 775.30, relating to terrorism.

31 5. Section 782.04, relating to murder.

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1           6. Section 787.01, relating to kidnapping.

2           7. Any offense under chapter 800, relating to lewdness  
3 and indecent exposure.

4           8. Section 826.04, relating to incest.

5           9. Section 827.03, relating to child abuse, aggravated  
6 child abuse, or neglect of a child.

7           (3) If it is found that a noninstructional contractor  
8 has been convicted of any of the offenses listed in paragraph  
9 (g), the individual shall be immediately suspended from having  
10 access to school grounds and shall remain suspended unless and  
11 until the conviction has been set aside in any postconviction  
12 proceeding.

13           (4) A noninstructional contractor who has been  
14 convicted of any of the offenses listed in paragraph (2)(g)  
15 may not be permitted on school grounds when students are  
16 present, unless the contractor has received a full pardon or  
17 has had his or her civil rights restored.

18           (5) If a school district has reasonable cause to  
19 believe that grounds exist for the denial of a contractor's  
20 access to school grounds when students are present, it shall  
21 notify the contractor in writing, stating the specific record  
22 that indicates noncompliance with the standards set forth in  
23 this section. It is the responsibility of the affected  
24 contractor to contest his or her denial. The only basis for  
25 contesting the denial is proof of mistaken identity.

26           (6) Each contractor who is subject to the requirements  
27 of this section shall agree to inform his or her employer or  
28 the party to whom he or she is under contract and the school  
29 district within 48 hours if he or she is arrested for any of  
30 the disqualifying offenses in paragraph (2)(g). A contractor  
31 who willfully fails to comply with this subsection commits a

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1 misdemeanor of the first degree, punishable as provided in s.  
2 775.082 or s. 775.083.

3 (7)(a) The Department of Law Enforcement shall  
4 implement a system that allows for the results of a criminal  
5 history check provided to a school district to be shared with  
6 other school districts through a secure Internet website or  
7 other secure electronic means. The Department of Law  
8 Enforcement may adopt rules under ss. 120.536(1) and 120.54 to  
9 implement this provision.

10 (b) An employee of a school district, a charter  
11 school, a lab school, a charter lab school, or the Florida  
12 School for the Deaf and the Blind who requests or shares  
13 criminal history information under this section is immune from  
14 civil or criminal liability for any good-faith conduct that  
15 occurs during the performance of and within the scope of  
16 responsibilities related to the record check.

17 Section 8. Section 1012.468, Florida Statutes, is  
18 created to read:

19 1012.468 Exceptions to certain fingerprinting and  
20 criminal history checks.--

21 (1) As used in this section, the term  
22 "noninstructional contractor" means any vendor, individual, or  
23 entity under contract with a school or with the school board  
24 who receives remuneration for services performed for the  
25 school district or a school, but who is not otherwise  
26 considered an employee of the school district. The term also  
27 includes any employee of a contractor who performs services  
28 for the school district or school under the contract and any  
29 subcontractor and its employees.

30 (2) A district school board shall exempt from the  
31 screening requirements set forth in ss. 1012.465 and 1012.467

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1 the following noninstructional contractors:

2       (a)1. Noninstructional contractors who are under the  
3 direct supervision of a school district employee or contractor  
4 who has had a criminal history check and meets the screening  
5 requirements under s. 1012.32, s. 1012.465, s. 1012.467, or s.  
6 1012.56. For purposes of this paragraph, the term "direct  
7 supervision" means that a school district employee or  
8 contractor is physically present with a noninstructional  
9 contractor when the contractor has access to a student and the  
10 access remains in the school district employee's or the  
11 contractor's line of sight.

12       2. If a noninstructional contractor who is exempt  
13 under this subsection no longer is under direct supervision as  
14 specified in subparagraph 1., the contractor is not permitted  
15 on school grounds when students are present until the  
16 contractor meets the screening requirements in s. 1012.465 or  
17 s. 1012.467.

18       (b) Noninstructional contractors who are required by  
19 law to undergo a level 2 background screening pursuant to s.  
20 435.04 for licensure, certification, employment, or other  
21 purposes and who submit evidence of meeting the following  
22 criteria:

23       1. The contractor meets the screening standards in s.  
24 435.04;

25       2. The contractor's license or certificate is active  
26 and in good standing, if the contractor is a licensee or  
27 certificateholder; and

28       3. The contractor completed the criminal history check  
29 within the 5 years prior to seeking access to school grounds  
30 when students are present.

31       (c) A law enforcement officer, as defined in s.

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1 943.10, who is assigned or dispatched to school grounds by his  
2 or her employer.

3 (d) A noninstructional contractor who remains at a  
4 separate and secure site that has perimeter fencing on school  
5 grounds.

6 (3)(a) A noninstructional contractor who is exempt  
7 under this section from the screening requirements set forth  
8 in s. 1012.465 or s. 1012.467 is subject to a search of his or  
9 her name or other identifying information against the  
10 registration information regarding sexual predators and sexual  
11 offenders maintained by the Department of Law Enforcement  
12 under s. 943.043 and the national sex offender public registry  
13 maintained by the United States Department of Justice. The  
14 school district shall conduct the search required under this  
15 subsection.

16 (b) A noninstructional contractor who is identified as  
17 a sexual predator or sexual offender in the registry search  
18 required in paragraph (a) is not permitted on school grounds  
19 when students are present.

20 (4) A school district may not subject a contractor who  
21 meets the requirements in subsection (2) to an additional  
22 criminal history check. Upon submission of evidence and  
23 verification by the school district, the school district must  
24 accept the results of the criminal history check for the  
25 contractor.

26 Section 9. Section 1012.321, Florida Statutes, is  
27 created to read:

28 1012.321 Exceptions for certain instructional  
29 personnel from background screening  
30 requirements.--Instructional personnel who are required to  
31 undergo level 2 background screening under s. 393.0655 or s.

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1 402.305 and who meet the level 2 screening standards in s.  
2 435.04 are not required to be rescreened in order to satisfy  
3 the screening requirements in s. 1012.32 if the instructional  
4 personnel:

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

7 (2) Are rescreened every 5 years and meet the level 2  
8 screening standards; and

9 (3) Have their prints retained by the Department of  
10 Law Enforcement.

11 Section 10. Except as otherwise expressly provided in  
12 this act, this act shall take effect July 1, 2006.

13  
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause,

18

19 and insert:

20 A bill to be entitled  
21 An act relating to high-risk offenders;  
22 amending s. 322.141, F.S.; requiring  
23 distinctive markings for driver's licenses and  
24 identification cards issued to persons who are  
25 designated as sexual predators or subject to  
26 registration as sexual offenders; amending s.  
27 322.212, F.S.; prohibiting the alteration of  
28 sexual predator or sexual offender markings on  
29 driver's licenses or identification cards, for  
30 which there are criminal penalties; amending s.  
31 775.21, F.S.; requiring sexual predators to

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1 obtain a distinctive driver's license or  
2 identification card; amending s. 943.0435,  
3 F.S.; requiring sexual offenders to obtain a  
4 distinctive driver's license or identification  
5 card; amending s. 944.607, F.S.; requiring  
6 specified offenders who are under the  
7 supervision of the Department of Corrections  
8 but are not incarcerated to obtain a  
9 distinctive driver's license or identification  
10 card; amending s. 1012.465, F.S.; amending  
11 background screening requirements for certain  
12 noninstructional school district employees and  
13 contractors; adding noninstructional  
14 contractors to those who must meet the  
15 screening requirements; defining the terms  
16 "noninstructional contractor," "convicted," and  
17 "school grounds"; creating s. 1012.467, F.S.;  
18 providing for the submission of fingerprints;  
19 requiring school districts to screen results of  
20 criminal records checks; requiring the cost of  
21 background screening requirements to be borne  
22 by certain parties; providing a cap on fees  
23 that may be charged; authorizing the retention  
24 of fingerprints; providing a list of violations  
25 that such persons must not have committed if  
26 they are to satisfy the screening requirements;  
27 providing sanctions for failure to meet  
28 requirements; providing grounds for contesting  
29 denial of access to school grounds; providing  
30 reporting requirements; providing that the  
31 failure to meet requirements is a misdemeanor

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1 of the first degree; allowing certain  
2 educational entities to share information  
3 derived from checks of criminal history  
4 records; authorizing the Department of Law  
5 Enforcement to adopt rules; providing immunity  
6 from civil or criminal liability; creating s.  
7 1012.468, F.S.; specifying exemptions for  
8 contractors; providing criteria and conditions;  
9 providing that exempted contractors are subject  
10 to a search of certain databases that list  
11 sexual predators and sexual offenders;  
12 providing consequences of a failure to meet the  
13 screening requirements; prohibiting school  
14 districts from conducting additional criminal  
15 history checks; creating s. 1012.321, F.S.;  
16 creating an exception for certain instructional  
17 personnel; providing criteria; providing  
18 effective dates.

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