

HB 7117

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## CHAMBER ACTION

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1 The Education Appropriations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to sexual predators and offenders;  
7 amending s. 322.141, F.S.; requiring distinctive markings  
8 for driver's licenses and identification cards issued to  
9 persons who are designated as sexual predators or subject  
10 to registration as sexual offenders; providing procedures  
11 for offenders to obtain such licenses or identification  
12 cards; providing for initial issuance; providing for  
13 future repeal of a specified provision; amending s.  
14 322.212, F.S.; prohibiting the alteration of sexual  
15 predator or sexual offender markings on driver's licenses  
16 or identification cards; providing criminal penalties;  
17 amending s. 775.21, F.S.; requiring sexual predators to  
18 obtain a distinctive driver's license or identification  
19 card; amending s. 943.0435, F.S.; requiring sexual  
20 offenders to obtain a distinctive driver's license or  
21 identification card; amending s. 944.607, F.S.; requiring  
22 specified offenders who are under the supervision of the  
23 Department of Corrections but are not incarcerated to

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24 | obtain a distinctive driver's license or identification  
25 | card; amending ss. 1002.33 and 1003.63, F.S.; revising  
26 | cross-references; amending s. 1012.32, F.S.; revising  
27 | provisions relating to background screening of school  
28 | district personnel; revising provisions relating to  
29 | fingerprints; providing procedures for periodic  
30 | rescreening of certain personnel; amending s. 1012.465,  
31 | F.S.; revising provisions relating to background  
32 | screenings of certain noninstructional school district  
33 | employees and other specified individuals; revising  
34 | provisions relating to periodic rescreening of certain  
35 | persons; creating s. 1012.4561, F.S.; providing  
36 | definitions; prohibiting contract workers who are  
37 | designated as sexual predators, subject to registration as  
38 | a sexual offenders, or who appear on the National Sex  
39 | Offender Public Registry from being present on school  
40 | grounds; providing criminal penalties; requiring contract  
41 | workers working on school grounds to be subject to a check  
42 | of Florida driver's licenses or identification cards for  
43 | the purposes of ascertaining their sexual offender and  
44 | sexual predator status and checked against the National  
45 | Sex Offender Public Registry; providing duties for certain  
46 | contract workers; providing penalties; requiring certain  
47 | individuals to report certain offenses; providing  
48 | penalties; providing exceptions; providing that no  
49 | provision of the section shall give rise to private civil  
50 | liability or create a private cause of action for monetary  
51 | damages; providing rulemaking authority to school boards;

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52 | amending s. 1012.56, F.S.; revising provisions relating to  
53 | background screening for educator certification; revising  
54 | provisions relating to periodic rescreening of such  
55 | persons; providing an appropriation; providing effective  
56 | dates.

57 |  
58 | Be It Enacted by the Legislature of the State of Florida:

59 |  
60 | Section 1. Effective August 1, 2006, subsection (3) is  
61 | added to section 322.141, Florida Statutes, to read:

62 | 322.141 Color or markings of certain licenses or  
63 | identification cards; procedures for sexual offenders and  
64 | predators to obtain marked licenses or identification cards.--

65 | (3) All licenses for the operation of motor vehicles or  
66 | identification cards originally issued or reissued by the  
67 | department to persons who are designated as sexual predators  
68 | under s. 775.21 or subject to registration as sexual offenders  
69 | under s. 943.0435 or s. 944.607 shall have on the front of the  
70 | license or identification card the following:

71 | (a) For a person designated as a sexual predator under s.  
72 | 775.21, the marking "775.21, F.S."

73 | (b) For a person subject to registration as a sexual  
74 | offender under s. 943.0435 or s. 944.607, the marking "943.0435,  
75 | F.S."

76 | (c) Each sexual predator under s. 775.21 or sexual  
77 | offender under s. 943.0435 or s. 944.607 shall report to the  
78 | department during the month of his or her reregistration  
79 | requirement pursuant to s. 775.21(8), s. 943.0435(14), or s.

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80 944.607(13) to obtain a marked driver's license or  
81 identification card as required under this subsection unless he  
82 or she previously secured such a marked driver's license or  
83 identification card.

84 (d) Notwithstanding paragraph (c), sexual predators under  
85 s. 775.21 and sexual offenders under s. 943.0435 or s. 944.607  
86 whose birth month is January or July must report during the  
87 month of August 2006, to the sheriff's office in the county in  
88 which they reside or, if they have no permanent or temporary  
89 residence, the county in which they are located, to receive  
90 their marked driver's license or identification card as required  
91 by s. 322.141(3). This paragraph expires January 1, 2007.

92 Section 2. Paragraph (c) is added to subsection (5) of  
93 section 322.212, Florida Statutes, to read:

94 322.212 Unauthorized possession of, and other unlawful  
95 acts in relation to, driver's license or identification card.--

96 (5)

97 (c) It is unlawful for any person on or after January 1,  
98 2007, to knowingly have in his or her possession a driver's  
99 license or identification card upon which the sexual predator or  
100 sexual offender markings required by s. 322.141(3) are not  
101 displayed or have been altered.

102 Section 3. Paragraph (f) of subsection (6) of section  
103 775.21, Florida Statutes, is amended to read:

104 775.21 The Florida Sexual Predators Act.--

105 (6) REGISTRATION.--

106 (f) Within 48 hours after the registration required under  
107 paragraph (a) or paragraph (e), a sexual predator who is not

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108 | incarcerated and who resides in the community, including a  
109 | sexual predator under the supervision of the Department of  
110 | Corrections, shall register in person at a driver's license  
111 | office of the Department of Highway Safety and Motor Vehicles  
112 | and shall present proof of registration. At the driver's license  
113 | office the sexual predator shall:

114 |       1. If otherwise qualified, secure a Florida driver's  
115 | license, renew a Florida driver's license, or secure an  
116 | identification card. The sexual predator shall identify himself  
117 | or herself as a sexual predator who is required to comply with  
118 | this section, provide his or her place of permanent or temporary  
119 | residence, including a rural route address and a post office  
120 | box, and submit to the taking of a photograph for use in issuing  
121 | a driver's license, renewed license, or identification card, and  
122 | for use by the department in maintaining current records of  
123 | sexual predators. A post office box shall not be provided in  
124 | lieu of a physical residential address. If the sexual predator's  
125 | place of residence is a motor vehicle, trailer, mobile home, or  
126 | manufactured home, as defined in chapter 320, the sexual  
127 | predator shall also provide to the Department of Highway Safety  
128 | and Motor Vehicles the vehicle identification number; the  
129 | license tag number; the registration number; and a description,  
130 | including color scheme, of the motor vehicle, trailer, mobile  
131 | home, or manufactured home. If a sexual predator's place of  
132 | residence is a vessel, live-aboard vessel, or houseboat, as  
133 | defined in chapter 327, the sexual predator shall also provide  
134 | to the Department of Highway Safety and Motor Vehicles the hull  
135 | identification number; the manufacturer's serial number; the

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136 name of the vessel, live-aboard vessel, or houseboat; the  
137 registration number; and a description, including color scheme,  
138 of the vessel, live-aboard vessel, or houseboat.

139 2. Pay the costs assessed by the Department of Highway  
140 Safety and Motor Vehicles for issuing or renewing a driver's  
141 license or identification card as required by this section. The  
142 driver's license or identification card issued shall comply with  
143 s. 322.141(3).

144 3. Provide, upon request, any additional information  
145 necessary to confirm the identity of the sexual predator,  
146 including a set of fingerprints.

147

148 The sheriff shall promptly provide to the department the  
149 information received from the sexual predator.

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

152 943.0435 Sexual offenders required to register with the  
153 department; penalty.--

154 (3) Within 48 hours after the report required under  
155 subsection (2), a sexual offender shall report in person at a  
156 driver's license office of the Department of Highway Safety and  
157 Motor Vehicles, unless a driver's license or identification card  
158 that complies with the requirements of s. 322.141(3) was  
159 previously secured or updated under s. 944.607. At the driver's  
160 license office the sexual offender shall:

161 (a) If otherwise qualified, secure a Florida driver's  
162 license, renew a Florida driver's license, or secure an  
163 identification card. The sexual offender shall identify himself

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164 or herself as a sexual offender who is required to comply with  
165 this section and shall provide proof that the sexual offender  
166 reported as required in subsection (2). The sexual offender  
167 shall provide any of the information specified in subsection  
168 (2), if requested. The sexual offender shall submit to the  
169 taking of a photograph for use in issuing a driver's license,  
170 renewed license, or identification card, and for use by the  
171 department in maintaining current records of sexual offenders.

172 (b) Pay the costs assessed by the Department of Highway  
173 Safety and Motor Vehicles for issuing or renewing a driver's  
174 license or identification card as required by this section. The  
175 driver's license or identification card issued shall comply with  
176 s. 322.141(3).

177 (c) Provide, upon request, any additional information  
178 necessary to confirm the identity of the sexual offender,  
179 including a set of fingerprints.

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

182 944.607 Notification to Department of Law Enforcement of  
183 information on sexual offenders.--

184 (9) A sexual offender, as described in this section, who  
185 is under the supervision of the Department of Corrections but  
186 who is not incarcerated shall, in addition to the registration  
187 requirements provided in subsection (4), register and obtain a  
188 distinctive driver's license or identification card in the  
189 manner provided in s. 943.0435(3), (4), and (5), unless the  
190 sexual offender is a sexual predator, in which case he or she  
191 shall register and obtain a distinctive driver's license or

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192 | identification card as required under s. 775.21. A sexual  
193 | offender who fails to comply with the requirements of s.  
194 | 943.0435 is subject to the penalties provided in s. 943.0435(9).

195 | Section 6. Paragraph (g) of subsection (12) of section  
196 | 1002.33, Florida Statutes, is amended to read:

197 | 1002.33 Charter schools.--

198 | (12) EMPLOYEES OF CHARTER SCHOOLS.--

199 | (g) A charter school shall employ or contract with  
200 | employees who have undergone background screening as required  
201 | under ~~provided in~~ s. 1012.32. Members of the governing board of  
202 | the charter school shall also undergo background screening in a  
203 | manner similar to that required under ~~provided in~~ s. 1012.32.

204 | Section 7. Paragraph (c) of subsection (7) of section  
205 | 1003.63, Florida Statutes, is amended to read:

206 | 1003.63 Deregulated public schools pilot program.--

207 | (7) EXEMPTION FROM STATUTES.--

208 | (c) A deregulated public school shall employ or contract  
209 | with employees who have been fingerprinted as required under  
210 | ~~provided in~~ s. 1012.32.

211 | Section 8. Section 1012.32, Florida Statutes, is amended  
212 | to read:

213 | 1012.32 Qualifications of personnel; background screening  
214 | requirement.--

215 | (1) To be eligible for appointment in any position in any  
216 | district school system, a person shall be of good moral  
217 | character; shall have attained the age of 18 years, if he or she  
218 | is to be employed in an instructional capacity; and shall, when  
219 | required by law, hold a certificate or license issued under



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220 rules of the State Board of Education or the Department of  
221 Children and Family Services, except when employed pursuant to  
222 s. 1012.55 or under the emergency provisions of s. 1012.24.  
223 Previous residence in this state shall not be required in any  
224 school of the state as a prerequisite for any person holding a  
225 valid Florida certificate or license to serve in an  
226 instructional capacity.

227 (2)(a) Background screening is required of instructional  
228 and noninstructional personnel who are hired or contracted to  
229 fill positions in any district school system and of other  
230 persons authorized by the school district to perform services  
231 for compensation as follows:

232 1.(a) Instructional and noninstructional personnel who are  
233 hired or contracted to fill positions ~~requiring direct contact~~  
234 ~~with students~~ in any district school system or university lab  
235 school shall, upon employment or engagement to provide services,  
236 undergo background screening ~~as required~~ under s. 1012.465 or s.  
237 1012.56, whichever is applicable.

238 2.(b) Instructional and noninstructional personnel who are  
239 hired or contracted to fill positions in any charter school and  
240 members of the governing board of any charter school, in  
241 compliance with s. 1002.33(12)(g), shall, upon employment,  
242 engagement of services, or appointment, undergo background  
243 screening ~~as required~~ under s. 1012.465 or s. 1012.56, whichever  
244 is applicable, ~~by filing with the district school board for the~~  
245 ~~school district in which the charter school is located a~~  
246 ~~complete set of fingerprints taken by an authorized law~~

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247 ~~enforcement agency or an employee of the school or school~~  
248 ~~district who is trained to take fingerprints.~~

249 3.(e) Instructional and noninstructional personnel who are  
250 hired or contracted to fill positions ~~requiring direct contact~~  
251 ~~with students~~ in an alternative school that operates under  
252 contract with a district school system shall, upon employment or  
253 engagement to provide services, undergo background screening ~~as~~  
254 ~~required~~ under s. 1012.465 or s. 1012.56, whichever is  
255 applicable, ~~by filing with the district school board for the~~  
256 ~~school district to which the alternative school is under~~  
257 ~~contract a complete set of fingerprints taken by an authorized~~  
258 ~~law enforcement agency or an employee of the school or school~~  
259 ~~district who is trained to take fingerprints.~~

260 4.(d) Student teachers, persons participating in a field  
261 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons  
262 participating in a short-term experience as a teacher assistant  
263 pursuant to s. 1004.04(10) in any district school system, lab  
264 school, or charter school shall, upon engagement to provide  
265 services, undergo background screening ~~as required~~ under s.  
266 1012.56.

267 (b)1. Background screening shall be initiated by filing  
268 with the district school board for the school district in which  
269 the school, charter school, or lab school is located or to which  
270 the alternative school is under contract a complete set of  
271 fingerprints taken by an individual authorized to take  
272 fingerprints on behalf of an authorized law enforcement agency,  
273 a private service provider, or the school or school district.

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274        2. Fingerprints required for a background screening shall  
275 be submitted to the Department of Law Enforcement for state  
276 processing and to the Federal Bureau of Investigation for  
277 national federal processing. The Department of Law Enforcement  
278 shall invoice the department for the fingerprints submitted each  
279 month. The school districts shall screen background results to  
280 determine if an applicant meets licensure or employment  
281 requirements. Persons subject to this subsection found through  
282 fingerprint processing to have been convicted of a crime  
283 involving moral turpitude shall not be employed, engaged to  
284 provide services, or serve in any position requiring direct  
285 contact with students. Probationary persons subject to this  
286 subsection terminated because of their criminal record have the  
287 right to appeal such decisions.

288        3. The cost of the background screening may be borne by  
289 the district school board, the charter school, the employee, the  
290 contractor, or a person subject to this subsection.

291        (c) Persons subject to this subsection found through  
292 fingerprint processing to have been convicted of a crime  
293 involving moral turpitude shall not be employed, engaged to  
294 provide services, or serve in any position requiring direct  
295 contact with students. Probationary persons subject to this  
296 subsection terminated because of their criminal record have the  
297 right to appeal such decisions.

298        ~~(3) (a) Beginning July 1, 2004, All fingerprints submitted~~  
299 ~~to the Department of Law Enforcement as required by subsection~~  
300 ~~(2) shall be retained by the Department of Law Enforcement in a~~  
301 ~~manner provided by rule and entered in the statewide automated~~

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302 fingerprint identification system authorized by s. 943.05(2)(b).  
303 Such fingerprints shall thereafter be available for all purposes  
304 and uses authorized for arrest fingerprint cards entered in the  
305 statewide automated fingerprint identification system pursuant  
306 to s. 943.051.

307 (b) ~~Beginning December 15, 2004,~~ The Department of Law  
308 Enforcement shall search all arrest fingerprint cards received  
309 under s. 943.051 against the fingerprints retained in the  
310 statewide automated fingerprint identification system under  
311 paragraph (a). Any arrest record that is identified with the  
312 retained fingerprints of a person subject to the background  
313 screening under this section shall be reported to the employing  
314 or contracting school district or the school district with which  
315 the person is affiliated. Each school district is required to  
316 participate in this search process by payment of an annual fee  
317 to the Department of Law Enforcement and by informing the  
318 Department of Law Enforcement of any change in the affiliation,  
319 employment, or contractual status or place of affiliation,  
320 employment, or contracting of individuals ~~its instructional and~~  
321 ~~noninstructional personnel~~ whose fingerprints are retained under  
322 paragraph (a). The Department of Law Enforcement shall adopt a  
323 rule setting the amount of the annual fee to be imposed upon  
324 each school district for performing these searches and  
325 establishing the procedures for the retention of ~~instructional~~  
326 ~~and noninstructional personnel~~ fingerprints and the  
327 dissemination of search results. The fee may be borne by the  
328 district school board, the contractor, or the person  
329 fingerprinted.

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330 (c) Personnel whose fingerprints are not retained by the  
331 Department of Law Enforcement under paragraphs (a) and (b) are  
332 required to be refingerprinted and must meet the applicable  
333 ~~level 2 screening standards requirements as described in this~~  
334 ~~section~~ upon reemployment or reengagement to provide services in  
335 order to comply with the requirements of this subsection.

336 (4) For each person subject to background screening under  
337 this section who is required by law to be rescreened  
338 periodically, the district school board shall request the  
339 Department of Law Enforcement to forward the person's  
340 fingerprints for rescreening purposes to the Federal Bureau of  
341 Investigation for national processing. If the person's  
342 fingerprints were not retained by the Department of Law  
343 Enforcement after the initial screening, the person must file a  
344 complete set of fingerprints. Upon submission of fingerprints  
345 for this purpose, the district school board shall request the  
346 Department of Law Enforcement to forward the fingerprints to the  
347 Federal Bureau of Investigation for national processing, and the  
348 fingerprints shall be retained by the Department of Law  
349 Enforcement under paragraphs (3) (a) and (b). The cost of the  
350 rescreening may be borne by the district school board, the  
351 charter school, the employee, the contractor, or any other  
352 person subject to rescreening as specified in this subsection.

353 Section 9. Section 1012.465, Florida Statutes, is amended  
354 to read:

355 1012.465 Background screening requirements for certain  
356 noninstructional school district employees and other specified  
357 individuals ~~contractors~~.--

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358           (1) For purposes of s. 1012.32, the following individuals  
359 ~~Noninstructional school district employees or contractual~~  
360 ~~personnel who are permitted access on school grounds when~~  
361 ~~students are present, who have direct contact with students or~~  
362 ~~who have access to or control of school funds~~ must meet the  
363 level 2 screening standards in s. 435.04: requirements as  
364 ~~described in s. 1012.32.~~

365           (a) Noninstructional school district employees who have  
366 direct, unsupervised contact with students or who have access to  
367 or control of school funds.

368           (b) Other individuals who are authorized by the school  
369 district to perform services for compensation and that involve  
370 access to or control of school funds.

371           (c) Other individuals who are authorized by the school  
372 district to perform services for compensation that involve  
373 direct, unsupervised contact with students. This paragraph does  
374 not apply to any individual who, by law due to the nature of his  
375 or her occupation or business, is required to submit to a state  
376 and national criminal history check for licensing or other  
377 purposes, if such license or other certificate is current and in  
378 good standing and the individual submits proof of good standing  
379 to the school district. ~~Contractual personnel shall include any~~  
380 ~~vendor, individual, or entity under contract with the school~~  
381 ~~board.~~

382           (2) The Department of Law Enforcement shall implement a  
383 system that allows for criminal history record information  
384 provided under paragraph (1) (c) to a school district to be

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385 shared with other school districts through a secure website or  
386 other electronic means.

387 (3) An individual subject to paragraph (1)(c) shall inform  
388 a school district if he or she has had a criminal history check  
389 in another school district within the last 5 years. If he or she  
390 has had such a check, the school district shall verify the  
391 results of the contractor's criminal history check using the  
392 shared system implemented under paragraph (2). The school  
393 district shall not charge the individual a fee for verifying the  
394 results of his or her criminal history check.

395 (4) (a) ~~(2)~~ In accordance with s. 1012.32(4), every 5 years  
396 following employment or entry into a contract in a capacity  
397 described in subsection (1), each person who is so employed or  
398 under contract with the school district must meet the level 2  
399 screening standards of s. 435.04 requirements as described in s.  
400 1012.32, at which time the school district shall request the  
401 Department of Law Enforcement to forward the fingerprints to the  
402 Federal Bureau of Investigation for the level 2 screening. If,  
403 for any reason following employment or entry into a contract in  
404 a capacity described in subsection (1), the fingerprints of a  
405 person who is so employed or under contract with the school  
406 district are not retained by the Department of Law Enforcement  
407 under s. 1012.32(3)(a) and (b), the person must file a complete  
408 set of fingerprints with the district school superintendent of  
409 the employing or contracting school district. Upon submission of  
410 fingerprints for this purpose, the school district shall request  
411 the Department of Law Enforcement to forward the fingerprints to  
412 the Federal Bureau of Investigation for the level 2 screening,

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413 ~~and the fingerprints shall be retained by the Department of Law~~  
 414 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
 415 ~~state and federal criminal history check required by level 2~~  
 416 ~~screening may be borne by the district school board, the~~  
 417 ~~contractor, or the person fingerprinted.~~

418 (b) Under penalty of perjury, each person who is employed  
 419 or under contract in a capacity described in subsection (1) must  
 420 agree to inform his or her employer or the party with whom he or  
 421 she is under contract within 48 hours if convicted of any  
 422 disqualifying offense while he or she is employed or under  
 423 contract in that capacity.

424 (5)~~(3)~~ If it is found that a person who is employed or  
 425 under contract in a capacity described in subsection (1) does  
 426 not meet the level 2 screening standards of s. 435.04  
 427 ~~requirements~~, the person shall be immediately suspended from  
 428 working in that capacity and shall remain suspended until final  
 429 resolution of any appeals.

430 Section 10. Section 1012.4561, Florida Statutes, is  
 431 created to read:

432 1012.4561 Contractors and contract workers having access  
 433 to school grounds when students are present; exclusions.--

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

435 (a) "Contractor" means a person who is engaged by the  
 436 school district to provide goods or services for compensation  
 437 that do not involve direct, unsupervised contact with students  
 438 and who employs contract workers or subcontracts with a person  
 439 who employs contract workers to provide such goods or services.



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440 "Contractor" also means an individual who is engaged by a school  
441 district to provide such goods or services for compensation.

442 (b) "Contract worker" means a contractor or any  
443 individual, other than an individual described in s. 1012.465(1)  
444 or s. 1012.56, who has access to school grounds for business or  
445 employment purposes of a contractor for compensation when  
446 students are present.

447 (c) "School grounds" means the buildings and grounds of  
448 any public prekindergarten, kindergarten, elementary school,  
449 middle school, junior high school, high school, or secondary  
450 school, together with the school district land on which the  
451 buildings are located. The term "school grounds" does not  
452 include:

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

455 2. Any buildings or grounds described in this paragraph  
456 during any time period in which students are not permitted  
457 access; or

458 3. Any building described in this paragraph during any  
459 period in which it is used as an adult, career, or technical  
460 center under part IV of chapter 1004.

461 (2) A contract worker who is designated as a sexual  
462 predator under s. 775.21, who is subject to registration as a  
463 sexual offender under s. 943.0435, or who appears on the  
464 National Sex Offender Public Registry maintained by the United  
465 States Department of Justice may not be on school grounds. A  
466 contract worker who is present on school grounds in violation of  
467 this subsection commits a misdemeanor of the first degree,

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468 punishable as provided in s. 775.082 or s. 775.083.

469 (3) (a) Before allowing a contract worker to have access to  
470 school grounds, a contractor must provide the school district  
471 with certification that the contractor has:

472 1. For an individual who holds a Florida driver's license  
473 or identification card, examined the contract worker's license  
474 or identification card and confirmed that it does not have the  
475 markings required by s. 322.141(3). The requirements of this  
476 subparagraph do not apply to certifications made before January  
477 1, 2007.

478 2. Checked and confirmed that the individual is not on the  
479 National Sex Offender Public Registry.

480  
481 The contractor shall make its records supporting the  
482 certification available for inspection at the request of a  
483 school district employee.

484 (b)1. Each contract worker who has been issued a Florida  
485 driver's license or identification card shall possess the card  
486 at all times while working on school grounds and shall show it  
487 to any school district employee upon request.

488 2. Each contract worker who has not been issued or does  
489 not have in his or her possession a Florida driver's license or  
490 identification card shall submit to a check against the National  
491 Sex Offender Public Registry upon the request of any school  
492 district employee.

493 (c) Any person who knowingly and willfully violates this  
494 subsection and who holds a professional license under chapter  
495 455 commits an act constituting grounds for discipline as

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496 described in s. 455.227(1)(a). Any person who knowingly and  
497 willfully violates this subsection and who holds a professional  
498 license under chapter 456 commits an act constituting grounds  
499 for discipline as described in s. 456.072(1)(a).

500 (d) An contract worker must inform the contractor within  
501 48 hours if he or she is arrested for an offense for which a  
502 conviction could lead to the person being designated as a sexual  
503 predator under s. 775.21 or subject to registration as a sexual  
504 offender under s. 943.0435. A person who willfully fails to  
505 comply with this paragraph commits a misdemeanor of the first  
506 degree, punishable as provided in s. 775.082 or s. 775.083.

507 (4) This section does not apply to law enforcement  
508 officers, as defined in s. 943.10, assigned by their employing  
509 agencies to work on school grounds as part of their official  
510 duties or first responder personnel responding to a request for  
511 assistance. For purposes of this subsection, the term "first  
512 responder personnel" includes law enforcement officers, as  
513 defined in s. 943.10, emergency medical technicians, paramedics,  
514 and firefighters.

515 (5) This section may not give rise to any private civil  
516 liability nor be construed to create a private cause of action  
517 for monetary damages.

518 (6) A school board may adopt rules under ss. 120.536(1)  
519 and 120.54 to implement the provisions of this section.

520 Section 11. Subsection (9) of section 1012.56, Florida  
521 Statutes, is amended to read:

522 1012.56 Educator certification requirements.--

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523 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
524 PERIODICALLY.--

525 (a) For purposes of s. 1012.32, each person who seeks  
526 certification under this chapter must meet the level 2 screening  
527 standards of s. 435.04 ~~requirements as described in s. 1012.32~~  
528 unless a level 2 screening has been conducted by a district  
529 school board or the Department of Education within 12 months  
530 before the date the person initially obtains certification under  
531 this chapter, the results of which are submitted to the district  
532 school board or to the Department of Education.

533 (b)1. A person may not receive a certificate under this  
534 chapter until the level 2 screening under s. 435.04 has been  
535 completed and the results have been submitted to the Department  
536 of Education or to the district school superintendent of the  
537 school district that employs the person.

538 2. In accordance with s. 1012.32(4), every 5 years after  
539 obtaining initial certification, each person who is required to  
540 be certified under this chapter must meet the level 2 screening  
541 standards of s. 435.04 ~~requirements as described in s. 1012.32,~~  
542 ~~at which time the school district shall request the Department~~  
543 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
544 ~~Bureau of Investigation for the level 2 screening. If, for any~~  
545 ~~reason after obtaining initial certification, the fingerprints~~  
546 ~~of a person who is required to be certified under this chapter~~  
547 ~~are not retained by the Department of Law Enforcement under s.~~  
548 ~~1012.32(3)(a) and (b), the person must file a complete set of~~  
549 ~~fingerprints with the district school superintendent of the~~  
550 ~~employing school district. Upon submission of fingerprints for~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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551 ~~this purpose, the school district shall request the Department~~  
552 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
553 ~~Bureau of Investigation for the level 2 screening, and the~~  
554 ~~fingerprints shall be retained by the Department of Law~~  
555 ~~Enforcement under s. 1012.32(3) (a) and (b). The cost of the~~  
556 ~~state and federal criminal history check required by level 2~~  
557 ~~screening may be borne by the district school board or the~~  
558 ~~employee.~~

559       3. Under penalty of perjury, each person who is certified  
560 under this chapter must agree to inform his or her employer  
561 within 48 hours if convicted of any disqualifying offense while  
562 he or she is employed in a position for which such certification  
563 is required.

564       (c) If it is found under s. 1012.796 that a person who is  
565 employed in a position requiring certification under this  
566 chapter does not meet the level 2 screening standards of s.  
567 435.04 requirements, the person's certification shall be  
568 immediately revoked or suspended and he or she shall be  
569 immediately suspended from the position requiring certification.

570       Section 12. The sum of \$30,000 is appropriated from the  
571 Highway Safety Operating Trust Fund to the Department of Highway  
572 Safety and Motor Vehicles for the 2006-2007 fiscal year for  
573 computer programming costs related to this act.

574       Section 13. Except as otherwise expressly provided in this  
575 act, this act shall take effect July 1, 2006.