

1                   A bill to be entitled  
2           An act relating to sexual predators and offenders;  
3           amending s. 322.141, F.S.; requiring distinctive markings  
4           for driver's licenses and identification cards issued to  
5           persons who are designated as sexual predators or subject  
6           to registration as sexual offenders; providing procedures  
7           for offenders to obtain such licenses or identification  
8           cards; providing for initial issuance; providing for  
9           future repeal of a specified provision; amending s.  
10          322.212, F.S.; prohibiting the alteration of sexual  
11          predator or sexual offender markings on driver's licenses  
12          or identification cards; providing criminal penalties;  
13          amending s. 775.21, F.S.; requiring sexual predators to  
14          obtain a distinctive driver's license or identification  
15          card; amending s. 943.0435, F.S.; requiring sexual  
16          offenders to obtain a distinctive driver's license or  
17          identification card; amending s. 944.607, F.S.; requiring  
18          specified offenders who are under the supervision of the  
19          Department of Corrections but are not incarcerated to  
20          obtain a distinctive driver's license or identification  
21          card; amending ss. 1002.33 and 1003.63, F.S.; revising  
22          cross-references; amending s. 1012.32, F.S.; revising  
23          provisions relating to background screening of school  
24          district personnel; revising provisions relating to  
25          fingerprints; providing procedures for periodic  
26          rescreening of certain personnel; amending s. 1012.465,  
27          F.S.; revising provisions relating to background

28 | screenings of certain noninstructional school district  
29 | employees and other specified individuals; revising  
30 | provisions relating to periodic rescreening of certain  
31 | persons; creating s. 1012.4561, F.S.; providing  
32 | definitions; prohibiting contract workers who are  
33 | designated as sexual predators, subject to registration as  
34 | a sexual offenders, or who appear on the National Sex  
35 | Offender Public Registry from being present on school  
36 | grounds; providing criminal penalties; requiring contract  
37 | workers working on school grounds to be subject to a check  
38 | of Florida driver's licenses or identification cards for  
39 | the purposes of ascertaining their sexual offender and  
40 | sexual predator status and checked against the National  
41 | Sex Offender Public Registry; providing duties for certain  
42 | contract workers; providing penalties; requiring certain  
43 | individuals to report certain offenses; providing  
44 | penalties; providing exceptions; providing that no  
45 | provision of the section shall give rise to private civil  
46 | liability or create a private cause of action for monetary  
47 | damages; providing rulemaking authority to school boards;  
48 | amending s. 1012.56, F.S.; revising provisions relating to  
49 | background screening for educator certification; revising  
50 | provisions relating to periodic rescreening of such  
51 | persons; providing an appropriation; providing effective  
52 | dates.

53 |  
54 | Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Effective August 1, 2006, subsection (3) is  
57 added to section 322.141, Florida Statutes, to read:

58 322.141 Color or markings of certain licenses or  
59 identification cards; procedures for sexual offenders and  
60 predators to obtain marked licenses or identification cards.--

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

67 (a) For a person designated as a sexual predator under s.  
68 775.21, the marking "775.21, F.S."

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

72 (c) Each sexual predator under s. 775.21 or sexual  
73 offender under s. 943.0435 or s. 944.607 shall report to the  
74 department during the month of his or her reregistration  
75 requirement pursuant to s. 775.21(8), s. 943.0435(14), or s.  
76 944.607(13) to obtain a marked driver's license or  
77 identification card as required under this subsection unless he  
78 or she previously secured such a marked driver's license or  
79 identification card.

80 (d) Notwithstanding paragraph (c), sexual predators under  
81 s. 775.21 and sexual offenders under s. 943.0435 or s. 944.607

82 | whose birth month is January or July must report during the  
 83 | month of August 2006, to the sheriff's office in the county in  
 84 | which they reside or, if they have no permanent or temporary  
 85 | residence, the county in which they are located, to receive  
 86 | their marked driver's license or identification card as required  
 87 | by s. 322.141(3). This paragraph expires January 1, 2007.

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

90 | 322.212 Unauthorized possession of, and other unlawful  
 91 | acts in relation to, driver's license or identification card.--

92 | (5)

93 | (c) It is unlawful for any person on or after January 1,  
 94 | 2007, to knowingly have in his or her possession a driver's  
 95 | license or identification card upon which the sexual predator or  
 96 | sexual offender markings required by s. 322.141(3) are not  
 97 | displayed or have been altered.

98 | Section 3. Paragraph (f) of subsection (6) of section  
 99 | 775.21, Florida Statutes, is amended to read:

100 | 775.21 The Florida Sexual Predators Act.--

101 | (6) REGISTRATION.--

102 | (f) Within 48 hours after the registration required under  
 103 | paragraph (a) or paragraph (e), a sexual predator who is not  
 104 | incarcerated and who resides in the community, including a  
 105 | sexual predator under the supervision of the Department of  
 106 | Corrections, shall register in person at a driver's license  
 107 | office of the Department of Highway Safety and Motor Vehicles

108 and shall present proof of registration. At the driver's license  
109 office the sexual predator shall:

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

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

140           3. Provide, upon request, any additional information  
141 necessary to confirm the identity of the sexual predator,  
142 including a set of fingerprints.

143

144 The sheriff shall promptly provide to the department the  
145 information received from the sexual predator.

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

148           943.0435 Sexual offenders required to register with the  
149 department; penalty.--

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

157           (a) If otherwise qualified, secure a Florida driver's  
158 license, renew a Florida driver's license, or secure an  
159 identification card. The sexual offender shall identify himself  
160 or herself as a sexual offender who is required to comply with  
161 this section and shall provide proof that the sexual offender

162 reported as required in subsection (2). The sexual offender  
163 shall provide any of the information specified in subsection  
164 (2), if requested. The sexual offender shall submit to the  
165 taking of a photograph for use in issuing a driver's license,  
166 renewed license, or identification card, and for use by the  
167 department in maintaining current records of sexual offenders.

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

173 (c) Provide, upon request, any additional information  
174 necessary to confirm the identity of the sexual offender,  
175 including a set of fingerprints.

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

178 944.607 Notification to Department of Law Enforcement of  
179 information on sexual offenders.--

180 (9) A sexual offender, as described in this section, who  
181 is under the supervision of the Department of Corrections but  
182 who is not incarcerated shall, in addition to the registration  
183 requirements provided in subsection (4), register and obtain a  
184 distinctive driver's license or identification card in the  
185 manner provided in s. 943.0435(3), (4), and (5), unless the  
186 sexual offender is a sexual predator, in which case he or she  
187 shall register and obtain a distinctive driver's license or  
188 identification card as required under s. 775.21. A sexual

189 offender who fails to comply with the requirements of s.  
 190 943.0435 is subject to the penalties provided in s. 943.0435(9).

191 Section 6. Paragraph (g) of subsection (12) of section  
 192 1002.33, Florida Statutes, is amended to read:

193 1002.33 Charter schools.--

194 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

200 Section 7. Paragraph (c) of subsection (7) of section  
 201 1003.63, Florida Statutes, is amended to read:

202 1003.63 Deregulated public schools pilot program.--

203 (7) EXEMPTION FROM STATUTES.--

204 (c) A deregulated public school shall employ or contract  
 205 with employees who have been fingerprinted as required under  
 206 ~~provided in~~ s. 1012.32.

207 Section 8. Section 1012.32, Florida Statutes, is amended  
 208 to read:

209 1012.32 Qualifications of personnel; background screening  
 210 requirement.--

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



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

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

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

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

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

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

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

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

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

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

287        (c) Persons subject to this subsection found through  
288        fingerprint processing to have been found guilty of, regardless  
289        of adjudication, or entered a plea of nolo contendere to a crime  
290        involving moral turpitude or any offense set forth in s. 435.04  
291        shall not be employed, engaged to provide services, or serve in  
292        any position requiring direct contact with students. Persons  
293        subject to this subsection terminated because of their criminal  
294        record have the right to appeal such decisions.

295        (3) (a) Beginning July 1, 2004, All fingerprints submitted  
296        to the Department of Law Enforcement as required by subsection

297 (2) shall be retained by the Department of Law Enforcement in a  
298 manner provided by rule and entered in the statewide automated  
299 fingerprint identification system authorized by s. 943.05(2)(b).  
300 Such fingerprints shall thereafter be available for all purposes  
301 and uses authorized for arrest fingerprint cards entered in the  
302 statewide automated fingerprint identification system pursuant  
303 to s. 943.051.

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

324 dissemination of search results. The fee may be borne by the  
325 district school board, the contractor, or the person  
326 fingerprinted.

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

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

350 Section 9. Section 1012.465, Florida Statutes, is amended  
351 to read:

352 1012.465 Background screening requirements for certain  
353 noninstructional school district employees and other specified  
354 individuals ~~contractors~~.--

355 (1) For purposes of s. 1012.32, the following individuals  
356 ~~Noninstructional school district employees or contractual~~  
357 ~~personnel who are permitted access on school grounds when~~  
358 ~~students are present, who have direct contact with students or~~  
359 ~~who have access to or control of school funds~~ must meet the  
360 level 2 screening standards in s. 435.04 and must not have been  
361 found guilty of, regardless of adjudication, or entered a plea  
362 of nolo contendere or guilty to a crime involving moral  
363 turpitude: requirements as described in s. 1012.32.

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

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

370 (c) Other individuals who are authorized by the school  
371 district to perform services for compensation that involve  
372 direct, unsupervised contact with students. This paragraph does  
373 not apply to any individual who, by law due to the nature of his  
374 or her occupation or business, is required to submit to a state  
375 and national criminal history check for licensing or other  
376 purposes, if such license or other certificate is current and in

377 good standing and the individual submits proof of good standing  
378 to the school district. ~~Contractual personnel shall include any~~  
379 ~~vendor, individual, or entity under contract with the school~~  
380 ~~board.~~

381 (2) The Department of Law Enforcement shall implement a  
382 system that allows for criminal history record information  
383 provided under paragraph (1)(c) to a school district to be  
384 shared with other school districts through a secure website or  
385 other electronic means.

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

394 (4) (a) ~~(2)~~ In accordance with s. 1012.32(4), every 5 years  
395 following employment or entry into a contract in a capacity  
396 described in subsection (1), each person who is so employed or  
397 under contract with the school district must meet the level 2  
398 screening standards of s. 435.04 requirements as described in s.  
399 ~~1012.32, at which time the school district shall request the~~  
400 ~~Department of Law Enforcement to forward the fingerprints to the~~  
401 ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
402 ~~for any reason following employment or entry into a contract in~~  
403 ~~a capacity described in subsection (1), the fingerprints of a~~

404 ~~person who is so employed or under contract with the school~~  
405 ~~district are not retained by the Department of Law Enforcement~~  
406 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
407 ~~set of fingerprints with the district school superintendent of~~  
408 ~~the employing or contracting school district. Upon submission of~~  
409 ~~fingerprints for this purpose, the school district shall request~~  
410 ~~the Department of Law Enforcement to forward the fingerprints to~~  
411 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
412 ~~and the fingerprints shall be retained by the Department of Law~~  
413 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
414 ~~state and federal criminal history check required by level 2~~  
415 ~~screening may be borne by the district school board, the~~  
416 ~~contractor, or the person fingerprinted.~~

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

423 ~~(5)(3)~~ If it is found that a person who is employed or  
424 under contract in a capacity described in subsection (1) does  
425 not meet the level 2 screening standards of s. 435.04  
426 ~~requirements~~, the person shall be immediately suspended from  
427 working in that capacity and shall remain suspended until final  
428 resolution of any appeals.

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



431 1012.4561 Contractors and contract workers having access  
432 to school grounds when students are present; exclusions.--

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

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

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

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

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

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

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

460 (2) A contract worker who is designated as a sexual  
461 predator under s. 775.21, who is subject to registration as a  
462 sexual offender under s. 943.0435, or who appears on the  
463 National Sex Offender Public Registry maintained by the United  
464 States Department of Justice may not be on school grounds. A  
465 contract worker who is present on school grounds in violation of  
466 this subsection commits a misdemeanor of the first degree,  
467 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

479  
480 The contractor shall make its records supporting the  
481 certification available for inspection at the request of a  
482 school district employee.

483 (b)1. Each contract worker who has been issued a Florida

484 driver's license or identification card shall possess the card  
485 at all times while working on school grounds and shall show it  
486 to any school district employee upon request.

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

492 (c) Any person who knowingly and willfully violates this  
493 subsection and who holds a professional license under chapter  
494 455 commits an act constituting grounds for discipline as  
495 described in s. 455.227(1)(a). Any person who knowingly and  
496 willfully violates this subsection and who holds a professional  
497 license under chapter 456 commits an act constituting grounds  
498 for discipline as described in s. 456.072(1)(a).

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

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

511 responder personnel" includes law enforcement officers, as  
 512 defined in s. 943.10, emergency medical technicians, paramedics,  
 513 and firefighters.

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

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

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

521 1012.56 Educator certification requirements.--

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

524 (a) For purposes of s. 1012.32, each person who seeks  
 525 certification under this chapter must meet the level 2 screening  
 526 standards of s. 435.04 ~~requirements as described in s. 1012.32~~  
 527 unless a level 2 screening has been conducted by a district  
 528 school board or the Department of Education within 12 months  
 529 before the date the person initially obtains certification under  
 530 this chapter, the results of which are submitted to the district  
 531 school board or to the Department of Education and must not have  
 532 been found guilty of, regardless of adjudication, or entered a  
 533 plea of nolo contendere or guilty to a crime involving moral  
 534 turpitude.

535 (b)1. A person may not receive a certificate under this  
 536 chapter until the level 2 screening under s. 435.04 has been  
 537 completed and the results have been submitted to the Department

538 of Education or to the district school superintendent of the  
539 school district that employs the person.

540 2. In accordance with s. 1012.32(4), every 5 years after  
541 obtaining initial certification, each person who is required to  
542 be certified under this chapter must meet the level 2 screening  
543 standards of s. 435.04 ~~requirements as described in s. 1012.32,~~  
544 ~~at which time the school district shall request the Department~~  
545 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
546 ~~Bureau of Investigation for the level 2 screening. If, for any~~  
547 ~~reason after obtaining initial certification, the fingerprints~~  
548 ~~of a person who is required to be certified under this chapter~~  
549 ~~are not retained by the Department of Law Enforcement under s.~~  
550 ~~1012.32(3)(a) and (b), the person must file a complete set of~~  
551 ~~fingerprints with the district school superintendent of the~~  
552 ~~employing school district. Upon submission of fingerprints for~~  
553 ~~this purpose, the school district shall request the Department~~  
554 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
555 ~~Bureau of Investigation for the level 2 screening, and the~~  
556 ~~fingerprints shall be retained by the Department of Law~~  
557 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
558 ~~state and federal criminal history check required by level 2~~  
559 ~~screening may be borne by the district school board or the~~  
560 ~~employee.~~

561 3. Under penalty of perjury, each person who is certified  
562 under this chapter must agree to inform his or her employer  
563 within 48 hours if convicted of any disqualifying offense while

564 | he or she is employed in a position for which such certification  
565 | is required.

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

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

576 | Section 13. Except as otherwise expressly provided in this  
577 | act, this act shall take effect July 1, 2006.