

By Senator Baker

20-1355-07

1 A bill to be entitled

2 An act relating to the screening of employees

3 of a transitional education program; amending

4 s. 393.0655, F.S.; providing that professional

5 staff members and employees of such program who

6 undergo level 2 background screening may not be

7 required by the district school board to

8 undergo an additional background screening if

9 the person meets certain requirements;

10 providing an effective date.

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

14 Section 1. Subsection (1) of section 393.0655, Florida
15 Statutes, is amended to read:

16 393.0655 Screening of direct service providers.--

17 (1) MINIMUM STANDARDS.--The agency shall require level

18 2 employment screening pursuant to chapter 435 for direct

19 service providers who are unrelated to their clients,

20 including support coordinators, and managers and supervisors

21 of residential facilities or comprehensive transitional

22 education programs licensed under this chapter and any other

23 person, including volunteers, who provide care or services,

24 who have access to a client's living areas, or who have access

25 to a client's funds or personal property. Background screening

26 shall include employment history checks as provided in s.

27 435.03(1) and local criminal records checks through local law

28 enforcement agencies.

29 (a) A volunteer who assists on an intermittent basis

30 for less than 40 hours per month does not have to be screened

31 if the volunteer is under the direct and constant visual

1 supervision of persons who meet the screening requirements of
2 this section.

3 (b) Licensed physicians, nurses, or other
4 professionals licensed and regulated by the Department of
5 Health are not subject to background screening pursuant to
6 this section if they are providing a service that is within
7 their scope of licensed practice.

8 (c) A person selected by the family or the individual
9 with developmental disabilities and paid by the family or the
10 individual to provide supports or services is not required to
11 have a background screening under this section.

12 (d) Professional staff members and employees of a
13 comprehensive transitional education program licensed under
14 this chapter who are required to undergo level 2 background
15 screening pursuant to this section may not be required by a
16 district school board to undergo an additional background
17 screening if such person submits to the district school board
18 evidence that he or she meets the screening standards in s.
19 435.04 and his or her license or certificate is active and in
20 good standing if such person is a licensee or
21 certificateholder.

22 ~~(e)(d)~~ Persons 12 years of age or older, including
23 family members, residing with a direct services provider who
24 provides services to clients in his or her own place of
25 residence are subject to background screening; however, such
26 persons who are 12 to 18 years of age shall be screened for
27 delinquency records only.

28 ~~(f)(e)~~ A direct service provider who is awaiting the
29 completion of background screening is temporarily exempt from
30 the screening requirements under this section if the provider
31 is under the direct and constant visual supervision of persons

1 | who meet the screening requirements of this section. Such
2 | exemption expires 90 days after the direct service provider
3 | first provides care or services to clients, has access to a
4 | client's living areas, or has access to a client's funds or
5 | personal property.

6 | Section 2. This act shall take effect upon becoming a
7 | law.

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10 | SENATE SUMMARY

11 | Provides that licensed professional staff members and
12 | employees of a transitional education program who have to
13 | undergo level 2 background screening may not be required
14 | to undergo an additional background screening by a
15 | district school board as long as the person submits the
16 | background screening to the district school board.

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