

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative McBurney offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) is added to subsection (4) of  
 8 section 435.07, Florida Statutes, to read:

9 435.07 Exemptions from disqualification.—Unless otherwise  
 10 provided by law, the provisions of this section apply to  
 11 exemptions from disqualification for disqualifying offenses  
 12 revealed pursuant to background screenings required under this  
 13 chapter, regardless of whether those disqualifying offenses are  
 14 listed in this chapter or other laws.

15 (4)

16 (c) Disqualification from employment under this chapter  
 17 may not be removed, and an exemption may not be granted to, any

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18 current or prospective child care personnel, as defined in  
19 subsection 402.302(3), Florida Statutes, and such a person is  
20 disqualified from employment as child care personnel, regardless  
21 of any prior exemptions from disqualification, if the person has  
22 been registered as a sex offender as described in 42 U.S.C. s.  
23 9858f(c)(1)(C) or has been arrested for and is awaiting final  
24 disposition of, has been convicted or found guilty of, or  
25 entered a plea of guilty or nolo contendere to, regardless of  
26 adjudication, or has been adjudicated delinquent and the record  
27 has not been sealed or expunged for, any offense prohibited  
28 under any of the following provisions of state law or a similar  
29 law of another jurisdiction:

30 1. A felony offense prohibited under any of the following  
31 statutes:

32 a. Chapter 741, relating to domestic violence.

33 b. Section 782.04, relating to murder.

34 c. Section 782.07, relating to manslaughter, aggravated  
35 manslaughter of an elderly person or disabled adult, aggravated  
36 manslaughter of a child, or aggravated manslaughter of an  
37 officer, a firefighter, an emergency medical technician, or a  
38 paramedic.

39 d. Section 784.021, relating to aggravated assault.

40 e. Section 784.045, relating to aggravated battery.

41 f. Section 787.01, relating to kidnapping.

42 g. Section 787.025, relating to luring or enticing a  
43 child.

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44 h. Section 787.04(2), relating to leading, taking,  
45 enticing, or removing a minor beyond the state limits, or  
46 concealing the location of a minor, with criminal intent pending  
47 custody proceedings.

48 i. Section 787.04(3), relating to leading, taking,  
49 enticing, or removing a minor beyond the state limits, or  
50 concealing the location of a minor, with criminal intent pending  
51 dependency proceedings or proceedings concerning alleged abuse  
52 or neglect of a minor.

53 j. Section 794.011, relating to sexual battery.

54 k. Former s. 794.041, relating to sexual activity with or  
55 solicitation of a child by a person in familial or custodial  
56 authority.

57 l. Section 794.05, relating to unlawful sexual activity  
58 with certain minors.

59 m. Section 794.08, relating to female genital mutilation.

60 n. Section 806.01, relating to arson.

61 o. Section 826.04, relating to incest.

62 p. Section 827.03, relating to child abuse, aggravated  
63 child abuse, or neglect of a child.

64 q. Section 827.04, relating to contributing to the  
65 delinquency or dependency of a child.

66 r. Section 827.071, relating to sexual performance by a  
67 child.

68 s. Chapter 847, relating to child pornography.

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69 t. Section 985.701, relating to sexual misconduct in  
70 juvenile justice programs.

71 2. A misdemeanor offense prohibited under any of the  
72 following statutes:

73 a. Section 784.03, relating to battery, if the victim of  
74 the offense was a minor.

75 b. Section 787.025, relating to luring or enticing a  
76 child.

77 c. Chapter 847, relating to child pornography.

78 3. A criminal act committed in another state or under  
79 federal law which, if committed in this state, constitutes an  
80 offense prohibited under any statute listed in subparagraph 1.  
81 or subparagraph 2.

82 Section 2. Child care personnel, as defined in subsection  
83 402.302(3), Florida Statutes, who are employed on July 1, 2016,  
84 and have been granted an exemption to a disqualification from  
85 employment, must be rescreened no later than August 1, 2016.

86 Section 3. In the event that HB 7053 or similar  
87 legislation is passed during the 2016 Legislative Session and  
88 becomes law, and such legislation amends s. 435.07, Florida  
89 Statutes, the provisions of this act which amend s. 435.07,  
90 Florida Statutes, shall supersede the provisions of HB 7053.

91 Section 4. This act shall take effect July 1, 2016.

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93 **T I T L E A M E N D M E N T**

94 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1125 (2016)

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95 | An act relating to eligibility for employment as child care  
96 | personnel; amending s. 435.07, F.S.; providing criteria for  
97 | disqualification from employment for child care personnel;  
98 | requiring that certain persons who have been granted an  
99 | exemption from disqualification from child care employment be  
100 | rescreened by a certain date; providing an effective date.