

1                                   A bill to be entitled  
 2           An act relating to eligibility for employment as child  
 3           care personnel; amending s. 435.07, F.S.; providing  
 4           criteria for disqualification from employment for  
 5           child care personnel; requiring that certain persons  
 6           who have been granted an exemption from  
 7           disqualification from child care employment be  
 8           rescreened by a specified date; providing  
 9           applicability with respect to specified provisions  
 10          adopted during the same legislative session; providing  
 11          an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (c) is added to subsection (4) of  
 16           section 435.07, Florida Statutes, to read:

17           435.07 Exemptions from disqualification.—Unless otherwise  
 18           provided by law, the provisions of this section apply to  
 19           exemptions from disqualification for disqualifying offenses  
 20           revealed pursuant to background screenings required under this  
 21           chapter, regardless of whether those disqualifying offenses are  
 22           listed in this chapter or other laws.

23           (4)

24           (c) Disqualification from employment under this chapter  
 25           may not be removed from, and an exemption may not be granted to,  
 26           any current or prospective child care personnel, as defined in

27 s. 402.302(3), and such a person is disqualified from employment  
28 as child care personnel, regardless of any previous exemptions  
29 from disqualification, if the person has been registered as a  
30 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has  
31 been arrested for and is awaiting final disposition of, has been  
32 convicted or found guilty of, or entered a plea of guilty or  
33 nolo contendere to, regardless of adjudication, or has been  
34 adjudicated delinquent and the record has not been sealed or  
35 expunged for, any offense prohibited under any of the following  
36 provisions of state law or a similar law of another  
37 jurisdiction:

38 1. A felony offense prohibited under any of the following  
39 statutes:

40 a. Chapter 741, relating to domestic violence.

41 b. Section 782.04, relating to murder.

42 c. Section 782.07, relating to manslaughter, aggravated  
43 manslaughter of an elderly person or disabled adult, aggravated  
44 manslaughter of a child, or aggravated manslaughter of an  
45 officer, a firefighter, an emergency medical technician, or a  
46 paramedic.

47 d. Section 784.021, relating to aggravated assault.

48 e. Section 784.045, relating to aggravated battery.

49 f. Section 787.01, relating to kidnapping.

50 g. Section 787.025, relating to luring or enticing a  
51 child.

52 h. Section 787.04(2), relating to leading, taking,

53 enticing, or removing a minor beyond the state limits, or  
 54 concealing the location of a minor, with criminal intent pending  
 55 custody proceedings.

56 i. Section 787.04(3), relating to leading, taking,  
 57 enticing, or removing a minor beyond the state limits, or  
 58 concealing the location of a minor, with criminal intent pending  
 59 dependency proceedings or proceedings concerning alleged abuse  
 60 or neglect of a minor.

61 j. Section 794.011, relating to sexual battery.

62 k. Former s. 794.041, relating to sexual activity with or  
 63 solicitation of a child by a person in familial or custodial  
 64 authority.

65 l. Section 794.05, relating to unlawful sexual activity  
 66 with certain minors.

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

68 n. Section 806.01, relating to arson.

69 o. Section 826.04, relating to incest.

70 p. Section 827.03, relating to child abuse, aggravated  
 71 child abuse, or neglect of a child.

72 q. Section 827.04, relating to contributing to the  
 73 delinquency or dependency of a child.

74 r. Section 827.071, relating to sexual performance by a  
 75 child.

76 s. Chapter 847, relating to child pornography.

77 t. Section 985.701, relating to sexual misconduct in  
 78 juvenile justice programs.

79           2. A misdemeanor offense prohibited under any of the  
80 following statutes:

81           a. Section 784.03, relating to battery, if the victim of  
82 the offense was a minor.

83           b. Section 787.025, relating to luring or enticing a  
84 child.

85           c. Chapter 847, relating to child pornography.

86           3. A criminal act committed in another state or under  
87 federal law which, if committed in this state, constitutes an  
88 offense prohibited under any statute listed in subparagraph 1.  
89 or subparagraph 2.

90           Section 2. Child care personnel, as defined in s.  
91 402.302(3), Florida Statutes, who are employed as of July 1,  
92 2016, and have been granted an exemption to a disqualification  
93 from employment must be rescreened no later than August 1, 2016.

94           Section 3. In the event that CS/HB 7053 or similar  
95 legislation amending s. 435.07, Florida Statutes, is adopted  
96 during the 2016 Regular Session of the Legislature and becomes  
97 law, the provisions of this act amending s. 435.07, Florida  
98 Statutes, shall supersede such provisions of CS/HB 7053.

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