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CS/CS/CS/HB 1125

2016 Legislature

1
 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:

14
 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

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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,

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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.

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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.