

1 A bill to be entitled
2 An act relating to background screenings; amending s.
3 435.02, F.S.; revising definitions; amending ss.
4 435.04 and 435.12, F.S.; removing obsolete provisions;
5 amending s. 943.0438, F.S.; requiring certain athletic
6 coaches receive level 2 background screenings;
7 requiring such coaches be rescreened at a specified
8 time interval; providing an exception; amending s.
9 943.05, F.S.; deleting provisions concerning
10 conditions precedent to the retention of certain
11 fingerprints; requiring the Criminal Justice
12 Information Program to develop a method for direct
13 identification using biometric data; amending s.
14 943.0542, F.S.; requiring the Department of Law
15 Enforcement to periodically audit specified entities;
16 deleting authorization for nonelectronic submission of
17 fingerprints for certain background screenings;
18 requiring a waiver include a specified statement;
19 deleting a requirement that specified persons make a
20 certain disclosure; revising the entity required to
21 provide certain criminal history records; deleting a
22 requirement that the department provide certain
23 criminal history records; prohibiting qualified
24 entities from specified associations with certain
25 persons; deleting a requirement that the department

26 must establish a certain database; requiring the
27 department to issue a certain decal to specified
28 entities; authorizing the department to design such
29 decal; providing requirements for such decal;
30 requiring specified entities to display such decal in
31 a certain location; authorizing the department to
32 impose a fine for violations; amending s. 1012.32,
33 F.S.; requiring use of the Care Provider Background
34 Screening Clearinghouse for certain events; expanding
35 the types of background screenings used to determine
36 certain eligibility; removing a requirement for the
37 reimbursement of certain costs; amending s. 1012.465,
38 F.S.; requiring the use of the Care Provider
39 Background Screening Clearinghouse for certain events;
40 amending s. 1012.467, F.S.; requiring the use of the
41 Care Provider Background Screening Clearinghouse for
42 certain events; requiring school districts pay a
43 specified fee to use the Care Provider Background
44 Screening Clearing House; deleting a provision
45 requiring the purging of certain biometric
46 identification; amending s. 1012.56, F.S.; requiring
47 the Care Provider Background Screening House be used
48 for certain events; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75

Section 1. Subsections (2) and (5) of section 435.02, Florida Statutes, are amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(2) "Employee" means any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers. A volunteer who assists on an intermittent basis for less than 10 hours per month is not an employee for the purposes of screening if an employer authorized person who meets the level 2 screening requirements in accordance with s. 435.04, is always present and has the exempt volunteer within his or her line of sight..

(5) "Specified agency" means the Department of Health, the Department of Children and Families, the Department of Education, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, regional workforce boards providing services as defined in s. 445.002(3), each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under

76 s. 1002.333, early learning coalitions under s. 1002.83,
 77 qualified entities as defined in s. 943.0542(1), and local
 78 licensing agencies approved pursuant to s. 402.307, when these
 79 agencies are conducting state and national criminal history
 80 background screening on persons who work with children or
 81 persons who are elderly or disabled.

82 Section 2. Paragraph (e) of paragraph (1) of section
 83 435.04, Florida Statutes, is redesignated as paragraph (d), and
 84 paragraph (b) and present paragraph (d) of that subsection are
 85 amended to read:

86 435.04 Level 2 screening standards.—

87 (1)

88 (b) Fingerprints submitted pursuant to this section ~~on or~~
 89 ~~after July 1, 2012,~~ must be submitted electronically to the
 90 Department of Law Enforcement.

91 ~~(d) An agency may require by rule that fingerprints~~
 92 ~~submitted pursuant to this section must be submitted~~
 93 ~~electronically to the Department of Law Enforcement on a date~~
 94 ~~earlier than July 1, 2012.~~

95 Section 3. Subsection (3) of section 435.12, Florida
 96 Statutes, is amended to read:

97 435.12 Care Provider Background Screening Clearinghouse.—

98 ~~(3) An employee who has undergone a fingerprint-based~~
 99 ~~criminal history check by a specified agency before the~~
 100 ~~clearinghouse is operational is not required to be checked again~~

HB 1505

2022

101 ~~solely for the purpose of entry in the clearinghouse. Every~~
102 ~~employee who is or will become subject to fingerprint-based~~
103 ~~criminal history checks to be eligible to be licensed, have~~
104 ~~their license renewed, or meet screening or rescreening~~
105 ~~requirements by a specified agency once the specified agency~~
106 ~~participates in the clearinghouse shall be subject to the~~
107 ~~requirements of this section with respect to entry of records in~~
108 ~~the clearinghouse and retention of fingerprints for reporting~~
109 ~~the results of searching against state incoming arrest~~
110 ~~fingerprint submissions.~~

111 Section 4. Paragraphs (a) and (b) of subsection (2) of
112 section 943.0438, Florida Statutes, are amended to read:

113 943.0438 Athletic coaches for independent sanctioning
114 authorities.—

115 (2) An independent sanctioning authority shall:

116 (a)1. Conduct a level 2 ~~±~~ background screening pursuant to
117 s. 435.04 ~~s. 435.03~~ of each current and prospective athletic
118 coach. The authority may not delegate this responsibility to an
119 individual team and may not authorize any person to act as an
120 athletic coach unless a level 2 ~~±~~ background screening has been
121 ~~is~~ conducted and has ~~does not~~ resulted ~~result~~ in
122 disqualification under s. 435.04(2) ~~paragraph (b)~~. ~~Level 1~~
123 ~~background screenings shall be conducted annually for each~~
124 ~~athletic coach. For purposes of this section, a background~~
125 ~~screening shall include a search of the athletic coach's name or~~

126 ~~other identifying information against state and federal~~
127 ~~registries of sexual predators and sexual offenders, which are~~
128 ~~available to the public on Internet sites provided by:~~

129 ~~a. The Department of Law Enforcement under s. 943.043; and~~

130 ~~b. The Attorney General of the United States under 42~~
131 ~~U.S.C. s. 16920.~~

132 2. For purposes of this section, an athletic coach who is
133 required to be screened according to the level 2 screening
134 standards contained in chapter 435, pursuant to this section,
135 must be rescreened every 5 years after the date of his or her
136 last background screening or exemption, unless his or her
137 fingerprints are continuously retained and monitored by the
138 Department of Law Enforcement in the federal fingerprint
139 retention program according to the procedures specified in s.
140 943.05 a background screening conducted by a commercial consumer
141 reporting agency in compliance with the federal Fair Credit
142 Reporting Act using the identifying information referenced in
143 subparagraph 1. that includes a level 1 background screening and
144 a search of that information against the sexual predator and
145 sexual offender Internet sites listed in sub-subparagraphs 1.a.
146 and b. shall be deemed to satisfy the requirements of this
147 paragraph.

148 (b) Disqualify any person from acting as an athletic coach
149 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified
150 ~~on a registry described in paragraph (a).~~ The authority may

151 allow a person disqualified under this paragraph to act as an
 152 athletic coach if it determines that the person meets the
 153 requirements for an exemption from disqualification under s.
 154 435.07.

155 Section 5. Paragraphs (g) and (h) of subsection (2) of
 156 section 943.05, Florida Statutes, are amended, and paragraph (i)
 157 is added to that subsection, to read:

158 943.05 Criminal Justice Information Program; duties; crime
 159 reports.—

160 (2) The program shall:

161 (g) ~~Upon official written request, and subject to the~~
 162 ~~department having sufficient funds and equipment to participate~~
 163 ~~in such a request, from the agency executive director or~~
 164 ~~secretary or from his or her designee, or from qualified~~
 165 ~~entities participating in the volunteer and employee criminal~~
 166 ~~history screening system under s. 943.0542, or as otherwise~~
 167 ~~required by law,~~ Retain fingerprints submitted by criminal and
 168 noncriminal justice agencies to the department for a criminal
 169 history background screening as provided by rule and enter the
 170 fingerprints in the statewide automated biometric identification
 171 system authorized by paragraph (b). Such fingerprints shall
 172 thereafter be available for all purposes and uses authorized for
 173 arrest fingerprint submissions entered into the statewide
 174 automated biometric identification system pursuant to s.
 175 943.051.

176 (h) ~~For each agency or qualified entity that officially~~
177 ~~requests retention of fingerprints or for which retention is~~
178 ~~otherwise required by law,~~ Search all arrest fingerprint
179 submissions received under s. 943.051 against the fingerprints
180 retained in the statewide automated biometric identification
181 system under paragraph (g).

182 1. Any arrest record that is identified with the retained
183 fingerprints of a person subject to background screening as
184 provided in paragraph (g) shall be reported to the appropriate
185 agency or qualified entity.

186 2. To participate in this search process, agencies or
187 qualified entities must notify each person fingerprinted that
188 his or her fingerprints will be retained, pay an annual fee to
189 the department unless otherwise provided by law, and inform the
190 department of any change in the affiliation, employment, or
191 contractual status of each person whose fingerprints are
192 retained under paragraph (g) if such change removes or
193 eliminates the agency or qualified entity's basis or need for
194 receiving reports of any arrest of that person, so that the
195 agency or qualified entity is not obligated to pay the upcoming
196 annual fee for the retention and searching of that person's
197 fingerprints to the department. The department shall adopt a
198 rule setting the amount of the annual fee to be imposed upon
199 each participating agency or qualified entity for performing
200 these searches and establishing the procedures for the retention

201 of fingerprints and the dissemination of search results. The fee
202 may be borne by the agency, qualified entity, or person subject
203 to fingerprint retention or as otherwise provided by law.

204 Consistent with the recognition of criminal justice agencies
205 expressed in s. 943.053(3), these services shall be provided to
206 criminal justice agencies for criminal justice purposes free of
207 charge. Qualified entities that elect to participate in the
208 fingerprint retention and search process are required to timely
209 remit the fee to the department by a payment mechanism approved
210 by the department. If requested by the qualified entity, and
211 with the approval of the department, such fees may be timely
212 remitted to the department by a qualified entity upon receipt of
213 an invoice for such fees from the department. Failure of a
214 qualified entity to pay the amount due on a timely basis or as
215 invoiced by the department may result in the refusal by the
216 department to permit the qualified entity to continue to
217 participate in the fingerprint retention and search process
218 until all fees due and owing are paid.

219 3. Agencies that participate in the fingerprint retention
220 and search process may adopt rules pursuant to ss. 120.536(1)
221 and 120.54 to require employers to keep the agency informed of
222 any change in the affiliation, employment, or contractual status
223 of each person whose fingerprints are retained under paragraph
224 (g) if such change removes or eliminates the agency's basis or
225 need for receiving reports of any arrest of that person, so that

226 the agency is not obligated to pay the upcoming annual fee for
 227 the retention and searching of that person's fingerprints to the
 228 department.

229 (i) Develop a method for establishing identification
 230 through automated biometrics which may include, but is not
 231 limited to, the use of latent fingerprints, palm prints, facial
 232 recognition, or retina scans.

233 Section 6. Subsections (8) and (9) of section 943.0542,
 234 Florida Statutes, are renumbered as subsections (9) and (10),
 235 respectively, paragraphs (a), (b), and (d) of subsection (2),
 236 subsections (3), (4), (5), and (7) are amended, and a new
 237 subsection (7) and subsection (8) are added to that section, to
 238 read:

239 943.0542 Access to criminal history information provided
 240 by the department to qualified entities.—

241 (2)(a) A qualified entity must register with the
 242 department before submitting a request for screening under this
 243 section. Each such request must be voluntary and conform to the
 244 requirements established in the National Child Protection Act of
 245 1993, as amended. As a part of the registration, the qualified
 246 entity must agree to comply with state and federal law and must
 247 so indicate by signing an agreement approved by the department.
 248 The department shall ~~may~~ periodically audit qualified entities
 249 to ensure compliance with federal law and this section.

250 (b) A qualified entity shall submit to the Care Provider

251 Background Screening Clearinghouse ~~department~~ a request for
252 screening an employee or volunteer or person applying to be an
253 employee or volunteer by submitting fingerprints, ~~or the request~~
254 ~~may be submitted~~ electronically. The qualified entity must
255 maintain a signed waiver allowing the release of the state and
256 national criminal history record information to the qualified
257 entity. The waiver must include a statement that the department
258 shall retain the fingerprints of the criminal history background
259 screening of each employee or volunteer as provided by rule and
260 enter the fingerprints in the statewide automated biometric
261 identification method under s. 943.05 (2) (i).

262 ~~(d) Any current or prospective employee or volunteer who~~
263 ~~is subject to a request for screening must indicate to the~~
264 ~~qualified entity submitting the request the name and address of~~
265 ~~each qualified entity that has submitted a previous request for~~
266 ~~screening regarding that employee or volunteer.~~

267 (3) The Care Provider Background Screening Clearinghouse
268 ~~department~~ shall provide directly to the qualified entity the
269 state criminal history records that are not exempt from
270 disclosure under chapter 119 or otherwise confidential under
271 law. A person who is the subject of a state criminal history
272 record may challenge the record only as provided in s. 943.056.

273 (4) The national criminal history data is available to
274 qualified entities to use only for the purpose of screening
275 employees and volunteers or persons applying to be an employee

HB 1505

2022

276 or volunteer with a qualified entity. ~~The department shall~~
277 ~~provide this national criminal history record information~~
278 ~~directly to the qualified entity as authorized by the written~~
279 ~~waiver required for submission of a request to the department.~~

280 (5) The determination whether the criminal history record
281 shows that the employee or volunteer has been convicted of or is
282 under pending indictment for any crime that bears upon the
283 fitness of the employee or volunteer to have responsibility for
284 the safety and well-being of children, the elderly, or disabled
285 persons shall solely be made by the qualified entity; however, a
286 qualified entity may not employ or allow a volunteer who is
287 disqualified under s. 435.04(2) or (3). This section does not
288 require the department to make such a determination on behalf of
289 any qualified entity.

290 (7) The department shall issue a compliance decal to each
291 registered qualified entity annually. The department may by rule
292 designate the specific design of the decal, provided that such
293 design includes a prominent expiration date.

294 (8) A qualified entity that provides care must display the
295 compliance decal in a conspicuous location clearly visible to
296 the public. The department may impose an administrative fine for
297 each violation of this subsection. Such fine must be at least
298 \$1,000.

299 ~~(7) The department may establish a database of registered~~
300 ~~qualified entities and make this data available free of charge~~

301 ~~to all registered qualified entities. The database must include,~~
 302 ~~at a minimum, the name, address, and phone number of each~~
 303 ~~qualified entity.~~

304 Section 7. Subsection (2) and paragraphs (b) and (c) of
 305 subsection (3) of section 1012.32, Florida Statutes, are amended
 306 to read:

307 1012.32 Qualifications of personnel.—

308 (2) (a) Instructional and noninstructional personnel who
 309 are hired or contracted to fill positions that require direct
 310 contact with students in any district school system or
 311 university lab school must, upon employment or engagement to
 312 provide services, undergo background screening as required under
 313 s. 1012.465 or s. 1012.56, whichever is applicable.

314 (b)1. Instructional and noninstructional personnel who are
 315 hired or contracted to fill positions in a charter school other
 316 than a school of hope as defined in s. 1002.333, and members of
 317 the governing board of such charter school, in compliance with
 318 s. 1002.33(12) (g), upon employment, engagement of services, or
 319 appointment, shall undergo background screening as required
 320 under s. 1012.465 or s. 1012.56, whichever is applicable, by
 321 filing with the district school board for the school district in
 322 which the charter school is located a complete set of
 323 fingerprints taken by an authorized law enforcement agency or an
 324 employee of the school or school district who is trained to take
 325 fingerprints.

326 2. Instructional and noninstructional personnel who are
327 hired or contracted to fill positions in a school of hope as
328 defined in s. 1002.333, and members of the governing board of
329 such school of hope, shall file with the school of hope a
330 complete set of fingerprints taken by an authorized law
331 enforcement agency, by an employee of the school of hope or
332 school district who is trained to take fingerprints, or by any
333 other entity recognized by the Department of Law Enforcement to
334 take fingerprints.

335 (c) Instructional and noninstructional personnel who are
336 hired or contracted to fill positions that require direct
337 contact with students in an alternative school that operates
338 under contract with a district school system must, upon
339 employment or engagement to provide services, undergo background
340 screening as required under s. 1012.465 or s. 1012.56, whichever
341 is applicable, by filing with the district school board for the
342 school district to which the alternative school is under
343 contract a complete set of fingerprints taken by an authorized
344 law enforcement agency or an employee of the school or school
345 district who is trained to take fingerprints.

346 (d) Student teachers and persons participating in a field
347 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
348 district school system, lab school, or charter school must, upon
349 engagement to provide services, undergo background screening as
350 required under s. 1012.56.

351
352 Required fingerprints must be submitted to the Department of Law
353 Enforcement through the Care Provider Background Screening
354 Clearinghouse under s. 435.12 for statewide criminal and
355 juvenile records checks and to the Federal Bureau of
356 Investigation for federal criminal records checks. A person
357 subject to this subsection who is found ineligible for
358 employment under s. 435.04(2) or (3) or s. 1012.315, or
359 otherwise found through background screening to have been
360 convicted of any crime involving moral turpitude as defined by
361 rule of the State Board of Education, shall not be employed,
362 engaged to provide services, or serve in any position that
363 requires direct contact with students. Probationary persons
364 subject to this subsection terminated because of their criminal
365 record have the right to appeal such decisions. The cost of the
366 background screening may be borne by the district school board,
367 the charter school, the employee, the contractor, or a person
368 subject to this subsection. ~~A district school board shall~~
369 ~~reimburse a charter school the cost of background screening if~~
370 ~~it does not notify the charter school of the eligibility of a~~
371 ~~governing board member or instructional or noninstructional~~
372 ~~personnel within the earlier of 14 days after receipt of the~~
373 ~~background screening results from the Florida Department of Law~~
374 ~~Enforcement or 30 days of submission of fingerprints by the~~
375 ~~governing board member or instructional or noninstructional~~

376 ~~personnel.~~
377 (3)
378 (b) The Department of Law Enforcement shall search all
379 arrest fingerprints received under s. 943.051 against the
380 fingerprints retained in the statewide automated biometric
381 identification system under paragraph (a). Any arrest record
382 that is identified with the retained fingerprints of a person
383 subject to the background screening under this section shall be
384 reported to the employing or contracting school district or the
385 school district with which the person is affiliated through an
386 alert from the Care Provider Background Screening Clearinghouse
387 under s. 435.12. Each school district is required to participate
388 in this search process by payment of an annual fee to the
389 Department of Law Enforcement and by informing the Department of
390 Law Enforcement of any change in the affiliation, employment, or
391 contractual status or place of affiliation, employment, or
392 contracting of its instructional and noninstructional personnel
393 whose fingerprints are retained under paragraph (a) through an
394 alert from the Care Provider Background Screening Clearinghouse
395 under s. 435.12. The Department of Law Enforcement shall adopt a
396 rule setting the amount of the annual fee to be imposed upon
397 each school district for performing these searches and
398 establishing the procedures for the retention of instructional
399 and noninstructional personnel fingerprints and the
400 dissemination of search results. The fee may be borne by the

401 district school board, the contractor, or the person
 402 fingerprinted.

403 ~~(c) Personnel whose fingerprints are not retained by the~~
 404 ~~Department of Law Enforcement under paragraphs (a) and (b) must~~
 405 ~~be refingerprinted and rescreened in accordance with subsection~~
 406 ~~(2) upon reemployment or reengagement to provide services in~~
 407 ~~order to comply with the requirements of this subsection.~~

408 Section 8. Subsection (2) of section 1012.465, Florida
 409 Statutes, is amended to read:

410 1012.465 Background screening requirements for certain
 411 noninstructional school district employees and contractors.—

412 (2) Every 5 years following employment or entry into a
 413 contract in a capacity described in subsection (1), each person
 414 who is so employed or under contract with the school district
 415 must meet level 2 screening requirements as described in s.
 416 1012.32, at which time the school district, through the Care
 417 Provider Background Screening Clearinghouse under s. 435.12,
 418 shall request the Department of Law Enforcement to forward the
 419 fingerprints to the Federal Bureau of Investigation for the
 420 level 2 screening. If, for any reason following employment or
 421 entry into a contract in a capacity described in subsection (1),
 422 the fingerprints of a person who is so employed or under
 423 contract with the school district are not retained by the
 424 Department of Law Enforcement under s. 1012.32(3)(a) and (b),
 425 the person must file a complete set of fingerprints with the

426 district school superintendent of the employing or contracting
427 school district through the Care Provider Background Screening
428 Clearinghouse under s. 435.12. Upon submission of fingerprints
429 for this purpose, the school district shall request the
430 Department of Law Enforcement to forward the fingerprints to the
431 Federal Bureau of Investigation for the level 2 screening, and
432 the fingerprints shall be retained by the Department of Law
433 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
434 state and federal criminal history check required by level 2
435 screening may be borne by the district school board, the
436 contractor, or the person fingerprinted. Under penalty of
437 perjury, each person who is employed or under contract in a
438 capacity described in subsection (1) must agree to inform his or
439 her employer or the party with whom he or she is under contract
440 within 48 hours if convicted of any disqualifying offense while
441 he or she is employed or under contract in that capacity.

442 Section 9. Paragraphs (f) and (g) of subsection (2) of
443 section 1012.467, Florida Statutes, are redesignated as
444 paragraphs (e) and (f), respectively, paragraphs (a), (b), (d),
445 and (e) of subsection (2), subsections (3) through (6), and
446 paragraph (a) of subsection (7) of that section, are amended, to
447 read:

448 1012.467 Noninstructional contractors who are permitted
449 access to school grounds when students are present; background
450 screening requirements.—

451 (2) (a) A fingerprint-based criminal history check shall be
452 performed on each noninstructional contractor who is permitted
453 access to school grounds when students are present, whose
454 performance of the contract with the school or school board is
455 not anticipated to result in direct contact with students, and
456 for whom any unanticipated contact would be infrequent and
457 incidental. Criminal history checks shall be performed at least
458 once every 5 years. For the initial criminal history check, each
459 noninstructional contractor who is subject to the criminal
460 history check shall file with the Department of Law Enforcement,
461 through the Care Provider Background Screening Clearinghouse
462 under s. 435.12, a complete set of fingerprints taken by an
463 authorized law enforcement agency or an employee of a school
464 district, a public school, or a private company who is trained
465 to take fingerprints. Using the Care Provider Background
466 Screening Clearinghouse under s. 435.12, the fingerprints shall
467 be electronically submitted for state processing to the
468 Department of Law Enforcement, which shall in turn submit the
469 fingerprints to the Federal Bureau of Investigation for national
470 processing. The results of each criminal history check shall be
471 reported to the school district in which the individual is
472 seeking access and entered into the shared system described in
473 subsection (7). The school district shall screen the results
474 using the disqualifying offenses in paragraph (f)~~(g)~~. The cost
475 of the criminal history check may be borne by the district

HB 1505

2022

476 school board, the school, or the contractor. A fee that is
477 charged by a district school board for such checks may not
478 exceed 30 percent of the total amount charged by the Department
479 of Law Enforcement and the Federal Bureau of Investigation.

480 (b) As authorized by law, the Department of Law
481 Enforcement shall retain the fingerprints submitted by the
482 school districts pursuant to this subsection ~~to the Department~~
483 ~~of Law Enforcement~~ for a criminal history background screening
484 in a manner provided by rule and enter the fingerprints in the
485 statewide automated biometric identification system authorized
486 by s. 943.05(2)(b). The fingerprints shall thereafter be
487 available for all purposes and uses authorized for arrest
488 fingerprints entered into the statewide automated biometric
489 identification system under s. 943.051.

490 (d) School districts may participate in the search process
491 described in this subsection by using the Care Provider
492 Background Screening Clearinghouse under s. 435.12 and paying
493 any applicable annual fees ~~fee~~ to the Agency for Healthcare
494 Administration or the Department of Law Enforcement.

495 ~~(c) A fingerprint retained pursuant to this subsection~~
496 ~~shall be purged from the automated biometric identification~~
497 ~~system 5 years following the date the fingerprint was initially~~
498 ~~submitted. The Department of Law Enforcement shall set the~~
499 ~~amount of the annual fee to be imposed upon each participating~~
500 ~~agency for performing these searches and establishing the~~

501 ~~procedures for retaining fingerprints and disseminating search~~
502 ~~results. The fee may be borne as provided by law. Fees may be~~
503 ~~waived or reduced by the executive director of the Department of~~
504 ~~Law Enforcement for good cause shown.~~

505 (3) If it is found that a noninstructional contractor has
506 been convicted of any of the offenses listed in paragraph
507 (2) (f) ~~(2) (g)~~, the individual shall be immediately suspended from
508 having access to school grounds and shall remain suspended
509 unless and until the conviction is set aside in any
510 postconviction proceeding.

511 (4) A noninstructional contractor who has been convicted
512 of any of the offenses listed in paragraph (2) (f) ~~(2) (g)~~ may not
513 be permitted on school grounds when students are present unless
514 the contractor has received a full pardon or has had his or her
515 civil rights restored. A noninstructional contractor who is
516 present on school grounds in violation of this subsection
517 commits a felony of the third degree, punishable as provided in
518 s. 775.082 or s. 775.083.

519 (5) If a school district has reasonable cause to believe
520 that grounds exist for the denial of a contractor's access to
521 school grounds when students are present, it shall notify the
522 contractor in writing, stating the specific record that
523 indicates noncompliance with the standards set forth in this
524 section. It is the responsibility of the affected contractor to
525 contest his or her denial. The only basis for contesting the

526 denial is proof of mistaken identity or that an offense from
527 another jurisdiction is not disqualifying under paragraph
528 (2) (f) ~~(2) (g)~~.

529 (6) Each contractor who is subject to the requirements of
530 this section shall agree to inform his or her employer or the
531 party to whom he or she is under contract and the school
532 district within 48 hours if he or she is arrested for any of the
533 disqualifying offenses in paragraph (2) (f) ~~(2) (g)~~. A contractor
534 who willfully fails to comply with this subsection commits a
535 felony of the third degree, punishable as provided in s. 775.082
536 or s. 775.083. If the employer of a contractor or the party to
537 whom the contractor is under contract knows the contractor has
538 been arrested for any of the disqualifying offenses in paragraph
539 (2) (f) ~~(2) (g)~~ and authorizes the contractor to be present on
540 school grounds when students are present, such employer or such
541 party commits a felony of the third degree, punishable as
542 provided in s. 775.082 or s. 775.083.

543 (7) (a) The Care Provider Background Screening
544 Clearinghouse under s. 435.12 ~~Department of Law Enforcement~~
545 shall allow ~~implement a system that allows~~ for the results of a
546 criminal history check provided to a school district to be
547 shared with other school districts through a secure Internet
548 website or other secure electronic means. School districts must
549 accept reciprocity of level 2 screenings for Florida High School
550 Athletic Association officials.

551 Section 10. Paragraph (b) of subsection (10) of section
 552 1012.56, Florida Statutes, is amended to read:

553 1012.56 Educator certification requirements.—

554 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 555 PERIODICALLY.—

556 (b) A person may not receive a certificate under this
 557 chapter until the person's screening under s. 1012.32 is
 558 completed and the results have been submitted to the Department
 559 of Education or to the district school superintendent of the
 560 school district that employs the person. Every 5 years after
 561 obtaining initial certification, each person who is required to
 562 be certified under this chapter must be rescreened in accordance
 563 with s. 1012.32, at which time the school district shall l
 564 through the Care Provider Background Screening Clearinghouse
 565 under s. 435.12, request the Department of Law Enforcement to
 566 forward the fingerprints to the Federal Bureau of Investigation
 567 for federal criminal records checks. If, for any reason after
 568 obtaining initial certification, the fingerprints of a person
 569 who is required to be certified under this chapter are not
 570 retained by the Department of Law Enforcement under s.
 571 1012.32(3)(a) and (b), the person must file a complete set of
 572 fingerprints with the district school superintendent of the
 573 employing school district. Upon submission of fingerprints for
 574 this purpose, the school district shall use the Care Provider
 575 Background Screening Clearinghouse under s. 435.12 to request

576 | the Department of Law Enforcement to forward the fingerprints to
577 | the Federal Bureau of Investigation for federal criminal records
578 | checks, and the fingerprints shall be retained by the Department
579 | of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of
580 | the state and federal criminal history checks required by
581 | paragraph (a) and this paragraph may be borne by the district
582 | school board or the employee. Under penalty of perjury, each
583 | person who is certified under this chapter must agree to inform
584 | his or her employer within 48 hours if convicted of any
585 | disqualifying offense while he or she is employed in a position
586 | for which such certification is required.

587 | Section 11. This act shall take effect July 1, 2023.