

26 clearinghouse; authorizing the Agency for Health Care
27 Administration to change the start date; requiring the
28 Department of Law Enforcement to audit certain
29 entities; requiring certain fingerprints be entered
30 into the clearinghouse; requiring certain entities and
31 the clearinghouse comply with a specified laws;
32 authorizing the clearinghouse to take certain actions;
33 amending ss. 943.0585 and 943.059, F.S.; prohibiting
34 certain persons from denying criminal history records
35 that have been expunged or sealed; amending s.
36 1002.421, F.S.; revising background screening
37 requirements for certain private schools; amending s.
38 1012.315, F.S.; revising screening requirements for
39 specified individuals; providing applicability;
40 amending s. 1012.32, F.S.; revising the procedure for
41 background screenings; deleting the right to appeal
42 certain terminations; revising provisions specifying
43 financial responsibility and reimbursement for
44 background screenings; amending s. 1012.465, F.S.;
45 conforming provisions to changes made by the act;
46 amending s. 1012.467, F.S.; repealing certain
47 reciprocity provisions on a specified date; amending
48 s. 1012.56, F.S.; prohibiting certain persons from
49 having specified responsibilities before the results
50 of a background screening are available; requiring

51 certain provisions of the act be implemented by a
 52 certain date; providing an exception; providing
 53 appropriations and authorizing positions; providing
 54 effective dates.

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

58 Section 1. Subsections (1), (2), (3), (4), (5), and (6) of
 59 section 435.02, Florida Statutes, are renumbered as subsections
 60 (2), (3), (4), (5), (7), and (8), respectively, present
 61 subsection (5) is amended, and new subsections (1) and (6) are
 62 added to that section, to read:

63 435.02 Definitions.—For the purposes of this chapter, the
 64 term:

65 (1) "Affiliation" means employment by or serving as a
 66 volunteer or contractor with a qualified entity in a position
 67 for which screening is not required by law but which is allowed
 68 under the National Child Protection Act.

69 (6) "Qualified entity" has the same meaning as provided in
 70 s. 943.0542(1)(b).

71 (7)-(5) "Specified agency" means the Department of Health,
 72 the Department of Children and Families, ~~the Division of~~
 73 ~~Vocational Rehabilitation within the Department of Education,~~
 74 the Agency for Health Care Administration, the Department of
 75 Elderly Affairs, the Department of Juvenile Justice, the Agency

76 | for Persons with Disabilities, the Department of Education, each
 77 | district unit under s. 1001.30, special district units under s.
 78 | 1011.24, the Florida School for the Deaf and the Blind under s.
 79 | 1002.36, the Florida Virtual School under s. 1002.37, virtual
 80 | instruction programs under s. 1002.45, charter schools under s.
 81 | 1002.33, hope operators under s. 1002.333, private schools
 82 | participating in an educational scholarship program under s.
 83 | 1002.421, early learning coalitions under s. 1002.83,
 84 | alternative schools under s. 1008.341, regional workforce boards
 85 | providing services as defined in s. 445.002(3), and local
 86 | licensing agencies approved pursuant to s. 402.307, when these
 87 | agencies are conducting state and national criminal history
 88 | background screening on persons who work with children or
 89 | persons who are elderly or disabled.

90 | Section 2. Paragraph (e) of paragraph (1) of section
 91 | 435.04, Florida Statutes, is redesignated as paragraph (d), and
 92 | paragraphs (b) and (d) of that subsection are amended, to read:

93 | 435.04 Level 2 screening standards.—

94 | (1)

95 | (b) Fingerprints submitted pursuant to this section ~~on or~~
 96 | ~~after July 1, 2012,~~ must be submitted electronically to the
 97 | Department of Law Enforcement.

98 | ~~(d) An agency may require by rule that fingerprints~~
 99 | ~~submitted pursuant to this section must be submitted~~
 100 | ~~electronically to the Department of Law Enforcement on a date~~

101 ~~earlier than July 1, 2012.~~

102 Section 3. Section 435.12, Florida Statutes, is amended to
103 read:

104 435.12 Care Provider Background Screening Clearinghouse.—

105 (1) The Agency for Health Care Administration in
106 consultation with the Department of Law Enforcement shall create
107 a secure web-based system, which shall be known as the "Care
108 Provider Background Screening Clearinghouse" or
109 "~~clearinghouse.~~" ~~and which shall be implemented to the full~~
110 ~~extent practicable no later than September 30, 2013, subject to~~
111 ~~the specified agencies being funded and equipped to participate~~
112 ~~in such program.~~ The clearinghouse shall allow the results of
113 criminal history checks provided to the specified agencies and,
114 beginning January 1, 2024, qualified entities participating in
115 the clearinghouse, for screening of persons qualified as care
116 providers under s. 943.0542 to be shared among the specified
117 agencies and such qualified entities when a person has applied
118 to volunteer, be employed, be licensed, or enter into a contract
119 that requires, or has an affiliation that allows for, a state
120 and national fingerprint-based criminal history check. The
121 Agency for Health Care Administration and the Department of Law
122 Enforcement may adopt rules to create forms or implement
123 procedures needed to carry out this section.

124 (2) (a) To ensure that the information in the clearinghouse
125 is current, the fingerprints of a person ~~an employee required to~~

126 | ~~be screened by a specified agency and~~ included in the
127 | clearinghouse must be:

128 | 1. Retained by the Department of Law Enforcement pursuant
129 | to s. 943.05(2)(g) and (h) and (3), and the Department of Law
130 | Enforcement must report the results of searching those
131 | fingerprints against state incoming arrest fingerprint
132 | submissions to the Agency for Health Care Administration for
133 | inclusion in the clearinghouse.

134 | 2. Retained by the Federal Bureau of Investigation in the
135 | national retained print arrest notification program as soon as
136 | the Department of Law Enforcement begins participation in such
137 | program. Arrest prints will be searched against retained prints
138 | at the Federal Bureau of Investigation and notification of
139 | arrests will be forwarded to the Florida Department of Law
140 | Enforcement and reported to the Agency for Health Care
141 | Administration for inclusion in the clearinghouse.

142 | 3. Resubmitted for a Federal Bureau of Investigation
143 | national criminal history check every 5 years until such time as
144 | the fingerprints are retained by the Federal Bureau of
145 | Investigation.

146 | 4. Subject to retention on a 5-year renewal basis with
147 | fees collected at the time of initial submission or resubmission
148 | of fingerprints.

149 | 5. Submitted with a photograph of the person taken at the
150 | time the fingerprints are submitted.

151 (b) Until such time as the fingerprints are enrolled in
152 the national retained print arrest notification program at the
153 Federal Bureau of Investigation, an employee with a break in
154 service of more than 90 days from a position that requires
155 screening ~~by a specified agency~~ must submit to a national
156 screening if the person returns to a position that requires
157 screening ~~by a specified agency~~.

158 (c) An employer of persons subject to screening or a
159 qualified entity participating in the clearinghouse ~~by a~~
160 ~~specified agency~~ must register with the clearinghouse and
161 maintain the employment or affiliation status of all persons
162 included ~~employees~~ within the clearinghouse. Initial employment
163 or affiliation status and any changes in status must be reported
164 within 10 business days.

165 (d) An employer or a qualified entity participating in the
166 clearinghouse must register with and initiate all criminal
167 history checks through the clearinghouse before referring an
168 employee or potential employee or a person with a current or
169 potential affiliation with a qualified entity participating in
170 the clearinghouse for electronic fingerprint submission to the
171 Department of Law Enforcement. The registration must include the
172 employee's full first name, middle initial, and last name;
173 social security number; date of birth; mailing address; sex; and
174 race. Individuals, persons, applicants, and controlling
175 interests that cannot legally obtain a social security number

176 must provide an individual taxpayer identification number.

177 (3)(a) Employees of each district unit under s. 1001.30,
178 special district units under s. 1011.24, the Florida School for
179 the Deaf and the Blind under s. 1002.36, the Florida Virtual
180 School under s. 1002.37, virtual instruction programs under s.
181 1002.45, charter schools under s. 1002.33, hope operators under
182 s. 1002.333, private schools participating in an educational
183 scholarship program under s. 1002.421, early learning coalitions
184 under 1002.83, and alternative schools under s. 1008.341 must be
185 rescreened in compliance with the following schedule:

186 1. Employees for whom the last screening was conducted on
187 or before June 30, 2019, must be rescreened by June 30, 2024.

188 2. Employees for whom the last screening conducted was
189 between July 1, 2019, and June 30, 2021, must be rescreened by
190 June 30, 2025.

191 3. Employees for whom the last screening conducted was
192 between July 1, 2021, and December 31, 2022, must be rescreened
193 by June 30, 2026.

194 (b) A person is not required to be rescreened before
195 January 1, 2023, solely for the purpose of retention under s.
196 435.12 if the person was screened before participation by the
197 specified agencies named in paragraph (3)(a) in the
198 clearinghouse.

199 ~~(3) An employee who has undergone a fingerprint-based~~
200 ~~criminal history check by a specified agency before the~~

201 ~~clearinghouse is operational is not required to be checked again~~
202 ~~solely for the purpose of entry in the clearinghouse. Every~~
203 ~~employee who is or will become subject to fingerprint-based~~
204 ~~criminal history checks to be eligible to be licensed, have~~
205 ~~their license renewed, or meet screening or rescreening~~
206 ~~requirements by a specified agency once the specified agency~~
207 ~~participates in the clearinghouse shall be subject to the~~
208 ~~requirements of this section with respect to entry of records in~~
209 ~~the clearinghouse and retention of fingerprints for reporting~~
210 ~~the results of searching against state incoming arrest~~
211 ~~fingerprint submissions.~~

212 Section 4. Paragraph (a) of subsection (1), paragraphs (a)
213 and (b) of subsection (2), and subsection (4) of section
214 943.0438, Florida Statutes, are amended to read:

215 943.0438 Athletic coaches for independent sanctioning
216 authorities.—

217 (1) As used in this section, the term:

218 (a) "Athletic coach" means a person who:

219 1. Is authorized by an independent sanctioning authority
220 to work as a coach, assistant coach, or referee ~~for 20 or more~~
221 ~~hours within a calendar year~~, whether for compensation or as a
222 volunteer, for a youth athletic team based in this state; and

223 2. Has direct contact with one or more minors on the youth
224 athletic team.

225 (2) An independent sanctioning authority shall:

226 (a)~~1.~~ Conduct a level 2 ~~1~~ background screening pursuant to
227 s. 435.04 ~~s. 435.03~~ of each current and prospective athletic
228 coach. The authority may not delegate this responsibility to an
229 individual team and may not authorize any person to act as an
230 athletic coach unless a level 2 ~~1~~ background screening has been
231 ~~is~~ conducted and has ~~does~~ not resulted ~~result~~ in
232 disqualification under paragraph (b). ~~Level 1 background~~
233 ~~screenings shall be conducted annually for each athletic coach.~~
234 ~~For purposes of this section, a background screening shall~~
235 ~~include a search of the athletic coach's name or other~~
236 ~~identifying information against state and federal registries of~~
237 ~~sexual predators and sexual offenders, which are available to~~
238 ~~the public on Internet sites provided by:~~

239 a. ~~The Department of Law Enforcement under s. 943.043; and~~
240 b. ~~The Attorney General of the United States under 42~~
241 ~~U.S.C. s. 16920.~~

242 ~~2. For purposes of this section, a background screening~~
243 ~~conducted by a commercial consumer reporting agency in~~
244 ~~compliance with the federal Fair Credit Reporting Act using the~~
245 ~~identifying information referenced in subparagraph 1. that~~
246 ~~includes a level 1 background screening and a search of that~~
247 ~~information against the sexual predator and sexual offender~~
248 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
249 ~~deemed to satisfy the requirements of this paragraph.~~

250 (b) Disqualify any person from acting as an athletic coach

251 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified
 252 on a registry described in paragraph (a). The authority may
 253 allow a person disqualified under this paragraph to act as an
 254 athletic coach if it determines that the person meets the
 255 requirements for an exemption from disqualification under s.
 256 435.07.

257 (4) ~~The Legislature encourages~~ Independent sanctioning
 258 authorities for youth athletic teams shall ~~to~~ participate in the
 259 Volunteer and Employee Criminal History System, as authorized by
 260 the National Child Protection Act of 1993 and s. 943.0542.

261 Section 5. Paragraph (h) of subsection (2) of section
 262 943.05, Florida Statutes, is amended, and paragraph (i) is added
 263 to that subsection, to read:

264 943.05 Criminal Justice Information Program; duties; crime
 265 reports.—

266 (2) The program shall:

267 (h) For each specified agency under s. 435.02, each
 268 qualified entity under s. 943.0542 participating in the Care
 269 Provider Background Screening Clearinghouse under s. 435.12, or
 270 any other agency or qualified entity that officially requests
 271 retention of fingerprints or for which retention is otherwise
 272 required by law, search all arrest fingerprint submissions
 273 received under s. 943.051 against the fingerprints retained in
 274 the statewide automated biometric identification system under
 275 paragraph (g).

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

280 2. To participate in this search process, agencies or
281 qualified entities must notify each person fingerprinted that
282 his or her fingerprints will be retained, pay an annual fee to
283 the department unless otherwise provided by law, and inform the
284 department of any change in the affiliation, employment, or
285 contractual status of each person whose fingerprints are
286 retained under paragraph (g) if such change removes or
287 eliminates the agency or qualified entity's basis or need for
288 receiving reports of any arrest of that person, so that the
289 agency or qualified entity is not obligated to pay the upcoming
290 annual fee for the retention and searching of that person's
291 fingerprints to the department. The department shall adopt a
292 rule setting the amount of the annual fee to be imposed upon
293 each participating agency or qualified entity for performing
294 these searches and establishing the procedures for the retention
295 of fingerprints and the dissemination of search results. The fee
296 may be borne by the agency, qualified entity, or person subject
297 to fingerprint retention or as otherwise provided by law.
298 Consistent with the recognition of criminal justice agencies
299 expressed in s. 943.053(3), these services shall be provided to
300 criminal justice agencies for criminal justice purposes free of

301 charge. Qualified entities that elect to participate in the
302 fingerprint retention and search process are required to timely
303 remit the fee to the department by a payment mechanism approved
304 by the department. If requested by the qualified entity, and
305 with the approval of the department, such fees may be timely
306 remitted to the department by a qualified entity upon receipt of
307 an invoice for such fees from the department. Failure of a
308 qualified entity to pay the amount due on a timely basis or as
309 invoiced by the department may result in the refusal by the
310 department to permit the qualified entity to continue to
311 participate in the fingerprint retention and search process
312 until all fees due and owing are paid.

313 3. Agencies that participate in the fingerprint retention
314 and search process may adopt rules pursuant to ss. 120.536(1)
315 and 120.54 to require employers to keep the agency informed of
316 any change in the affiliation, employment, or contractual status
317 of each person whose fingerprints are retained under paragraph
318 (g) if such change removes or eliminates the agency's basis or
319 need for receiving reports of any arrest of that person, so that
320 the agency is not obligated to pay the upcoming annual fee for
321 the retention and searching of that person's fingerprints to the
322 department.

323 (i) Develop, for federal approval, a method for
324 identifying or verifying an individual through automated
325 biometrics.

326 Section 6. Subsections (2), (3), and (4) of section
327 943.0542, Florida Statutes, are amended to read:

328 943.0542 Access to criminal history information provided
329 by the department to qualified entities.—

330 (2)(a) A qualified entity shall initiate all background
331 criminal history checks through the department beginning January
332 1, 2024, or a later date determined by the Agency for Health
333 Care Administration, through the Care Provider Background
334 Screening Clearinghouse under s. 435.12.

335 (a) If a qualified entity initiates a background criminal
336 history check through the department, the qualified entity must:

337 1. Register with the department before submitting a
338 request for screening under this section. Each such request must
339 be voluntary and conform to the requirements established in the
340 National Child Protection Act of 1993, as amended. As a part of
341 the registration, the qualified entity must agree to comply with
342 state and federal law and must so indicate by signing an
343 agreement approved by the department. The department shall ~~may~~
344 periodically audit qualified entities to ensure compliance with
345 federal law and this section.

346 ~~2.(b) A qualified entity shall~~ Submit to the department a
347 request for screening an employee or volunteer or person
348 applying to be an employee or volunteer by submitting
349 fingerprints, or the request may be submitted electronically.
350 The qualified entity must maintain a signed waiver allowing the

351 release of the state and national criminal history record
352 information to the qualified entity.

353 ~~3.(e)~~ Each such request must be accompanied by payment of
354 a fee for a statewide criminal history check by the department
355 established by s. 943.053, plus the amount currently prescribed
356 by the Federal Bureau of Investigation for the national criminal
357 history check in compliance with the National Child Protection
358 Act of 1993, as amended. Payments must be made in the manner
359 prescribed by the department by rule.

360 ~~4.(d)~~ Any current or prospective employee or volunteer who
361 is subject to a request for screening must indicate to the
362 qualified entity submitting the request the name and address of
363 each qualified entity that has submitted a previous request for
364 screening regarding that employee or volunteer.

365 (b) If a qualified entity initiates a background criminal
366 history check through the clearinghouse, the qualified entity
367 must comply with s. 435.12. All fingerprints received under this
368 section must be entered into the clearinghouse as provided in s.
369 435.12.

370 (3) The clearinghouse or the department shall provide
371 directly to the qualified entity the state criminal history
372 records that are not exempt from disclosure under chapter 119 or
373 otherwise confidential under law. A person who is the subject of
374 a state criminal history record may challenge the record only as
375 provided in s. 943.056.

376 (4) The national criminal history data is available to
377 qualified entities to use only for the purpose of screening
378 employees and volunteers or persons applying to be an employee
379 or volunteer with a qualified entity. The clearinghouse or the
380 department shall provide this national criminal history record
381 information directly to the qualified entity as authorized by
382 the written waiver required for submission of a request to the
383 department.

384 Section 7. Paragraph (b) of subsection (6) of section
385 943.0585, Florida Statutes, is amended to read:

386 943.0585 Court-ordered expunction of criminal history
387 records.—

388 (6) EFFECT OF EXPUNCTION ORDER.—

389 (b) The person who is the subject of a criminal history
390 record that is expunged under this section or under other
391 provisions of law, including former ss. 893.14, 901.33, and
392 943.058, may lawfully deny or fail to acknowledge the arrests
393 covered by the expunged record, except when the subject of the
394 record:

395 1. Is a candidate for employment with a criminal justice
396 agency;

397 2. Is a defendant in a criminal prosecution;

398 3. Concurrently or subsequently petitions for relief under
399 this section, s. 943.0583, or s. 943.059;

400 4. Is a candidate for admission to The Florida Bar;

401 5. Is seeking to be employed or licensed by or to contract
 402 with the Department of Children and Families, the Division of
 403 Vocational Rehabilitation within the Department of Education,
 404 the Agency for Health Care Administration, the Agency for
 405 Persons with Disabilities, the Department of Health, the
 406 Department of Elderly Affairs, or the Department of Juvenile
 407 Justice or to be employed or used by such contractor or licensee
 408 in a sensitive position having direct contact with children, the
 409 disabled, or the elderly;

410 6.a. Is seeking to be employed or licensed by, or contract
 411 with, the Department of Education, any district school board,
 412 any university laboratory school, any charter school, a school
 413 of hope, any private or parochial school, or any local
 414 governmental entity that licenses child care facilities;

415 b. Is seeking or to be employed or used by a contractor or
 416 licensee under sub-subparagraph a.; or

417 c. Is a person screened under s. 1012.467;

418 7. Is seeking to be licensed by the Division of Insurance
 419 Agent and Agency Services within the Department of Financial
 420 Services; or

421 8. Is seeking to be appointed as a guardian pursuant to s.
 422 744.3125.

423 Section 8. Paragraph (b) of subsection (6) of section
 424 943.059, Florida Statutes, is amended to read:

425 943.059 Court-ordered sealing of criminal history

426 records.—

427 (6) EFFECT OF ORDER.—

428 (b) The subject of the criminal history record sealed
 429 under this section or under other provisions of law, including
 430 former ss. 893.14, 901.33, and 943.058, may lawfully deny or
 431 fail to acknowledge the arrests covered by the sealed record,
 432 except when the subject of the record:

433 1. Is a candidate for employment with a criminal justice
 434 agency;

435 2. Is a defendant in a criminal prosecution;

436 3. Concurrently or subsequently petitions for relief under
 437 this section, s. 943.0583, or s. 943.0585;

438 4. Is a candidate for admission to The Florida Bar;

439 5. Is seeking to be employed or licensed by or to contract
 440 with the Department of Children and Families, the Division of
 441 Vocational Rehabilitation within the Department of Education,
 442 the Agency for Health Care Administration, the Agency for
 443 Persons with Disabilities, the Department of Health, the
 444 Department of Elderly Affairs, or the Department of Juvenile
 445 Justice or to be employed or used by such contractor or licensee
 446 in a sensitive position having direct contact with children, the
 447 disabled, or the elderly;

448 6.a. Is seeking to be employed or licensed by, or contract
 449 with, the Department of Education, a district school board, a
 450 university laboratory school, a charter school, a school of

451 hope, a private or parochial school, or a local governmental
 452 entity that licenses child care facilities;

453 b Is seeking or to be employed or used by a contractor or
 454 licensee under subparagraph a.; or

455 c. Is a person screened under s. 1012.467;

456 7. Is attempting to purchase a firearm from a licensed
 457 importer, licensed manufacturer, or licensed dealer and is
 458 subject to a criminal history check under state or federal law;

459 8. Is seeking to be licensed by the Division of Insurance
 460 Agent and Agency Services within the Department of Financial
 461 Services;

462 9. Is seeking to be appointed as a guardian pursuant to s.
 463 744.3125; or

464 10. Is seeking to be licensed by the Bureau of License
 465 Issuance of the Division of Licensing within the Department of
 466 Agriculture and Consumer Services to carry a concealed weapon or
 467 concealed firearm. This subparagraph applies only in the
 468 determination of an applicant's eligibility under s. 790.06.

469 Section 9. Effective January 1, 2023, paragraph (e) of
 470 subsection (1) of section 1002.421, Florida Statutes, is amended
 471 to read:

472 1002.421 State school choice scholarship program
 473 accountability and oversight.—

474 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 475 school participating in an educational scholarship program

476 established pursuant to this chapter must be a private school as
 477 defined in s. 1002.01(2) in this state, be registered, and be in
 478 compliance with all requirements of this section in addition to
 479 private school requirements outlined in s. 1002.42, specific
 480 requirements identified within respective scholarship program
 481 laws, and other provisions of Florida law that apply to private
 482 schools, and must:

483 (e) Annually complete and submit to the department a
 484 notarized scholarship compliance statement certifying that all
 485 school employees and contracted personnel with direct student
 486 contact have undergone background screening pursuant to s.
 487 435.12 ~~s. 943.0542~~ and have met the screening standards as
 488 provided in s. 435.04.

489
 490 The department shall suspend the payment of funds to a private
 491 school that knowingly fails to comply with this subsection, and
 492 shall prohibit the school from enrolling new scholarship
 493 students, for 1 fiscal year and until the school complies. If a
 494 private school fails to meet the requirements of this subsection
 495 or has consecutive years of material exceptions listed in the
 496 report required under paragraph (q), the commissioner may
 497 determine that the private school is ineligible to participate
 498 in a scholarship program.

499 Section 10. Effective January 1, 2023, section 1012.315,
 500 Florida Statutes, is amended to read:

501 1012.315 Screening standards.—A person is ineligible for
502 educator certification or employment in any position that
503 requires direct contact with students in a district school
504 system, a charter school, or a private school that participates
505 in a state scholarship program under chapter 1002 if the person
506 is on the disqualification list maintained by the department
507 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
508 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
509 for an exemption under s. 435.07(4)(c), or has been convicted or
510 found guilty of, has had adjudication withheld for, or has pled
511 guilty or nolo contendere to:

512 (1) Any felony offense prohibited under any of the
513 following statutes:

514 (a) Section 393.135, relating to sexual misconduct with
515 certain developmentally disabled clients and reporting of such
516 sexual misconduct.

517 (b) Section 394.4593, relating to sexual misconduct with
518 certain mental health patients and reporting of such sexual
519 misconduct.

520 (c) Section 415.111, relating to adult abuse, neglect, or
521 exploitation of aged persons or disabled adults.

522 (d) Section 782.04, relating to murder.

523 (e) Section 782.07, relating to manslaughter, aggravated
524 manslaughter of an elderly person or disabled adult, aggravated
525 manslaughter of a child, or aggravated manslaughter of an

526 officer, a firefighter, an emergency medical technician, or a
 527 paramedic.

528 (f) Section 784.021, relating to aggravated assault.

529 (g) Section 784.045, relating to aggravated battery.

530 (h) Section 784.075, relating to battery on a detention or
 531 commitment facility staff member or a juvenile probation
 532 officer.

533 (i) Section 787.01, relating to kidnapping.

534 (j) Section 787.02, relating to false imprisonment.

535 (k) Section 787.025, relating to luring or enticing a
 536 child.

537 (l) Section 787.04(2), relating to leading, taking,
 538 enticing, or removing a minor beyond the state limits, or
 539 concealing the location of a minor, with criminal intent pending
 540 custody proceedings.

541 (m) Section 787.04(3), relating to leading, taking,
 542 enticing, or removing a minor beyond the state limits, or
 543 concealing the location of a minor, with criminal intent pending
 544 dependency proceedings or proceedings concerning alleged abuse
 545 or neglect of a minor.

546 (n) Section 790.115(1), relating to exhibiting firearms or
 547 weapons at a school-sponsored event, on school property, or
 548 within 1,000 feet of a school.

549 (o) Section 790.115(2)(b), relating to possessing an
 550 electric weapon or device, destructive device, or other weapon

551 at a school-sponsored event or on school property.
 552 (p) Section 794.011, relating to sexual battery.
 553 (q) Former s. 794.041, relating to sexual activity with or
 554 solicitation of a child by a person in familial or custodial
 555 authority.
 556 (r) Section 794.05, relating to unlawful sexual activity
 557 with certain minors.
 558 (s) Section 794.08, relating to female genital mutilation.
 559 (t) Chapter 796, relating to prostitution.
 560 (u) Chapter 800, relating to lewdness and indecent
 561 exposure.
 562 (v) Section 800.101, relating to offenses against students
 563 by authority figures.
 564 (w) Section 806.01, relating to arson.
 565 (x) Section 810.14, relating to voyeurism.
 566 (y) Section 810.145, relating to video voyeurism.
 567 (z) Section 812.014(6), relating to coordinating the
 568 commission of theft in excess of \$3,000.
 569 (aa) Section 812.0145, relating to theft from persons 65
 570 years of age or older.
 571 (bb) Section 812.019, relating to dealing in stolen
 572 property.
 573 (cc) Section 812.13, relating to robbery.
 574 (dd) Section 812.131, relating to robbery by sudden
 575 snatching.

- 576 (ee) Section 812.133, relating to carjacking.
- 577 (ff) Section 812.135, relating to home-invasion robbery.
- 578 (gg) Section 817.563, relating to fraudulent sale of
- 579 controlled substances.
- 580 (hh) Section 825.102, relating to abuse, aggravated abuse,
- 581 or neglect of an elderly person or disabled adult.
- 582 (ii) Section 825.103, relating to exploitation of an
- 583 elderly person or disabled adult.
- 584 (jj) Section 825.1025, relating to lewd or lascivious
- 585 offenses committed upon or in the presence of an elderly person
- 586 or disabled person.
- 587 (kk) Section 826.04, relating to incest.
- 588 (ll) Section 827.03, relating to child abuse, aggravated
- 589 child abuse, or neglect of a child.
- 590 (mm) Section 827.04, relating to contributing to the
- 591 delinquency or dependency of a child.
- 592 (nn) Section 827.071, relating to sexual performance by a
- 593 child.
- 594 (oo) Section 843.01, relating to resisting arrest with
- 595 violence.
- 596 (pp) Chapter 847, relating to obscenity.
- 597 (qq) Section 874.05, relating to causing, encouraging,
- 598 soliciting, or recruiting another to join a criminal street
- 599 gang.
- 600 (rr) Chapter 893, relating to drug abuse prevention and

601 control, if the offense was a felony of the second degree or
 602 greater severity.

603 (ss) Section 916.1075, relating to sexual misconduct with
 604 certain forensic clients and reporting of such sexual
 605 misconduct.

606 (tt) Section 944.47, relating to introduction, removal, or
 607 possession of contraband at a correctional facility.

608 (uu) Section 985.701, relating to sexual misconduct in
 609 juvenile justice programs.

610 (vv) Section 985.711, relating to introduction, removal,
 611 or possession of contraband at a juvenile detention facility or
 612 commitment program.

613 (2) Any misdemeanor offense prohibited under any of the
 614 following statutes:

615 (a) Section 784.03, relating to battery, if the victim of
 616 the offense was a minor.

617 (b) Section 787.025, relating to luring or enticing a
 618 child.

619 (3) Any criminal act committed in another state or under
 620 federal law which, if committed in this state, constitutes an
 621 offense prohibited under any statute listed in subsection (1) or
 622 subsection (2).

623 (4) Any delinquent act committed in this state or any
 624 delinquent or criminal act committed in another state or under
 625 federal law which, if committed in this state, qualifies an

626 individual for inclusion on the Registered Juvenile Sex Offender
627 List under s. 943.0435(1)(h)1.d.

628 Section 11. The changes made to s. 1012.315, Florida
629 Statutes, by this act apply to individuals who are screened
630 after January 1, 2024.

631 Section 12. Effective January 1, 2023, subsections (2) and
632 (3) of section 1012.32, Florida Statutes, are amended to read:

633 1012.32 Qualifications of personnel.—

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

640 (b)1. Instructional and noninstructional personnel who are
641 hired or contracted to fill positions in a charter school other
642 than a school of hope as defined in s. 1002.333, and members of
643 the governing board of such charter school, in compliance with
644 s. 1002.33(12)(g), upon employment, engagement of services, or
645 appointment, shall undergo background screening as required
646 under s. 1012.465 or s. 1012.56, whichever is applicable, ~~by~~
647 ~~filing with the district school board for the school district in~~
648 ~~which the charter school is located a complete set of~~
649 ~~fingerprints taken by an authorized law enforcement agency or an~~
650 ~~employee of the school or school district who is trained to take~~

651 ~~fingerprints.~~

652 2. Instructional and noninstructional personnel who are
 653 hired or contracted to fill positions in a school of hope as
 654 defined in s. 1002.333, and members of the governing board of
 655 such school of hope, upon employment, engagement of services, or
 656 appointment, shall undergo background screening as required
 657 under s. 1012.465 or s. 1012.56, whichever is applicable ~~file~~
 658 ~~with the school of hope a complete set of fingerprints taken by~~
 659 ~~an authorized law enforcement agency, by an employee of the~~
 660 ~~school of hope or school district who is trained to take~~
 661 ~~fingerprints, or by any other entity recognized by the~~
 662 ~~Department of Law Enforcement to take fingerprints.~~

663 (c) Instructional and noninstructional personnel who are
 664 hired or contracted to fill positions that require direct
 665 contact with students in an alternative school that operates
 666 under contract with a district school system must, upon
 667 employment or engagement to provide services, undergo background
 668 screening as required under s. 1012.465 or s. 1012.56, whichever
 669 is applicable, ~~by filing with the district school board for the~~
 670 ~~school district to which the alternative school is under~~
 671 ~~contract a complete set of fingerprints taken by an authorized~~
 672 ~~law enforcement agency or an employee of the school or school~~
 673 ~~district who is trained to take fingerprints.~~

674 (d) Student teachers and persons participating in a field
 675 experience pursuant to s. 1004.04(5) or s. 1004.85 in any

676 district school system, lab school, or charter school must, upon
677 engagement to provide services, undergo background screening as
678 required under s. 1012.56.

679
680 ~~Required fingerprints must be submitted to the Department of Law~~
681 ~~Enforcement for statewide criminal and juvenile records checks~~
682 ~~and to the Federal Bureau of Investigation for federal criminal~~
683 ~~records checks.~~ A person subject to this subsection who is found
684 ineligible for employment under s. 1012.315, or otherwise found
685 through background screening to have been convicted of any crime
686 involving moral turpitude as defined by rule of the State Board
687 of Education, may ~~shall~~ not be employed, engaged to provide
688 services, or serve in any position that requires direct contact
689 with students. ~~Probationary persons subject to this subsection~~
690 ~~terminated because of their criminal record have the right to~~
691 ~~appeal such decisions.~~ The cost of the background screening may
692 be borne by the employer ~~district school board, the charter~~
693 ~~school, the employee, the contractor,~~ or a person subject to
694 this subsection. ~~A district school board shall reimburse a~~
695 ~~charter school the cost of background screening if it does not~~
696 ~~notify the charter school of the eligibility of a governing~~
697 ~~board member or instructional or noninstructional personnel~~
698 ~~within the earlier of 14 days after receipt of the background~~
699 ~~screening results from the Florida Department of Law Enforcement~~
700 ~~or 30 days of submission of fingerprints by the governing board~~

701 ~~member or instructional or noninstructional personnel.~~

702 (3) A background screening required under this section
703 shall be conducted in accordance with s. 435.12.

704 ~~(3)(a) All fingerprints submitted to the Department of Law~~
705 ~~Enforcement as required by subsection (2) shall be retained by~~
706 ~~the Department of Law Enforcement in a manner provided by rule~~
707 ~~and entered in the statewide automated biometric identification~~
708 ~~system authorized by s. 943.05(2)(b). Such fingerprints shall~~
709 ~~thereafter be available for all purposes and uses authorized for~~
710 ~~arrest fingerprints entered in the statewide automated biometric~~
711 ~~identification system pursuant to s. 943.051.~~

712 ~~(b) The Department of Law Enforcement shall search all~~
713 ~~arrest fingerprints received under s. 943.051 against the~~
714 ~~fingerprints retained in the statewide automated biometric~~
715 ~~identification system under paragraph (a). Any arrest record~~
716 ~~that is identified with the retained fingerprints of a person~~
717 ~~subject to the background screening under this section shall be~~
718 ~~reported to the employing or contracting school district or the~~
719 ~~school district with which the person is affiliated. Each school~~
720 ~~district is required to participate in this search process by~~
721 ~~payment of an annual fee to the Department of Law Enforcement~~
722 ~~and by informing the Department of Law Enforcement of any change~~
723 ~~in the affiliation, employment, or contractual status or place~~
724 ~~of affiliation, employment, or contracting of its instructional~~
725 ~~and noninstructional personnel whose fingerprints are retained~~

726 ~~under paragraph (a). The Department of Law Enforcement shall~~
727 ~~adopt a rule setting the amount of the annual fee to be imposed~~
728 ~~upon each school district for performing these searches and~~
729 ~~establishing the procedures for the retention of instructional~~
730 ~~and noninstructional personnel fingerprints and the~~
731 ~~dissemination of search results. The fee may be borne by the~~
732 ~~district school board, the contractor, or the person~~
733 ~~fingerprinted.~~

734 ~~(c) Personnel whose fingerprints are not retained by the~~
735 ~~Department of Law Enforcement under paragraphs (a) and (b) must~~
736 ~~be reprinted and rescreened in accordance with subsection~~
737 ~~(2) upon reemployment or reengagement to provide services in~~
738 ~~order to comply with the requirements of this subsection.~~

739 Section 13. Effective January 1, 2023, section 1012.465,
740 Florida Statutes, is amended to read:

741 1012.465 Background screening requirements for certain
742 noninstructional school district employees and contractors.—

743 (1) Except as provided in s. 1012.467 or s. 1012.468,
744 noninstructional school district employees or contractual
745 personnel who are permitted access on school grounds when
746 students are present, who have direct contact with students or
747 who have access to or control of school funds must meet the
748 ~~level 2~~ screening requirements of ~~as described in~~ s. 1012.32.
749 Contractual personnel shall include any vendor, individual, or
750 entity under contract with a school or the school board.

751 (2) ~~Every 5 years following employment or entry into a~~
752 ~~contract in a capacity described in subsection (1), each person~~
753 ~~who is so employed or under contract with the school district~~
754 ~~must meet level 2 screening requirements as described in s.~~
755 ~~1012.32, at which time the school district shall request the~~
756 ~~Department of Law Enforcement to forward the fingerprints to the~~
757 ~~Federal Bureau of Investigation for the level 2 screening. If,~~
758 ~~for any reason following employment or entry into a contract in~~
759 ~~a capacity described in subsection (1), the fingerprints of a~~
760 ~~person who is so employed or under contract with the school~~
761 ~~district are not retained by the Department of Law Enforcement~~
762 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~
763 ~~set of fingerprints with the district school superintendent of~~
764 ~~the employing or contracting school district. Upon submission of~~
765 ~~fingerprints for this purpose, the school district shall request~~
766 ~~the Department of Law Enforcement to forward the fingerprints to~~
767 ~~the Federal Bureau of Investigation for the level 2 screening,~~
768 ~~and the fingerprints shall be retained by the Department of Law~~
769 ~~Enforcement under s. 1012.32(3)(a) and (b).~~ The cost of the
770 state and federal criminal history check required by level 2
771 screening may be borne by the district school board, the
772 contractor, or the person fingerprinted. Under penalty of
773 perjury, each person who is employed or under contract in a
774 capacity described in subsection (1) must agree to inform his or
775 her employer or the party with whom he or she is under contract

776 within 48 hours if convicted of any disqualifying offense while
 777 he or she is employed or under contract in that capacity.

778 (3) If it is found that a person who is employed or under
 779 contract in a capacity described in subsection (1) does not meet
 780 the screening level-2 requirements, the person shall be
 781 immediately suspended from working in that capacity and shall
 782 remain suspended until final resolution of any appeals.

783 Section 14. Subsections (2) through (7) of section
 784 1012.467, Florida Statutes, are amended to read:

785 1012.467 Noninstructional contractors who are permitted
 786 access to school grounds when students are present; background
 787 screening requirements.—

788 (2)(a) A fingerprint-based criminal history check shall be
 789 performed on each noninstructional contractor who is permitted
 790 access to school grounds when students are present, whose
 791 performance of the contract with the school or school board is
 792 not anticipated to result in direct contact with students, and
 793 for whom any unanticipated contact would be infrequent and
 794 incidental using the process described in s. 1012.32(3).

795 ~~Criminal history checks shall be performed at least once every 5~~
 796 ~~years. For the initial criminal history check, each~~
 797 ~~noninstructional contractor who is subject to the criminal~~
 798 ~~history check shall file with the Department of Law Enforcement~~
 799 ~~a complete set of fingerprints taken by an authorized law~~
 800 ~~enforcement agency or an employee of a school district, a public~~

801 ~~school, or a private company who is trained to take~~
802 ~~fingerprints. The fingerprints shall be electronically submitted~~
803 ~~for state processing to the Department of Law Enforcement, which~~
804 ~~shall in turn submit the fingerprints to the Federal Bureau of~~
805 ~~Investigation for national processing.~~ The results of each
806 criminal history check shall be reported to the school district
807 in which the individual is seeking access and entered into the
808 shared system described in subsection (7). The school district
809 shall screen the results using the disqualifying offenses in
810 paragraph (b)(g). The cost of the criminal history check may be
811 borne by the district school board, the school, or the
812 contractor. ~~A fee that is charged by a district school board for~~
813 ~~such checks may not exceed 30 percent of the total amount~~
814 ~~charged by the Department of Law Enforcement and the Federal~~
815 ~~Bureau of Investigation.~~

816 ~~(b) As authorized by law, the Department of Law~~
817 ~~Enforcement shall retain the fingerprints submitted by the~~
818 ~~school districts pursuant to this subsection to the Department~~
819 ~~of Law Enforcement for a criminal history background screening~~
820 ~~in a manner provided by rule and enter the fingerprints in the~~
821 ~~statewide automated biometric identification system authorized~~
822 ~~by s. 943.05(2)(b). The fingerprints shall thereafter be~~
823 ~~available for all purposes and uses authorized for arrest~~
824 ~~fingerprints entered into the statewide automated biometric~~
825 ~~identification system under s. 943.051.~~

826 ~~(c) As authorized by law, the Department of Law~~
827 ~~Enforcement shall search all arrest fingerprints received under~~
828 ~~s. 943.051 against the fingerprints retained in the statewide~~
829 ~~automated biometric identification system under paragraph (b).~~

830 ~~(d) School districts may participate in the search process~~
831 ~~described in this subsection by paying an annual fee to the~~
832 ~~Department of Law Enforcement.~~

833 ~~(e) A fingerprint retained pursuant to this subsection~~
834 ~~shall be purged from the automated biometric identification~~
835 ~~system 5 years following the date the fingerprint was initially~~
836 ~~submitted. The Department of Law Enforcement shall set the~~
837 ~~amount of the annual fee to be imposed upon each participating~~
838 ~~agency for performing these searches and establishing the~~
839 ~~procedures for retaining fingerprints and disseminating search~~
840 ~~results. The fee may be borne as provided by law. Fees may be~~
841 ~~waived or reduced by the executive director of the Department of~~
842 ~~Law Enforcement for good cause shown.~~

843 ~~(f) A noninstructional contractor who is subject to a~~
844 ~~criminal history check under this section shall inform a school~~
845 ~~district that he or she has completed a criminal history check~~
846 ~~in another school district within the last 5 years. The school~~
847 ~~district shall verify the results of the contractor's criminal~~
848 ~~history check using the shared system described in subsection~~
849 ~~(7). The school district may not charge the contractor a fee for~~
850 ~~verifying the results of his or her criminal history check.~~

851 (b)~~(g)~~ A noninstructional contractor for whom a criminal
 852 history check is required under this section may not have been
 853 convicted of any of the following offenses designated in the
 854 Florida Statutes, any similar offense in another jurisdiction,
 855 or any similar offense committed in this state which has been
 856 redesignated from a former provision of the Florida Statutes to
 857 one of the following offenses:

858 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 859 the registration of an individual as a sexual offender.

860 2. Section 393.135, relating to sexual misconduct with
 861 certain developmentally disabled clients and the reporting of
 862 such sexual misconduct.

863 3. Section 394.4593, relating to sexual misconduct with
 864 certain mental health patients and the reporting of such sexual
 865 misconduct.

866 4. Section 775.30, relating to terrorism.

867 5. Section 782.04, relating to murder.

868 6. Section 787.01, relating to kidnapping.

869 7. Any offense under chapter 800, relating to lewdness and
 870 indecent exposure.

871 8. Section 826.04, relating to incest.

872 9. Section 827.03, relating to child abuse, aggravated
 873 child abuse, or neglect of a child.

874 (3) If it is found that a noninstructional contractor has
 875 been convicted of any of the offenses listed in paragraph (2) (b)

876 ~~(2)(g)~~, the individual shall be immediately suspended from
877 having access to school grounds and shall remain suspended
878 unless and until the conviction is set aside in any
879 postconviction proceeding.

880 (4) A noninstructional contractor who has been convicted
881 of any of the offenses listed in paragraph (2)(b) ~~(2)(g)~~ may not
882 be permitted on school grounds when students are present unless
883 the contractor has received a full pardon or has had his or her
884 civil rights restored. A noninstructional contractor who is
885 present on school grounds in violation of this subsection
886 commits a felony of the third degree, punishable as provided in
887 s. 775.082 or s. 775.083.

888 (5) If a school district has reasonable cause to believe
889 that grounds exist for the denial of a contractor's access to
890 school grounds when students are present, it shall notify the
891 contractor in writing, stating the specific record that
892 indicates noncompliance with the standards set forth in this
893 section. It is the responsibility of the affected contractor to
894 contest his or her denial. The only basis for contesting the
895 denial is proof of mistaken identity or that an offense from
896 another jurisdiction is not disqualifying under paragraph (2)(b)
897 ~~(2)(g)~~.

898 (6) Each contractor who is subject to the requirements of
899 this section shall agree to inform his or her employer or the
900 party to whom he or she is under contract and the school

901 district within 48 hours if he or she is arrested for any of the
902 disqualifying offenses in paragraph (2) (b) ~~(2) (g)~~. A contractor
903 who willfully fails to comply with this subsection commits a
904 felony of the third degree, punishable as provided in s. 775.082
905 or s. 775.083. If the employer of a contractor or the party to
906 whom the contractor is under contract knows the contractor has
907 been arrested for any of the disqualifying offenses in paragraph
908 (2) (b) ~~(2) (g)~~ and authorizes the contractor to be present on
909 school grounds when students are present, such employer or such
910 party commits a felony of the third degree, punishable as
911 provided in s. 775.082 or s. 775.083.

912 (7) (a) The Department of Law Enforcement shall implement a
913 system that allows for the results of a criminal history check
914 provided to a school district to be shared with other school
915 districts through a secure Internet website or other secure
916 electronic means. School districts must accept reciprocity of
917 level 2 screenings for Florida High School Athletic Association
918 officials.

919 (b) An employee of a school district, a charter school, a
920 lab school, a charter lab school, or the Florida School for the
921 Deaf and the Blind who requests or shares criminal history
922 information under this section is immune from civil or criminal
923 liability for any good faith conduct that occurs during the
924 performance of and within the scope of responsibilities related
925 to the record check.

926 (c) This subsection is repealed July 31, 2026.
 927 Section 15. Effective January 1, 2023, paragraph (b) of
 928 subsection (10) of section 1012.56, Florida Statutes, is
 929 amended, and paragraph (c) is added to that subsection, to read:
 930 1012.56 Educator certification requirements.—
 931 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 932 PERIODICALLY.—
 933 (b) To maintain the safety and well-being of children and
 934 the integrity of the system of public education, a person may
 935 not be certified ~~receive a certificate~~ under this chapter to
 936 have the responsibility for the safety and well-being of
 937 children until the person's screening under s. 1012.32 is
 938 completed and the results have been submitted to the Department
 939 of Education or to the person's employer ~~district school~~
 940 ~~superintendent of the school district that employs the person.~~
 941 Every 5 years after obtaining initial certification, each person
 942 who is required to be certified under this chapter must be
 943 rescreened in accordance with s. 1012.32, at which time the
 944 employer ~~school district~~ shall request the Department of Law
 945 Enforcement to forward the fingerprints to the Federal Bureau of
 946 Investigation for federal criminal records checks pursuant to s.
 947 435.12.
 948 (c) If, for any reason after obtaining initial
 949 certification, the fingerprints of a person who is required to
 950 be certified under this chapter are not retained by the

951 Department of Law Enforcement under s. 1012.32(3) ~~s.~~
952 ~~1012.32(3)(a) and (b)~~, the person must file a complete set of
953 fingerprints with the employer ~~district school superintendent of~~
954 ~~the employing school district~~. Upon submission of fingerprints
955 for this purpose, the employer ~~school district~~ shall request the
956 Department of Law Enforcement to forward the fingerprints to the
957 Federal Bureau of Investigation for federal criminal records
958 checks, and the fingerprints shall be retained by the Department
959 of Law Enforcement under s. 1012.32(3) ~~s. 1012.32(3)(a) and (b)~~.
960 The cost of the state and federal criminal history checks
961 required by paragraph (a) and this paragraph may be borne by the
962 employer ~~district school board~~ or the employee. Under penalty of
963 perjury, each person who is certified under this chapter must
964 agree to inform his or her employer within 48 hours if convicted
965 of any disqualifying offense while he or she is employed in a
966 position for which such certification is required.

967 Section 16. The changes made to ss. 1012.32 and 1012.56,
968 Florida Statutes, by this act must be implemented by January 1,
969 2024, or a later date determined by the Agency for Health Care
970 Administration.

971 Section 17. For the 2022-2023 fiscal year, the sums of
972 \$285,367 in recurring funds from the Health Care Trust Fund and
973 \$581,064 in nonrecurring funds from the Health Care Trust Fund
974 are appropriated to the Agency for Health Care Administration
975 and five full-time equivalent positions with associated salary

976 | rate of 173,431 is authorized for the purpose of implementing
977 | this act.

978 | Section 18. Except as otherwise expressly provided in this
979 | act and except for this section, which shall take effect upon
980 | this act becoming a law, this act shall take effect July 1,
981 | 2023.