

By Senator Brodeur

9-01530-22

20221830\_\_

1                                   A bill to be entitled  
2       An act relating to background screenings; amending s.  
3       435.02, F.S.; revising the definition of the term  
4       "specified agency"; amending s. 435.04, F.S.; deleting  
5       obsolete language; amending s. 435.12, F.S.;  
6       conforming a cross-reference; deleting obsolete  
7       language; amending s. 943.0438, F.S.; requiring  
8       independent sanctioning authorities to conduct level 2  
9       instead of level 1 background screenings of current  
10      and prospective athletic coaches; requiring certain  
11      athletic coaches to be rescreened every 5 years  
12      following the date of their most recent background  
13      screening or exemption; providing an exception;  
14      conforming provisions to changes made by the act;  
15      amending s. 943.05, F.S.; requiring the Criminal  
16      Justice Information Program to develop a method for  
17      establishing direct identification in a certain  
18      manner; requiring the program to retain certain  
19      information without the need for an official written  
20      request; requiring the program to search all arrest  
21      fingerprint submissions without the need for a  
22      request; amending s. 943.0542, F.S.; requiring, rather  
23      than authorizing, the Department of Law Enforcement to  
24      periodically audit qualified entities; requiring  
25      certain entities to use the Care Provider Background  
26      Screening Clearinghouse for screening an employee or a  
27      volunteer; requiring a certain signed waiver to  
28      include a specified statement; requiring the  
29      clearinghouse to provide certain information directly

9-01530-22

20221830\_\_

30 to qualified entities; deleting a requirement for the  
31 Department of Law Enforcement to provide national  
32 criminal history data directly to qualified entities;  
33 prohibiting a qualified entity from employing or  
34 allowing a volunteer under specified circumstances;  
35 requiring the Department of Law Enforcement to design  
36 a compliance decal that meets specified requirements;  
37 requiring qualified entities to comply with certain  
38 provisions of law; authorizing the Department of Law  
39 Enforcement to issue a fine of a specified minimum  
40 amount for noncompliance; amending s. 1012.32, F.S.;  
41 requiring certain fingerprints to be submitted to the  
42 clearinghouse; deleting a requirement that district  
43 school boards reimburse charter schools for the cost  
44 of background screenings under certain circumstances;  
45 requiring the clearinghouse to notify certain school  
46 districts of any arrest records that are identified  
47 with the retained fingerprints of certain individuals;  
48 conforming provisions to changes made by the act;  
49 amending s. 1012.465, F.S.; requiring school districts  
50 to make a certain request through the clearinghouse;  
51 amending s. 1012.467, F.S.; requiring certain  
52 information to be filed or submitted through the  
53 clearinghouse; authorizing school districts to  
54 participate in a certain search process by using the  
55 clearinghouse and paying any applicable annual fee to  
56 the Agency for Health Care Administration and the  
57 Department of Law Enforcement; conforming provisions  
58 to changes made by the act; amending s. 1012.56, F.S.;

9-01530-22

20221830\_\_

59 requiring school districts to make certain requests  
60 through the clearinghouse; amending ss. 381.986,  
61 381.988, 408.809, 456.0135, 494.00312, 494.00321,  
62 494.00611, 496.4101, 559.555, 560.141, and 581.217,  
63 F.S.; conforming cross-references; providing an  
64 effective date.

65

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

67

68 Section 1. Subsection (5) of section 435.02, Florida  
69 Statutes, is amended to read:

70 435.02 Definitions.—For the purposes of this chapter, the  
71 term:

72 (5) "Specified agency" means the Department of Health, the  
73 Department of Children and Families, the Department of  
74 Education, the Division of Vocational Rehabilitation within the  
75 Department of Education, the Agency for Health Care  
76 Administration, the Department of Elderly Affairs, the  
77 Department of Juvenile Justice, the Agency for Persons with  
78 Disabilities, regional workforce boards providing services as  
79 defined in s. 445.002(3), each district unit pursuant to s.  
80 1001.30, special district units pursuant to s. 1011.24, the  
81 Florida School for the Deaf and the Blind pursuant to s.  
82 1002.36, the Florida Virtual School pursuant to s. 1002.37,  
83 virtual instruction programs pursuant to s. 1002.45, charter  
84 schools pursuant to s. 1002.33, a School of Hope operator  
85 pursuant to s. 1002.333, early learning coalitions pursuant to  
86 s. 1002.83, a qualified entity pursuant to s. 943.0542(1), and  
87 local licensing agencies approved pursuant to s. 402.307, when

9-01530-22

20221830\_\_

88 these agencies are conducting state and national criminal  
89 history background screening on persons who work with children  
90 or persons who are elderly or disabled.

91 Section 2. Paragraphs (b) and (d) of subsection (1) of  
92 section 435.04, Florida Statutes, 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. Paragraph (a) of subsection (2) and subsection  
103 (3) of section 435.12, Florida Statutes, are amended to read:

104 435.12 Care Provider Background Screening Clearinghouse.—

105 (2) (a) To ensure that the information in the clearinghouse  
106 is current, the fingerprints of an employee required to be  
107 screened by a specified agency and included in the clearinghouse  
108 must be:

109 1. Retained by the Department of Law Enforcement pursuant  
110 to s. 943.05(2)(h) and (i) and (3) ~~s. 943.05(2)(g) and (h) and~~  
111 ~~(3)~~, and the Department of Law Enforcement must report the  
112 results of searching those fingerprints against state incoming  
113 arrest fingerprint submissions to the Agency for Health Care  
114 Administration for inclusion in the clearinghouse.

115 2. Retained by the Federal Bureau of Investigation in the  
116 national retained print arrest notification program as soon as

9-01530-22

20221830\_\_

117 the Department of Law Enforcement begins participation in such  
118 program. Arrest prints will be searched against retained prints  
119 at the Federal Bureau of Investigation and notification of  
120 arrests will be forwarded to the Florida Department of Law  
121 Enforcement and reported to the Agency for Health Care  
122 Administration for inclusion in the clearinghouse.

123 3. Resubmitted for a Federal Bureau of Investigation  
124 national criminal history check every 5 years until such time as  
125 the fingerprints are retained by the Federal Bureau of  
126 Investigation.

127 4. Subject to retention on a 5-year renewal basis with fees  
128 collected at the time of initial submission or resubmission of  
129 fingerprints.

130 5. Submitted with a photograph of the person taken at the  
131 time the fingerprints are submitted.

132 ~~(3) An employee who has undergone a fingerprint-based~~  
133 ~~criminal history check by a specified agency before the~~  
134 ~~clearinghouse is operational is not required to be checked again~~  
135 ~~solely for the purpose of entry in the clearinghouse. Every~~  
136 ~~employee who is or will become subject to fingerprint-based~~  
137 ~~criminal history checks to be eligible to be licensed, have~~  
138 ~~their license renewed, or meet screening or rescreening~~  
139 ~~requirements by a specified agency once the specified agency~~  
140 ~~participates in the clearinghouse shall be subject to the~~  
141 ~~requirements of this section with respect to entry of records in~~  
142 ~~the clearinghouse and retention of fingerprints for reporting~~  
143 ~~the results of searching against state incoming arrest~~  
144 ~~fingerprint submissions.~~

145 Section 4. Paragraphs (a) and (b) of subsection (2) of

9-01530-22

20221830\_\_

146 section 943.0438, Florida Statutes, are amended to read:

147 943.0438 Athletic coaches for independent sanctioning  
148 authorities.-

149 (2) An independent sanctioning authority shall:

150 (a)1. Conduct a level 2 ~~±~~ background screening pursuant to  
151 s. 435.04 ~~s. 435.03~~ of each current and prospective athletic  
152 coach. The authority may not delegate this responsibility to an  
153 individual team and may not authorize any person to act as an  
154 athletic coach unless a level 2 ~~±~~ background screening is  
155 conducted and does not result in disqualification under s.  
156 435.04(2) paragraph (b). ~~Level 1 background screenings shall be~~  
157 ~~conducted annually for each athletic coach. For purposes of this~~  
158 ~~section, a background screening shall include a search of the~~  
159 ~~athletic coach's name or other identifying information against~~  
160 ~~state and federal registries of sexual predators and sexual~~  
161 ~~offenders, which are available to the public on Internet sites~~  
162 ~~provided by:~~

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

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

166 2. For purposes of this section, an athletic coach who is  
167 required to be screened according to the level 2 screening  
168 standards contained in s. 435.04 pursuant to this section shall  
169 be rescreened every 5 years following the date of his or her  
170 most recent background screening or exemption, unless such  
171 individual's fingerprints are continuously retained and  
172 monitored by the Department of Law Enforcement in the federal  
173 fingerprint retention program according to the procedures  
174 specified in s. 943.05 ~~a background screening conducted by a~~

9-01530-22

20221830\_\_

175 ~~commercial consumer reporting agency in compliance with the~~  
176 ~~federal Fair Credit Reporting Act using the identifying~~  
177 ~~information referenced in subparagraph 1. that includes a level~~  
178 ~~1 background screening and a search of that information against~~  
179 ~~the sexual predator and sexual offender Internet sites listed in~~  
180 ~~sub-subparagraphs 1.a. and b. shall be deemed to satisfy the~~  
181 ~~requirements of this paragraph.~~

182 (b) Disqualify any person from acting as an athletic coach  
183 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified  
184 ~~on a registry described in paragraph (a)~~. The authority may  
185 allow a person disqualified under this paragraph to act as an  
186 athletic coach if it determines that the person meets the  
187 requirements for an exemption from disqualification under s.  
188 435.07.

189 Section 5. Present paragraphs (g) and (h) of subsection (2)  
190 of section 943.05, Florida Statutes, are redesignated as  
191 paragraphs (h) and (i), respectively, a new paragraph (g) is  
192 added to that subsection, and present paragraphs (g) and (h) of  
193 that subsection and subsection (4) of that section are amended,  
194 to read:

195 943.05 Criminal Justice Information Program; duties; crime  
196 reports.—

197 (2) The program shall:

198 (g) Develop a method for establishing direct identification  
199 through automated biometrics, which may include, but is not  
200 limited to, the use of latent fingerprints, palm prints, facial  
201 recognition, or retina scans.

202 ~~(h) (g) Upon official written request, and subject to the~~  
203 ~~department having sufficient funds and equipment to participate~~

9-01530-22

20221830\_\_

204 ~~in such a request, from the agency executive director or~~  
205 ~~secretary or from his or her designee, or from qualified~~  
206 ~~entities participating in the volunteer and employee criminal~~  
207 ~~history screening system under s. 943.0542, or as otherwise~~  
208 ~~required by law,~~ Retain fingerprints submitted by criminal and  
209 noncriminal justice agencies to the department for a criminal  
210 history background screening as provided by rule and enter the  
211 fingerprints in the statewide automated biometric identification  
212 system authorized by paragraph (b). Such fingerprints shall  
213 thereafter be available for all purposes and uses authorized for  
214 arrest fingerprint submissions entered into the statewide  
215 automated biometric identification system pursuant to s.  
216 943.051.

217 ~~(i)(h) For each agency or qualified entity that officially~~  
218 ~~requests retention of fingerprints or for which retention is~~  
219 ~~otherwise required by law,~~ Search all arrest fingerprint  
220 submissions received under s. 943.051 against the fingerprints  
221 retained in the statewide automated biometric identification  
222 system under paragraph (h) ~~(g)~~.

223 1. Any arrest record that is identified with the retained  
224 fingerprints of a person subject to background screening as  
225 provided in paragraph (h) ~~(g)~~ shall be reported to the  
226 appropriate agency or qualified entity.

227 2. To participate in this search process, agencies or  
228 qualified entities must notify each person fingerprinted that  
229 his or her fingerprints will be retained, pay an annual fee to  
230 the department unless otherwise provided by law, and inform the  
231 department of any change in the affiliation, employment, or  
232 contractual status of each person whose fingerprints are



9-01530-22

20221830\_\_

233 retained under paragraph (h) ~~(g)~~ if such change removes or  
234 eliminates the agency or qualified entity's basis or need for  
235 receiving reports of any arrest of that person, so that the  
236 agency or qualified entity is not obligated to pay the upcoming  
237 annual fee for the retention and searching of that person's  
238 fingerprints to the department. The department shall adopt a  
239 rule setting the amount of the annual fee to be imposed upon  
240 each participating agency or qualified entity for performing  
241 these searches and establishing the procedures for the retention  
242 of fingerprints and the dissemination of search results. The fee  
243 may be borne by the agency, qualified entity, or person subject  
244 to fingerprint retention or as otherwise provided by law.  
245 Consistent with the recognition of criminal justice agencies  
246 expressed in s. 943.053(3), these services shall be provided to  
247 criminal justice agencies for criminal justice purposes free of  
248 charge. Qualified entities that elect to participate in the  
249 fingerprint retention and search process are required to timely  
250 remit the fee to the department by a payment mechanism approved  
251 by the department. If requested by the qualified entity, and  
252 with the approval of the department, such fees may be timely  
253 remitted to the department by a qualified entity upon receipt of  
254 an invoice for such fees from the department. Failure of a  
255 qualified entity to pay the amount due on a timely basis or as  
256 invoiced by the department may result in the refusal by the  
257 department to permit the qualified entity to continue to  
258 participate in the fingerprint retention and search process  
259 until all fees due and owing are paid.

260       3. Agencies that participate in the fingerprint retention  
261 and search process may adopt rules pursuant to ss. 120.536(1)

9-01530-22

20221830\_\_

262 and 120.54 to require employers to keep the agency informed of  
263 any change in the affiliation, employment, or contractual status  
264 of each person whose fingerprints are retained under paragraph  
265 (h) ~~(g)~~ if such change removes or eliminates the agency's basis  
266 or need for receiving reports of any arrest of that person, so  
267 that the agency is not obligated to pay the upcoming annual fee  
268 for the retention and searching of that person's fingerprints to  
269 the department.

270 (4) Upon notification that a federal fingerprint retention  
271 program is in effect, and subject to the department being funded  
272 and equipped to participate in such a program, the department  
273 shall, if state and national criminal history records checks and  
274 retention of submitted prints are authorized or required by law,  
275 retain the fingerprints as provided in paragraphs (2)(h) and (i)  
276 ~~(2)(g) and (h)~~ and advise the Federal Bureau of Investigation to  
277 retain the fingerprints at the national level for searching  
278 against arrest fingerprint submissions received at the national  
279 level.

280 Section 6. Present subsections (8) and (9) of section  
281 943.0542, Florida Statutes, are redesignated as subsections (9)  
282 and (10), respectively, a new subsection (8) is added to that  
283 section, and paragraphs (a), (b), and (d) of subsection (2) and  
284 subsections (3), (4), (5), and (7) of that section are amended,  
285 to read:

286 943.0542 Access to criminal history information provided by  
287 the department to qualified entities.-

288 (2) (a) A qualified entity must register with the department  
289 before submitting a request for screening under this section.  
290 Each such request must be voluntary and conform to the

9-01530-22

20221830\_\_

291 requirements established in the National Child Protection Act of  
292 1993, as amended. As a part of the registration, the qualified  
293 entity must agree to comply with state and federal law and must  
294 so indicate by signing an agreement approved by the department.  
295 The department shall ~~may~~ periodically audit qualified entities  
296 to ensure compliance with federal law and this section.

297 (b) A qualified entity shall use the Care Provider  
298 Background Screening Clearinghouse under s. 435.12 ~~submit to the~~  
299 ~~department a request~~ for screening an employee or volunteer or  
300 person applying to be an employee or volunteer by submitting  
301 fingerprints, ~~or the request may be submitted~~ electronically.  
302 The qualified entity must maintain a signed waiver allowing the  
303 release of the state and national criminal history record  
304 information to the qualified entity. The waiver must include a  
305 statement that the qualifying entity understands that the  
306 department will retain the fingerprints of the criminal history  
307 background screening of each employee or volunteer as provided  
308 by rule and enter the fingerprints in the statewide automated  
309 biometric identification system established in s. 943.05(2)(b).

310 ~~(d) Any current or prospective employee or volunteer who is~~  
311 ~~subject to a request for screening must indicate to the~~  
312 ~~qualified entity submitting the request the name and address of~~  
313 ~~each qualified entity that has submitted a previous request for~~  
314 ~~screening regarding that employee or volunteer.~~

315 (3) The clearinghouse ~~department~~ shall provide directly to  
316 the qualified entity the state criminal history records that are  
317 not exempt from disclosure under chapter 119 or otherwise  
318 confidential under law. A person who is the subject of a state  
319 criminal history record may challenge the record only as

9-01530-22

20221830\_\_

320 provided in s. 943.056.

321 (4) The national criminal history data is available to  
322 qualified entities to use only for the purpose of screening  
323 employees and volunteers or persons applying to be an employee  
324 or volunteer with a qualified entity. ~~The department shall~~  
325 ~~provide this national criminal history record information~~  
326 ~~directly to the qualified entity as authorized by the written~~  
327 ~~waiver required for submission of a request to the department.~~

328 (5) The determination whether the criminal history record  
329 shows that the employee or volunteer has been convicted of or is  
330 under pending indictment for any crime that bears upon the  
331 fitness of the employee or volunteer to have responsibility for  
332 the safety and well-being of children, the elderly, or disabled  
333 persons shall solely be made by the qualified entity, except  
334 that a qualified entity may not employ or allow a volunteer  
335 whose criminal history record disqualifies them under s.  
336 435.04(2) and (3). This section does not require the department  
337 to make such a determination on behalf of any qualified entity.

338 (7) The department shall design an annually dated  
339 compliance decal that must be sent to each qualified entity  
340 registered with the department to be displayed by each qualified  
341 entity in a place easily accessible to the general public ~~may~~  
342 ~~establish a database of registered qualified entities and make~~  
343 ~~this data available free of charge to all registered qualified~~  
344 ~~entities. The database must include, at a minimum, the name,~~  
345 ~~address, and phone number of each qualified entity.~~

346 (8) Qualified entities shall comply with this section.  
347 Failure to comply may result in the department issuing a minimum  
348 fine of \$1,000 per instance of noncompliance.

9-01530-22

20221830\_\_

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

352 1012.32 Qualifications of personnel.—

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

359 (b) 1. Instructional and noninstructional personnel who are  
360 hired or contracted to fill positions in a charter school other  
361 than a school of hope as defined in s. 1002.333, and members of  
362 the governing board of such charter school, in compliance with  
363 s. 1002.33(12)(g), upon employment, engagement of services, or  
364 appointment, shall undergo background screening as required  
365 under s. 1012.465 or s. 1012.56, whichever is applicable, by  
366 filing with the district school board for the school district in  
367 which the charter school is located a complete set of  
368 fingerprints taken by an authorized law enforcement agency or an  
369 employee of the school or school district who is trained to take  
370 fingerprints.

371 2. Instructional and noninstructional personnel who are  
372 hired or contracted to fill positions in a school of hope as  
373 defined in s. 1002.333, and members of the governing board of  
374 such school of hope, shall file with the school of hope a  
375 complete set of fingerprints taken by an authorized law  
376 enforcement agency, by an employee of the school of hope or  
377 school district who is trained to take fingerprints, or by any

9-01530-22

20221830\_\_

378 other entity recognized by the Department of Law Enforcement to  
379 take fingerprints.

380 (c) Instructional and noninstructional personnel who are  
381 hired or contracted to fill positions that require direct  
382 contact with students in an alternative school that operates  
383 under contract with a district school system must, upon  
384 employment or engagement to provide services, undergo background  
385 screening as required under s. 1012.465 or s. 1012.56, whichever  
386 is applicable, by filing with the district school board for the  
387 school district to which the alternative school is under  
388 contract a complete set of fingerprints taken by an authorized  
389 law enforcement agency or an employee of the school or school  
390 district who is trained to take fingerprints.

391 (d) Student teachers and persons participating in a field  
392 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
393 district school system, lab school, or charter school must, upon  
394 engagement to provide services, undergo background screening as  
395 required under s. 1012.56.

396  
397 Required fingerprints must be submitted to the Care Provider  
398 Background Screening Clearinghouse under s. 435.12, to the  
399 Department of Law Enforcement for statewide criminal and  
400 juvenile records checks, and to the Federal Bureau of  
401 Investigation for federal criminal records checks. A person  
402 subject to this subsection who is found ineligible for  
403 employment under s. 435.04(2) and (3) or s. 1012.315, or  
404 otherwise found through background screening to have been  
405 convicted of any crime involving moral turpitude as defined by  
406 rule of the State Board of Education, may ~~shall~~ not be employed,

9-01530-22

20221830\_\_

407 engaged to provide services, or serve in any position that  
408 requires direct contact with students. Probationary persons  
409 subject to this subsection terminated because of their criminal  
410 record have the right to appeal such decisions. The cost of the  
411 background screening may be borne by the district school board,  
412 the charter school, the employee, the contractor, or a person  
413 subject to this subsection. ~~A district school board shall~~  
414 ~~reimburse a charter school the cost of background screening if~~  
415 ~~it does not notify the charter school of the eligibility of a~~  
416 ~~governing board member or instructional or noninstructional~~  
417 ~~personnel within the earlier of 14 days after receipt of the~~  
418 ~~background screening results from the Florida Department of Law~~  
419 ~~Enforcement or 30 days of submission of fingerprints by the~~  
420 ~~governing board member or instructional or noninstructional~~  
421 ~~personnel.~~

422 (3)

423 (b) The Department of Law Enforcement shall search all  
424 arrest fingerprints received under s. 943.051 against the  
425 fingerprints retained in the statewide automated biometric  
426 identification system under paragraph (a). Any arrest record  
427 that is identified with the retained fingerprints of a person  
428 subject to the background screening under this section shall be  
429 reported to the employing or contracting school district or the  
430 school district with which the person is affiliated through an  
431 alert from the clearinghouse. Each school district is required  
432 to participate in this search process by payment of an annual  
433 fee to the Department of Law Enforcement and by informing the  
434 Department of Law Enforcement of any change in the affiliation,  
435 employment, or contractual status or place of affiliation,

9-01530-22

20221830\_\_

436 employment, or contracting of its instructional and  
437 noninstructional personnel whose fingerprints are retained under  
438 paragraph (a) through the clearinghouse. The Department of Law  
439 Enforcement shall adopt a rule setting the amount of the annual  
440 fee to be imposed upon each school district for performing these  
441 searches and establishing the procedures for the retention of  
442 instructional and noninstructional personnel fingerprints and  
443 the dissemination of search results. The fee may be borne by the  
444 district school board, the contractor, or the person  
445 fingerprinted.

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

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

453 1012.465 Background screening requirements for certain  
454 noninstructional school district employees and contractors.—

455 (2) Every 5 years following employment or entry into a  
456 contract in a capacity described in subsection (1), each person  
457 who is so employed or under contract with the school district  
458 must meet level 2 screening requirements as described in s.  
459 1012.32, at which time the school district shall request through  
460 the Care Provider Background Screening Clearinghouse under s.  
461 435.12 the Department of Law Enforcement to forward the  
462 fingerprints to the Federal Bureau of Investigation for the  
463 level 2 screening. If, for any reason following employment or  
464 entry into a contract in a capacity described in subsection (1),



9-01530-22

20221830\_\_

465 the fingerprints of a person who is so employed or under  
466 contract with the school district are not retained by the  
467 Department of Law Enforcement under s. 1012.32(3)(a) and (b),  
468 the person must file a complete set of fingerprints with the  
469 district school superintendent of the employing or contracting  
470 school district through the clearinghouse. Upon submission of  
471 fingerprints for this purpose, the school district shall request  
472 the Department of Law Enforcement to forward the fingerprints to  
473 the Federal Bureau of Investigation for the level 2 screening,  
474 and the fingerprints shall be retained by the Department of Law  
475 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
476 state and federal criminal history check required by level 2  
477 screening may be borne by the district school board, the  
478 contractor, or the person fingerprinted. Under penalty of  
479 perjury, each person who is employed or under contract in a  
480 capacity described in subsection (1) must agree to inform his or  
481 her employer or the party with whom he or she is under contract  
482 within 48 hours if convicted of any disqualifying offense while  
483 he or she is employed or under contract in that capacity.

484 Section 9. Paragraphs (a), (b), (d), and (e) of subsection  
485 (2), subsections (3) through (6), and paragraph (a) of  
486 subsection (7) of section 1012.467, Florida Statutes, are  
487 amended to read:

488 1012.467 Noninstructional contractors who are permitted  
489 access to school grounds when students are present; background  
490 screening requirements.—

491 (2) (a) A fingerprint-based criminal history check shall be  
492 performed on each noninstructional contractor who is permitted  
493 access to school grounds when students are present, whose

9-01530-22

20221830\_\_

494 performance of the contract with the school or school board is  
495 not anticipated to result in direct contact with students, and  
496 for whom any unanticipated contact would be infrequent and  
497 incidental. Criminal history checks shall be performed at least  
498 once every 5 years. For the initial criminal history check, each  
499 noninstructional contractor who is subject to the criminal  
500 history check shall file with the Department of Law Enforcement  
501 through the Care Provider Background Screening Clearinghouse  
502 under s. 435.12 a complete set of fingerprints taken by an  
503 authorized law enforcement agency or an employee of a school  
504 district, a public school, or a private company who is trained  
505 to take fingerprints. The fingerprints shall be electronically  
506 submitted for state processing through the clearinghouse to the  
507 Department of Law Enforcement, which shall in turn submit the  
508 fingerprints to the Federal Bureau of Investigation for national  
509 processing. The results of each criminal history check shall be  
510 reported to the school district in which the individual is  
511 seeking access and entered into the shared system described in  
512 subsection (7). The school district shall screen the results  
513 using the disqualifying offenses in paragraph (f) ~~(g)~~. The cost  
514 of the criminal history check may be borne by the district  
515 school board, the school, or the contractor. A fee that is  
516 charged by a district school board for such checks may not  
517 exceed 30 percent of the total amount charged by the Department  
518 of Law Enforcement and the Federal Bureau of Investigation.

519 (b) As authorized by law, the Department of Law Enforcement  
520 shall retain the fingerprints submitted by the school districts  
521 pursuant to this subsection ~~to the Department of Law Enforcement~~  
522 for a criminal history background screenings ~~screening in a~~

9-01530-22

20221830\_\_

523 ~~manner provided by rule~~ and enter the fingerprints in the  
524 statewide automated biometric identification system authorized  
525 by s. 943.05(2)(b). The fingerprints shall thereafter be  
526 available for all purposes and uses authorized for arrest  
527 fingerprints entered into the statewide automated biometric  
528 identification system under s. 943.051.

529 (d) School districts may participate in the search process  
530 described in this subsection by using the clearinghouse and  
531 paying any applicable an annual fee to the Agency for Health  
532 Care Administration or the Department of Law Enforcement.

533 ~~(e) A fingerprint retained pursuant to this subsection~~  
534 ~~shall be purged from the automated biometric identification~~  
535 ~~system 5 years following the date the fingerprint was initially~~  
536 ~~submitted. The Department of Law Enforcement shall set the~~  
537 ~~amount of the annual fee to be imposed upon each participating~~  
538 ~~agency for performing these searches and establishing the~~  
539 ~~procedures for retaining fingerprints and disseminating search~~  
540 ~~results. The fee may be borne as provided by law. Fees may be~~  
541 ~~waived or reduced by the executive director of the Department of~~  
542 ~~Law Enforcement for good cause shown.~~

543 (3) If it is found that a noninstructional contractor has  
544 been convicted of any of the offenses listed in paragraph (2)(f)  
545 ~~(2)(g)~~, the individual shall be immediately suspended from  
546 having access to school grounds and shall remain suspended  
547 unless and until the conviction is set aside in any  
548 postconviction proceeding.

549 (4) A noninstructional contractor who has been convicted of  
550 any of the offenses listed in paragraph (2)(f) ~~(2)(g)~~ may not be  
551 permitted on school grounds when students are present unless the

9-01530-22

20221830\_\_

552 contractor has received a full pardon or has had his or her  
553 civil rights restored. A noninstructional contractor who is  
554 present on school grounds in violation of this subsection  
555 commits a felony of the third degree, punishable as provided in  
556 s. 775.082 or s. 775.083.

557 (5) If a school district has reasonable cause to believe  
558 that grounds exist for the denial of a contractor's access to  
559 school grounds when students are present, it shall notify the  
560 contractor in writing, stating the specific record that  
561 indicates noncompliance with the standards set forth in this  
562 section. It is the responsibility of the affected contractor to  
563 contest his or her denial. The only basis for contesting the  
564 denial is proof of mistaken identity or that an offense from  
565 another jurisdiction is not disqualifying under paragraph (2) (f)  
566 ~~(2) (g)~~.

567 (6) Each contractor who is subject to the requirements of  
568 this section shall agree to inform his or her employer or the  
569 party to whom he or she is under contract and the school  
570 district within 48 hours if he or she is arrested for any of the  
571 disqualifying offenses in paragraph (2) (f) ~~(2) (g)~~. A contractor  
572 who willfully fails to comply with this subsection commits a  
573 felony of the third degree, punishable as provided in s. 775.082  
574 or s. 775.083. If the employer of a contractor or the party to  
575 whom the contractor is under contract knows the contractor has  
576 been arrested for any of the disqualifying offenses in paragraph  
577 (2) (f) ~~(2) (g)~~ and authorizes the contractor to be present on  
578 school grounds when students are present, such employer or such  
579 party commits a felony of the third degree, punishable as  
580 provided in s. 775.082 or s. 775.083.

9-01530-22

20221830\_\_

581 (7) (a) The clearinghouse must allow ~~Department of Law~~  
582 ~~Enforcement shall implement a system that allows~~ for the results  
583 of a criminal history check provided to a school district to be  
584 shared with other school districts through a secure Internet  
585 website or other secure electronic means. School districts must  
586 accept reciprocity of level 2 screenings for Florida High School  
587 Athletic Association officials.

588 Section 10. Paragraph (b) of subsection (10) of section  
589 1012.56, Florida Statutes, is amended to read:

590 1012.56 Educator certification requirements.—

591 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
592 PERIODICALLY.—

593 (b) A person may not receive a certificate under this  
594 chapter until the person's screening under s. 1012.32 is  
595 completed and the results have been submitted to the Department  
596 of Education or to the district school superintendent of the  
597 school district that employs the person. Every 5 years after  
598 obtaining initial certification, each person who is required to  
599 be certified under this chapter must be rescreened in accordance  
600 with s. 1012.32, at which time the school district shall,  
601 through the Care Provider Background Screening Clearinghouse  
602 under s. 435.12, request the Department of Law Enforcement to  
603 forward the fingerprints to the Federal Bureau of Investigation  
604 for federal criminal records checks. If, for any reason after  
605 obtaining initial certification, the fingerprints of a person  
606 who is required to be certified under this chapter are not  
607 retained by the Department of Law Enforcement under s.  
608 1012.32(3)(a) and (b), the person must file a complete set of  
609 fingerprints with the district school superintendent of the

9-01530-22

20221830\_\_

610 employing school district. Upon submission of fingerprints for  
611 this purpose, the school district shall use the clearinghouse to  
612 request the Department of Law Enforcement to forward the  
613 fingerprints to the Federal Bureau of Investigation for federal  
614 criminal records checks, and the fingerprints shall be retained  
615 by the Department of Law Enforcement under s. 1012.32(3)(a) and  
616 (b). The cost of the state and federal criminal history checks  
617 required by paragraph (a) and this paragraph may be borne by the  
618 district school board or the employee. Under penalty of perjury,  
619 each person who is certified under this chapter must agree to  
620 inform his or her employer within 48 hours if convicted of any  
621 disqualifying offense while he or she is employed in a position  
622 for which such certification is required.

623 Section 11. Paragraph (c) of subsection (9) of section  
624 381.986, Florida Statutes, is amended to read:

625 381.986 Medical use of marijuana.—

626 (9) BACKGROUND SCREENING.—An individual required to undergo  
627 a background screening pursuant to this section must pass a  
628 level 2 background screening as provided under chapter 435,  
629 which, in addition to the disqualifying offenses provided in s.  
630 435.04, shall exclude an individual who has an arrest awaiting  
631 final disposition for, has been found guilty of, regardless of  
632 adjudication, or has entered a plea of nolo contendere or guilty  
633 to an offense under chapter 837, chapter 895, or chapter 896 or  
634 similar law of another jurisdiction.

635 (c) Fingerprints submitted to the Department of Law  
636 Enforcement pursuant to this subsection shall be retained by the  
637 Department of Law Enforcement as provided in s. 943.05(2)(h) and  
638 (i) ~~s. 943.05(2)(g) and (h)~~ and, when the Department of Law

9-01530-22

20221830\_\_

639 Enforcement begins participation in the program, enrolled in the  
640 Federal Bureau of Investigation's national retained print arrest  
641 notification program. Any arrest record identified shall be  
642 reported to the department.

643 Section 12. Paragraph (d) of subsection (1) of section  
644 381.988, Florida Statutes, is amended to read:

645 381.988 Medical marijuana testing laboratories; marijuana  
646 tests conducted by a certified laboratory.-

647 (1) A person or entity seeking to be a certified marijuana  
648 testing laboratory must:

649 (d) Require all owners and managers to submit to and pass a  
650 level 2 background screening pursuant to s. 435.04 and shall  
651 deny certification if the person or entity has been found guilty  
652 of, or has entered a plea of guilty or nolo contendere to,  
653 regardless of adjudication, any offense listed in chapter 837,  
654 chapter 895, or chapter 896 or similar law of another  
655 jurisdiction.

656 1. Such owners and managers must submit a full set of  
657 fingerprints to the department or to a vendor, entity, or agency  
658 authorized by s. 943.053(13). The department, vendor, entity, or  
659 agency shall forward the fingerprints to the Department of Law  
660 Enforcement for state processing, and the Department of Law  
661 Enforcement shall forward the fingerprints to the Federal Bureau  
662 of Investigation for national processing.

663 2. Fees for state and federal fingerprint processing and  
664 retention shall be borne by such owners or managers. The state  
665 cost for fingerprint processing shall be as provided in s.  
666 943.053(3)(e) for records provided to persons or entities other  
667 than those specified as exceptions therein.

9-01530-22

20221830\_\_

668           3. Fingerprints submitted to the Department of Law  
669 Enforcement pursuant to this paragraph shall be retained by the  
670 Department of Law Enforcement as provided in s. 943.05(2)(h) and  
671 (i) ~~s. 943.05(2)(g) and (h)~~ and, when the Department of Law  
672 Enforcement begins participation in the program, enrolled in the  
673 Federal Bureau of Investigation's national retained print arrest  
674 notification program. Any arrest record identified shall be  
675 reported to the department.

676           Section 13. Subsection (2) of section 408.809, Florida  
677 Statutes, is amended to read:

678           408.809 Background screening; prohibited offenses.—

679           (2) Every 5 years following his or her licensure,  
680 employment, or entry into a contract in a capacity that under  
681 subsection (1) would require level 2 background screening under  
682 chapter 435, each such person must submit to level 2 background  
683 rescreening as a condition of retaining such license or  
684 continuing in such employment or contractual status. For any  
685 such rescreening, the agency shall request the Department of Law  
686 Enforcement to forward the person's fingerprints to the Federal  
687 Bureau of Investigation for a national criminal history record  
688 check unless the person's fingerprints are enrolled in the  
689 Federal Bureau of Investigation's national retained print arrest  
690 notification program. If the fingerprints of such a person are  
691 not retained by the Department of Law Enforcement under s.  
692 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~, the person must  
693 submit fingerprints electronically to the Department of Law  
694 Enforcement for state processing, and the Department of Law  
695 Enforcement shall forward the fingerprints to the Federal Bureau  
696 of Investigation for a national criminal history record check.



9-01530-22

20221830\_\_

697 The fingerprints shall be retained by the Department of Law  
698 Enforcement under s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and~~  
699 ~~(h)~~ and enrolled in the national retained print arrest  
700 notification program when the Department of Law Enforcement  
701 begins participation in the program. The cost of the state and  
702 national criminal history records checks required by level 2  
703 screening may be borne by the licensee or the person  
704 fingerprinted. The agency may accept as satisfying the  
705 requirements of this section proof of compliance with level 2  
706 screening standards submitted within the previous 5 years to  
707 meet any provider or professional licensure requirements of the  
708 Department of Financial Services for an applicant for a  
709 certificate of authority or provisional certificate of authority  
710 to operate a continuing care retirement community under chapter  
711 651, provided that:

712 (a) The screening standards and disqualifying offenses for  
713 the prior screening are equivalent to those specified in s.  
714 435.04 and this section;

715 (b) The person subject to screening has not had a break in  
716 service from a position that requires level 2 screening for more  
717 than 90 days; and

718 (c) Such proof is accompanied, under penalty of perjury, by  
719 an attestation of compliance with chapter 435 and this section  
720 using forms provided by the agency.

721 Section 14. Subsection (2) of section 456.0135, Florida  
722 Statutes, is amended to read:

723 456.0135 General background screening provisions.—

724 (2) All fingerprints submitted to the Department of Law  
725 Enforcement as required under subsection (1) shall be retained

9-01530-22

20221830\_\_

726 by the Department of Law Enforcement as provided under s.  
727 943.05(2)(h) and (i) and (3) ~~s. 943.05(2)(g) and (h) and (3)~~ and  
728 enrolled in the national retained print arrest notification  
729 program at the Federal Bureau of Investigation when the  
730 Department of Law Enforcement begins participation in the  
731 program. The department shall notify the Department of Law  
732 Enforcement regarding any person whose fingerprints have been  
733 retained but who is no longer licensed.

734 Section 15. Paragraph (f) of subsection (2) of section  
735 494.00312, Florida Statutes, is amended to read:

736 494.00312 Loan originator license.—

737 (2) In order to apply for a loan originator license, an  
738 applicant must:

739 (f) Submit fingerprints in accordance with rules adopted by  
740 the commission:

741 1. The fingerprints may be submitted to the registry, the  
742 office, or a vendor acting on behalf of the registry or the  
743 office.

744 2. The office may contract with a third-party vendor to  
745 provide live-scan fingerprinting.

746 3. A state criminal history background check must be  
747 conducted through the Department of Law Enforcement, and a  
748 federal criminal history background check must be conducted  
749 through the Federal Bureau of Investigation.

750 4. All fingerprints submitted to the Department of Law  
751 Enforcement must be submitted electronically and entered into  
752 the statewide automated biometric identification system  
753 established in s. 943.05(2)(b) and available for use in  
754 accordance with s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~.

9-01530-22

20221830\_\_

755 The office shall pay an annual fee to the department to  
756 participate in the system and inform the department of any  
757 person whose fingerprints are no longer required to be retained.

758 5. The costs of fingerprint processing, including the cost  
759 of retaining the fingerprints, shall be borne by the person  
760 subject to the background check.

761 6. The office is responsible for reviewing the results of  
762 the state and federal criminal history checks and determining  
763 whether the applicant meets licensure requirements.

764 Section 16. Paragraph (d) of subsection (2) of section  
765 494.00321, Florida Statutes, is amended to read:

766 494.00321 Mortgage broker license.—

767 (2) In order to apply for a mortgage broker license, an  
768 applicant must:

769 (d) Submit fingerprints for each of the applicant's control  
770 persons in accordance with rules adopted by the commission:

771 1. The fingerprints may be submitted to the registry, the  
772 office, or a vendor acting on behalf of the registry or the  
773 office.

774 2. The office may contract with a third-party vendor to  
775 provide live-scan fingerprinting.

776 3. A state criminal history background check must be  
777 conducted through the Department of Law Enforcement, and a  
778 federal criminal history background check must be conducted  
779 through the Federal Bureau of Investigation.

780 4. All fingerprints submitted to the Department of Law  
781 Enforcement must be submitted electronically and entered into  
782 the statewide automated biometric identification system  
783 established in s. 943.05(2)(b) and available for use in

9-01530-22

20221830\_\_

784 accordance with s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~.  
785 The office shall pay an annual fee to the department to  
786 participate in the system and inform the department of any  
787 person whose fingerprints are no longer required to be retained.

788 5. The costs of fingerprint processing, including the cost  
789 of retaining the fingerprints, shall be borne by the person  
790 subject to the background check.

791 6. The office is responsible for reviewing the results of  
792 the state and federal criminal history checks and determining  
793 whether the applicant meets licensure requirements.

794 Section 17. Paragraph (d) of subsection (2) of section  
795 494.00611, Florida Statutes, is amended to read:

796 494.00611 Mortgage lender license.—

797 (2) In order to apply for a mortgage lender license, an  
798 applicant must:

799 (d) Submit fingerprints for each of the applicant's control  
800 persons in accordance with rules adopted by the commission:

801 1. The fingerprints may be submitted to the registry, the  
802 office, or a vendor acting on behalf of the registry or the  
803 office.

804 2. The office may contract with a third-party vendor to  
805 provide live-scan fingerprinting.

806 3. A state criminal history background check must be  
807 conducted through the Department of Law Enforcement, and a  
808 federal criminal history background check must be conducted  
809 through the Federal Bureau of Investigation.

810 4. All fingerprints submitted to the Department of Law  
811 Enforcement must be submitted electronically and entered into  
812 the statewide automated biometric identification system

9-01530-22

20221830\_\_

813 established in s. 943.05(2)(b) and available for use in  
814 accordance with s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~.  
815 The office shall pay an annual fee to the department to  
816 participate in the system and inform the department of any  
817 person whose fingerprints are no longer required to be retained.

818 5. The costs of fingerprint processing, including the cost  
819 of retaining the fingerprints, shall be borne by the person  
820 subject to the background check.

821 6. The office is responsible for reviewing the results of  
822 the state and federal criminal history checks and determining  
823 whether the applicant meets licensure requirements.

824 Section 18. Paragraph (c) of subsection (3) of section  
825 496.4101, Florida Statutes, is amended to read:

826 496.4101 Licensure of professional solicitors and certain  
827 employees thereof.—

828 (3)

829 (c) All fingerprints submitted to the Department of Law  
830 Enforcement as required under this subsection shall be retained  
831 by the Department of Law Enforcement as provided under s.  
832 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~ and enrolled in the  
833 Federal Bureau of Investigation's national retained print arrest  
834 notification program. Fingerprints shall not be enrolled in the  
835 national retained print arrest notification program until the  
836 Department of Law Enforcement begins participation with the  
837 Federal Bureau of Investigation. Arrest fingerprints will be  
838 searched against the retained prints by the Department of Law  
839 Enforcement and the Federal Bureau of Investigation.

840 Section 19. Paragraph (c) of subsection (2) of section  
841 559.555, Florida Statutes, is amended to read:

9-01530-22

20221830\_\_

842 559.555 Registration of consumer collection agencies;  
843 procedure.—

844 (2) In order to apply for a consumer collection agency  
845 registration, an applicant must:

846 (c) Submit fingerprints for each of the applicant's control  
847 persons in accordance with rules adopted by the commission.

848 1. The fingerprints may be submitted through a third-party  
849 vendor authorized by the Department of Law Enforcement to  
850 provide live-scan fingerprinting.

851 2. A state criminal history background check must be  
852 conducted through the Department of Law Enforcement, and a  
853 national criminal history background check must be conducted  
854 through the Federal Bureau of Investigation.

855 3. All fingerprints submitted to the Department of Law  
856 Enforcement must be submitted electronically and entered into  
857 the statewide automated biometric identification system  
858 established in s. 943.05(2)(b) and available for use in  
859 accordance with s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~.  
860 The office shall pay an annual fee to the Department of Law  
861 Enforcement to participate in the system and inform the  
862 Department of Law Enforcement of any person whose fingerprints  
863 are no longer required to be retained.

864 4. The costs of fingerprint processing, including the cost  
865 of retaining the fingerprints, shall be borne by the person  
866 subject to the background check.

867 5. The office is responsible for reviewing the results of  
868 the state and national criminal history background checks and  
869 determining whether the applicant meets registration  
870 requirements.

9-01530-22

20221830\_\_

871 Section 20. Paragraph (c) of subsection (1) of section  
872 560.141, Florida Statutes, is amended to read:

873 560.141 License application.—

874 (1) To apply for a license as a money services business  
875 under this chapter, the applicant must submit:

876 (c) Fingerprints for each person listed in subparagraph  
877 (a)3. for live-scan processing in accordance with rules adopted  
878 by the commission.

879 1. The fingerprints may be submitted through a third-party  
880 vendor authorized by the Department of Law Enforcement to  
881 provide live-scan fingerprinting.

882 2. The Department of Law Enforcement must conduct the state  
883 criminal history background check, and a federal criminal  
884 history background check must be conducted through the Federal  
885 Bureau of Investigation.

886 3. All fingerprints submitted to the Department of Law  
887 Enforcement must be submitted electronically and entered into  
888 the statewide automated fingerprint identification system  
889 established in s. 943.05(2)(b) and available for use in  
890 accordance with s. 943.05(2)(h) and (i) ~~s. 943.05(2)(g) and (h)~~.  
891 The office shall pay an annual fee to the Department of Law  
892 Enforcement to participate in the system and shall inform the  
893 Department of Law Enforcement of any person whose fingerprints  
894 no longer must be retained.

895 4. The costs of fingerprint processing, including the cost  
896 of retaining the fingerprints, shall be borne by the person  
897 subject to the background check.

898 5. The office shall review the results of the state and  
899 federal criminal history background checks and determine whether

9-01530-22

20221830\_\_

900 the applicant meets licensure requirements.

901 6. For purposes of this paragraph, fingerprints are not  
902 required to be submitted if the applicant is a publicly traded  
903 corporation or is exempted from this chapter under s.  
904 560.104(1). The term "publicly traded" means a stock is  
905 currently traded on a national securities exchange registered  
906 with the federal Securities and Exchange Commission or traded on  
907 an exchange in a country other than the United States regulated  
908 by a regulator equivalent to the Securities and Exchange  
909 Commission and the disclosure and reporting requirements of such  
910 regulator are substantially similar to those of the commission.

911 7. Licensees initially approved before October 1, 2013, who  
912 are seeking renewal must submit fingerprints for each person  
913 listed in subparagraph (a)3. for live-scan processing pursuant  
914 to this paragraph. Such fingerprints must be submitted before  
915 renewing a license that is scheduled to expire between April 30,  
916 2014, and December 31, 2015.

917 Section 21. Paragraph (b) of subsection (5) of section  
918 581.217, Florida Statutes, is amended to read:

919 581.217 State hemp program.—

920 (5) LICENSURE.—

921 (b) A person seeking to cultivate hemp must apply to the  
922 department for a license on a form prescribed by the department  
923 and must submit a full set of fingerprints to the department  
924 along with the application.

925 1. The department shall forward the fingerprints to the  
926 Department of Law Enforcement for state processing, and the  
927 Department of Law Enforcement shall forward the fingerprints to  
928 the Federal Bureau of Investigation for national processing.



9-01530-22

20221830\_\_

929           2. Fingerprints submitted to the Department of Law  
930 Enforcement pursuant to this paragraph must be retained by the  
931 Department of Law Enforcement as provided in s. 943.05(2)(h) and  
932 (i) ~~s. 943.05(2)(g) and (h)~~ and must be retained as provided in  
933 s. 943.05(4) when the Department of Law Enforcement begins  
934 participation in the Federal Bureau of Investigation's national  
935 retained fingerprint arrest notification program.

936           3. Any arrest record identified shall be reported to the  
937 department.

938           Section 22. This act shall take effect July 1, 2023.