

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

---

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Trabulsy offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 Section 1. Subsections (1) through (4) and subsections (5)  
 9 and (6) of section 435.02, Florida Statutes, are renumbered as  
 10 subsections (2) through (5) and subsections (7) and (8),  
 11 respectively, and new subsections (1) and (5) are added to that  
 12 section, to read:

13 435.02 Definitions.—For the purposes of this chapter, the  
 14 term:

15 (1) "Affiliation" means the status of a person employed or  
 16 serving as a volunteer or contractor with a qualified entity in

Amendment No. 1

17 a position for which screening is not required by law but is  
18 authorized under the National Child Protection Act.

19 (5) "Qualified entity" has the same meaning as in s.  
20 943.0542(1).

21 Section 2. Paragraphs (a), (b), and (d) of subsection (1)  
22 and subsection (2) of section 435.04, Florida Statutes, are  
23 amended to read:

24 435.04 Level 2 screening standards.—

25 (1)(a) All employees required by law to be screened under  
26 ~~pursuant to~~ this section must undergo security background  
27 investigations as a condition of employment and continued  
28 employment which includes, but is not ~~need not be~~ limited to,  
29 fingerprinting for statewide criminal history records checks  
30 through the Department of Law Enforcement, ~~and~~ national criminal  
31 history records checks through the Federal Bureau of  
32 Investigation, and ~~may include~~ local criminal records checks  
33 through local law enforcement agencies. A security background  
34 investigation under this section also includes a search of the  
35 sexual predator and sexual offender registries of any state in  
36 which the current or prospective employee resided during the  
37 immediate preceding 5 years.

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

Amendment No. 1

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

45 (2) The security background investigations under this  
46 section must ensure that ~~no~~ persons subject to ~~the provisions of~~  
47 this section have not been arrested for and are awaiting final  
48 disposition of, have not been found guilty of, regardless of  
49 adjudication, or entered a plea of nolo contendere or guilty to,  
50 or have not been adjudicated delinquent and the record has not  
51 been sealed or expunged for, any offense prohibited under any of  
52 the following provisions of state law or similar law of another  
53 jurisdiction:

54 (a) Section 393.135, relating to sexual misconduct with  
55 certain developmentally disabled clients and reporting of such  
56 sexual misconduct.

57 (b) Section 394.4593, relating to sexual misconduct with  
58 certain mental health patients and reporting of such sexual  
59 misconduct.

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

62 (d) Section 777.04, relating to attempts, solicitation,  
63 and conspiracy to commit an offense listed in this subsection.

64 (e) Section 782.04, relating to murder.

## Amendment No. 1

65 (f) Section 782.07, relating to manslaughter, aggravated  
66 manslaughter of an elderly person or disabled adult, or  
67 aggravated manslaughter of a child.

68 (g) Section 782.071, relating to vehicular homicide.

69 (h) Section 782.09, relating to killing of an unborn child  
70 by injury to the mother.

71 (i) Chapter 784, relating to assault, battery, and  
72 culpable negligence, if the offense was a felony.

73 (j) Section 784.011, relating to assault, if the victim of  
74 the offense was a minor.

75 (k) Section 784.021, relating to aggravated assault.

76 (l)~~(k)~~ Section 784.03, relating to battery, if the victim  
77 of the offense was a minor.

78 (m) Section 784.045, relating to aggravated battery.

79 (n) Section 784.075, relating to battery on staff of a  
80 detention or commitment facility or on a juvenile probation  
81 officer.

82 (o)~~(l)~~ Section 787.01, relating to kidnapping.

83 (p)~~(m)~~ Section 787.02, relating to false imprisonment.

84 (q)~~(n)~~ Section 787.025, relating to luring or enticing a  
85 child.

86 (r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or  
87 removing a child beyond the state limits with criminal intent  
88 pending custody proceedings.

## Amendment No. 1

89        ~~(s)-(p)~~ Section 787.04(3), relating to carrying a child  
90 beyond the state lines with criminal intent to avoid producing a  
91 child at a custody hearing or delivering the child to the  
92 designated person.

93        ~~(t)-(q)~~ Section 790.115(1), relating to exhibiting firearms  
94 or weapons within 1,000 feet of a school.

95        ~~(u)-(r)~~ Section 790.115(2)(b), relating to possessing an  
96 electric weapon or device, destructive device, or other weapon  
97 on school property.

98        ~~(v)-(s)~~ Section 794.011, relating to sexual battery.

99        ~~(w)-(t)~~ Former s. 794.041, relating to prohibited acts of  
100 persons in familial or custodial authority.

101        ~~(x)-(u)~~ Section 794.05, relating to unlawful sexual  
102 activity with certain minors.

103        (y) Section 794.08, relating to female genital mutilation.

104        ~~(z)-(v)~~ Chapter 796, relating to prostitution.

105        ~~(aa)-(w)~~ Section 798.02, relating to lewd and lascivious  
106 behavior.

107        ~~(bb)-(x)~~ Chapter 800, relating to lewdness and indecent  
108 exposure and offenses against students by authority figures.

109        ~~(cc)-(y)~~ Section 806.01, relating to arson.

110        ~~(dd)-(z)~~ Section 810.02, relating to burglary.

111        ~~(ee)-(aa)~~ Section 810.14, relating to voyeurism, if the  
112 offense is a felony.

## Amendment No. 1

113        (ff)~~(bb)~~ Section 810.145, relating to video voyeurism, if  
114 the offense is a felony.

115        (gg)~~(cc)~~ Chapter 812, relating to theft, robbery, and  
116 related crimes, if the offense is a felony.

117        (hh)~~(dd)~~ Section 817.563, relating to fraudulent sale of  
118 controlled substances, only if the offense was a felony.

119        (ii)~~(ee)~~ Section 825.102, relating to abuse, aggravated  
120 abuse, or neglect of an elderly person or disabled adult.

121        (jj)~~(ff)~~ Section 825.1025, relating to lewd or lascivious  
122 offenses committed upon or in the presence of an elderly person  
123 or disabled adult.

124        (kk)~~(gg)~~ Section 825.103, relating to exploitation of an  
125 elderly person or disabled adult, if the offense was a felony.

126        (ll)~~(hh)~~ Section 826.04, relating to incest.

127        (mm)~~(ii)~~ Section 827.03, relating to child abuse,  
128 aggravated child abuse, or neglect of a child.

129        (nn)~~(jj)~~ Section 827.04, relating to contributing to the  
130 delinquency or dependency of a child.

131        (oo)~~(kk)~~ Former s. 827.05, relating to negligent treatment  
132 of children.

133        (pp)~~(ll)~~ Section 827.071, relating to sexual performance  
134 by a child.

135        (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with  
136 violence.

## Amendment No. 1

137        ~~(rr)~~~~(nn)~~ Section 843.025, relating to depriving a law  
138 enforcement, correctional, or correctional probation officer  
139 means of protection or communication.

140        ~~(ss)~~~~(oo)~~ Section 843.12, relating to aiding in an escape.

141        ~~(tt)~~~~(pp)~~ Section 843.13, relating to aiding in the escape  
142 of juvenile inmates in correctional institutions.

143        ~~(uu)~~~~(qq)~~ Chapter 847, relating to obscene literature.

144        ~~(vv)~~~~(rr)~~ Section 874.05, relating to encouraging or  
145 recruiting another to join a criminal gang.

146        ~~(ww)~~~~(ss)~~ Chapter 893, relating to drug abuse prevention  
147 and control, only if the offense was a felony or if any other  
148 person involved in the offense was a minor.

149        ~~(xx)~~~~(tt)~~ Section 916.1075, relating to sexual misconduct  
150 with certain forensic clients and reporting of such sexual  
151 misconduct.

152        ~~(yy)~~~~(uu)~~ Section 944.35(3), relating to inflicting cruel  
153 or inhuman treatment on an inmate resulting in great bodily  
154 harm.

155        ~~(zz)~~~~(vv)~~ Section 944.40, relating to escape.

156        ~~(aaa)~~~~(ww)~~ Section 944.46, relating to harboring,  
157 concealing, or aiding an escaped prisoner.

158        ~~(bbb)~~~~(xx)~~ Section 944.47, relating to introduction of  
159 contraband into a correctional facility.

160        ~~(ccc)~~~~(yy)~~ Section 985.701, relating to sexual misconduct  
161 in juvenile justice programs.

Amendment No. 1

162        (ddd) ~~(zz)~~ Section 985.711, relating to contraband  
163 introduced into detention facilities.

164

165        Section 3. Effective upon this act becoming a law,  
166 subsections (1), (2), and (3) of section 435.12, Florida  
167 Statutes, are amended to read:

168        435.12 Care Provider Background Screening Clearinghouse.—

169        (1) The Agency for Health Care Administration in  
170 consultation with the Department of Law Enforcement shall create  
171 a secure web-based system, which shall be known as the "Care  
172 Provider Background Screening Clearinghouse" or  
173 "clearinghouse.," ~~and which shall be implemented to the full~~  
174 ~~extent practicable no later than September 30, 2013, subject to~~  
175 ~~the specified agencies being funded and equipped to participate~~  
176 ~~in such program.~~ The clearinghouse must ~~shall~~ allow the results  
177 of criminal history checks provided to the specified agencies  
178 and, beginning January 1, 2026, or a later date established by  
179 the Agency for Health Care Administration, to qualified entities  
180 participating in the clearinghouse for screening of persons  
181 qualified as care providers under s. 943.0542 to be shared among  
182 the specified agencies and qualified entities when a person has  
183 applied to volunteer, be employed, be licensed, ~~or~~ enter into a  
184 contract, or has an affiliation that allows or ~~that~~ requires a  
185 state and national fingerprint-based criminal history check. The  
186 Agency for Health Care Administration shall review and determine

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM



Amendment No. 1

187 eligibility for all criminal history checks submitted to the  
188 clearinghouse for the Department of Education beginning January  
189 1, 2025 or a later date established by the Agency for Health  
190 Care Administration. The clearinghouse shall share eligibility  
191 determinations with the Department of Education and the  
192 qualified entities. The Agency for Health Care Administration  
193 and the Department of Law Enforcement may adopt rules to create  
194 forms or implement procedures needed to carry out this section.

195 (2)(a) To ensure that the information in the clearinghouse  
196 is current, the fingerprints of a person ~~an employee required to~~  
197 ~~be screened by a specified agency and~~ included in the  
198 clearinghouse must be:

199 1. Retained by the Department of Law Enforcement pursuant  
200 to s. 943.05(2)(g) and (h) and (3), and the Department of Law  
201 Enforcement must report the results of searching those  
202 fingerprints against state incoming arrest fingerprint  
203 submissions to the Agency for Health Care Administration for  
204 inclusion in the clearinghouse.

205 2. Retained by the Federal Bureau of Investigation in the  
206 national retained print arrest notification program as soon as  
207 the Department of Law Enforcement begins participation in such  
208 program. Arrest prints will be searched against retained prints  
209 at the Federal Bureau of Investigation and notification of  
210 arrests will be forwarded to the Florida Department of Law

## Amendment No. 1

211 Enforcement and reported to the Agency for Health Care  
212 Administration for inclusion in the clearinghouse.

213 3. Resubmitted for a Federal Bureau of Investigation  
214 national criminal history check every 5 years until such time as  
215 the fingerprints are retained by the Federal Bureau of  
216 Investigation.

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

220 5. Submitted with a photograph of the person taken at the  
221 time the fingerprints are submitted.

222 (b) Until such time as the fingerprints are enrolled in  
223 the national retained print arrest notification program at the  
224 Federal Bureau of Investigation, a person ~~an employee~~ with a  
225 break in service of more than 90 days from a position that  
226 requires screening by a specified agency or qualified entity  
227 must submit to a national screening if the person returns to a  
228 position that requires screening by a specified agency or  
229 qualified entity.

230 (c) An employer of persons subject to screening or a  
231 qualified entity participating in the clearinghouse ~~by a~~  
232 ~~specified agency~~ must register with the clearinghouse and  
233 maintain the employment or affiliation status of all persons  
234 included in ~~employees within~~ the clearinghouse. Initial  
235 employment or affiliation status and any changes in status must

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

236 be reported within 5 ~~10~~ business days after a person receives  
237 his or her initial status or after a change in his or her status  
238 has been made.

239 (d) An employer or a qualified entity participating in the  
240 clearinghouse must register with and initiate all criminal  
241 history checks through the clearinghouse before referring an  
242 employee or potential employee or a person with a current or  
243 potential affiliation with a qualified entity for electronic  
244 fingerprint submission to the Department of Law Enforcement. The  
245 registration must include the person's ~~employee's~~ full first  
246 name, middle initial, and last name; social security number;  
247 date of birth; mailing address; sex; and race. Individuals,  
248 persons, applicants, and controlling interests that cannot  
249 legally obtain a social security number must provide an  
250 individual taxpayer identification number.

251 (3)(a) Employees of each district unit under s. 1001.30,  
252 special district units under s. 1011.24, the Florida School for  
253 the Deaf and the Blind under s. 1002.36, the Florida Virtual  
254 School under s. 1002.37, virtual instruction programs under s.  
255 1002.45, charter schools under s. 1002.33, hope operators under  
256 s. 1002.333, private schools participating in an educational  
257 scholarship program established pursuant to chapter 1002, and  
258 alternative schools under s. 1008.341 must be rescreened in  
259 compliance with the following schedule:

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

## Amendment No. 1

260 1. Employees for whom the last screening was conducted on  
261 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,  
262 2025 ~~2024~~.

263 2. Employees for whom the last screening was conducted  
264 between July 1, 2021 ~~2019~~, and June 30, 2022 ~~2021~~, must be  
265 rescreened by June 30, 2026 ~~2025~~.

266 3. Employees for whom the last screening was conducted  
267 between July 1, 2022 ~~2021~~, and December 31, 2023 ~~2022~~, must be  
268 rescreened by June 30, 2027 ~~2026~~.

269 Section 4. Paragraph (a) of subsection (1), paragraphs (a)  
270 and (b) of subsection (2), and subsection (4) of section  
271 943.0438, Florida Statutes, are amended to read:

272 943.0438 Athletic coaches for independent sanctioning  
273 authorities.—

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

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

276 1. Is authorized by an independent sanctioning authority  
277 to work as a coach, assistant coach, manager, or referee ~~for 20~~  
278 ~~or more hours within a calendar year~~, whether for compensation  
279 or as a volunteer, for a youth athletic team based in this  
280 state; and

281 2. Has direct contact with one or more minors on the youth  
282 athletic team.

283 (2) An independent sanctioning authority shall:

Amendment No. 1

284 (a)~~1.~~ Conduct a level 2 ~~1~~ background screening under s.  
285 435.04 ~~pursuant to s. 435.03~~ of each current and prospective  
286 athletic coach. The authority may not delegate this  
287 responsibility to an individual team and may not authorize any  
288 person to act as an athletic coach unless a level 2 ~~1~~ background  
289 screening is conducted and does not result in disqualification  
290 under paragraph (b). ~~Level 1 background screenings shall be~~  
291 ~~conducted annually for each athletic coach. For purposes of this~~  
292 ~~section, a background screening shall include a search of the~~  
293 ~~athletic coach's name or other identifying information against~~  
294 ~~state and federal registries of sexual predators and sexual~~  
295 ~~offenders, which are available to the public on Internet sites~~  
296 ~~provided by:~~

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

300 2. ~~For purposes of this section, a background screening~~  
301 ~~conducted by a commercial consumer reporting agency in~~  
302 ~~compliance with the federal Fair Credit Reporting Act using the~~  
303 ~~identifying information referenced in subparagraph 1. that~~  
304 ~~includes a level 1 background screening and a search of that~~  
305 ~~information against the sexual predator and sexual offender~~  
306 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~  
307 ~~deemed to satisfy the requirements of this paragraph.~~

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

308 (b) Disqualify any person from acting as an athletic coach  
309 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified  
310 ~~on a registry described in paragraph (a)~~. The authority may  
311 allow a person disqualified under this paragraph to act as an  
312 athletic coach if it determines that the person meets the  
313 requirements for an exemption from disqualification under s.  
314 435.07.

315 (4) ~~The Legislature encourages~~ Independent sanctioning  
316 authorities for youth athletic teams must ~~to~~ participate in the  
317 Volunteer and Employee Criminal History System, as authorized by  
318 the National Child Protection Act of 1993 and s. 943.0542.

319 Section 5. Paragraph (h) of subsection (2) of section  
320 943.05, Florida Statutes, is amended and paragraph (i) is added  
321 to that subsection to read:

322 943.05 Criminal Justice Information Program; duties; crime  
323 reports.—

324 (2) The program shall:

325 (h) For each specified agency, as defined in s. 435.02,  
326 each qualified entity participating in the Care Provider  
327 Background Screening Clearinghouse under s. 435.12, or any other  
328 agency or qualified entity that officially requests retention of  
329 fingerprints or for which retention is otherwise required by  
330 law, search all arrest fingerprint submissions received under s.  
331 943.051 against the fingerprints retained in the statewide  
332 automated biometric identification system under paragraph (g).

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

## Amendment No. 1

333 1. Any arrest record that is identified with the retained  
334 fingerprints of a person subject to background screening as  
335 provided in paragraph (g) must ~~shall~~ be reported to the  
336 appropriate agency or qualified entity.

337 2. To participate in this search process, agencies or  
338 qualified entities must notify each person fingerprinted that  
339 his or her fingerprints will be retained, pay an annual fee to  
340 the department unless otherwise provided by law, and inform the  
341 department of any change in the affiliation, employment, or  
342 contractual status of each person whose fingerprints are  
343 retained under paragraph (g) if such change removes or  
344 eliminates the agency or qualified entity's basis or need for  
345 receiving reports of any arrest of that person, so that the  
346 agency or qualified entity is not obligated to pay the upcoming  
347 annual fee for the retention and searching of that person's  
348 fingerprints to the department. The department shall adopt a  
349 rule setting the amount of the annual fee to be imposed upon  
350 each participating agency or qualified entity for performing  
351 these searches and establishing the procedures for the retention  
352 of fingerprints and the dissemination of search results. The fee  
353 may be borne by the agency, qualified entity, or person subject  
354 to fingerprint retention or as otherwise provided by law.  
355 Consistent with the recognition of criminal justice agencies  
356 expressed in s. 943.053(3), these services must ~~shall~~ be  
357 provided to criminal justice agencies for criminal justice

## Amendment No. 1

358 purposes free of charge. Qualified entities that elect to  
359 participate in the fingerprint retention and search process are  
360 required to timely remit the fee to the department by a payment  
361 mechanism approved by the department. If requested by the  
362 qualified entity, and with the approval of the department, such  
363 fees may be timely remitted to the department by a qualified  
364 entity upon receipt of an invoice for such fees from the  
365 department. Failure of a qualified entity to pay the amount due  
366 on a timely basis or as invoiced by the department may result in  
367 the refusal by the department to permit the qualified entity to  
368 continue to participate in the fingerprint retention and search  
369 process until all fees due and owing are paid.

370 3. Agencies that participate in the fingerprint retention  
371 and search process may adopt rules pursuant to ss. 120.536(1)  
372 and 120.54 to require employers to keep the agency informed of  
373 any change in the affiliation, employment, or contractual status  
374 of each person whose fingerprints are retained under paragraph  
375 (g) if such change removes or eliminates the agency's basis or  
376 need for receiving reports of any arrest of that person, so that  
377 the agency is not obligated to pay the upcoming annual fee for  
378 the retention and searching of that person's fingerprints to the  
379 department.

380 (i) Develop, for federal approval, a method for  
381 identifying or verifying a person through automated biometrics.



Amendment No. 1

382 Section 6. Subsections (2), (3), (4), (5) and (6) of  
383 section 943.0542, Florida Statutes, are amended to read:

384 943.0542 Access to criminal history information provided  
385 by the department to qualified entities.—

386 (2)(a) Beginning January 1, 2025, or a later date as  
387 determined by the Agency for Health Care Administration, a  
388 qualified entity must initiate all background criminal history  
389 checks through the department or through the Care Provider  
390 Background Screening Clearinghouse under s. 435.12.

391 (a)1. If a qualified entity initiates a background  
392 criminal history check through the department, the qualified  
393 entity must:

394 a. Register with the department before submitting a  
395 request for screening under this section. Each such request must  
396 be voluntary and conform to the requirements established in the  
397 National Child Protection Act of 1993, as amended. As a part of  
398 the registration, the qualified entity must agree to comply with  
399 state and federal law and must so indicate by signing an  
400 agreement approved by the department. The department shall ~~may~~  
401 periodically audit qualified entities to ensure compliance with  
402 federal law and this section.

403 ~~b.(b)~~ A qualified entity shall Submit to the department a  
404 request for screening an employee or volunteer or person  
405 applying to be an employee or volunteer by submitting  
406 fingerprints, or the request may be submitted electronically.

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

## Amendment No. 1

407 The qualified entity must maintain a signed waiver allowing the  
408 release of the state and national criminal history record  
409 information to the qualified entity.

410 ~~2.(e)~~ Each ~~such~~ request for screening must be accompanied  
411 by payment of a fee for a statewide criminal history check by  
412 the department established by s. 943.053, plus the amount  
413 currently prescribed by the Federal Bureau of Investigation for  
414 the national criminal history check in compliance with the  
415 National Child Protection Act of 1993, as amended. Payments must  
416 be made in the manner prescribed by the department by rule.

417 ~~3.(d)~~ Any current or prospective employee or volunteer who  
418 is subject to a request for screening must indicate to the  
419 qualified entity submitting the request the name and address of  
420 each qualified entity that has submitted a previous request for  
421 screening regarding that employee or volunteer.

422 (b) Once a qualified entity initiates a background  
423 criminal history check through the Care Provider Background  
424 Screening Clearinghouse, the qualified entity must comply with  
425 s. 435.12. All fingerprints received pursuant to this section  
426 must be entered into the clearinghouse as provided in s. 435.12.

427 (3) The department or the Care Provider Background  
428 Screening Clearinghouse shall provide directly to the qualified  
429 entity the state criminal history records that are not exempt  
430 from disclosure under chapter 119 or otherwise confidential  
431 under law. A person who is the subject of a state criminal

Amendment No. 1

432 history record may challenge the record only as provided in s.  
433 943.056.

434 (4) The national criminal history data is available to  
435 qualified entities to use only for the purpose of screening  
436 employees and volunteers or persons applying to be an employee  
437 or volunteer with a qualified entity. The department or Care  
438 Provider Background Screening Clearinghouse shall provide this  
439 national criminal history record information directly to the  
440 qualified entity as authorized by the written waiver required  
441 for submission of a request to the department.

442 (5) The determination whether the criminal history record  
443 shows that the employee or volunteer has not been arrested for  
444 and are awaiting final disposition of, regardless of  
445 adjudication, or entered a plea of nolo contendere or guilty to,  
446 or have been adjudicated delinquent and the record has not been  
447 sealed or expunged for, any offense listed under s. 435.02(2)  
448 ~~been convicted of or is under pending indictment for any crime~~  
449 ~~that bears upon the fitness of the employee or volunteer to have~~  
450 ~~responsibility for the safety and well-being of children, the~~  
451 ~~elderly, or disabled persons~~ shall solely be made by the  
452 qualified entity. The Agency for Health Care Administration will  
453 determine the eligibility of the employee or volunteer of a  
454 qualified entity beginning January 1, 2026 or a later date  
455 determined by the Agency for Health Care Administration. This

Amendment No. 1

456 section does not require the department to make such a  
457 determination on behalf of any qualified entity.

458 (6) The qualified entity must notify in writing the person  
459 of his or her right to obtain a copy of any background screening  
460 report, including the criminal history records, if any,  
461 contained in the report, and of the person's right to challenge  
462 the accuracy and completeness of any information contained in  
463 any such report and to obtain a determination as to the validity  
464 of such challenge before a final determination regarding the  
465 person is made by the qualified entity reviewing the criminal  
466 history information. A qualified entity that is required by law  
467 to apply screening criteria, including any right to contest or  
468 request an exemption from disqualification, shall apply such  
469 screening criteria to the state and national criminal history  
470 record information received from the department or Agency for  
471 Health Care Administration Care Provider Background Screening  
472 Clearinghouse for those persons subject to the required  
473 screening.

474 Section 7. Section 1012.315, Florida Statutes, is amended  
475 to read:

476 1012.315 Screening standards.—A person is ineligible for  
477 educator certification or employment in any position that  
478 requires direct contact with students in a district school  
479 system, a charter school, or a private school that participates  
480 in a state scholarship program under chapter 1002 if the person:

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

- 481        (1) Is on the disqualification list maintained by the  
482 department under pursuant to s. 1001.10(4) (b) ;~~;~~
- 483        (2) Is registered as a sex offender as described in 42  
484 U.S.C. s. 9858f(c) (1) (C) ;~~;~~
- 485        (3) Is ineligible based on a security background  
486 investigation under s. 435.04(2). The Agency for Health Care  
487 Administration will determine the eligibility of employees in  
488 any position that requires direct contact with students in a  
489 district school system, a charter school, or a private school  
490 that participates in a state scholarship program under chapter  
491 1002, beginning January 1, 2025 or a later date determined by  
492 the Agency for Health Care Administration;
- 493        (4) Would be ineligible for an exemption under s.  
494 435.07(4) (c) ,~~or has been convicted or found guilty of, has had~~  
495 ~~adjudication withheld for, or has pled guilty or nolo contendere~~  
496 ~~to:~~
- 497        ~~(1) Any felony offense prohibited under any of the~~  
498 ~~following statutes:~~
- 499        ~~(a) Section 393.135, relating to sexual misconduct with~~  
500 ~~certain developmentally disabled clients and reporting of such~~  
501 ~~sexual misconduct.~~
- 502        ~~(b) Section 394.4593, relating to sexual misconduct with~~  
503 ~~certain mental health patients and reporting of such sexual~~  
504 ~~misconduct.~~

Amendment No. 1

505 ~~(c) Section 415.111, relating to adult abuse, neglect, or~~  
506 ~~exploitation of aged persons or disabled adults.~~

507 ~~(d) Section 782.04, relating to murder.~~

508 ~~(e) Section 782.07, relating to manslaughter; aggravated~~  
509 ~~manslaughter of an elderly person or disabled adult; aggravated~~  
510 ~~manslaughter of a child; or aggravated manslaughter of an~~  
511 ~~officer, a firefighter, an emergency medical technician, or a~~  
512 ~~paramedic.~~

513 ~~(f) Section 784.021, relating to aggravated assault.~~

514 ~~(g) Section 784.045, relating to aggravated battery.~~

515 ~~(h) Section 784.075, relating to battery on a detention or~~  
516 ~~commitment facility staff member or a juvenile probation~~  
517 ~~officer.~~

518 ~~(i) Section 787.01, relating to kidnapping.~~

519 ~~(j) Section 787.02, relating to false imprisonment.~~

520 ~~(k) Section 787.025, relating to luring or enticing a~~  
521 ~~child.~~

522 ~~(l) Section 787.04(2), relating to leading, taking,~~  
523 ~~enticing, or removing a minor beyond the state limits, or~~  
524 ~~concealing the location of a minor, with criminal intent pending~~  
525 ~~eustody proceedings.~~

526 ~~(m) Section 787.04(3), relating to leading, taking,~~  
527 ~~enticing, or removing a minor beyond the state limits, or~~  
528 ~~concealing the location of a minor, with criminal intent pending~~

## Amendment No. 1

529 ~~dependency proceedings or proceedings concerning alleged abuse~~  
530 ~~or neglect of a minor.~~

531 ~~(n) Section 790.115(1), relating to exhibiting firearms or~~  
532 ~~weapons at a school-sponsored event, on school property, or~~  
533 ~~within 1,000 feet of a school.~~

534 ~~(o) Section 790.115(2)(b), relating to possessing an~~  
535 ~~electric weapon or device, destructive device, or other weapon~~  
536 ~~at a school-sponsored event or on school property.~~

537 ~~(p) Section 794.011, relating to sexual battery.~~

538 ~~(q) Former s. 794.041, relating to sexual activity with or~~  
539 ~~solicitation of a child by a person in familial or custodial~~  
540 ~~authority.~~

541 ~~(r) Section 794.05, relating to unlawful sexual activity~~  
542 ~~with certain minors.~~

543 ~~(s) Section 794.08, relating to female genital mutilation.~~

544 ~~(t) Chapter 796, relating to prostitution.~~

545 ~~(u) Chapter 800, relating to lewdness and indecent~~  
546 ~~exposure.~~

547 ~~(v) Section 800.101, relating to offenses against students~~  
548 ~~by authority figures.~~

549 ~~(w) Section 806.01, relating to arson.~~

550 ~~(x) Section 810.14, relating to voyeurism.~~

551 ~~(y) Section 810.145, relating to video voyeurism.~~

552 ~~(z) Section 812.014(6), relating to coordinating the~~  
553 ~~commission of theft in excess of \$3,000.~~

Amendment No. 1

554           ~~(aa) Section 812.0145, relating to theft from persons 65~~  
555 ~~years of age or older.~~

556           ~~(bb) Section 812.019, relating to dealing in stolen~~  
557 ~~property.~~

558           ~~(cc) Section 812.13, relating to robbery.~~

559           ~~(dd) Section 812.131, relating to robbery by sudden~~  
560 ~~snatching.~~

561           ~~(ee) Section 812.133, relating to carjacking.~~

562           ~~(ff) Section 812.135, relating to home-invasion robbery.~~

563           ~~(gg) Section 817.563, relating to fraudulent sale of~~  
564 ~~controlled substances.~~

565           ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~  
566 ~~or neglect of an elderly person or disabled adult.~~

567           ~~(ii) Section 825.103, relating to exploitation of an~~  
568 ~~elderly person or disabled adult.~~

569           ~~(jj) Section 825.1025, relating to lewd or lascivious~~  
570 ~~offenses committed upon or in the presence of an elderly person~~  
571 ~~or disabled person.~~

572           ~~(kk) Section 826.04, relating to incest.~~

573           ~~(ll) Section 827.03, relating to child abuse, aggravated~~  
574 ~~child abuse, or neglect of a child.~~

575           ~~(mm) Section 827.04, relating to contributing to the~~  
576 ~~delinquency or dependency of a child.~~

577           ~~(nn) Section 827.071, relating to sexual performance by a~~  
578 ~~child.~~



Amendment No. 1

579 ~~(oo) Section 843.01, relating to resisting arrest with~~  
580 ~~violence.~~

581 ~~(pp) Chapter 847, relating to obscenity.~~

582 ~~(qq) Section 874.05, relating to causing, encouraging,~~  
583 ~~soliciting, or recruiting another to join a criminal street~~  
584 ~~gang.~~

585 ~~(rr) Chapter 893, relating to drug abuse prevention and~~  
586 ~~control, if the offense was a felony of the second degree or~~  
587 ~~greater severity.~~

588 ~~(ss) Section 916.1075, relating to sexual misconduct with~~  
589 ~~certain forensic clients and reporting of such sexual~~  
590 ~~misconduct.~~

591 ~~(tt) Section 944.47, relating to introduction, removal, or~~  
592 ~~possession of contraband at a correctional facility.~~

593 ~~(uu) Section 985.701, relating to sexual misconduct in~~  
594 ~~juvenile justice programs.~~

595 ~~(vv) Section 985.711, relating to introduction, removal,~~  
596 ~~or possession of contraband at a juvenile detention facility or~~  
597 ~~commitment program.~~

598 ~~(2) Any misdemeanor offense prohibited under any of the~~  
599 ~~following statutes:~~

600 ~~(a) Section 784.03, relating to battery, if the victim of~~  
601 ~~the offense was a minor.~~

602 ~~(b) Section 787.025, relating to luring or enticing a~~  
603 ~~child.~~

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

604        (5)-(3) Has been convicted or found guilty of, has had  
605 adjudication withheld for, or has pled guilty or nolo contendere  
606 to:

607        (a) Any criminal act committed in another state or under  
608 federal law which, if committed in this state, constitutes a  
609 disqualifying an offense prohibited under any statute listed in  
610 s. 435.04(2) subsection (1) or subsection (2).

611        (b)-(4) Any delinquent act committed in this state or any  
612 delinquent or criminal act committed in another state or under  
613 federal law which, if committed in this state, qualifies an  
614 individual for inclusion on the Registered Juvenile Sex Offender  
615 List under s. 943.0435(1)(h)1.d.

616        Section 8. Subsections (2) through (6) of section  
617 1012.467, Florida Statutes, are amended to read:

618        1012.467 Noninstructional contractors who are permitted  
619 access to school grounds when students are present; background  
620 screening requirements.—

621        (2)(a) A fingerprint-based criminal history check must  
622 ~~shall~~ be performed on each noninstructional contractor who is  
623 permitted access to school grounds when students are present,  
624 whose performance of the contract with the school or school  
625 board is not anticipated to result in direct contact with  
626 students, and for whom any unanticipated contact would be  
627 infrequent and incidental using the process described in s.  
628 1012.32(3). The results of each criminal history check must

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

629 ~~shall~~ be reported to the school district in which the individual  
630 is seeking access and entered into the shared system described  
631 in subsection (7). The school district shall screen the results  
632 using the disqualifying offenses in paragraph (b). The Agency  
633 for Health Care Administration will determine the eligibility of  
634 the noninstructional contractor beginning January 1, 2025, or a  
635 later date determined by the Agency for Health Care  
636 Administration. The cost of the criminal history check may be  
637 borne by the district school board, the school, or the  
638 contractor.

639 (b) A noninstructional contractor for whom a criminal  
640 history check is required under this section may not have been  
641 convicted of any of the following offenses designated in the  
642 Florida Statutes, any similar offense in another jurisdiction.,  
643 or any similar offense committed in this state which has been  
644 redesignated from a former provision of the Florida Statutes to  
645 one of the following offenses:

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

648 2. Section 393.135, relating to sexual misconduct with  
649 certain developmentally disabled clients and the reporting of  
650 such sexual misconduct.

651 3. Section 394.4593, relating to sexual misconduct with  
652 certain mental health patients and the reporting of such sexual  
653 misconduct.

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

- 654 4. Section 775.30, relating to terrorism.  
655 5. Section 782.04, relating to murder.  
656 6. Section 787.01, relating to kidnapping.  
657 7. Any offense under chapter 800, relating to lewdness~~and~~  
658 indecent exposure.  
659 8. Section 826.04, relating to incest.  
660 9. Section 827.03, relating to child abuse, aggravated  
661 child abuse, or neglect of a child.
- 662 (3) If it is found that a noninstructional contractor has  
663 been convicted of any of the offenses listed in paragraph  
664 (2)(b), the individual must ~~shall~~ be immediately suspended from  
665 having access to school grounds and must ~~shall~~ remain suspended  
666 unless and until the conviction is set aside in any  
667 postconviction proceeding.
- 668 (4) A noninstructional contractor who has been convicted  
669 of any of the offenses listed in paragraph (2)(b) may not be  
670 permitted on school grounds when students are present unless the  
671 contractor has received a full pardon or has had his or her  
672 civil rights restored. A noninstructional contractor who is  
673 present on school grounds in violation of this subsection  
674 commits a felony of the third degree, punishable as provided in  
675 s. 775.082 or s. 775.083.
- 676 (5) If a school district has reasonable cause to believe  
677 that grounds exist for the denial of a contractor's access to  
678 school grounds when students are present, it must ~~shall~~ notify

Amendment No. 1

679 the contractor in writing, stating the specific record that  
680 indicates noncompliance with the standards set forth in this  
681 section. It is the responsibility of the affected contractor to  
682 contest his or her denial. The only basis for contesting the  
683 denial is proof of mistaken identity or that an offense from  
684 another jurisdiction is not disqualifying under paragraph  
685 (2)(b).

686 (6) Each contractor who is subject to the requirements of  
687 this section must ~~shall~~ agree to inform his or her employer or  
688 the party to whom he or she is under contract and the school  
689 district within 48 hours after ~~if~~ he or she is arrested for any  
690 of the disqualifying offenses in paragraph (2)(b). A contractor  
691 who willfully fails to comply with this subsection commits a  
692 felony of the third degree, punishable as provided in s. 775.082  
693 or s. 775.083. If the employer of a contractor or the party to  
694 whom the contractor is under contract knows the contractor has  
695 been arrested for any of the disqualifying offenses in paragraph  
696 (2)(b) and authorizes the contractor to be present on school  
697 grounds when students are present, such employer or such party  
698 commits a felony of the third degree, punishable as provided in  
699 s. 775.082 or s. 775.083.

700 Section 9. Subsections (2)(d) and (10) of section 1012.56,  
701 Florida Statutes, is amended to read:

702 (2) ELIGIBILITY CRITERIA.- To be eligible to seek  
703 certification, a person must:

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

704 (d) Submit to background screening in accordance with  
705 subsection (10). If the background screening indicates a  
706 criminal history or if the applicant acknowledges a criminal  
707 history, the applicant's records shall be referred to the  
708 investigative section in the Department of Education for review  
709 and determination of eligibility for certification. The  
710 applicant's records shall be referred to the Agency for Health  
711 Care Administration beginning January 1, 2025 or a later date  
712 determined by the Agency for Health Care Administration. If the  
713 applicant fails to provide the necessary documentation requested  
714 by the department within 90 days after the date of the receipt  
715 of the certified mail request, the statement of eligibility and  
716 pending application shall become invalid.

717 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
718 PERIODICALLY.-

719 (a) Each person who seeks certification under this chapter  
720 must be fingerprinted and screened in accordance with s.  
721 1012.323 and must not be ineligible for such certification under  
722 s. 1012.315. A person who has been screened in accordance with  
723 s. 1012.32 by a district school board or the Department of  
724 Education within 12 months before the date the person initially  
725 obtains certification under this chapter, the results of which  
726 are submitted to the district school board or to the Department  
727 of Education, is not required to repeat the screening under this  
728 paragraph. The results must be submitted to the Agency for

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM

Amendment No. 1

729 Health Care Administration Care Provider Background Screening  
730 Clearinghouse beginning January 1, 2025 or a later date  
731 determined by the Agency for Health Care Administration.

732 Section 10. For the 2023-2024 fiscal year, the sums of  
733 \$400,000 in recurring funds from the Health Care Trust Fund and  
734 \$4 million in nonrecurring funds from the Health Care Trust Fund  
735 are appropriated to the Agency for Health Care Administration.  
736 For the 2024-2025 fiscal year \$4 million in nonrecurring funds  
737 from the Health Care Trust Fund and twenty full time equivalent  
738 positions associated with a salary rate of \$1,238,764 are  
739 authorized for the purpose of implementing this act. For the  
740 2025-2026 fiscal year, the sum of \$4 million in nonrecurring  
741 funds from the Health Care Trust Fund are appropriated to the  
742 Agency for Health Care Administration. The changes made to s.  
743 435.12 Florida Statutes, by this act must be implemented by  
744 January 1, 2025, or by a later date determined by the Agency for  
745 Health Care Administration.

746 Section 11. Except as otherwise expressly provided in this  
747 act and except for this section, which shall take effect upon  
748 this act becoming a law, this act shall take effect July 1,  
749 2024.

750

751

752

753

-----  
**T I T L E   A M E N D M E N T**

## Amendment No. 1

754 Remove everything before the enacting clause and insert:  
755 An act relating to level 2 background screenings; amending s.  
756 435.02, F.S.; providing definitions; amending s. 435.04, F.S.;  
757 expanding authorized records that may be checked during a level  
758 2 background screening; adding additional disqualifying offenses  
759 to level 2 background screening requirements; removing obsolete  
760 language; amending s. 435.12, F.S.; authorizing certain  
761 qualified entities to participate in the Care Provider  
762 Background Screening Clearinghouse; establishing timeframes;  
763 requiring the Agency for Health Care Administration to perform  
764 certain actions; revising deadlines; removing obsolete language;  
765 conforming provisions to changes made by the act; amending s.  
766 943.0438, F.S.; revising the definition of the term "athletic  
767 coach"; requiring level 2, instead of level 1, background  
768 screenings for current and prospective athletic coaches;  
769 requiring independent sanctioning authorities to participate in  
770 a specified system; conforming provisions to changes made by the  
771 act; amending s. 943.05, F.S.; expanding the agencies and  
772 entities which may utilize the Criminal Justice Information  
773 Program; requiring the program to develop, for federal approval,  
774 a specified method for identifying or verifying an individual;  
775 amending s. 943.0542, F.S.; requiring specified entities to  
776 initiate criminal history checks through the Department of Law  
777 Enforcement or the clearinghouse by a specified date; providing  
778 requirements for specified entities initiating criminal history

386081 - h0249-strike all.docx

Published On: 4/7/2023 4:36:40 PM



## Amendment No. 1

779 checks through the clearinghouse; providing requirements for the  
780 clearinghouse; revising standards for determinations;  
781 establishing responsibilities for the Agency for Health Care  
782 Administration; amending s. 1012.315, F.S.; revising screening  
783 requirements for specified individuals; providing  
784 responsibilities for the Agency for Health Care Administration;  
785 conforming provisions to changes made by the act; amending s.  
786 1012.467, F.S.; providing responsibilities for the Agency for  
787 Health Care Administration; conforming provisions to changes  
788 made by the act; conforming cross-references; amending s.  
789 1012.56, F.S.; requiring applicant records to be referred to the  
790 Agency for Health Care Administration; requiring screening  
791 results to be submitted to the Agency for Health Care  
792 Administration; providing appropriations and authorizing  
793 positions; providing an effective date.