

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

3 Representative Trabulsy offered the following:

4
5 **Amendment to Amendment (386081) by Representative Trabulsy**

6 Remove lines 308-386 of the amendment and insert:

7 (b) 1. Before January 1, 2026, or a later date established
8 by the Agency for Health Care Administration for the
9 participation of qualified entities in the Care Provider
10 Background Screening Clearinghouse under s. 435.12, disqualify
11 any person from acting as an athletic coach as provided in s.
12 435.04 s. 435.03 or if he or she is identified on a registry
13 described in paragraph (a). The authority may allow a person
14 disqualified under this paragraph to act as an athletic coach if
15 it determines that the person meets the requirements for an
16 exemption from disqualification under s. 435.07.

Amendment No.2

17 2. On or after January 1, 2026, or a later date established
18 by the Agency for Health Care Administration, not allow any
19 person to act as an athletic coach if he or she does not pass
20 the background screening qualifications outlined in s. 435.04.
21 The authority may allow a person disqualified under this
22 paragraph to act as an athletic coach if the person has
23 successfully completed the exemption from the disqualification
24 process under s. 435.07.

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

29 Section 5. Paragraph (h) of subsection (2) of section
30 943.05, Florida Statutes, is amended and paragraph (i) is added
31 to that subsection to read:

32 943.05 Criminal Justice Information Program; duties; crime
33 reports.—

34 (2) The program shall:

35 (h) For each specified agency, as defined in s. 435.02,
36 each qualified entity participating in the Care Provider
37 Background Screening Clearinghouse under s. 435.12, or any other
38 agency or qualified entity that officially requests retention of
39 fingerprints or for which retention is otherwise required by
40 law, search all arrest fingerprint submissions received under s.

Amendment No.2

41 943.051 against the fingerprints retained in the statewide
42 automated biometric identification system under paragraph (g).

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

47 2. To participate in this search process, agencies or
48 qualified entities must notify each person fingerprinted that
49 his or her fingerprints will be retained, pay an annual fee to
50 the department unless otherwise provided by law, and inform the
51 department of any change in the affiliation, employment, or
52 contractual status of each person whose fingerprints are
53 retained under paragraph (g) if such change removes or
54 eliminates the agency or qualified entity's basis or need for
55 receiving reports of any arrest of that person, so that the
56 agency or qualified entity is not obligated to pay the upcoming
57 annual fee for the retention and searching of that person's
58 fingerprints to the department. The department shall adopt a
59 rule setting the amount of the annual fee to be imposed upon
60 each participating agency or qualified entity for performing
61 these searches and establishing the procedures for the retention
62 of fingerprints and the dissemination of search results. The fee
63 may be borne by the agency, qualified entity, or person subject
64 to fingerprint retention or as otherwise provided by law.
65 Consistent with the recognition of criminal justice agencies

Amendment No.2

66 | expressed in s. 943.053(3), these services must ~~shall~~ be
67 | provided to criminal justice agencies for criminal justice
68 | purposes free of charge. Qualified entities that elect to
69 | participate in the fingerprint retention and search process are
70 | required to timely remit the fee to the department by a payment
71 | mechanism approved by the department. If requested by the
72 | qualified entity, and with the approval of the department, such
73 | fees may be timely remitted to the department by a qualified
74 | entity upon receipt of an invoice for such fees from the
75 | department. Failure of a qualified entity to pay the amount due
76 | on a timely basis or as invoiced by the department may result in
77 | the refusal by the department to permit the qualified entity to
78 | continue to participate in the fingerprint retention and search
79 | process until all fees due and owing are paid.

80 | 3. Agencies that participate in the fingerprint retention
81 | and search process may adopt rules pursuant to ss. 120.536(1)
82 | and 120.54 to require employers to keep the agency informed of
83 | any change in the affiliation, employment, or contractual status
84 | of each person whose fingerprints are retained under paragraph
85 | (g) if such change removes or eliminates the agency's basis or
86 | need for receiving reports of any arrest of that person, so that
87 | the agency is not obligated to pay the upcoming annual fee for
88 | the retention and searching of that person's fingerprints to the
89 | department.

Amendment No.2

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

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

94 943.0542 Access to criminal history information provided
95 by the department to qualified entities.-

96 (2)~~(a)~~ Beginning January 1, 2025, or a later date as