

1 A bill to be entitled
2 An act relating to level 2 background screenings;
3 amending s. 435.02, F.S.; providing definitions;
4 amending s. 435.04, F.S.; expanding authorized records
5 that may be checked during a level 2 background
6 screening; adding additional disqualifying offenses to
7 level 2 background screening requirements; removing
8 obsolete language; amending s. 435.12, F.S.;
9 authorizing certain qualified entities to participate
10 in the Care Provider Background Screening
11 Clearinghouse; removing obsolete language; conforming
12 provisions to changes made by the act; amending s.
13 943.0438, F.S.; revising the definition of the term
14 "athletic coach"; requiring level 2, instead of level
15 1, background screenings for current and prospective
16 athletic coaches; requiring independent sanctioning
17 authorities to participate in a specified system;
18 conforming provisions to changes made by the act;
19 amending s. 943.05, F.S.; expanding the agencies and
20 entities which may utilize the Criminal Justice
21 Information Program; requiring the program to develop,
22 for federal approval, a specified method for
23 identifying or verifying an individual; amending s.
24 943.0542, F.S.; requiring specified entities to
25 initiate criminal history checks through the

26 Department of Law Enforcement or the clearinghouse by
 27 a specified date; providing requirements for specified
 28 entities initiating criminal history checks through
 29 the clearinghouse; providing requirements for the
 30 clearinghouse; amending s. 1012.315, F.S.; revising
 31 screening requirements for specified individuals;
 32 conforming provisions to changes made by the act;
 33 amending s. 1012.467, F.S.; conforming provisions to
 34 changes made by the act; conforming cross-references;
 35 providing appropriations and authorizing positions;
 36 providing an effective date.

37

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

39

40 Section 1. Subsections (1) through (4) and subsections (5)
 41 and (6) of section 435.02, Florida Statutes, are renumbered as
 42 subsections (2) through (5) and subsections (7) and (8),
 43 respectively, and new subsections (1) and (5) are added to that
 44 section, to read:

45 435.02 Definitions.—For the purposes of this chapter, the
 46 term:

47 (1) "Affiliation" means the status of a person employed or
 48 serving as a volunteer or contractor with a qualified entity in
 49 a position for which screening is not required by law but is
 50 authorized under the National Child Protection Act.

51 (5) "Qualified entity" has the same meaning as in s.
52 943.0542(1).

53 Section 2. Paragraphs (a), (b), and (d) of subsection (1)
54 and subsection (2) of section 435.04, Florida Statutes, are
55 amended to read:

56 435.04 Level 2 screening standards.—

57 (1)(a) All employees required by law to be screened under
58 ~~pursuant to~~ this section must undergo security background
59 investigations as a condition of employment and continued
60 employment which includes, but is not ~~need not be~~ limited to,
61 fingerprinting for statewide criminal history records checks
62 through the Department of Law Enforcement, ~~and~~ national criminal
63 history records checks through the Federal Bureau of
64 Investigation, and ~~may include~~ local criminal records checks
65 through local law enforcement agencies. A security background
66 investigation under this section also includes employment
67 history checks and a search of the sexual predator and sexual
68 offender registries and the child abuse and neglect registry of
69 any state in which the current or prospective employee resided
70 during the immediate preceding 5 years.

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

74 ~~(d) An agency may require by rule that fingerprints~~
75 ~~submitted pursuant to this section must be submitted~~

76 | ~~electronically to the Department of Law Enforcement on a date~~
77 | ~~earlier than July 1, 2012.~~

78 | (2) The security background investigations under this
79 | section must ensure that ~~no~~ persons subject to ~~the provisions of~~
80 | this section have not been arrested for and are awaiting final
81 | disposition of, have not been found guilty of, regardless of
82 | adjudication, or entered a plea of nolo contendere or guilty to,
83 | or have not been adjudicated delinquent and the record has not
84 | been sealed or expunged for, any offense prohibited under any of
85 | the following provisions of state law or similar law of another
86 | jurisdiction:

87 | (a) Section 393.135, relating to sexual misconduct with
88 | certain developmentally disabled clients and reporting of such
89 | sexual misconduct.

90 | (b) Section 394.4593, relating to sexual misconduct with
91 | certain mental health patients and reporting of such sexual
92 | misconduct.

93 | (c) Section 415.111, relating to adult abuse, neglect, or
94 | exploitation of aged persons or disabled adults.

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

97 | (e) Section 782.04, relating to murder.

98 | (f) Section 782.07, relating to manslaughter, aggravated
99 | manslaughter of an elderly person or disabled adult, or
100 | aggravated manslaughter of a child.

- 101 (g) Section 782.071, relating to vehicular homicide.
- 102 (h) Section 782.09, relating to killing of an unborn child
- 103 by injury to the mother.
- 104 (i) Chapter 784, relating to assault, battery, and
- 105 culpable negligence, if the offense was a felony.
- 106 (j) Section 784.011, relating to assault, if the victim of
- 107 the offense was a minor.
- 108 (k) Section 784.021, relating to aggravated assault.
- 109 (l)~~(k)~~ Section 784.03, relating to battery, if the victim
- 110 of the offense was a minor.
- 111 (m) Section 784.045, relating to aggravated battery.
- 112 (n) Section 784.075, relating to battery on staff of a
- 113 detention or commitment facility or on a juvenile probation
- 114 officer.
- 115 (o)~~(l)~~ Section 787.01, relating to kidnapping.
- 116 (p)~~(m)~~ Section 787.02, relating to false imprisonment.
- 117 (q)~~(n)~~ Section 787.025, relating to luring or enticing a
- 118 child.
- 119 (r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or
- 120 removing a child beyond the state limits with criminal intent
- 121 pending custody proceedings.
- 122 (s)~~(p)~~ Section 787.04(3), relating to carrying a child
- 123 beyond the state lines with criminal intent to avoid producing a
- 124 child at a custody hearing or delivering the child to the
- 125 designated person.

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

128 (u)~~(r)~~ Section 790.115(2)(b), relating to possessing an
 129 electric weapon or device, destructive device, or other weapon
 130 on school property.

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

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

134 (x)~~(u)~~ Section 794.05, relating to unlawful sexual
 135 activity with certain minors.

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

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

138 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious
 139 behavior.

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

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

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

144 (ee)~~(aa)~~ Section 810.14, relating to voyeurism, if the
 145 offense is a felony.

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

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

150 (hh)~~(dd)~~ Section 817.563, relating to fraudulent sale of

151 controlled substances, only if the offense was a felony.
 152 ~~(ii)(ee)~~ Section 825.102, relating to abuse, aggravated
 153 abuse, or neglect of an elderly person or disabled adult.
 154 ~~(jj)(ff)~~ Section 825.1025, relating to lewd or lascivious
 155 offenses committed upon or in the presence of an elderly person
 156 or disabled adult.
 157 ~~(kk)(gg)~~ Section 825.103, relating to exploitation of an
 158 elderly person or disabled adult, if the offense was a felony.
 159 ~~(ll)(hh)~~ Section 826.04, relating to incest.
 160 ~~(mm)(ii)~~ Section 827.03, relating to child abuse,
 161 aggravated child abuse, or neglect of a child.
 162 ~~(nn)(jj)~~ Section 827.04, relating to contributing to the
 163 delinquency or dependency of a child.
 164 ~~(oo)(kk)~~ Former s. 827.05, relating to negligent treatment
 165 of children.
 166 ~~(pp)(ll)~~ Section 827.071, relating to sexual performance
 167 by a child.
 168 ~~(qq)(mm)~~ Section 843.01, relating to resisting arrest with
 169 violence.
 170 ~~(rr)(nn)~~ Section 843.025, relating to depriving a law
 171 enforcement, correctional, or correctional probation officer
 172 means of protection or communication.
 173 ~~(ss)(oo)~~ Section 843.12, relating to aiding in an escape.
 174 ~~(tt)(pp)~~ Section 843.13, relating to aiding in the escape
 175 of juvenile inmates in correctional institutions.

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

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

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

182 (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct
183 with certain forensic clients and reporting of such sexual
184 misconduct.

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

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

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

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

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

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

197 Section 3. Subsections (1) and (2) of section 435.12,
198 Florida Statutes, are amended to read:

199 435.12 Care Provider Background Screening Clearinghouse.—

200 (1) The Agency for Health Care Administration in

201 consultation with the Department of Law Enforcement shall create
202 a secure web-based system, which shall be known as the "Care
203 Provider Background Screening Clearinghouse" or
204 "clearinghouse.7" ~~and which shall be implemented to the full~~
205 ~~extent practicable no later than September 30, 2013, subject to~~
206 ~~the specified agencies being funded and equipped to participate~~
207 ~~in such program.~~ The clearinghouse must ~~shall~~ allow the results
208 of criminal history checks provided to the specified agencies
209 and, beginning January 1, 2025, qualified entities participating
210 in the clearinghouse for screening of persons qualified as care
211 providers under s. 943.0542 to be shared among the specified
212 agencies and qualified entities when a person has applied to
213 volunteer, be employed, be licensed, ~~or~~ enter into a contract,
214 or has an affiliation that allows or ~~that~~ requires a state and
215 national fingerprint-based criminal history check. The Agency
216 for Health Care Administration and the Department of Law
217 Enforcement may adopt rules to create forms or implement
218 procedures needed to carry out this section.

219 (2)(a) To ensure that the information in the clearinghouse
220 is current, the fingerprints of a person ~~an employee required to~~
221 ~~be screened by a specified agency and~~ included in the
222 clearinghouse must be:

223 1. Retained by the Department of Law Enforcement pursuant
224 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
225 Enforcement must report the results of searching those

226 fingerprints against state incoming arrest fingerprint
227 submissions to the Agency for Health Care Administration for
228 inclusion in the clearinghouse.

229 2. Retained by the Federal Bureau of Investigation in the
230 national retained print arrest notification program as soon as
231 the Department of Law Enforcement begins participation in such
232 program. Arrest prints will be searched against retained prints
233 at the Federal Bureau of Investigation and notification of
234 arrests will be forwarded to the Florida Department of Law
235 Enforcement and reported to the Agency for Health Care
236 Administration for inclusion in the clearinghouse.

237 3. Resubmitted for a Federal Bureau of Investigation
238 national criminal history check every 5 years until such time as
239 the fingerprints are retained by the Federal Bureau of
240 Investigation.

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

244 5. Submitted with a photograph of the person taken at the
245 time the fingerprints are submitted.

246 (b) Until such time as the fingerprints are enrolled in
247 the national retained print arrest notification program at the
248 Federal Bureau of Investigation, a person ~~an employee~~ with a
249 break in service of more than 90 days from a position that
250 requires screening by a specified agency or qualified entity

251 must submit to a national screening if the person returns to a
252 position that requires screening by a specified agency or
253 qualified entity.

254 (c) An employer of persons subject to screening or a
255 qualified entity participating in the clearinghouse ~~by a~~
256 ~~specified agency~~ must register with the clearinghouse and
257 maintain the employment or affiliation status of all persons
258 included in ~~employees within~~ the clearinghouse. Initial
259 employment or affiliation status and any changes in status must
260 be reported within 10 business days after a person receives his
261 or her initial status or after a change in his or her status has
262 been made.

263 (d) An employer or a qualified entity participating in the
264 clearinghouse must register with and initiate all criminal
265 history checks through the clearinghouse before referring an
266 employee or potential employee or a person with a current or
267 potential affiliation with a qualified entity for electronic
268 fingerprint submission to the Department of Law Enforcement. The
269 registration must include the person's ~~employee's~~ full first
270 name, middle initial, and last name; social security number;
271 date of birth; mailing address; sex; and race. Individuals,
272 persons, applicants, and controlling interests that cannot
273 legally obtain a social security number must provide an
274 individual taxpayer identification number.

275 Section 4. Paragraph (a) of subsection (1), paragraphs (a)

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276 and (b) of subsection (2), and subsection (4) of section
277 943.0438, Florida Statutes, are amended to read:

278 943.0438 Athletic coaches for independent sanctioning
279 authorities.—

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

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

282 1. Is authorized by an independent sanctioning authority
283 to work as a coach, assistant coach, manager, or referee ~~for 20~~
284 ~~or more hours within a calendar year~~, whether for compensation
285 or as a volunteer, for a youth athletic team based in this
286 state; and

287 2. Has direct contact with one or more minors on the youth
288 athletic team.

289 (2) An independent sanctioning authority shall:

290 (a) ~~1.~~ Conduct a level 2 ~~±~~ background screening under s.
291 435.04 ~~pursuant to s. 435.03~~ of each current and prospective
292 athletic coach. The authority may not delegate this
293 responsibility to an individual team and may not authorize any
294 person to act as an athletic coach unless a level 2 ~~±~~ background
295 screening is conducted and does not result in disqualification
296 under paragraph (b). ~~Level 1 background screenings shall be~~
297 ~~conducted annually for each athletic coach. For purposes of this~~
298 ~~section, a background screening shall include a search of the~~
299 ~~athletic coach's name or other identifying information against~~
300 ~~state and federal registries of sexual predators and sexual~~

301 ~~offenders, which are available to the public on Internet sites~~
302 ~~provided by:~~

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

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

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

314 (b) Disqualify any person from acting as an athletic coach
315 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified
316 ~~on a registry described in paragraph (a).~~ The authority may
317 allow a person disqualified under this paragraph to act as an
318 athletic coach if it determines that the person meets the
319 requirements for an exemption from disqualification under s.
320 435.07.

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

325 Section 5. Paragraph (h) of subsection (2) of section

326 943.05, Florida Statutes, is amended and paragraph (i) is added
327 to that subsection to read:

328 943.05 Criminal Justice Information Program; duties; crime
329 reports.—

330 (2) The program shall:

331 (h) For each specified agency, as defined in s. 435.02,
332 each qualified entity participating in the Care Provider
333 Background Screening Clearinghouse under s. 435.12, or any other
334 agency or qualified entity that officially requests retention of
335 fingerprints or for which retention is otherwise required by
336 law, search all arrest fingerprint submissions received under s.
337 943.051 against the fingerprints retained in the statewide
338 automated biometric identification system under paragraph (g).

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

343 2. To participate in this search process, agencies or
344 qualified entities must notify each person fingerprinted that
345 his or her fingerprints will be retained, pay an annual fee to
346 the department unless otherwise provided by law, and inform the
347 department of any change in the affiliation, employment, or
348 contractual status of each person whose fingerprints are
349 retained under paragraph (g) if such change removes or
350 eliminates the agency or qualified entity's basis or need for

351 receiving reports of any arrest of that person, so that the
352 agency or qualified entity is not obligated to pay the upcoming
353 annual fee for the retention and searching of that person's
354 fingerprints to the department. The department shall adopt a
355 rule setting the amount of the annual fee to be imposed upon
356 each participating agency or qualified entity for performing
357 these searches and establishing the procedures for the retention
358 of fingerprints and the dissemination of search results. The fee
359 may be borne by the agency, qualified entity, or person subject
360 to fingerprint retention or as otherwise provided by law.
361 Consistent with the recognition of criminal justice agencies
362 expressed in s. 943.053(3), these services must ~~shall~~ be
363 provided to criminal justice agencies for criminal justice
364 purposes free of charge. Qualified entities that elect to
365 participate in the fingerprint retention and search process are
366 required to timely remit the fee to the department by a payment
367 mechanism approved by the department. If requested by the
368 qualified entity, and with the approval of the department, such
369 fees may be timely remitted to the department by a qualified
370 entity upon receipt of an invoice for such fees from the
371 department. Failure of a qualified entity to pay the amount due
372 on a timely basis or as invoiced by the department may result in
373 the refusal by the department to permit the qualified entity to
374 continue to participate in the fingerprint retention and search
375 process until all fees due and owing are paid.

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

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

388 Section 6. Subsections (2), (3), and (4) of section
 389 943.0542, Florida Statutes, are amended to read:

390 943.0542 Access to criminal history information provided
 391 by the department to qualified entities.-

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

397 (a)1. If a qualified entity initiates a background
 398 criminal history check through the department, the qualified
 399 entity must:

400 a. Register with the department before submitting a

401 request for screening under this section. Each such request must
402 be voluntary and conform to the requirements established in the
403 National Child Protection Act of 1993, as amended. As a part of
404 the registration, the qualified entity must agree to comply with
405 state and federal law and must so indicate by signing an
406 agreement approved by the department. The department shall ~~may~~
407 periodically audit qualified entities to ensure compliance with
408 federal law and this section.

409 ~~b.(b)~~ A qualified entity ~~shall~~ Submit to the department a
410 request for screening an employee or volunteer or person
411 applying to be an employee or volunteer by submitting
412 fingerprints, or the request may be submitted electronically.
413 The qualified entity must maintain a signed waiver allowing the
414 release of the state and national criminal history record
415 information to the qualified entity.

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

423 ~~3.(d)~~ Any current or prospective employee or volunteer who
424 is subject to a request for screening must indicate to the
425 qualified entity submitting the request the name and address of

426 each qualified entity that has submitted a previous request for
427 screening regarding that employee or volunteer.

428 (b) If a qualified entity initiates a background criminal
429 history check through the Care Provider Background Screening
430 Clearinghouse, the qualified entity must comply with s. 435.12.
431 All fingerprints received pursuant to this section must be
432 entered into the clearinghouse as provided in s. 435.12.

433 (3) The department or the Care Provider Background
434 Screening Clearinghouse shall provide directly to the qualified
435 entity the state criminal history records that are not exempt
436 from disclosure under chapter 119 or otherwise confidential
437 under law. A person who is the subject of a state criminal
438 history record may challenge the record only as provided in s.
439 943.056.

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

448 Section 7. Section 1012.315, Florida Statutes, is amended
449 to read:

450 1012.315 Screening standards.—A person is ineligible for

451 educator certification or employment in any position that
 452 requires direct contact with students in a district school
 453 system, a charter school, or a private school that participates
 454 in a state scholarship program under chapter 1002 if the person:

455 (1) Is on the disqualification list maintained by the
 456 department under ~~pursuant to~~ s. 1001.10(4) (b) ;

457 (2) Is registered as a sex offender as described in 42
 458 U.S.C. s. 9858f(c) (1) (C) ;

459 (3) Is ineligible based on a security background
 460 investigation under s. 435.04(2) ;

461 (4) Would be ineligible for an exemption under s.
 462 435.07(4) (c) ; ~~or, or has been convicted or found guilty of, has~~
 463 ~~had adjudication withheld for, or has pled guilty or nolo~~
 464 ~~contendere to:~~

465 ~~(1) Any felony offense prohibited under any of the~~
 466 ~~following statutes:~~

467 ~~(a) Section 393.135, relating to sexual misconduct with~~
 468 ~~certain developmentally disabled clients and reporting of such~~
 469 ~~sexual misconduct.~~

470 ~~(b) Section 394.4593, relating to sexual misconduct with~~
 471 ~~certain mental health patients and reporting of such sexual~~
 472 ~~misconduct.~~

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

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

476 ~~(e) Section 782.07, relating to manslaughter; aggravated~~
477 ~~manslaughter of an elderly person or disabled adult; aggravated~~
478 ~~manslaughter of a child; or aggravated manslaughter of an~~
479 ~~officer, a firefighter, an emergency medical technician, or a~~
480 ~~paramedic.~~

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

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

483 ~~(h) Section 784.075, relating to battery on a detention or~~
484 ~~commitment facility staff member or a juvenile probation~~
485 ~~officer.~~

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

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

488 ~~(k) Section 787.025, relating to luring or enticing a~~
489 ~~child.~~

490 ~~(l) Section 787.04(2), relating to leading, taking,~~
491 ~~enticing, or removing a minor beyond the state limits, or~~
492 ~~concealing the location of a minor, with criminal intent pending~~
493 ~~eustody proceedings.~~

494 ~~(m) Section 787.04(3), relating to leading, taking,~~
495 ~~enticing, or removing a minor beyond the state limits, or~~
496 ~~concealing the location of a minor, with criminal intent pending~~
497 ~~dependency proceedings or proceedings concerning alleged abuse~~
498 ~~or neglect of a minor.~~

499 ~~(n) Section 790.115(1), relating to exhibiting firearms or~~
500 ~~weapons at a school-sponsored event, on school property, or~~

501 ~~within 1,000 feet of a school.~~

502 ~~(e) Section 790.115(2)(b), relating to possessing an~~
 503 ~~electric weapon or device, destructive device, or other weapon~~
 504 ~~at a school-sponsored event or on school property.~~

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

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

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

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

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

513 ~~(u) Chapter 800, relating to lewdness and indecent~~
 514 ~~exposure.~~

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

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

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

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

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

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

524 ~~(bb) Section 812.019, relating to dealing in stolen~~
 525 ~~property.~~

- 526 ~~(cc) Section 812.13, relating to robbery.~~
- 527 ~~(dd) Section 812.131, relating to robbery by sudden~~
- 528 ~~snatching.~~
- 529 ~~(ee) Section 812.133, relating to carjacking.~~
- 530 ~~(ff) Section 812.135, relating to home-invasion robbery.~~
- 531 ~~(gg) Section 817.563, relating to fraudulent sale of~~
- 532 ~~controlled substances.~~
- 533 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
- 534 ~~or neglect of an elderly person or disabled adult.~~
- 535 ~~(ii) Section 825.103, relating to exploitation of an~~
- 536 ~~elderly person or disabled adult.~~
- 537 ~~(jj) Section 825.1025, relating to lewd or lascivious~~
- 538 ~~offenses committed upon or in the presence of an elderly person~~
- 539 ~~or disabled person.~~
- 540 ~~(kk) Section 826.04, relating to incest.~~
- 541 ~~(ll) Section 827.03, relating to child abuse, aggravated~~
- 542 ~~child abuse, or neglect of a child.~~
- 543 ~~(mm) Section 827.04, relating to contributing to the~~
- 544 ~~delinquency or dependency of a child.~~
- 545 ~~(nn) Section 827.071, relating to sexual performance by a~~
- 546 ~~child.~~
- 547 ~~(oo) Section 843.01, relating to resisting arrest with~~
- 548 ~~violence.~~
- 549 ~~(pp) Chapter 847, relating to obscenity.~~
- 550 ~~(qq) Section 874.05, relating to causing, encouraging,~~

551 ~~soliciting, or recruiting another to join a criminal street~~
552 ~~gang.~~

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

556 ~~(ss) Section 916.1075, relating to sexual misconduct with~~
557 ~~certain forensic clients and reporting of such sexual~~
558 ~~misconduct.~~

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

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

563 ~~(vv) Section 985.711, relating to introduction, removal,~~
564 ~~or possession of contraband at a juvenile detention facility or~~
565 ~~commitment program.~~

566 ~~(2) Any misdemeanor offense prohibited under any of the~~
567 ~~following statutes:~~

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

570 ~~(b) Section 787.025, relating to luring or enticing a~~
571 ~~child.~~

572 (5)(3) Has been convicted or found guilty of, has had
573 adjudication withheld for, or has pled guilty or nolo contendere
574 to:

575 (a) Any criminal act committed in another state or under

576 federal law which, if committed in this state, constitutes a
 577 disqualifying an offense ~~prohibited~~ under ~~any statute listed in~~
 578 s. 435.04(2) ~~subsection (1) or subsection (2)~~.

579 ~~(b)(4)~~ Any delinquent act committed in this state or any
 580 delinquent or criminal act committed in another state or under
 581 federal law which, if committed in this state, qualifies an
 582 individual for inclusion on the Registered Juvenile Sex Offender
 583 List under s. 943.0435(1)(h)1.d.

584 Section 8. Subsections (2) through (6) of section
 585 1012.467, Florida Statutes, are amended to read:

586 1012.467 Noninstructional contractors who are permitted
 587 access to school grounds when students are present; background
 588 screening requirements.—

589 (2)(a) A fingerprint-based criminal history check must
 590 ~~shall~~ be performed on each noninstructional contractor who is
 591 permitted access to school grounds when students are present,
 592 whose performance of the contract with the school or school
 593 board is not anticipated to result in direct contact with
 594 students, and for whom any unanticipated contact would be
 595 infrequent and incidental using the process described in s.
 596 1012.32(3). The results of each criminal history check must
 597 ~~shall~~ be reported to the school district in which the individual
 598 is seeking access and entered into the shared system described
 599 in subsection (7). The school district shall screen the results
 600 using the disqualifying offenses in s. 435.04(2) ~~paragraph (b)~~.

601 The cost of the criminal history check may be borne by the
 602 district school board, the school, or the contractor.

603 (b) A noninstructional contractor for whom a criminal
 604 history check is required under this section may not have been
 605 convicted of any of the ~~following~~ offenses in s. 435.04(2) or
 606 ~~designated in the Florida Statutes,~~ any similar offense in
 607 another jurisdiction, ~~or any similar offense committed in this~~
 608 ~~state which has been redesignated from a former provision of the~~
 609 ~~Florida Statutes to one of the following offenses:~~

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

612 2. ~~Section 393.135, relating to sexual misconduct with~~
 613 ~~certain developmentally disabled clients and the reporting of~~
 614 ~~such sexual misconduct.~~

615 3. ~~Section 394.4593, relating to sexual misconduct with~~
 616 ~~certain mental health patients and the reporting of such sexual~~
 617 ~~misconduct.~~

618 4. ~~Section 775.30, relating to terrorism.~~

619 5. ~~Section 782.04, relating to murder.~~

620 6. ~~Section 787.01, relating to kidnapping.~~

621 7. ~~Any offense under chapter 800, relating to lewdness and~~
 622 ~~indecent exposure.~~

623 8. ~~Section 826.04, relating to incest.~~

624 9. ~~Section 827.03, relating to child abuse, aggravated~~
 625 ~~child abuse, or neglect of a child.~~

626 (3) If it is found that a noninstructional contractor has
627 been convicted of any of the offenses listed in s. 435.04(2)
628 ~~paragraph (2)(b)~~, the individual must ~~shall~~ be immediately
629 suspended from having access to school grounds and must ~~shall~~
630 remain suspended unless and until the conviction is set aside in
631 any postconviction proceeding.

632 (4) A noninstructional contractor who has been convicted
633 of any of the offenses listed in s. 435.04(2) ~~paragraph (2)(b)~~
634 may not be permitted on school grounds when students are present
635 unless the contractor has received a full pardon or has had his
636 or her civil rights restored. A noninstructional contractor who
637 is present on school grounds in violation of this subsection
638 commits a felony of the third degree, punishable as provided in
639 s. 775.082 or s. 775.083.

640 (5) If a school district has reasonable cause to believe
641 that grounds exist for the denial of a contractor's access to
642 school grounds when students are present, it must ~~shall~~ notify
643 the contractor in writing, stating the specific record that
644 indicates noncompliance with the standards set forth in this
645 section. It is the responsibility of the affected contractor to
646 contest his or her denial. The only basis for contesting the
647 denial is proof of mistaken identity or that an offense from
648 another jurisdiction is not disqualifying under s. 435.04(2)
649 ~~paragraph (2)(b)~~.

650 (6) Each contractor who is subject to the requirements of

651 | this section must ~~shall~~ agree to inform his or her employer or
652 | the party to whom he or she is under contract and the school
653 | district within 48 hours after ~~if~~ he or she is arrested for any
654 | of the disqualifying offenses in s. 435.04(2) ~~paragraph (2)(b)~~.
655 | A contractor who willfully fails to comply with this subsection
656 | commits a felony of the third degree, punishable as provided in
657 | s. 775.082 or s. 775.083. If the employer of a contractor or the
658 | party to whom the contractor is under contract knows the
659 | contractor has been arrested for any of the disqualifying
660 | offenses in s. 435.04(2) ~~paragraph (2)(b)~~ and authorizes the
661 | contractor to be present on school grounds when students are
662 | present, such employer or such party commits a felony of the
663 | third degree, punishable as provided in s. 775.082 or s.
664 | 775.083.

665 | Section 9. For the 2023-2024 fiscal year, the sums of
666 | \$285,367 in recurring funds from the Health Care Trust Fund and
667 | \$581,064 in nonrecurring funds from the Health Care Trust Fund
668 | are appropriated to the Agency for Health Care Administration
669 | and five full-time equivalent positions with associated salary
670 | rate of 173,431 is authorized for the purpose of implementing
671 | this act.

672 | Section 10. This act shall take effect July 1, 2024.