



26 |       sanctioning authorities to participate in a specified  
27 |       system; conforming provisions to changes made by the  
28 |       act; amending s. 943.05, F.S.; expanding the agencies  
29 |       and entities which may utilize the Criminal Justice  
30 |       Information Program; requiring the program to develop,  
31 |       for federal approval, a specified method for  
32 |       identifying or verifying an individual; amending s.  
33 |       943.0542, F.S.; requiring qualified entities to  
34 |       initiate background criminal history checks through  
35 |       the Department of Law Enforcement or the clearinghouse  
36 |       beginning on a specified date; providing requirements  
37 |       for qualified entities initiating criminal history  
38 |       checks through the clearinghouse; providing  
39 |       requirements for the clearinghouse; revising standards  
40 |       for determinations of whether a criminal history  
41 |       record shows certain information; requiring the agency  
42 |       to make certain determinations regarding the  
43 |       eligibility of certain employees or volunteers  
44 |       beginning on a specified date; amending s. 1012.315,  
45 |       F.S.; revising screening requirements for specified  
46 |       individuals; requiring the agency to make certain  
47 |       determinations regarding the eligibility of certain  
48 |       employees beginning on a specified date; conforming  
49 |       provisions to changes made by the act; amending s.  
50 |       1012.467, F.S.; requiring the agency to make certain

51 determinations regarding the eligibility of certain  
52 noninstructional contractors beginning on a specified  
53 date; amending s. 1012.56, F.S.; requiring the records  
54 of a person applying for educator certification to be  
55 referred to the agency beginning on a specified date;  
56 requiring background screening results to be submitted  
57 to the clearinghouse by a specified date; providing  
58 appropriations and authorizing positions; providing  
59 effective dates.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Subsections (1) through (4) and subsections (5)  
64 and (6) of section 435.02, Florida Statutes, are renumbered as  
65 subsections (2) through (5) and subsections (7) and (8),  
66 respectively, and new subsections (1) and (6) are added to that  
67 section, to read:

68 435.02 Definitions.—For the purposes of this chapter, the  
69 term:

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

74 (6) "Qualified entity" has the same meaning as in s.  
75 943.0542(1).

76 Section 2. Paragraphs (a), (b), and (d) of subsection (1)  
 77 and subsection (2) of section 435.04, Florida Statutes, are  
 78 amended to read:

79 435.04 Level 2 screening standards.—

80 (1) (a) All employees required by law to be screened under  
 81 ~~pursuant to~~ this section must undergo security background  
 82 investigations as a condition of employment and continued  
 83 employment which includes, but is not ~~need not be~~ limited to,  
 84 fingerprinting for statewide criminal history records checks  
 85 through the Department of Law Enforcement, ~~and~~ national criminal  
 86 history records checks through the Federal Bureau of  
 87 Investigation, and ~~may include~~ local criminal records checks  
 88 through local law enforcement agencies. A security background  
 89 investigation under this section also includes a search of the  
 90 sexual predator and sexual offender registries of any state in  
 91 which the current or prospective employee resided during the  
 92 immediate preceding 5 years.

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

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

100 (2) The security background investigations under this

101 section must ensure that ~~no~~ persons subject to ~~the provisions of~~  
102 this section have not been arrested for and are awaiting final  
103 disposition of, have not been found guilty of, regardless of  
104 adjudication, or entered a plea of nolo contendere or guilty to,  
105 or have not been adjudicated delinquent and the record has not  
106 been sealed or expunged for, any offense prohibited under any of  
107 the following provisions of state law or similar law of another  
108 jurisdiction:

109 (a) Section 393.135, relating to sexual misconduct with  
110 certain developmentally disabled clients and reporting of such  
111 sexual misconduct.

112 (b) Section 394.4593, relating to sexual misconduct with  
113 certain mental health patients and reporting of such sexual  
114 misconduct.

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

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

119 (e) Section 782.04, relating to murder.

120 (f) Section 782.07, relating to manslaughter, aggravated  
121 manslaughter of an elderly person or disabled adult, or  
122 aggravated manslaughter of a child.

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

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

- 126           (i) Chapter 784, relating to assault, battery, and
- 127 culpable negligence, if the offense was a felony.
- 128           (j) Section 784.011, relating to assault, if the victim of
- 129 the offense was a minor.
- 130           (k) Section 784.021, relating to aggravated assault.
- 131           (l)~~(k)~~ Section 784.03, relating to battery, if the victim
- 132 of the offense was a minor.
- 133           (m) Section 784.045, relating to aggravated battery.
- 134           (n) Section 784.075, relating to battery on staff of a
- 135 detention or commitment facility or on a juvenile probation
- 136 officer.
- 137           (o)~~(l)~~ Section 787.01, relating to kidnapping.
- 138           (p)~~(m)~~ Section 787.02, relating to false imprisonment.
- 139           (q)~~(n)~~ Section 787.025, relating to luring or enticing a
- 140 child.
- 141           (r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or
- 142 removing a child beyond the state limits with criminal intent
- 143 pending custody proceedings.
- 144           (s)~~(p)~~ Section 787.04(3), relating to carrying a child
- 145 beyond the state lines with criminal intent to avoid producing a
- 146 child at a custody hearing or delivering the child to the
- 147 designated person.
- 148           (t)~~(q)~~ Section 790.115(1), relating to exhibiting firearms
- 149 or weapons within 1,000 feet of a school.
- 150           (u)~~(r)~~ Section 790.115(2)(b), relating to possessing an

151 electric weapon or device, destructive device, or other weapon  
 152 on school property.

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

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

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

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

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

160 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious  
 161 behavior.

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

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

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

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

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

170 (gg)~~(ee)~~ Chapter 812, relating to theft, robbery, and  
 171 related crimes, if the offense is a felony.

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

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

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

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

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

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

184        (nn)~~(jjj)~~ Section 827.04, relating to contributing to the  
 185 delinquency or dependency of a child.

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

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

190        (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with  
 191 violence.

192        (rr)~~(nn)~~ Section 843.025, relating to depriving a law  
 193 enforcement, correctional, or correctional probation officer  
 194 means of protection or communication.

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

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

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

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



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

204        (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct  
 205 with certain forensic clients and reporting of such sexual  
 206 misconduct.

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

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

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

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

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

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

219        Section 3. Effective upon this act becoming a law,  
 220 subsections (1) and (2) and paragraph (a) of subsection (3) of  
 221 section 435.12, Florida Statutes, are amended to read:

222        435.12 Care Provider Background Screening Clearinghouse.—

223        (1) The Agency for Health Care Administration in  
 224 consultation with the Department of Law Enforcement shall create  
 225 a secure web-based system, which shall be known as the "Care

226 Provider Background Screening Clearinghouse" or  
 227 "clearinghouse~~.~~" and which shall be implemented to the full  
 228 extent practicable no later than September 30, 2013, subject to  
 229 the specified agencies being funded and equipped to participate  
 230 in such program. The clearinghouse must ~~shall~~ allow the results  
 231 of criminal history checks provided to the specified agencies  
 232 and, beginning January 1, 2026, or a later date as determined by  
 233 the Agency for Health Care Administration, to qualified entities  
 234 participating in the clearinghouse for screening of persons  
 235 qualified as care providers under s. 943.0542 to be shared among  
 236 the specified agencies and qualified entities when a person has  
 237 applied to volunteer, be employed, be licensed, ~~or~~ enter into a  
 238 contract, or has an affiliation that allows or ~~that~~ requires a  
 239 state and national fingerprint-based criminal history check.  
 240 Beginning January 1, 2025, or a later date as determined by the  
 241 Agency for Health Care Administration, the Agency for Health  
 242 Care Administration shall review and determine eligibility for  
 243 all criminal history checks submitted to the clearinghouse for  
 244 the Department of Education. The clearinghouse shall share  
 245 eligibility determinations with the Department of Education and  
 246 the qualified entities. The Agency for Health Care  
 247 Administration and the Department of Law Enforcement may adopt  
 248 rules to create forms or implement procedures needed to carry  
 249 out this section.

250 (2) (a) To ensure that the information in the clearinghouse

251 is current, the fingerprints of a person ~~an employee required to~~  
252 ~~be screened by a specified agency and~~ included in the  
253 clearinghouse must be:

254 1. Retained by the Department of Law Enforcement pursuant  
255 to s. 943.05(2)(g) and (h) and (3), and the Department of Law  
256 Enforcement must report the results of searching those  
257 fingerprints against state incoming arrest fingerprint  
258 submissions to the Agency for Health Care Administration for  
259 inclusion in the clearinghouse.

260 2. Retained by the Federal Bureau of Investigation in the  
261 national retained print arrest notification program as soon as  
262 the Department of Law Enforcement begins participation in such  
263 program. Arrest prints will be searched against retained prints  
264 at the Federal Bureau of Investigation and notification of  
265 arrests will be forwarded to the Florida Department of Law  
266 Enforcement and reported to the Agency for Health Care  
267 Administration for inclusion in the clearinghouse.

268 3. Resubmitted for a Federal Bureau of Investigation  
269 national criminal history check every 5 years until such time as  
270 the fingerprints are retained by the Federal Bureau of  
271 Investigation.

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

275 5. Submitted with a photograph of the person taken at the

276 | time the fingerprints are submitted.

277 |       (b) Until such time as the fingerprints are enrolled in  
278 | the national retained print arrest notification program at the  
279 | Federal Bureau of Investigation, a person ~~an employee~~ with a  
280 | break in service of more than 90 days from a position that  
281 | requires screening by a specified agency or qualified entity  
282 | must submit to a national screening if the person returns to a  
283 | position that requires screening by a specified agency or  
284 | qualified entity.

285 |       (c) An employer of persons subject to screening or a  
286 | qualified entity participating in the clearinghouse ~~by a~~  
287 | ~~specified agency~~ must register with the clearinghouse and  
288 | maintain the employment or affiliation status of all persons  
289 | included in ~~employees within~~ the clearinghouse. Initial  
290 | employment or affiliation status and any changes in status must  
291 | be reported within 5 ~~10~~ business days after a person receives  
292 | his or her initial status or after a change in his or her status  
293 | has been made.

294 |       (d) An employer or a qualified entity participating in the  
295 | clearinghouse must register with and initiate all criminal  
296 | history checks through the clearinghouse before referring an  
297 | employee or potential employee or a person with a current or  
298 | potential affiliation with a qualified entity for electronic  
299 | fingerprint submission to the Department of Law Enforcement. The  
300 | registration must include the person's ~~employee's~~ full first

301 name, middle initial, and last name; social security number;  
302 date of birth; mailing address; sex; and race. Individuals,  
303 persons, applicants, and controlling interests that cannot  
304 legally obtain a social security number must provide an  
305 individual taxpayer identification number.

306 (3)(a) Employees of each district unit under s. 1001.30,  
307 special district units under s. 1011.24, the Florida School for  
308 the Deaf and the Blind under s. 1002.36, the Florida Virtual  
309 School under s. 1002.37, virtual instruction programs under s.  
310 1002.45, charter schools under s. 1002.33, hope operators under  
311 s. 1002.333, private schools participating in an educational  
312 scholarship program established pursuant to chapter 1002, and  
313 alternative schools under s. 1008.341 must be rescreened in  
314 compliance with the following schedule:

315 1. Employees for whom the last screening was conducted on  
316 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,  
317 2025 ~~2024~~.

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

321 3. Employees for whom the last screening was conducted  
322 between July 1, 2022 ~~2021~~, and December 31, 2023  
323 ~~2022~~, must be rescreened by June 30, 2027 ~~2026~~.

324 Section 4. Paragraph (a) of subsection (1), paragraphs (a)  
325 and (b) of subsection (2), and subsection (4) of section

326 943.0438, Florida Statutes, are amended to read:

327 943.0438 Athletic coaches for independent sanctioning  
328 authorities.-

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

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

331 1. Is authorized by an independent sanctioning authority  
332 to work as a coach, assistant coach, manager, or referee ~~for 20~~  
333 ~~or more hours within a calendar year~~, whether for compensation  
334 or as a volunteer, for a youth athletic team based in this  
335 state; and

336 2. Has direct contact with one or more minors on the youth  
337 athletic team.

338 (2) An independent sanctioning authority shall:

339 (a) ~~1.~~ Conduct a level 2 ~~±~~ background screening under s.  
340 435.04 ~~pursuant to s. 435.03~~ of each current and prospective  
341 athletic coach. The authority may not delegate this  
342 responsibility to an individual team and may not authorize any  
343 person to act as an athletic coach unless a level 2 ~~±~~ background  
344 screening is conducted and does not result in disqualification  
345 under paragraph (b). ~~Level 1 background screenings shall be~~  
346 ~~conducted annually for each athletic coach. For purposes of this~~  
347 ~~section, a background screening shall include a search of the~~  
348 ~~athletic coach's name or other identifying information against~~  
349 ~~state and federal registries of sexual predators and sexual~~  
350 ~~offenders, which are available to the public on Internet sites~~

351 ~~provided by:~~

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

353       ~~b. The Attorney General of the United States under 42~~

354 ~~U.S.C. s. 16920.~~

355       ~~2. For purposes of this section, a background screening~~

356 ~~conducted by a commercial consumer reporting agency in~~

357 ~~compliance with the federal Fair Credit Reporting Act using the~~

358 ~~identifying information referenced in subparagraph 1. that~~

359 ~~includes a level 1 background screening and a search of that~~

360 ~~information against the sexual predator and sexual offender~~

361 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~

362 ~~deemed to satisfy the requirements of this paragraph.~~

363       ~~(b)1. Before January 1, 2026, or a later date as~~

364 ~~determined by the Agency for Health Care Administration for the~~

365 ~~participation of qualified entities in the Care Provider~~

366 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~

367 ~~any person from acting as an athletic coach as provided in s.~~

368 ~~435.04 ~~s. 435.03~~ or if he or she is identified on a registry~~

369 ~~~~described in paragraph (a).~~ The authority may allow a person~~

370 ~~disqualified under this subparagraph ~~paragraph~~ to act as an~~

371 ~~athletic coach if it determines that the person meets the~~

372 ~~requirements for an exemption from disqualification under s.~~

373 ~~435.07.~~

374       ~~2. On or after January 1, 2026, or a later date as~~

375 ~~determined by the Agency for Health Care Administration, not~~

376 allow any person to act as an athletic coach if he or she does  
 377 not pass the background screening qualifications in s. 435.04.  
 378 The authority may allow a person disqualified under this  
 379 subparagraph to act as an athletic coach if the person has  
 380 successfully completed the exemption from the disqualification  
 381 process under s. 435.07.

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

386 Section 5. Paragraph (h) of subsection (2) of section  
 387 943.05, Florida Statutes, is amended and paragraph (i) is added  
 388 to that subsection to read:

389 943.05 Criminal Justice Information Program; duties; crime  
 390 reports.—

391 (2) The program shall:

392 (h) For each specified agency, as defined in s. 435.02,  
 393 each qualified entity participating in the Care Provider  
 394 Background Screening Clearinghouse under s. 435.12, or any other  
 395 agency or qualified entity that officially requests retention of  
 396 fingerprints or for which retention is otherwise required by  
 397 law, search all arrest fingerprint submissions received under s.  
 398 943.051 against the fingerprints retained in the statewide  
 399 automated biometric identification system under paragraph (g).

400 1. Any arrest record that is identified with the retained



401 fingerprints of a person subject to background screening as  
402 provided in paragraph (g) must ~~shall~~ be reported to the  
403 appropriate agency or qualified entity.

404       2. To participate in this search process, agencies or  
405 qualified entities must notify each person fingerprinted that  
406 his or her fingerprints will be retained, pay an annual fee to  
407 the department unless otherwise provided by law, and inform the  
408 department of any change in the affiliation, employment, or  
409 contractual status of each person whose fingerprints are  
410 retained under paragraph (g) if such change removes or  
411 eliminates the agency or qualified entity's basis or need for  
412 receiving reports of any arrest of that person, so that the  
413 agency or qualified entity is not obligated to pay the upcoming  
414 annual fee for the retention and searching of that person's  
415 fingerprints to the department. The department shall adopt a  
416 rule setting the amount of the annual fee to be imposed upon  
417 each participating agency or qualified entity for performing  
418 these searches and establishing the procedures for the retention  
419 of fingerprints and the dissemination of search results. The fee  
420 may be borne by the agency, qualified entity, or person subject  
421 to fingerprint retention or as otherwise provided by law.  
422 Consistent with the recognition of criminal justice agencies  
423 expressed in s. 943.053(3), these services must ~~shall~~ be  
424 provided to criminal justice agencies for criminal justice  
425 purposes free of charge. Qualified entities that elect to

426 participate in the fingerprint retention and search process are  
427 required to timely remit the fee to the department by a payment  
428 mechanism approved by the department. If requested by the  
429 qualified entity, and with the approval of the department, such  
430 fees may be timely remitted to the department by a qualified  
431 entity upon receipt of an invoice for such fees from the  
432 department. Failure of a qualified entity to pay the amount due  
433 on a timely basis or as invoiced by the department may result in  
434 the refusal by the department to permit the qualified entity to  
435 continue to participate in the fingerprint retention and search  
436 process until all fees due and owing are paid.

437 3. Agencies that participate in the fingerprint retention  
438 and search process may adopt rules pursuant to ss. 120.536(1)  
439 and 120.54 to require employers to keep the agency informed of  
440 any change in the affiliation, employment, or contractual status  
441 of each person whose fingerprints are retained under paragraph  
442 (g) if such change removes or eliminates the agency's basis or  
443 need for receiving reports of any arrest of that person, so that  
444 the agency is not obligated to pay the upcoming annual fee for  
445 the retention and searching of that person's fingerprints to the  
446 department.

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

449 Section 6. Subsections (2) through (6) of section  
450 943.0542, Florida Statutes, are amended to read:

451 943.0542 Access to criminal history information provided  
452 by the department to qualified entities.—

453 (2)~~(a)~~ Beginning January 1, 2026, or a later date as  
454 determined by the Agency for Health Care Administration, a  
455 qualified entity must initiate all background criminal history  
456 checks through the department or through the Care Provider  
457 Background Screening Clearinghouse under s. 435.12.

458 (a)1. If a qualified entity initiates a background  
459 criminal history check through the department, the qualified  
460 entity must:

461 a. Register with the department before submitting a  
462 request for screening under this section. Each such request must  
463 be voluntary and conform to the requirements established in the  
464 National Child Protection Act of 1993, as amended. As a part of  
465 the registration, the qualified entity must agree to comply with  
466 state and federal law and must so indicate by signing an  
467 agreement approved by the department. The department shall ~~may~~  
468 periodically audit qualified entities to ensure compliance with  
469 federal law and this section.

470 b.~~(b)~~ ~~A qualified entity shall~~ Submit to the department a  
471 request for screening an employee or volunteer or person  
472 applying to be an employee or volunteer by submitting  
473 fingerprints, or the request may be submitted electronically.  
474 The qualified entity must maintain a signed waiver allowing the  
475 release of the state and national criminal history record

476 information to the qualified entity.

477 2.(e) Each ~~such~~ request for screening must be accompanied  
478 by payment of a fee for a statewide criminal history check by  
479 the department established by s. 943.053, plus the amount  
480 currently prescribed by the Federal Bureau of Investigation for  
481 the national criminal history check in compliance with the  
482 National Child Protection Act of 1993, as amended. Payments must  
483 be made in the manner prescribed by the department by rule.

484 3.(d) Any current or prospective employee or volunteer who  
485 is subject to a request for screening must indicate to the  
486 qualified entity submitting the request the name and address of  
487 each qualified entity that has submitted a previous request for  
488 screening regarding that employee or volunteer.

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

494 (3) The department or the Care Provider Background  
495 Screening Clearinghouse shall provide directly to the qualified  
496 entity the state criminal history records that are not exempt  
497 from disclosure under chapter 119 or otherwise confidential  
498 under law. A person who is the subject of a state criminal  
499 history record may challenge the record only as provided in s.  
500 943.056.

501 (4) The national criminal history data is available to  
 502 qualified entities to use only for the purpose of screening  
 503 employees and volunteers or persons applying to be an employee  
 504 or volunteer with a qualified entity. The department or Care  
 505 Provider Background Screening Clearinghouse shall provide this  
 506 national criminal history record information directly to the  
 507 qualified entity as authorized by the written waiver required  
 508 for submission of a request to the department.

509 (5) The determination whether the criminal history record  
 510 shows that the employee or volunteer has not been arrested for  
 511 and is awaiting final disposition of, regardless of  
 512 adjudication, or entered a plea of nolo contendere or guilty to,  
 513 or has been adjudicated delinquent and the record has not been  
 514 sealed or expunged for, any offense listed under s. 435.02(2)  
 515 ~~convicted of or is under pending indictment for any crime that~~  
 516 ~~bears upon the fitness of the employee or volunteer to have~~  
 517 ~~responsibility for the safety and well-being of children, the~~  
 518 ~~elderly, or disabled persons~~ shall solely be made by the  
 519 qualified entity. Beginning January 1, 2026, or a later date as  
 520 determined by the Agency for Health Care Administration, the  
 521 Agency for Health Care Administration shall determine the  
 522 eligibility of the employee or volunteer of a qualified entity.  
 523 This section does not require the department to make such a  
 524 determination on behalf of any qualified entity.

525 (6) The qualified entity must notify in writing the person

526 of his or her right to obtain a copy of any background screening  
 527 report, including the criminal history records, if any,  
 528 contained in the report, and of the person's right to challenge  
 529 the accuracy and completeness of any information contained in  
 530 any such report and to obtain a determination as to the validity  
 531 of such challenge before a final determination regarding the  
 532 person is made by the qualified entity reviewing the criminal  
 533 history information. A qualified entity that is required by law  
 534 to apply screening criteria, including any right to contest or  
 535 request an exemption from disqualification, shall apply such  
 536 screening criteria to the state and national criminal history  
 537 record information received from the department or Care Provider  
 538 Background Screening Clearinghouse for those persons subject to  
 539 the required screening.

540 Section 7. Section 1012.315, Florida Statutes, is amended  
 541 to read:

542 1012.315 Screening standards.—A person is ineligible for  
 543 educator certification or employment in any position that  
 544 requires direct contact with students in a district school  
 545 system, a charter school, or a private school that participates  
 546 in a state scholarship program under chapter 1002 if the person:

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

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

551        (3) Is ineligible based on a security background  
552 investigation under s. 435.04(2). Beginning January 1, 2025, or  
553 a later date as determined by the Agency for Health Care  
554 Administration, the Agency for Health Care Administration shall  
555 determine the eligibility of employees in any position that  
556 requires direct contact with students in a district school  
557 system, a charter school, or a private school that participates  
558 in a state scholarship program under chapter 1002;

559        (4) Would be ineligible for an exemption under s.  
560 435.07(4) (c); ~~or, or has been convicted or found guilty of, has~~  
561 had adjudication withheld for, or has pled guilty or nolo  
562 contendere to:

563        ~~(1) Any felony offense prohibited under any of the~~  
564 ~~following statutes:~~

565        ~~(a) Section 393.135, relating to sexual misconduct with~~  
566 ~~certain developmentally disabled clients and reporting of such~~  
567 ~~sexual misconduct.~~

568        ~~(b) Section 394.4593, relating to sexual misconduct with~~  
569 ~~certain mental health patients and reporting of such sexual~~  
570 ~~misconduct.~~

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

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

574        ~~(e) Section 782.07, relating to manslaughter; aggravated~~  
575 ~~manslaughter of an elderly person or disabled adult; aggravated~~

576 ~~manslaughter of a child; or aggravated manslaughter of an~~  
 577 ~~officer, a firefighter, an emergency medical technician, or a~~  
 578 ~~paramedic.~~

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

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

581 ~~(h) Section 784.075, relating to battery on a detention or~~  
 582 ~~commitment facility staff member or a juvenile probation~~  
 583 ~~officer.~~

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

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

586 ~~(k) Section 787.025, relating to luring or enticing a~~  
 587 ~~child.~~

588 ~~(l) Section 787.04(2), relating to leading, taking,~~  
 589 ~~enticing, or removing a minor beyond the state limits, or~~  
 590 ~~concealing the location of a minor, with criminal intent pending~~  
 591 ~~eustody proceedings.~~

592 ~~(m) Section 787.04(3), relating to leading, taking,~~  
 593 ~~enticing, or removing a minor beyond the state limits, or~~  
 594 ~~concealing the location of a minor, with criminal intent pending~~  
 595 ~~dependency proceedings or proceedings concerning alleged abuse~~  
 596 ~~or neglect of a minor.~~

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

600 ~~(o) Section 790.115(2)(b), relating to possessing an~~



601 ~~electric weapon or device, destructive device, or other weapon~~  
 602 ~~at a school-sponsored event or on school property.~~

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

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

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

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

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

611 ~~(u) Chapter 800, relating to lewdness and indecent~~  
 612 ~~exposure.~~

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

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

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

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

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

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

622 ~~(bb) Section 812.019, relating to dealing in stolen~~  
 623 ~~property.~~

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

625 ~~(dd) Section 812.131, relating to robbery by sudden~~

626 ~~snatching.~~

627 ~~(cc) Section 812.133, relating to carjacking.~~

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

629 ~~(gg) Section 817.563, relating to fraudulent sale of~~

630 ~~controlled substances.~~

631 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~

632 ~~or neglect of an elderly person or disabled adult.~~

633 ~~(ii) Section 825.103, relating to exploitation of an~~

634 ~~elderly person or disabled adult.~~

635 ~~(jj) Section 825.1025, relating to lewd or lascivious~~

636 ~~offenses committed upon or in the presence of an elderly person~~

637 ~~or disabled person.~~

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

639 ~~(ll) Section 827.03, relating to child abuse, aggravated~~

640 ~~child abuse, or neglect of a child.~~

641 ~~(mm) Section 827.04, relating to contributing to the~~

642 ~~delinquency or dependency of a child.~~

643 ~~(nn) Section 827.071, relating to sexual performance by a~~

644 ~~child.~~

645 ~~(oo) Section 843.01, relating to resisting arrest with~~

646 ~~violence.~~

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

648 ~~(qq) Section 874.05, relating to causing, encouraging,~~

649 ~~soliciting, or recruiting another to join a criminal street~~

650 ~~gang.~~

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

654 ~~(ss) Section 916.1075, relating to sexual misconduct with~~  
 655 ~~certain forensic clients and reporting of such sexual~~  
 656 ~~misconduct.~~

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

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

661 ~~(vv) Section 985.711, relating to introduction, removal,~~  
 662 ~~or possession of contraband at a juvenile detention facility or~~  
 663 ~~commitment program.~~

664 ~~(2) Any misdemeanor offense prohibited under any of the~~  
 665 ~~following statutes:~~

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

668 ~~(b) Section 787.025, relating to luring or enticing a~~  
 669 ~~child.~~

670 (5)-(3) Has been convicted or found guilty of, has had  
 671 adjudication withheld for, or has pled guilty or nolo contendere  
 672 to:

673 (a) Any criminal act committed in another state or under  
 674 federal law which, if committed in this state, constitutes a  
 675 disqualifying an offense prohibited under any statute listed in

676 s. 435.04(2) ~~subsection (1) or subsection (2)~~.

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

682 Section 8. Paragraph (a) of subsection (2) of section  
683 1012.467, Florida Statutes, is amended to read:

684 1012.467 Noninstructional contractors who are permitted  
685 access to school grounds when students are present; background  
686 screening requirements.—

687 (2)(a) A fingerprint-based criminal history check must  
688 ~~shall~~ be performed on each noninstructional contractor who is  
689 permitted access to school grounds when students are present,  
690 whose performance of the contract with the school or school  
691 board is not anticipated to result in direct contact with  
692 students, and for whom any unanticipated contact would be  
693 infrequent and incidental using the process described in s.  
694 1012.32(3). The results of each criminal history check must  
695 ~~shall~~ be reported to the school district in which the individual  
696 is seeking access and entered into the shared system described  
697 in subsection (7). The school district shall screen the results  
698 using the disqualifying offenses in paragraph (b). Beginning  
699 January 1, 2025, or a later date as determined by the Agency for  
700 Health Care Administration, the Agency for Health Care

701 Administration shall determine the eligibility of a  
702 noninstructional contractor. The cost of the criminal history  
703 check may be borne by the district school board, the school, or  
704 the contractor.

705 Section 9. Paragraph (d) of subsection (2) and paragraph  
706 (a) of subsection (10) of section 1012.56, Florida Statutes, are  
707 amended to read:

708 1012.56 Educator certification requirements.—

709 (2) ELIGIBILITY CRITERIA.—To be eligible to seek  
710 certification, a person must:

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

724 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
725 PERIODICALLY.—

726 (a) Each person who seeks certification under this chapter  
727 must be fingerprinted and screened in accordance with s. 1012.32  
728 and must not be ineligible for such certification under s.  
729 1012.315. A person who has been screened in accordance with s.  
730 1012.32 by a district school board or the Department of  
731 Education within 12 months before the date the person initially  
732 obtains certification under this chapter, the results of which  
733 are submitted to the district school board or to the Department  
734 of Education, is not required to repeat the screening under this  
735 paragraph. Beginning January 1, 2025, or a later date as  
736 determined by the Agency for Health Care Administration, the  
737 background screening results must be submitted to the Care  
738 Provider Background Screening Clearinghouse.

739 Section 10. For the 2023-2024 fiscal year, the sums of  
740 \$400,000 in recurring funds from the Health Care Trust Fund and  
741 \$4 million in nonrecurring funds from the Health Care Trust Fund  
742 are appropriated to the Agency for Health Care Administration.  
743 For the 2024-2025 fiscal year, the sum of \$4 million in  
744 nonrecurring funds from the Health Care Trust Fund is  
745 appropriated to the Agency for Health Care Administration and 20  
746 full-time equivalent positions with associated salary rate of  
747 1,238,764 are authorized for the purpose of implementing this  
748 act. For the 2025-2026 fiscal year, the sum of \$4 million in  
749 nonrecurring funds from the Health Care Trust Fund is  
750 appropriated to the Agency for Health Care Administration.

CS/HB 249

2023

751           Section 11. The changes made to s. 435.12, Florida  
752 Statutes, by this act must be implemented by January 1, 2025, or  
753 a later date as determined by the Agency for Health Care  
754 Administration.

755           Section 12. Except as otherwise expressly provided in this  
756 act and except for this section, which shall take effect upon  
757 this act becoming a law, this act shall take effect July 1,  
758 2024.