



699756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (1) through (4), (5), and (6) of section 435.02, Florida Statutes, are redesignated as subsections (2) through (5), (7), and (8), respectively, and new subsections (1) and (6) are added to that section, to read:

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



699756

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

15 (6) "Qualified entity" has the same meaning as in s.
16 943.0542(1).

17 Section 2. Paragraphs (a), (b), and (d) of subsection (1)
18 and subsection (2) of section 435.04, Florida Statutes, are
19 amended to read:

20 435.04 Level 2 screening standards.—

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

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

37 ~~(d) An agency may require by rule that fingerprints~~
38 ~~submitted pursuant to this section must be submitted~~
39 ~~electronically to the Department of Law Enforcement on a date~~



699756

40 ~~earlier than July 1, 2012.~~

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

50 (a) Section 393.135, relating to sexual misconduct with
51 certain developmentally disabled clients and reporting of such
52 sexual misconduct.

53 (b) Section 394.4593, relating to sexual misconduct with
54 certain mental health patients and reporting of such sexual
55 misconduct.

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

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

60 (e) Section 782.04, relating to murder.

61 (f) Section 782.07, relating to manslaughter, aggravated
62 manslaughter of an elderly person or disabled adult, or
63 aggravated manslaughter of a child.

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

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

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



699756

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

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

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

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

75 (n) Section 784.075, relating to battery on staff of a
76 detention or commitment facility or on a juvenile probation
77 officer.

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

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

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

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

85 (s)~~(p)~~ Section 787.04(3), relating to carrying a child
86 beyond the state lines with criminal intent to avoid producing a
87 child at a custody hearing or delivering the child to the
88 designated person.

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

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

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

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

97 (x)~~(u)~~ Section 794.05, relating to unlawful sexual activity



699756

98 with certain minors.

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

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

101 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious
102 behavior.

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

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

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

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

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

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

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

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

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

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

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

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

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



699756

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

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

131 (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with
132 violence.

133 (rr)~~(nn)~~ Section 843.025, relating to depriving a law
134 enforcement, correctional, or correctional probation officer
135 means of protection or communication.

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

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

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

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

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

145 (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct
146 with certain forensic clients and reporting of such sexual
147 misconduct.

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

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

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

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

155 (ccc)~~(yy)~~ Section 985.701, relating to sexual misconduct in



699756

156 juvenile justice programs.

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

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

162 435.12 Care Provider Background Screening Clearinghouse.—

163 (1) The Agency for Health Care Administration in
164 consultation with the Department of Law Enforcement shall create
165 a secure web-based system, which shall be known as the "Care
166 Provider Background Screening Clearinghouse" or
167 "clearinghouse.r" ~~and which shall be implemented to the full~~
168 ~~extent practicable no later than September 30, 2013, subject to~~
169 ~~the specified agencies being funded and equipped to participate~~
170 ~~in such program.~~ The clearinghouse must shall allow the results
171 of criminal history checks provided to the specified agencies
172 and, beginning January 1, 2026, or a later date as determined by
173 the Agency for Health Care Administration, to qualified entities
174 participating in the clearinghouse for screening of persons
175 qualified as care providers under s. 943.0542 to be shared among
176 the specified agencies and qualified entities when a person has
177 applied to volunteer, be employed, be licensed, ~~or~~ enter into a
178 contract, or has an affiliation that allows or that requires a
179 state and national fingerprint-based criminal history check.
180 Beginning January 1, 2025, or a later date as determined by the
181 Agency for Health Care Administration, the Agency for Health
182 Care Administration shall review and determine eligibility for
183 all criminal history checks submitted to the clearinghouse for
184 the Department of Education. The clearinghouse shall share



699756

185 eligibility determinations with the Department of Education and
186 the qualified entities. The Agency for Health Care
187 Administration and the Department of Law Enforcement may adopt
188 rules to create forms or implement procedures needed to carry
189 out this section.

190 (2) (a) To ensure that the information in the clearinghouse
191 is current, the fingerprints of a person ~~an employee required to~~
192 ~~be screened by a specified agency and~~ included in the
193 clearinghouse must be:

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

200 2. Retained by the Federal Bureau of Investigation in the
201 national retained print arrest notification program as soon as
202 the Department of Law Enforcement begins participation in such
203 program. Arrest prints will be searched against retained prints
204 at the Federal Bureau of Investigation and notification of
205 arrests will be forwarded to the Florida Department of Law
206 Enforcement and reported to the Agency for Health Care
207 Administration for inclusion in the clearinghouse.

208 3. Resubmitted for a Federal Bureau of Investigation
209 national criminal history check every 5 years until such time as
210 the fingerprints are retained by the Federal Bureau of
211 Investigation.

212 4. Subject to retention on a 5-year renewal basis with fees
213 collected at the time of initial submission or resubmission of



699756

214 fingerprints.

215 5. Submitted with a photograph of the person taken at the
216 time the fingerprints are submitted.

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

225 (c) An employer of persons subject to screening or a
226 qualified entity participating in the clearinghouse ~~by a~~
227 ~~specified agency~~ must register with the clearinghouse and
228 maintain the employment or affiliation status of all persons
229 included in ~~employees within~~ the clearinghouse. Initial
230 employment or affiliation status and any changes in status must
231 be reported within 5 ~~10~~ business days after a person receives
232 his or her initial status or after a change in his or her status
233 has been made.

234 (d) An employer or a qualified entity participating in the
235 clearinghouse must register with and initiate all criminal
236 history checks through the clearinghouse before referring an
237 employee or potential employee or a person with a current or
238 potential affiliation with a qualified entity for electronic
239 fingerprint submission to the Department of Law Enforcement. The
240 registration must include the person's ~~employee's~~ full first
241 name, middle initial, and last name; social security number;
242 date of birth; mailing address; sex; and race. Individuals,



699756

243 persons, applicants, and controlling interests that cannot
244 legally obtain a social security number must provide an
245 individual taxpayer identification number.

246 (3)(a) Employees of each district unit under s. 1001.30,
247 special district units under s. 1011.24, the Florida School for
248 the Deaf and the Blind under s. 1002.36, the Florida Virtual
249 School under s. 1002.37, virtual instruction programs under s.
250 1002.45, charter schools under s. 1002.33, hope operators under
251 s. 1002.333, private schools participating in an educational
252 scholarship program established pursuant to chapter 1002, and
253 alternative schools under s. 1008.341 must be rescreened in
254 compliance with the following schedule:

255 1. Employees for whom the last screening was conducted on
256 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,
257 2025 ~~2024~~.

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

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

264 Section 4. Paragraph (a) of subsection (1), paragraphs (a)
265 and (b) of subsection (2), and subsection (4) of section
266 943.0438, Florida Statutes, are amended to read:

267 943.0438 Athletic coaches for independent sanctioning
268 authorities.—

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

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

271 1. Is authorized by an independent sanctioning authority to



699756

272 work as a coach, assistant coach, manager, or referee ~~for 20 or~~
273 ~~more hours within a calendar year~~, whether for compensation or
274 as a volunteer, for a youth athletic team based in this state;
275 and

276 2. Has direct contact with one or more minors on the youth
277 athletic team.

278 (2) An independent sanctioning authority shall:

279 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening under s.
280 435.04 ~~pursuant to s. 435.03~~ of each current and prospective
281 athletic coach. The authority may not delegate this
282 responsibility to an individual team and may not authorize any
283 person to act as an athletic coach unless a level 2 ~~1~~ background
284 screening is conducted and does not result in disqualification
285 under paragraph (b). ~~Level 1 background screenings shall be~~
286 ~~conducted annually for each athletic coach. For purposes of this~~
287 ~~section, a background screening shall include a search of the~~
288 ~~athletic coach's name or other identifying information against~~
289 ~~state and federal registries of sexual predators and sexual~~
290 ~~offenders, which are available to the public on Internet sites~~
291 ~~provided by:~~

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

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

295 ~~2. For purposes of this section, a background screening~~
296 ~~conducted by a commercial consumer reporting agency in~~
297 ~~compliance with the federal Fair Credit Reporting Act using the~~
298 ~~identifying information referenced in subparagraph 1. that~~
299 ~~includes a level 1 background screening and a search of that~~
300 ~~information against the sexual predator and sexual offender~~



699756

301 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
302 ~~deemed to satisfy the requirements of this paragraph.~~

303 (b)1. Before January 1, 2026, or a later date as determined
304 by the Agency for Health Care Administration for the
305 participation of qualified entities in the Care Provider
306 Background Screening Clearinghouse under s. 435.12, disqualify
307 any person from acting as an athletic coach as provided in s.
308 435.04 ~~s. 435.03~~ or if he or she is identified on a registry
309 described in paragraph (a). The authority may allow a person
310 disqualified under this subparagraph ~~paragraph~~ to act as an
311 athletic coach if it determines that the person meets the
312 requirements for an exemption from disqualification under s.
313 435.07.

314 2. On or after January 1, 2026, or a later date as
315 determined by the Agency for Health Care Administration, not
316 allow any person to act as an athletic coach if he or she does
317 not pass the background screening qualifications in s. 435.04.
318 The authority may allow a person disqualified under this
319 subparagraph to act as an athletic coach if the person has
320 successfully completed the exemption from the disqualification
321 process under s. 435.07.

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

326 Section 5. Paragraph (h) of subsection (2) of section
327 943.05, Florida Statutes, is amended, and paragraph (i) is added
328 to that subsection, to read:

329 943.05 Criminal Justice Information Program; duties; crime



699756

330 reports.-

331 (2) The program shall:

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

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

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



699756

359 of fingerprints and the dissemination of search results. The fee
360 may be borne by the agency, qualified entity, or person subject
361 to fingerprint retention or as otherwise provided by law.
362 Consistent with the recognition of criminal justice agencies
363 expressed in s. 943.053(3), these services must ~~shall~~ be
364 provided to criminal justice agencies for criminal justice
365 purposes free of charge. Qualified entities that elect to
366 participate in the fingerprint retention and search process are
367 required to timely remit the fee to the department by a payment
368 mechanism approved by the department. If requested by the
369 qualified entity, and with the approval of the department, such
370 fees may be timely remitted to the department by a qualified
371 entity upon receipt of an invoice for such fees from the
372 department. Failure of a qualified entity to pay the amount due
373 on a timely basis or as invoiced by the department may result in
374 the refusal by the department to permit the qualified entity to
375 continue to participate in the fingerprint retention and search
376 process until all fees due and owing are paid.

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

387 (i) Develop, for federal approval, a method for identifying



699756

388 or verifying a person through automated biometrics.

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

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

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

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

400 a. Register with the department before submitting a request
401 for screening under this section. Each such request must be
402 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



699756

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) Once 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



699756

446 qualified entity as authorized by the written waiver required
447 for submission of a request to the department.

448 (5) The determination whether the criminal history record
449 shows that the employee or volunteer has not been arrested for
450 and is awaiting final disposition of, regardless of
451 adjudication, or entered a plea of nolo contendere or guilty to,
452 or has been adjudicated delinquent and the record has not been
453 sealed or expunged for, any offense listed under s. 435.02(2)
454 ~~convicted of or is under pending indictment for any crime that~~
455 ~~bears upon the fitness of the employee or volunteer to have~~
456 ~~responsibility for the safety and well-being of children, the~~
457 ~~elderly, or disabled persons~~ shall solely be made by the
458 qualified entity. Beginning January 1, 2026, or a later date as
459 determined by the Agency for Health Care Administration, the
460 Agency for Health Care Administration shall determine the
461 eligibility of the employee or volunteer of a qualified entity.
462 This section does not require the department to make such a
463 determination on behalf of any qualified entity.

464 (6) The qualified entity must notify in writing the person
465 of his or her right to obtain a copy of any background screening
466 report, including the criminal history records, if any,
467 contained in the report, and of the person's right to challenge
468 the accuracy and completeness of any information contained in
469 any such report and to obtain a determination as to the validity
470 of such challenge before a final determination regarding the
471 person is made by the qualified entity reviewing the criminal
472 history information. A qualified entity that is required by law
473 to apply screening criteria, including any right to contest or
474 request an exemption from disqualification, shall apply such



699756

475 screening criteria to the state and national criminal history
476 record information received from the department or Care Provider
477 Background Screening Clearinghouse for those persons subject to
478 the required screening.

479 Section 7. Section 1012.315, Florida Statutes, is amended
480 to read:

481 1012.315 Screening standards.—A person is ineligible for
482 educator certification or employment in any position that
483 requires direct contact with students in a district school
484 system, a charter school, or a private school that participates
485 in a state scholarship program under chapter 1002 if the person:

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

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

490 (3) Is ineligible based on a security background
491 investigation under s. 435.04(2). Beginning January 1, 2025, or
492 a later date as determined by the Agency for Health Care
493 Administration, the Agency for Health Care Administration shall
494 determine the eligibility of employees in any position that
495 requires direct contact with students in a district school
496 system, a charter school, or a private school that participates
497 in a state scholarship program under chapter 1002;

498 (4) Would be ineligible for an exemption under s.
499 435.07(4)(c); or, ~~or has been convicted or found guilty of, has~~
500 ~~had adjudication withheld for, or has pled guilty or nolo~~
501 ~~contendere to:~~

502 (1) ~~Any felony offense prohibited under any of the~~
503 ~~following statutes:~~



699756

504 ~~(a) Section 393.135, relating to sexual misconduct with~~
505 ~~certain developmentally disabled clients and reporting of such~~
506 ~~sexual misconduct.~~

507 ~~(b) Section 394.4593, relating to sexual misconduct with~~
508 ~~certain mental health patients and reporting of such sexual~~
509 ~~misconduct.~~

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

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

513 ~~(e) Section 782.07, relating to manslaughter; aggravated~~
514 ~~manslaughter of an elderly person or disabled adult; aggravated~~
515 ~~manslaughter of a child; or aggravated manslaughter of an~~
516 ~~officer, a firefighter, an emergency medical technician, or a~~
517 ~~paramedic.~~

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

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

520 ~~(h) Section 784.075, relating to battery on a detention or~~
521 ~~commitment facility staff member or a juvenile probation~~
522 ~~officer.~~

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

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

525 ~~(k) Section 787.025, relating to luring or enticing a~~
526 ~~child.~~

527 ~~(l) Section 787.04(2), relating to leading, taking,~~
528 ~~enticing, or removing a minor beyond the state limits, or~~
529 ~~concealing the location of a minor, with criminal intent pending~~
530 ~~custody proceedings.~~

531 ~~(m) Section 787.04(3), relating to leading, taking,~~
532 ~~enticing, or removing a minor beyond the state limits, or~~



699756

533 ~~concealing the location of a minor, with criminal intent pending~~
534 ~~dependency proceedings or proceedings concerning alleged abuse~~
535 ~~or neglect of a minor.~~

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

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

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

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

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

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

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

550 ~~(u) Chapter 800, relating to lewdness and indecent~~
551 ~~exposure.~~

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

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

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

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

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

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

561 ~~(bb) Section 812.019, relating to dealing in stolen~~



699756

562 ~~property.~~
563 ~~(cc) Section 812.13, relating to robbery.~~
564 ~~(dd) Section 812.131, relating to robbery by sudden~~
565 ~~snatching.~~
566 ~~(ee) Section 812.133, relating to carjacking.~~
567 ~~(ff) Section 812.135, relating to home-invasion robbery.~~
568 ~~(gg) Section 817.563, relating to fraudulent sale of~~
569 ~~controlled substances.~~
570 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
571 ~~or neglect of an elderly person or disabled adult.~~
572 ~~(ii) Section 825.103, relating to exploitation of an~~
573 ~~elderly person or disabled adult.~~
574 ~~(jj) Section 825.1025, relating to lewd or lascivious~~
575 ~~offenses committed upon or in the presence of an elderly person~~
576 ~~or disabled person.~~
577 ~~(kk) Section 826.04, relating to incest.~~
578 ~~(ll) Section 827.03, relating to child abuse, aggravated~~
579 ~~child abuse, or neglect of a child.~~
580 ~~(mm) Section 827.04, relating to contributing to the~~
581 ~~delinquency or dependency of a child.~~
582 ~~(nn) Section 827.071, relating to sexual performance by a~~
583 ~~child.~~
584 ~~(oo) Section 843.01, relating to resisting arrest with~~
585 ~~violence.~~
586 ~~(pp) Chapter 847, relating to obscenity.~~
587 ~~(qq) Section 874.05, relating to causing, encouraging,~~
588 ~~soliciting, or recruiting another to join a criminal street~~
589 ~~gang.~~
590 ~~(rr) Chapter 893, relating to drug abuse prevention and~~



699756

591 ~~control, if the offense was a felony of the second degree or~~
592 ~~greater severity.~~

593 ~~(ss) Section 916.1075, relating to sexual misconduct with~~
594 ~~certain forensic clients and reporting of such sexual~~
595 ~~misconduct.~~

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

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

600 ~~(vv) Section 985.711, relating to introduction, removal, or~~
601 ~~possession of contraband at a juvenile detention facility or~~
602 ~~commitment program.~~

603 ~~(2) Any misdemeanor offense prohibited under any of the~~
604 ~~following statutes:~~

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

607 ~~(b) Section 787.025, relating to luring or enticing a~~
608 ~~child.~~

609 ~~(5)(3) Has been convicted or found guilty of, has had~~
610 ~~adjudication withheld for, or has pled guilty or nolo contendere~~
611 ~~to:~~

612 ~~(a) Any criminal act committed in another state or under~~
613 ~~federal law which, if committed in this state, constitutes a~~
614 ~~disqualifying an offense prohibited under any statute listed in~~
615 ~~s. 435.04(2) subsection (1) or subsection (2).~~

616 ~~(b)(4) Any delinquent act committed in this state or any~~
617 ~~delinquent or criminal act committed in another state or under~~
618 ~~federal law which, if committed in this state, qualifies an~~
619 ~~individual for inclusion on the Registered Juvenile Sex Offender~~



699756

620 List under s. 943.0435(1)(h)1.d.

621 Section 8. Paragraph (a) of subsection (2) of section
622 1012.467, Florida Statutes, is amended to read:

623 1012.467 Noninstructional contractors who are permitted
624 access to school grounds when students are present; background
625 screening requirements.—

626 (2)(a) A fingerprint-based criminal history check must
627 ~~shall~~ be performed on each noninstructional contractor who is
628 permitted access to school grounds when students are present,
629 whose performance of the contract with the school or school
630 board is not anticipated to result in direct contact with
631 students, and for whom any unanticipated contact would be
632 infrequent and incidental using the process described in s.
633 1012.32(3). The results of each criminal history check must
634 ~~shall~~ be reported to the school district in which the individual
635 is seeking access and entered into the shared system described
636 in subsection (7). The school district shall screen the results
637 using the disqualifying offenses in paragraph (b). Beginning
638 January 1, 2025, or a later date as determined by the Agency for
639 Health Care Administration, the Agency for Health Care
640 Administration shall determine the eligibility of a
641 noninstructional contractor. The cost of the criminal history
642 check may be borne by the district school board, the school, or
643 the contractor.

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

647 1012.56 Educator certification requirements.—

648 (2) ELIGIBILITY CRITERIA.—To be eligible to seek



699756

649 certification, a person must:

650 (d) Submit to background screening in accordance with
651 subsection (10). If the background screening indicates a
652 criminal history or if the applicant acknowledges a criminal
653 history, the applicant's records shall be referred to the
654 investigative section in the Department of Education for review
655 and determination of eligibility for certification. Beginning
656 January 1, 2025, or a later date as determined by the Agency for
657 Health Care Administration, the applicant's records must be
658 referred to the Agency for Health Care Administration. If the
659 applicant fails to provide the necessary documentation requested
660 by the department within 90 days after the date of the receipt
661 of the certified mail request, the statement of eligibility and
662 pending application shall become invalid.

663 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
664 PERIODICALLY.—

665 (a) Each person who seeks certification under this chapter
666 must be fingerprinted and screened in accordance with s. 1012.32
667 and must not be ineligible for such certification under s.
668 1012.315. A person who has been screened in accordance with s.
669 1012.32 by a district school board or the Department of
670 Education within 12 months before the date the person initially
671 obtains certification under this chapter, the results of which
672 are submitted to the district school board or to the Department
673 of Education, is not required to repeat the screening under this
674 paragraph. Beginning January 1, 2025, or a later date as
675 determined by the Agency for Health Care Administration, the
676 background screening results must be submitted to the Care
677 Provider Background Screening Clearinghouse.



699756

678 Section 10. (1) Sections 1001.10, 1001.42, 1001.51,
679 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and
680 1012.796, Florida Statutes, are reenacted for the purpose of
681 incorporating the amendments made by this act to s. 1012.315,
682 Florida Statutes, in references thereto.

683 (2) Section 1012.468, Florida Statutes, is reenacted for
684 the purpose of incorporating the amendments made by this act to
685 s. 1012.467, Florida Statutes, in a reference thereto.

686 Section 11. (1) For the 2023-2024 fiscal year, the sums of
687 \$400,000 in recurring funds from the Health Care Trust Fund and
688 \$4 million in nonrecurring funds from the Health Care Trust Fund
689 are appropriated to the Agency for Health Care Administration.

690 (2) This section shall take effect July 1, 2023.

691 Section 12. The changes made to s. 435.12, Florida
692 Statutes, by this act must be implemented by January 1, 2025, or
693 a later date as determined by the Agency for Health Care
694 Administration.

695 Section 13. Except as otherwise expressly provided in this
696 act and except for this section, which shall take effect upon
697 this act becoming a law, this act shall take effect July 1,
698 2024.

700 ===== T I T L E A M E N D M E N T =====

701 And the title is amended as follows:

702 Delete everything before the enacting clause
703 and insert:

704 A bill to be entitled
705 An act relating to level 2 background screenings;
706 amending s. 435.02, F.S.; providing definitions;



699756

707 amending s. 435.04, F.S.; expanding authorized records
708 that may be checked during a level 2 background
709 screening; adding additional disqualifying offenses to
710 level 2 background screening requirements; removing
711 obsolete language; amending s. 435.12, F.S.;
712 authorizing certain qualified entities to participate
713 in the Care Provider Background Screening
714 Clearinghouse beginning on a specified date; requiring
715 the Agency for Health Care Administration to perform
716 certain actions beginning on a specified date;
717 requiring the clearinghouse to share eligibility
718 determinations with certain entities; revising the
719 timeframe for certain reporting requirements; revising
720 deadlines for rescreening certain employees; removing
721 obsolete language; conforming provisions to changes
722 made by the act; amending s. 943.0438, F.S.; revising
723 the definition of the term "athletic coach"; requiring
724 level 2, instead of level 1, background screenings for
725 current and prospective athletic coaches; providing
726 timeframes for independent sanctioning authorities to
727 disqualify certain persons from acting as an athletic
728 coach for certain reasons; requiring independent
729 sanctioning authorities to participate in a specified
730 system; conforming provisions to changes made by the
731 act; amending s. 943.05, F.S.; expanding the agencies
732 and entities which may use the Criminal Justice
733 Information Program; requiring the program to develop,
734 for federal approval, a specified method for
735 identifying or verifying an individual; amending s.



699756

736 943.0542, F.S.; requiring qualified entities to
737 initiate background criminal history checks through
738 the Department of Law Enforcement or the clearinghouse
739 beginning on a specified date; providing requirements
740 for qualified entities initiating criminal history
741 checks through the clearinghouse; providing
742 requirements for the clearinghouse; revising standards
743 for determinations of whether a criminal history
744 record shows certain information; requiring the agency
745 to make certain determinations regarding the
746 eligibility of certain employees or volunteers
747 beginning on a specified date; amending s. 1012.315,
748 F.S.; revising screening requirements for specified
749 individuals; requiring the agency to make certain
750 determinations regarding the eligibility of certain
751 employees beginning on a specified date; conforming
752 provisions to changes made by the act; amending s.
753 1012.467, F.S.; requiring the agency to make certain
754 determinations regarding the eligibility of certain
755 noninstructional contractors beginning on a specified
756 date; amending s. 1012.56, F.S.; requiring the records
757 of a person applying for educator certification to be
758 referred to the agency beginning on a specified date;
759 requiring background screening results to be submitted
760 to the clearinghouse by a specified date; reenacting
761 ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333,
762 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796,
763 F.S., to incorporate the amendments made by this act
764 to s. 1012.315, F.S., in references thereto;



699756

765 reenacting s. 1012.468, F.S., to incorporate the
766 amendments made by this act to s. 1012.467, F.S., in a
767 reference thereto; providing an appropriation;
768 requiring that certain provisions be implemented by
769 the later of a specified date or a date determined by
770 the agency; providing effective dates.