

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Trabulsy offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

10 435.02 Definitions.—For the purposes of this chapter, the
11 term:

12 (1) "Affiliation" means the status of a person employed or
13 serving as a volunteer or contractor, or seeking to be employed

947129

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Amendment No.

14 or to serve as a volunteer or contractor, with a qualified
15 entity in a position for which screening is not required by law
16 but is authorized under the National Child Protection Act.

17 (5)(4) "Employment" means any activity or service sought
18 to be performed by an employee or a person with an affiliation
19 which requires the employee, or for which a person with an
20 affiliation is authorized, to be screened pursuant to this
21 chapter.

22 (6) "Qualified entity" has the same meaning as in s.
23 943.0542(1).

24 Section 2. Paragraphs (a), (b), and (d) of subsection (1)
25 and subsection (2) of section 435.04, Florida Statutes, are
26 amended to read:

27 435.04 Level 2 screening standards.—

28 (1)(a) All employees required by law to be screened under
29 pursuant to this section and persons with an affiliation with a
30 qualified entity for whom the qualified entity chooses to
31 conduct screening under s. 943.0542 must undergo security
32 background investigations as a condition of employment and
33 continued employment which includes, but is not ~~need not be~~
34 limited to, fingerprinting for statewide criminal history
35 records checks through the Department of Law Enforcement, ~~and~~
36 national criminal history records checks through the Federal
37 Bureau of Investigation, and ~~may include~~ local criminal records
38 checks through local law enforcement agencies. A security

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

39 background investigation under this section also includes a
40 search of the sexual predator and sexual offender registries of
41 any state in which the current or prospective employee resided
42 during the immediate preceding 5 years.

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

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

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

59 (a) Section 393.135, relating to sexual misconduct with
60 certain developmentally disabled clients and reporting of such
61 sexual misconduct.

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

62 (b) Section 394.4593, relating to sexual misconduct with
63 certain mental health patients and reporting of such sexual
64 misconduct.

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

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

69 (e) Section 782.04, relating to murder.

70 (f) Section 782.07, relating to manslaughter, aggravated
71 manslaughter of an elderly person or disabled adult, or
72 aggravated manslaughter of a child.

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

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

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

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

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

81 (l)-(k) Section 784.03, relating to battery, if the victim
82 of the offense was a minor.

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

84 (n) Section 784.075, relating to battery on staff of a
85 detention or commitment facility or on a juvenile probation
86 officer.

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

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

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

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

94 (s)~~(p)~~ Section 787.04(3), relating to carrying a child
95 beyond the state lines with criminal intent to avoid producing a
96 child at a custody hearing or delivering the child to the
97 designated person.

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

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

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

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

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

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

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

110 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious
111 behavior.

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

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

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

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

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

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

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

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

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

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

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

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

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

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

140 (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with
141 violence.

142 (rr)~~(nn)~~ Section 843.025, relating to depriving a law
143 enforcement, correctional, or correctional probation officer
144 means of protection or communication.

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

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

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

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

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

154 (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct
155 with certain forensic clients and reporting of such sexual
156 misconduct.

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

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

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

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

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

169 Section 3. Paragraph (a) of subsection (1), paragraphs (a)
170 and (b) of subsection (3), and paragraphs (a) and (b) of
171 subsection (4) of section 435.07, Florida Statutes, are amended
172 to read:

173 435.07 Exemptions from disqualification.—Unless otherwise
174 provided by law, the provisions of this section apply to
175 exemptions from disqualification for disqualifying offenses
176 revealed pursuant to background screenings required under this
177 chapter, regardless of whether those disqualifying offenses are
178 listed in this chapter or other laws.

179 (1)(a) The head of the appropriate agency or qualified
180 entity may grant to any employee or person with an affiliation
181 otherwise disqualified from employment an exemption from
182 disqualification for:

183 1. Felonies for which at least 3 years have elapsed since
184 the applicant for the exemption has completed or been lawfully

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

185 released from confinement, supervision, or nonmonetary condition
186 imposed by the court for the disqualifying felony;

187 2. Misdemeanors prohibited under any of the statutes cited
188 in this chapter or under similar statutes of other jurisdictions
189 for which the applicant for the exemption has completed or been
190 lawfully released from confinement, supervision, or nonmonetary
191 condition imposed by the court;

192 3. Offenses that were felonies when committed but that are
193 now misdemeanors and for which the applicant for the exemption
194 has completed or been lawfully released from confinement,
195 supervision, or nonmonetary condition imposed by the court; or

196 4. Findings of delinquency. For offenses that would be
197 felonies if committed by an adult and the record has not been
198 sealed or expunged, the exemption may not be granted until at
199 least 3 years have elapsed since the applicant for the exemption
200 has completed or been lawfully released from confinement,
201 supervision, or nonmonetary condition imposed by the court for
202 the disqualifying offense.

203
204 For the purposes of this subsection, the term "felonies" means
205 both felonies prohibited under any of the statutes cited in this
206 chapter or under similar statutes of other jurisdictions.

207 (3)(a) In order for the head of an agency or qualified
208 entity to grant an exemption to an ~~any~~ employee or a person with
209 an affiliation, the employee or person with an affiliation must

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

210 demonstrate by clear and convincing evidence that the employee
211 or person with an affiliation should not be disqualified from
212 employment. Employees or persons with an affiliation seeking an
213 exemption have the burden of setting forth clear and convincing
214 evidence of rehabilitation, including, but not limited to, the
215 circumstances surrounding the criminal incident for which an
216 exemption is sought, the time period that has elapsed since the
217 incident, the nature of the harm caused to the victim, and the
218 history of the employee or person with an affiliation since the
219 incident, or any other evidence or circumstances indicating that
220 the employee or person with an affiliation will not present a
221 danger if employment, affiliation, or continued employment or
222 continued affiliation is allowed.

223 (b) The agency may consider as part of its deliberations
224 of the ~~employee's~~ rehabilitation of the employee or person with
225 an affiliation the fact that the employee or person with an
226 affiliation has, subsequent to the conviction for the
227 disqualifying offense for which the exemption is being sought,
228 been arrested for or convicted of another crime, even if that
229 crime is not a disqualifying offense.

230 (4)(a) Disqualification from employment or affiliation
231 under this chapter may not be removed from, nor may an exemption
232 be granted to, any personnel who is found guilty of, regardless
233 of adjudication, or who has entered a plea of nolo contendere or
234 guilty to, any felony covered by s. 435.03 or s. 435.04 solely

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

235 by reason of any pardon, executive clemency, or restoration of
236 civil rights.

237 (b) Disqualification from employment or affiliation under
238 this chapter may not be removed from, nor may an exemption be
239 granted to, any person who is a:

- 240 1. Sexual predator as designated pursuant to s. 775.21;
- 241 2. Career offender pursuant to s. 775.261; or
- 242 3. Sexual offender pursuant to s. 943.0435, unless the
- 243 requirement to register as a sexual offender has been removed
- 244 pursuant to s. 943.04354.

245 Section 4. Effective upon this act becoming a law,
246 subsections (1) and (2) and paragraph (a) of subsection (3) of
247 section 435.12, Florida Statutes, are amended to read:

248 435.12 Care Provider Background Screening Clearinghouse.—

249 (1) The Agency for Health Care Administration in
250 consultation with the Department of Law Enforcement shall create
251 a secure web-based system, which shall be known as the "Care
252 Provider Background Screening Clearinghouse" or
253 "clearinghouse.7" ~~and which shall be implemented to the full~~
254 ~~extent practicable no later than September 30, 2013, subject to~~
255 ~~the specified agencies being funded and equipped to participate~~
256 ~~in such program.~~ The clearinghouse must ~~shall~~ allow the results
257 of criminal history checks provided to the specified agencies
258 and, beginning January 1, 2026, or a later date as determined by
259 the Agency for Health Care Administration, to qualified entities

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

260 participating in the clearinghouse for screening of persons
261 qualified as care providers under s. 943.0542 to be shared among
262 the specified agencies and qualified entities when a person has
263 applied to volunteer, be employed, be licensed, ~~or~~ enter into a
264 contract, or has an affiliation that allows or ~~that~~ requires a
265 state and national fingerprint-based criminal history check.
266 Beginning January 1, 2025, or a later date as determined by the
267 Agency for Health Care Administration, the Agency for Health
268 Care Administration shall review and determine eligibility for
269 all criminal history checks submitted to the clearinghouse for
270 the Department of Education. The clearinghouse shall share
271 eligibility determinations with the Department of Education and
272 the qualified entities. The Agency for Health Care
273 Administration and the Department of Law Enforcement may adopt
274 rules to create forms or implement procedures needed to carry
275 out this section.

276 (2)(a) To ensure that the information in the clearinghouse
277 is current, the fingerprints of a person ~~an employee required to~~
278 ~~be screened by a specified agency and~~ included in the
279 clearinghouse must be:

280 1. Retained by the Department of Law Enforcement pursuant
281 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
282 Enforcement must report the results of searching those
283 fingerprints against state incoming arrest fingerprint

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

284 submissions to the Agency for Health Care Administration for
285 inclusion in the clearinghouse.

286 2. Retained by the Federal Bureau of Investigation in the
287 national retained print arrest notification program as soon as
288 the Department of Law Enforcement begins participation in such
289 program. Arrest prints will be searched against retained prints
290 at the Federal Bureau of Investigation and notification of
291 arrests will be forwarded to the Florida Department of Law
292 Enforcement and reported to the Agency for Health Care
293 Administration for inclusion in the clearinghouse.

294 3. Resubmitted for a Federal Bureau of Investigation
295 national criminal history check every 5 years until such time as
296 the fingerprints are retained by the Federal Bureau of
297 Investigation.

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

301 5. Submitted with a photograph of the person taken at the
302 time the fingerprints are submitted.

303 (b) Until such time as the fingerprints are enrolled in
304 the national retained print arrest notification program at the
305 Federal Bureau of Investigation:

306 1. A person, ~~an employee~~ with a break in service of more
307 than 90 days from a position that requires screening by a
308 specified agency must submit to a national screening if the

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

309 person returns to a position that requires screening by a
310 specified agency.

311 2. Effective January 1, 2026, or a later date as
312 determined by the Agency for Health Care Administration, for the
313 participation of qualified entities in the clearinghouse under
314 s. 435.12, a person with a break in service of more than 90 days
315 from a position for which screening is conducted by a qualified
316 entity participating in the clearinghouse must submit to a
317 national screening if the person returns to a position for which
318 screening is conducted by a qualified entity.

319 (c) An employer of persons subject to screening or a
320 qualified entity participating in the clearinghouse ~~by a~~
321 ~~specified agency~~ must register with the clearinghouse and
322 maintain the employment or affiliation status of all persons
323 included in ~~employees within~~ the clearinghouse.

324 1. Before January 1, 2024, initial ~~employment~~ status and
325 any changes in status must be reported within 10 business days
326 after a person receives his or her initial status or after a
327 change in the person's status has been made.

328 2. Effective January 1, 2024, initial status and any
329 changes in status must be reported within 5 business days after
330 a person receives his or her initial status or after a change in
331 the person's status has been made.

332 (d) An employer or a qualified entity participating in the
333 clearinghouse must register with and initiate all criminal

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

334 history checks through the clearinghouse before referring an
335 employee or potential employee or a person with a current or
336 potential affiliation with a qualified entity for electronic
337 fingerprint submission to the Department of Law Enforcement. The
338 registration must include the person's ~~employee's~~ full first
339 name, middle initial, and last name; social security number;
340 date of birth; mailing address; sex; and race. Individuals,
341 persons, applicants, and controlling interests that cannot
342 legally obtain a social security number must provide an
343 individual taxpayer identification number.

344 (3)(a) Employees of each district unit under s. 1001.30,
345 special district units under s. 1011.24, the Florida School for
346 the Deaf and the Blind under s. 1002.36, the Florida Virtual
347 School under s. 1002.37, virtual instruction programs under s.
348 1002.45, charter schools under s. 1002.33, hope operators under
349 s. 1002.333, private schools participating in an educational
350 scholarship program established pursuant to chapter 1002, and
351 alternative schools under s. 1008.341 must be rescreened in
352 compliance with the following schedule:

353 1. Employees for whom the last screening was conducted on
354 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,
355 2025 ~~2024~~.

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

362 Section 5. Paragraph (a) of subsection (1), paragraphs (a)
363 and (b) of subsection (2), and subsection (4) of section
364 943.0438, Florida Statutes, are amended to read:

365 943.0438 Athletic coaches for independent sanctioning
366 authorities.-

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

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

369 1. Is authorized by an independent sanctioning authority
370 to work as a coach, assistant coach, manager, or referee ~~for 20~~
371 ~~or more hours within a calendar year~~, whether for compensation
372 or as a volunteer, for a youth athletic team based in this
373 state; and

374 2. Has direct contact with one or more minors on the youth
375 athletic team.

376 (2) An independent sanctioning authority shall:

377 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening under s.
378 435.04 ~~pursuant to s. 435.03~~ of each current and prospective
379 athletic coach. The authority may not delegate this
380 responsibility to an individual team and may not authorize any
381 person to act as an athletic coach unless a level 2 ~~1~~ background
382 screening is conducted and does not result in disqualification
383 under paragraph (b). ~~Level 1 background screenings shall be~~

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

384 ~~conducted annually for each athletic coach. For purposes of this~~
385 ~~section, a background screening shall include a search of the~~
386 ~~athletic coach's name or other identifying information against~~
387 ~~state and federal registries of sexual predators and sexual~~
388 ~~offenders, which are available to the public on Internet sites~~
389 ~~provided by:~~

- 390 ~~a. The Department of Law Enforcement under s. 943.043; and~~
391 ~~b. The Attorney General of the United States under 42~~
392 ~~U.S.C. s. 16920.~~

393 ~~2. For purposes of this section, a background screening~~
394 ~~conducted by a commercial consumer reporting agency in~~
395 ~~compliance with the federal Fair Credit Reporting Act using the~~
396 ~~identifying information referenced in subparagraph 1. that~~
397 ~~includes a level 1 background screening and a search of that~~
398 ~~information against the sexual predator and sexual offender~~
399 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
400 ~~deemed to satisfy the requirements of this paragraph.~~

401 ~~(b)1. Before January 1, 2026, or a later date as~~
402 ~~determined by the Agency for Health Care Administration for the~~
403 ~~participation of qualified entities in the Care Provider~~
404 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~
405 ~~any person from acting as an athletic coach as provided in s.~~
406 ~~435.04 ~~s. 435.03~~ or if he or she is identified on a registry~~
407 ~~described in paragraph (a). The authority may allow a person~~
408 ~~disqualified under this subparagraph ~~paragraph~~ to act as an~~

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

409 athletic coach if it determines that the person meets the
410 requirements for an exemption from disqualification under s.
411 435.07.

412 2. On or after January 1, 2026, or a later date as
413 determined by the Agency for Health Care Administration, not
414 allow any person to act as an athletic coach if he or she does
415 not pass the background screening qualifications in s. 435.04.
416 The authority may allow a person disqualified under this
417 subparagraph to act as an athletic coach if the person has
418 successfully completed the exemption from the disqualification
419 process under s. 435.07.

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

424 Section 6. Paragraph (h) of subsection (2) of section
425 943.05, Florida Statutes, is amended, and paragraph (i) is added
426 to that subsection, to read:

427 943.05 Criminal Justice Information Program; duties; crime
428 reports.—

429 (2) The program shall:

430 (h) For each specified agency, as defined in s. 435.02,
431 each qualified entity participating in the Care Provider
432 Background Screening Clearinghouse under s. 435.12, or any other
433 agency or qualified entity that officially requests retention of

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

434 fingerprints or for which retention is otherwise required by
435 law, search all arrest fingerprint submissions received under s.
436 943.051 against the fingerprints retained in the statewide
437 automated biometric identification system under paragraph (g).

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

442 2. To participate in this search process, agencies or
443 qualified entities must notify each person fingerprinted that
444 his or her fingerprints will be retained, pay an annual fee to
445 the department unless otherwise provided by law, and inform the
446 department of any change in the affiliation, employment, or
447 contractual status of each person whose fingerprints are
448 retained under paragraph (g) if such change removes or
449 eliminates the agency or qualified entity's basis or need for
450 receiving reports of any arrest of that person, so that the
451 agency or qualified entity is not obligated to pay the upcoming
452 annual fee for the retention and searching of that person's
453 fingerprints to the department. The department shall adopt a
454 rule setting the amount of the annual fee to be imposed upon
455 each participating agency or qualified entity for performing
456 these searches and establishing the procedures for the retention
457 of fingerprints and the dissemination of search results. The fee
458 may be borne by the agency, qualified entity, or person subject

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

459 to fingerprint retention or as otherwise provided by law.
460 Consistent with the recognition of criminal justice agencies
461 expressed in s. 943.053(3), these services must ~~shall~~ be
462 provided to criminal justice agencies for criminal justice
463 purposes free of charge. Qualified entities that elect to
464 participate in the fingerprint retention and search process are
465 required to timely remit the fee to the department by a payment
466 mechanism approved by the department. If requested by the
467 qualified entity, and with the approval of the department, such
468 fees may be timely remitted to the department by a qualified
469 entity upon receipt of an invoice for such fees from the
470 department. Failure of a qualified entity to pay the amount due
471 on a timely basis or as invoiced by the department may result in
472 the refusal by the department to permit the qualified entity to
473 continue to participate in the fingerprint retention and search
474 process until all fees due and owing are paid.

475 3. Agencies that participate in the fingerprint retention
476 and search process may adopt rules pursuant to ss. 120.536(1)
477 and 120.54 to require employers to keep the agency informed of
478 any change in the affiliation, employment, or contractual status
479 of each person whose fingerprints are retained under paragraph
480 (g) if such change removes or eliminates the agency's basis or
481 need for receiving reports of any arrest of that person, so that
482 the agency is not obligated to pay the upcoming annual fee for

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

483 the retention and searching of that person's fingerprints to the
484 department.

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

487 Section 7. Subsections (2) through (6) of section
488 943.0542, Florida Statutes, are amended to read:

489 943.0542 Access to criminal history information provided
490 by the department to qualified entities.—

491 (2)(a) A qualified entity conducting background criminal
492 history checks under this section must:

493 1. Register with the department before submitting a
494 request for screening under this section. Each such request must
495 be voluntary and conform to the requirements established in the
496 National Child Protection Act of 1993, as amended. As a part of
497 the registration, the qualified entity must agree to comply with
498 state and federal law and must so indicate by signing an
499 agreement approved by the department. The department shall ~~may~~
500 periodically audit qualified entities to ensure compliance with
501 federal law and this section.

502 2. Before January 1, 2026, or a later date as determined
503 by the Agency for Health Care Administration,

504 ~~(b) A qualified entity shall~~ submit to the department, and
505 effective January 1, 2026, or a later date as determined by the
506 Agency for Health Care Administration, submit to the agency a
507 request for screening an employee or volunteer or person

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

508 applying to be an employee or volunteer by submitting
509 fingerprints, or the request may be submitted electronically.
510 The qualified entity must maintain a signed waiver allowing the
511 release of the state and national criminal history record
512 information to the qualified entity.

513 (b)-(e) Each ~~such~~ request for screening must be accompanied
514 by payment of a fee for a statewide criminal history check ~~by~~
515 ~~the department~~ established by s. 943.053, plus the amount
516 currently prescribed by the Federal Bureau of Investigation for
517 the national criminal history check in compliance with the
518 National Child Protection Act of 1993, as amended. Payments must
519 be made in the manner prescribed by the department or agency by
520 rule.

521 (c)-(d) Any current or prospective employee or volunteer
522 who is subject to a request for screening must indicate to the
523 qualified entity submitting the request the name and address of
524 each qualified entity that has submitted a previous request for
525 screening regarding that employee or volunteer.

526 (d) Effective January 1, 2026, or a later date as
527 determined by the Agency for Health Care Administration, a
528 qualified entity initiating a background criminal history check
529 under this section must comply with s. 435.12, and all
530 fingerprints received pursuant to this section must be entered
531 into the clearinghouse as provided in s. 435.12.

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

532 (3) Through December 31, 2025, or a later date as
533 determined by the Agency for Health Care Administration, the
534 department shall provide directly to the qualified entity the
535 state criminal history records that are not exempt from
536 disclosure under chapter 119 or otherwise confidential under
537 law. A person who is the subject of a state criminal history
538 record may challenge the record only as provided in s. 943.056.
539 Effective January 1, 2026, or a later date as determined by the
540 Agency for Health Care Administration, the Care Provider
541 Background Screening Clearinghouse may provide such records to
542 the qualified entity only if the person challenges the record as
543 provided in this subsection.

544 (4) The national criminal history data is available to
545 qualified entities to use only for the purpose of screening
546 employees and volunteers or persons applying to be an employee
547 or volunteer with a qualified entity. Through December 31, 2026,
548 or a later date as determined by the Agency for Health Care
549 Administration, the department shall provide this national
550 criminal history record information directly to the qualified
551 entity as authorized by the written waiver required for
552 submission of a request ~~to the department.~~ Effective January 1,
553 2026, or a later date as determined by the Agency for Health
554 Care Administration, the Care Provider Background Screening
555 Clearinghouse may provide such record information to the

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

556 qualified entity only if the person requests an exemption from
557 the qualified entity under s. 435.07.

558 (5) The entity making the determination regarding
559 screening shall apply the criteria under s. 435.04(2) to the
560 state and national criminal history record information received
561 from the department for those persons subject to screening. The
562 determination whether the criminal history record shows that the
563 employee or volunteer has not been arrested for and is awaiting
564 final disposition of, regardless of adjudication, or entered a
565 plea of nolo contendere or guilty to, or has been adjudicated
566 delinquent and the record has not been sealed or expunged for,
567 any offense listed under s. 435.02(2) ~~convicted of or is under~~
568 ~~pending indictment for any crime that bears upon the fitness of~~
569 ~~the employee or volunteer to have responsibility for the safety~~
570 ~~and well-being of children, the elderly, or disabled persons~~
571 shall ~~solely~~ be made by the qualified entity through December
572 31, 2025, or a later date as determined by the Agency for Health
573 Care Administration. Beginning January 1, 2026, or a later date
574 as determined by the Agency for Health Care Administration, the
575 Agency for Health Care Administration shall determine the
576 eligibility of the employee or volunteer of a qualified entity.
577 This section does not require the department to make such a
578 determination on behalf of any qualified entity.

579 (6) The qualified entity or, effective January 1, 2026, or
580 a later date as determined by the Agency for Health Care

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

581 Administration, the Care Provider Background Screening
582 Clearinghouse must notify in writing the person of his or her
583 right to obtain a copy of any background screening report,
584 including the criminal history records, if any, contained in the
585 report, and of the person's right to challenge the accuracy and
586 completeness of any information contained in any such report and
587 to obtain a determination as to the validity of such challenge
588 before a final determination regarding the person is made by the
589 qualified entity reviewing the criminal history information. A
590 ~~qualified entity that is required by law to apply screening~~
591 ~~criteria, including any right to contest or request an exemption~~
592 ~~from disqualification, shall apply such screening criteria to~~
593 ~~the state and national criminal history record information~~
594 ~~received from the department for those persons subject to the~~
595 ~~required screening.~~

596 Section 8. Section 1012.315, Florida Statutes, is amended
597 to read:

598 1012.315 Screening standards.—A person is ineligible for
599 educator certification or employment in any position that
600 requires direct contact with students in a district school
601 system, a charter school, or a private school that participates
602 in a state scholarship program under chapter 1002 if the person:

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

605 (2) Is registered as a sex offender as described in 42
606 U.S.C. s. 9858f(c)(1)(C);~~7~~

607 (3) Is ineligible based on a security background
608 investigation under s. 435.04(2). Beginning January 1, 2025, or
609 a later date as determined by the Agency for Health Care
610 Administration, the Agency for Health Care Administration shall
611 determine the eligibility of employees in any position that
612 requires direct contact with students in a district school
613 system, a charter school, or a private school that participates
614 in a state scholarship program under chapter 1002;

615 (4) Would be ineligible for an exemption under s.
616 435.07(4)(c); ~~or, or has been convicted or found guilty of, has~~
617 ~~had adjudication withheld for, or has pled guilty or nolo~~
618 ~~contendere to:~~

619 ~~(1) Any felony offense prohibited under any of the~~
620 ~~following statutes:~~

621 ~~(a) Section 393.135, relating to sexual misconduct with~~
622 ~~certain developmentally disabled clients and reporting of such~~
623 ~~sexual misconduct.~~

624 ~~(b) Section 394.4593, relating to sexual misconduct with~~
625 ~~certain mental health patients and reporting of such sexual~~
626 ~~misconduct.~~

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

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

630 ~~(e) Section 782.07, relating to manslaughter; aggravated~~
631 ~~manslaughter of an elderly person or disabled adult; aggravated~~
632 ~~manslaughter of a child; or aggravated manslaughter of an~~
633 ~~officer, a firefighter, an emergency medical technician, or a~~
634 ~~paramedic.~~

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

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

637 ~~(h) Section 784.075, relating to battery on a detention or~~
638 ~~commitment facility staff member or a juvenile probation~~
639 ~~officer.~~

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

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

642 ~~(k) Section 787.025, relating to luring or enticing a~~
643 ~~child.~~

644 ~~(l) Section 787.04(2), relating to leading, taking,~~
645 ~~enticing, or removing a minor beyond the state limits, or~~
646 ~~concealing the location of a minor, with criminal intent pending~~
647 ~~eustody proceedings.~~

648 ~~(m) Section 787.04(3), relating to leading, taking,~~
649 ~~enticing, or removing a minor beyond the state limits, or~~
650 ~~concealing the location of a minor, with criminal intent pending~~
651 ~~dependency proceedings or proceedings concerning alleged abuse~~
652 ~~or neglect of a minor.~~

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

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

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

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

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

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

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

667 ~~(u) Chapter 800, relating to lewdness and indecent~~
668 ~~exposure.~~

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

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

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

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

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

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

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

- 678 ~~(bb) Section 812.019, relating to dealing in stolen~~
- 679 ~~property.~~
- 680 ~~(cc) Section 812.13, relating to robbery.~~
- 681 ~~(dd) Section 812.131, relating to robbery by sudden~~
- 682 ~~snatching.~~
- 683 ~~(ee) Section 812.133, relating to carjacking.~~
- 684 ~~(ff) Section 812.135, relating to home-invasion robbery.~~
- 685 ~~(gg) Section 817.563, relating to fraudulent sale of~~
- 686 ~~controlled substances.~~
- 687 ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
- 688 ~~or neglect of an elderly person or disabled adult.~~
- 689 ~~(ii) Section 825.103, relating to exploitation of an~~
- 690 ~~elderly person or disabled adult.~~
- 691 ~~(jj) Section 825.1025, relating to lewd or lascivious~~
- 692 ~~offenses committed upon or in the presence of an elderly person~~
- 693 ~~or disabled person.~~
- 694 ~~(kk) Section 826.04, relating to incest.~~
- 695 ~~(ll) Section 827.03, relating to child abuse, aggravated~~
- 696 ~~child abuse, or neglect of a child.~~
- 697 ~~(mm) Section 827.04, relating to contributing to the~~
- 698 ~~delinquency or dependency of a child.~~
- 699 ~~(nn) Section 827.071, relating to sexual performance by a~~
- 700 ~~child.~~
- 701 ~~(oo) Section 843.01, relating to resisting arrest with~~
- 702 ~~violence.~~

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

704 ~~(qq) Section 874.05, relating to causing, encouraging,~~
705 ~~soliciting, or recruiting another to join a criminal street~~
706 ~~gang.~~

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

710 ~~(ss) Section 916.1075, relating to sexual misconduct with~~
711 ~~certain forensic clients and reporting of such sexual~~
712 ~~misconduct.~~

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

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

717 ~~(vv) Section 985.711, relating to introduction, removal,~~
718 ~~or possession of contraband at a juvenile detention facility or~~
719 ~~commitment program.~~

720 ~~(2) Any misdemeanor offense prohibited under any of the~~
721 ~~following statutes:~~

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

724 ~~(b) Section 787.025, relating to luring or enticing a~~
725 ~~child.~~

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

726 (5)-(3) Has been convicted or found guilty of, has had
727 adjudication withheld for, or has pled guilty or nolo contendere
728 to:

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

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

738 Section 9. Paragraph (a) of subsection (2) of section
739 1012.467, Florida Statutes, is amended to read:

740 1012.467 Noninstructional contractors who are permitted
741 access to school grounds when students are present; background
742 screening requirements.—

743 (2)(a) A fingerprint-based criminal history check must
744 ~~shall~~ be performed on each noninstructional contractor who is
745 permitted access to school grounds when students are present,
746 whose performance of the contract with the school or school
747 board is not anticipated to result in direct contact with
748 students, and for whom any unanticipated contact would be
749 infrequent and incidental using the process described in s.
750 1012.32(3). The results of each criminal history check must

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

751 ~~shall~~ be reported to the school district in which the individual
752 is seeking access and entered into the shared system described
753 in subsection (7). The school district shall screen the results
754 using the disqualifying offenses in paragraph (b). Beginning
755 January 1, 2025, or a later date as determined by the Agency for
756 Health Care Administration, the Agency for Health Care
757 Administration shall determine the eligibility of a
758 noninstructional contractor. The cost of the criminal history
759 check may be borne by the district school board, the school, or
760 the contractor.

761 Section 10. Paragraph (a) of subsection (10) of section
762 1012.56, Florida Statutes, is amended to read:

763 1012.56 Educator certification requirements.—

764 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
765 PERIODICALLY.—

766 (a) Each person who seeks certification under this chapter
767 must be fingerprinted and screened in accordance with s. 1012.32
768 and must not be ineligible for such certification under s.
769 1012.315. A person who has been screened in accordance with s.
770 1012.32 by a district school board or the Department of
771 Education within 12 months before the date the person initially
772 obtains certification under this chapter, the results of which
773 are submitted to the district school board or to the Department
774 of Education, is not required to repeat the screening under this
775 paragraph. Beginning January 1, 2025, or a later date as

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

776 determined by the Agency for Health Care Administration, the
777 background screening must be conducted through the Care Provider
778 Background Screening Clearinghouse under s. 435.12.

779 Section 11. (1) Sections 1001.10, 1001.42, 1001.51,
780 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and
781 1012.796, Florida Statutes, are reenacted for the purpose of
782 incorporating the amendments made by this act to s. 1012.315,
783 Florida Statutes, in references thereto.

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

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

791 Section 13. (1) For the 2023-2024 fiscal year, the sums
792 of \$400,000 in recurring funds from the Health Care Trust Fund
793 and \$4 million in nonrecurring funds from the Health Care Trust
794 Fund are appropriated to the Agency for Health Care
795 Administration.

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

797 Section 14. Except as otherwise expressly provided in this
798 act and except for this section, which shall take effect upon
799 this act becoming a law, this act shall take effect July 1,
800 2024.

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to level 2 background screenings;
amending s. 435.02, F.S.; revising and providing
definitions; amending s. 435.04, F.S.; requiring
persons with an affiliation to certain qualified
entities to undergo security background
investigations; expanding authorized records that may
be checked during a level 2 background screening;
adding additional disqualifying offenses to level 2
background screening requirements; removing obsolete
language; amending s. 435.07, F.S.; authorizing the
head of a qualified entity to grant a person with an
affiliation an exemption from disqualification under
certain circumstances; conforming provisions to
changes made by the act; amending s. 435.12, F.S.;
authorizing certain qualified entities to participate
in the Care Provider Background Screening
Clearinghouse beginning on a specified date; requiring
the Agency for Health Care Administration to perform
certain actions beginning on a specified date;
requiring the clearinghouse to share eligibility

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

826 | determinations with certain entities; requiring
827 | certain persons with a certain break in service from a
828 | position with a qualified entity to submit to a
829 | national screening beginning on a specified date;
830 | revising the timeframe for certain reporting
831 | requirements; revising deadlines for rescreening
832 | certain employees; removing obsolete language;
833 | conforming provisions to changes made by the act;
834 | amending s. 943.0438, F.S.; revising the definition of
835 | the term "athletic coach"; requiring level 2, instead
836 | of level 1, background screenings for current and
837 | prospective athletic coaches; providing timeframes for
838 | independent sanctioning authorities to disqualify
839 | certain persons from acting as an athletic coach for
840 | certain reasons; requiring independent sanctioning
841 | authorities to participate in a specified system;
842 | conforming provisions to changes made by the act;
843 | amending s. 943.05, F.S.; expanding the agencies and
844 | entities which may use the Criminal Justice
845 | Information Program; requiring the program to develop,
846 | for federal approval, a specified method for
847 | identifying or verifying an individual; amending s.
848 | 943.0542, F.S.; requiring qualified entities to submit
849 | a request for screening to the Department of Law
850 | Enforcement or, after a specified date, the Agency for

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

851 Health Care Administration; specifying how payments
852 for a statewide criminal history check are to be made;
853 providing requirements for certain qualified entities;
854 specifying when the clearinghouse may provide certain
855 records to a qualified entity; requiring entities
856 making determinations regarding screening to apply
857 certain criteria; revising standards for
858 determinations of whether a criminal history record
859 shows certain information; requiring the agency to
860 make certain determinations regarding the eligibility
861 of certain employees or volunteers beginning on a
862 specified date; requiring the clearinghouse to provide
863 certain notifications beginning on a specified date;
864 conforming provisions to changes made by the act;
865 amending s. 1012.315, F.S.; revising screening
866 requirements for specified individuals; requiring the
867 agency to make certain determinations regarding the
868 eligibility of certain employees beginning on a
869 specified date; conforming provisions to changes made
870 by the act; amending s. 1012.467, F.S.; requiring the
871 agency to make certain determinations regarding the
872 eligibility of certain noninstructional contractors
873 beginning on a specified date; amending s. 1012.56,
874 F.S.; requiring the records of a person applying for
875 educator certification to be referred to the agency

947129

Approved For Filing: 5/1/2023 11:06:17 PM

Amendment No.

876 beginning on a specified date; requiring background
877 screening to be conducted by the clearinghouse
878 beginning on a specified date; reenacting ss. 1001.10,
879 1001.42, 1001.51, 1002.33, 1002.333, 1002.421,
880 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to
881 incorporate the amendments made by this act to s.
882 1012.315, F.S., in references thereto; reenacting s.
883 1012.468, F.S., to incorporate the amendments made by
884 this act to s. 1012.467, F.S., in a reference thereto;
885 providing an appropriation; requiring that certain
886 provisions be implemented by the later of a specified
887 date or a date determined by the agency; providing
888 effective dates.

947129

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