

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Criminal Justice

[2023s00676.hms.cj]

BILL: CS/SB 676

INTRODUCER: Appropriations Committee and Senator Grall

SUBJECT: Level 2 Background Screenings

DATE: May 3, 2023

I. Amendments Contained in Message:

House Amendment – 955767 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment – 955767 does the following:

- Revises the definition of “affiliation” and adds the definition of “employment.”
- Requires persons with an affiliation with a qualified entity for whom such entity requires a Level 2 background screening to undergo that screening.
- Amends s. 435.07, F.S., to authorize the head of a qualified entity to grant an exemption to a person otherwise disqualified from employment, subject to the exemption requirements of the statute and to specify when disqualification from affiliation may not be removed.
- Provides specified dates for:
 - A person with a break in service of more than 90 days from a position for which a background screening is conducted by a qualified entity participating in the Care Provider Background Screening Clearinghouse (Clearinghouse) to submit to a national screening if the person returns to the position for which screening is required by such entity.
 - A qualified entity participating in the Clearinghouse to report the initial status and change in status of persons included in the Clearinghouse.
 - A qualified entity conducting background criminal history checks under s. 943.0452, F.S., to submit to the Florida Department of Law Enforcement (FDLE) or the Agency for Health Care Administration (AHCA) a request for background screening as specified by statute, comply with Level 2 screening requirements in s. 435.12, F.S., and enter received fingerprints into the Clearinghouse.
 - The FDLE to provide non-exempt state criminal history records to the qualified entity or the Clearinghouse to provide such records to the qualified entity only if the subject of the records challenges them.
 - The FDLE to provide national criminal history data to qualified entities for the purpose of screening employees and volunteers s authorized by written waiver.
 - The Clearinghouse to provide national criminal history data to a qualified entity only if the person requests an exemption from such entity under s. 435.07, F.S.
 - A qualified entity making the determination regarding screening to apply the Level 2 criteria under s. 435.04(2), F.S., to the state and national criminal history record information received from the FDLE for those persons subject to screening.

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- A qualified entity or the AHCA to determine whether a criminal history record shows that the employee or volunteer has not been arrested, etc., for an offense listed in s. 435.02(2), F.S.
 - A qualified entity or the AHCA to provide written notification to a person of his or her right to obtain a copy of any background screening.
 - The background screening of a person seeking educational certification to be conducted through the Clearinghouse.
 - The background screenings for school districts to be conducted through the Clearinghouse.
 - Requires a qualified entity participating in the Clearinghouse to register with and initiate all criminal history checks through the Clearinghouse before referring an employee or potential employee or person with a current or potential affiliation with a qualified entity for electronic fingerprint submissions.
 - Removes an effective date specific to the section of bill providing for appropriations to the AHCA.