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1                   A bill to be entitled  
2           An act relating to level 2 background screenings;  
3           amending s. 435.02, F.S.; revising and providing  
4           definitions; amending s. 435.04, F.S.; requiring  
5           persons with an affiliation to certain qualified  
6           entities to undergo security background  
7           investigations; expanding authorized records that may  
8           be checked during a level 2 background screening;  
9           adding additional disqualifying offenses to level 2  
10          background screening requirements; removing obsolete  
11          language; amending s. 435.07, F.S.; authorizing the  
12          head of a qualified entity to grant a person with an  
13          affiliation an exemption from disqualification under  
14          certain circumstances; conforming provisions to  
15          changes made by the act; amending s. 435.12, F.S.;  
16          authorizing certain qualified entities to participate  
17          in the Care Provider Background Screening  
18          Clearinghouse beginning on a specified date; requiring  
19          the Agency for Health Care Administration to perform  
20          certain actions beginning on a specified date;  
21          requiring the clearinghouse to share eligibility  
22          determinations with certain entities; requiring  
23          certain persons with a certain break in service from a  
24          position with a qualified entity to submit to a  
25          national screening beginning on a specified date;  
26          revising the timeframe for certain reporting  
27          requirements; revising deadlines for rescreening  
28          certain employees; removing obsolete language;  
29          conforming provisions to changes made by the act;

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30 amending s. 943.0438, F.S.; revising the definition of  
31 the term "athletic coach"; requiring level 2, instead  
32 of level 1, background screenings for current and  
33 prospective athletic coaches; providing timeframes for  
34 independent sanctioning authorities to disqualify  
35 certain persons from acting as an athletic coach for  
36 certain reasons; requiring independent sanctioning  
37 authorities to participate in a specified system;  
38 conforming provisions to changes made by the act;  
39 amending s. 943.05, F.S.; expanding the agencies and  
40 entities which may use the Criminal Justice  
41 Information Program; requiring the program to develop,  
42 for federal approval, a specified method for  
43 identifying or verifying an individual; amending s.  
44 943.0542, F.S.; requiring qualified entities to submit  
45 a request for screening to the Department of Law  
46 Enforcement or, after a specified date, the Agency for  
47 Health Care Administration; specifying how payments  
48 for a statewide criminal history check are to be made;  
49 providing requirements for certain qualified entities;  
50 specifying when the clearinghouse may provide certain  
51 records to a qualified entity; requiring entities  
52 making determinations regarding screening to apply  
53 certain criteria; revising standards for  
54 determinations of whether a criminal history record  
55 shows certain information; requiring the agency to  
56 make certain determinations regarding the eligibility  
57 of certain employees or volunteers beginning on a  
58 specified date; requiring the clearinghouse to provide

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59 certain notifications beginning on a specified date;  
60 conforming provisions to changes made by the act;  
61 amending s. 1012.315, F.S.; revising screening  
62 requirements for specified individuals; requiring the  
63 agency to make certain determinations regarding the  
64 eligibility of certain employees beginning on a  
65 specified date; conforming provisions to changes made  
66 by the act; amending s. 1012.467, F.S.; requiring the  
67 agency to make certain determinations regarding the  
68 eligibility of certain noninstructional contractors  
69 beginning on a specified date; requiring background  
70 screenings to be conducted by the clearinghouse  
71 beginning on a specified date; amending s. 1012.56,  
72 F.S.; requiring the records of a person applying for  
73 educator certification to be referred to the agency  
74 beginning on a specified date; requiring background  
75 screening to be conducted by the clearinghouse  
76 beginning on a specified date; reenacting ss. 1001.10,  
77 1001.42, 1001.51, 1002.33, 1002.333, 1002.421,  
78 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to  
79 incorporate the amendments made by this act to s.  
80 1012.315, F.S., in references thereto; reenacting s.  
81 1012.468, F.S., to incorporate the amendments made by  
82 this act to s. 1012.467, F.S., in a reference thereto;  
83 providing an appropriation; requiring that certain  
84 provisions be implemented by the later of a specified  
85 date or a date determined by the agency; providing  
86 effective dates.  
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88 Be It Enacted by the Legislature of the State of Florida:

89

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

95 435.02 Definitions.—For the purposes of this chapter, the  
96 term:

97 (1) "Affiliation" means the status of a person employed or  
98 serving as a volunteer or contractor, or seeking to be employed  
99 or to serve as a volunteer or contractor, with a qualified  
100 entity in a position for which screening is not required by law  
101 but is authorized under the National Child Protection Act.

102 (5)(4) "Employment" means any activity or service sought to  
103 be performed by an employee or a person with an affiliation  
104 which requires the employee, or for which a person with an  
105 affiliation is authorized, to be screened pursuant to this  
106 chapter.

107 (6) "Qualified entity" has the same meaning as in s.  
108 943.0542(1).

109 Section 2. Paragraphs (a), (b), and (d) of subsection (1)  
110 and subsection (2) of section 435.04, Florida Statutes, are  
111 amended to read:

112 435.04 Level 2 screening standards.—

113 (1) (a) All employees required by law to be screened under  
114 pursuant to this section and persons with an affiliation with a  
115 qualified entity for whom the qualified entity chooses to  
116 conduct screening under s. 943.0542 must undergo security

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117 background investigations as a condition of employment and  
118 continued employment which includes, but is not ~~need not be~~  
119 limited to, fingerprinting for statewide criminal history  
120 records checks through the Department of Law Enforcement, ~~and~~  
121 national criminal history records checks through the Federal  
122 Bureau of Investigation, and ~~may include~~ local criminal records  
123 checks through local law enforcement agencies. A security  
124 background investigation under this section also includes a  
125 search of the sexual predator and sexual offender registries of  
126 any state in which the current or prospective employee resided  
127 during the immediate preceding 5 years.

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

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

135 (2) The security background investigations under this  
136 section must ensure that ~~no~~ persons subject to ~~the provisions of~~  
137 this section have not been arrested for and are awaiting final  
138 disposition of, have not been found guilty of, regardless of  
139 adjudication, or entered a plea of nolo contendere or guilty to,  
140 or have not been adjudicated delinquent and the record has not  
141 been sealed or expunged for, any offense prohibited under any of  
142 the following provisions of state law or similar law of another  
143 jurisdiction:

144 (a) Section 393.135, relating to sexual misconduct with  
145 certain developmentally disabled clients and reporting of such

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146 sexual misconduct.

147 (b) Section 394.4593, relating to sexual misconduct with  
148 certain mental health patients and reporting of such sexual  
149 misconduct.

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

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

154 (e) Section 782.04, relating to murder.

155 (f) Section 782.07, relating to manslaughter, aggravated  
156 manslaughter of an elderly person or disabled adult, or  
157 aggravated manslaughter of a child.

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

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

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

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

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

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

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

169 (n) Section 784.075, relating to battery on staff of a  
170 detention or commitment facility or on a juvenile probation  
171 officer.

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

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

174 (q)~~(n)~~ Section 787.025, relating to luring or enticing a

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175 child.

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

179 (s)~~(p)~~ Section 787.04(3), relating to carrying a child  
180 beyond the state lines with criminal intent to avoid producing a  
181 child at a custody hearing or delivering the child to the  
182 designated person.

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

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

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

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

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

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

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

195 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious  
196 behavior.

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

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

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

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

203 (ff)~~(bb)~~ Section 810.145, relating to video voyeurism, if

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204 the offense is a felony.

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

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

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

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

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

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

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

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

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

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

225 (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with  
226 violence.

227 (rr)~~(nn)~~ Section 843.025, relating to depriving a law  
228 enforcement, correctional, or correctional probation officer  
229 means of protection or communication.

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

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



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

234        (vv)~~(rr)~~ Section 874.05, relating to encouraging or

235        recruiting another to join a criminal gang.

236        (ww)~~(ss)~~ Chapter 893, relating to drug abuse prevention and

237        control, only if the offense was a felony or if any other person

238        involved in the offense was a minor.

239        (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct

240        with certain forensic clients and reporting of such sexual

241        misconduct.

242        (yy)~~(uu)~~ Section 944.35(3), relating to inflicting cruel or

243        inhuman treatment on an inmate resulting in great bodily harm.

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

245        (aaa)~~(ww)~~ Section 944.46, relating to harboring,

246        concealing, or aiding an escaped prisoner.

247        (bbb)~~(xx)~~ Section 944.47, relating to introduction of

248        contraband into a correctional facility.

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

250        juvenile justice programs.

251        (ddd)~~(zz)~~ Section 985.711, relating to contraband

252        introduced into detention facilities.

253        Section 3. Paragraph (a) of subsection (1), paragraphs (a)

254        and (b) of subsection (3), and paragraphs (a) and (b) of

255        subsection (4) of section 435.07, Florida Statutes, are amended

256        to read:

257        435.07 Exemptions from disqualification.—Unless otherwise

258        provided by law, the provisions of this section apply to

259        exemptions from disqualification for disqualifying offenses

260        revealed pursuant to background screenings required under this

261        chapter, regardless of whether those disqualifying offenses are

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262 listed in this chapter or other laws.

263 (1) (a) The head of the appropriate agency or qualified  
264 entity may grant to any employee or person with an affiliation  
265 otherwise disqualified from employment an exemption from  
266 disqualification for:

267 1. Felonies for which at least 3 years have elapsed since  
268 the applicant for the exemption has completed or been lawfully  
269 released from confinement, supervision, or nonmonetary condition  
270 imposed by the court for the disqualifying felony;

271 2. Misdemeanors prohibited under any of the statutes cited  
272 in this chapter or under similar statutes of other jurisdictions  
273 for which the applicant for the exemption has completed or been  
274 lawfully released from confinement, supervision, or nonmonetary  
275 condition imposed by the court;

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

280 4. Findings of delinquency. For offenses that would be  
281 felonies if committed by an adult and the record has not been  
282 sealed or expunged, the exemption may not be granted until at  
283 least 3 years have elapsed since the applicant for the exemption  
284 has completed or been lawfully released from confinement,  
285 supervision, or nonmonetary condition imposed by the court for  
286 the disqualifying offense.

287  
288 For the purposes of this subsection, the term "felonies" means  
289 both felonies prohibited under any of the statutes cited in this  
290 chapter or under similar statutes of other jurisdictions.

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291 (3) (a) In order for the head of an agency or qualified  
292 entity to grant an exemption to an ~~any~~ employee or a person with  
293 an affiliation, the employee or person with an affiliation must  
294 demonstrate by clear and convincing evidence that the employee  
295 or person with an affiliation should not be disqualified from  
296 employment. Employees or persons with an affiliation seeking an  
297 exemption have the burden of setting forth clear and convincing  
298 evidence of rehabilitation, including, but not limited to, the  
299 circumstances surrounding the criminal incident for which an  
300 exemption is sought, the time period that has elapsed since the  
301 incident, the nature of the harm caused to the victim, and the  
302 history of the employee or person with an affiliation since the  
303 incident, or any other evidence or circumstances indicating that  
304 the employee or person with an affiliation will not present a  
305 danger if employment, affiliation, or continued employment or  
306 continued affiliation is allowed.

307 (b) The agency may consider as part of its deliberations of  
308 the ~~employee's~~ rehabilitation of the employee or person with an  
309 affiliation the fact that the employee or person with an  
310 affiliation has, subsequent to the conviction for the  
311 disqualifying offense for which the exemption is being sought,  
312 been arrested for or convicted of another crime, even if that  
313 crime is not a disqualifying offense.

314 (4) (a) Disqualification from employment or affiliation  
315 under this chapter may not be removed from, nor may an exemption  
316 be granted to, any personnel who is found guilty of, regardless  
317 of adjudication, or who has entered a plea of nolo contendere or  
318 guilty to, any felony covered by s. 435.03 or s. 435.04 solely  
319 by reason of any pardon, executive clemency, or restoration of

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320 civil rights.

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

324 1. Sexual predator as designated pursuant to s. 775.21;

325 2. Career offender pursuant to s. 775.261; or

326 3. Sexual offender pursuant to s. 943.0435, unless the  
327 requirement to register as a sexual offender has been removed  
328 pursuant to s. 943.04354.

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

332 435.12 Care Provider Background Screening Clearinghouse.—

333 (1) The Agency for Health Care Administration in  
334 consultation with the Department of Law Enforcement shall create  
335 a secure web-based system, which shall be known as the "Care  
336 Provider Background Screening Clearinghouse" or  
337 "clearinghouse." ~~and which shall be implemented to the full~~  
338 ~~extent practicable no later than September 30, 2013, subject to~~  
339 ~~the specified agencies being funded and equipped to participate~~  
340 ~~in such program.~~ The clearinghouse must ~~shall~~ allow the results  
341 of criminal history checks provided to the specified agencies  
342 and, beginning January 1, 2026, or a later date as determined by  
343 the Agency for Health Care Administration, to qualified entities  
344 participating in the clearinghouse for screening of persons  
345 qualified as care providers under s. 943.0542 to be shared among  
346 the specified agencies and qualified entities when a person has  
347 applied to volunteer, be employed, be licensed, ~~or~~ enter into a  
348 contract, or has an affiliation that allows or ~~that~~ requires a

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349 state and national fingerprint-based criminal history check.  
350 Beginning January 1, 2025, or a later date as determined by the  
351 Agency for Health Care Administration, the Agency for Health  
352 Care Administration shall review and determine eligibility for  
353 all criminal history checks submitted to the clearinghouse for  
354 the Department of Education. The clearinghouse shall share  
355 eligibility determinations with the Department of Education and  
356 the qualified entities. The Agency for Health Care  
357 Administration and the Department of Law Enforcement may adopt  
358 rules to create forms or implement procedures needed to carry  
359 out this section.

360 (2) (a) To ensure that the information in the clearinghouse  
361 is current, the fingerprints of a person ~~an employee required to~~  
362 ~~be screened by a specified agency and~~ included in the  
363 clearinghouse must be:

364 1. Retained by the Department of Law Enforcement pursuant  
365 to s. 943.05(2) (g) and (h) and (3), and the Department of Law  
366 Enforcement must report the results of searching those  
367 fingerprints against state incoming arrest fingerprint  
368 submissions to the Agency for Health Care Administration for  
369 inclusion in the clearinghouse.

370 2. Retained by the Federal Bureau of Investigation in the  
371 national retained print arrest notification program as soon as  
372 the Department of Law Enforcement begins participation in such  
373 program. Arrest prints will be searched against retained prints  
374 at the Federal Bureau of Investigation and notification of  
375 arrests will be forwarded to the Florida Department of Law  
376 Enforcement and reported to the Agency for Health Care  
377 Administration for inclusion in the clearinghouse.

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378 3. Resubmitted for a Federal Bureau of Investigation  
379 national criminal history check every 5 years until such time as  
380 the fingerprints are retained by the Federal Bureau of  
381 Investigation.

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

385 5. Submitted with a photograph of the person taken at the  
386 time the fingerprints are submitted.

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

390 1. A person,~~an employee~~ with a break in service of more  
391 than 90 days from a position that requires screening by a  
392 specified agency must submit to a national screening if the  
393 person returns to a position that requires screening by a  
394 specified agency.

395 2. Effective January 1, 2026, or a later date as determined  
396 by the Agency for Health Care Administration, for the  
397 participation of qualified entities in the clearinghouse under  
398 s. 435.12, a person with a break in service of more than 90 days  
399 from a position for which screening is conducted by a qualified  
400 entity participating in the clearinghouse must submit to a  
401 national screening if the person returns to a position for which  
402 screening is conducted by a qualified entity.

403 (c) An employer of persons subject to screening or a  
404 qualified entity participating in the clearinghouse ~~by a~~  
405 ~~specified agency~~ must register with the clearinghouse and  
406 maintain the employment or affiliation status of all persons

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407 included in ~~employees within~~ the clearinghouse.

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

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

416 (d) An employer or a qualified entity participating in the  
417 clearinghouse must register with and initiate all criminal  
418 history checks through the clearinghouse before referring an  
419 employee or potential employee or a person with a current or  
420 potential affiliation with a qualified entity for electronic  
421 fingerprint submission to the Department of Law Enforcement. The  
422 registration must include the person's ~~employee's~~ full first  
423 name, middle initial, and last name; social security number;  
424 date of birth; mailing address; sex; and race. Individuals,  
425 persons, applicants, and controlling interests that cannot  
426 legally obtain a social security number must provide an  
427 individual taxpayer identification number.

428 (3) (a) Employees of each district unit under s. 1001.30,  
429 special district units under s. 1011.24, the Florida School for  
430 the Deaf and the Blind under s. 1002.36, the Florida Virtual  
431 School under s. 1002.37, virtual instruction programs under s.  
432 1002.45, charter schools under s. 1002.33, hope operators under  
433 s. 1002.333, private schools participating in an educational  
434 scholarship program established pursuant to chapter 1002, and  
435 alternative schools under s. 1008.341 must be rescreened in

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436 compliance with the following schedule:

437 1. Employees for whom the last screening was conducted on  
438 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,  
439 2025 ~~2024~~.

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

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

446 Section 5. Paragraph (a) of subsection (1), paragraphs (a)  
447 and (b) of subsection (2), and subsection (4) of section  
448 943.0438, Florida Statutes, are amended to read:

449 943.0438 Athletic coaches for independent sanctioning  
450 authorities.—

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

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

453 1. Is authorized by an independent sanctioning authority to  
454 work as a coach, assistant coach, manager, or referee ~~for 20 or~~  
455 ~~more hours within a calendar year~~, whether for compensation or  
456 as a volunteer, for a youth athletic team based in this state;  
457 and

458 2. Has direct contact with one or more minors on the youth  
459 athletic team.

460 (2) An independent sanctioning authority shall:

461 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening under s.  
462 435.04 ~~pursuant to s. 435.03~~ of each current and prospective  
463 athletic coach. The authority may not delegate this  
464 responsibility to an individual team and may not authorize any



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465 person to act as an athletic coach unless a level 2 ± background  
466 screening is conducted and does not result in disqualification  
467 under paragraph (b). ~~Level 1 background screenings shall be~~  
468 ~~conducted annually for each athletic coach. For purposes of this~~  
469 ~~section, a background screening shall include a search of the~~  
470 ~~athletic coach's name or other identifying information against~~  
471 ~~state and federal registries of sexual predators and sexual~~  
472 ~~offenders, which are available to the public on Internet sites~~  
473 ~~provided by:~~

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

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

477 ~~2. For purposes of this section, a background screening~~  
478 ~~conducted by a commercial consumer reporting agency in~~  
479 ~~compliance with the federal Fair Credit Reporting Act using the~~  
480 ~~identifying information referenced in subparagraph 1. that~~  
481 ~~includes a level 1 background screening and a search of that~~  
482 ~~information against the sexual predator and sexual offender~~  
483 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~  
484 ~~deemed to satisfy the requirements of this paragraph.~~

485 ~~(b)1. Before January 1, 2026, or a later date as determined~~  
486 ~~by the Agency for Health Care Administration for the~~  
487 ~~participation of qualified entities in the Care Provider~~  
488 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~  
489 ~~any person from acting as an athletic coach as provided in s.~~  
490 ~~435.04 s. 435.03 or if he or she is identified on a registry~~  
491 ~~described in paragraph (a). The authority may allow a person~~  
492 ~~disqualified under this subparagraph ~~paragraph~~ to act as an~~  
493 ~~athletic coach if it determines that the person meets the~~

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494 requirements for an exemption from disqualification under s.  
495 435.07.

496 2. On or after January 1, 2026, or a later date as  
497 determined by the Agency for Health Care Administration, not  
498 allow any person to act as an athletic coach if he or she does  
499 not pass the background screening qualifications in s. 435.04.  
500 The authority may allow a person disqualified under this  
501 subparagraph to act as an athletic coach if the person has  
502 successfully completed the exemption from the disqualification  
503 process under s. 435.07.

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

508 Section 6. Paragraph (h) of subsection (2) of section  
509 943.05, Florida Statutes, is amended, and paragraph (i) is added  
510 to that subsection, to read:

511 943.05 Criminal Justice Information Program; duties; crime  
512 reports.—

513 (2) The program shall:

514 (h) For each specified agency, as defined in s. 435.02,  
515 each qualified entity participating in the Care Provider  
516 Background Screening Clearinghouse under s. 435.12, or any other  
517 agency or qualified entity that officially requests retention of  
518 fingerprints or for which retention is otherwise required by  
519 law, search all arrest fingerprint submissions received under s.  
520 943.051 against the fingerprints retained in the statewide  
521 automated biometric identification system under paragraph (g).

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

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

526 2. To participate in this search process, agencies or  
527 qualified entities must notify each person fingerprinted that  
528 his or her fingerprints will be retained, pay an annual fee to  
529 the department unless otherwise provided by law, and inform the  
530 department of any change in the affiliation, employment, or  
531 contractual status of each person whose fingerprints are  
532 retained under paragraph (g) if such change removes or  
533 eliminates the agency or qualified entity's basis or need for  
534 receiving reports of any arrest of that person, so that the  
535 agency or qualified entity is not obligated to pay the upcoming  
536 annual fee for the retention and searching of that person's  
537 fingerprints to the department. The department shall adopt a  
538 rule setting the amount of the annual fee to be imposed upon  
539 each participating agency or qualified entity for performing  
540 these searches and establishing the procedures for the retention  
541 of fingerprints and the dissemination of search results. The fee  
542 may be borne by the agency, qualified entity, or person subject  
543 to fingerprint retention or as otherwise provided by law.  
544 Consistent with the recognition of criminal justice agencies  
545 expressed in s. 943.053(3), these services must ~~shall~~ be  
546 provided to criminal justice agencies for criminal justice  
547 purposes free of charge. Qualified entities that elect to  
548 participate in the fingerprint retention and search process are  
549 required to timely remit the fee to the department by a payment  
550 mechanism approved by the department. If requested by the  
551 qualified entity, and with the approval of the department, such

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552 fees may be timely remitted to the department by a qualified  
553 entity upon receipt of an invoice for such fees from the  
554 department. Failure of a qualified entity to pay the amount due  
555 on a timely basis or as invoiced by the department may result in  
556 the refusal by the department to permit the qualified entity to  
557 continue to participate in the fingerprint retention and search  
558 process until all fees due and owing are paid.

559 3. Agencies that participate in the fingerprint retention  
560 and search process may adopt rules pursuant to ss. 120.536(1)  
561 and 120.54 to require employers to keep the agency informed of  
562 any change in the affiliation, employment, or contractual status  
563 of each person whose fingerprints are retained under paragraph  
564 (g) if such change removes or eliminates the agency's basis or  
565 need for receiving reports of any arrest of that person, so that  
566 the agency is not obligated to pay the upcoming annual fee for  
567 the retention and searching of that person's fingerprints to the  
568 department.

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

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

573 943.0542 Access to criminal history information provided by  
574 the department to qualified entities.-

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

577 1. Register with the department before submitting a request  
578 for screening under this section. Each such request must be  
579 voluntary and conform to the requirements established in the  
580 National Child Protection Act of 1993, as amended. As a part of

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581 the registration, the qualified entity must agree to comply with  
582 state and federal law and must so indicate by signing an  
583 agreement approved by the department. The department shall ~~may~~  
584 periodically audit qualified entities to ensure compliance with  
585 federal law and this section.

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

588 ~~(b) A qualified entity shall submit to the department, and~~  
589 effective January 1, 2026, or a later date as determined by the  
590 Agency for Health Care Administration, submit to the agency a  
591 request for screening an employee or volunteer or person  
592 applying to be an employee or volunteer by submitting  
593 fingerprints, or the request may be submitted electronically.  
594 The qualified entity must maintain a signed waiver allowing the  
595 release of the state and national criminal history record  
596 information to the qualified entity.

597 ~~(b)(e)~~ Each such request for screening must be accompanied  
598 by payment of a fee for a statewide criminal history check ~~by~~  
599 ~~the department~~ established by s. 943.053, plus the amount  
600 currently prescribed by the Federal Bureau of Investigation for  
601 the national criminal history check in compliance with the  
602 National Child Protection Act of 1993, as amended. Payments must  
603 be made in the manner prescribed by the department or agency by  
604 rule.

605 ~~(c)(d)~~ Any current or prospective employee or volunteer who  
606 is subject to a request for screening must indicate to the  
607 qualified entity submitting the request the name and address of  
608 each qualified entity that has submitted a previous request for  
609 screening regarding that employee or volunteer.

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

616 (3) Through December 31, 2025, or a later date as  
617 determined by the Agency for Health Care Administration, the  
618 department shall provide directly to the qualified entity the  
619 state criminal history records that are not exempt from  
620 disclosure under chapter 119 or otherwise confidential under  
621 law. A person who is the subject of a state criminal history  
622 record may challenge the record only as provided in s. 943.056.  
623 Effective January 1, 2026, or a later date as determined by the  
624 Agency for Health Care Administration, the Care Provider  
625 Background Screening Clearinghouse may provide such records to  
626 the qualified entity only if the person challenges the record as  
627 provided in this subsection.

628 (4) The national criminal history data is available to  
629 qualified entities to use only for the purpose of screening  
630 employees and volunteers or persons applying to be an employee  
631 or volunteer with a qualified entity. Through December 31, 2026,  
632 or a later date as determined by the Agency for Health Care  
633 Administration, the department shall provide this national  
634 criminal history record information directly to the qualified  
635 entity as authorized by the written waiver required for  
636 submission of a request ~~to the department.~~ Effective January 1,  
637 2026, or a later date as determined by the Agency for Health  
638 Care Administration, the Care Provider Background Screening

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639 Clearinghouse may provide such record information to the  
640 qualified entity only if the person requests an exemption from  
641 the qualified entity under s. 435.07.

642 (5) The entity making the determination regarding screening  
643 shall apply the criteria under s. 435.04(2) to the state and  
644 national criminal history record information received from the  
645 department for those persons subject to screening. The  
646 determination whether the criminal history record shows that the  
647 employee or volunteer has not been arrested for and is awaiting  
648 final disposition of, regardless of adjudication, or entered a  
649 plea of nolo contendere or guilty to, or has been adjudicated  
650 delinquent and the record has not been sealed or expunged for,  
651 any offense listed under s. 435.02(2) ~~convicted of or is under~~  
652 ~~pending indictment for any crime that bears upon the fitness of~~  
653 ~~the employee or volunteer to have responsibility for the safety~~  
654 ~~and well-being of children, the elderly, or disabled persons~~  
655 shall ~~solely~~ be made by the qualified entity through December  
656 31, 2025, or a later date as determined by the Agency for Health  
657 Care Administration. Beginning January 1, 2026, or a later date  
658 as determined by the Agency for Health Care Administration, the  
659 Agency for Health Care Administration shall determine the  
660 eligibility of the employee or volunteer of a qualified entity.  
661 This section does not require the department to make such a  
662 determination on behalf of any qualified entity.

663 (6) The qualified entity or, effective January 1, 2026, or  
664 a later date as determined by the Agency for Health Care  
665 Administration, the Care Provider Background Screening  
666 Clearinghouse must notify in writing the person of his or her  
667 right to obtain a copy of any background screening report,

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668 including the criminal history records, if any, contained in the  
669 report, and of the person's right to challenge the accuracy and  
670 completeness of any information contained in any such report and  
671 to obtain a determination as to the validity of such challenge  
672 before a final determination regarding the person is made by the  
673 qualified entity reviewing the criminal history information. ~~A~~  
674 ~~qualified entity that is required by law to apply screening~~  
675 ~~criteria, including any right to contest or request an exemption~~  
676 ~~from disqualification, shall apply such screening criteria to~~  
677 ~~the state and national criminal history record information~~  
678 ~~received from the department for those persons subject to the~~  
679 ~~required screening.~~

680 Section 8. Section 1012.315, Florida Statutes, is amended  
681 to read:

682 1012.315 Screening standards.—A person is ineligible for  
683 educator certification or employment in any position that  
684 requires direct contact with students in a district school  
685 system, a charter school, or a private school that participates  
686 in a state scholarship program under chapter 1002 if the person:

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

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

691 (3) Is ineligible based on a security background  
692 investigation under s. 435.04(2). Beginning January 1, 2025, or  
693 a later date as determined by the Agency for Health Care  
694 Administration, the Agency for Health Care Administration shall  
695 determine the eligibility of employees in any position that  
696 requires direct contact with students in a district school



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697 system, a charter school, or a private school that participates  
698 in a state scholarship program under chapter 1002;

699 (4) Would be ineligible for an exemption under s.  
700 435.07(4)(c); ~~or, or has been convicted or found guilty of, has~~  
701 ~~had adjudication withheld for, or has pled guilty or nolo~~  
702 ~~contendere to:~~

703 (1) Any felony offense prohibited under any of the  
704 following statutes:

705 (a) Section 393.135, relating to sexual misconduct with  
706 certain developmentally disabled clients and reporting of such  
707 sexual misconduct.

708 (b) Section 394.4593, relating to sexual misconduct with  
709 certain mental health patients and reporting of such sexual  
710 misconduct.

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

713 (d) Section 782.04, relating to murder.

714 (e) Section 782.07, relating to manslaughter; aggravated  
715 manslaughter of an elderly person or disabled adult; aggravated  
716 manslaughter of a child; or aggravated manslaughter of an  
717 officer, a firefighter, an emergency medical technician, or a  
718 paramedic.

719 (f) Section 784.021, relating to aggravated assault.

720 (g) Section 784.045, relating to aggravated battery.

721 (h) Section 784.075, relating to battery on a detention or  
722 commitment facility staff member or a juvenile probation  
723 officer.

724 (i) Section 787.01, relating to kidnapping.

725 (j) Section 787.02, relating to false imprisonment.

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726 ~~(k) Section 787.025, relating to luring or enticing a~~  
727 ~~child.~~

728 ~~(l) Section 787.04(2), relating to leading, taking,~~  
729 ~~enticing, or removing a minor beyond the state limits, or~~  
730 ~~concealing the location of a minor, with criminal intent pending~~  
731 ~~custody proceedings.~~

732 ~~(m) Section 787.04(3), relating to leading, taking,~~  
733 ~~enticing, or removing a minor beyond the state limits, or~~  
734 ~~concealing the location of a minor, with criminal intent pending~~  
735 ~~dependency proceedings or proceedings concerning alleged abuse~~  
736 ~~or neglect of a minor.~~

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

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

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

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

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

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

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

751 ~~(u) Chapter 800, relating to lewdness and indecent~~  
752 ~~exposure.~~

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

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

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

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

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

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

762       ~~(bb) Section 812.019, relating to dealing in stolen~~  
763 ~~property.~~

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

765       ~~(dd) Section 812.131, relating to robbery by sudden~~  
766 ~~snatching.~~

767       ~~(ee) Section 812.133, relating to carjacking.~~

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

769       ~~(gg) Section 817.563, relating to fraudulent sale of~~  
770 ~~controlled substances.~~

771       ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~  
772 ~~or neglect of an elderly person or disabled adult.~~

773       ~~(ii) Section 825.103, relating to exploitation of an~~  
774 ~~elderly person or disabled adult.~~

775       ~~(jj) Section 825.1025, relating to lewd or lascivious~~  
776 ~~offenses committed upon or in the presence of an elderly person~~  
777 ~~or disabled person.~~

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

779       ~~(ll) Section 827.03, relating to child abuse, aggravated~~  
780 ~~child abuse, or neglect of a child.~~

781       ~~(mm) Section 827.04, relating to contributing to the~~  
782 ~~delinquency or dependency of a child.~~

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

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784 child.

785 ~~(oo) Section 843.01, relating to resisting arrest with~~  
786 ~~violence.~~

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

788 ~~(qq) Section 874.05, relating to causing, encouraging,~~  
789 ~~soliciting, or recruiting another to join a criminal street~~  
790 ~~gang.~~

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

794 ~~(ss) Section 916.1075, relating to sexual misconduct with~~  
795 ~~certain forensic clients and reporting of such sexual~~  
796 ~~misconduct.~~

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

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

801 ~~(vv) Section 985.711, relating to introduction, removal, or~~  
802 ~~possession of contraband at a juvenile detention facility or~~  
803 ~~commitment program.~~

804 ~~(2) Any misdemeanor offense prohibited under any of the~~  
805 ~~following statutes:~~

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

808 ~~(b) Section 787.025, relating to luring or enticing a~~  
809 ~~child.~~

810 (5)(3) Has been convicted or found guilty of, has had  
811 adjudication withheld for, or has pled guilty or nolo contendere  
812 to:

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

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

822        Section 9. Paragraph (a) of subsection (2) and paragraph  
823 (a) of subsection (7) of section 1012.467, Florida Statutes, are  
824 amended to read:

825        1012.467 Noninstructional contractors who are permitted  
826 access to school grounds when students are present; background  
827 screening requirements.—

828        (2) (a) A fingerprint-based criminal history check must  
829 ~~shall~~ be performed on each noninstructional contractor who is  
830 permitted access to school grounds when students are present,  
831 whose performance of the contract with the school or school  
832 board is not anticipated to result in direct contact with  
833 students, and for whom any unanticipated contact would be  
834 infrequent and incidental using the process described in s.  
835 1012.32(3). The results of each criminal history check must  
836 ~~shall~~ be reported to the school district in which the individual  
837 is seeking access and entered into the shared system described  
838 in subsection (7). The school district shall screen the results  
839 using the disqualifying offenses in paragraph (b). Beginning  
840 January 1, 2025, or a later date as determined by the Agency for  
841 Health Care Administration, the Agency for Health Care

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842 Administration shall determine the eligibility of a  
843 noninstructional contractor. The cost of the criminal history  
844 check may be borne by the district school board, the school, or  
845 the contractor.

846 (7) (a) The Department of Law Enforcement shall implement a  
847 system that allows for the results of a criminal history check  
848 provided to a school district to be shared with other school  
849 districts through a secure Internet website or other secure  
850 electronic means. School districts must accept reciprocity of  
851 level 2 screenings for Florida High School Athletic Association  
852 officials. Beginning January 1, 2025, or a later date as  
853 determined by the Agency for Health Care Administration, the  
854 background screening must be conducted through the Care Provider  
855 Background Screening Clearinghouse under s. 435.12.

856 Section 10. Paragraph (a) of subsection (10) of section  
857 1012.56, Florida Statutes, is amended to read:

858 1012.56 Educator certification requirements.—

859 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
860 PERIODICALLY.—

861 (a) Each person who seeks certification under this chapter  
862 must be fingerprinted and screened in accordance with s. 1012.32  
863 and must not be ineligible for such certification under s.  
864 1012.315. A person who has been screened in accordance with s.  
865 1012.32 by a district school board or the Department of  
866 Education within 12 months before the date the person initially  
867 obtains certification under this chapter, the results of which  
868 are submitted to the district school board or to the Department  
869 of Education, is not required to repeat the screening under this  
870 paragraph. Beginning January 1, 2025, or a later date as

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871 determined by the Agency for Health Care Administration, the  
872 background screening must be conducted through the Care Provider  
873 Background Screening Clearinghouse under s. 435.12.

874 Section 11. (1) Sections 1001.10, 1001.42, 1001.51,  
875 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and  
876 1012.796, Florida Statutes, are reenacted for the purpose of  
877 incorporating the amendments made by this act to s. 1012.315,  
878 Florida Statutes, in references thereto.

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

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

886 Section 13. (1) For the 2023-2024 fiscal year, the sums of  
887 \$400,000 in recurring funds from the Health Care Trust Fund and  
888 \$4 million in nonrecurring funds from the Health Care Trust Fund  
889 are appropriated to the Agency for Health Care Administration.

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

891 Section 14. Except as otherwise expressly provided in this  
892 act and except for this section, which shall take effect upon  
893 this act becoming a law, this act shall take effect July 1,  
894 2024.