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1
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:

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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) ;

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

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.