

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/CS/HB 531](#)

TITLE: Child Care Facility and Program Background Screening Requirements

SPONSOR(S): Hunschofsky, Trabulsky

COMPANION BILL: [CS/SB 614](#) (Polsky)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Human Services](#)

18 Y, 0 N, As CS



[Health Care Budget](#)

13 Y, 0 N, As CS



[Health & Human Services](#)

SUMMARY

Effect of the Bill:

The bill requires the Agency for Health Care Administration, in consultation with all specified agencies, to create and maintain a publicly available webpage that provides care provider background screening education and awareness.

Fiscal or Economic Impact:

The bill has a significant, negative fiscal impact on state government. See Fiscal or Economic Impact.

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ANALYSIS

EFFECT OF THE BILL:

Care Provider Background Screening Clearinghouse

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by the Agency for Health Care Administration (AHCA), which retains fingerprint data to streamline repeated background screenings and allow the results of criminal history checks of persons acting as covered care providers to be shared among [specified agencies](#). Beginning January 1, 2026, current law will allow AHCA to also share the results of criminal history checks with [qualified entities](#).

The bill requires AHCA, in consultation with the specified agencies, to develop and maintain a publicly available webpage that provides care provider background screening education and awareness. The webpage may be part of the Clearinghouse. Under the bill, the education awareness resources available on the webpage must be written in nontechnical and accessible language, tailored to the qualified entities. (Section [1](#)). The resources must include, but are not limited to:

- Information and education related to employment screening requirements of qualified entities, to include:
 - The Clearinghouse;
 - Level 2 screening standards; and
 - Live-scan fingerprinting, or other third-party systems, including information on process, vendors, location, and potential costs.
- A searchable catalog, by specified agency, of qualified entity employment classes and positions required by law to undergo employment screening through the Clearinghouse, to include:
 - Disqualifying offenses; and
 - Exemption requirements and process.

STORAGE NAME: h0531d.HHS

DATE: 4/21/2025

- A downloadable checklist detailing the process, timelines, and contact information for employment screening process support, tailored to qualified entities.

The bill requires each specified agency to include a clear and conspicuous link to the webpage on its website and provide the link in all job vacancy advertisements and posts by the qualified entity. (Section [1](#))

The webpage must be active by January 1, 2026 and AHCA must review and update the info by October 1, 2026, and by October 1 each year thereafter, to incorporate any changes to law, the Clearinghouse, or the employment screening process. (Section [1](#))

The bill provides an effective date of July 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

AHCA estimates the cost to comply with the bill is \$223,908 (\$205,682/recurring, \$18,266/nonrecurring). AHCA will use the funds to hire additional staff within the Background Screening Unit to oversee the implementation, facilitation, and upkeep of the website.¹

The House proposed General Appropriations Act for Fiscal Year 2025-2026 does not include an appropriation to AHCA for the cost of the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Criminal Background Screening

Under current law, certain professions and employment settings² are subject to criminal background screening and licensure or employment disqualification for certain past criminal offenses. Chapter [435, F.S.](#), establishes procedures and requirements for criminal history background screening. There are two levels of background screening: Level 1 and Level 2.

- Level 1: Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,³ and may include criminal records checks through local law enforcement agencies.⁴
- Level 2: Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.⁵

Disqualifying Offenses

Individuals subject to background screening are disqualified from certain employment and licensure if they have been arrested for and are awaiting final disposition of, been found guilty of regardless of adjudication, entered a

¹ Agency for Health Care Administration (April 18, 2025), *2025 Agency Legislative Bill Analysis for CS/CS/HB 531*, on file with the Health and Human Services Committee.

² S. [435.02, F.S.](#), defines “employee” to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.

³ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, www.nsopw.gov (last visited April 18, 2025).

⁴ Florida Department of Law Enforcement, *State of Florida Criminal History Records Check*, <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited April 18, 2025).

⁵ S. [435.04, F.S.](#)

plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following offenses, or similar offenses in another jurisdiction:⁶

- Section [39.205, F.S.](#), relating to the failure to report child abuse, abandonment, or neglect.
- Section [393.135, F.S.](#), relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section [394.4593, F.S.](#), relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section [414.39, F.S.](#), relating to fraud, if the offense was a felony.
- Section [415.111, F.S.](#), relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section [777.04, F.S.](#), relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
- Section [782.04, F.S.](#), relating to murder.
- Section [782.07, F.S.](#), relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section [782.071, F.S.](#), relating to vehicular homicide.
- Section [782.09, F.S.](#), relating to killing of an unborn child by injury to the mother.
- Chapter [784, F.S.](#), relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section [784.011, F.S.](#), relating to assault, if the victim of the offense was a minor.
- Section [784.021, F.S.](#), relating to aggravated assault.
- Section [784.03, F.S.](#), relating to battery, if the victim of the offense was a minor.
- Section [784.045, F.S.](#), relating to aggravated battery.
- Section [784.075, F.S.](#), relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Section [787.01, F.S.](#), relating to kidnapping.
- Section [787.02, F.S.](#), relating to false imprisonment.
- Section [787.025, F.S.](#), relating to luring or enticing a child.
- Section [787.04\(2\), F.S.](#), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section [787.04\(3\), F.S.](#), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section [787.06, F.S.](#), relating to human trafficking.
- Section [787.07, F.S.](#), relating to human smuggling.
- Section [790.115\(1\), F.S.](#), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section [790.115\(2\)\(b\), F.S.](#), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section [794.011, F.S.](#), relating to sexual battery.
- Former [s. 794.041, F.S.](#), relating to prohibited acts of persons in familial or custodial authority.
- Section [794.05, F.S.](#), relating to unlawful sexual activity with certain minors.
- Section [794.08, F.S.](#), relating to female genital mutilation.
- Chapter [796, F.S.](#), relating to prostitution.
- Section [798.02, F.S.](#), relating to lewd and lascivious behavior.
- Chapter [800, F.S.](#), relating to lewdness and indecent exposure.
- Section [806.01, F.S.](#), relating to arson.
- Section [810.02, F.S.](#), relating to burglary.
- Section [810.14, F.S.](#), relating to voyeurism, if the offense is a felony.
- Section [810.145, F.S.](#), relating to video voyeurism, if the offense is a felony.
- Chapter [812, F.S.](#), relating to theft, robbery, and related crimes, if the offense is a felony.
- Section [817.563, F.S.](#), relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section [825.102, F.S.](#), relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

⁶ S. [435.04\(2\), F.S.](#)

- Section [825.1025, F.S.](#), relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section [825.103, F.S.](#), relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section [826.04, F.S.](#), relating to incest.
- Section [827.03, F.S.](#), relating to child abuse, aggravated child abuse, or neglect of a child.
- Section [827.04, F.S.](#), relating to contributing to the delinquency or dependency of a child.
- Former [s. 827.05, F.S.](#), relating to negligent treatment of children.
- Section [827.071, F.S.](#), relating to sexual performance by a child.
- Section [831.311, F.S.](#), relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Section [836.10, F.S.](#), relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Section [843.01, F.S.](#), relating to resisting arrest with violence.
- Section [843.025, F.S.](#), relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section [843.12, F.S.](#), relating to aiding in an escape.
- Section [843.13, F.S.](#), relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter [847, F.S.](#), relating to obscene literature.
- Section [859.01, F.S.](#), relating to poisoning food or water.
- Section [873.01, F.S.](#), relating to the prohibition on the purchase or sale of human organs and tissue.
- Section [874.05, F.S.](#), relating to encouraging or recruiting another to join a criminal gang.
- Chapter [893, F.S.](#), relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section [916.1075, F.S.](#), relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section [944.35\(3\), F.S.](#), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section [944.40, F.S.](#), relating to escape.
- Section [944.46, F.S.](#), relating to harboring, concealing, or aiding an escaped prisoner.
- Section [944.47, F.S.](#), relating to introduction of contraband into a correctional facility.
- Section [985.701, F.S.](#), relating to sexual misconduct in juvenile justice programs.
- Section [985.711, F.S.](#), relating to contraband introduced into detention facilities.

Any history of a listed offense is considered disqualifying regardless of when the offense was committed.

Exemptions

For individuals who are disqualified from employment due to their criminal history, current law includes an exemption process. An exemption allows that individual to be employed in a profession or workplace where background screening is statutorily required despite the disqualifying offense in that person's past if that person meets certain criteria. The individual must demonstrate by clear and convincing evidence that they have been rehabilitated, will not present a danger, and should not be disqualified from employment.⁷ The agency head may grant the exemption from disqualification if all court ordered fees, fines, liens, applications, costs of prosecution, trusts, or restitution have been paid, and either:⁸

- Two years have elapsed since the individual has completed or been lawfully released from confinement supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

⁷ S. [435.07, F.S.](#)

⁸ *Id.*

Receiving an exemption allows that individual to work despite the disqualifying crime in that person's past. However, an individual who is considered a sexual predator,⁹ career offender,¹⁰ or a registered sexual offender¹¹ is not eligible for exemption.¹²

[Care Provider Background Screening Clearinghouse](#)

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by AHCA, in consultation with the Florida Department of Law Enforcement (FDLE), which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.¹³ The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,¹⁴ which continually matches fingerprints retained in the Clearinghouse against fingerprints received for new arrests that occur after the individual was originally screened.¹⁵ Once a person's screening record is in the Clearinghouse, that person may avoid the need for any future state screens and related fees for screenings, depending on the screening agencies or organizations.¹⁶

The Clearinghouse is authorized to share background screening results with specified agencies and qualified entities that are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled. The [specified agencies](#) currently outlined in law include:¹⁷

- AHCA;
- Department of Health;
- Department of Children and Families;
- Department of Elderly Affairs;
- Department of Juvenile Justice;
- Agency for Persons with Disabilities;
- Department of Education, and related entities including district units, special district units, the Florida School for the Deaf and Blind, the Florida Virtual School, virtual instruction programs, charter schools, hope operators, private schools participating in certain scholarship programs, and alternative schools;
- Regional workforce development boards; and
- Local licensing agencies responsible for licensing child care providers.

Beginning no earlier than January 1, 2026, the Clearinghouse may share results of criminal history checks with other entities participating in the Clearinghouse, referred to as "[qualified entities](#)."¹⁸ These are businesses or organizations which provide care or care placement services for children or vulnerable adults, such as a youth athletics teams under an independent sanctioning authority.¹⁹ A qualified entity participating in the Clearinghouse must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.²⁰

⁹ S. [775.21, F.S.](#)

¹⁰ S. [775.261, F.S.](#)

¹¹ S. [943.0435, F.S.](#)

¹² S. [435.07\(4\)\(b\), F.S.](#)

¹³ S. [435.12, F.S.](#)

¹⁴ The Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. For more information, see the Federal Bureau of Investigation, Privacy Impact Assessment for the Next Generation Identification (NGI) Rap Back Service. Available at <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited April 18, 2025).

¹⁵ S. [435.12\(2\), F.S.](#)

¹⁶ Agency for Health Care Administration, *Clearinghouse Renewals*. Available at https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml (last visited April 18, 2025).

Fingerprints are retained for five years. Employers have an option to renew screenings at the end of the five-year period through a "Clearinghouse Renewal" process which allows employee's fingerprints to be retained without being re-fingerprinted.

¹⁷ S. [435.02, F.S.](#)

¹⁸ S. [435.12\(1\), F.S.](#)

¹⁹ S. [943.0542\(1\), F.S.](#)

²⁰ S. [435.12\(2\), F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/SB 676	Trabulsy	Grall	Approved by Governor

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Human Services Subcommittee	18 Y, 0 N, As CS	3/11/2025	Mitz	Clenord
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none">• Modifies the definition of recreational enrichment programs to specify that the programs must take place in-person and removes “music instruction” from the list of types of instructions.• Specifies that the background screening public awareness campaign is subject to legislative appropriation.• Makes a technical change to conform a cross reference.			
Health Care Budget Subcommittee	13 Y, 0 N, As CS	4/9/2025	Clark	Smith
THE CHANGES ADOPTED BY THE COMMITTEE:	Click or tap here to enter text.			
Health & Human Services Committee		4/21/2025	Calamas	Clenord

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
