

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Health and Human Services

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BILL: CS/SB 614

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Polsky

SUBJECT: Public Education of Background Screening Requirements

DATE: April 14, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	<b>Fav/CS</b>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<b>Pre-meeting</b>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 614 requires the Agency for Health Care Administration (AHCA), in coordination with other specified agencies, to launch a user-friendly, public-facing webpage by January 1, 2026, that serves as a centralized hub for background screening education and awareness.

The site must explain the Care Provider Background Screening Clearinghouse process, Level 2 screening requirements, fingerprinting procedures, and include a searchable job catalog, disqualifying offenses, exemption steps, and a downloadable checklist.

Additionally, the bill requires all specified agencies to prominently link to this resource from their websites and encourage the inclusion of the link in job postings. Annual updates are required by October 1.

The bill has an insignificant, negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

## II. Present Situation:

### Criminal Background Screening

Criminal background screening plays a key role in protecting vulnerable populations such as children, individuals with disabilities, and the elderly. The Florida Department of Law Enforcement (FDLE) operates the Care Provider Background Screening Clearinghouse, which handles fingerprint-based background checks for individuals applying to work in various care settings. These screenings include both state and federal criminal history checks. Level 2 screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation (FBI).<sup>1</sup>

Various state agencies require background screenings depending on the population served. For example, the Department of Children and Families (DCF) mandates screenings for individuals working in childcare facilities, foster care, adoption agencies, and certain recreational programs.<sup>2</sup> The Agency for Health Care Administration (AHCA) also plays a role in oversight, particularly for health care providers.<sup>3</sup> Other agencies include the Department of Health (DOH), the Department of Elder Affairs (DOEA), the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD), and the Department of Education (DOE) and specific entities, including school districts, special districts, the Florida School for the Deaf and the Blind, the Florida Virtual School, charter schools and alternative schools, workforce boards, and local licensing agencies, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.<sup>4</sup>

To ensure accountability, statute enforces strict penalties for noncompliance. Programs that fail to screen personnel or knowingly retain individuals with disqualifying offenses may face legal action.<sup>5</sup> Under s. 409.175(12), F.S., such violations can result in first-degree misdemeanor or third-degree felony charges, depending on the circumstances.<sup>6</sup>

Chapter 435, F.S., sets the legal standards for background screening of individuals in positions of trust, particularly those working with vulnerable populations. It outlines Level 1 (state-only) and Level 2 (state and federal fingerprint-based) screenings:

- **Level 1:** Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement

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<sup>1</sup> Section 435.01, F.S.

<sup>2</sup> Department of Children and Families, *Background Screening*, available at <https://www.myflfamilies.com/services/background-screening> (last visited March 26, 2025).

<sup>3</sup> Agency for Health Care Administration, *Background Screening*, available at <https://ahca.myflorida.com/health-quality-assurance/bureau-of-central-services/background-screening> (last visited March 26, 2025).

<sup>4</sup> Section 435.02(7), F.S.

<sup>5</sup> Section 409.175, F.S.

<sup>6</sup> *Id.*

(FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,<sup>7</sup> and may include criminal records checks through local law enforcement agencies.<sup>8,9</sup>

- **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.<sup>10</sup>

Florida law prohibits anyone, including individuals, agencies, foster homes, and children's camps, from using criminal or juvenile record information obtained through background screening for anything other than employment decisions.<sup>11</sup>

### *Disqualifying Offenses*

Disqualifying offense refers to a criminal conviction that legally bars an individual from employment in certain positions of trust or care, particularly those involving vulnerable populations such as children, the elderly, or persons with disabilities.<sup>12</sup> If a person has been convicted of a disqualifying offense, they are generally ineligible for employment in licensed facilities or programs unless they obtain an exemption from disqualification.<sup>13</sup> Employers are prohibited from hiring individuals with these offenses unless a formal exemption is granted by the appropriate agency.<sup>14</sup> Disqualifying offenses include:

Statute	Offense Description
39.205	Failure to report child abuse, abandonment, or neglect
393.135	Sexual misconduct with developmentally disabled clients
394.4593	Sexual misconduct with mental health patients
414.39	Public assistance fraud (felony)
415.111	Abuse, neglect, or exploitation of aged or disabled adults
777.04	Attempts, solicitation, and conspiracy to commit listed offenses
782.04	Murder
782.07	Manslaughter and aggravated manslaughter
782.071	Vehicular homicide
782.09	Killing of unborn child by injury to mother
Chapter 784	Felony assault, battery, or culpable negligence
784.011	Assault (victim was a minor)
784.021	Aggravated assault
784.03	Battery (victim was a minor)
784.045	Aggravated battery

<sup>7</sup> 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](http://www.nsopw.gov) (last visited March 26, 2025).

<sup>8</sup> 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 March 26, 2025).

<sup>9</sup> Section 435.03, F.S.

<sup>10</sup> Section 435.04, F.S.

<sup>11</sup> Section 409.175(12), F.S.

<sup>12</sup> Section 435.01, F.S.

<sup>13</sup> Section 435.07, F.S.

<sup>14</sup> Section 435.06, F.S.

Statute	Offense Description
784.075	Battery on facility staff or juvenile probation officer
787.01	Kidnapping
787.02	False imprisonment
787.025	Luring or enticing a child
787.04(2)	Interfering with custody—taking child beyond state lines
787.04(3)	Avoiding custody hearing—taking child beyond state lines
787.06	Human trafficking
787.07	Human smuggling
790.115(1)	Exhibiting firearms or weapons within 1,000 feet of school
790.115(2)(b)	Possessing weapons on school property
794.011	Sexual battery
794.041	Prohibited acts by persons in familial/custodial authority
794.05	Unlawful sexual activity with certain minors
794.08	Female genital mutilation
Chapter 796	Prostitution-related offenses
798.02	Lewd and lascivious behavior
Chapter 800	Lewdness and indecent exposure
806.01	Arson
810.02	Burglary
810.14	Voyeurism (felony)
810.145	Video voyeurism (felony)
Chapter 812	Theft, robbery, and related crimes (felony)
817.563	Fraudulent sale of controlled substances (felony)
825.102	Abuse or neglect of elderly or disabled adult
825.1025	Lewd acts upon elderly or disabled adult
825.103	Exploitation of elderly or disabled adult (felony)
826.04	Incest
827.03	Child abuse or neglect
827.04	Contributing to delinquency or dependency of a child
827.05	Negligent treatment of children (former statute)
827.071	Sexual performance by a child
831.311	Counterfeit-resistant prescription blanks
836.10	Threats of violence or terrorism
843.01	Resisting arrest with violence
843.025	Depriving officer of communication or protection
843.12	Aiding in an escape
843.13	Aiding juvenile inmate escape
Chapter 847	Obscene literature
859.01	Poisoning food or water
873.01	Illegal sale or purchase of human organs or tissue
874.05	Gang recruitment or encouragement
Chapter 893	Drug offenses (felony or involving minors)
916.1075	Sexual misconduct with forensic clients
944.35(3)	Cruel treatment of inmate causing great bodily harm

Statute	Offense Description
944.40	Escape
944.46	Aiding escaped prisoner
944.47	Introducing contraband into correctional facility
985.701	Sexual misconduct in juvenile programs
985.711	Contraband in detention facilities

### ***Exemptions***

An exemption from disqualification in Florida allows individuals who have been disqualified from employment due to a criminal offense to request permission to work in positions requiring background screening, despite their criminal history.<sup>15</sup> According to statute, the licensing agency may grant to any employee otherwise disqualified from employment an exemption from disqualification for employment or permission to work solely in a nonclient-facing role if certain criteria are met.<sup>16</sup> The exemptions are as follows:<sup>17</sup>

- 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.

Exemptions from disqualification are not available for individuals convicted of certain serious criminal offenses such as sexual misconduct with children, murder, kidnapping, human trafficking, and other violent or sexually explicit offenses involving vulnerable populations unless a specific statutory provision allows it.<sup>18</sup> These offenses are viewed as incompatible with positions of trust or care, particularly those involving children, the elderly, or persons with disabilities.<sup>19</sup>

### ***Care Provider Background Screening Clearinghouse***

The Care Provider Background Screening Clearinghouse (Clearinghouse) was first authorized in 2010 to create a centralized system for background screening across multiple health and human services agencies.<sup>20</sup> Prior to the Clearinghouse, individuals working with vulnerable populations, such as children, the elderly, or persons with disabilities, who often had to undergo separate background checks for each agency or employer, even within similar roles. This resulted in unnecessary delays, duplication of efforts, and increased costs for providers and the state.

The Clearinghouse was formally launched and began operations in 2012 in coordination with the AHCA and other state agencies.<sup>21</sup> The statute authorizes the AHCA to implement and maintain

<sup>15</sup> Section 435.07(1), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 435.07, F.S.

<sup>18</sup> Section 435.07(4), F.S.

<sup>19</sup> Section 431.01, F.S.

<sup>20</sup> Section 435, F.S.

<sup>21</sup> Section 435.12, F.S.

the Clearinghouse in coordination with other state agencies, including the DCF, the DOH, the DOEA, the APD, the DJJ, and the DOE.<sup>22</sup>

The Clearinghouse allows these agencies to access and share background screening results and eligibility determinations for individuals working or seeking to work in positions that require screening.<sup>23</sup> Authorized employers and state agencies can access screening results and eligibility decisions in real time, helping speed up hiring and licensing.<sup>24</sup> Each screening includes a photo to verify the person's identity.<sup>25</sup> All screenings are Level 2 background checks, which include fingerprinting and checks with the FDLE, the FBI, and state abuse registries.<sup>26</sup> The Clearinghouse stores fingerprints for up to five years using the FDLE Civil Workflow Control System (CWCS) and allows for easy rescreening and ongoing monitoring.<sup>27</sup> The Clearinghouse ensures regulatory compliance, prevents unnecessary duplication, and supports continuity across sectors while maintaining the integrity and security of screening information.

### III. Effect of Proposed Changes:

**Section 1** amends s. 435.12, F.S., to require the Agency for Health Care Administration (AHCA), in coordination with other specified agencies, to create a public-facing webpage that serves as a centralized hub for background screening education and awareness. This webpage must be accessible, non-technical, and tailored to qualified entities.

The webpage must explain how the Care Provider Background Screening Clearinghouse works, clarify Level 2 screening requirements, and outline procedures for live-scan fingerprinting, including vendor information and estimated costs. It must also feature a searchable catalog listing all employment positions legally subject to screening, identifying disqualifying offenses and outlining the exemption process.

The site must provide a downloadable checklist that summarizes key steps, timelines, and agency contacts related to the screening process. Additionally, the bill requires all specified agencies to prominently link to this resource from their websites and encourage the inclusion of the link in job postings.

The webpage must go live by January 1, 2026, and be updated annually by October 1 to reflect changes in law or process.

**Section 2** provides the bill takes effect July 1, 2025.

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<sup>23</sup> Section 435.12(1), F.S.

<sup>23</sup> Section 435.12(1), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 435.12(2)(c), F.S.

<sup>26</sup> Section 435.04, F.S.

<sup>27</sup> Rule 59A-35.090, F.A.C.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None Identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None

**C. Government Sector Impact:**

The bill will have an insignificant, negative fiscal impact on state expenditures that can be absorbed within existing resources for the development, operation, and annual updating of a publicly accessible webpage as part of the Care Provider Background Screening Clearinghouse explaining background screening requirements and procedures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 435.12 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs Committee on April 1, 2025:**

The CS requires the Agency for Health Care Administration, in consultation with the Department of Law Enforcement and other specified agencies to:

- Develop and maintain a publicly available webpage as part of the existing Care Provider Background Screening Clearinghouse (Clearinghouse) system.
- Website must include clear, non-technical information tailored to qualified entities about background screening requirements.
  - Details on Level 2 background screening, the Clearinghouse and Live scan fingerprinting or similar system.
  - A searchable catalog, organized by agency, listing job classes/positions required to undergo screening, list of disqualifying offenses, exemption requirements and process, downloadable checklist outlining the screening process, timelines, and contact information, tailored for qualified entities.
- Each involved agency must provide a clear and conspicuous link to the webpage on their own websites and include the link in job vacancy ads and posts.
- Website must be live by January 1, 2026, and be reviewed and updated annually by October 1.

**B. Amendments:**

None.