

26 clearinghouse; authorizing the Agency for Health Care
27 Administration to change the start date; requiring the
28 Department of Law Enforcement to audit certain
29 entities; requiring certain fingerprints be entered
30 into the clearinghouse; requiring certain entities and
31 the clearinghouse comply with a specified laws;
32 authorizing the clearinghouse to take certain actions;
33 amending ss. 943.0585 and 943.059, F.S.; prohibiting
34 certain persons from denying criminal history records
35 that have been expunged or sealed; amending s.
36 1002.421, F.S.; revising background screening
37 requirements for certain private schools; amending s.
38 1012.315, F.S.; revising screening requirements for
39 specified individuals; providing applicability;
40 amending s. 1012.32, F.S.; revising the procedure for
41 background screenings; deleting the right to appeal
42 certain terminations; revising provisions specifying
43 financial responsibility and reimbursement for
44 background screenings; amending s. 1012.465, F.S.;
45 conforming provisions to changes made by the act;
46 amending s. 1012.467, F.S.; repealing certain
47 reciprocity provisions on a specified date; amending
48 s. 1012.56, F.S.; prohibiting certain persons from
49 having specified responsibilities before the results
50 of a background screening are available; requiring

51 certain provisions of the act be implemented by a
 52 certain date; providing an exception; providing
 53 effective dates.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsections (1), (2), (3), (4), (5), and (6) of
 58 section 435.02, Florida Statutes, are renumbered as subsections
 59 (2), (3), (4), (5), (7), and (8), respectively, present
 60 subsection (5) is amended, and new subsections (1) and (6) are
 61 added to that section, to read:

62 435.02 Definitions.—For the purposes of this chapter, the
 63 term:

64 (1) "Affiliation" means employment by or serving as a
 65 volunteer or contractor with a qualified entity in a position
 66 for which screening is not required by law but which is allowed
 67 under the National Child Protection Act.

68 (6) "Qualified entity" has the same meaning as provided in
 69 s. 943.0542(1) (b) .

70 (7)-(5) "Specified agency" means the Department of Health,
 71 the Department of Children and Families, ~~the Division of~~
 72 ~~Vocational Rehabilitation within the Department of Education,~~
 73 the Agency for Health Care Administration, the Department of
 74 Elderly Affairs, the Department of Juvenile Justice, the Agency
 75 for Persons with Disabilities, the Department of Education, each

76 district unit under s. 1001.30, special district units under s.
 77 1011.24, the Florida School for the Deaf and the Blind under s.
 78 1002.36, the Florida Virtual School under s. 1002.37, virtual
 79 instruction programs under s. 1002.45, charter schools under s.
 80 1002.33, hope operators under s. 1002.333, private schools
 81 participating in an educational scholarship program under s.
 82 1002.421, early learning coalitions under s. 1002.83,
 83 alternative schools under s. 1008.341, regional workforce boards
 84 providing services as defined in s. 445.002(3), and local
 85 licensing agencies approved pursuant to s. 402.307, when these
 86 agencies are conducting state and national criminal history
 87 background screening on persons who work with children or
 88 persons who are elderly or disabled.

89 Section 2. Paragraph (e) of paragraph (1) of section
 90 435.04, Florida Statutes, is redesignated as paragraph (d), and
 91 paragraphs (b) and (d) of that subsection are amended, to read:

92 435.04 Level 2 screening standards.—

93 (1)

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

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

101 Section 3. Section 435.12, Florida Statutes, is amended to
 102 read:

103 435.12 Care Provider Background Screening Clearinghouse.—

104 (1) The Agency for Health Care Administration in
 105 consultation with the Department of Law Enforcement shall create
 106 a secure web-based system, which shall be known as the "Care
 107 Provider Background Screening Clearinghouse" or
 108 "~~clearinghouse.~~" ~~and which shall be implemented to the full~~
 109 ~~extent practicable no later than September 30, 2013, subject to~~
 110 ~~the specified agencies being funded and equipped to participate~~
 111 ~~in such program.~~ The clearinghouse shall allow the results of
 112 criminal history checks provided to the specified agencies and,
 113 beginning January 1, 2024, qualified entities participating in
 114 the clearinghouse, for screening of persons qualified as care
 115 providers under s. 943.0542 to be shared among the specified
 116 agencies and such qualified entities when a person has applied
 117 to volunteer, be employed, be licensed, or enter into a contract
 118 that requires, or has an affiliation that allows for, a state
 119 and national fingerprint-based criminal history check. The
 120 Agency for Health Care Administration and the Department of Law
 121 Enforcement may adopt rules to create forms or implement
 122 procedures needed to carry out this section.

123 (2) (a) To ensure that the information in the clearinghouse
 124 is current, the fingerprints of a person ~~an employee required to~~
 125 ~~be screened by a specified agency and~~ included in the

126 clearinghouse must be:

127 1. Retained by the Department of Law Enforcement pursuant
128 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
129 Enforcement must report the results of searching those
130 fingerprints against state incoming arrest fingerprint
131 submissions to the Agency for Health Care Administration for
132 inclusion in the clearinghouse.

133 2. Retained by the Federal Bureau of Investigation in the
134 national retained print arrest notification program as soon as
135 the Department of Law Enforcement begins participation in such
136 program. Arrest prints will be searched against retained prints
137 at the Federal Bureau of Investigation and notification of
138 arrests will be forwarded to the Florida Department of Law
139 Enforcement and reported to the Agency for Health Care
140 Administration for inclusion in the clearinghouse.

141 3. Resubmitted for a Federal Bureau of Investigation
142 national criminal history check every 5 years until such time as
143 the fingerprints are retained by the Federal Bureau of
144 Investigation.

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

148 5. Submitted with a photograph of the person taken at the
149 time the fingerprints are submitted.

150 (b) Until such time as the fingerprints are enrolled in

151 the national retained print arrest notification program at the
152 Federal Bureau of Investigation, an employee with a break in
153 service of more than 90 days from a position that requires
154 screening ~~by a specified agency~~ must submit to a national
155 screening if the person returns to a position that requires
156 screening ~~by a specified agency~~.

157 (c) An employer of persons subject to screening or a
158 qualified entity participating in the clearinghouse ~~by a~~
159 ~~specified agency~~ must register with the clearinghouse and
160 maintain the employment or affiliation status of all persons
161 included employees within the clearinghouse. Initial employment
162 or affiliation status and any changes in status must be reported
163 within 10 business days.

164 (d) An employer or a qualified entity participating in the
165 clearinghouse must register with and initiate all criminal
166 history checks through the clearinghouse before referring an
167 employee or potential employee or a person with a current or
168 potential affiliation with a qualified entity participating in
169 the clearinghouse for electronic fingerprint submission to the
170 Department of Law Enforcement. The registration must include the
171 employee's full first name, middle initial, and last name;
172 social security number; date of birth; mailing address; sex; and
173 race. Individuals, persons, applicants, and controlling
174 interests that cannot legally obtain a social security number
175 must provide an individual taxpayer identification number.

176 (3)(a) Employees of each district unit under s. 1001.30,
177 special district units under s. 1011.24, the Florida School for
178 the Deaf and the Blind under s. 1002.36, the Florida Virtual
179 School under s. 1002.37, virtual instruction programs under s.
180 1002.45, charter schools under s. 1002.33, hope operators under
181 s. 1002.333, private schools participating in an educational
182 scholarship program under s. 1002.421, early learning coalitions
183 under 1002.83, and alternative schools under s. 1008.341 must be
184 rescreened in compliance with the following schedule:

185 1. Employees for whom the last screening was conducted on
186 or before June 30, 2019, must be rescreened by June 30, 2024.

187 2. Employees for whom the last screening conducted was
188 between July 1, 2019, and June 30, 2021, must be rescreened by
189 June 30, 2025.

190 3. Employees for whom the last screening conducted was
191 between July 1, 2021, and December 31, 2022, must be rescreened
192 by June 30, 2026.

193 (b) A person is not required to be rescreened before
194 January 1, 2023, solely for the purpose of retention under s.
195 435.12 if the person was screened before participation by the
196 specified agencies named in paragraph (3)(a) in the
197 clearinghouse.

198 ~~(3) An employee who has undergone a fingerprint-based~~
199 ~~criminal history check by a specified agency before the~~
200 ~~clearinghouse is operational is not required to be checked again~~

201 ~~solely for the purpose of entry in the clearinghouse. Every~~
 202 ~~employee who is or will become subject to fingerprint-based~~
 203 ~~criminal history checks to be eligible to be licensed, have~~
 204 ~~their license renewed, or meet screening or rescreening~~
 205 ~~requirements by a specified agency once the specified agency~~
 206 ~~participates in the clearinghouse shall be subject to the~~
 207 ~~requirements of this section with respect to entry of records in~~
 208 ~~the clearinghouse and retention of fingerprints for reporting~~
 209 ~~the results of searching against state incoming arrest~~
 210 ~~fingerprint submissions.~~

211 Section 4. Paragraph (a) of subsection (1), paragraphs (a)
 212 and (b) of subsection (2), and subsection (4) of section
 213 943.0438, Florida Statutes, are amended to read:

214 943.0438 Athletic coaches for independent sanctioning
 215 authorities.—

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

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

218 1. Is authorized by an independent sanctioning authority
 219 to work as a coach, assistant coach, or referee ~~for 20 or more~~
 220 ~~hours within a calendar year~~, whether for compensation or as a
 221 volunteer, for a youth athletic team based in this state; and

222 2. Has direct contact with one or more minors on the youth
 223 athletic team.

224 (2) An independent sanctioning authority shall:

225 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening pursuant to

226 s. 435.04 ~~s. 435.03~~ of each current and prospective athletic
227 coach. The authority may not delegate this responsibility to an
228 individual team and may not authorize any person to act as an
229 athletic coach unless a level 2 ~~1~~ background screening has been
230 ~~is~~ conducted and has ~~does~~ not resulted ~~result~~ in
231 disqualification under paragraph (b). ~~Level 1 background~~
232 ~~screenings shall be conducted annually for each athletic coach.~~
233 ~~For purposes of this section, a background screening shall~~
234 ~~include a search of the athletic coach's name or other~~
235 ~~identifying information against state and federal registries of~~
236 ~~sexual predators and sexual offenders, which are available to~~
237 ~~the public on Internet sites provided by:~~

238 ~~a. The Department of Law Enforcement under s. 943.043; and~~
239 ~~b. The Attorney General of the United States under 42~~
240 ~~U.S.C. s. 16920.~~

241 ~~2. For purposes of this section, a background screening~~
242 ~~conducted by a commercial consumer reporting agency in~~
243 ~~compliance with the federal Fair Credit Reporting Act using the~~
244 ~~identifying information referenced in subparagraph 1. that~~
245 ~~includes a level 1 background screening and a search of that~~
246 ~~information against the sexual predator and sexual offender~~
247 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~
248 ~~deemed to satisfy the requirements of this paragraph.~~

249 (b) Disqualify any person from acting as an athletic coach
250 as provided in s. 435.04 ~~s. 435.03~~ or if he or she is identified

251 ~~on a registry described in paragraph (a).~~ The authority may
 252 allow a person disqualified under this paragraph to act as an
 253 athletic coach if it determines that the person meets the
 254 requirements for an exemption from disqualification under s.
 255 435.07.

256 (4) ~~The Legislature encourages~~ Independent sanctioning
 257 authorities for youth athletic teams shall ~~to~~ participate in the
 258 Volunteer and Employee Criminal History System, as authorized by
 259 the National Child Protection Act of 1993 and s. 943.0542.

260 Section 5. Paragraph (h) of subsection (2) of section
 261 943.05, Florida Statutes, is amended, and paragraph (i) is added
 262 to that subsection, to read:

263 943.05 Criminal Justice Information Program; duties; crime
 264 reports.—

265 (2) The program shall:

266 (h) For each specified agency under s. 435.02, each
 267 qualified entity under s. 943.0542 participating in the Care
 268 Provider Background Screening Clearinghouse under s. 435.12, or
 269 any other agency or qualified entity that officially requests
 270 retention of fingerprints or for which retention is otherwise
 271 required by law, search all arrest fingerprint submissions
 272 received under s. 943.051 against the fingerprints retained in
 273 the statewide automated biometric identification system under
 274 paragraph (g).

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

276 fingerprints of a person subject to background screening as
277 provided in paragraph (g) shall be reported to the appropriate
278 agency or qualified entity.

279 2. To participate in this search process, agencies or
280 qualified entities must notify each person fingerprinted that
281 his or her fingerprints will be retained, pay an annual fee to
282 the department unless otherwise provided by law, and inform the
283 department of any change in the affiliation, employment, or
284 contractual status of each person whose fingerprints are
285 retained under paragraph (g) if such change removes or
286 eliminates the agency or qualified entity's basis or need for
287 receiving reports of any arrest of that person, so that the
288 agency or qualified entity is not obligated to pay the upcoming
289 annual fee for the retention and searching of that person's
290 fingerprints to the department. The department shall adopt a
291 rule setting the amount of the annual fee to be imposed upon
292 each participating agency or qualified entity for performing
293 these searches and establishing the procedures for the retention
294 of fingerprints and the dissemination of search results. The fee
295 may be borne by the agency, qualified entity, or person subject
296 to fingerprint retention or as otherwise provided by law.
297 Consistent with the recognition of criminal justice agencies
298 expressed in s. 943.053(3), these services shall be provided to
299 criminal justice agencies for criminal justice purposes free of
300 charge. Qualified entities that elect to participate in the

301 fingerprint retention and search process are required to timely
302 remit the fee to the department by a payment mechanism approved
303 by the department. If requested by the qualified entity, and
304 with the approval of the department, such fees may be timely
305 remitted to the department by a qualified entity upon receipt of
306 an invoice for such fees from the department. Failure of a
307 qualified entity to pay the amount due on a timely basis or as
308 invoiced by the department may result in the refusal by the
309 department to permit the qualified entity to continue to
310 participate in the fingerprint retention and search process
311 until all fees due and owing are paid.

312 3. Agencies that participate in the fingerprint retention
313 and search process may adopt rules pursuant to ss. 120.536(1)
314 and 120.54 to require employers to keep the agency informed of
315 any change in the affiliation, employment, or contractual status
316 of each person whose fingerprints are retained under paragraph
317 (g) if such change removes or eliminates the agency's basis or
318 need for receiving reports of any arrest of that person, so that
319 the agency is not obligated to pay the upcoming annual fee for
320 the retention and searching of that person's fingerprints to the
321 department.

322 (i) Develop, for federal approval, a method for
323 identifying or verifying an individual through automated
324 biometrics.

325 Section 6. Subsections (2), (3), and (4) of section

326 943.0542, Florida Statutes, are amended to read:

327 943.0542 Access to criminal history information provided
 328 by the department to qualified entities.—

329 (2)~~(a)~~ A qualified entity shall initiate all background
 330 criminal history checks through the department beginning January
 331 1, 2024, or a later date determined by the Agency for Health
 332 Care Administration, through the Care Provider Background
 333 Screening Clearinghouse under s. 435.12.

334 (a) If a qualified entity initiates a background criminal
 335 history check through the department, the qualified entity must:

336 1. Register with the department before submitting a
 337 request for screening under this section. Each such request must
 338 be voluntary and conform to the requirements established in the
 339 National Child Protection Act of 1993, as amended. As a part of
 340 the registration, the qualified entity must agree to comply with
 341 state and federal law and must so indicate by signing an
 342 agreement approved by the department. The department shall ~~may~~
 343 periodically audit qualified entities to ensure compliance with
 344 federal law and this section.

345 2.~~(b)~~ ~~A qualified entity shall~~ Submit to the department a
 346 request for screening an employee or volunteer or person
 347 applying to be an employee or volunteer by submitting
 348 fingerprints, or the request may be submitted electronically.
 349 The qualified entity must maintain a signed waiver allowing the
 350 release of the state and national criminal history record

351 information to the qualified entity.

352 ~~3.(e)~~ Each such request must be accompanied by payment of
353 a fee for a statewide criminal history check by the department
354 established by s. 943.053, plus the amount currently prescribed
355 by the Federal Bureau of Investigation for the national criminal
356 history check in compliance with the National Child Protection
357 Act of 1993, as amended. Payments must be made in the manner
358 prescribed by the department by rule.

359 ~~4.(d)~~ Any current or prospective employee or volunteer who
360 is subject to a request for screening must indicate to the
361 qualified entity submitting the request the name and address of
362 each qualified entity that has submitted a previous request for
363 screening regarding that employee or volunteer.

364 (b) If a qualified entity initiates a background criminal
365 history check through the clearinghouse, the qualified entity
366 must comply with s. 435.12. All fingerprints received under this
367 section must be entered into the clearinghouse as provided in s.
368 435.12.

369 (3) The clearinghouse or the department shall provide
370 directly to the qualified entity the state criminal history
371 records that are not exempt from disclosure under chapter 119 or
372 otherwise confidential under law. A person who is the subject of
373 a state criminal history record may challenge the record only as
374 provided in s. 943.056.

375 (4) The national criminal history data is available to

376 qualified entities to use only for the purpose of screening
377 employees and volunteers or persons applying to be an employee
378 or volunteer with a qualified entity. The clearinghouse or the
379 department shall provide this national criminal history record
380 information directly to the qualified entity as authorized by
381 the written waiver required for submission of a request to the
382 department.

383 Section 7. Paragraph (b) of subsection (6) of section
384 943.0585, Florida Statutes, is amended to read:

385 943.0585 Court-ordered expunction of criminal history
386 records.—

387 (6) EFFECT OF EXPUNCTION ORDER.—

388 (b) The person who is the subject of a criminal history
389 record that is expunged under this section or under other
390 provisions of law, including former ss. 893.14, 901.33, and
391 943.058, may lawfully deny or fail to acknowledge the arrests
392 covered by the expunged record, except when the subject of the
393 record:

- 394 1. Is a candidate for employment with a criminal justice
395 agency;
- 396 2. Is a defendant in a criminal prosecution;
- 397 3. Concurrently or subsequently petitions for relief under
398 this section, s. 943.0583, or s. 943.059;
- 399 4. Is a candidate for admission to The Florida Bar;
- 400 5. Is seeking to be employed or licensed by or to contract

401 with the Department of Children and Families, the Division of
402 Vocational Rehabilitation within the Department of Education,
403 the Agency for Health Care Administration, the Agency for
404 Persons with Disabilities, the Department of Health, the
405 Department of Elderly Affairs, or the Department of Juvenile
406 Justice or to be employed or used by such contractor or licensee
407 in a sensitive position having direct contact with children, the
408 disabled, or the elderly;

409 6.a. Is seeking to be employed or licensed by, or contract
410 with, the Department of Education, any district school board,
411 any university laboratory school, any charter school, a school
412 of hope, any private or parochial school, or any local
413 governmental entity that licenses child care facilities;

414 b. Is seeking or to be employed or used by a contractor or
415 licensee under sub-subparagraph a.; or

416 c. Is a person screened under s. 1012.467;

417 7. Is seeking to be licensed by the Division of Insurance
418 Agent and Agency Services within the Department of Financial
419 Services; or

420 8. Is seeking to be appointed as a guardian pursuant to s.
421 744.3125.

422 Section 8. Paragraph (b) of subsection (6) of section
423 943.059, Florida Statutes, is amended to read:

424 943.059 Court-ordered sealing of criminal history
425 records.—

426 (6) EFFECT OF ORDER.—

427 (b) The subject of the criminal history record sealed
 428 under this section or under other provisions of law, including
 429 former ss. 893.14, 901.33, and 943.058, may lawfully deny or
 430 fail to acknowledge the arrests covered by the sealed record,
 431 except when the subject of the record:

432 1. Is a candidate for employment with a criminal justice
 433 agency;

434 2. Is a defendant in a criminal prosecution;

435 3. Concurrently or subsequently petitions for relief under
 436 this section, s. 943.0583, or s. 943.0585;

437 4. Is a candidate for admission to The Florida Bar;

438 5. Is seeking to be employed or licensed by or to contract
 439 with the Department of Children and Families, the Division of
 440 Vocational Rehabilitation within the Department of Education,
 441 the Agency for Health Care Administration, the Agency for
 442 Persons with Disabilities, the Department of Health, the
 443 Department of Elderly Affairs, or the Department of Juvenile
 444 Justice or to be employed or used by such contractor or licensee
 445 in a sensitive position having direct contact with children, the
 446 disabled, or the elderly;

447 6.a. Is seeking to be employed or licensed by, or contract
 448 with, the Department of Education, a district school board, a
 449 university laboratory school, a charter school, a school of
 450 hope, a private or parochial school, or a local governmental

451 entity that licenses child care facilities;

452 b. Is seeking or to be employed or used by a contractor or
 453 licensee under subparagraph a.; or

454 c. Is a person screened under s. 1012.467;

455 7. Is attempting to purchase a firearm from a licensed
 456 importer, licensed manufacturer, or licensed dealer and is
 457 subject to a criminal history check under state or federal law;

458 8. Is seeking to be licensed by the Division of Insurance
 459 Agent and Agency Services within the Department of Financial
 460 Services;

461 9. Is seeking to be appointed as a guardian pursuant to s.
 462 744.3125; or

463 10. Is seeking to be licensed by the Bureau of License
 464 Issuance of the Division of Licensing within the Department of
 465 Agriculture and Consumer Services to carry a concealed weapon or
 466 concealed firearm. This subparagraph applies only in the
 467 determination of an applicant's eligibility under s. 790.06.

468 Section 9. Effective January 1, 2023, paragraph (e) of
 469 subsection (1) of section 1002.421, Florida Statutes, is amended
 470 to read:

471 1002.421 State school choice scholarship program
 472 accountability and oversight.—

473 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 474 school participating in an educational scholarship program
 475 established pursuant to this chapter must be a private school as

476 defined in s. 1002.01(2) in this state, be registered, and be in
 477 compliance with all requirements of this section in addition to
 478 private school requirements outlined in s. 1002.42, specific
 479 requirements identified within respective scholarship program
 480 laws, and other provisions of Florida law that apply to private
 481 schools, and must:

482 (e) Annually complete and submit to the department a
 483 notarized scholarship compliance statement certifying that all
 484 school employees and contracted personnel with direct student
 485 contact have undergone background screening pursuant to s.
 486 435.12 ~~s. 943.0542~~ and have met the screening standards as
 487 provided in s. 435.04.

488
 489 The department shall suspend the payment of funds to a private
 490 school that knowingly fails to comply with this subsection, and
 491 shall prohibit the school from enrolling new scholarship
 492 students, for 1 fiscal year and until the school complies. If a
 493 private school fails to meet the requirements of this subsection
 494 or has consecutive years of material exceptions listed in the
 495 report required under paragraph (q), the commissioner may
 496 determine that the private school is ineligible to participate
 497 in a scholarship program.

498 Section 10. Effective January 1, 2023, section 1012.315,
 499 Florida Statutes, is amended to read:

500 1012.315 Screening standards.—A person is ineligible for

501 educator certification or employment in any position that
 502 requires direct contact with students in a district school
 503 system, a charter school, or a private school that participates
 504 in a state scholarship program under chapter 1002 if the person
 505 is on the disqualification list maintained by the department
 506 pursuant to s. 1001.10(4)(b), is registered as a sex offender as
 507 described in 42 U.S.C. s. 9858f(c)(1)(C), would be ineligible
 508 for an exemption under s. 435.07(4)(c), or has been convicted or
 509 found guilty of, has had adjudication withheld for, or has pled
 510 guilty or nolo contendere to:

511 (1) Any felony offense prohibited under any of the
 512 following statutes:

513 (a) Section 393.135, relating to sexual misconduct with
 514 certain developmentally disabled clients and reporting of such
 515 sexual misconduct.

516 (b) Section 394.4593, relating to sexual misconduct with
 517 certain mental health patients and reporting of such sexual
 518 misconduct.

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

521 (d) Section 782.04, relating to murder.

522 (e) Section 782.07, relating to manslaughter, aggravated
 523 manslaughter of an elderly person or disabled adult, aggravated
 524 manslaughter of a child, or aggravated manslaughter of an
 525 officer, a firefighter, an emergency medical technician, or a

526 paramedic.

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

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

529 (h) Section 784.075, relating to battery on a detention or
 530 commitment facility staff member or a juvenile probation
 531 officer.

532 (i) Section 787.01, relating to kidnapping.

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

534 (k) Section 787.025, relating to luring or enticing a
 535 child.

536 (l) Section 787.04(2), relating to leading, taking,
 537 enticing, or removing a minor beyond the state limits, or
 538 concealing the location of a minor, with criminal intent pending
 539 custody proceedings.

540 (m) Section 787.04(3), relating to leading, taking,
 541 enticing, or removing a minor beyond the state limits, or
 542 concealing the location of a minor, with criminal intent pending
 543 dependency proceedings or proceedings concerning alleged abuse
 544 or neglect of a minor.

545 (n) Section 790.115(1), relating to exhibiting firearms or
 546 weapons at a school-sponsored event, on school property, or
 547 within 1,000 feet of a school.

548 (o) Section 790.115(2) (b), relating to possessing an
 549 electric weapon or device, destructive device, or other weapon
 550 at a school-sponsored event or on school property.

- 551 (p) Section 794.011, relating to sexual battery.
- 552 (q) Former s. 794.041, relating to sexual activity with or
- 553 solicitation of a child by a person in familial or custodial
- 554 authority.
- 555 (r) Section 794.05, relating to unlawful sexual activity
- 556 with certain minors.
- 557 (s) Section 794.08, relating to female genital mutilation.
- 558 (t) Chapter 796, relating to prostitution.
- 559 (u) Chapter 800, relating to lewdness and indecent
- 560 exposure.
- 561 (v) Section 800.101, relating to offenses against students
- 562 by authority figures.
- 563 (w) Section 806.01, relating to arson.
- 564 (x) Section 810.14, relating to voyeurism.
- 565 (y) Section 810.145, relating to video voyeurism.
- 566 (z) Section 812.014(6), relating to coordinating the
- 567 commission of theft in excess of \$3,000.
- 568 (aa) Section 812.0145, relating to theft from persons 65
- 569 years of age or older.
- 570 (bb) Section 812.019, relating to dealing in stolen
- 571 property.
- 572 (cc) Section 812.13, relating to robbery.
- 573 (dd) Section 812.131, relating to robbery by sudden
- 574 snatching.
- 575 (ee) Section 812.133, relating to carjacking.

- 576 (ff) Section 812.135, relating to home-invasion robbery.
 577 (gg) Section 817.563, relating to fraudulent sale of
 578 controlled substances.
 579 (hh) Section 825.102, relating to abuse, aggravated abuse,
 580 or neglect of an elderly person or disabled adult.
 581 (ii) Section 825.103, relating to exploitation of an
 582 elderly person or disabled adult.
 583 (jj) Section 825.1025, relating to lewd or lascivious
 584 offenses committed upon or in the presence of an elderly person
 585 or disabled person.
 586 (kk) Section 826.04, relating to incest.
 587 (ll) Section 827.03, relating to child abuse, aggravated
 588 child abuse, or neglect of a child.
 589 (mm) Section 827.04, relating to contributing to the
 590 delinquency or dependency of a child.
 591 (nn) Section 827.071, relating to sexual performance by a
 592 child.
 593 (oo) Section 843.01, relating to resisting arrest with
 594 violence.
 595 (pp) Chapter 847, relating to obscenity.
 596 (qq) Section 874.05, relating to causing, encouraging,
 597 soliciting, or recruiting another to join a criminal street
 598 gang.
 599 (rr) Chapter 893, relating to drug abuse prevention and
 600 control, if the offense was a felony of the second degree or

601 greater severity.

602 (ss) Section 916.1075, relating to sexual misconduct with
603 certain forensic clients and reporting of such sexual
604 misconduct.

605 (tt) Section 944.47, relating to introduction, removal, or
606 possession of contraband at a correctional facility.

607 (uu) Section 985.701, relating to sexual misconduct in
608 juvenile justice programs.

609 (vv) Section 985.711, relating to introduction, removal,
610 or possession of contraband at a juvenile detention facility or
611 commitment program.

612 (2) Any misdemeanor offense prohibited under any of the
613 following statutes:

614 (a) Section 784.03, relating to battery, if the victim of
615 the offense was a minor.

616 (b) Section 787.025, relating to luring or enticing a
617 child.

618 (3) Any criminal act committed in another state or under
619 federal law which, if committed in this state, constitutes an
620 offense prohibited under any statute listed in subsection (1) or
621 subsection (2).

622 (4) Any delinquent act committed in this state or any
623 delinquent or criminal act committed in another state or under
624 federal law which, if committed in this state, qualifies an
625 individual for inclusion on the Registered Juvenile Sex Offender

626 List under s. 943.0435(1)(h)1.d.

627 Section 11. The changes made to s. 1012.315, Florida
628 Statutes, by this act apply to individuals who are screened
629 after January 1, 2024.

630 Section 12. Effective January 1, 2023, subsections (2) and
631 (3) of section 1012.32, Florida Statutes, are amended to read:

632 1012.32 Qualifications of personnel.—

633 (2)(a) Instructional and noninstructional personnel who
634 are hired or contracted to fill positions that require direct
635 contact with students in any district school system or
636 university lab school must, upon employment or engagement to
637 provide services, undergo background screening as required under
638 s. 1012.465 or s. 1012.56, whichever is applicable.

639 (b)1. Instructional and noninstructional personnel who are
640 hired or contracted to fill positions in a charter school other
641 than a school of hope as defined in s. 1002.333, and members of
642 the governing board of such charter school, in compliance with
643 s. 1002.33(12)(g), upon employment, engagement of services, or
644 appointment, shall undergo background screening as required
645 under s. 1012.465 or s. 1012.56, whichever is applicable, ~~by~~
646 ~~filing with the district school board for the school district in~~
647 ~~which the charter school is located a complete set of~~
648 ~~fingerprints taken by an authorized law enforcement agency or an~~
649 ~~employee of the school or school district who is trained to take~~
650 ~~fingerprints.~~

651 2. Instructional and noninstructional personnel who are
652 hired or contracted to fill positions in a school of hope as
653 defined in s. 1002.333, and members of the governing board of
654 such school of hope, upon employment, engagement of services, or
655 appointment, shall undergo background screening as required
656 under s. 1012.465 or s. 1012.56, whichever is applicable ~~file~~
657 ~~with the school of hope a complete set of fingerprints taken by~~
658 ~~an authorized law enforcement agency, by an employee of the~~
659 ~~school of hope or school district who is trained to take~~
660 ~~fingerprints, or by any other entity recognized by the~~
661 ~~Department of Law Enforcement to take fingerprints.~~

662 (c) Instructional and noninstructional personnel who are
663 hired or contracted to fill positions that require direct
664 contact with students in an alternative school that operates
665 under contract with a district school system must, upon
666 employment or engagement to provide services, undergo background
667 screening as required under s. 1012.465 or s. 1012.56, whichever
668 is applicable, ~~by filing with the district school board for the~~
669 ~~school district to which the alternative school is under~~
670 ~~contract a complete set of fingerprints taken by an authorized~~
671 ~~law enforcement agency or an employee of the school or school~~
672 ~~district who is trained to take fingerprints.~~

673 (d) Student teachers and persons participating in a field
674 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
675 district school system, lab school, or charter school must, upon

676 engagement to provide services, undergo background screening as
677 required under s. 1012.56.

678
679 ~~Required fingerprints must be submitted to the Department of Law~~
680 ~~Enforcement for statewide criminal and juvenile records checks~~
681 ~~and to the Federal Bureau of Investigation for federal criminal~~
682 ~~records checks.~~ A person subject to this subsection who is found
683 ineligible for employment under s. 1012.315, or otherwise found
684 through background screening to have been convicted of any crime
685 involving moral turpitude as defined by rule of the State Board
686 of Education, may ~~shall~~ not be employed, engaged to provide
687 services, or serve in any position that requires direct contact
688 with students. ~~Probationary persons subject to this subsection~~
689 ~~terminated because of their criminal record have the right to~~
690 ~~appeal such decisions.~~ The cost of the background screening may
691 be borne by the employer ~~district school board, the charter~~
692 ~~school, the employee, the contractor,~~ or a person subject to
693 this subsection. ~~A district school board shall reimburse a~~
694 ~~charter school the cost of background screening if it does not~~
695 ~~notify the charter school of the eligibility of a governing~~
696 ~~board member or instructional or noninstructional personnel~~
697 ~~within the earlier of 14 days after receipt of the background~~
698 ~~screening results from the Florida Department of Law Enforcement~~
699 ~~or 30 days of submission of fingerprints by the governing board~~
700 ~~member or instructional or noninstructional personnel.~~

701 (3) A background screening required under this section
 702 shall be conducted in accordance with s. 435.12.

703 ~~(3)(a) All fingerprints submitted to the Department of Law~~
 704 ~~Enforcement as required by subsection (2) shall be retained by~~
 705 ~~the Department of Law Enforcement in a manner provided by rule~~
 706 ~~and entered in the statewide automated biometric identification~~
 707 ~~system authorized by s. 943.05(2)(b). Such fingerprints shall~~
 708 ~~thereafter be available for all purposes and uses authorized for~~
 709 ~~arrest fingerprints entered in the statewide automated biometric~~
 710 ~~identification system pursuant to s. 943.051.~~

711 ~~(b) The Department of Law Enforcement shall search all~~
 712 ~~arrest fingerprints received under s. 943.051 against the~~
 713 ~~fingerprints retained in the statewide automated biometric~~
 714 ~~identification system under paragraph (a). Any arrest record~~
 715 ~~that is identified with the retained fingerprints of a person~~
 716 ~~subject to the background screening under this section shall be~~
 717 ~~reported to the employing or contracting school district or the~~
 718 ~~school district with which the person is affiliated. Each school~~
 719 ~~district is required to participate in this search process by~~
 720 ~~payment of an annual fee to the Department of Law Enforcement~~
 721 ~~and by informing the Department of Law Enforcement of any change~~
 722 ~~in the affiliation, employment, or contractual status or place~~
 723 ~~of affiliation, employment, or contracting of its instructional~~
 724 ~~and noninstructional personnel whose fingerprints are retained~~
 725 ~~under paragraph (a). The Department of Law Enforcement shall~~

726 ~~adopt a rule setting the amount of the annual fee to be imposed~~
727 ~~upon each school district for performing these searches and~~
728 ~~establishing the procedures for the retention of instructional~~
729 ~~and noninstructional personnel fingerprints and the~~
730 ~~dissemination of search results. The fee may be borne by the~~
731 ~~district school board, the contractor, or the person~~
732 ~~fingerprinted.~~

733 ~~(c) Personnel whose fingerprints are not retained by the~~
734 ~~Department of Law Enforcement under paragraphs (a) and (b) must~~
735 ~~be reprinted and rescreened in accordance with subsection~~
736 ~~(2) upon reemployment or reengagement to provide services in~~
737 ~~order to comply with the requirements of this subsection.~~

738 Section 13. Effective January 1, 2023, section 1012.465,
739 Florida Statutes, is amended to read:

740 1012.465 Background screening requirements for certain
741 noninstructional school district employees and contractors.—

742 (1) Except as provided in s. 1012.467 or s. 1012.468,
743 noninstructional school district employees or contractual
744 personnel who are permitted access on school grounds when
745 students are present, who have direct contact with students or
746 who have access to or control of school funds must meet the
747 ~~level 2~~ screening requirements of ~~as described in~~ s. 1012.32.
748 Contractual personnel shall include any vendor, individual, or
749 entity under contract with a school or the school board.

750 (2) ~~Every 5 years following employment or entry into a~~

751 ~~contract in a capacity described in subsection (1), each person~~
752 ~~who is so employed or under contract with the school district~~
753 ~~must meet level 2 screening requirements as described in s.~~
754 ~~1012.32, at which time the school district shall request the~~
755 ~~Department of Law Enforcement to forward the fingerprints to the~~
756 ~~Federal Bureau of Investigation for the level 2 screening. If,~~
757 ~~for any reason following employment or entry into a contract in~~
758 ~~a capacity described in subsection (1), the fingerprints of a~~
759 ~~person who is so employed or under contract with the school~~
760 ~~district are not retained by the Department of Law Enforcement~~
761 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~
762 ~~set of fingerprints with the district school superintendent of~~
763 ~~the employing or contracting school district. Upon submission of~~
764 ~~fingerprints for this purpose, the school district shall request~~
765 ~~the Department of Law Enforcement to forward the fingerprints to~~
766 ~~the Federal Bureau of Investigation for the level 2 screening,~~
767 ~~and the fingerprints shall be retained by the Department of Law~~
768 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~
769 ~~state and federal criminal history check required by level 2~~
770 ~~screening may be borne by the district school board, the~~
771 ~~contractor, or the person fingerprinted. Under penalty of~~
772 ~~perjury, each person who is employed or under contract in a~~
773 ~~capacity described in subsection (1) must agree to inform his or~~
774 ~~her employer or the party with whom he or she is under contract~~
775 ~~within 48 hours if convicted of any disqualifying offense while~~

776 he or she is employed or under contract in that capacity.

777 (3) If it is found that a person who is employed or under
778 contract in a capacity described in subsection (1) does not meet
779 the screening level 2 requirements, the person shall be
780 immediately suspended from working in that capacity and shall
781 remain suspended until final resolution of any appeals.

782 Section 14. Subsections (2) through (7) of section
783 1012.467, Florida Statutes, are amended to read:

784 1012.467 Noninstructional contractors who are permitted
785 access to school grounds when students are present; background
786 screening requirements.—

787 (2)(a) A fingerprint-based criminal history check shall be
788 performed on each noninstructional contractor who is permitted
789 access to school grounds when students are present, whose
790 performance of the contract with the school or school board is
791 not anticipated to result in direct contact with students, and
792 for whom any unanticipated contact would be infrequent and
793 incidental using the process described in s. 1012.32(3).

794 ~~Criminal history checks shall be performed at least once every 5~~
795 ~~years. For the initial criminal history check, each~~
796 ~~noninstructional contractor who is subject to the criminal~~
797 ~~history check shall file with the Department of Law Enforcement~~
798 ~~a complete set of fingerprints taken by an authorized law~~
799 ~~enforcement agency or an employee of a school district, a public~~
800 ~~school, or a private company who is trained to take~~

801 ~~fingerprints. The fingerprints shall be electronically submitted~~
802 ~~for state processing to the Department of Law Enforcement, which~~
803 ~~shall in turn submit the fingerprints to the Federal Bureau of~~
804 ~~Investigation for national processing.~~ The results of each
805 criminal history check shall be reported to the school district
806 in which the individual is seeking access and entered into the
807 shared system described in subsection (7). The school district
808 shall screen the results using the disqualifying offenses in
809 paragraph (b)~~(g)~~. The cost of the criminal history check may be
810 borne by the district school board, the school, or the
811 contractor. ~~A fee that is charged by a district school board for~~
812 ~~such checks may not exceed 30 percent of the total amount~~
813 ~~charged by the Department of Law Enforcement and the Federal~~
814 ~~Bureau of Investigation.~~

815 ~~(b) As authorized by law, the Department of Law~~
816 ~~Enforcement shall retain the fingerprints submitted by the~~
817 ~~school districts pursuant to this subsection to the Department~~
818 ~~of Law Enforcement for a criminal history background screening~~
819 ~~in a manner provided by rule and enter the fingerprints in the~~
820 ~~statewide automated biometric identification system authorized~~
821 ~~by s. 943.05(2)(b). The fingerprints shall thereafter be~~
822 ~~available for all purposes and uses authorized for arrest~~
823 ~~fingerprints entered into the statewide automated biometric~~
824 ~~identification system under s. 943.051.~~

825 ~~(c) As authorized by law, the Department of Law~~

826 ~~Enforcement shall search all arrest fingerprints received under~~
827 ~~s. 943.051 against the fingerprints retained in the statewide~~
828 ~~automated biometric identification system under paragraph (b).~~

829 ~~(d) School districts may participate in the search process~~
830 ~~described in this subsection by paying an annual fee to the~~
831 ~~Department of Law Enforcement.~~

832 ~~(e) A fingerprint retained pursuant to this subsection~~
833 ~~shall be purged from the automated biometric identification~~
834 ~~system 5 years following the date the fingerprint was initially~~
835 ~~submitted. The Department of Law Enforcement shall set the~~
836 ~~amount of the annual fee to be imposed upon each participating~~
837 ~~agency for performing these searches and establishing the~~
838 ~~procedures for retaining fingerprints and disseminating search~~
839 ~~results. The fee may be borne as provided by law. Fees may be~~
840 ~~waived or reduced by the executive director of the Department of~~
841 ~~Law Enforcement for good cause shown.~~

842 ~~(f) A noninstructional contractor who is subject to a~~
843 ~~criminal history check under this section shall inform a school~~
844 ~~district that he or she has completed a criminal history check~~
845 ~~in another school district within the last 5 years. The school~~
846 ~~district shall verify the results of the contractor's criminal~~
847 ~~history check using the shared system described in subsection~~
848 ~~(7). The school district may not charge the contractor a fee for~~
849 ~~verifying the results of his or her criminal history check.~~

850 (b)-(g) A noninstructional contractor for whom a criminal

851 history check is required under this section may not have been
 852 convicted of any of the following offenses designated in the
 853 Florida Statutes, any similar offense in another jurisdiction,
 854 or any similar offense committed in this state which has been
 855 redesignated from a former provision of the Florida Statutes to
 856 one of the following offenses:

857 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 858 the registration of an individual as a sexual offender.

859 2. Section 393.135, relating to sexual misconduct with
 860 certain developmentally disabled clients and the reporting of
 861 such sexual misconduct.

862 3. Section 394.4593, relating to sexual misconduct with
 863 certain mental health patients and the reporting of such sexual
 864 misconduct.

865 4. Section 775.30, relating to terrorism.

866 5. Section 782.04, relating to murder.

867 6. Section 787.01, relating to kidnapping.

868 7. Any offense under chapter 800, relating to lewdness and
 869 indecent exposure.

870 8. Section 826.04, relating to incest.

871 9. Section 827.03, relating to child abuse, aggravated
 872 child abuse, or neglect of a child.

873 (3) If it is found that a noninstructional contractor has
 874 been convicted of any of the offenses listed in paragraph (2)(b)
 875 ~~(2)(g)~~, the individual shall be immediately suspended from

876 having access to school grounds and shall remain suspended
877 unless and until the conviction is set aside in any
878 postconviction proceeding.

879 (4) A noninstructional contractor who has been convicted
880 of any of the offenses listed in paragraph (2) (b) ~~(2) (g)~~ may not
881 be permitted on school grounds when students are present unless
882 the contractor has received a full pardon or has had his or her
883 civil rights restored. A noninstructional contractor who is
884 present on school grounds in violation of this subsection
885 commits a felony of the third degree, punishable as provided in
886 s. 775.082 or s. 775.083.

887 (5) If a school district has reasonable cause to believe
888 that grounds exist for the denial of a contractor's access to
889 school grounds when students are present, it shall notify the
890 contractor in writing, stating the specific record that
891 indicates noncompliance with the standards set forth in this
892 section. It is the responsibility of the affected contractor to
893 contest his or her denial. The only basis for contesting the
894 denial is proof of mistaken identity or that an offense from
895 another jurisdiction is not disqualifying under paragraph (2) (b)
896 ~~(2) (g)~~.

897 (6) Each contractor who is subject to the requirements of
898 this section shall agree to inform his or her employer or the
899 party to whom he or she is under contract and the school
900 district within 48 hours if he or she is arrested for any of the

901 disqualifying offenses in paragraph (2)(b) ~~(2)(g)~~. A contractor
902 who willfully fails to comply with this subsection commits a
903 felony of the third degree, punishable as provided in s. 775.082
904 or s. 775.083. If the employer of a contractor or the party to
905 whom the contractor is under contract knows the contractor has
906 been arrested for any of the disqualifying offenses in paragraph
907 (2)(b) ~~(2)(g)~~ and authorizes the contractor to be present on
908 school grounds when students are present, such employer or such
909 party commits a felony of the third degree, punishable as
910 provided in s. 775.082 or s. 775.083.

911 (7)(a) The Department of Law Enforcement shall implement a
912 system that allows for the results of a criminal history check
913 provided to a school district to be shared with other school
914 districts through a secure Internet website or other secure
915 electronic means. School districts must accept reciprocity of
916 level 2 screenings for Florida High School Athletic Association
917 officials.

918 (b) An employee of a school district, a charter school, a
919 lab school, a charter lab school, or the Florida School for the
920 Deaf and the Blind who requests or shares criminal history
921 information under this section is immune from civil or criminal
922 liability for any good faith conduct that occurs during the
923 performance of and within the scope of responsibilities related
924 to the record check.

925 (c) This subsection is repealed July 31, 2026.

926 Section 15. Effective January 1, 2023, paragraph (b) of
 927 subsection (10) of section 1012.56, Florida Statutes, is
 928 amended, and paragraph (c) is added to that subsection, to read:

929 1012.56 Educator certification requirements.—

930 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 931 PERIODICALLY.—

932 (b) To maintain the safety and well-being of children and
 933 the integrity of the system of public education, a person may
 934 not be certified ~~receive a certificate~~ under this chapter to
 935 have the responsibility for the safety and well-being of
 936 children until the person's screening under s. 1012.32 is
 937 completed and the results have been submitted to the Department
 938 of Education or to the person's employer ~~district school~~
 939 ~~superintendent of the school district that employs the person.~~
 940 Every 5 years after obtaining initial certification, each person
 941 who is required to be certified under this chapter must be
 942 rescreened in accordance with s. 1012.32, at which time the
 943 employer ~~school district~~ shall request the Department of Law
 944 Enforcement to forward the fingerprints to the Federal Bureau of
 945 Investigation for federal criminal records checks pursuant to s.
 946 435.12.

947 (c) If, for any reason after obtaining initial
 948 certification, the fingerprints of a person who is required to
 949 be certified under this chapter are not retained by the
 950 Department of Law Enforcement under s. 1012.32(3) ~~s.~~

951 ~~1012.32(3)(a) and (b)~~, the person must file a complete set of
952 fingerprints with the employer ~~district school superintendent of~~
953 ~~the employing school district~~. Upon submission of fingerprints
954 for this purpose, the employer ~~school district~~ shall request the
955 Department of Law Enforcement to forward the fingerprints to the
956 Federal Bureau of Investigation for federal criminal records
957 checks, and the fingerprints shall be retained by the Department
958 of Law Enforcement under s. 1012.32(3) ~~s. 1012.32(3)(a) and (b)~~.
959 The cost of the state and federal criminal history checks
960 required by paragraph (a) and this paragraph may be borne by the
961 employer ~~district school board~~ or the employee. Under penalty of
962 perjury, each person who is certified under this chapter must
963 agree to inform his or her employer within 48 hours if convicted
964 of any disqualifying offense while he or she is employed in a
965 position for which such certification is required.

966 Section 16. The changes made to ss. 1012.32 and 1012.56,
967 Florida Statutes, by this act must be implemented by January 1,
968 2024, or a later date determined by the Agency for Health Care
969 Administration.

970 Section 17. Except as otherwise expressly provided in this
971 act, this act shall take effect July 1, 2023.