

CHAPTER 2016-98

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1125

An act relating to eligibility for employment as child care personnel; amending s. 435.07, F.S.; providing criteria for disqualification from employment for child care personnel; requiring that certain persons who have been granted an exemption from disqualification from child care employment be rescreened by a specified date; providing applicability with respect to specified provisions adopted during the same legislative session; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of section 435.07, Florida Statutes, to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

(c) Disqualification from employment under this chapter may not be removed from, and an exemption may not be granted to, any current or prospective child care personnel, as defined in s. 402.302(3), and such a person is disqualified from employment as child care personnel, regardless of any previous exemptions from disqualification, if the person has been registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been arrested for and is awaiting final disposition of, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or a similar law of another jurisdiction:

1. A felony offense prohibited under any of the following statutes:

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

c. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

d. Section 784.021, relating to aggravated assault.

- e. Section 784.045, relating to aggravated battery.
- f. Section 787.01, relating to kidnapping.
- g. Section 787.025, relating to luring or enticing a child.
- h. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- i. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- j. Section 794.011, relating to sexual battery.
- k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
- l. Section 794.05, relating to unlawful sexual activity with certain minors.
- m. Section 794.08, relating to female genital mutilation.
- n. Section 806.01, relating to arson.
- o. Section 826.04, relating to incest.
- p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- q. Section 827.04, relating to contributing to the delinquency or dependency of a child.
- r. Section 827.071, relating to sexual performance by a child.
- s. Chapter 847, relating to child pornography.
- t. Section 985.701, relating to sexual misconduct in juvenile justice programs.
- 2. A misdemeanor offense prohibited under any of the following statutes:
 - a. Section 784.03, relating to battery, if the victim of the offense was a minor.
 - b. Section 787.025, relating to luring or enticing a child.
 - c. Chapter 847, relating to child pornography.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 2. Child care personnel, as defined in s. 402.302(3), Florida Statutes, who are employed as of July 1, 2016, and have been granted an exemption to a disqualification from employment must be rescreened no later than August 1, 2016.

Section 3. In the event that CS/HB 7053 or similar legislation amending s. 435.07, Florida Statutes, is adopted during the 2016 Regular Session of the Legislature and becomes law, the provisions of this act amending s. 435.07, Florida Statutes, shall supersede such provisions of CS/HB 7053.

Section 4. This act shall take effect July 1, 2016.

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.