

# 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/HB 531](#)

**TITLE:** Child Care Facility and Program Background Screening Requirements

**SPONSOR(S):** Hunschofsky

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** [SB 614](#) (Polsky)

### Committee References

[Human Services](#)

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[Criminal Justice](#)

[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

CS/HB 531 creates background screening requirements for recreational enrichment programs. The bill requires the Department of Children and Families, the Agency for Health Care Administration, and the Department of Law Enforcement to develop and maintain a statewide background screening public awareness campaign.

### Fiscal or Economic Impact:

The bill has a significant, negative fiscal impact on the state government and an insignificant, negative fiscal impact on the private sector. See Fiscal or Economic Impact.

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## ANALYSIS

### EFFECT OF THE BILL:

[Current law](#) requires the Department of Children and Families (DCF) to background screen individuals working in certain programs such as child care, child placement, summer day camps and summer 24-hour camps (summer camps), mental health, substance use disorders, peer specialists, recovery residences, and certification for persons with lived experience. However, that requirement does not extend to recreational enrichment programs (programs).

Summer camps are not licensed by DCF. DCF ensures summer camps are complying with the background screening requirements when a complaint is received related to noncompliance. DCF has authority to institute injunctive proceedings against summer camps that fail to comply with the background screening requirements.

The bill creates background screening requirements, similar to summer camps, for programs, which the bill defines as organizations providing in-person instruction to children in dance, gymnastics, or martial arts offered on an ongoing basis that takes place partially or fully indoors. The bill does not require the programs to obtain licenses from DCF. The bill gives DCF authority to institute injunctive proceedings against the programs that fail to comply with the background screening requirements. (Section 1)

The bill prohibits the programs from using or releasing information from the background screening for anything other than employment screenings. (Section 1)

To promote the background screening requirements for summer camps, and recreational enrichment programs, the bill requires DCF, the Agency for Health Care Administration, and the Department of Law Enforcement, subject to legislative appropriation, to develop and maintain a statewide background screening public awareness campaign of the state's background screening requirements. (Section 2)

The bill conforms a cross reference. (Section 3)

**STORAGE NAME:** h0531a.HSS

**DATE:** 3/11/2025

The bill provides an effective date of July 1, 2025. (Section 4)

#### **RULEMAKING:**

The bill gives the Department of Children and Families rulemaking authority to adopt rules relating to recreational enrichment programs.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

#### **FISCAL OR ECONOMIC IMPACT:**

##### **STATE GOVERNMENT:**

The Department of Children and Families estimates the cost to comply with the bill is \$3,525,983 in the following categories:<sup>1</sup>

- 15 full-time equivalents (FTE): \$1,246,224 (nonrecurring) for FY 2025-2026
- 15 FTE: \$1,164,759 (recurring) for FY 2026-2027 and beyond
- Contracted services (to hire additional temporary contracted staff to assist with onboarding of new providers: \$500,000 (nonrecurring)
- Media campaign: \$500,000 (nonrecurring)
- Information technology changes: \$115,000 (nonrecurring)

The Florida Department of Law Enforcement estimates a potential, indeterminate and negative fiscal impact related to its role in developing and maintaining a statewide public awareness campaign for summer day camps, summer 24-hour camps, and recreational enrichment programs.<sup>2</sup>

The Agency for Health Care Administration also estimates a potential, indeterminate and negative fiscal impact related to its role in developing and maintaining a statewide public awareness campaign for summer day camps, summer 24-hour camps, and recreational enrichment programs as it may require additional resources and FTEs.<sup>3</sup>

##### **PRIVATE SECTOR:**

Recreational enrichment programs will incur the cost associated with obtaining a background screening. These costs amount to \$44 per person for applicants screened and retained within the Care Provider Background Screening Clearinghouse. This amount does not include additional servicing fees which may be assessed by the Livescan Service Provider.<sup>4</sup>

## **RELEVANT INFORMATION**

#### **SUBJECT OVERVIEW:**

#### **[Criminal Background Screening](#)**

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<sup>1</sup> Department of Children and Families, *2025 Agency Legislative Bill Analysis for HB 531*, on file with the Human Services Subcommittee.

<sup>2</sup> Department of Law Enforcement, *2025 Agency Legislative Bill Analysis for HB 531*, on file with the Human Services Subcommittee.

<sup>3</sup> Agency for Health Care Administration, *2025 Agency Legislative Bill Analysis for HB 531*, on file with the Human Services Subcommittee.

<sup>4</sup> *Supra*, note 2.

Under current law, certain professions and employment settings<sup>5</sup> are subject to criminal background screening and licensure or employment disqualification for certain past criminal offenses. For example, [s. 409.175, F.S.](#) requires owners, operators, employees, and volunteers working in a child-placing agency or residential child-caring agency, and household members in a family foster home, that provide continuing child-care licensed by the Department of Children and Families (DCF), and organizations not licensed by DCF such as boarding schools and recreation and summer camps to undergo criminal background screening. DCF has authority to institute injunctive proceedings against the agencies and organizations that fail to comply with the screening requirements.<sup>6</sup>

Under current law, it is unlawful for any person, agency, family foster home, summer day camp, or summer 24-hour camp providing care for children to use information from the criminal records and juvenile records obtained from the screening for any purpose other than employment.<sup>7</sup>

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,<sup>8</sup> and may include criminal records checks through local law enforcement agencies.<sup>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>

## 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 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:<sup>11</sup>

- 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.

<sup>5</sup> 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.

<sup>6</sup> S. [409.175, F.S.](#)

<sup>7</sup> *Id.*

<sup>8</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 Feb. 27, 2024).

<sup>9</sup> 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 Feb. 27, 2024).

<sup>10</sup> S. [435.04, F.S.](#)

<sup>11</sup> S. [435.04\(2\), F.S.](#)

- 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.
- 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.<sup>12</sup> 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:<sup>13</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.

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,<sup>14</sup> career offender,<sup>15</sup> or a registered sexual offender<sup>16</sup> is not eligible for exemption.<sup>17</sup>

### 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, which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.<sup>18</sup>

<sup>12</sup> S. [435.07, F.S.](#)

<sup>13</sup> *Id.*

<sup>14</sup> S. [775.21, F.S.](#)

<sup>15</sup> S. [775.261, F.S.](#)

<sup>16</sup> S. [943.0435, F.S.](#)

<sup>17</sup> S. [435.07\(4\)\(b\), F.S.](#)

<sup>18</sup> S. [435.12, F.S.](#)

Employers whose employees are screened through an agency participating in the Clearinghouse must maintain the status of individuals being screened and update the Clearinghouse regarding any employment changes within 5 business days of the change.<sup>19</sup>

The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,<sup>20</sup> which continually matches fingerprints against new arrests or convictions that occur after the individual was originally screened. 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.<sup>21</sup>

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Human Services Subcommittee</a>	18 Y, 0 N, As CS	3/11/2025	Mitz	Clenord
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"><li>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.</li><li>Specifies that the background screening public awareness campaign is subject to legislative appropriation.</li><li>Makes a technical change to conform a cross reference.</li></ul>			
<a href="#">Criminal Justice Subcommittee</a>				
<a href="#">Health &amp; Human Services Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>19</sup> S. [435.12\(2\)\(c\), F.S.](#)

<sup>20</sup> 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*, <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited Feb. 27, 2024).

<sup>21</sup> Agency for Health Care Administration, *Clearinghouse Renewals*, [https://ahca.myflorida.com/MCHQ/Central\\_Services/Background\\_Screening/Renewals.shtml](https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml) (last visited Feb. 27, 2024). 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.