

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.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 614

INTRODUCER: Senator Polsky

SUBJECT: Child Care Facility and Program Background Screening Requirements

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	Pre-meeting
2.			AHS	
3.			FP	

I. Summary:

SB 614 revises background screening requirements for individuals working with children by expanding the statutory definition of "personnel" to include staff and volunteers in recreational enrichment programs, defined as organizations offering ongoing, indoor activities such as music, dance, gymnastics, or martial arts instruction.

The bill exempts recreational enrichment programs from licensure by the Department of Children and Families (DCF) but requires them to comply with background screening standards. DCF is authorized to adopt rules, inspect personnel records, and enforce compliance through civil and criminal penalties, including injunctive relief and mandatory dismissal of noncompliant staff. The bill also prohibits the unauthorized use or disclosure of background screening information obtained from criminal or juvenile records.

Additionally, the bill creates a public awareness campaign, requiring DCF, in partnership with the Agency for Health Care Administration (AHCA) and the Florida Department of Law Enforcement (FDLE), to educate the public on background screening requirements for child-focused programs using various media platforms.

The bill has an indeterminate but potentially significant fiscal impact related to enforcement and outreach efforts. **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).¹

Various Florida agencies require background screenings depending on the population served. For example, the Department of Children and Families (DCF) mandates screenings for individuals working in child care facilities, foster care, adoption agencies, and certain recreational programs.² The Agency for Health Care Administration (AHCA) also plays a role in oversight, particularly for health care providers.³

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.⁴ Under Section 409.175(12), F.S., such violations can result in first-degree misdemeanor or third-degree felony charges depending on the circumstances.⁵

Section 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 (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,⁶ and may include criminal records checks through local law enforcement agencies.^{7,8}
- **Level 2:** Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the FBI, and may include local criminal records checks through local law enforcement agencies.⁹

¹ Section 435.01, F.S.

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

³ Florida 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).

⁴ Section 409.175, F.S.

⁵ *Id.*

⁶ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, www.nsopw.gov (last visited March 26, 2025).

⁷ 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 March 26, 2025).

⁸ Section 435.03, F.S.

⁹ Section 435.04, F.S.

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.¹⁰

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.¹¹ 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.¹² Employers are prohibited from hiring individuals with these offenses unless a formal exemption is granted by the appropriate agency.¹³ 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
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

¹⁰ Section 409.175(12), F.S.

¹¹ Section 435.01, F.S.

¹² Section 435.07, F.S.

¹³ Section 435.06, F.S.

Statute	Offense Description
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
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.¹⁴ According to statute the licensing agency

¹⁴ Section 435.07(1), F.S.

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.¹⁵ The exemptions are as follows:¹⁶

- 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.¹⁷ These offenses are viewed as incompatible with positions of trust or care, particularly those involving children, the elderly, or persons with disabilities.¹⁸

III. Effect of Proposed Changes:

Section 1 amends s. 409.175, F.S., to expand the definition of “personnel” to include staff working in recreational enrichment programs providing services for children. The bill defines “recreational enrichment program” as an organization offering ongoing, indoor enrichment activities to children, such as music, dance, gymnastics, or martial arts. The bill exempts programs licensed by the DCF from this definition and exempts the defined programs from licensure. However, the bill does require compliance with background screening and authorizes the DCF to adopt rules for enforcement, access personnel records, and take action against noncompliant programs. The bill also prohibits the misuse or unauthorized disclosure of background screening information and establishes penalties for violations.

Section 2 creates new s. 409.1751, F.S., to require the DCF, in coordination with the AHCA and the FDLE, to implement a statewide public awareness campaign on background screening requirements for summer day camps, summer 24-hour camps, and recreational enrichment programs. The campaign must utilize various media platforms including television, radio, internet, and public service announcements. To support providers, the state offers a secure Clearinghouse Results Portal where employers can verify screening status.¹⁹ The FDLE also maintains a criminal history records page to guide employers on screening procedures.²⁰

¹⁵ *Id.*

¹⁶ Section 435.07, F.S.

¹⁷ Section 435.07(4), F.S.

¹⁸ Section 431.01, F.S.

¹⁹ Background Screening-CRW, *Clearinghouse Results Website – CRW*, available at <https://crw.flclearinghouse.com/> (last visited March 26, 2025).

²⁰ Florida Department of Law Enforcement, *Obtaining Criminal History Information*, available at <https://www.fdle.state.fl.us/Criminal-History-Records> (last visited March 26, 2025).

Section 3 amends s. 409.1676(2)(b), F.S., makes conforming language and cross reference changes.

Section 4 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

Indeterminate negative fiscal impact on the private sector. Each background screening conducted through the Care Provider Background Screening Clearinghouse costs \$44 per individual, excluding any additional fees that may be charged by the Livescan service provider. Recreational enrichment programs will be responsible for these expenses for their personnel.²¹

²¹ Agency for Health Care Administration, *SB 633 Agency Analysis (2025)*, (on file with the Children, Families and Elder Affairs Committee).

C. Government Sector Impact:

Indeterminate significant negative fiscal impact on state government. The DCF estimates a fiscal impact of \$3,525,983 in the following categories:²²

- 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); and
- Information technology changes: \$115,000 (nonrecurring).

The bill requires the development and ongoing support of a statewide public awareness campaign focused on summer day camps, 24-hour camps, and recreational enrichment programs. The AHCA and FDLE may experience a negative fiscal impact, though the exact cost is currently uncertain. The initiative could require increased staffing and additional resources.^{23,24}

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 409.175 and 409.1676 of the Florida Statutes.

This bill creates section 409.1751 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.)

None.

B. Amendments:

None.

²² Department of Children and Families, *SB 633 Agency Analysis (2025)*, (on file with the Children, Families and Elder Affairs Committee).

²³ Department of Law Enforcement, *SB 633 Agency Analysis (2025)*, (on file with the Children, Families and Elder Affairs Committee).

²⁴ Agency for Health Care Administration, *SB 633 Agency Analysis (2025)*, (on file with the Children, Families and Elder Affairs Committee).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
