The 2025 Florida Statutes

Title XXXI

LABOR

Chapter 435

EMPLOYMENT SCREENING

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435.04 Level 2 screening standards.—

(1)(a) All employees required by law to be screened under this section and persons with an affiliation with a qualified entity for whom the qualified entity chooses to conduct screening under s. 943.0542 must undergo security background investigations as a condition of employment and continued employment which includes, but is not limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, national criminal history records checks through the Federal Bureau of Investigation, and local criminal records checks through local law enforcement agencies. A security background investigation under this section also includes a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years.

(b) Fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement.

(c) An agency may contract with one or more vendors to perform all or part of the electronic fingerprinting pursuant to this section. Such contracts must ensure that the owners and personnel of the vendor performing the electronic fingerprinting are qualified and will ensure the integrity and security of all personal information.

(d) Vendors who submit fingerprints on behalf of employers must:

1. Meet the requirements of s. 943.053; and

2. Have the ability to communicate electronically with the state agency accepting screening results from the Department of Law Enforcement and provide the applicant's full first name, middle initial, and last name; social security number or individual taxpayer identification number; date of birth; mailing address; sex; and race.

(2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or have not 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 similar law of another jurisdiction:

(a) Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.

(b) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(c) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(d) Section 414.39, relating to fraud, if the offense was a felony.

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

(f) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.

(g) Section 782.04, relating to murder.

(h) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(i) Section 782.071, relating to vehicular homicide.

(j) Section 782.09, relating to killing of an unborn child by injury to the mother.

(k) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

(l) Section 784.011, relating to assault, if the victim of the offense was a minor.

(m) Section 784.021, relating to aggravated assault.

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

(o) Section 784.045, relating to aggravated battery.

(p) Section 784.075, relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.

(q) Section 787.01, relating to kidnapping.

(r) Section 787.02, relating to false imprisonment.

(s) Section 787.025, relating to luring or enticing a child.

(t) Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

(u) Section 787.04(3), 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.

(v) Section 787.06, relating to human trafficking.

(w) Section 787.07, relating to human smuggling.

(x) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(y) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(z) Section 794.011, relating to sexual battery.

(aa) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(bb) Section 794.05, relating to unlawful sexual activity with certain minors.

(cc) Section 794.08, relating to female genital mutilation.

(dd) Chapter 796, relating to prostitution.

(ee) Section 798.02, relating to lewd and lascivious behavior.

(ff) Chapter 800, relating to lewdness and indecent exposure and offenses against students by authority figures.

(gg) Section 806.01, relating to arson.

(hh) Section 810.02, relating to burglary.

(ii) Section 810.14, relating to voyeurism, if the offense is a felony.

(jj) Section 810.145, relating to digital voyeurism, if the offense is a felony.

(kk) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

(ll) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(mm) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(nn) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(oo) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(pp) Section 826.04, relating to incest.

(qq) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(rr) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(ss) Former s. 827.05, relating to negligent treatment of children.

(tt) Section 827.071, relating to sexual performance by a child.

(uu) Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.

(vv) Section 836.10, relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

(ww) Section 843.01, relating to resisting arrest with violence.

(xx) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

(yy) Section 843.12, relating to aiding in an escape.

(zz) Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

(aaa) Chapter 847, relating to obscene literature.

(bbb) Section 859.01, relating to poisoning food or water.

(ccc) Section 873.01, relating to the prohibition on the purchase or sale of human organs and tissue.

(ddd) Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

(eee) Chapter 893, 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.

(fff) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ggg) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

(hhh) Section 944.40, relating to escape.

(iii) Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

(jjj) Section 944.47, relating to introduction of contraband into a correctional facility.

(kkk) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(lll) Section 985.711, relating to contraband introduced into detention facilities.

(3) The security background investigations under this section must ensure that no person subject to this section has been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction.

(4) For the purpose of screening applicability to participate in the Medicaid program, the security background investigations under this section must ensure that a person subject to screening under this section has not been arrested for and is not awaiting final disposition of; has not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; and has not been adjudicated delinquent and the record sealed or expunged for, any of the following offenses:

(a) Violation of a federal law or a law in any state which creates a criminal offense relating to:

1. The delivery of any goods or services under Medicaid or Medicare or any other public or private health care or health insurance program, including the performance of management or administrative services relating to the delivery of goods or services under any such program;

2. Neglect or abuse of a patient in connection with the delivery of any health care good or service;

3. Unlawful manufacture, distribution, prescription, or dispensing of a controlled substance;

4. Fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct;

5. Moral turpitude, if punishable by imprisonment of a year or more; or

6. Interference with or obstruction of an investigation into any criminal offense identified in this subsection.

(b) Violation of the following state laws or laws of another jurisdiction:

1. Section 817.569, criminal use of a public record or information contained in a public record;

2. Section 838.016, unlawful compensation or reward for official behavior;

3. Section 838.021, corruption by threat against a public servant;

4. Section 838.022, official misconduct;

5. Section 838.22, bid tampering;

6. Section 839.13, falsifying records; or

7. Section 839.26, misuse of confidential information.

(c) Violation of a federal or state law, rule, or regulation governing the Florida Medicaid program or any other state Medicaid program, the Medicare program, or any other publicly funded federal or state health care or health insurance program.

History.—s. 47, ch. 95-228; s. 16, ch. 96-268; s. 22, ch. 96-322; s. 4, ch. 98-417; s. 5, ch. 99-284; s. 88, ch. 2000-153; s. 7, ch. 2001-125; s. 5, ch. 2004-267; s. 4, ch. 2005-119; s. 111, ch. 2006-120; s. 90, ch. 2006-197; s. 110, ch. 2007-5; s. 3, ch. 2007-112; s. 66, ch. 2009-223; s. 6, ch. 2010-31; s. 38, ch. 2010-114; s. 10, ch. 2012-73; s. 4, ch. 2013-80; s. 6, ch. 2014-84; s. 4, ch. 2014-194; s. 3, ch. 2016-162; s. 19, ch. 2017-37; s. 89, ch. 2018-24; s. 2, ch. 2023-220; s. 4, ch. 2024-132; s. 3, ch. 2024-243.