

# The Jessica Lunsford Act

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## Implementation for Contractors and Vendors

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(This form is to be used by contractors / vendors who are going to begin contractual services with Seminole County Public Schools (SCPS), and who have not been fingerprinted by SCPS or any other school district pursuant to the Jessica Lunsford Act requirement.)

[\\*Click here to download and print form](#)

### V. Contracted Services Background Screening (FSSR) Form

(This form is to be used by contractors / vendors who have been previously fingerprinted by SCPS or another Florida school district on or after October 1, 2005 as required by the Jessica Lunsford Act.)

[\\*Click here to download and print form](#)

#### NOTIFICATION TO APPLICANTS AND EMPLOYEES

Pursuant to applicable Florida Statutes, Seminole County Public Schools collects your social security number for purposes which include, but are not limited to, employability, identification and verification, employee benefit processing, background checks, payroll processing, tax reporting, unemployment compensation, and state reporting to the Florida Retirement System, Department of Education and Bureau of Teacher Certification.

Social security numbers shall be considered confidential and exempt from public inspection in accordance with Florida Statutes.

## **Jessica Lunsford Act**

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### **I. Legislative Description and History**

The original Jessica Lunsford Act was passed by the 2005 Florida Legislature in response to the abduction and killing of Jessica Lunsford in Citrus County. The law became effective September 1, 2005.

Effective July 1, 2007, the Florida Legislature revised the Jessica Lunsford Act requirements of Florida public school districts, lab schools, charter schools and lab charter schools to conduct criminal history background checks for certain contractors conducting business with public school districts by:

- establishing certain exemptions for criminal history background screenings of contractors (s. 1012.468)
- establishing specific disqualifying criminal offenses for contractors
- requiring the Florida Department of Law Enforcement to retain criminal history information in a statewide system of shared results (FSSR)
- capping the fee a non-instructional contractor may be charged for background screening.
- requiring a criminal history check be performed at least once every five years
- severe criminal penalties for violations of the contractor background screening requirements

These changes will affect you if you have a business relationship with the School Board and you, your employees or your agents will be on school grounds during the time students are there or have direct contact with students or have access to or control of school funds.

Section 1012.465, Florida Statutes, now states:

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

## **II. Frequently Asked Questions**

Following are some frequently asked questions about the new law, and what procedures have been established within Seminole County Public Schools (SCPS) that will ensure compliance with the law.

***Please check the website often as updated information will be provided regularly.***

### **Who is required to be fingerprinted and screened?**

The law requires that certain “non-instructional contractual personnel” must meet Level 2 screening requirements as described in § 1012.32 and s. 1012.465, except as provided in s. 1012.467, s. 1012.468 and s. 1012.321 of the Florida Statutes.

Non-instructional contractor means any vendor, individual or entity under contract with a school or with the school board who receives remuneration for services performed for the school district or a school, but who is not otherwise considered an employee of the school district. The term also includes any employee of a contractor who performs services for the school district or school under contract and any subcontractor and its employees.

If a non-instructional contractor does business with the school board (i.e. under contractual agreement and receives remuneration), then its employees and agents, including sub contractual personnel, must meet the Level 2 background screening requirements if they:

- are permitted access on school grounds when students are present who have direct contact with students, and for whom any unanticipated contact would be infrequent and incidental
- or have access to or control of school funds

If you or other personnel from your firm or business meet any of the criteria above, you will need to ensure that those personnel are fingerprinted and screened.

### **Who is exempt from level 2 background screening?**

Pursuant to Florida Statute 1012.468, a district school board shall exempt from the level 2 screening requirements the following non-instructional contractors:

- Non-instructional contractors who are under the “direct supervision” of a school district employee or contractor who has passed a level 2 criminal history check.

1)“Direct supervision” means the school district employee or level 2 screened contractor is physically present and remains in line of sight with an exempted non-instructional contractor when students are present and accessible.

- A non-instructional contractor who, is otherwise, required by law to undergo a level 2 background screening pursuant to s. 435.04 and has:

1) submitted evidence of meeting the criteria set forth in s. 435.04

2) the contractor’s license or certificate is active & in good standing and

3) the contractor completed the criminal history check within 5 years prior to seeking access to school grounds by his or her employer.

- A law enforcement officer who is assigned or dispatched to school grounds by his or her employer

- Licensed ambulance service providers dispatched to or providing services to a school or school district within the scope of part III of s. 401.
- Non-instructional contractors at a site where students are present but the site is separated from the remainder of the school grounds by a single chain-link fence of at least 6 feet in height and where students are not permitted.
- A non-instructional contractor who provides pick-up or delivery services and those services involve brief visits on school grounds when students are present.
- S. 1012. 321 exempts instructional personnel who have previously passed a level 2 background screening provided that they:
  - 1) Completed a criminal history check within 5 years prior to having direct contact with students
  - 2) Are re-screened every 5 years and
  - 3) Have their fingerprints retained by the Florida Department Law Enforcement

**If a person is exempt from Level 2 background screening does that person still have to be checked against registered sexual offenders and sexual predator lists?**

YES. S. 1012.468 requires a non-instructional contractor who is exempt from level 2 screening requirements is still subject to a search of his or her name against the registration information regarding sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement and the national sex offender registry maintained by the United States Department of Justice.

## **What is Level 2 screening?**

A Level 2 background check includes fingerprinting the individual then submitting the fingerprints to the Florida Department of Law Enforcement (FDLE). The FDLE uses the fingerprint identification to obtain criminal history information from the Florida and national FBI criminal arrest databases on the individual fingerprinted.

FDLE then returns the criminal history information to the submitting school district for use in determining whether the non-instructional contractor can be permitted access to school grounds when students are present, direct contact with students or access or control of school funds based upon the requirements set forth in s.1012.467. This process may also include local criminal records obtained from local law enforcement agencies.

## **What criminal offenses will disqualify a non-instructional contractor from being permitted on school grounds when students are present, direct access to students or access or control of school funds?**

Florida Statute 1012.467 which became effective July 1, 2007 states that a non-instructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(a)(1), relating to the registration of an individual as a sexual offender.
2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.
3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

4. Section 775.30, relating to terrorism.
5. Section 782.04, relating to murder.
6. Section 787.01, relating to kidnapping.
7. Any offense under Chapter 800, relating to lewdness and indecent exposure.
8. Section 826.04, relating to incest.
9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

### **What is “Conviction” of a crime?**

Pursuant to Chapter 1012.467 (1) (b), “Convicted” has the same meaning as in s. 943.0435 (1) (b) which states:

“Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts martial conducted by the Armed Forces of the United States, and includes conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction.

[Persons who have a pending (open) criminal case that may involve a listed disqualifying offense will be considered on a case-by-case basis.]

### **How often must non-instructional contractors undergo level 2 screening?**

At least once every five years.



## **What is the penalty for failing to comply with the Jessica Lunsford Act requirements?**

A non-instructional contractor who is present on school grounds in violation of the applicable Jessica Lunsford Act statutes unless the contractor has received a full pardon or has had his civil rights restored, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

If the employer of a contractor or the party to whom the contractor is under contract knows the contractor has been arrested for any of the disqualifying offenses and authorizes the contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Each contractor who is subject to the background screening requirements shall agree to inform his or her employer or the party to whom he or she is under contract and the school district within 48 hours if he or she is arrested for any of the disqualifying offenses. A contractor who willfully fails to comply with this requirement commits a felony of the third degree, punishable as provided in s. 775.082 or 775.083.

## **What do I do if I don't agree with the official criminal history information provided by the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation?**

It is the responsibility of the affected contractor to contest his or her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under the Jessica Lunsford Act.

## **What are the School District Responsibilities?**

SCPS must conduct the fingerprinting/background screening of non-instructional contractors at a location designated by the district using a code (ORI - Originating Agency Identifier) issued to the

district by the Florida Department of Law Enforcement (FDLE), and determine whether a non-instructional contractor is qualified under the Jessica Lunsford Act to have access to school grounds when students are present or access to or control of school funds.

If a school district has reasonable cause to believe grounds exist for the denial of a contractor's access to school grounds when students are present , it shall notify the contractor in writing, stating the specific record that indicates non-compliance with the standards set forth in the Jessica Lunsford statutes.

### **III. PROCEDURAL QUESTIONS**

#### **What do I need to bring with me if I need to be fingerprinted?**

A government issued photo identification (i.e. government issued photo driver's license) and a completed:

Fingerprinting – Contracted Services Form from your employer or association if you have not been fingerprinted in SCPS or any other school district pursuant to the Jessica Lunsford Act requirements, and proof of payment of the required \$57.25 fingerprinting fee, as outlined below.

[\(Click here to view and download the form for Non-Instructional Contractor Fingerprinting\)](#)

#### **What do I need to do if I was fingerprinted under the Jessica Lunsford Act in another Florida school district on or after August 1, 2005?**

The State of Florida has developed the Florida Shared School Results (FSSR) criminal history database. If you were fingerprinted in another Florida school district on or after August 1, 2005, then you should complete and submit the Contracted Services Background Screening (FSSR) Form to the designated staff at SCPS, and your background screening will be processed via the FSSR system. There is no fee for this process.

[\(Click here to view and download the out-of county FSSR form for Non-Instructional Contractor Background Screening\)](#)

### **Where do vendors and contractors go to be fingerprinted?**

Fingerprints will be taken at the SCPS Educational Support Center located at 400 E. Lake Mary Blvd in Sanford, Florida from 8:30 AM until 12:00 Noon and from 2:00 PM until 4:00 PM Monday through Friday.

(Closed daily from 12 PM to 2 PM, holidays and days the District is closed for business).

***Note: Except for newly SCPS-hired Instructional & Non-Instructional Employees, fingerprinting is done on a first come first serve basis with available sign in slots upon arrival. Should an unexpectedly high volume of fingerprint activity occur on any given day, Seminole County Public Schools cannot guarantee openings will be available at the end of the day.***

### **What is the cost of the required Level 2 fingerprint screening?**

The fee for each individual screening is \$57.25. This includes fingerprinting and processing fees assessed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation.

### **How can the fingerprint and background screening fee be paid?**

There are four options available for payment of the required fee:

- 1)** You may pre-pay by credit card by logging on to the Florida Department of Education Internet web site at [\*\*www.FLprints.com\*\*](http://www.FLprints.com) in advance of your arrival to have your fingerprints scanned. You will receive a confirmation number for your payment. Please bring that confirmation number with you.
- 2)** You may pre-pay by credit card by calling toll-free **1-877-357-7456** in advance of your arrival to have your fingerprints

scanned. You will receive a confirmation number for your payment. Please bring that confirmation number with you.

**3)** You may pay by money order. Money orders must be made payable to **FINGERPRINT SERVICES, LLC** and presented at the time of fingerprinting.

**4)** You may pay cash directly to the on-site SCPS Finance Department for which, you will be provided a receipt as proof of payment.

**5)** You may pay by cash, credit card or debit card directly to the on-site SCPS Finance Department for which, you will be provided a receipt as proof of payment.

***NO PERSONAL CHECKS WILL BE ACCEPTED***

**If I pre-pay the \$57.25 fee with a credit card via the Internet method or phone method, how long will I have to get my fingerprints taken?**

Indefinitely

**How long will it take to be fingerprinted?**

The actual time needed to take the fingerprints is approximately 10 minutes. However, the time may be extended depending on the volume of persons needing to be fingerprinted at the time you arrive.

**Are individuals such as, food service vendors, soda and snack vendors, vendors for high school rings, caps, and gowns, charter bus drivers, photography persons, or other supplemental service providers required to be fingerprinted?**

Non-instructional contractors, who provide pick-up or delivery services and those services involving brief visits on school grounds when students are present, are exempt. Otherwise a level 2 screening is required.

If there is no contract with the district or the individual is instead serving in a volunteer capacity, the individual is not required to undergo background screening but will be required to check in with the school receptionist and/or obtain authorization from the school principal.

**Do the Jessica Lunsford Act requirements apply to public school sports officials?**

Yes. A level 2 screening is required for Public School Sports Officials

**Do the Lunsford Act requirements apply to school DIVIDEND volunteers or chaperones?**

No. Since the Lunsford Act does not apply to volunteers, the background check requirements would not apply to such persons, unless they had contracted with the district for some other reason unrelated to their duties as a volunteer. However, all volunteers and chaperones for Seminole County Public Schools are required to be pre-approved by the District and are checked against the state and national sexual offender/predator database.

Except that, Mentors, Volunteer Coaches and other volunteers who work with individual students are required to undergo a level 2 background screening under a separate statute.

**After the District receives the criminal history record, who determines whether a non-instructional contractor is qualified to have access to school grounds when students are present or to have access or control of school funds?**

The District Professional Standards Office reviews the criminal history record and makes a determination based upon the applicable Florida Statutes whether the individual or non-instructional contractor is qualified or not qualified to have access to school grounds or funds.

***Note: A non-instructional contractor may be requested to produce copies of official court records, court dispositions or police reports in order for a final decision to be rendered.***

**Can a non-instructional contractor obtain a copy of a criminal history record?**

All criminal history information obtained from the level 2 screening is confidential. School districts are prohibited from disseminating criminal history records.

Except that, only an individual who is the subject of his own personal criminal history record may obtain a copy of that criminal history record by making prior arrangements with an appropriate SCPS Professional Standards staff member by calling (407) 320-0027. Proof of identity will be required at the time of pick-up.