

The Jessica Lunsford Act

Implementation for Contractors, Vendors & Sports Officials

[I. Legislative Description \(Click to go there\)](#)

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Fingerprinting – Contracted Services Form

[*Click here to download or print Contracted Services Form 1403](#)

(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 and issued a statewide photo ID badge by SCPS or any other school district pursuant to the Jessica Lunsford Act requirement.)

Contracted Services Background Screening (FSSR) Form

[*Click here to download or print FSSR Form 1402](#)

(This form is to be used by contractors / vendors who have been previously fingerprinted and issued a photo ID badge by SCPS or another Florida school district pursuant to the Jessica Lunsford Act.) This completed form may be sent by fax to (407) 320-0584 or scanned and emailed to jesus_beltran@scps.k12.fl.us

Fingerprint Fee Payments: Until further notice, all payments for criminal background checks must be made directly to the Finance Department located on the 3rd floor of the Educational Support Center, 400 E Lake Mary Blvd., Sanford FL, 32773).

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

I. Legislative Description and History

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

Effective July 1, 2013, 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 a uniform statewide photo identification badge to be worn by non-instructional contractors signifying that a contractor has met the requirements set forth in Florida Statute (s.1012.467)
- Establishing certain exemptions for criminal history background screenings of contractors (s. 1012.468)
- Establishing specific disqualifying criminal offenses for contractors (s. 1012.467)
- Requiring the Florida Department of Law Enforcement to retain criminal history information in a statewide system of shared results (FSSR) for a period of 5 years.
- Capping the fee a non-instructional contractor can be charged for background screening and statewide photo id badge.
- Requiring a criminal history check be performed and statewide photo id badge be re-issued every five years
- Severe criminal penalties for violations of the contractor background screening requirements

Beginning January 1, 2014, 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 1012.467 (8) (a) of the Florida Statutes, in addition to other requirements, now states:

(1) The Department of Education shall create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that a contractor has met the requirements of the Jessica Lunsford statute. The school district shall issue an identification badge to the contractor, which must bear a photograph of the contractor under the following conditions:

- The contractor is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Citizenship and Immigration Services.
- Is 18 years of age or older
- Meets the background screening requirements set forth under s. 1012.467

(2) The uniform, statewide identification badge shall be recognized by all school districts and must be visible at all times that a non-instructional contractor is on school grounds.

(3) A fee of \$10 will be charged for a statewide photo identification badge issued by Seminole County Public Schools.

(4) A separate SCPS identification badge will be issued to non-instructional contractors by the District at no additional charge and, shall be displayed along with the statewide photo identification badge at all times while engaged in contracted services on Seminole County School Board property.

(5) The identification badge(s) will be valid for a period of 5 years unless the non-instructional contractor provides notification to his employer that he

was arrested for a disqualifying criminal offense in which case, the identification badge must be returned to the issuing school district within 48 hours.

(6) The identification badge(s) expiration date will be synchronized with the 5-year expiration date of the non-instructional contractor's criminal history background screening record.

(7) These requirements do not apply to non-instructional contractors who are exempt from background screening requirements pursuant to s.1012.468 (See Part II).

II. Frequently Asked Questions

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

The information contained on this webpage is updated as changes in the law occur or operational requirements change. Please check back often.

Who is required to be fingerprinted and screened?

The law requires that non-instructional employees or “non-instructional contractual personnel” must meet criminal background 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. Sports Officials are considered non-instructional contractors.

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 criminal 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

Pursuant to contractual agreements with the District, 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 qualified under the law and, have been issued a statewide photo and SCPS identification badge before engaging in contracted services to the District.

Who is exempt from criminal background screening?

Pursuant to Florida Statute 1012.468, a district school board shall exempt from the criminal background 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 criminal history check.
 - 1) “Direct supervision” means a school district employee or a screened contractor is physically present and remains in line of sight at all times 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 criminal 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 criminal 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 criminal background 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.

How is a person's criminal history record obtained?

A criminal history background check begins when a person's fingerprints are digitally scanned and sent to the Florida Department of Law Enforcement (FDLE). The FDLE uses the fingerprint submission to obtain criminal history information from the Florida and national FBI criminal arrest databases on the individual fingerprinted.

FDLE returns a copy of the criminal history records to the submitting school district for use in determining whether the non-instructional contractor can be permitted access to school grounds based upon the requirements set forth in s.1012.467.

FDLE retains criminal history records in the Florida Shared School Records (FSSR) database for five years which is accessible by all Florida School Districts to verify a non-instructional contractor's criminal history background.

The criminal history record includes adult and juvenile records on file with local, state and Federal criminal justice agencies.

What criminal offenses will disqualify a non-instructional contractor from being permitted access to school grounds when students are present?

Florida Statute 1012.467, as amended, 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 state or jurisdiction, or any similar offense committed in this state which has been re-designated 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 (no contest), 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.

[Approval for persons who have an unresolved criminal case where a final court disposition is pending for a listed disqualifying offense may be placed on hold until a final court disposition is rendered].

What happens if a contractor/vendor is later arrested for a crime after being approved under the Jessica Lunsford Act and is engaged in providing services to a Florida School District?

If an approved person is later arrested for a criminal offense, FDLE will immediately notify the contracting school district of the offense. The contracting district will then make a determination as to whether the contractor/vendor is eligible to continue providing contractual services to the District under existing law dealing with disqualifying offenses.

In addition, under penalty of law, a contractor/vendor who is charged with a disqualifying offense while engaged in contractual services to a school district, must report his/her arrest of a disqualifying offense to his/her employer or to the contracting school district within 48 hours of such arrest and shall return his/her identification badge(s) to the school district that issued the badge(s).

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

A non-instructional contractor who has been convicted of any of the listed disqualifying offenses may not be permitted on school grounds when students are present unless the contractor has received a full pardon or has had his or her civil rights restored. A non-instructional contractor who is present on school grounds in violation of this requirement 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 by FL statute.

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.

Any modifications or corrections to a criminal history can only be made by the arresting agency that caused the record to exist.

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.

If the non-instructional contractor is qualified under the Jessica Lunsford Act, the school district shall issue an SCPS identification badge and also a uniform statewide identification badge to the contractor, whereby the latter must bear a photograph of the contractor.

The District shall maintain a database of all registered and approved non-instructional contractors that are contracted to engage in services with SCPS.

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.

If the photo ID badges are lost, is there a cost for a replacement badge?

Yes. There will be a \$5.00 replacement fee.

Are the photo ID badges valid in private schools, colleges and/or universities?

No. The requirements of F.S.1012.465, 1012.467 and 1012,468 apply only to Florida K-12 public school districts.

III. PROCEDURES AND OTHER INFORMATION

What do I need to bring with me to the fingerprinting location?

- A government issued photo identification (i.e. government issued photo driver's license)
- Copy of Dept. of Homeland Security Employment Eligibility Verification (USCIS I-9) form completed by your company (*PLEASE NOTE*: If you have not filled out an I-9 form with your company, you will need to complete the form in our office and provide either a copy of your social security card or a copy of your passport as an additional form of identification.
- 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 \$91.25 fingerprinting & photo ID badge fee.

****Click here to download and print Contracted Services Form 1403***

What do I need to do if I was fingerprinted under the Jessica Lunsford Act in another Florida school district?

The State of Florida has developed the Florida Shared School Results (FSSR) criminal history database. If you were fingerprinted, approved and issued a uniform statewide photo identification badge in another Florida

school district, then you must complete and submit the Contracted Services Background Screening (FSSR) Form and provide a copy of your I-9 form to the designated staff at SCPS after which, your background screening will be processed via the FSSR system.

The FSSR database system will be used to access and verify the non-instructional contractor's criminal history background and also provide notification of any new arrest during the validity/retention period.

In addition to the Uniform Statewide Photo ID Badge you received from the originating school district, you will be issued a separate SCPS identification badge to be worn with the uniform statewide photo identification badge.

There is no additional fee for this process and no additional fingerprints or photographs are required.

[*Click here to download and print FSSR Form 1402](#)

This completed form may be sent by fax to (407) 320-0584 or scanned and emailed to jesus_beltran@scps.k12.fl.us

How often must non-instructional contractors/vendors undergo a criminal background screening and obtain a new photo ID badge?

At least once every five years.

The expiration date of the photo ID badge must coincide with the expiration of the non-instructional contractor's background screening. This means that the validity period of the statewide uniform badge cannot exceed the validity period of the fingerprints.

What is the cost of the required criminal background screening process?

The total cost for each individual screening is \$91.25. This includes fingerprinting, Florida and National Criminal History Records Check, annual record retention fees (\$6 per year for 5 years) assessed by the Florida Department of Law Enforcement and Uniform Statewide Photo ID badge (There is no fee for the separate SCPS Identification badge).

There is a \$5.00 replacement fee for a lost badge.

What if a non-instructional contractor is already approved, registered and engaged in services with the District but doesn't have a Photo ID badge?

If you are a currently approved and registered non-instructional contractor with Seminole County Public Schools and don't have the required uniform statewide photo ID badge, you must go to the Educational Support Center where you will be issued the appropriate badge(s).

The fee to obtain the state ID badge is \$10.00.

A separate SCPS ID badge will be issued at no charge.

Both badges must be worn at all times while upon Seminole County School Board property.

How can the ID Badge and/or background screening fees be paid?

ID Badge and Background screening fees must be paid before being fingerprinted and/or issued a photo ID badge by using one of the following options:

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

*Money orders and valid company checks must be made payable to **SEMINOLE COUNTY PUBLIC SCHOOLS**.

NO PERSONAL CHECKS WILL BE ACCEPTED

Where do SCPS contractors/vendors go to be fingerprinted and photographed?

Fingerprints and photographs 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. ([click here for map](#)).

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

[Seminole County Public Schools will only fingerprint and issue photo ID badges to vendors and contractors who have active or pending contracts with Seminole County Public Schools.]

How long will it take to be fingerprinted and issued a photo ID badge?

The actual time needed to take fingerprints and issue a photo ID badge is approximately 10-15 minutes. However, the time needed could increase depending on the volume of persons needing to be fingerprinted at the time you arrive.

Unless you have been provided an appointment time by the fingerprint staff to have your fingerprints and photograph taken, the service is available on a first come first serve basis. Should an unexpectedly high volume of fingerprint and photograph activity occur on any given day, SCPS cannot guarantee openings will be available at the end of the day.

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 occasional supplemental service providers required to be fingerprinted and photographed?

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.

If there is no contract with the district or the individual is 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 prior authorization from the school principal.

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

Yes. Public School Sports Officials are subject to the criminal background screening and procedures listed herein.

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

No. The Jessica Lunsford Act does not apply to volunteers. Dividend Volunteers, Mentors, Volunteer Coaches, Field Trip Chaperones and Overnight Chaperones undergo background screening requirements pursuant to separate laws, rules and guidelines, unless they are contracted with the district for some other reason unrelated to their duties as a volunteer.

Mentors, Volunteer Coaches and Overnight Chaperones are required to undergo a fingerprint-based criminal background screening under a separate statute.

After the District receives a contractor/vendor criminal history record from FDLE, 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's Professional Standards Office makes a determination based on a person's criminal history as to whether the individual, vendor or non-instructional contractor is eligible or ineligible to engage in contractual services with the District and/or have access to school grounds or funds.

The District reserves the proprietary right to control access to District-owned property.

Note: You might 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 criminal background screening is confidential. School districts are prohibited from disseminating criminal history records.

Only the person who is the subject of his/her 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.

Who can I contact if I need more information or if I have questions?

The Fingerprint Services Office at (407) 320-0457 or (407) 320-0484

Fax Forms to (407) 320-0584

Email questions and information to jesus_beltran@scps.k12.fl.us

Website: www.scps.k12.fl.us

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