

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Trabulsy offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) through (4) and subsections (5) and (6) of section 435.02, Florida Statutes, are renumbered as subsections (2) through (5) and subsections (7) and (8), respectively, present subsection (4) is amended, and new subsections (1) and (6) are added to that section, to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(1) "Affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed

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14 or to serve as a volunteer or contractor, with a qualified  
15 entity in a position for which screening is not required by law  
16 but is authorized under the National Child Protection Act.

17 (5)-(4) "Employment" means any activity or service sought  
18 to be performed by an employee or a person with an affiliation  
19 which requires the employee, or for which a person with an  
20 affiliation is authorized, to be screened pursuant to this  
21 chapter.

22 (6) "Qualified entity" has the same meaning as in s.  
23 943.0542(1).

24 Section 2. Paragraphs (a), (b), and (d) of subsection (1)  
25 and subsection (2) of section 435.04, Florida Statutes, are  
26 amended to read:

27 435.04 Level 2 screening standards.—

28 (1) (a) All employees required by law to be screened under  
29 pursuant to this section and persons with an affiliation with a  
30 qualified entity for whom the qualified entity chooses to  
31 conduct screening under s. 943.0542 must undergo security  
32 background investigations as a condition of employment and  
33 continued employment which includes, but is not need not be  
34 limited to, fingerprinting for statewide criminal history  
35 records checks through the Department of Law Enforcement, ~~and~~  
36 national criminal history records checks through the Federal  
37 Bureau of Investigation, and ~~may include~~ local criminal records  
38 checks through local law enforcement agencies. A security

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39 background investigation under this section also includes a  
40 search of the sexual predator and sexual offender registries of  
41 any state in which the current or prospective employee resided  
42 during the immediate preceding 5 years.

43 (b) Fingerprints submitted pursuant to this section ~~on or~~  
44 ~~after July 1, 2012,~~ must be submitted electronically to the  
45 Department of Law Enforcement.

46 ~~(d) An agency may require by rule that fingerprints~~  
47 ~~submitted pursuant to this section must be submitted~~  
48 ~~electronically to the Department of Law Enforcement on a date~~  
49 ~~earlier than July 1, 2012.~~

50 (2) The security background investigations under this  
51 section must ensure that ~~no~~ persons subject to ~~the provisions of~~  
52 this section have not been arrested for and are awaiting final  
53 disposition of, have not been found guilty of, regardless of  
54 adjudication, or entered a plea of nolo contendere or guilty to,  
55 or have not been adjudicated delinquent and the record has not  
56 been sealed or expunged for, any offense prohibited under any of  
57 the following provisions of state law or similar law of another  
58 jurisdiction:

59 (a) Section 393.135, relating to sexual misconduct with  
60 certain developmentally disabled clients and reporting of such  
61 sexual misconduct.

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62 (b) Section 394.4593, relating to sexual misconduct with  
63 certain mental health patients and reporting of such sexual  
64 misconduct.

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

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

69 (e) Section 782.04, relating to murder.

70 (f) Section 782.07, relating to manslaughter, aggravated  
71 manslaughter of an elderly person or disabled adult, or  
72 aggravated manslaughter of a child.

73 (g) Section 782.071, relating to vehicular homicide.

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

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

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

80 (k) Section 784.021, relating to aggravated assault.

81 (l)-(k) Section 784.03, relating to battery, if the victim  
82 of the offense was a minor.

83 (m) Section 784.045, relating to aggravated battery.

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

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87 (o)~~(l)~~ Section 787.01, relating to kidnapping.

88 (p)~~(m)~~ Section 787.02, relating to false imprisonment.

89 (q)~~(n)~~ Section 787.025, relating to luring or enticing a  
90 child.

91 (r)~~(o)~~ Section 787.04(2), relating to taking, enticing, or  
92 removing a child beyond the state limits with criminal intent  
93 pending custody proceedings.

94 (s)~~(p)~~ Section 787.04(3), relating to carrying a child  
95 beyond the state lines with criminal intent to avoid producing a  
96 child at a custody hearing or delivering the child to the  
97 designated person.

98 (t)~~(q)~~ Section 790.115(1), relating to exhibiting firearms  
99 or weapons within 1,000 feet of a school.

100 (u)~~(r)~~ Section 790.115(2)(b), relating to possessing an  
101 electric weapon or device, destructive device, or other weapon  
102 on school property.

103 (v)~~(s)~~ Section 794.011, relating to sexual battery.

104 (w)~~(t)~~ Former s. 794.041, relating to prohibited acts of  
105 persons in familial or custodial authority.

106 (x)~~(u)~~ Section 794.05, relating to unlawful sexual  
107 activity with certain minors.

108 (y) Section 794.08, relating to female genital mutilation.

109 (z)~~(v)~~ Chapter 796, relating to prostitution.

110 (aa)~~(w)~~ Section 798.02, relating to lewd and lascivious  
111 behavior.

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112        (bb) ~~(x)~~ Chapter 800, relating to lewdness and indecent  
113 exposure and offenses against students by authority figures.

114        (cc) ~~(y)~~ Section 806.01, relating to arson.

115        (dd) ~~(z)~~ Section 810.02, relating to burglary.

116        (ee) ~~(aa)~~ Section 810.14, relating to voyeurism, if the  
117 offense is a felony.

118        (ff) ~~(bb)~~ Section 810.145, relating to video voyeurism, if  
119 the offense is a felony.

120        (gg) ~~(cc)~~ Chapter 812, relating to theft, robbery, and  
121 related crimes, if the offense is a felony.

122        (hh) ~~(dd)~~ Section 817.563, relating to fraudulent sale of  
123 controlled substances, only if the offense was a felony.

124        (ii) ~~(ee)~~ Section 825.102, relating to abuse, aggravated  
125 abuse, or neglect of an elderly person or disabled adult.

126        (jj) ~~(ff)~~ Section 825.1025, relating to lewd or lascivious  
127 offenses committed upon or in the presence of an elderly person  
128 or disabled adult.

129        (kk) ~~(gg)~~ Section 825.103, relating to exploitation of an  
130 elderly person or disabled adult, if the offense was a felony.

131        (ll) ~~(hh)~~ Section 826.04, relating to incest.

132        (mm) ~~(ii)~~ Section 827.03, relating to child abuse,  
133 aggravated child abuse, or neglect of a child.

134        (nn) ~~(jj)~~ Section 827.04, relating to contributing to the  
135 delinquency or dependency of a child.

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136        (oo)~~(kk)~~ Former s. 827.05, relating to negligent treatment  
137 of children.

138        (pp)~~(ll)~~ Section 827.071, relating to sexual performance  
139 by a child.

140        (qq)~~(mm)~~ Section 843.01, relating to resisting arrest with  
141 violence.

142        (rr)~~(nn)~~ Section 843.025, relating to depriving a law  
143 enforcement, correctional, or correctional probation officer  
144 means of protection or communication.

145        (ss)~~(oo)~~ Section 843.12, relating to aiding in an escape.

146        (tt)~~(pp)~~ Section 843.13, relating to aiding in the escape  
147 of juvenile inmates in correctional institutions.

148        (uu)~~(qq)~~ Chapter 847, relating to obscene literature.

149        (vv)~~(rr)~~ Section 874.05, relating to encouraging or  
150 recruiting another to join a criminal gang.

151        (ww)~~(ss)~~ Chapter 893, relating to drug abuse prevention  
152 and control, only if the offense was a felony or if any other  
153 person involved in the offense was a minor.

154        (xx)~~(tt)~~ Section 916.1075, relating to sexual misconduct  
155 with certain forensic clients and reporting of such sexual  
156 misconduct.

157        (yy)~~(uu)~~ Section 944.35(3), relating to inflicting cruel  
158 or inhuman treatment on an inmate resulting in great bodily  
159 harm.

160        (zz)~~(vv)~~ Section 944.40, relating to escape.

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161        (aaa) ~~(ww)~~ Section 944.46, relating to harboring,  
162 concealing, or aiding an escaped prisoner.

163        (bbb) ~~(xx)~~ Section 944.47, relating to introduction of  
164 contraband into a correctional facility.

165        (ccc) ~~(yy)~~ Section 985.701, relating to sexual misconduct  
166 in juvenile justice programs.

167        (ddd) ~~(zz)~~ Section 985.711, relating to contraband  
168 introduced into detention facilities.

169        Section 3. Paragraph (a) of subsection (1), paragraphs (a)  
170 and (b) of subsection (3), and paragraphs (a) and (b) of  
171 subsection (4) of section 435.07, Florida Statutes, are amended  
172 to read:

173        435.07 Exemptions from disqualification.—Unless otherwise  
174 provided by law, the provisions of this section apply to  
175 exemptions from disqualification for disqualifying offenses  
176 revealed pursuant to background screenings required under this  
177 chapter, regardless of whether those disqualifying offenses are  
178 listed in this chapter or other laws.

179        (1)(a) The head of the appropriate agency or qualified  
180 entity may grant to any employee or person with an affiliation  
181 otherwise disqualified from employment an exemption from  
182 disqualification for:

183        1. Felonies for which at least 3 years have elapsed since  
184 the applicant for the exemption has completed or been lawfully

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185 released from confinement, supervision, or nonmonetary condition  
186 imposed by the court for the disqualifying felony;

187 2. Misdemeanors prohibited under any of the statutes cited  
188 in this chapter or under similar statutes of other jurisdictions  
189 for which the applicant for the exemption has completed or been  
190 lawfully released from confinement, supervision, or nonmonetary  
191 condition imposed by the court;

192 3. Offenses that were felonies when committed but that are  
193 now misdemeanors and for which the applicant for the exemption  
194 has completed or been lawfully released from confinement,  
195 supervision, or nonmonetary condition imposed by the court; or

196 4. Findings of delinquency. For offenses that would be  
197 felonies if committed by an adult and the record has not been  
198 sealed or expunged, the exemption may not be granted until at  
199 least 3 years have elapsed since the applicant for the exemption  
200 has completed or been lawfully released from confinement,  
201 supervision, or nonmonetary condition imposed by the court for  
202 the disqualifying offense.

203  
204 For the purposes of this subsection, the term "felonies" means  
205 both felonies prohibited under any of the statutes cited in this  
206 chapter or under similar statutes of other jurisdictions.

207 (3)(a) In order for the head of an agency or qualified  
208 entity to grant an exemption to an ~~any~~ employee or a person with  
209 an affiliation, the employee or person with an affiliation must

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210 demonstrate by clear and convincing evidence that the employee  
211 or person with an affiliation should not be disqualified from  
212 employment. Employees or persons with an affiliation seeking an  
213 exemption have the burden of setting forth clear and convincing  
214 evidence of rehabilitation, including, but not limited to, the  
215 circumstances surrounding the criminal incident for which an  
216 exemption is sought, the time period that has elapsed since the  
217 incident, the nature of the harm caused to the victim, and the  
218 history of the employee or person with an affiliation since the  
219 incident, or any other evidence or circumstances indicating that  
220 the employee or person with an affiliation will not present a  
221 danger if employment, affiliation, or continued employment or  
222 continued affiliation is allowed.

223 (b) The agency may consider as part of its deliberations  
224 of the ~~employee's~~ rehabilitation of the employee or person with  
225 an affiliation the fact that the employee or person with an  
226 affiliation has, subsequent to the conviction for the  
227 disqualifying offense for which the exemption is being sought,  
228 been arrested for or convicted of another crime, even if that  
229 crime is not a disqualifying offense.

230 (4)(a) Disqualification from employment or affiliation  
231 under this chapter may not be removed from, nor may an exemption  
232 be granted to, any personnel who is found guilty of, regardless  
233 of adjudication, or who has entered a plea of nolo contendere or  
234 guilty to, any felony covered by s. 435.03 or s. 435.04 solely

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235 by reason of any pardon, executive clemency, or restoration of  
236 civil rights.

237 (b) Disqualification from employment or affiliation under  
238 this chapter may not be removed from, nor may an exemption be  
239 granted to, any person who is a:

- 240 1. Sexual predator as designated pursuant to s. 775.21;
- 241 2. Career offender pursuant to s. 775.261; or
- 242 3. Sexual offender pursuant to s. 943.0435, unless the  
243 requirement to register as a sexual offender has been removed  
244 pursuant to s. 943.04354.

245 Section 4. Effective upon this act becoming a law,  
246 subsections (1) and (2) and paragraph (a) of subsection (3) of  
247 section 435.12, Florida Statutes, are amended to read:

248 435.12 Care Provider Background Screening Clearinghouse.—

249 (1) The Agency for Health Care Administration in  
250 consultation with the Department of Law Enforcement shall create  
251 a secure web-based system, which shall be known as the "Care  
252 Provider Background Screening Clearinghouse" or  
253 "clearinghouse.7" ~~and which shall be implemented to the full~~  
254 ~~extent practicable no later than September 30, 2013, subject to~~  
255 ~~the specified agencies being funded and equipped to participate~~  
256 ~~in such program.~~ The clearinghouse must ~~shall~~ allow the results  
257 of criminal history checks provided to the specified agencies  
258 and, beginning January 1, 2026, or a later date as determined by  
259 the Agency for Health Care Administration, to qualified entities

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260 participating in the clearinghouse for screening of persons  
261 qualified as care providers under s. 943.0542 to be shared among  
262 the specified agencies and qualified entities when a person has  
263 applied to volunteer, be employed, be licensed, ~~or~~ enter into a  
264 contract, or has an affiliation that allows or ~~that~~ requires a  
265 state and national fingerprint-based criminal history check.  
266 Beginning January 1, 2025, or a later date as determined by the  
267 Agency for Health Care Administration, the Agency for Health  
268 Care Administration shall review and determine eligibility for  
269 all criminal history checks submitted to the clearinghouse for  
270 the Department of Education. The clearinghouse shall share  
271 eligibility determinations with the Department of Education and  
272 the qualified entities. The Agency for Health Care  
273 Administration and the Department of Law Enforcement may adopt  
274 rules to create forms or implement procedures needed to carry  
275 out this section.

276 (2)(a) To ensure that the information in the clearinghouse  
277 is current, the fingerprints of a person ~~an employee required to~~  
278 ~~be screened by a specified agency and~~ included in the  
279 clearinghouse must be:

280 1. Retained by the Department of Law Enforcement pursuant  
281 to s. 943.05(2)(g) and (h) and (3), and the Department of Law  
282 Enforcement must report the results of searching those  
283 fingerprints against state incoming arrest fingerprint

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284 submissions to the Agency for Health Care Administration for  
285 inclusion in the clearinghouse.

286 2. Retained by the Federal Bureau of Investigation in the  
287 national retained print arrest notification program as soon as  
288 the Department of Law Enforcement begins participation in such  
289 program. Arrest prints will be searched against retained prints  
290 at the Federal Bureau of Investigation and notification of  
291 arrests will be forwarded to the Florida Department of Law  
292 Enforcement and reported to the Agency for Health Care  
293 Administration for inclusion in the clearinghouse.

294 3. Resubmitted for a Federal Bureau of Investigation  
295 national criminal history check every 5 years until such time as  
296 the fingerprints are retained by the Federal Bureau of  
297 Investigation.

298 4. Subject to retention on a 5-year renewal basis with  
299 fees collected at the time of initial submission or resubmission  
300 of fingerprints.

301 5. Submitted with a photograph of the person taken at the  
302 time the fingerprints are submitted.

303 (b) Until such time as the fingerprints are enrolled in  
304 the national retained print arrest notification program at the  
305 Federal Bureau of Investigation:

306 1. A person, ~~an employee~~ with a break in service of more  
307 than 90 days from a position that requires screening by a  
308 specified agency must submit to a national screening if the

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309 person returns to a position that requires screening by a  
310 specified agency.

311 2. Effective January 1, 2026, or a later date as  
312 determined by the Agency for Health Care Administration, for the  
313 participation of qualified entities in the clearinghouse under  
314 s. 435.12, a person with a break in service of more than 90 days  
315 from a position for which screening is conducted by a qualified  
316 entity participating in the clearinghouse must submit to a  
317 national screening if the person returns to a position for which  
318 screening is conducted by a qualified entity.

319 (c) An employer of persons subject to screening or a  
320 qualified entity participating in the clearinghouse ~~by a~~  
321 ~~specified agency~~ must register with the clearinghouse and  
322 maintain the employment or affiliation status of all persons  
323 included in employees within the clearinghouse.

324 1. Before January 1, 2024, initial employment status and  
325 any changes in status must be reported within 10 business days  
326 after a person receives his or her initial status or after a  
327 change in the person's status has been made.

328 2. Effective January 1, 2024, initial status and any  
329 changes in status must be reported within 5 business days after  
330 a person receives his or her initial status or after a change in  
331 the person's status has been made.

332 (d) An employer or a qualified entity participating in the  
333 clearinghouse must register with and initiate all criminal

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334 history checks through the clearinghouse before referring an  
335 employee or potential employee or a person with a current or  
336 potential affiliation with a qualified entity for electronic  
337 fingerprint submission to the Department of Law Enforcement. The  
338 registration must include the person's ~~employee's~~ full first  
339 name, middle initial, and last name; social security number;  
340 date of birth; mailing address; sex; and race. Individuals,  
341 persons, applicants, and controlling interests that cannot  
342 legally obtain a social security number must provide an  
343 individual taxpayer identification number.

344 (3)(a) Employees of each district unit under s. 1001.30,  
345 special district units under s. 1011.24, the Florida School for  
346 the Deaf and the Blind under s. 1002.36, the Florida Virtual  
347 School under s. 1002.37, virtual instruction programs under s.  
348 1002.45, charter schools under s. 1002.33, hope operators under  
349 s. 1002.333, private schools participating in an educational  
350 scholarship program established pursuant to chapter 1002, and  
351 alternative schools under s. 1008.341 must be rescreened in  
352 compliance with the following schedule:

353 1. Employees for whom the last screening was conducted on  
354 or before June 30, 2021 ~~2019~~, must be rescreened by June 30,  
355 2025 ~~2024~~.

356 2. Employees for whom the last screening was conducted  
357 between July 1, 2021 ~~2019~~, and June 30, 2022 ~~2021~~, must be  
358 rescreened by June 30, 2026 ~~2025~~.

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359 3. Employees for whom the last screening was conducted  
360 between July 1, 2022 ~~2021~~, and December 31, 2023 ~~2022~~, must be  
361 rescreened by June 30, 2027 ~~2026~~.

362 Section 5. Paragraph (a) of subsection (1), paragraphs (a)  
363 and (b) of subsection (2), and subsection (4) of section  
364 943.0438, Florida Statutes, are amended to read:

365 943.0438 Athletic coaches for independent sanctioning  
366 authorities.—

367 (1) As used in this section, the term:

368 (a) "Athletic coach" means a person who:

369 1. Is authorized by an independent sanctioning authority  
370 to work as a coach, assistant coach, manager, or referee ~~for 20~~  
371 ~~or more hours within a calendar year~~, whether for compensation  
372 or as a volunteer, for a youth athletic team based in this  
373 state; and

374 2. Has direct contact with one or more minors on the youth  
375 athletic team.

376 (2) An independent sanctioning authority shall:

377 (a) ~~1.~~ Conduct a level 2 ~~1~~ background screening under s.  
378 435.04 ~~pursuant to s. 435.03~~ of each current and prospective  
379 athletic coach. The authority may not delegate this  
380 responsibility to an individual team and may not authorize any  
381 person to act as an athletic coach unless a level 2 ~~1~~ background  
382 screening is conducted and does not result in disqualification  
383 under paragraph (b). ~~Level 1 background screenings shall be~~

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384 ~~conducted annually for each athletic coach. For purposes of this~~  
385 ~~section, a background screening shall include a search of the~~  
386 ~~athletic coach's name or other identifying information against~~  
387 ~~state and federal registries of sexual predators and sexual~~  
388 ~~offenders, which are available to the public on Internet sites~~  
389 ~~provided by:~~

- 390 ~~a. The Department of Law Enforcement under s. 943.043; and~~  
391 ~~b. The Attorney General of the United States under 42~~  
392 ~~U.S.C. s. 16920.~~

393 ~~2. For purposes of this section, a background screening~~  
394 ~~conducted by a commercial consumer reporting agency in~~  
395 ~~compliance with the federal Fair Credit Reporting Act using the~~  
396 ~~identifying information referenced in subparagraph 1. that~~  
397 ~~includes a level 1 background screening and a search of that~~  
398 ~~information against the sexual predator and sexual offender~~  
399 ~~Internet sites listed in sub-subparagraphs 1.a. and b. shall be~~  
400 ~~deemed to satisfy the requirements of this paragraph.~~

401 ~~(b)1. Before January 1, 2026, or a later date as~~  
402 ~~determined by the Agency for Health Care Administration for the~~  
403 ~~participation of qualified entities in the Care Provider~~  
404 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~  
405 ~~any person from acting as an athletic coach as provided in s.~~  
406 ~~435.04 ~~s. 435.03~~ or if he or she is identified on a registry~~  
407 ~~described in paragraph (a). The authority may allow a person~~  
408 ~~disqualified under this subparagraph ~~paragraph~~ to act as an~~

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409 athletic coach if it determines that the person meets the  
410 requirements for an exemption from disqualification under s.  
411 435.07.

412 2. On or after January 1, 2026, or a later date as  
413 determined by the Agency for Health Care Administration, not  
414 allow any person to act as an athletic coach if he or she does  
415 not pass the background screening qualifications in s. 435.04.  
416 The authority may allow a person disqualified under this  
417 subparagraph to act as an athletic coach if the person has  
418 successfully completed the exemption from the disqualification  
419 process under s. 435.07.

420 (4) ~~The Legislature encourages~~ Independent sanctioning  
421 authorities for youth athletic teams must ~~to~~ participate in the  
422 Volunteer and Employee Criminal History System, as authorized by  
423 the National Child Protection Act of 1993 and s. 943.0542.

424 Section 6. Paragraph (h) of subsection (2) of section  
425 943.05, Florida Statutes, is amended, and paragraph (i) is added  
426 to that subsection, to read:

427 943.05 Criminal Justice Information Program; duties; crime  
428 reports.—

429 (2) The program shall:

430 (h) For each specified agency, as defined in s. 435.02,  
431 each qualified entity participating in the Care Provider  
432 Background Screening Clearinghouse under s. 435.12, or any other  
433 agency or qualified entity that officially requests retention of

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434 fingerprints or for which retention is otherwise required by  
435 law, search all arrest fingerprint submissions received under s.  
436 943.051 against the fingerprints retained in the statewide  
437 automated biometric identification system under paragraph (g).

438 1. Any arrest record that is identified with the retained  
439 fingerprints of a person subject to background screening as  
440 provided in paragraph (g) must ~~shall~~ be reported to the  
441 appropriate agency or qualified entity.

442 2. To participate in this search process, agencies or  
443 qualified entities must notify each person fingerprinted that  
444 his or her fingerprints will be retained, pay an annual fee to  
445 the department unless otherwise provided by law, and inform the  
446 department of any change in the affiliation, employment, or  
447 contractual status of each person whose fingerprints are  
448 retained under paragraph (g) if such change removes or  
449 eliminates the agency or qualified entity's basis or need for  
450 receiving reports of any arrest of that person, so that the  
451 agency or qualified entity is not obligated to pay the upcoming  
452 annual fee for the retention and searching of that person's  
453 fingerprints to the department. The department shall adopt a  
454 rule setting the amount of the annual fee to be imposed upon  
455 each participating agency or qualified entity for performing  
456 these searches and establishing the procedures for the retention  
457 of fingerprints and the dissemination of search results. The fee  
458 may be borne by the agency, qualified entity, or person subject

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459 to fingerprint retention or as otherwise provided by law.  
460 Consistent with the recognition of criminal justice agencies  
461 expressed in s. 943.053(3), these services must ~~shall~~ be  
462 provided to criminal justice agencies for criminal justice  
463 purposes free of charge. Qualified entities that elect to  
464 participate in the fingerprint retention and search process are  
465 required to timely remit the fee to the department by a payment  
466 mechanism approved by the department. If requested by the  
467 qualified entity, and with the approval of the department, such  
468 fees may be timely remitted to the department by a qualified  
469 entity upon receipt of an invoice for such fees from the  
470 department. Failure of a qualified entity to pay the amount due  
471 on a timely basis or as invoiced by the department may result in  
472 the refusal by the department to permit the qualified entity to  
473 continue to participate in the fingerprint retention and search  
474 process until all fees due and owing are paid.

475 3. Agencies that participate in the fingerprint retention  
476 and search process may adopt rules pursuant to ss. 120.536(1)  
477 and 120.54 to require employers to keep the agency informed of  
478 any change in the affiliation, employment, or contractual status  
479 of each person whose fingerprints are retained under paragraph  
480 (g) if such change removes or eliminates the agency's basis or  
481 need for receiving reports of any arrest of that person, so that  
482 the agency is not obligated to pay the upcoming annual fee for

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483 the retention and searching of that person's fingerprints to the  
484 department.

485 (i) Develop, for federal approval, a method for  
486 identifying or verifying a person through automated biometrics.

487 Section 7. Subsections (2) through (6) of section  
488 943.0542, Florida Statutes, are amended to read:

489 943.0542 Access to criminal history information provided  
490 by the department to qualified entities.—

491 (2)(a) A qualified entity conducting background criminal  
492 history checks under this section must:

493 1. Register with the department before submitting a  
494 request for screening under this section. Each such request must  
495 be voluntary and conform to the requirements established in the  
496 National Child Protection Act of 1993, as amended. As a part of  
497 the registration, the qualified entity must agree to comply with  
498 state and federal law and must so indicate by signing an  
499 agreement approved by the department. The department shall ~~may~~  
500 periodically audit qualified entities to ensure compliance with  
501 federal law and this section.

502 2. Before January 1, 2026, or a later date as determined  
503 by the Agency for Health Care Administration,

504 ~~(b) A qualified entity shall~~ submit to the department, and  
505 effective January 1, 2026, or a later date as determined by the  
506 Agency for Health Care Administration, submit to the agency a  
507 request for screening an employee or volunteer or person

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508 applying to be an employee or volunteer by submitting  
509 fingerprints, or the request may be submitted electronically.  
510 The qualified entity must maintain a signed waiver allowing the  
511 release of the state and national criminal history record  
512 information to the qualified entity.

513 (b)-(e) Each ~~such~~ request for screening must be accompanied  
514 by payment of a fee for a statewide criminal history check ~~by~~  
515 ~~the department~~ established by s. 943.053, plus the amount  
516 currently prescribed by the Federal Bureau of Investigation for  
517 the national criminal history check in compliance with the  
518 National Child Protection Act of 1993, as amended. Payments must  
519 be made in the manner prescribed by the department or agency by  
520 rule.

521 (c)-(d) Any current or prospective employee or volunteer  
522 who is subject to a request for screening must indicate to the  
523 qualified entity submitting the request the name and address of  
524 each qualified entity that has submitted a previous request for  
525 screening regarding that employee or volunteer.

526 (d) Effective January 1, 2026, or a later date as  
527 determined by the Agency for Health Care Administration, a  
528 qualified entity initiating a background criminal history check  
529 under this section must comply with s. 435.12, and all  
530 fingerprints received pursuant to this section must be entered  
531 into the clearinghouse as provided in s. 435.12.

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532           (3) Through December 31, 2025, or a later date as  
533 determined by the Agency for Health Care Administration, the  
534 department shall provide directly to the qualified entity the  
535 state criminal history records that are not exempt from  
536 disclosure under chapter 119 or otherwise confidential under  
537 law. A person who is the subject of a state criminal history  
538 record may challenge the record only as provided in s. 943.056.  
539 Effective January 1, 2026, or a later date as determined by the  
540 Agency for Health Care Administration, the Care Provider  
541 Background Screening Clearinghouse may provide such records to  
542 the qualified entity only if the person challenges the record as  
543 provided in this subsection.

544           (4) The national criminal history data is available to  
545 qualified entities to use only for the purpose of screening  
546 employees and volunteers or persons applying to be an employee  
547 or volunteer with a qualified entity. Through December 31, 2026,  
548 or a later date as determined by the Agency for Health Care  
549 Administration, the department shall provide this national  
550 criminal history record information directly to the qualified  
551 entity as authorized by the written waiver required for  
552 submission of a request ~~to the department.~~ Effective January 1,  
553 2026, or a later date as determined by the Agency for Health  
554 Care Administration, the Care Provider Background Screening  
555 Clearinghouse may provide such record information to the

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556 qualified entity only if the person requests an exemption from  
557 the qualified entity under s. 435.07.

558 (5) The entity making the determination regarding  
559 screening shall apply the criteria under s. 435.04(2) to the  
560 state and national criminal history record information received  
561 from the department for those persons subject to screening. The  
562 determination whether the criminal history record shows that the  
563 employee or volunteer has not been arrested for and is awaiting  
564 final disposition of, regardless of adjudication, or entered a  
565 plea of nolo contendere or guilty to, or has been adjudicated  
566 delinquent and the record has not been sealed or expunged for,  
567 any offense listed under s. 435.02(2) convicted of or is under  
568 pending indictment for any crime that bears upon the fitness of  
569 the employee or volunteer to have responsibility for the safety  
570 and well-being of children, the elderly, or disabled persons  
571 shall ~~solely~~ be made by the qualified entity through December  
572 31, 2025, or a later date as determined by the Agency for Health  
573 Care Administration. Beginning January 1, 2026, or a later date  
574 as determined by the Agency for Health Care Administration, the  
575 Agency for Health Care Administration shall determine the  
576 eligibility of the employee or volunteer of a qualified entity.  
577 This section does not require the department to make such a  
578 determination on behalf of any qualified entity.

579 (6) The qualified entity or, effective January 1, 2026, or  
580 a later date as determined by the Agency for Health Care

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581 Administration, the Care Provider Background Screening  
582 Clearinghouse must notify in writing the person of his or her  
583 right to obtain a copy of any background screening report,  
584 including the criminal history records, if any, contained in the  
585 report, and of the person's right to challenge the accuracy and  
586 completeness of any information contained in any such report and  
587 to obtain a determination as to the validity of such challenge  
588 before a final determination regarding the person is made by the  
589 qualified entity reviewing the criminal history information. A  
590 ~~qualified entity that is required by law to apply screening~~  
591 ~~criteria, including any right to contest or request an exemption~~  
592 ~~from disqualification, shall apply such screening criteria to~~  
593 ~~the state and national criminal history record information~~  
594 ~~received from the department for those persons subject to the~~  
595 ~~required screening.~~

596 Section 8. Section 1012.315, Florida Statutes, is amended  
597 to read:

598 1012.315 Screening standards.—A person is ineligible for  
599 educator certification or employment in any position that  
600 requires direct contact with students in a district school  
601 system, a charter school, or a private school that participates  
602 in a state scholarship program under chapter 1002 if the person:

603 (1) Is on the disqualification list maintained by the  
604 department under ~~pursuant to~~ s. 1001.10(4) (b) ;

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605       (2) Is registered as a sex offender as described in 42  
606 U.S.C. s. 9858f(c)(1)(C);~~7~~

607       (3) Is ineligible based on a security background  
608 investigation under s. 435.04(2). Beginning January 1, 2025, or  
609 a later date as determined by the Agency for Health Care  
610 Administration, the Agency for Health Care Administration shall  
611 determine the eligibility of employees in any position that  
612 requires direct contact with students in a district school  
613 system, a charter school, or a private school that participates  
614 in a state scholarship program under chapter 1002;

615       (4) Would be ineligible for an exemption under s.  
616 435.07(4)(c); ~~or, or has been convicted or found guilty of, has~~  
617 ~~had adjudication withheld for, or has pled guilty or nolo~~  
618 ~~contendere to:~~

619       ~~(1) Any felony offense prohibited under any of the~~  
620 ~~following statutes:~~

621       ~~(a) Section 393.135, relating to sexual misconduct with~~  
622 ~~certain developmentally disabled clients and reporting of such~~  
623 ~~sexual misconduct.~~

624       ~~(b) Section 394.4593, relating to sexual misconduct with~~  
625 ~~certain mental health patients and reporting of such sexual~~  
626 ~~misconduct.~~

627       ~~(c) Section 415.111, relating to adult abuse, neglect, or~~  
628 ~~exploitation of aged persons or disabled adults.~~

629       ~~(d) Section 782.04, relating to murder.~~

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630 ~~(e) Section 782.07, relating to manslaughter; aggravated~~  
631 ~~manslaughter of an elderly person or disabled adult; aggravated~~  
632 ~~manslaughter of a child; or aggravated manslaughter of an~~  
633 ~~officer, a firefighter, an emergency medical technician, or a~~  
634 ~~paramedic.~~

635 ~~(f) Section 784.021, relating to aggravated assault.~~

636 ~~(g) Section 784.045, relating to aggravated battery.~~

637 ~~(h) Section 784.075, relating to battery on a detention or~~  
638 ~~commitment facility staff member or a juvenile probation~~  
639 ~~officer.~~

640 ~~(i) Section 787.01, relating to kidnapping.~~

641 ~~(j) Section 787.02, relating to false imprisonment.~~

642 ~~(k) Section 787.025, relating to luring or enticing a~~  
643 ~~child.~~

644 ~~(l) Section 787.04(2), relating to leading, taking,~~  
645 ~~enticing, or removing a minor beyond the state limits, or~~  
646 ~~concealing the location of a minor, with criminal intent pending~~  
647 ~~eustody proceedings.~~

648 ~~(m) Section 787.04(3), relating to leading, taking,~~  
649 ~~enticing, or removing a minor beyond the state limits, or~~  
650 ~~concealing the location of a minor, with criminal intent pending~~  
651 ~~dependency proceedings or proceedings concerning alleged abuse~~  
652 ~~or neglect of a minor.~~

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653 ~~(n) Section 790.115(1), relating to exhibiting firearms or~~  
654 ~~weapons at a school-sponsored event, on school property, or~~  
655 ~~within 1,000 feet of a school.~~

656 ~~(o) Section 790.115(2)(b), relating to possessing an~~  
657 ~~electric weapon or device, destructive device, or other weapon~~  
658 ~~at a school-sponsored event or on school property.~~

659 ~~(p) Section 794.011, relating to sexual battery.~~

660 ~~(q) Former s. 794.041, relating to sexual activity with or~~  
661 ~~solicitation of a child by a person in familial or custodial~~  
662 ~~authority.~~

663 ~~(r) Section 794.05, relating to unlawful sexual activity~~  
664 ~~with certain minors.~~

665 ~~(s) Section 794.08, relating to female genital mutilation.~~

666 ~~(t) Chapter 796, relating to prostitution.~~

667 ~~(u) Chapter 800, relating to lewdness and indecent~~  
668 ~~exposure.~~

669 ~~(v) Section 800.101, relating to offenses against students~~  
670 ~~by authority figures.~~

671 ~~(w) Section 806.01, relating to arson.~~

672 ~~(x) Section 810.14, relating to voyeurism.~~

673 ~~(y) Section 810.145, relating to video voyeurism.~~

674 ~~(z) Section 812.014(6), relating to coordinating the~~  
675 ~~commission of theft in excess of \$3,000.~~

676 ~~(aa) Section 812.0145, relating to theft from persons 65~~  
677 ~~years of age or older.~~

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- 678       ~~(bb) Section 812.019, relating to dealing in stolen~~
- 679 ~~property.~~
- 680       ~~(cc) Section 812.13, relating to robbery.~~
- 681       ~~(dd) Section 812.131, relating to robbery by sudden~~
- 682 ~~snatching.~~
- 683       ~~(ee) Section 812.133, relating to carjacking.~~
- 684       ~~(ff) Section 812.135, relating to home-invasion robbery.~~
- 685       ~~(gg) Section 817.563, relating to fraudulent sale of~~
- 686 ~~controlled substances.~~
- 687       ~~(hh) Section 825.102, relating to abuse, aggravated abuse,~~
- 688 ~~or neglect of an elderly person or disabled adult.~~
- 689       ~~(ii) Section 825.103, relating to exploitation of an~~
- 690 ~~elderly person or disabled adult.~~
- 691       ~~(jj) Section 825.1025, relating to lewd or lascivious~~
- 692 ~~offenses committed upon or in the presence of an elderly person~~
- 693 ~~or disabled person.~~
- 694       ~~(kk) Section 826.04, relating to incest.~~
- 695       ~~(ll) Section 827.03, relating to child abuse, aggravated~~
- 696 ~~child abuse, or neglect of a child.~~
- 697       ~~(mm) Section 827.04, relating to contributing to the~~
- 698 ~~delinquency or dependency of a child.~~
- 699       ~~(nn) Section 827.071, relating to sexual performance by a~~
- 700 ~~child.~~
- 701       ~~(oo) Section 843.01, relating to resisting arrest with~~
- 702 ~~violence.~~

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- 703           ~~(pp) Chapter 847, relating to obscenity.~~
- 704           ~~(qq) Section 874.05, relating to causing, encouraging,~~  
705 ~~soliciting, or recruiting another to join a criminal street~~  
706 ~~gang.~~
- 707           ~~(rr) Chapter 893, relating to drug abuse prevention and~~  
708 ~~control, if the offense was a felony of the second degree or~~  
709 ~~greater severity.~~
- 710           ~~(ss) Section 916.1075, relating to sexual misconduct with~~  
711 ~~certain forensic clients and reporting of such sexual~~  
712 ~~misconduct.~~
- 713           ~~(tt) Section 944.47, relating to introduction, removal, or~~  
714 ~~possession of contraband at a correctional facility.~~
- 715           ~~(uu) Section 985.701, relating to sexual misconduct in~~  
716 ~~juvenile justice programs.~~
- 717           ~~(vv) Section 985.711, relating to introduction, removal,~~  
718 ~~or possession of contraband at a juvenile detention facility or~~  
719 ~~commitment program.~~
- 720           ~~(2) Any misdemeanor offense prohibited under any of the~~  
721 ~~following statutes:~~
- 722           ~~(a) Section 784.03, relating to battery, if the victim of~~  
723 ~~the offense was a minor.~~
- 724           ~~(b) Section 787.025, relating to luring or enticing a~~  
725 ~~child.~~

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726 (5)-(3) Has been convicted or found guilty of, has had  
727 adjudication withheld for, or has pled guilty or nolo contendere  
728 to:

729 (a) Any criminal act committed in another state or under  
730 federal law which, if committed in this state, constitutes a  
731 disqualifying an offense prohibited under any statute listed in  
732 s. 435.04(2) subsection (1) or subsection (2).

733 (b)-(4) Any delinquent act committed in this state or any  
734 delinquent or criminal act committed in another state or under  
735 federal law which, if committed in this state, qualifies an  
736 individual for inclusion on the Registered Juvenile Sex Offender  
737 List under s. 943.0435(1)(h)1.d.

738 Section 9. Paragraph (a) of subsection (2) and paragraph  
739 (a) of subsection (7) of section 1012.467, Florida Statutes, are  
740 amended to read:

741 1012.467 Noninstructional contractors who are permitted  
742 access to school grounds when students are present; background  
743 screening requirements.—

744 (2)(a) A fingerprint-based criminal history check must  
745 ~~shall~~ be performed on each noninstructional contractor who is  
746 permitted access to school grounds when students are present,  
747 whose performance of the contract with the school or school  
748 board is not anticipated to result in direct contact with  
749 students, and for whom any unanticipated contact would be  
750 infrequent and incidental using the process described in s.

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751 1012.32(3). The results of each criminal history check must  
752 ~~shall~~ be reported to the school district in which the individual  
753 is seeking access and entered into the shared system described  
754 in subsection (7). The school district shall screen the results  
755 using the disqualifying offenses in paragraph (b). Beginning  
756 January 1, 2025, or a later date as determined by the Agency for  
757 Health Care Administration, the Agency for Health Care  
758 Administration shall determine the eligibility of a  
759 noninstructional contractor. The cost of the criminal history  
760 check may be borne by the district school board, the school, or  
761 the contractor.

762 (7)(a) The Department of Law Enforcement shall implement a  
763 system that allows for the results of a criminal history check  
764 provided to a school district to be shared with other school  
765 districts through a secure Internet website or other secure  
766 electronic means. School districts must accept reciprocity of  
767 level 2 screenings for Florida High School Athletic Association  
768 officials. Beginning January 1, 2025, or a later date as  
769 determined by the Agency for Health Care Administration, the  
770 background screening must be conducted through the Care Provider  
771 Background Screening Clearinghouse under s. 435.12.

772 Section 10. Paragraph (a) of subsection (10) of section  
773 1012.56, Florida Statutes, is amended to read:

774 1012.56 Educator certification requirements.—

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775 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
776 PERIODICALLY.—

777 (a) Each person who seeks certification under this chapter  
778 must be fingerprinted and screened in accordance with s. 1012.32  
779 and must not be ineligible for such certification under s.  
780 1012.315. A person who has been screened in accordance with s.  
781 1012.32 by a district school board or the Department of  
782 Education within 12 months before the date the person initially  
783 obtains certification under this chapter, the results of which  
784 are submitted to the district school board or to the Department  
785 of Education, is not required to repeat the screening under this  
786 paragraph. Beginning January 1, 2025, or a later date as  
787 determined by the Agency for Health Care Administration, the  
788 background screening must be conducted through the Care Provider  
789 Background Screening Clearinghouse under s. 435.12.

790 Section 11. (1) Sections 1001.10, 1001.42, 1001.51,  
791 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and  
792 1012.796, Florida Statutes, are reenacted for the purpose of  
793 incorporating the amendments made by this act to s. 1012.315,  
794 Florida Statutes, in references thereto.

795 (2) Section 1012.468, Florida Statutes, is reenacted for  
796 the purpose of incorporating the amendments made by this act to  
797 s. 1012.467, Florida Statutes, in a reference thereto.

798 Section 12. The changes made to s. 435.12, Florida  
799 Statutes, by this act must be implemented by January 1, 2025, or

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800 a later date as determined by the Agency for Health Care  
801 Administration.

802 Section 13. (1) For the 2023-2024 fiscal year, the sums  
803 of \$400,000 in recurring funds from the Health Care Trust Fund  
804 and \$4 million in nonrecurring funds from the Health Care Trust  
805 Fund are appropriated to the Agency for Health Care  
806 Administration.

807 (2) This section shall take effect July 1, 2023.

808 Section 14. Except as otherwise expressly provided in this  
809 act and except for this section, which shall take effect upon  
810 this act becoming a law, this act shall take effect July 1,  
811 2024.

812  
813 -----

814 **T I T L E A M E N D M E N T**

815 Remove everything before the enacting clause and insert:

816 A bill to be entitled

817 An act relating to level 2 background screenings;

818 amending s. 435.02, F.S.; revising and providing

819 definitions; amending s. 435.04, F.S.; requiring

820 persons with an affiliation to certain qualified

821 entities to undergo security background

822 investigations; expanding authorized records that may

823 be checked during a level 2 background screening;

824 adding additional disqualifying offenses to level 2

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825 background screening requirements; removing obsolete  
826 language; amending s. 435.07, F.S.; authorizing the  
827 head of a qualified entity to grant a person with an  
828 affiliation an exemption from disqualification under  
829 certain circumstances; conforming provisions to  
830 changes made by the act; amending s. 435.12, F.S.;  
831 authorizing certain qualified entities to participate  
832 in the Care Provider Background Screening  
833 Clearinghouse beginning on a specified date; requiring  
834 the Agency for Health Care Administration to perform  
835 certain actions beginning on a specified date;  
836 requiring the clearinghouse to share eligibility  
837 determinations with certain entities; requiring  
838 certain persons with a certain break in service from a  
839 position with a qualified entity to submit to a  
840 national screening beginning on a specified date;  
841 revising the timeframe for certain reporting  
842 requirements; revising deadlines for rescreening  
843 certain employees; removing obsolete language;  
844 conforming provisions to changes made by the act;  
845 amending s. 943.0438, F.S.; revising the definition of  
846 the term "athletic coach"; requiring level 2, instead  
847 of level 1, background screenings for current and  
848 prospective athletic coaches; providing timeframes for  
849 independent sanctioning authorities to disqualify

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850 certain persons from acting as an athletic coach for  
851 certain reasons; requiring independent sanctioning  
852 authorities to participate in a specified system;  
853 conforming provisions to changes made by the act;  
854 amending s. 943.05, F.S.; expanding the agencies and  
855 entities which may use the Criminal Justice  
856 Information Program; requiring the program to develop,  
857 for federal approval, a specified method for  
858 identifying or verifying an individual; amending s.  
859 943.0542, F.S.; requiring qualified entities to submit  
860 a request for screening to the Department of Law  
861 Enforcement or, after a specified date, the Agency for  
862 Health Care Administration; specifying how payments  
863 for a statewide criminal history check are to be made;  
864 providing requirements for certain qualified entities;  
865 specifying when the clearinghouse may provide certain  
866 records to a qualified entity; requiring entities  
867 making determinations regarding screening to apply  
868 certain criteria; revising standards for  
869 determinations of whether a criminal history record  
870 shows certain information; requiring the agency to  
871 make certain determinations regarding the eligibility  
872 of certain employees or volunteers beginning on a  
873 specified date; requiring the clearinghouse to provide  
874 certain notifications beginning on a specified date;

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875 conforming provisions to changes made by the act;  
876 amending s. 1012.315, F.S.; revising screening  
877 requirements for specified individuals; requiring the  
878 agency to make certain determinations regarding the  
879 eligibility of certain employees beginning on a  
880 specified date; conforming provisions to changes made  
881 by the act; amending s. 1012.467, F.S.; requiring the  
882 agency to make certain determinations regarding the  
883 eligibility of certain noninstructional contractors  
884 beginning on a specified date; requiring background  
885 screenings to be conducted by the clearinghouse  
886 beginning on a specified date; amending s. 1012.56,  
887 F.S.; requiring the records of a person applying for  
888 educator certification to be referred to the agency  
889 beginning on a specified date; requiring background  
890 screening to be conducted by the clearinghouse  
891 beginning on a specified date; reenacting ss. 1001.10,  
892 1001.42, 1001.51, 1002.33, 1002.333, 1002.421,  
893 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to  
894 incorporate the amendments made by this act to s.  
895 1012.315, F.S., in references thereto; reenacting s.  
896 1012.468, F.S., to incorporate the amendments made by  
897 this act to s. 1012.467, F.S., in a reference thereto;  
898 providing an appropriation; requiring that certain  
899 provisions be implemented by the later of a specified

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900 | date or a date determined by the agency; providing  
901 | effective dates.

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