

The Jessica Lunsford Act

Implementation for Contractors, Vendors & Sports Officials

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

[II. Frequently Asked Questions \(Click to go there\)](#)

[III. Procedures and Other Information \(Click to go there\)](#)

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 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 by SCPS or another Florida school district on or after July 1, 2007 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: SCPS is unable to accept payments made via the FLPRINTS.com website. 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 inspection in accordance with Florida Statutes.

I. Legislative Description and History

The original Jessica Lunsford Act was passed by the 2005 Florida Legislature in response to the abduction and murder 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:

- x establishing certain exemptions for criminal history background screenings of contractors (s. 1012.468)
- x establishing specific disqualifying criminal offenses for contractors (s. 1012.467)
- x 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.
- x capping the fee a non-instructional contractor may be charged for background screening.
- x requiring a criminal history check be performed every five years
- x 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 1012.467 (2)(a) of the Florida Statutes, now states:

(1) Except as provided in s. 1012.468, fingerprint-based criminal history check shall be performed on each non-instructional contractor who is permitted access to school grounds when students are present, whose performance of the contract with the school or school board is not anticipated to result in direct contact with students, and for whom any unanticipated contact would be infrequent and incidental.

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 certain “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:

- x 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
- x 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 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:

- x 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 with an exempted non-instructional contractor when students are present and accessible.
- x A non-instructional contractor who, is otherwise required by law to undergo a 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.
- x A law enforcement officer who is assigned or dispatched to school grounds by his or her employer
- x Licensed ambulance service providers dispatched to or providing services to a school or school district within the scope of part III of s. 401.
- x 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.

- x A non-instructional contractor who provides pick-up or delivery services and those services involve brief visits on school grounds when students are present.
- x 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 the criminal history record in the Florida Shared School Records (FSSR) database for five years.

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 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 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 a 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.

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 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 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.

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 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. 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) 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 \$81.25 fingerprinting 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 on or after July 1, 2007?

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 July 1, 2007, then you must 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 and no additional fingerprints 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.

What if I was fingerprinted in another Florida School District prior to July 1, 2007.

You must be re-fingerprinted and undergo a new criminal background screening if the date of your last fingerprint submission occurred prior to July 1, 2007 in another Florida school district.

How often must non-instructional contractors/vendors undergo a criminal background screening?

At least once every five years.

What is the cost of the required criminal background screening?

The current fee for each individual screening is \$81.25. This includes fingerprinting, Florida and National Criminal History Records and, annual record retention fees (\$6 per year for 5 years) assessed by the Florida Department of Law Enforcement.

How can the fingerprint and background screening fee be paid?

Fingerprint fees must be paid before being fingerprinted using one of the following options:

Effective 11/22/10: Until further notice, payments via www.flprints.com can no longer be accepted as payment for background checks by Seminole County Public Schools.

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?**

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. ([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 vendors and contractors who have active or pending contracts with Seminole County Public Schools.]

How long will it take to be fingerprinted?

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

Notice: 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.

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?

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. A criminal background screening is required for Public School Sports Officials

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

No. Jessica Lunsford Act does not apply to volunteer. 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 upon 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.

Except that, 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

Fax Forms to (407) 320-0584

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

Website: www.scps.k12.fl.us

(Revised 05/24/11).