



BULLETIN:

FLORIDA LEGISLATURE REVISES THE JESSICA LUNSFORD ACT WHAT THE LEGISLATURE DID AND WHAT YOU NEED TO DO

Senate Bill 988, which Governor Charlie Crist signed into law on June 20, 2007, makes major changes to Florida's Jessica Lunsford Act. As it affects building contractors, the new law will make it easier for contractors and other people who do business on school grounds to comply, and will make standards consistent throughout the state. Senate Bill 988 became effective on July 1, 2007.

Exemptions

The new law creates a number of exemptions, which cover the majority of situations in which contractors are doing work on school property.

Definition of school grounds. "School grounds" includes the buildings and land of any public school serving any grades K through 12. "School grounds" does not include any other facility or location where school activities take place, any of the above during a time period in which students are not permitted access, or any such building during a time period when it is used only for adult or postsecondary education.

The main impact of this definition is to provide an exemption for work that takes place after hours or during any part of the year when students are not allowed to be present.

Fenced-in jobsite. The law provides an exemption for workers who are in a fenced-in area where students are not permitted. In order to qualify for this exemption, the work area must be separated from the rest of the school grounds by a 6-foot high chain-link fence.

Pickup or delivery. There is also an exemption for persons who provide pickup or delivery services that only involve brief visits on school grounds while students are present.

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Situations not covered by the exemptions

The following requirements and procedures apply in any situation not covered by any of the exemptions described above.

Fingerprinting and criminal history screening. A contractor or contractor's employee is allowed on school grounds while students are present only after a criminal history check. The person must have a complete set of fingerprints taken by a law enforcement agency, school district employee, public school, or private company that is trained to take fingerprints. The office taking the fingerprints then submits them to FDLE for processing. FDLE provides the results of the criminal history check to the school district, which screens it for violations that would bar the person from school grounds. The school district is allowed to charge the person being screened for the cost of the screening, but the charge is limited to 30% of the total amount charged by FDLE and the FBI.

The screening is good for 5 years. After a person has been screened by one school district, other school districts can access that person's criminal history and perform their own screening without the person being fingerprinted again and without any new fees being charged.

What convictions disqualify a person from presence on school grounds? Under the old law, each school district had the discretion to determine what offenses would bar a person from school grounds. Now there is a uniform list of offenses that applies statewide. A person will be barred from school grounds only if he has been convicted of one of the following offenses under Florida law or similar offenses outside of Florida (unless he has received a full pardon):

- Offenses requiring registration of an individual as a sexual offender. These include sexual battery (rape), prostitution, lewdness and indecent exposure, use of a child in a sexual performance, obscenity violations involving minors, kidnapping, false imprisonment, and sexual misconduct by staff members of juvenile programs.
- Sexual misconduct with developmentally disabled clients or mental health patients.
- Terrorism.
- Murder.
- Child abuse or neglect.

Arrests. An employee who has access to school grounds and who is arrested for any of the offenses listed above must report the arrest to his employer within 48 hours. The employer must then bar the person from access to school grounds. The law provides felony penalties for the employee who fails to report and for the employer who knows about the arrest and still allows the employee on school grounds.