

## MEMORANDUM

DATE: August 22, 2005

TO: DOH CHD Directors

FROM: Sylvia Byrd, Executive Community Health Nursing Director, FDOH,  
School Health Services Program Office, Tallahassee, Florida  
Veronica McCrackin, Counsel for Family Health Services, FDOH,  
Office of General Counsel, Tallahassee, Florida

SUBJECT: Jessica Lunsford Act, Section 1012.465, Florida Statutes –  
Level 2 Screening

The 2005 Florida legislature passed the Jessica Lunsford Act, which was subsequently signed into law by Governor Bush. This act primarily focuses on the monitoring of sexual offenders or predators, and subsequently increases the background screening requirements for certain individuals with access to school campuses. The purpose of this memorandum is to provide guidance regarding the impact of the Jessica Lunsford Act, specifically the amendment of Section 1012.465, F. S., on county school health program staff.

The Florida Department of Education (FDOE) and county school districts are currently in the process of interpreting this law which will go into effect September 1, 2005, and determining how it should be implemented. As a result, there have been many varied interpretations and implementation strategies as it relates to Section 1012.465(1), F.S. Section 1012.465(1), F.S., provides:

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

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Section 1012.465, F.S., requires noninstructional school district employees or school district contractual personnel who are permitted access to school grounds to meet level 2 screening requirements per s. 1012.32, Florida Statutes.

Local school districts should be aware or advised that school health program staff is already meeting the level 2 screening requirements per Section 381.0059, Florida Statutes. This law requires any person who provides services under a school health services plan, including unpaid volunteers, to meet level 2 screening requirements, as described in s. 435.04, F.S. Volunteer health care practitioners providing school health services under s. 381.00593, F.S., must also meet these screening requirements. These level 2 screening requirements are consistent with the screening requirements in Section 1012.465(1), F.S. **Therefore, those school health services personnel (including school district health staff) and volunteers who have met level 2 screening per s. 381.0059, F.S., should not be required by school districts to obtain duplicative level 2 screening under local interpretations of the Jessica Lunsford Act.**

The Florida Department of Health, consistent with Section 435.10, F.S., is permitted to share the results of and/or provide proof of level 2 screening with employers like school districts. If your school district requests access, such requests should be routed through your county's contract manager and the human resources section. We hope this will not cause unnecessary disruption and expense to school health services staff working in the best interest of Florida's students. If, however, your school district insists in duplicative level 2 screening, then the cost for an additional level 2 screening should be borne by the school district.

Again, Section 1012.465(1), F.S., affects only school district noninstructional employees or contractual personnel under contract with the school board. It does not affect regulatory functions performed by the Florida Department of Health.

Questions regarding screening requirements for school health services staff should be directed to your Human Resource office, the School Health Program office at 850-245-4445, or Veronica McCrackin at 850-245-4005.

VM:sa

cc: DOH CHD Nursing Directors  
CHD School Health Coordinators  
Human Resources Manager, Bureau of Human Resource Management