

Hillsborough County Public Schools Background Screening Criteria
Agency for Health Care Administration (AHCA) Clearinghouse
Effective January 2025

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

- (1) Is on the disqualification list maintained by the department under s. [1001.10](#)(4)(b);
- (2) Is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C);
- (3) Is ineligible based on a security background investigation under s. [435.04](#)(2). Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002;
- (4) Would be ineligible for an exemption under s. [435.07](#)(4)(c); or
- (5) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:
 - (a) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes a disqualifying offense under s. [435.04](#)(2).
 - (b) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. [943.0435](#)(1)(h)1.d.

435.04 Level 2 screening standards. —

- (a) Section [39.205](#), relating to the failure to report child abuse, abandonment, or neglect.
- (b) Section [393.135](#), relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- (c) Section [394.4593](#), relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- (d) Section [414.39](#), relating to fraud, if the offense was a felony.
- (e) Section [415.111](#), relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- (f) Section [777.04](#), relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
- (g) Section [782.04](#), relating to murder.
- (h) Section [782.07](#), relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

- (i) Section [782.071](#), relating to vehicular homicide.
- (j) Section [782.09](#), relating to killing of an unborn child by injury to the mother.
- (k) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.
- (l) Section [784.011](#), relating to assault, if the victim of the offense was a minor.
- (m) Section [784.021](#), relating to aggravated assault.
- (n) Section [784.03](#), relating to battery, if the victim of the offense was a minor.
- (o) Section [784.045](#), relating to aggravated battery.
- (p) Section [784.075](#), relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- (q) Section [787.01](#), relating to kidnapping.
- (r) Section [787.02](#), relating to false imprisonment.
- (s) Section [787.025](#), relating to luring or enticing a child.
- (t) Section [787.04](#)(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- (u) Section [787.04](#)(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- (v) Section [787.06](#), relating to human trafficking.
- (w) Section [787.07](#), relating to human smuggling.
- (x) Section [790.115](#)(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- (y) Section [790.115](#)(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (z) Section [794.011](#), relating to sexual battery.
- (aa) Former s. [794.041](#), relating to prohibited acts of persons in familial or custodial authority.
- (bb) Section [794.05](#), relating to unlawful sexual activity with certain minors.
- (cc) Section [794.08](#), relating to female genital mutilation.
- (dd) Chapter 796, relating to prostitution.
- (ee) Section [798.02](#), relating to lewd and lascivious behavior.
- (ff) Chapter 800, relating to lewdness and indecent exposure and offenses against students by authority figures.
- (gg) Section [806.01](#), relating to arson.
- (hh) Section [810.02](#), relating to burglary.
- (ii) Section [810.14](#), relating to voyeurism, if the offense is a felony.
- (jj) Section [810.145](#), relating to digital voyeurism, if the offense is a felony.
- (kk) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.
- (ll) Section [817.563](#), relating to fraudulent sale of controlled substances, only if the offense was a felony.

- (mm) Section [825.102](#) relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (nn) Section [825.1025](#), relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (oo) Section [825.103](#), relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (pp) Section [826.04](#), relating to incest.
- (qq) Section [827.03](#), relating to child abuse, aggravated child abuse, or neglect of a child.
- (rr) Section [827.04](#), relating to contributing to the delinquency or dependency of a child.
- (ss) Former s. [827.05](#), relating to negligent treatment of children.
- (tt) Section [827.071](#), relating to sexual performance by a child.
- (uu) Section [831.311](#), relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- (vv) Section [836.10](#), relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- (ww) Section [843.01](#), relating to resisting arrest with violence.
- (xx) Section [843.025](#), relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
- (yy) Section [843.12](#), relating to aiding in an escape.
- (zz) Section [843.13](#), relating to aiding in the escape of juvenile inmates in correctional institutions.
- (aaa) Chapter 847, relating to obscene literature.
- (bbb) Section [859.01](#), relating to poisoning food or water.
- (ccc) Section [873.01](#), relating to the prohibition on the purchase or sale of human organs and tissue.
- (ddd) Section [874.05](#), relating to encouraging or recruiting another to join a criminal gang.
- (eee) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- (fff) Section [916.1075](#), relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (ggg) Section [944.35\(3\)](#), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- (hhh) Section [944.40](#), relating to escape.
- (iii) Section [944.46](#), relating to harboring, concealing, or aiding an escaped prisoner.
- (jjj) Section [944.47](#), relating to introduction of contraband into a correctional facility.
- (kkk) Section [985.701](#), relating to sexual misconduct in juvenile justice programs.
- (lll) Section [985.711](#), relating to contraband introduced into detention facilities.

(3) The security background investigations under this section must ensure that no person subject to this section has been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. [741.28](#), whether such act was committed in this state or in another jurisdiction.

(4) For the purpose of screening applicability to participate in the Medicaid program, the security background investigations under this section must ensure that a person subject to screening under this section has not been arrested for and is not awaiting final disposition of; has not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; and has not been adjudicated delinquent and the record sealed or expunged for, any of the following offenses:

(a) Violation of a federal law or a law in any state which creates a criminal offense relating to:

1. The delivery of any goods or services under Medicaid or Medicare or any other public or private health care or health insurance program, including the performance of management or administrative services relating to the delivery of goods or services under any such program;
2. Neglect or abuse of a patient in connection with the delivery of any health care good or service;
3. Unlawful manufacture, distribution, prescription, or dispensing of a controlled substance;
4. Fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct;
5. Moral turpitude, if punishable by imprisonment of a year or more; or
6. Interference with or obstruction of an investigation into any criminal offense identified in this subsection.

(b) Violation of the following state laws or laws of another jurisdiction:

1. Section [817.569](#), criminal use of a public record or information contained in a public record;
2. Section [838.016](#), unlawful compensation or reward for official behavior;
3. Section [838.021](#), corruption by threat against a public servant;
4. Section [838.022](#), official misconduct;
5. Section [838.22](#), bid tampering;
6. Section [839.13](#), falsifying records; or
7. Section [839.26](#), misuse of confidential information.

(c) Violation of a federal or state law, rule, or regulation governing the Florida Medicaid program or any other state Medicaid program, the Medicare program, or any other publicly funded federal or state health care or health insurance program.

[Chapter 1012 Section 315 - 2024 Florida Statutes - The Florida Senate](#)

Other considerations:

Felony convictions may be reviewed on a case-by-case basis considering the offense and the factors listed below. However, the applicant must **have completed any probationary period or sentencing requirements, and 5 years have passed with no new charges.**

Misdemeanor convictions may be reviewed on a case-by-case basis considering the factors listed below. However, the applicant must have completed any probationary period or sentencing requirements. For **drug related offenses 3 years must have passed** with no new charges.

Eligibility criteria will be considered for employment using the following numbered factors related to the criminal records and specific job applied for:

1. Job-relatedness.
2. Amount of time that has passed since the most recent conviction.
3. Circumstances under which the offense occurred.
4. The age of the applicant when the crime was committed.
5. Whether the offense was an isolated or repeated violation.
6. Evidence of rehabilitation.

FLDOE - Certification Violations - FINAL ORDER ISSUED

Any employee that has been issued a Final Order from the Florida Department of Education must have fulfilled all obligations of the final order **and** have two (2) years of successful teaching experience to be *considered* for employment/rehire.