

1                               A bill to be entitled  
 2           An act relating to persons with lived experience;  
 3           creating s. 420.6276, F.S.; providing legislative  
 4           intent; providing definitions; providing that a person  
 5           with lived experiences seeking a position of  
 6           employment with certain entities may request a  
 7           certification attesting that he or she is a qualified  
 8           applicant for background screening purposes; requiring  
 9           certain entities to submit a signed attestation, under  
 10          penalty of perjury, and any other required information  
 11          to the Department of Law Enforcement for background  
 12          screening; prescribing screening requirements;  
 13          providing an exemption from disqualification;  
 14          providing an effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

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 18          Section 1.   Section 420.6276, Florida Statutes, is created  
 19          to read:

20                 420.6276 Persons with lived experience; background  
 21                 screenings.-

22                 (1) The Legislature finds that the ability to provide  
 23                 adequate services to persons who are homeless is limited because  
 24                 there is a shortage of health and human services professionals.  
 25                 A person with lived experience of homelessness is uniquely

26 qualified to provide effective support services to the homeless  
27 population because of their shared life experiences. However, a  
28 person with lived experience may have a criminal history that  
29 prevents such person from meeting certain background screening  
30 requirements, which disqualifies him or her from employment.

31 (2) As used in this section, the term:

32 (a) "Homeless services" means any services provided to a  
33 person who is homeless through a continuum of care.

34 (b) "Person with lived experience" means a person who is  
35 currently homeless, as that term is defined in 24 C.F.R. s.  
36 578.3, or has been homeless in the past and receives or received  
37 homeless services, including persons who have accessed or sought  
38 homeless services while fleeing domestic violence.

39 (c) "Qualified applicant" means a person applying for a  
40 position of employment who has been certified by the State  
41 Office on Homelessness or a continuum of care lead agency as a  
42 person with lived experience.

43 (3) A person with lived experience who is applying for a  
44 position of employment with the State Office on Homelessness or  
45 a continuum of care lead agency may request from the entity to  
46 which he or she is applying, a certification stating that the  
47 person is a qualified applicant for background screening  
48 purposes. After verifying that the applicant is a person with  
49 lived experience, the office or continuum of care lead agency  
50 must submit a signed attestation, under penalty of perjury, to

51 the Department of Law Enforcement, along with any other  
52 information required under chapter 435, attesting that the  
53 applicant is a qualified applicant.

54 (4) (a) The background screening conducted under s. 435.04  
55 must ensure that a qualified applicant has not, during the  
56 preceding 3 years, been arrested for and is not awaiting final  
57 disposition of, has not been found guilty of, regardless of  
58 adjudication, or entered a plea of nolo contendere or guilty to,  
59 or has not been adjudicated delinquent and the record has been  
60 sealed or expunged for, any felony.

61 (b) The background screening conducted under s. 435.04  
62 must ensure that a qualified applicant has not been arrested for  
63 and is not awaiting final disposition of, has not been found  
64 guilty of, regardless of adjudication, or entered a plea of nolo  
65 contendere or guilty to, or has not been adjudicated delinquent  
66 and the record has been sealed or expunged for, any offense  
67 prohibited under any of the following provisions of state law or  
68 similar law of another jurisdiction:

69 1. Section 393.135, relating to sexual misconduct with  
70 certain developmentally disabled clients and reporting of such  
71 sexual misconduct.

72 2. Section 394.4593, relating to sexual misconduct with  
73 certain mental health patients and reporting of such sexual  
74 misconduct.

75 3. Section 409.920, relating to Medicaid provider fraud,

76 | if the offense was a felony of the first or second degree.  
 77 |       4. Section 415.111, relating to criminal penalties for  
 78 | abuse, neglect, or exploitation of vulnerable adults.  
 79 |       5. Any offense that constitutes domestic violence, as that  
 80 | term is defined in s. 741.28.  
 81 |       6. Section 777.04, relating to attempts, solicitation, and  
 82 | conspiracy to commit an offense listed in this paragraph.  
 83 |       7. Section 782.04, relating to murder.  
 84 |       8. Section 782.07, relating to manslaughter or aggravated  
 85 | manslaughter of an elderly person, a disabled adult, a child, an  
 86 | officer, a firefighter, an emergency medical technician, or a  
 87 | paramedic.  
 88 |       9. Section 782.071, relating to vehicular homicide.  
 89 |       10. Section 782.09, relating to killing of an unborn child  
 90 | by injury to the mother.  
 91 |       11. Chapter 784, relating to assault, battery, and  
 92 | culpable negligence, if the offense was a felony.  
 93 |       12. Section 787.01, relating to kidnapping.  
 94 |       13. Section 787.02, relating to false imprisonment.  
 95 |       14. Section 787.025, relating to luring or enticing a  
 96 | child.  
 97 |       15. Section 787.04(2), relating to leading, taking,  
 98 | enticing, or removing a child beyond the state limits, or  
 99 | concealing the location of a child, with criminal intent pending  
 100 | custody proceedings.

101        16. Section 787.04(3), relating to leading, taking, or  
 102 removing a child beyond the state lines, or concealing the  
 103 location of a child, with criminal intent pending dependency  
 104 proceedings or proceedings concerning alleged abuse or neglect  
 105 of a child.

106        17. Section 790.115(1), relating to exhibiting firearms or  
 107 weapons within 1,000 feet of a school.

108        18. Section 790.115(2)(b), relating to possessing an  
 109 electric weapon or device, a destructive device, or any other  
 110 weapon on school property.

111        19. Section 794.011, relating to sexual battery.

112        20. Former s. 794.041, relating to prohibited acts of  
 113 persons in familial or custodial authority.

114        21. Section 794.05, relating to unlawful sexual activity  
 115 with certain minors.

116        22. Section 794.08, relating to female genital mutilation.

117        23. Section 796.07, relating to procuring another to  
 118 commit prostitution, except for those offenses expunged pursuant  
 119 to s. 943.0583.

120        24. Section 798.02, relating to lewd and lascivious  
 121 behavior.

122        25. Chapter 800, relating to lewdness and indecent  
 123 exposure.

124        26. Section 806.01, relating to arson.

125        27. Section 810.02, relating to burglary.

126        28. Section 810.14, relating to voyeurism, if the offense  
 127 is a felony.

128        29. Section 810.145, relating to video voyeurism, if the  
 129 offense is a felony.

130        30. Section 812.13, relating to robbery.

131        31. Section 812.131, relating to robbery by sudden  
 132 snatching.

133        32. Section 812.133, relating to carjacking.

134        33. Section 812.135, relating to home-invasion robbery.

135        34. Section 817.034, relating to communications fraud, if  
 136 the offense is a felony of the first degree.

137        35. Section 817.234, relating to false and fraudulent  
 138 insurance claims, if the offense is a felony of the first or  
 139 second degree.

140        36. Section 817.50, relating to fraudulently obtaining  
 141 goods or services from a health care provider and false reports  
 142 of a communicable disease.

143        37. Section 817.505, relating to patient brokering.

144        38. Section 817.568, relating to fraudulent use of  
 145 personal identification, if the offense was a felony of the  
 146 first or second degree.

147        39. Section 825.102, relating to abuse, aggravated abuse,  
 148 or neglect of an elderly person or disabled adult.

149        40. Section 825.1025, relating to lewd or lascivious  
 150 offenses committed upon or in the presence of an elderly person

151 or disabled adult.

152 41. Section 825.103, relating to exploitation of an  
 153 elderly person or disabled adult, if the offense was a felony.

154 42. Section 826.04, relating to incest.

155 43. Section 827.03, relating to child abuse, aggravated  
 156 child abuse, or neglect of a child.

157 44. Section 827.04, relating to contributing to the  
 158 delinquency or dependency of a child.

159 45. Former s. 827.05, relating to negligent treatment of  
 160 children.

161 46. Section 827.071, relating to sexual performance by a  
 162 child.

163 47. Section 831.30, relating to fraud in obtaining  
 164 medicinal drugs.

165 48. Section 831.31, relating to the sale, manufacture,  
 166 delivery, or possession with intent to sell, manufacture, or  
 167 deliver of any counterfeit controlled substance, if the offense  
 168 was a felony.

169 49. Section 843.01, relating to resisting arrest with  
 170 violence.

171 50. Section 843.025, relating to depriving a law  
 172 enforcement, correctional, or correctional probation officer  
 173 means of protection or communication.

174 51. Section 843.12, relating to aiding in an escape.

175 52. Section 843.13, relating to aiding in the escape of

176 juvenile inmates in correctional institutions.  
177 53. Chapter 847, relating to obscenity.  
178 54. Section 874.05, relating to encouraging or recruiting  
179 another to join a criminal gang.  
180 55. Chapter 893, relating to drug abuse prevention and  
181 control, if the offense was a felony of the first or second  
182 degree or greater severity.  
183 56. Section 895.03, relating to racketeering and  
184 collection of unlawful debts.  
185 57. Section 896.101, relating to the Florida Money  
186 Laundering Act.  
187 58. Section 916.1075, relating to sexual misconduct with  
188 certain forensic clients and reporting of such sexual  
189 misconduct.  
190 59. Section 944.35(3), relating to inflicting cruel or  
191 inhuman treatment on an inmate resulting in great bodily harm.  
192 60. Section 944.40, relating to escape.  
193 61. Section 944.46, relating to harboring, concealing, or  
194 aiding an escaped prisoner.  
195 62. Section 944.47, relating to introduction of contraband  
196 into a correctional facility.  
197 63. Section 985.701, relating to sexual misconduct in  
198 juvenile justice programs.  
199 64. Section 985.711, relating to contraband introduced  
200 into detention facilities.



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201        (5) If a qualified applicant is disqualified under  
202 subsection (4), the applicant may request an exemption from  
203 disqualification under s. 435.07 from the department. The  
204 department must make a determination to grant or deny an  
205 exemption within 90 days after the qualified applicant submits  
206 his or her application for employment.

207            Section 2. This act shall take effect July 1, 2024.