

MESSAGE TO VENDORS AND CONTRACTORS WITH THE MARTIN COUNTY SCHOOL BOARD

The **Jessica Lunsford Act** was passed by the Florida Legislature in response to the abduction and killing of Jessica Lunsford in Citrus County. New amendments to this law, effective July 1, 2007, will affect your business with the Martin County School District. The new amendments to the 2005 JLA establish a system of screening non-instructional contractual personnel* (Vendors) who are permitted access to school grounds* when students are present. The full text of Senate Bill 988, which amended the Jessica Lunsford Act of 2005 can be viewed at:

<http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s0988c1.pdf>

FREQUENTLY ASKED QUESTIONS:

“Who is required to be fingerprinted (Level II Screen)?”

The law requires that certain “contractual personnel”* must meet Level 2 screening requirements as described in Fla. Stat. 1012.32. If an entity does business with the School Board, then its employees and agents, including sub-contracted personnel, must meet the Level 2 background screening requirements if they:

1. are permitted access on school grounds when students are present, or
2. have direct contact with students, or
3. have access to or control of school funds.

Upon completion and clearance through the Level 2 screening, the contractor will be issued a District “Level 2 Screening Clearance Photo ID Badge”. This photo ID badge is required to enter or remain on school grounds and must be worn at all times.

“Who is required to have Jessica Lunsford (JLA) Clearance?”

The following categories of non-instructional contractors are exempt from Level 2 Screening, but are required to obtain Jessica Lunsford Clearance:

- (1) Non-instructional contractors who are **at all times** under the direct supervision* of a school district employee or Level 2 screened and cleared contractor while on school grounds; or
- (2) Non-instructional contractors who **remain** at a site where students *are not* permitted, **if** the site is separated from the remainder of the school grounds by a single chain-link fence of six (6) feet in height.

“What happens if an employee who has previously been cleared by either a Level 2 Screening or a JLA Screening gets arrested?”

The law requires a contractor who is arrested for a disqualifying offense to report the arrest to the employer or primary contractor *and* the school district within **48 hours**. Any individual in possession of a “Level 2 Clearance Photo ID Badge” **or** a “JLA Clearance Photo ID Badge” who is arrested for a disqualifying offense defined under Fla. State 1012.467(2)(g), is automatically disqualified by the Martin County School District from entering or remaining upon any school grounds and shall immediately surrender their “Photo ID Badge” to their employer who is responsible for returning said badge to the Martin County School District Human Resource Department within 48 hours of the arrest or notice of the arrest and/or criminal offense.

“What happens if I fail to report an arrest?”

A contractor arrested for a disqualifying offense as outlined below and enumerated in Fla. Stat. 1012.467(2)(g), who willfully fails to inform his or her employer or the party to whom he or she is under contract *and* the school district within **48 hours** of the arrest commits a **felony of the third (3rd) degree**, punishable by a maximum of five years in prison and a five thousand dollar fine.

“What is the employer’s responsibility when an employee gets arrested?”

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 arrested contractor to be present on school grounds** when students are present, such party commits a **felony of the third (3rd) degree**, punishable by a maximum of five years in prison and a five thousand dollar fine.

Any individual in possession of a “Level 2 Clearance Photo ID Badge” **or** a “JLA Clearance Photo ID Badge” who is arrested for a disqualifying offense defined under Fla. State 1012.467(2)(g), is automatically disqualified by the Martin County School District from entering or remaining upon any school grounds and shall immediately surrender their “Photo ID Badge” to their employer who is responsible for returning said badge to the Martin County School District Human Resource Department within 48 hours of the arrest or notice of the arrest and/or criminal offense.

“What are the DISQUALIFYING OFFENSES?”

A non-instructional contractor for whom a Level 2 screening is required may not have been convicted* of any of the following offenses, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida statutes to one of the following offenses:

*See page 5 for definitions of relevant terms

1. Any offense listed in section 943.0435(1)(a)1., relating to the registration of an individual as a **Sexual Offender**.
2. Section 393.135 and 394.4593, relating to **Sexual Misconduct with Developmentally Disabled Clients and/or Mental Health Patients and the Failure to Report such Sexual Misconduct**.
3. Section 775.30 relating to **Terrorism**.
4. Section 782.04 relating to **Murder**.
5. Section 787.01 relating to **Kidnapping**.
6. Any offense under Chapter 800, relating to **Lewd, Lascivious or Indecent Acts or Exposure**.
7. Section 826.04, relating to **Incest**.
8. Section 827.03, relating to **Child Abuse, Aggravated Child Abuse, or Neglect of a Child**.

“Where do Vendors and Contractors go to be screened?”

Martin County School District Personnel Office (Building 20)
500 East Ocean Boulevard
Stuart, Florida 34994
(772) 219-1200, Ext. 30296
By appointment only.

“Do all vendors and contractors have to be screened by every district with which they do business? Will the Martin County Schools accept screening from another District?”

A non-instructional contractor who is subject to a Level 2 fingerprint screening shall inform a school district that he or she has completed a criminal history check in another school district since July 1, 2007. The school district shall verify the results of the contractor’s criminal history check using the shared system implemented by the FDLE. All fingerprints retained in the FDLE shared database will automatically be purged by FDLE from the automated fingerprint identification system five (5) years following the date the fingerprint was initially submitted.

“What is the cost?”

The cost for the Level 2 Screening is \$57.25 per person. This includes the processing by the Florida Department of Law Enforcement and the Federal Bureau of Investigations.

There is no cost for screening for Jessica Lunsford Clearance. There is no cost for verifying the results of a prior criminal history check in another school district. The cost for the “Level 2 Screening Photo ID Badge” is \$6.00. The cost for the “JLA Clearance Photo ID Badge” is \$6.00. Payment may be made by company check, money order, or personal check only. No cash will be accepted.

“How do Vendors, Contractors, or individuals pay?”

Fingerprints must be paid for each individual in advance through a money order made payable to Fingerprinting Services, LLC; or credit card payment may be made via the Internet at <http://www.flprints.com> or by calling (877) 357-7456. **No other form of payment will be accepted. All payments are nonrefundable.**

“How long will it take to be screened?”

At least fifteen minutes and perhaps longer depending on the volume of those needing to be screened.

“What are the hours for the screening office?”

Actual hours are posted on our website. We will make every effort to make it as convenient as possible for vendors to comply with the law.

“Once individuals have been fingerprinted, how do vendors or contractors prove that they have been screened?”

Once employees have received either a Level 2 Screening or Jessica Lunsford Clearance, “Photo ID Badges” will be issued for each employee. These identification badges can be issued on the day of the screening if time permits or will be mailed to the employee’s place of business. Individuals coming onto Martin County School grounds must wear their “Photo ID Badge” at all times while on school property.

Once issued a “Photo ID Badge”, individuals entering Martin County school grounds must wear their badge and have it visible at all times while on school property.

“If an individual fails the screening, does the individual or their employer learn why?”

If the school district has reasonable cause to believe that 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 a disqualifying offense. 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 list of disqualifying offense provided in Fla. Stat. 1012.467(2)(g).

Employers will receive a letter indicating that an employee is not approved; however the specific reason will not be disclosed.

“Are Charter Schools impacted?”

Yes. Charter schools are public schools with public school students and their vendors must fully comply with the law.

“Do PTA representatives need to be screened when visiting schools?”

PTA representatives are not subject to the requirements of a Level 2 screening, but may have their names and other identifying information checked against the Sexual Predator and Sexual Offender Registries. They will not be required to obtain a “JLA Clearance Photo ID Badge”.

DEFINITIONS:

“Contractual Personnel” are defined as any vendor, individual, or entity under contract with a school or the school board or school district.

“Non-instructional Contractor” is any individual vendor or entity under contract with a school or school board or school district who receives remuneration and is not otherwise considered an employee.

“School grounds” are the buildings and grounds of any public pre-k, kindergarten, elementary, middle, junior high, high or secondary school, or combination of grades pre-k through 12, together with the school district land.

“Conviction” means that the person has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to the crime. Persons who have a pending (open) criminal case involving and enumerated offense defined under Fla. Stat. 1012.467(2)(g) as a disqualifying offense are automatically disqualified and must immediately surrender any previously issued “Photo ID Badge” to the Martin County School District Human Resource Department within 48 hours of the arrest or notice of the criminal offense.

“Direct Supervision” means that a school district employee or contractor with a Level 2 Screening Clearance Photo ID Badge is physically present at all times with the non-instructional contractor (with the JLA Clearance Photo ID Badge) when the contractor has or may have access to students. The contractor without Level 2 clearance (JLA Clearance only Badge) must remain in the school district employee’s or the contractor with the Level 2 Clearance’s direct line of sight at all times. If a non-instructional contractor with “JLA Clearance” only is no longer under direct supervision of a Level 2 screened employee, the contractor **may not** be permitted on school grounds when students are present until the contractor meets the Level 2 screening requirements.

