

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

75 North Pace Boulevard ~ Pensacola, Florida 32505

Phone (850) 432-6121

www.escambiaschools.org

TIMOTHY A. SMITH, Ed.D., SUPERINTENDENT

MEMORANDUM

To: All Principals and Program/Site Directors

From: Keith Leonard, Assistant Superintendent KL
Human Resource Services

Date: July 22, 2021

Subject: State Required Search of Volunteers on the Dru Sjodin National Sex Offender Public Website, Affidavit of Good Moral Character for Volunteers, and Volunteer Forms

To protect our students and staff, we require the screening of volunteers by using the School Volunteer Application Form and requiring each volunteer to complete an Affidavit of Good Moral Character.

§943.04351, F.S., adds an additional layer of protection by requiring each school, site, or center where children regularly congregate, to conduct a search of all volunteers on the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice.

The following are district-wide procedures for the screening of volunteers regarding the Registry of Sexual Predators and Sexual Offenders:

- (1) The principal, program, or site director is responsible for assigning an employee the responsibility of checking all school volunteers against the Dru Sjodin National Sexual Offender Public Website. If for any reason the site is unavailable, the law requires a search of the registration information regarding sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement under §943.043, F.S. (The Florida Department of Law Enforcement Florida Sexual Offenders and Predators Registry).
- (2) The Volunteer Application Form includes an “Office Use Only” section, where the person directed by the principal, program, or site director would sign that a check of the Dru Sjodin National Sexual Offender Public Website and/or the Florida Department of Law Enforcement Florida Sexual Offenders and Predators Registry had been conducted.

This form shall be used at all school sites where volunteers come in contact with students directly or indirectly on more than a single or short term occasion.

- (3) In the case where a volunteer serves our students or schools in a single or short term setting, (examples: guest speaker, field trip chaperone, school carnival volunteer, etc.) the second form, the Single or Short Term Volunteer Form, is to be used. Prior to the activity, the person in charge should submit a list of all volunteers participating in the activity to be checked against the Dru Sjodin National Sexual Offender Public Website and/or the Florida Department of Law Enforcement Florida Sexual Offenders and Predators Registry. This list must be kept at the school or program and/or site as a record of compliance with the law.

The law fails to address what to do if a person is found to be on the registry list. If such an incident does occur, as the principal, program, or site director, you should verify the information and then inform the individual both verbally and in writing that their services are not needed and they are not to be a part of the school activity.

The Superintendent's office shall be notified of your findings in writing with copies provided to Kyle Kinser, Courtney Combs, and Wanda Kotick.

When reviewing the Affidavit of Good Moral Character section of the School Volunteer Application Form, refer to §435.04, F.S., (Level 2 screening standards), and §1012.315, F.S., (Disqualifying Offenses), in determining applicant participation for volunteer service. Any individual who lists an offense contained in §435.04 or §1012.315, F.S., should not be utilized as a volunteer working with our students. It should be noted, subsections (2)(aa) through (dd), (gg) and (ss) in §435.04 and subsection (1)(rr) in §1012.315, F.S., specifically refer to felony arrests. Note that the Escambia County School District also prohibits misdemeanors when addressing involvement with controlled substances. Please contact Wanda Kotick (850) 469-5675 or Courtney Combs (850) 429-2914 with any questions.

KL/rwb

- c: Superintendent
- Deputy Superintendent
- Coordinator – Community Involvement
- Coordinator – Marketing and Public Relations
- Coordinator – Human Resources
- Coordinator – Protection Services

Attachments:

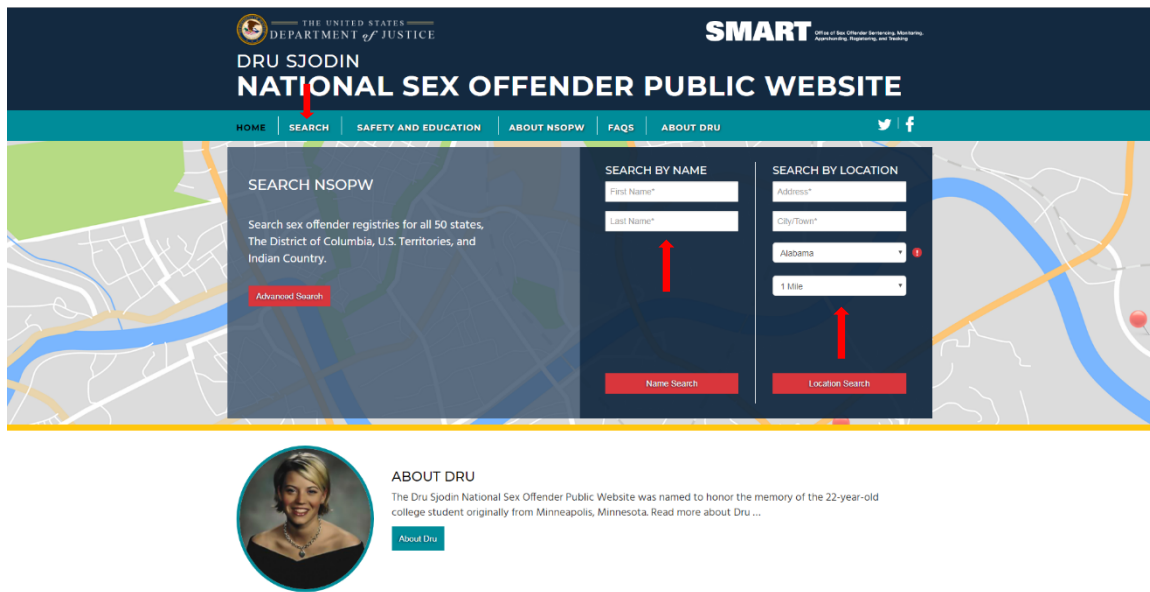
- Instructions for Dru Sjodin National Sexual Offender Public Website Search
- Instructions for FDLE Sexual Predators/Sexual Offenders Search
- 2020 Florida Statutes
- 2021-2022 School Volunteer Application Form
- 2021-2022 Affidavit of Good Moral Character
- 2021-2022 Single or Short Term Volunteer Form

INSTRUCTIONS FOR SEARCHING THE DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE

WEB SITE ADDRESS: <http://www.nsopw.gov/en>

PLEASE BOOKMARK THIS SITE FOR FUTURE REFERENCE

THIS ADDRESS WILL TAKE YOU TO THE DATABASE HOME PAGE.



QUICK SEARCHES ARE AVAILABLE FROM THE HOME PAGE OR GO TO THE “SEARCH” PAGE FOR ADVANCED SEARCH OPTIONS.

THE SEARCH PAGE INCLUDES A *STANDARD* SEARCH FOR A SPECIFIC INDIVIDUAL AS WELL AS *ADVANCED* SEARCHES BY “NAME AND/OR ZIP CODE” OR “BY ADDRESS RADIUS”.

USE THIS PAGE FOR EACH NAME ON YOUR LIST.

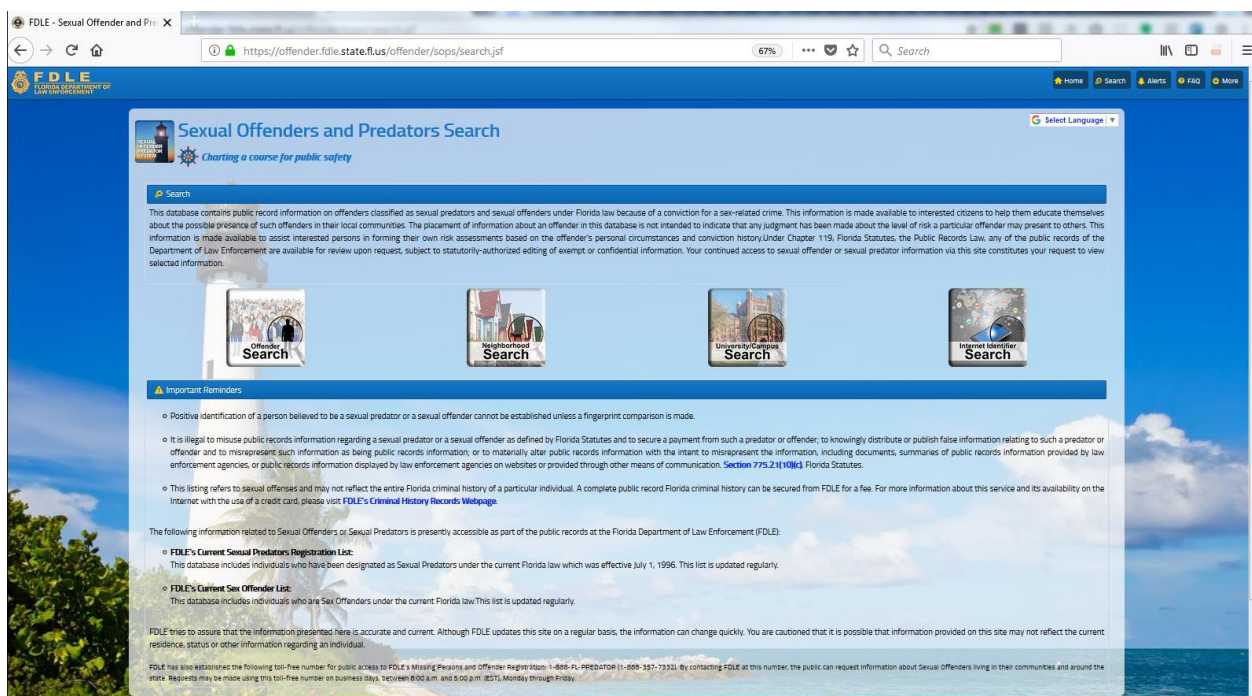
IF FOR ANY REASON THE DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE IS NOT AVAILABLE, A SEARCH OF THE REGISTRATION INFORMATION REGARDING SEXUAL PREDATORS AND SEXUAL OFFENDERS MAINTAINED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT UNDER §943.043 SHALL BE PERFORMED. PLEASE SEE THE NEXT PAGE FOR THOSE SEARCH INSTRUCTIONS.

INSTRUCTIONS FOR SEARCHING THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT SITE OF SEXUAL PREDATORS AND SEXUAL OFFENDERS

WEB SITE ADDRESS: <http://offender.fdle.state.fl.us/offender/Search.jsp>
PLEASE BOOKMARK THIS SITE FOR FUTURE REFERENCE

THIS WILL TAKE YOU TO THE DATABASE HOME PAGE.

NEXT, GO TO “OFFENDER SEARCH” TO SEARCH THE SEXUAL PREDATOR/SEXUAL OFFENDER DATABASE.



THE SEARCH CAN BE SPECIFIC TO AN INDIVIDUAL BY UTILIZING “OFFENDER SEARCH” OR A DEMOGRAPHIC AREA SEARCH BY UTILIZING “NEIGHBORHOOD SEARCH”. TO SEARCH BY EMAIL ADDRESS OR INSTANT MESSAGE NAME, UTILIZE “INTERNET IDENTIFIER SEARCH”.

The 2020 Florida Statutes

435.04 Level 2 screening standards.—

- (1)(a) All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
- (b) Fingerprints submitted pursuant to this section on or after July 1, 2012, must be submitted electronically to the Department of Law Enforcement.
- (c) An agency may contract with one or more vendors to perform all or part of the electronic fingerprinting pursuant to this section. Such contracts must ensure that the owners and personnel of the vendor performing the electronic fingerprinting are qualified and will ensure the integrity and security of all personal information.
- (d) An agency may require by rule that fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement on a date earlier than July 1, 2012.
- (e) Vendors who submit fingerprints on behalf of employers must:
 1. Meet the requirements of s. 943.053; and
 2. Have the ability to communicate electronically with the state agency accepting screening results from the Department of Law Enforcement and provide the applicant's full first name, middle initial, and last name; social security number or individual taxpayer identification number; date of birth; mailing address; sex; and race.
- (2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:
 - (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
 - (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
 - (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
 - (d) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
 - (e) Section 782.04, relating to murder.
 - (f) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
 - (g) Section 782.071, relating to vehicular homicide.
 - (h) Section 782.09, relating to killing of an unborn child by injury to the mother.
 - (i) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.
 - (j) Section 784.011, relating to assault, if the victim of the offense was a minor.
 - (k) Section 784.03, relating to battery, if the victim of the offense was a minor.
 - (l) Section 787.01, relating to kidnapping.

The 2020 Florida Statutes

- (m) Section 787.02, relating to false imprisonment.
- (n) Section 787.025, relating to luring or enticing a child.
- (o) Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- (p) 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.
- (q) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- (r) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (s) Section 794.011, relating to sexual battery.
- (t) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (u) Section 794.05, relating to unlawful sexual activity with certain minors.
- (v) Chapter 796, relating to prostitution.
- (w) Section 798.02, relating to lewd and lascivious behavior.
- (x) Chapter 800, relating to lewdness and indecent exposure.
- (y) Section 806.01, relating to arson.
- (z) Section 810.02, relating to burglary.
- (aa) Section 810.14, relating to voyeurism, if the offense is a felony.
- (bb) Section 810.145, relating to video voyeurism, if the offense is a felony.
- (cc) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.
- (dd) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.
- (ee) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (ff) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (gg) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (hh) Section 826.04, relating to incest.
- (ii) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (jj) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (kk) Former s. 827.05, relating to negligent treatment of children.
- (ll) Section 827.071, relating to sexual performance by a child.
- (mm) Section 843.01, relating to resisting arrest with violence.
- (nn) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
- (oo) Section 843.12, relating to aiding in an escape.
- (pp) Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.
- (qq) Chapter 847, relating to obscene literature.
- (rr) Section 874.05, relating to encouraging or recruiting another to join a criminal gang.
- (ss) 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.

The 2020 Florida Statutes

- (tt) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (uu) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- (vv) Section 944.40, relating to escape.
- (ww) Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.
- (xx) Section 944.47, relating to introduction of contraband into a correctional facility.
- (yy) Section 985.701, relating to sexual misconduct in juvenile justice programs.
- (zz) 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.

The 2020 Florida Statutes

- (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.

History.—s. 47, ch. 95-228; s. 16, ch. 96-268; s. 22, ch. 96-322; s. 4, ch. 98-417; s. 5, ch. 99-284; s. 88, ch. 2000-153; s. 7, ch. 2001-125; s. 5, ch. 2004-267; s. 4, ch. 2005-119; s. 111, ch. 2006-120; s. 90, ch. 2006-197; s. 110, ch. 2007-5; s. 3, ch. 2007-112; s. 66, ch. 2009-223; s. 6, ch. 2010-31; s. 38, ch. 2010-114; s. 10, ch. 2012-73; s. 4, ch. 2013-80; s. 6, ch. 2014-84; s. 4, ch. 2014-194; s. 3, ch. 2016-162; s. 19, ch. 2017-37; s. 89, ch. 2018-24.

The 2020 Florida Statutes

¹1012.315 Disqualification from employment.—

A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students who participate in a state scholarship program under chapter 1002 if the person has been convicted of:

- (1) Any felony offense prohibited under any of the following statutes:
 - (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
 - (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
 - (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
 - (d) Section 782.04, relating to murder.
 - (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
 - (f) Section 784.021, relating to aggravated assault.
 - (g) Section 784.045, relating to aggravated battery.
 - (h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
 - (i) Section 787.01, relating to kidnapping.
 - (j) Section 787.02, relating to false imprisonment.
 - (k) Section 787.025, relating to luring or enticing a child.
 - (l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
 - (m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
 - (n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
 - (o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
 - (p) Section 794.011, relating to sexual battery.
 - (q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
 - (r) Section 794.05, relating to unlawful sexual activity with certain minors.
 - (s) Section 794.08, relating to female genital mutilation.
 - (t) Chapter 796, relating to prostitution.
 - (u) Chapter 800, relating to lewdness and indecent exposure.
 - (v) Section 800.101, relating to offenses against students by authority figures.
 - (w) Section 806.01, relating to arson.
 - (x) Section 810.14, relating to voyeurism.
 - (y) Section 810.145, relating to video voyeurism.
 - (z) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
 - (aa) Section 812.0145, relating to theft from persons 65 years of age or older.

The 2020 Florida Statutes

- (bb) Section 812.019, relating to dealing in stolen property.
- (cc) Section 812.13, relating to robbery.
- (dd) Section 812.131, relating to robbery by sudden snatching.
- (ee) Section 812.133, relating to carjacking.
- (ff) Section 812.135, relating to home-invasion robbery.
- (gg) Section 817.563, relating to fraudulent sale of controlled substances.
- (hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (jj) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (kk) Section 826.04, relating to incest.
- (ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (mm) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (nn) Section 827.071, relating to sexual performance by a child.
- (oo) Section 843.01, relating to resisting arrest with violence.
- (pp) Chapter 847, relating to obscenity.
- (qq) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- (rr) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- (ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (tt) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
- (uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.
- (vv) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- (2) Any misdemeanor offense prohibited under any of the following statutes:
 - (a) Section 784.03, relating to battery, if the victim of the offense was a minor.
 - (b) Section 787.025, relating to luring or enticing a child.
- (3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).
- (4) 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.

History.—s. 26, ch. 2008-108; s. 18, ch. 2010-24; s. 24, ch. 2016-24; s. 15, ch. 2016-104; s. 32, ch. 2017-37; s. 17, ch. 2017-107; s. 35, ch. 2018-6; s. 10, ch. 2018-150.

¹Note.—Section 49, ch. 2018-6, provides that:

- “(1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the provisions of this act.
- “(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.
- “(3) This section shall take effect upon this act becoming a law and shall expire January 1, 2022.”

The 2020 Florida Statutes

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

- (1) The department may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department shall determine what information shall be made available to the public through the Internet. However, the department may not display on or disseminate through the Internet public registry maintained by the department any information regarding a vehicle that is owned by a person who is not required to register as a sexual predator or sexual offender.
- (2) The department shall provide, through a toll-free telephone number, public access to registration information regarding sexual predators and sexual offenders and may provide other information reported to the department which is not exempt from public disclosure.
- (3) The department shall provide to any person, upon request and at a reasonable cost determined by the department, a copy of the photograph of any sexual offender or sexual predator which the department maintains in its files and a printed summary of the information that is available to the public under this section.
- (4) The department, its personnel, and any individual or entity acting at the request or upon the direction of the department are immune from civil liability for damages for good faith compliance with this section and will be presumed to have acted in good faith by reporting information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, its personnel, or any individual or entity acting at the request or upon the direction of the department in reporting the information, if the department and its personnel are unable to report information because the information has not been provided or reported by a person or agency required to provide or report the information to the department, or if the department, its personnel, or any individual or entity acting at the request or upon the direction of the department reports information that was falsely reported without the knowledge of the department, its personnel, or such individual or entity.
- (5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

History.—s. 7, ch. 97-299; s. 6, ch. 98-81; s. 8, ch. 2005-28; s. 4, ch. 2014-5.

The 2020 Florida Statutes

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—

A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted. History.—s. 1, ch. 2004-81; s. 12, ch. 2013-116.