

Jessica Lunsford Act

Vendor Information

Prepared by: Polk State College

Date: 05/13/16

As you may be aware, the Jessica Lunsford Act was passed in response to the tragic abduction and killing of Jessica Lunsford by a convicted sexual offender. This law, effective September 1, 2005, affects your business if you or any of your employees or agents will:

- be at a school when students are present; or
- have direct contact with students; or
- have access to or control of school funds.

If none of your staff meet any of these criteria, the law does not apply to you, and you do not need to do anything. However, if you or other personnel from your business meet any of the three criteria above, you will need to ensure that those personnel are fingerprinted and screened, at the vendor's expense. Level 2 screening includes fingerprinting, statewide criminal and juvenile justice records checks through the Florida Department of Law Enforcement and federal criminal records checks through the Federal Bureau of Investigation. Level 2 screening may also include local criminal records checks through the local law enforcement agencies. A complete explanation may be found in Florida Statute 435.04.

The requirement of this new law must be met in order for Polk State College to do business with you, as we have collegiate high schools on two of our properties. We are working on the process to provide you and your employees access to fingerprinting services and will provide that information at a later date.

The following exemptions may apply:

- Non-instructional contractors who are under direct supervision of a school district employee or contractor who has a criminal history check and meets the screening requirements under s.1012.32, s. 1012.465, s. 1012.467, or s.1012.56. Section 8 (a)1 also states: "For purposes of this paragraph, the term "direct supervision" means that a school district employee or contractor is physically present with a non-instructional contractor when the contractor has access to a student and the access remains in the school district employee's or the contractor's line of sight."
- A law enforcement officer, as defined in s. 943.10, who is assigned or dispatched to school grounds by his or her employer Section 8 (c).
- An employee or medical director of an ambulance provider, licensed pursuant to chapter 401, who is providing services within the scope of part III of chapter 401 on behalf of such ambulance provider. Section 8 (d).
- 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 6 feet in height. Section 8 (e).
- Non-instructional contractors who provide pick-up or delivery services and those services involving *brief visits on school grounds when students are present. Section 8 (e). *Brief is defined by <http://www.dictionary.com> as "lasting or taking a short time; of short duration".

If you meet any of the above conditions, you may be exempt and do not need the Level 2 background screening. Please verify with Human Resources or the Purchasing Department.

Vendor personnel who are required to have security clearance must do so prior to beginning working on Polk State College grounds. Once they have applied for security clearance, followed the fingerprint process, and have been cleared after an evaluation of the state and national FDLE/FBI Level 2 background check, they will receive authorization to begin work. Polk State College will provide vendors with information on the fingerprinting process.

Contractors will be required to have their fingerprints retained by FDLE so that the appropriate parties are notified if a contractor is arrested of a disqualifying offense so appropriate action can be taken. Please be advised re-prints will be required every 5 years to remain a vendor/contractor qualified to do business with Polk State College.

DISQUALIFYING CRIMES LIST - Florida Statutes

435.04. Level 2 screening standards:

(1) All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of this subsection, security background investigations shall include, but not be limited to, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

1. Any offense listed in s. 943.0435 (1) (a) 1, relating to the registration of the individual as a sexual offender.
2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.
3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.
4. Section 775.30, relating to terrorism.
5. Section 782.04, relating to murder.
6. Section 787.01, relating to kidnapping.
7. Any offense under chapter 800, relating to lewdness and indecent exposure.
8. Section 826.04, relating to incest.
9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.