



**FAQ provides most recent information regarding impact of 'Jessica Lunsford Act' on contest officials**

The following memorandum is in the process of being sent from the FHSAA Office via e-mail to all officials association presidents and district school board athletic directors.

**MEMORANDUM**

**TO:** All Individuals Registered as Contest Officials with FHSAA; District School Board Athletic Directors

**FROM:** John A. Stewart, Ed.D., Commissioner; M. Denarvise Thornton, Jr., Senior Director of Athletic Operations and Officials

**DATE:** July 18, 2005 (Revised July 17, 2007)

**SUBJECT:** Frequently Asked Questions Regarding "Jessica Lunsford Act"

**CC:** FHSAA Board of Directors

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During the 2007 session, the Florida Legislature passed a bill amending the Jessica Lunsford Act which was signed into law by Governor Charlie Crist that became effective August 1, 2007 relating to high risk offenders. The new law revises background screening requirements for certain non-instructional contractors. Summarily, the level 2 background screening requirements have been replaced with a fingerprint-based criminal history check.

**1. What is fingerprint-based criminal history check?** This has replaced the former level 2 screening requirement. The main difference is that this new fingerprint-based criminal history check provides a standardized screening procedure that clearly identifies crimes, the conviction of which would preclude a contest official from being on school grounds as an independent contractor.

**2. Are contest officials exempt from the requirements of the act?** No. Contest officials are considered to be under contract with a district school board through their local associations and the individual schools. Therefore, contest officials must undergo a fingerprint-based criminal history check as specified in section 1012.467, Florida Statutes.

**3. What is the procedure for complying with fingerprint based criminal history check?** For a contest official's initial criminal history check, each noninstructional contractor (contest official) who is subject to the criminal history check shall file with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of a school district, a public school, or a private company who is trained to take fingerprints. The fingerprints shall be electronically submitted for state processing to the Department of Law Enforcement, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for national processing. The results of each (the initial) criminal history check shall be reported to the school district in which the individual is seeking access and is entered into the shared system described maintained by FDLE. Returning officials may refer to number 7.

**4. Is it necessary to pay for multiple checks if contest officials are working in multiple counties/school districts?** No. After completing the initial fingerprint-based criminal history check in one county or school district, the subsequent districts will be able to access the fingerprint-based criminal history database free of charge. The school district shall screen the results using the disqualifying offenses outlined in question number 5.

**5. What are disqualifying offenses?** If you have been convicted of a crime involving: any offense requiring registration as a sexual offender, sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct; sexual misconduct with certain mental health patients and the reporting of such sexual misconduct; relating to terrorism; relating to murder; relating to kidnapping, relating to lewdness and indecent exposure, relating to incest; relating to child abuse, aggravated child abuse or neglect of a child, you cannot be employed, engaged to provide services, or serve in any position requiring direct contact with students. This includes officiating athletic contests.

**6. What are identified as school grounds?** "School grounds" includes the buildings and grounds of any public pre-kindergarten, kindergarten, elementary school, middle school, junior high school, high school, or secondary school, or any combination of grades pre-kindergarten through grade 12, together with the school district land on which the buildings are located. The term does not include: any other facility or location where school classes or activities may be located or take place.

**7. Must I undergo the fingerprint-based criminal history check each school year?** No. Criminal history checks shall be performed at least once every 5 years. Contest officials who have submitted to the level 2 screening, prior to August 1, 2007, are permanently entered into the state's automated fingerprint identification system and do not need to resubmit fingerprints until the 5 years expire. Your fingerprints are then annually compared to all arrest fingerprint cards. If an arrest record matches your fingerprints it will be reported to the appropriate district school board.

**8. What is the cost and who pays it?** The cost of the criminal history check may be borne by the district school board, the school, or the contractor. A fee that is charged by a district school board for such checks may not exceed 30 percent of the total amount charged by the Department of Law Enforcement and the Federal Bureau of Investigation.

**9. Will the FHSAA continue its reimbursement program for 1st year officials or officials new to Florida?** No. The initial reimbursement program was established to assist the masses of officials faced with the requirement to comply with the state statute. Originally, state statute was silent regarding the cost associated with complying with a level 2 background screening. The current screening process does not require the level 2 screening for those contractors who will work under supervision of school personnel while completing his/her duties. *It was reported at the Officials Leadership Conference that the FHSAA would reimburse for new officials; however, this process has been changed as result of the language in the statute which addresses the maximum amount that an agency/school district may charge for their fingerprint-based criminal history check process.*

**10. What role, if any, will the FHSAA play in this process?** The statutes governing the FHSAA clearly state that it is not a state agency. The Association, therefore, has been informed by the state that it cannot legally play any role in the process and, therefore, to a great extent has been sidelined. Do not submit your fingerprints and/or other background screening materials to the FHSAA Office. Work through your local association and/or directly with your local district school board office (or other trained person identified in question 3) to arrange your screening. The FHSAA Office fully supports the good intentions of the law and strongly encourages all contest officials to submit to the screening process.

**11. How will I be made eligible to officiate state series (postseason) events?** The state series recommendations list submitted to the FHSAA Office by each local association in the respective sports has been revised to include a statement whereby the appropriate officers of the association by their signature will certify that all officials named on the recommendations list have undergone the screening and have been approved by a school district to officiate contests in that district.

**12. Are there any exceptions to the requirement to fulfill fingerprint-based criminal history check for contest officials?** Yes. Although there are exceptions to this requirement, the FHSAA strongly advises against contest officials seeking to officiate under the conditions set forth in the exceptions as they may adversely affect the independent contractor status of the contest official providing the officiating service.