

By Representative Rojas

1                                   A bill to be entitled  
2           An act relating to criminal history background  
3           checks; providing legislative intent; creating  
4           s. 943.083, F.S.; providing that certain  
5           religious, charitable, scientific, educational,  
6           athletic, or service institutions or  
7           organizations with adult volunteers or  
8           employees or applicants for employment working  
9           with, or having regular unsupervised access to,  
10          children, elderly persons, or individuals with  
11          disabilities require such volunteers,  
12          employees, or applicants to provide  
13          fingerprints and other information necessary  
14          for criminal history records checks by the  
15          Department of Law Enforcement and Federal  
16          Bureau of Investigation and agree to the  
17          sharing of criminal history records, under  
18          specified circumstances; defining "unsupervised  
19          access"; providing for fees, and reductions  
20          thereof, for requested records checks;  
21          providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. It is the intent of the Legislature to  
26 provide means by which the state may develop a coordinated,  
27 united plan to implement the National Child Protection Act,  
28 Pub. L. No. 103-209, as amended by Pub. L. 103-322, or as  
29 otherwise amended. Toward that end, the Legislature intends  
30 to authorize the Division of Criminal Justice Information  
31 Systems of the Florida Department of Law Enforcement to

1 establish procedures for providing criminal history background  
2 checks on volunteers and employees of organizations subject to  
3 the act, consistent with federal law, regulations, and  
4 guidelines.

5 Section 2. Section 943.083, Florida Statutes, is  
6 created to read:

7 943.083 Criminal history background checks on  
8 volunteers and employees subject to National Child Protection  
9 Act, as amended.--

10 (1) Notwithstanding any other provision of law  
11 requiring preemployment background screening, a religious,  
12 charitable, scientific, educational, athletic, or service  
13 institution or organization which provides care, treatment,  
14 education, training, instruction, supervision, or recreation  
15 to children, elderly persons, or individuals with disabilities  
16 shall require any person over age 18 who currently works with  
17 or applies to work with and have unsupervised access on a  
18 regular basis to such persons as a volunteer or as a paid  
19 employee to provide a complete set of fingerprints and such  
20 other information as is necessary for the processing of a  
21 criminal history record check by the Florida Department of Law  
22 Enforcement and the Federal Bureau of Investigation, and agree  
23 to the sharing of state, multistate, and federal criminal  
24 history records, to the maximum extent provided by federal  
25 law, with such institution or organization for the purpose of  
26 verifying the accuracy of information contained on an  
27 application to work for such institution or organization as  
28 either a volunteer or paid employee.

29 (2) For the purposes of this section, "unsupervised  
30 access" shall be deemed to exist when there is no other person  
31 over age 18 present in the same room with a child, elderly

1 person, or individual with disabilities or, if outdoors,  
2 present within a 30-yard radius of the child, elderly person,  
3 or individual with disabilities, and/or a relationship of  
4 trust is attempted to be established with the child, elderly  
5 person, or individual with disabilities.

6 (3) When a record check is requested, fees shall be at  
7 the rates established by the Florida Department of Law  
8 Enforcement and the Federal Bureau of Investigation in  
9 accordance with the National Child Protection Act. However,  
10 such fees shall be reduced for recognized charitable or  
11 not-for-profit organizations.

12 Section 3. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

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17 Provides legislative intent to authorize the Division of  
18 Criminal Justice Information Systems to establish  
19 procedures for providing criminal history background  
20 checks on volunteers and employees of organizations  
21 subject to the National Child Protection Act, as amended.  
22 Requires that certain religious, charitable, scientific,  
23 educational, athletic, or service institutions or  
24 organizations with adult volunteers or employees or  
25 applicants for employment working with, or having regular  
26 unsupervised access to, children, elderly persons, or  
27 individuals with disabilities require such volunteers,  
28 employees, or applicants to provide fingerprints and  
29 other information necessary for criminal history records  
30 checks by the Department of Law Enforcement and Federal  
31 Bureau of Investigation and agree to the sharing of  
criminal history records, under specified circumstances.  
Defines "unsupervised access." Provides for fees, and  
reductions thereof, for requested records checks.

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