

By the Committee on Governmental Operations and
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 or local governmental entities
8 with volunteers or employees or applicants for
9 employment working with, or having regular
10 unsupervised access to, children, elderly
11 persons, or individuals with disabilities may
12 make certain requirements upon such volunteers,
13 employees, or applicants; providing that the
14 volunteer, employee, or applicant be required
15 to agree to the release of investigative
16 records, provide fingerprints and other
17 information necessary for criminal history
18 records checks by the Florida Department of Law
19 Enforcement and Federal Bureau of
20 Investigation, agree to notification by the
21 department to the institution or organization
22 or local governmental entity regarding certain
23 previous convictions, under specified
24 circumstances, and attend a training program;
25 providing for fees for requested records
26 checks; permitting parents or guardians to
27 submit written request for such state and
28 national criminal history records checks, under
29 specified circumstances; providing for payment
30 by the parent or legal guardian for the
31 requested records checks; authorizing

1 additional positions within the department in
2 excess of the total number of authorized
3 positions provided in the appropriation acts;
4 providing for funding from the Law Enforcement
5 Operating Trust Fund; providing an effective
6 date.

7

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

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10 Section 1. It is the intent of the Legislature to
11 provide a means by which the state may develop a coordinated
12 united plan to implement the National Child Protection Act,
13 Pub. L. No. 103-209, as amended by Pub. L. No. 103-322, or as
14 otherwise amended. Toward that end, the Legislature intends to
15 authorize the Division of Criminal Justice Information Systems
16 of the Florida Department of Law Enforcement to establish
17 procedures for providing criminal history background checks on
18 volunteers and employees of organizations subject to the act,
19 consistent with federal law, regulations, and guidelines.

20 Section 2. Section 943.083, Florida Statutes, is
21 created to read:

22 943.083 Criminal history background checks on
23 volunteers and employees subject to National Child Protection
24 Act.--

25 (1) Notwithstanding any other provision of law
26 requiring preemployment background screening, a religious,
27 charitable, scientific, educational, athletic, or service
28 institution or organization or local governmental entity which
29 provides care, treatment, education, training, instruction,
30 supervision, or recreation to children, elderly persons, or
31 individuals with disabilities may require any person, who

1 applies to work with or have unsupervised access to such
2 children, elderly persons, or individuals with disabilities,
3 as a volunteer or as a paid employee, to do one or more of the
4 following:

5 (a) Agree to the release of all investigative records,
6 including a statewide criminal records correspondence check
7 through the Department of Law Enforcement, to such religious,
8 charitable, scientific, educational, athletic, or service
9 institution or organization or local governmental entity for
10 the purpose of verifying the accuracy of information contained
11 on an application to work for such institution or organization
12 or local governmental entity;

13 (b) Provide a complete set of fingerprints and such
14 other information as is necessary for the processing of a
15 criminal history records check by the Florida Department of
16 Law Enforcement and the Federal Bureau of Investigation, and
17 agree to allow the Florida Department of Law Enforcement to
18 notify the religious, charitable, scientific, educational,
19 athletic, or service institution or organization or local
20 governmental entity if the individual has been convicted of a
21 felony or misdemeanor offense under any of the following laws
22 or comparable laws of other states: stalking as defined in s.
23 784.048, prostitution as defined in s. 796.07, unnatural or
24 lascivious act as defined in s. 800.02, exposure of sexual
25 organs as defined in s. 800.03, child abuse as defined in
26 former s. 827.04, child abuse, aggravated child abuse, or
27 neglect of a child as defined in s. 827.03 or former s.
28 827.05, contributing to the delinquency or dependency of a
29 child as defined in s. 827.04, sale or possession of obscene
30 material as defined in s. 847.011, violation of a domestic
31 violence injunction as provided for in s. 741.30, or violation

1 of a repeat violence injunction as provided for in s. 784.047;
2 or

3 (c) Attend a comprehensive training program for the
4 protection of children, elderly persons, or individuals with
5 disabilities which includes training on recognition,
6 disclosure, reporting, and prevention of abuse, and provide
7 necessary information for character, employment, education,
8 and reference checks.

9 (2)(a) A parent or legal guardian shall submit in
10 writing to the religious, charitable, scientific, educational,
11 athletic, or service institution or organization or local
12 governmental entity a request that an employee or volunteer
13 who works with or has unsupervised access to that parent's or
14 legal guardian's child have a state and national criminal
15 history records check, as provided in paragraph (1)(b). The
16 decision on whether to conduct such a records check shall be
17 made by the institution or organization or local governmental
18 entity.

19 (b) Should the institution or organization or local
20 governmental entity decide to conduct the records check, the
21 requesting parent or legal guardian shall pay all expenses
22 related to this records check.

23 (c) If a request is submitted for a records check for
24 an employee or volunteer on whom a records check already has
25 been performed within the preceding 36 months, those existing
26 records check results shall be deemed sufficient for purposes
27 of this act.

28 (3) When a records check is requested by a charitable
29 or not-for-profit organization that demonstrates that it is
30 eligible to have one conducted under the provisions of this
31 section, fees shall be at the rates established by the Florida

1 Department of Law Enforcement and the Federal Bureau of
2 Investigation in accordance with the National Child Protection
3 Act.

4 (4) Pursuant to s. 216.262, the Florida Department of
5 Law Enforcement is granted authority to establish positions in
6 excess of the total authorized positions upon submission of a
7 proper request to the Administration Commission. These
8 positions shall be established with funding from the
9 department's Law Enforcement Operating Trust Fund and shall be
10 used to process the increased workload of conducting the
11 criminal history records checks authorized under this section.
12 These positions will be earmarked by the department, and, at
13 such time as they are no longer needed, may be placed in a
14 reserve status for future use.

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