

By Senator Silver

38-398-98

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 may be  
15          required to agree to the release of  
16          investigative records, provide fingerprints and  
17          other information necessary for criminal  
18          history records checks by the 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, or attend a training program;  
25          providing for fees for requested records  
26          checks; authorizing additional positions within  
27          the department in excess of the total number of  
28          authorized positions provided in the  
29          appropriation acts; providing for funding from  
30          the Law Enforcement Operating Trust Fund;  
31          providing an effective date.

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

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

13 Section 2. Section 943.083, Florida Statutes, is  
14 created to read:

15 943.083 Criminal history background checks on  
16 volunteers and employees subject to National Child Protection  
17 Act.--

18 (1) Notwithstanding any other provision of law  
19 requiring preemployment background screening, a religious,  
20 charitable, scientific, educational, athletic, or service  
21 institution or organization or local governmental entity that  
22 provides care, treatment, education, training, instruction,  
23 supervision, or recreation to children, elderly persons, or  
24 individuals with disabilities may require any person who works  
25 with or applies to work with or have unsupervised access to  
26 such children, elderly persons, or individuals with  
27 disabilities, as a volunteer or as a paid employee, to do one  
28 or more of the following:

29 (a) Agree to the release of all investigative records,  
30 including a statewide criminal records correspondence check  
31 through the Department of Law Enforcement, to such religious,

1 charitable, scientific, educational, athletic, or service  
2 institution or organization or local governmental entity for  
3 the purpose of verifying the accuracy of information contained  
4 on an application to work for such institution or organization  
5 or local governmental entity.

6 (b) Provide a complete set of fingerprints and such  
7 other information in a manner approved by the Department of  
8 Law Enforcement as is necessary for processing a criminal  
9 history record check by the Department of Law Enforcement and  
10 the Federal Bureau of Investigation and agree to allow the  
11 Department of Law Enforcement to use the information available  
12 to verify on behalf of the religious, charitable, scientific,  
13 educational, athletic, or service institution or organization  
14 or local governmental entity whether the individual appears to  
15 have provided substantially accurate and complete information  
16 concerning the existence, if any, of prior criminal arrests or  
17 convictions.

18 (c) Attend a comprehensive training program for the  
19 protection of children, elderly persons, or individuals with  
20 disabilities which includes training on recognition,  
21 disclosure, reporting, and prevention of abuse, and provide  
22 necessary information for character, employment, education,  
23 and reference checks.

24 (2) When a records check is requested by a charitable  
25 or not-for-profit organization that demonstrates that it is  
26 eligible to have one conducted under the provisions of this  
27 section, fees shall be at the rates established by the  
28 Department of Law Enforcement and the Federal Bureau of  
29 Investigation in accordance with the National Child Protection  
30 Act.

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