

By Senator Saunders

37-244A-03

1 A bill to be entitled
2 An act relating to background screening for
3 emergency medical technicians and paramedics;
4 amending s. 401.27, F.S.; requiring that an
5 applicant for certification submit certain
6 arrest and court records to the Department of
7 Health; requiring that an applicant for initial
8 certification or for the first certification
9 renewal after a specified date submit
10 fingerprints to the department for a national
11 criminal history check; requiring a statewide
12 criminal history check for subsequent renewals
13 of certification; providing that an applicant
14 who has submitted information to the Department
15 of Health for a criminal history check is not
16 required to submit such information to certain
17 other agencies for employment or licensure;
18 providing that an applicant who has undergone a
19 criminal history check as a firefighter within
20 a specified period is not required to submit
21 fingerprints to the department; providing for
22 the Office of State Fire Marshal to provide
23 criminal history information concerning such an
24 applicant to the department; providing for
25 tolling the period for issuing a certificate if
26 an applicant must appear before the department
27 due to information obtained through the
28 criminal history check; providing an effective
29 date.

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

1 Section 1. Subsections (3) and (5) of section 401.27,
2 Florida Statutes, are amended to read:

3 401.27 Personnel; standards and certification.--

4 (3)(a) Any person who desires to be certified or
5 recertified as an emergency medical technician or paramedic
6 must apply to the department under oath on forms provided by
7 the department which shall contain such information as the
8 department ~~reasonably~~ requires, which may include affirmative
9 evidence of ability to comply with applicable laws and rules.
10 The department shall require any applicant who has been
11 convicted or found guilty of, or has entered a plea of nolo
12 contendere to, regardless of adjudication, any offense other
13 than a minor traffic violation, to submit arrest and certified
14 court records stating the nature of the offense and the final
15 disposition of the case so that a determination can be made by
16 the department whether the offense relates to the practice as
17 an emergency medical technician or paramedic or the ability to
18 practice as an emergency medical technician or paramedic.The
19 department shall determine whether the applicant meets the
20 requirements specified in this section and in rules of the
21 department and shall issue a certificate to any person who
22 meets such requirements.

23 (b) In addition to any other requirements of this
24 section, each applicant for initial certification or the first
25 renewal of certification after July 1, 2003, must, in
26 conjunction with the application for certification or renewal
27 of such certification and under procedures adopted by the
28 department, submit a set of fingerprints to the department.
29 The applicant must submit the fingerprints on a form and under
30 procedures specified by the department, along with payment in
31 an amount equal to the costs incurred by the department for a

1 national criminal history check. For subsequent renewals, an
2 applicant who has already submitted fingerprints and
3 information for a national criminal history check to the
4 department must submit only that information necessary to
5 conduct a statewide criminal history check, along with payment
6 in an amount equal to costs incurred by the department for a
7 statewide criminal history check.

8 (c)1. The department shall submit the fingerprints
9 provided by an applicant for initial certification to the
10 Department of Law Enforcement for a statewide criminal history
11 check and the Department of Law Enforcement shall forward the
12 fingerprints to the Federal Bureau of Investigation for a
13 national criminal history check of the applicant.

14 2. The department shall submit the fingerprints
15 provided by an applicant for the first renewal of
16 certification after July 1, 2003, to the Department of Law
17 Enforcement for a statewide criminal history check and the
18 Department of Law Enforcement shall forward the fingerprints
19 to the Federal Bureau of Investigation for a national criminal
20 history check.

21 3. For any subsequent renewal of the applicant's
22 certificate, the department shall submit the required
23 information for a statewide criminal history check of the
24 applicant to the Department of Law Enforcement.

25 (d) The department shall review the results of the
26 criminal history check and issue a certificate to an applicant
27 who has met all of the other requirements for certification as
28 an emergency medical technician or paramedic and who has no
29 criminal history. However, for each applicant that has a
30 criminal history, the department must make a determination as
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1 to whether a license should be issued to that applicant and
2 under what conditions pursuant to s. 401.411.

3 (e) An applicant for initial certification or renewal
4 of certification who submits to the department a set of
5 fingerprints and information required for the criminal history
6 check required under this section is not required to provide a
7 subsequent set of fingerprints or other duplicate information
8 required for a criminal history check to the Agency for Health
9 Care Administration, the Department of Juvenile Justice, or
10 the Department of Children and Family Services for employment
11 or licensure with such agency or department if the applicant
12 has undergone a criminal history check as a condition of
13 initial certification or renewal of certification as an
14 emergency medical technician or paramedic with the department,
15 notwithstanding any other provision of law to the contrary. In
16 lieu of such duplicate submission, the Agency for Health Care
17 Administration, the Department of Juvenile Justice, and the
18 Department of Children and Family Services shall obtain
19 criminal history information for employment or licensure of
20 persons certified under this section from the department.

21 (f) If an applicant has undergone a criminal history
22 check as a condition of employment or certification as a
23 firefighter under s. 633.34, the Division of State Fire
24 Marshal of the Department of Financial Services shall provide
25 the criminal history information regarding the applicant
26 seeking certification or renewal of certification under this
27 section to the department. Any applicant for initial
28 certification or renewal of certification who has already
29 submitted a set of fingerprints and information to the
30 Division of State Fire Marshal of the Department of Financial
31 Services for the criminal history check required for

1 employment and certification of firefighters under s. 633.34
2 within 2 years after application under this section is not
3 required to provide to the department a subsequent set of
4 fingerprints or other duplicate information required for a
5 criminal history check if the applicant submits an affidavit
6 attesting that he or she has been a state resident for the
7 previous 2 years.

8 (5) The certification examination must be offered
9 monthly. The department shall issue an examination admission
10 notice to the applicant advising him or her of the time and
11 place of the examination for which he or she is scheduled.
12 Individuals achieving a passing score on the certification
13 examination may be issued a temporary certificate with their
14 examination grade report. If the applicant meets all the
15 requirements of this section and no basis for denial of
16 certification exists,the department must issue an original
17 certification within 45 days after the examination. This
18 45-day period to issue a certificate is tolled if the
19 applicant must appear before the department due to information
20 provided on the application or obtained through the criminal
21 history check.Examination questions and answers are not
22 subject to discovery but may be introduced into evidence and
23 considered only in camera in any administrative proceeding
24 under chapter 120. If an administrative hearing is held, the
25 department shall provide challenged examination questions and
26 answers to the administrative law judge. The department shall
27 establish by rule the procedure by which an applicant, and the
28 applicant's attorney, may review examination questions and
29 answers in accordance with s. 119.07(3)(a).

30 Section 2. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Requires that an applicant for certification as an emergency medical technician or paramedic submit certain arrest and court records to the Department of Health. Requires that an applicant for initial certification or for the first certification renewal after July 1, 2003, submit fingerprints to the department for a national criminal history check. Requires a statewide criminal history check for subsequent renewals of certification. Provides that a criminal history check conducted by the Office of State Fire Marshal within the previous 2 years for purposes of certification as a firefighter may be used by the department for certifying an emergency medical technician or paramedic. Provides that the 45-day period for issuing a certificate is tolled if an applicant must appear before the department due to information obtained through the criminal history check. (See bill for details.)