

CHAMBER ACTION

1 The Juvenile Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of Juvenile Justice;
7 amending s. 985.407, F.S.; changing the level of
8 background screening required for certain department and
9 provider employees from level 1 to level 2; requiring
10 federal criminal records checks every 5 years for certain
11 department and provider employees; providing for
12 electronic submission of specified fingerprint
13 information; providing for retention of specified
14 fingerprint information; providing for searches; requiring
15 the adoption of rules; providing for an annual fee;
16 providing for notice of changes in the employment status
17 of persons whose fingerprint information is retained;
18 requiring the removal of fingerprint information upon the
19 occurrence of specified events; providing an effective
20 date.

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

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24 Section 1. Subsection (4) of section 985.407, Florida
25 Statutes, is amended to read:

26 985.407 Departmental contracting powers; personnel
27 standards and screening.--

28 (4)(a) For any person employed by the department, or by a
29 provider under contract with the department, in delinquency
30 facilities, services, or programs, the department shall require:

31 1. A level 2 employment screening pursuant to chapter 435
32 prior to employment, using the level 1 standards for screening
33 set forth in that chapter, for personnel in delinquency
34 facilities, services, and programs.

35 2. A federal criminal records check by the Federal Bureau
36 of Investigation every 5 years following the date of the
37 person's employment.

38 (b) Except for law enforcement, correctional, and
39 correctional probation officers, to whom s. 943.13(5) applies,
40 the department shall electronically submit to the Department of
41 Law Enforcement:

42 1. Fingerprint information obtained during the employment
43 screening required by subparagraph (a)1.

44 2. No later than December 15, 2005, fingerprint
45 information for all persons employed by the department, or by a
46 provider under contract with the department, in delinquency
47 facilities, services, or programs if such fingerprint
48 information has not previously been electronically submitted to
49 the Department of Law Enforcement under this paragraph.

50 (c) All fingerprint information electronically submitted
51 to the Department of Law Enforcement under paragraph (b) shall

52 be retained by the Department of Law Enforcement and entered
 53 into the statewide automated fingerprint identification system
 54 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
 55 information shall be available for all purposes and uses
 56 authorized for arrest fingerprint information entered into the
 57 statewide automated fingerprint identification system pursuant
 58 to s. 943.051 until the fingerprint information is removed
 59 pursuant to paragraph (e). The Department of Law Enforcement
 60 shall search all arrest fingerprint information received
 61 pursuant to s. 943.051 against the fingerprint information
 62 entered into the statewide automated fingerprint system pursuant
 63 to this subsection. Any arrest records identified as a result of
 64 the search shall be reported to the department in the manner and
 65 timeframe established by the Department of Law Enforcement by
 66 rule.

67 (d) The department shall pay an annual fee to the
 68 Department of Law Enforcement for its costs resulting from the
 69 fingerprint information retention services required by this
 70 subsection. The amount of the annual fee and procedures for the
 71 submission and retention of fingerprint information and for the
 72 dissemination of search results shall be established by the
 73 Department of Law Enforcement by a rule that is applicable to
 74 the department individually pursuant to this subsection or that
 75 is applicable to the department and other employing agencies
 76 pursuant to rulemaking authority otherwise provided by law.

77 (e) The department shall notify the Department of Law
 78 Enforcement when a person whose fingerprint information is
 79 retained by the Department of Law Enforcement under this

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80 subsection is no longer employed by the department, or by a
81 provider under contract with the department, in a delinquency
82 facility, service, or program. This notice shall be provided by
83 the department to the Department of Law Enforcement no later
84 than 6 months after the date of the change in the person's
85 employment status. Fingerprint information for persons
86 identified by the department in the notice shall be removed from
87 the statewide automated fingerprint system.

88 Section 2. This act shall take effect July 1, 2005.