

By the Committee on Criminal Justice; and Senator Argenziano

591-1965-05

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A bill to be entitled  
An act relating to juvenile justice; amending  
s. 985.407, F.S.; revising employee-screening  
procedures of the Department of Juvenile  
Justice; requiring the department to provide  
fingerprint information to the Department of  
Law Enforcement and pay an annual fee;  
providing an effective date.

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

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

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

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

1. A level 2 employment screening pursuant to chapter  
435 prior to employment; and, ~~using the level 1 standards for  
screening set forth in that chapter, for personnel in  
delinquency facilities, services, or programs.~~

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

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

1           1. Fingerprint information obtained during the  
2 employment screening required by subparagraph (a)1.; and

3           2. No later than December 15, 2005, fingerprint  
4 information for all persons employed by the department, or by  
5 a provider under contract with the department, in delinquency  
6 facilities, services, or programs if such fingerprint  
7 information has not previously been electronically submitted  
8 to the Department of Law Enforcement under this paragraph.

9           (c) All fingerprint information electronically  
10 submitted to the Department of Law Enforcement under paragraph  
11 (b) shall be retained by the Department of Law Enforcement and  
12 entered into the statewide automated fingerprint  
13 identification system authorized by s. 943.05(2)(b) and shall  
14 thereafter be available for all purposes and uses authorized  
15 for arrest fingerprint information entered into the statewide  
16 automated fingerprint identification system pursuant to s.  
17 943.051 until the fingerprint information is removed pursuant  
18 to paragraph (e). The Department of Law Enforcement shall  
19 search all arrest fingerprint information received pursuant to  
20 s. 943.051 against the fingerprint information entered into  
21 the statewide automated fingerprint system pursuant to this  
22 subsection. Any arrest records identified as a result of the  
23 search shall be reported to the department in the manner and  
24 timeframe established by rule of the Department of Law  
25 Enforcement.

26           (d) The department shall pay an annual fee to the  
27 Department of Law Enforcement for its costs resulting from the  
28 fingerprint-information-retention services required by this  
29 subsection. The amount of the annual fee and procedures for  
30 the submission and retention of fingerprint information and  
31 for the dissemination of search results shall be established

1 by rule of the Department of Law Enforcement which is  
2 applicable to the department individually pursuant to this  
3 subsection or is applicable to the department and other  
4 employing agencies pursuant to rulemaking authority otherwise  
5 provided by law.

6 (e) The department shall notify the Department of Law  
7 Enforcement when a person whose fingerprint information is  
8 retained by the Department of Law Enforcement under this  
9 subsection is no longer employed by the department, or by a  
10 provider under contract with the department, in a delinquency  
11 facility, service, or program. This notice shall be provided  
12 by the department to the Department of Law Enforcement no  
13 later than 6 months after the date of the change in the  
14 person's employment status. Fingerprint information for  
15 persons identified by the department in the notice shall be  
16 removed from the statewide automated fingerprint system.

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 Senate Bill 1914

- 22 - Requires a federal criminal records check by the Federal  
23 Bureau of Investigation every five years following the  
24 date of the person's employment.  
25 - Requires the department to notify FDLE when a person,  
26 whose fingerprint information is retained, is no longer  
27 employed by the department, or by a provider under  
28 contract with the department.  
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