

By the Committees on Justice Appropriations; Criminal Justice; and Senator Argenziano

604-2207-05

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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 appropriations; 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. The sums of \$36,834 in recurring funds and
18 \$86,407 in nonrecurring funds are appropriated from the
19 General Revenue Fund to the Department of Juvenile Justice for
20 expenses for the 2005-2006 fiscal year. The sum of \$133,335 in
21 recurring funds is appropriated from the Administrative Trust
22 Fund to the Department of Juvenile Justice for expenses for
23 the 2005-2006 fiscal year.

24 Section 3. This act shall take effect July 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 1914

Provides \$36,834 in recurring funds from the General Revenue Fund to the Department of Juvenile Justice to pay the Department of Law Enforcement fees for retaining employee fingerprints in the statewide automated fingerprint system.

Provides \$86,407 in nonrecurring funds from the General Revenue Fund to the Department of Juvenile Justice for programming and labor costs associated with processing current records into the statewide system.

Provides \$133,335 in recurring funds from the Administrative Trust Fund to the Department of Juvenile Justice to pay the Department of Law Enforcement fees for retaining contracted employee fingerprints in the statewide automated fingerprint system.