

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) **Llorente** offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 1682 and 1683, insert:

5 Section 26. Subsection (4) of section 985.407, Florida
6 Statutes, is amended to read:

7 985.407 Departmental contracting powers; personnel
8 standards and screening.--

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

12 1. A level 2 employment screening pursuant to chapter 435
13 prior to employment, using the level 1 standards for screening
14 set forth in that chapter, for personnel in delinquency
15 facilities, services, and programs.

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

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

23 1. Fingerprint information obtained during the employment
24 screening required by subparagraph (a)1.

25 2. Beginning on December 15, 2005, fingerprint information
26 for all persons employed by the department, or by a provider
27 under contract with the department, in delinquency facilities,
28 services, or programs if such fingerprint information has not
29 previously been electronically submitted to the Department of
30 Law Enforcement under this paragraph.

31 (c) All fingerprint information electronically submitted
32 to the Department of Law Enforcement under paragraph (b) shall
33 be retained by the Department of Law Enforcement and entered
34 into the statewide automated fingerprint identification system
35 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
36 information shall be available for all purposes and uses
37 authorized for arrest fingerprint information entered into the
38 statewide automated fingerprint identification system pursuant
39 to s. 943.051 until the fingerprint information is removed
40 pursuant to paragraph (e). The Department of Law Enforcement
41 shall search all arrest fingerprint information received
42 pursuant to s. 943.051 against the fingerprint information

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43 entered into the statewide automated fingerprint system pursuant
44 to this subsection. Any arrest records identified as a result of
45 the search shall be reported to the department in the manner and
46 timeframe established by the Department of Law Enforcement by
47 rule.

48 (d) The department shall pay an annual fee to the
49 Department of Law Enforcement for its costs resulting from the
50 fingerprint information retention services required by this
51 subsection. The amount of the annual fee and procedures for the
52 submission and retention of fingerprint information and for the
53 dissemination of search results shall be established by the
54 Department of Law Enforcement by a rule that is applicable to
55 the department individually pursuant to this subsection or that
56 is applicable to the department and other employing agencies
57 pursuant to rulemaking authority otherwise provided by law.

58 (e) The department shall notify the Department of Law
59 Enforcement when a person whose fingerprint information is
60 retained by the Department of Law Enforcement under this
61 subsection is no longer employed by the department, or by a
62 provider under contract with the department, in a delinquency
63 facility, service, or program. This notice shall be provided by
64 the department to the Department of Law Enforcement no later
65 than 6 months after the date of the change in the person's
66 employment status. Fingerprint information for persons
67 identified by the department in the notice shall be removed from
68 the statewide automated fingerprint system.

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===== T I T L E A M E N D M E N T =====

Remove line 95 and insert:

F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

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