Florida Senate - 2007

CS for SB 106

 ${\bf By}$ the Committee on Children, Families, and Elder Affairs; and Senator Hill

586-1870-07

1	A bill to be entitled
2	An act relating to child care facilities;
3	amending s. 402.305, F.S.; requiring electronic
4	submission of fingerprints of child care
5	personnel and retention of fingerprints by the
6	Department of Law Enforcement; requiring that
7	fingerprints retained be searched against
8	arrest records; requiring that records
9	identified with the retained fingerprints be
10	reported to the Department of Children and
11	Family Services; providing for fees; providing
12	rulemaking authority; requiring certain persons
13	to be refingerprinted; requiring level 2
14	screening of each person who is employed in a
15	child care facility every 5 years; providing an
16	effective date.
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18	Be It Enacted by the Legislature of the State of Florida:
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20	Section 1. Paragraph (a) of subsection (2) of section
21	402.305, Florida Statutes, is amended to read:
22	402.305 Licensing standards; child care facilities
23	(2) PERSONNELMinimum standards for child care
24	personnel shall include minimum requirements as to:
25	(a) Good moral character based upon screening. This
26	screening shall be conducted as provided in chapter 435, using
27	the level 2 standards for screening set forth in that chapter.
28	1. Beginning July 1, 2008, all fingerprints submitted
29	to the Department of Law Enforcement as required by this
30	subsection shall be submitted electronically and shall be
31	retained by the Department of Law Enforcement in a manner
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	provided by rule and entered in the statewide automated
2	fingerprint identification system authorized by s.
3	943.05(2)(b). Such fingerprints shall thereafter be available
4	for all purposes and uses authorized for arrest fingerprint
5	cards entered in the statewide automated fingerprint
б	identification system pursuant to s. 943.051.
7	2. Beginning July 1, 2008, the Department of Law
8	Enforcement shall search all arrest fingerprint cards received
9	under s. 943.051 against the fingerprints retained in the
10	statewide automated fingerprint identification system under
11	subparagraph 1. Any arrest record that is identified with the
12	retained fingerprints of a person subject to the background
13	screening under this section shall be reported to the
14	department. The department shall participate in this search
15	process by paying an annual fee to the Department of Law
16	Enforcement and informing the Department of Law Enforcement of
17	any personnel whose fingerprints are retained under
18	subparagraph 1. who are no longer employed by a facility
19	regulated by the department. The Department of Law Enforcement
20	shall adopt a rule setting the amount of the annual fee to be
21	imposed upon the department for performing these searches and
22	establishing the procedures for the retention of fingerprints
23	and the dissemination of search results. The fee may be borne
24	by the department, the provider, or the person fingerprinted.
25	3. Beginning July 1, 2008, personnel whose
26	fingerprints are not retained by the Department of Law
27	Enforcement under subparagraphs 1. and 2. shall be
28	refingerprinted and must meet level 2 screening requirements
29	as described in this section upon reemployment or reengagement
30	to provide services in order to comply with the requirements
31	of this subsection.

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1 No later than December 1, 2009, any personnel whose 2 fingerprints are not retained by the Department of Law Enforcement under subparagraphs 1. and 2. shall be 3 4 refingerprinted and must meet level 2 screening requirements 5 as described in this section. 6 Every 5 years each person who is employed in a 5. 7 child care facility must meet level 2 screening requirements 8 as described in s. 435.04. The department shall request the Department of Law Enforcement to forward the fingerprints to 9 the Federal Bureau of Investigation for the level 2 screening. 10 The cost of the state and federal criminal history check 11 12 required by level 2 screening may be borne by the department, 13 the facility, or the person fingerprinted. Section 2. This act shall take effect July 1, 2007. 14 15 16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 17 Senate Bill 106 18 Adds a requirement to s. 402.305 relating to child care 19 facilities requiring that beginning July 1, 2008, fingerprints 20 for level 2 screening of child care personnel be submitted electronically. The Department of Law Enforcement will retain 21 fingerprints, match them against incoming arrests, and report matches to the Department of Children and Family Services. 2.2 Directs the Department of Law Enforcement to adopt a rule 23 setting fees and describing procedures. Requires that beginning July 1, 2008, all child care personnel 2.4 who are rehired and whose fingerprints are not already retained by FDLE must be fingerprinted and meet level 2 25 screening requirements. 26 Requires that beginning December 1, 2009, child care personnel whose fingerprints are not yet retained by FDLE must be refingerprinted and must meet level 2 screening requirements. 27 2.8 Requires that each person employed in a child care facility 29 meet level 2 screening requirements every five years. 30 31 3

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