



1 and corporations in carrying out the purposes of, and the  
2 responsibilities established in, this chapter.

3 (a) When the department ~~of Juvenile Justice or the~~  
4 ~~Department of Children and Family Services~~ contracts with a  
5 provider for any program for children, all personnel,  
6 including owners, operators, employees, and volunteers, in the  
7 facility must be of good moral character. Each contract  
8 entered into by the ~~either~~ department for services delivered  
9 on an appointment or intermittent basis by a provider that  
10 does not have regular custodial responsibility for children  
11 and each contract with a school for before or aftercare  
12 services must ensure that the owners, operators, and all  
13 personnel who have direct contact with children are of good  
14 moral character. ~~A volunteer who assists on an intermittent~~  
15 ~~basis for less than 40 hours per month need not be screened if~~  
16 ~~the volunteer is under direct and constant supervision by~~  
17 ~~persons who meet the screening requirements.~~

18 (b) The department ~~of Juvenile Justice and the~~  
19 ~~Department of Children and Family Services~~ shall require  
20 employment screening pursuant to chapter 435, using the level  
21 2 standards set forth in that chapter for personnel ~~in~~  
22 ~~programs for children or youths.~~ All positions within the  
23 department are deemed to be positions of special trust or  
24 responsibility and, as a condition of continued employment,  
25 each employee shall undergo personnel screening, including,  
26 but not limited to, drug testing as provided in s. 112.0455  
27 and a security background investigation as provided in chapter  
28 435, using the level 2 standards for screening set forth in  
29 that chapter.

30 (c) The department ~~of Juvenile Justice or the~~  
31 ~~Department of Children and Family Services~~ may grant

1 exemptions from disqualification from working with children as  
2 provided in s. 435.07.

3 (2) The department may contract with the Federal  
4 Government, other state departments and agencies, county and  
5 municipal governments and agencies, public and private  
6 agencies, and private individuals and corporations in carrying  
7 out the purposes and the responsibilities of the delinquency  
8 services and programs of the department.

9 (3) The department shall adopt a rule pursuant to  
10 chapter 120 establishing a procedure to provide notice of  
11 policy changes that affect contracted delinquency services and  
12 programs. A policy is defined as an operational requirement  
13 that applies to only the specified contracted delinquency  
14 service or program. The procedure shall include:

15 (a) Public notice of policy development.

16 (b) Opportunity for public comment on the proposed  
17 policy.

18 (c) Assessment for fiscal impact upon the department  
19 and providers.

20 (d) The department's response to comments received.

21 (4) When the department contracts with a provider for  
22 any delinquency service or program, all personnel, including  
23 all owners, operators, employees, and volunteers in the  
24 facility or providing the service or program shall be of good  
25 moral character. ~~A volunteer who assists on an intermittent  
26 basis for less than 40 hours per month is not required to be  
27 screened if the volunteer is under direct and constant  
28 supervision by persons who meet the screening requirements.~~

29 (5)(a) For any person employed by the department, or  
30 by a provider under contract with the department, in  
31

1 delinquency facilities, services, or programs, the department  
2 shall require:

3 1. A level 2 employment screening pursuant to chapter  
4 435 prior to employment.

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

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

12 1. Fingerprint information obtained during the  
13 employment screening required by subparagraph (a)1.

14 2. Beginning on December 15, 2005, fingerprint  
15 information for all persons employed by the department, or by  
16 a provider under contract with the department, in delinquency  
17 facilities, services, or programs if such fingerprint  
18 information has not previously been electronically submitted  
19 to the Department of Law Enforcement under this paragraph.

20 (c) If a provider under contract with the department  
21 fails to comply with the background screening requirements set  
22 forth in chapter 435 and paragraph (a), the department may  
23 impose and collect a payment of liquidated damages for  
24 noncompliance with the contract, which the department may use  
25 as other similar funds.

26 ~~(d)(e)~~ All fingerprint information electronically  
27 submitted to the Department of Law Enforcement under paragraph  
28 (b) shall be retained by the Department of Law Enforcement and  
29 entered into the statewide automated fingerprint  
30 identification system authorized by s. 943.05(2)(b).  
31 Thereafter, such fingerprint information shall be available

1 for all purposes and uses authorized for arrest fingerprint  
2 information entered into the statewide automated fingerprint  
3 identification system pursuant to s. 943.051 until the  
4 fingerprint information is removed pursuant to paragraph (f)  
5 ~~(e)~~. The Department of Law Enforcement shall search all arrest  
6 fingerprint information received pursuant to s. 943.051  
7 against the fingerprint information entered into the statewide  
8 automated fingerprint system pursuant to this subsection. Any  
9 arrest records identified as a result of the search shall be  
10 reported to the department in the manner and timeframe  
11 established by the Department of Law Enforcement by rule.

12 ~~(e)~~~~(d)~~ The department shall pay an annual fee to the  
13 Department of Law Enforcement for its costs resulting from the  
14 fingerprint information retention services required by this  
15 subsection. The amount of the annual fee and procedures for  
16 the submission and retention of fingerprint information and  
17 for the dissemination of search results shall be established  
18 by the Department of Law Enforcement by a rule that is  
19 applicable to the department individually pursuant to this  
20 subsection or that is applicable to the department and other  
21 employing agencies pursuant to rulemaking authority otherwise  
22 provided by law. The costs of retaining fingerprint  
23 information associated with a provider under contract with the  
24 department shall be borne by that provider. The department  
25 shall establish the amount of the annual fee by rule, based on  
26 information provided by the Department of Law Enforcement and  
27 the actual cost of collecting the fee from all providers under  
28 contract with the department.

29 ~~(f)~~~~(e)~~ The department shall notify the Department of  
30 Law Enforcement when a person whose fingerprint information is  
31 retained by the Department of Law Enforcement under this

1 subsection is no longer employed by the department, or by a  
2 provider under contract with the department, in a delinquency  
3 facility, service, or program. This notice shall be provided  
4 by the department to the Department of Law Enforcement no  
5 later than 6 months after the date of the change in the  
6 person's employment status. Fingerprint information for  
7 persons identified by the department in the notice shall be  
8 removed from the statewide automated fingerprint system.

9 (6) The department may grant exemptions from  
10 disqualification from working with children as provided in s.  
11 435.07.

12 Section 2. This act shall take effect October 1, 2007.

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15 SENATE SUMMARY

16 Revises provisions governing personnel requirements for  
17 the Department of Juvenile Justice. Deletes provisions  
18 exempting volunteers from screening requirements if they  
19 assist for less than 40 hours per month. Provides that  
20 all positions within the department are positions of  
21 special trust or responsibility and employees are subject  
22 to drug testing and a background investigation as a  
23 condition of employment and continued employment.  
24 Authorizes the department to collect damages from a  
25 contractor that fails to comply with the requirements for  
26 background screening. Requires the department to  
27 establish by rule fees to cover the cost of retaining  
28 fingerprint information of providers under contract with  
29 the department.  
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