

By Senator Hill

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1 A bill to be entitled

2 An act relating to child care facilities; amending s.
3 402.305, F.S.; requiring electronic submission of
4 fingerprints of child care personnel and retention of
5 fingerprints by the Department of Law Enforcement;
6 requiring that fingerprints retained be searched against
7 arrest records; requiring that records identified with the
8 retained fingerprints be reported to the Department of
9 Children and Family Services; providing for fees;
10 requiring an invoice for fees; providing rulemaking
11 authority; requiring certain persons to be
12 refingerprinted; requiring level 2 screening of each
13 person who is employed in a child care facility every 5
14 years; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (a) of subsection (2) of section
19 402.305, Florida Statutes, is amended to read:

20 402.305 Licensing standards; child care facilities.--

21 (2) PERSONNEL.--Minimum standards for child care personnel
22 shall include minimum requirements as to:

23 (a) Good moral character based upon screening. This
24 screening shall be conducted as provided in chapter 435, using
25 the level 2 standards for screening set forth in that chapter.

26 1. Beginning July 1, 2009, all fingerprints submitted to
27 the Department of Law Enforcement as required by this subsection
28 shall be submitted electronically and shall be retained by the
29 Department of Law Enforcement in a manner provided by rule and

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30 entered in the statewide automated fingerprint identification
31 system authorized by s. 943.05(2)(b). Such fingerprints shall
32 thereafter be available for all purposes and uses authorized for
33 arrest fingerprint cards entered in the statewide automated
34 fingerprint identification system pursuant to s. 943.051.

35 2. Beginning July 1, 2009, the Department of Law
36 Enforcement shall search all arrest fingerprint cards received
37 under s. 943.051 against the fingerprints retained in the
38 statewide automated fingerprint identification system under
39 subparagraph 1. Any arrest record that is identified with the
40 retained fingerprints of a person subject to the background
41 screening under this section shall be reported to the department.
42 The department shall participate in this search process by paying
43 an annual fee to the Department of Law Enforcement and informing
44 the Department of Law Enforcement of any personnel whose
45 fingerprints are retained under subparagraph 1. who are no longer
46 employed by a facility regulated by the department. The
47 Department of Law Enforcement shall adopt a rule setting the
48 amount of the annual fee to be imposed upon the department for
49 performing these searches and establishing the procedures for the
50 retention of fingerprints and the dissemination of search
51 results. The Department of Law Enforcement shall provide an
52 invoice to the department for fingerprints retained. The fee may
53 be borne by the department, the facility or home provider, or the
54 person fingerprinted.

55 3. Beginning July 1, 2009, personnel whose fingerprints are
56 not retained by the Department of Law Enforcement under
57 subparagraphs 1. and 2. shall be refingerprinted and must meet
58 level 2 screening requirements as described in this section upon

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59 reemployment or reengagement to provide services in order to
60 comply with the requirements of this subsection.

61 4. No later than December 1, 2010, any personnel whose
62 fingerprints are not retained by the Department of Law
63 Enforcement under subparagraphs 1. and 2. shall be
64 refingerprinted and must meet level 2 screening requirements as
65 described in this section.

66 5. Every 5 years each person who is employed in a child
67 care facility must meet level 2 screening requirements as
68 described in s. 435.04. The department shall request the
69 Department of Law Enforcement to forward the fingerprints to the
70 Federal Bureau of Investigation for the level 2 screening. In
71 addition, child care personnel, with the exception of child care
72 personnel who work in migrant and seasonal farmworker child care
73 facilities, must be rescreened following a break in employment in
74 the child care industry of longer than 90 days.

75 6. The cost of the state and federal criminal history check
76 required by level 2 screening may be borne by the facility or
77 home provider or the person fingerprinted. The Department of Law
78 Enforcement shall provide an invoice to the department for
79 fingerprints submitted.

80 Section 2. This act shall take effect July 1, 2008.