



457306

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
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The Committee on Judiciary (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 135 - 143

and insert:

Section 3. Section 753.08, Florida Statutes, is created to read:

753.08 Service providers; background checks; immunity.-

(1) Because of the special trust or responsibility placed in volunteers and employees of supervised visitation and supervised exchange programs, such program must conduct a security background investigation before hiring an employee or certifying a volunteer to serve. A security background investigation shall include, but need not be limited to,



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14 employment history checks, checks of references, local criminal
15 history records checks through local law enforcement agencies,
16 and statewide criminal history records checks through the
17 Department of Law Enforcement. Upon request, an employer shall
18 furnish a copy of the personnel record for the employee or
19 former employee who is the subject of a security background
20 investigation conducted pursuant to this section. The
21 information contained in the personnel record may include, but
22 need not be limited to, disciplinary matters and the reason why
23 the employee was terminated from employment. An employer who
24 releases a personnel record for purposes of a security
25 background investigation is presumed to have acted in good faith
26 and is not liable for information contained in the record
27 without a showing that the employer maliciously falsified the
28 record. A security background investigation conducted pursuant
29 to this section shall ensure that a person is not hired as an
30 employee or certified as a volunteer if the person has an arrest
31 awaiting final disposition for, been convicted of, regardless of
32 adjudication, or entered a plea of nolo contendere or guilty to,
33 or has been adjudicated delinquent and the record has not been
34 sealed or expunged for, any offense prohibited under the
35 provisions listed in s. 435.04. All applicants hired or
36 certified after July 1, 2010, must undergo a level 2 background
37 screening pursuant to chapter 435 before being hired or
38 certified. In analyzing and evaluating the information obtained
39 in the security background investigation, the program must give
40 particular emphasis to past activities involving children,
41 including, but not limited to, child-related criminal offenses
42 or child abuse. The program has sole discretion in determining



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43 whether to hire or certify a person based on his or her security
44 background investigation.

45 (2) Any person who is providing services at a supervised
46 visitation or exchange monitoring program who has affirmed to
47 the court in writing that he or she abides by the state
48 standards described in s. 753.06(6) is presumed, prima facie, to
49 be acting in good faith and is immune from any liability, civil
50 or criminal, which otherwise might be incurred or imposed with
51 regard to the provision of such services.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete lines 17 - 19

56 and insert:

57 authorizing supervised visitation or monitored
58 exchange programs to conduct security background
59 checks of employees and volunteers and criminal
60 records checks from the Department of Law Enforcement;
61 providing standards for such background checks;
62 requiring that an employer furnish a copy of the
63 personnel record for the employee or former employee
64 upon request; requiring that such personnel record
65 contain certain information; requiring that all
66 applicants hired or certified by a program after a
67 specified date undergo a level 2 background screening
68 before being hired or certified; providing immunity to
69 employers who provide information for purposes of a
70 background check; providing that certain persons
71 providing services at a supervised visitation or



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monitored exchange program are presumed to act in good
faith and immune from civil or criminal liability;
providing exceptions;