



207404

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 196 - 249

and insert:

department shall screen the results to determine if a peer specialist meets certification requirements. The applicant is responsible for all fees charged in connection with state and federal fingerprint processing and retention. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those



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11 specified as exceptions therein. Fingerprints submitted to the
12 Department of Law Enforcement pursuant to this paragraph shall
13 be retained as provided in s. 435.12 and, when the Department of
14 Law Enforcement begins participation in the program, enrolled in
15 the Federal Bureau of Investigation's national retained
16 fingerprint arrest notification program, as provided in s.
17 943.05(4). Any arrest record identified must be reported to the
18 department.

19 (b) The department or the Agency for Health Care
20 Administration, as applicable, may contract with one or more
21 vendors to perform all or part of the electronic fingerprinting
22 pursuant to this section. Such contracts must ensure that the
23 owners and personnel of the vendor performing the electronic
24 fingerprinting are qualified and will ensure the integrity and
25 security of all personal identifying information.

26 (c) Vendors who submit fingerprints on behalf of employers
27 must:

- 28 1. Meet the requirements of s. 943.053; and
29 2. Have the ability to communicate electronically with the
30 state agency accepting screening results from the Department of
31 Law Enforcement and provide the applicant's full first name,
32 middle initial, and last name; social security number or
33 individual taxpayer identification number; date of birth;
34 mailing address; sex; and race.

35 (d) The background screening conducted under this
36 subsection must ensure that a peer specialist has not, during
37 the previous 3 years, been arrested for and is awaiting final
38 disposition of, been found guilty of, regardless of
39 adjudication, or entered a plea of nolo contendere or guilty to,



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40 or been adjudicated delinquent and the record has not been
41 sealed or expunged for, any felony.

42 (e) The background screening conducted under this
43 subsection must ensure that a peer specialist has not been found
44 guilty of, regardless of adjudication, or entered a plea of nolo
45 contendere or guilty to, or been adjudicated delinquent and the
46 record has not been sealed or expunged for, any offense
47 prohibited under any of the following state laws or similar laws
48 of another jurisdiction:

49 1. Section 393.135, relating to sexual misconduct with
50 certain developmentally disabled clients and reporting of such
51 sexual misconduct.

52 2. Section 394.4593, relating to sexual misconduct with
53 certain mental health patients and reporting of such sexual
54 misconduct.

55 3. Section 409.920, relating to Medicaid provider fraud, if
56 the offense was a felony of the first or second degree.

57 4. Section 415.111, relating to abuse, neglect, or
58 exploitation of vulnerable adults.

59 5. Any offense that constitutes domestic violence as
60 defined in s. 741.28.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 32

65 and insert:

66 fingerprints to specified entities; requiring the
67 department to screen results to determine if the peer
68 specialist meets the certification requirements;



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requiring that