

By the Committee on Governmental Oversight and Accountability

585-03027-24

20247058__

1 A bill to be entitled
2 An act relating to criminal history checks for the
3 Florida State Guard; creating s. 251.002, F.S.;
4 requiring applicants for the Florida State Guard to
5 submit a complete set of fingerprints to the Division
6 of the State Guard or other specified entity, vendor,
7 or agency; requiring that the division or such entity,
8 vendor, or agency forward the fingerprints to the
9 Department of Law Enforcement for processing and that
10 the department forward the fingerprints to the Federal
11 Bureau of Investigation for a national criminal
12 history check; requiring the Department of Military
13 Affairs, and authorizing the division, to review
14 certain results and make a specified determination;
15 requiring the division to bear the fees for state and
16 federal processing of the fingerprints; specifying the
17 state cost for fingerprint processing; requiring that
18 the fingerprints be retained by the Department of Law
19 Enforcement in accordance with a specified provision
20 and enrollment of the fingerprints in the Federal
21 Bureau of Investigation's national retained print
22 arrest notification program; requiring that identified
23 arrest records to be sent to the division; granting
24 rulemaking authority to the Department of Military
25 Affairs and the division; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 251.002, Florida Statutes, is created to

585-03027-24

20247058__

30 read:

31 251.002 Criminal history checks for applicants for the
32 Florida State Guard.-

33 (1) Each applicant for the Florida State Guard must submit
34 a complete set of fingerprints to the Division of the State
35 Guard or to the entity, vendor, or agency authorized by s.
36 943.053(13) to accept electronic fingerprints. The division,
37 entity, vendor, or agency, as applicable, shall forward the
38 fingerprints to the Department of Law Enforcement for state
39 processing, and the Department of Law Enforcement shall forward
40 the fingerprints to the Federal Bureau of Investigation for a
41 national criminal history record check.

42 (2) The Department of Military Affairs shall, and the
43 Division of the State Guard may, review the results of the state
44 and national criminal history record checks and determine
45 whether the applicant meets the specified qualifications to
46 serve in the Florida State Guard.

47 (3) Fees for state and federal fingerprint processing and
48 retention must be borne by the Division of the State Guard. The
49 state cost for fingerprint processing must be as provided in s.
50 943.053(3) (e) .

51 (4) Fingerprints submitted to the Department of Law
52 Enforcement pursuant to this section must be retained by the
53 Department of Law Enforcement as provided in s. 943.05(2) (g) and
54 (h) along with enrollment of the fingerprints in the Federal
55 Bureau of Investigation's national retained print arrest
56 notification program. Any arrest record identified must be
57 reported to the Division of the State Guard.

58 (5) The Department of Military Affairs may, and the

585-03027-24

20247058__

59 Division of the State Guard shall, adopt rules to implement
60 subsection (1).

61 Section 2. This act shall take effect upon becoming a law.