

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

585-02722A-24

20247058pb

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 be sent to the division; providing an  
24          effective date.

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

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

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30 251.002 Criminal history checks for applicants for the  
31 Florida State Guard.—

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

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

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

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

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