Florida Senate - 1998

By Senator Silver

38-398-98

1	A bill to be entitled
2	An act relating to criminal history background
3	checks; providing legislative intent; creating
4	s. 943.083, F.S.; providing that certain
5	religious, charitable, scientific, educational,
6	athletic, or service institutions or
7	organizations or local governmental entities
8	with volunteers or employees or applicants for
9	employment working with, or having regular
10	unsupervised access to, children, elderly
11	persons, or individuals with disabilities may
12	make certain requirements upon such volunteers,
13	employees, or applicants; providing that the
14	volunteer, employee, or applicant may be
15	required to agree to the release of
16	investigative records, provide fingerprints and
17	other information necessary for criminal
18	history records checks by the Department of Law
19	Enforcement and Federal Bureau of
20	Investigation, agree to notification by the
21	department to the institution or organization
22	or local governmental entity regarding certain
23	previous convictions, under specified
24	circumstances, or attend a training program;
25	providing for fees for requested records
26	checks; authorizing additional positions within
27	the department in excess of the total number of
28	authorized positions provided in the
29	appropriation acts; providing for funding from
30	the Law Enforcement Operating Trust Fund;
31	providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida: 2 3 Section 1. It is the intent of the Legislature to 4 provide a means by which the state may develop a coordinated, 5 united plan to implement the National Child Protection Act, б Pub. L. No. 103-209, as amended by Pub. L. No. 103-322, or as 7 otherwise amended. Toward that end, the Legislature intends to 8 authorize the Division of Criminal Justice Information Systems of the Florida Department of Law Enforcement to establish 9 procedures for providing criminal history background checks on 10 11 volunteers and employees of organizations subject to the act, consistent with federal law, regulations, and guidelines. 12 Section 2. Section 943.083, Florida Statutes, is 13 created to read: 14 943.083 Criminal history background checks on 15 volunteers and employees subject to National Child Protection 16 17 Act.--(1) Notwithstanding any other provision of law 18 19 requiring preemployment background screening, a religious, charitable, scientific, educational, athletic, or service 20 21 institution or organization or local governmental entity that provides care, treatment, education, training, instruction, 22 supervision, or recreation to children, elderly persons, or 23 24 individuals with disabilities may require any person who works with or applies to work with or have unsupervised access to 25 such children, elderly persons, or individuals with 26 27 disabilities, as a volunteer or as a paid employee, to do one 28 or more of the following: 29 (a) Agree to the release of all investigative records, 30 including a statewide criminal records correspondence check 31 through the Department of Law Enforcement, to such religious, 2

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1 charitable, scientific, educational, athletic, or service institution or organization or local governmental entity for 2 3 the purpose of verifying the accuracy of information contained on an application to work for such institution or organization 4 5 or local governmental entity. б (b) Provide a complete set of fingerprints and such 7 other information in a manner approved by the Department of 8 Law Enforcement as is necessary for processing a criminal history record check by the Department of Law Enforcement and 9 the Federal Bureau of Investigation and agree to allow the 10 11 Department of Law Enforcement to use the information available to verify on behalf of the religious, charitable, scientific, 12 educational, athletic, or service institution or organization 13 or local governmental entity whether the individual appears to 14 have provided substantially accurate and complete information 15 concerning the existence, if any, of prior criminal arrests or 16 17 convictions. (c) Attend a comprehensive training program for the 18 19 protection of children, elderly persons, or individuals with disabilities which includes training on recognition, 20 21 disclosure, reporting, and prevention of abuse, and provide necessary information for character, employment, education, 22 and reference checks. 23 24 (2) When a records check is requested by a charitable or not-for-profit organization that demonstrates that it is 25 26 eligible to have one conducted under the provisions of this 27 section, fees shall be at the rates established by the 28 Department of Law Enforcement and the Federal Bureau of 29 Investigation in accordance with the National Child Protection 30 Act. 31

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1	(3) Pursuant to s. 216.262, the Department of Law
2	Enforcement may establish positions in excess of the total
3	authorized positions upon submission of a proper request to
4	the Administration Commission. These positions shall be
5	established with funding from the department's Law Enforcement
6	Operating Trust Fund and shall be used to process the
7	increased workload of conducting the criminal history records
8	checks authorized under this section. These positions will be
9	earmarked by the department, and, at such time as they are no
10	longer needed, may be placed in a reserve status for future
11	use.
12	Section 3. This act shall take effect October 1, 1998.
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15	SENATE SUMMARY
16	Provides legislative intent to authorize the Division of Criminal Justice Information Systems within the
17	Department of Law Enforcement to establish procedures for providing criminal history background checks of
18	volunteers and employees of organizations subject to the National Child Protection Act, as amended. Requires that
19	certain religious, charitable, scientific, educational, athletic, or service institutions or organizations with
20	adult volunteers or employees or applicants for employment working with, or having regular unsupervised
21	access to, children, elderly persons, or individuals with disabilities require such volunteers, employees, or
22	applicants to provide fingerprints and other information necessary for criminal history records checks by the
23	Department of Law Enforcement and the Federal Bureau of Investigation and agree to the sharing of criminal
24	history records, under specified circumstances. Authorizes the Department of Law Enforcement to establish
25	additional positions to conduct the criminal history records checks.
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