## Florida Senate - 2007

CS for CS for SB 106

 ${\bf By}$  the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Senator Hill

591-2510-07

1	A bill to be entitled
2	An act relating to child care facilities;
3	amending s. 402.305, F.S.; requiring electronic
4	submission of fingerprints of child care
5	personnel and retention of fingerprints by the
6	Department of Law Enforcement; requiring that
7	fingerprints retained be searched against
8	arrest records; requiring that records
9	identified with the retained fingerprints be
10	reported to the Department of Children and
11	Family Services; providing for fees; requiring
12	an invoice for fees; providing rulemaking
13	authority; requiring certain persons to be
14	refingerprinted; requiring level 2 screening of
15	each person who is employed in a child care
16	facility every 5 years; providing an effective
17	date.
18	
19	Be It Enacted by the Legislature of the State of Florida:
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21	Section 1. Paragraph (a) of subsection (2) of section
22	402.305, Florida Statutes, is amended to read:
23	402.305 Licensing standards; child care facilities
24	(2) PERSONNELMinimum standards for child care
25	personnel shall include minimum requirements as to:
26	(a) Good moral character based upon screening. This
27	screening shall be conducted as provided in chapter 435, using
28	the level 2 standards for screening set forth in that chapter.
29	1. Beginning July 1, 2008, all fingerprints submitted
30	to the Department of Law Enforcement as required by this
31	subsection shall be submitted electronically and shall be
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1	retained by the Department of Law Enforcement in a manner
2	provided by rule and entered in the statewide automated
3	fingerprint identification system authorized by s.
4	943.05(2)(b). Such fingerprints shall thereafter be available
5	for all purposes and uses authorized for arrest fingerprint
6	cards entered in the statewide automated fingerprint
7	identification system pursuant to s. 943.051.
8	2. Beginning July 1, 2008, the Department of Law
9	Enforcement shall search all arrest fingerprint cards received
10	under s. 943.051 against the fingerprints retained in the
11	statewide automated fingerprint identification system under
12	subparagraph 1. Any arrest record that is identified with the
13	retained fingerprints of a person subject to the background
14	screening under this section shall be reported to the
15	department. The department shall participate in this search
16	process by paying an annual fee to the Department of Law
17	Enforcement and informing the Department of Law Enforcement of
18	any personnel whose fingerprints are retained under
19	subparagraph 1. who are no longer employed by a facility
20	regulated by the department. The Department of Law Enforcement
21	shall adopt a rule setting the amount of the annual fee to be
22	imposed upon the department for performing these searches and
23	establishing the procedures for the retention of fingerprints
24	and the dissemination of search results. The Department of Law
25	Enforcement shall provide an invoice to the department for
26	fingerprints retained. The fee may be borne by the department,
27	the facility or home provider, or the person fingerprinted.
28	3. Beginning July 1, 2008, personnel whose
29	fingerprints are not retained by the Department of Law
30	Enforcement under subparagraphs 1. and 2. shall be
31	refingerprinted and must meet level 2 screening requirements

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1 as described in this section upon reemployment or reengagement 2 to provide services in order to comply with the requirements of this subsection. 3 4 4. No later than December 1, 2009, any personnel whose fingerprints are not retained by the Department of Law 5 6 Enforcement under subparagraphs 1. and 2. shall be 7 refingerprinted and must meet level 2 screening requirements 8 as described in this section. 9 Every 5 years each person who is employed in a 5. 10 child care facility must meet level 2 screening requirements as described in s. 435.04. The department shall request the 11 12 Department of Law Enforcement to forward the fingerprints to 13 the Federal Bureau of Investigation for the level 2 screening. The cost of the state and federal criminal history 14 6. check required by level 2 screening may be borne by the 15 facility or home provider or the person fingerprinted. The 16 17 Department of Law Enforcement shall provide an invoice to the 18 department for fingerprints submitted. 19 Section 2. This act shall take effect July 1, 2007. 20 21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 2.2 CS/SB 106 23 The bill is amended to provide for FDLE invoicing the 2.4 Department of Children and Families for the services 25 provided by the bill. It is further amended to clarify that the "home provider" 26 may bear the expense of the background check and other services provided by FDLE under the provisions of the bill, in addition to the facility, the department, and 27 2.8 the person being fingerprinted. 29 30 31

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