

CRIMINAL BACKGROUND SCREENING ISSUES

Issue: Community mental health and substance abuse providers are being required to repeat fingerprinting and background/state clearance checks for every state agency for which they provide services. For example, a community mental health practitioner may provide clinical services to individuals that are served by DJJ, DOC, DOEA, AHCA, DCF, and DOE. Under the current enforcement of Senate Bill 1520 the practitioner is required to be re-fingerprinted and go through the clearance process by each state agency.

Not only is this time consuming but it delays treatment. It is also costly in that each time an individual is fingerprinted it costs the individual or provider agency \$35 to \$50.

Background: In 2010 the Legislature passed CS/CS/CS for Senate Bill 1520. SB 1520 requires all individuals that have direct contact with a vulnerable individual undergo background screening. Screening must be repeated every 5 years.

A Level 2 screening is required of mental health and substance abuse practitioners and volunteers. A Level 2 background check includes both FBI and FDLE fingerprinting checks and a state department review and clearance.

Problem: CS/CS/CS/SB 1502 made sweeping changes to protect individuals with disabilities and other conditions that need to be protected. The intent of the legislation was to combine the screening requirements across multiple state agencies into one chapter, to increase criminal offenses that could impact vulnerable individuals, and to apply similar standards to similar practitioners. However, SB 1520 has created major roadblocks and costs for practitioners who provide services across multiple agencies. As described above, the current legislation requires multiple, duplicative fingerprinting and clearances.

Solution: Legislation should be implemented to address the following:

- Allow for retention (warehousing) of FBI and FDLE fingerprints so that they can be used by multiple agencies
- Share fingerprints across state agencies mandated to do criminal background checks
- Require that the same process be used across all state agencies
- Require that the same criminal offenses apply across all state agencies
- Require all state agencies to accept the clearance of any other state agency or establish a lead agency to complete the clearance for all state agencies
- Require the Department of Education under s. 1012.468, F.S., (The Jessica Lunsford Act) to accept fingerprinting conducted under ch. 435, F.S.
- Clarify that individuals may be employed while waiting for clearance as long as they do not have direct contact with vulnerable individuals protected under Florida Statutes
- Allow exemptions for volunteers used on a short term basis