

11C-6.010 Retention of Applicant Fingerprints.

(1) Upon official written request from an agency executive director, secretary, or designee, or from a qualified entity under Section 943.052, F.S., subject to the conditions specified in Section 943.05(2)(g), F.S., or as otherwise required by law, the Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by such agencies or entities to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) Agencies or entities submitting applicant fingerprints upon request or as required by law shall notify individual applicants of the requirements of participation in the AFRNP.

(4) When the subject of fingerprints submitted for retention under this program is identified with fingerprints from an incoming Florida arrest, as confirmed by fingerprint comparison, the Department shall immediately advise the agency which submitted the applicant fingerprints of the arrest in writing. Arrests made in other states or by the federal government will not result in notification, as access to these arrests is restricted by federal law. The information on arrests for these applicants in other states and by the federal government is available only upon a fingerprint submission to the Federal Bureau of Investigation.

(5) The annual fee for participation in the AFRNP shall be \$6 per individual record retained.

(6) The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state or a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) Noninstructional contractors who are subject to criminal history checks and whose fingerprints are retained in the AFRNP for five years under Section 1012.467, F.S., shall pay the prescribed fee for the five year retention period at initial submission of fingerprints. All other submissions which are retained will be charged this fee annually in advance on the anniversary of the individual applicant's initial entry into the program.

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. Without regard to whether an applicant fingerprint entry is retained in the AFRNP database, data from an applicant fingerprint entry which would improve the quality or clarity of an arrest fingerprint entry will be merged with the arrest fingerprints, and the applicant print will be retained as part of the criminal history record database. An applicant fingerprint entry which is found to match a latent fingerprint taken from a crime scene will be retained as part of the criminal history database unless an arrest fingerprint offers a match that is at least as demonstrable.

Rulemaking Authority 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6)(b), 551.107(7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a), 1012.32(3), 1012.465, 1012.56 FS. History—New 11-30-04, Amended 6-9-08, 9-28-09, 5-21-12.