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### BACKGROUND CHECKS FOR CITY WORKERS AND VOLUNTEERS

*by Jay C. Howell*

It is a sad fact that many child sexual assault victims are molested by those in a position of trust and authority over them. Of course, the majority of people who work with children are dedicated and sincere professionals who are deeply concerned about the welfare of children; but, unfortunately, there are a few people who seek to harm or exploit children entrusted to their care and supervision. A critical step in preventing child sexual abuse and exploitation is the screening of childcare personnel.

I wrote the paragraph above in 1984 as a part of a book advocating new state laws to protect children.

During the early 80's, many states moved forward to enact laws requiring some type of criminal history background check for individuals who work with children. Since that time, many of these laws have expanded in scope. The federal government itself, in the early 90's, passed national legislation requiring that states increase and expand state statutes designed to check the criminal backgrounds of employees and volunteers who work with children. Florida now has a patchwork of state laws that require background checks for many professions including teachers and daycare workers. However, the legislature has been slow to respond to the need to conduct background checks on those who volunteer or work with a city or county-based agency, such as coaches, playground supervisors, or daycare centers.

In our own community we have seen the consequences of the failure to check the criminal history of individuals who work or volunteer in these areas. Since the City of Jacksonville, and other suburban towns, is the employer or supervisor for employees and volunteers who serve as coaches and athletic

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supervisors, it should be the city's duty to conduct appropriate background checks and obtain criminal history information.

The recently completed 2004 session of the Florida Legislature produced a new state statute regarding this important area of child protection. The new law requires any state agency or other governmental subdivision such as cities and counties to conduct a search of a prospective employee or volunteer's name or other identifying information against the registration information regarding sexual predators and sexual offenders that is currently maintained by the Florida Department of Law Enforcement. The governmental agency is required to do this prior to making any decision to either appoint or employ a person to work, whether it is for compensation or as a volunteer, at any park, playground, daycare center, or other place where children regularly congregate.

The law further provides that the government agency may conduct the search using the internet website that is maintained by the Department of Law Enforcement. Finally, the new law does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is already conducted.

This is an important step forward because it requires our cities and counties to at least compare the identities of prospective employees and volunteers with known sexual predators and sexual offenders. However, it is equally clear that the law does not go far enough. The Legislature should have simply required that all employees and volunteers who work with children be subject to nationwide criminal background checks. The mobility of our society and the danger to our children requires a fundamental level of protection. Individuals with criminal records for violent, sexual, or child abuse offenses should be

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screened out of any employment or volunteer work with children. Searching the sexual predator or offender websites is obviously essential, but it is not enough.

This new law is identified as Senate Bill 1774 and will take effect as soon as it is signed by the Governor. Individuals interested in the full text of this new legislation can secure a copy at the following web site: <http://www.leg.state.fl.us/>; or by contacting their state Senator or Representative.