

# STATE OF FLORIDA REQUIREMENTS FOR VOLUNTEERS IN SHELTERS, ETC

Retrieved from an email conversation of August 19, 2019

Reviewed March 5, 2021 by G. Gibby

Reviewed and Expanded April 20 2022 by G. Gibby

File: Projects/RedCrossHamClub/StateVolunteerRequirements.odt

Projects/RedCrossHamClub/StateVolunteerRequirements.pdf

Preserved on NFARC Web Site:

Gibby's (non-lawyer) take on a few items:

Volunteers are treated as "employees" as relates to background checks:

(2) "Employee" means any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers. Florida Statutes 435.02 Definitions (2)

Employers using a Level 2 Screening standard must include a national criminal history records check through the FBI, and "may" include a local criminal records check through local law enforcement...and "may use any vendor" to submit fingerprints to the Department of Law Enforcement; not restricted to using a Sheriff's dept.

435.04 Level 2 screening standards.—

(1)(a) All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(b) Fingerprints submitted pursuant to this section on or after July 1, 2012, must be submitted electronically to the Department of Law Enforcement.

(c) An agency may contract with one or more vendors to perform all or part of the electronic fingerprinting pursuant to this section. Such contracts must ensure that the owners and personnel of the vendor performing the electronic fingerprinting are qualified and will ensure the integrity and security of all personal information.

Who pays for the background check? The Statutes say it can be either the Employer or the Employee:

435.08 Payment for processing of fingerprints and state criminal records checks.—The employer or the employee is responsible for paying the costs of screening. Payment shall be submitted to the Department of Law Enforcement with the request for screening. The appropriate agency is responsible for collecting and paying any fee related to fingerprints retained on its behalf to the Department of Law Enforcement for costs resulting from the fingerprint information retention services. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by rule of the Department of Law Enforcement.

Who operates the shelters when activated? Statutorially I can't find specifics, but it is suggestive that Emergency Management in conjunction with the Health Dept does.

see: <https://alachuacounty.us/Depts/EO/Documents/ADACompliant/Emergency Shelters.pdf>

What are the duties of the Emergency Manager? Per County Ordinance and FS 425.38, it appears that the County, through its Manager and/or Emergency Manager, choose employees and volunteers in the management of emergency responses.

under Alachua County's Charter.

(Ord. No. 2016-12, § 1, 8-9-16; Ord. No. [2022-03](#), § 1, 1-25-22)

Sec. 27.10.1. - Emergency Management Director; general powers and duties.



- (1) There is established the position of Emergency Management Director, which, for the purpose of this Section shall be referred to as Director. The Director shall supervise the day-to-day **operations** of the Emergency Management Division. The Director shall be designated by, serve at the pleasure of the County Manager in accordance with the Policies and Procedures of the Board of County Commissioners as they are amended from time to time. The Director shall be placed in the organizational chart of the County pursuant to the County Manager's authority. During periods of declared emergency the Director shall directly report to the County Manager. The Director shall have those responsibilities as designated by the County Manager consistent with Section 27.10, and those enumerated in F.S. § 252.38 for directors of County emergency management agencies, including, but not limited to direct responsibility for the structure, administration, and **operation** of the emergency management division; coordination of emergency management activities, services, and programs within the County; and shall serve as a liaison to the State Division of Emergency Management, or its successor, and to other local emergency management agencies and organizations.
- (2) The Director or designee shall monitor and advise the chair and the Manager of any threat, emergency or disaster that may pose a risk to the lives and safety of the population of Alachua County, and the protective actions the County may take to safeguard life and property, which actions may include compelling the evacuation of all or part of the population from the affected or threatened area within the County.
- (3) Upon declaration of a state of emergency, the Director or designee will serve as the County Coordinating Officer and shall direct all activities of the emergency **operations center**.

(Ord. No. 2016-12, § 1, 8-9-16; [Ord. No. 2020-10](#), § 1, 4-28-20; Ord. No. [2022-03](#), § 1, 1-25-22)

< Prev Hit || Next Hit >

From FS 252.38

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) In carrying out the provisions of ss. [252.31-252.90](#), each political subdivision shall have the power and authority:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.

3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision. [Emphases added.]

Who chooses volunteers for service to the County? According to Ordinance 27.09, the Board of County Commissions has the power to choose volunteers.

Sec. 27.09. - Board: general powers and duties.



- (1) The Board shall, in addition to any other powers conferred by law, rule, regulation or other ordinances, have the power and authority to waive the procedures and formalities otherwise required by law pertaining to:
  - (a) The performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community.
  - (b) Entering into contracts.
  - (c) Incurring of obligations.
  - (d) Employment of permanent and temporary workers.
  - (e) Utilization of volunteer workers.
  - (f) Rental of equipment.
  - (g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
  - (h) Appropriation and expenditure of public funds.
- (2) The Board shall, in addition to any other powers conferred by law, rule, regulation or other ordinances, have the power and authority to:
  - (a) Determine that a threat to public health and safety may result from the generation of widespread debris throughout the County, using any of the following criteria:
    1. That such debris constitutes a hazardous environment for modes of movement and transportation of the residents as well as emergency aid and relief services;

< Prev Hit | Next Hit >

Are there limitations or requirements on the processing of background checks required for volunteers (who are considered employees)? Yes -- once having the position of volunteer at the pleasure of the County, and the proper information has been provided, the employer has a five day requirement to begin the process, according to Florida Statutes:

**435.05 Requirements for covered employees and employers.**—Except as otherwise provided by law, the following requirements apply to covered employees and employers:

(1)(a) Every person required by law to be screened pursuant to this chapter must submit a complete set of information necessary to conduct a screening under this chapter.

(b) For level 1 screening, the employer must submit the information necessary for screening to the Department of Law Enforcement within 5 working days after receiving it. The Department of Law Enforcement shall conduct a search of its records and respond to the employer or agency. The employer must inform the employee whether screening has revealed any disqualifying information.

(c) For level 2 screening, the employer or agency must submit the information necessary for screening to the Department of Law Enforcement within 5 working days after receiving it. The Department of Law Enforcement shall perform a criminal history record check of its records and request that the Federal Bureau of Investigation perform a national criminal history record check of its records for each employee for whom the request is made. The Department of Law Enforcement shall respond to the employer or agency, and the employer or agency must inform the employee whether screening has revealed disqualifying information.

-----  
What screening is necessary for volunteers working in shelters, and how long does screening last?  
Statutes appear to answer these questions as well:

FDLE Screening levels

CURRENT LINK:

<https://www.fdle.state.fl.us/Background-Checks/VECHS-FAQs/Definitions.aspx>

DCF Screening/shelters IT lists multiple Florida State requirements

<https://www.myflfamilies.com/service-programs/background-screening/docs/SCREENINGbyCHAPTER.pdf>

AHCA report Covers 90% of all the other documents.

[https://ahca.myflorida.com/Executive/Inspector\\_General/Internal\\_Audit/docs/FY2017-2018/AHCA-1617-02-AEmployeeBackgroundScreeningProcess.pdf](https://ahca.myflorida.com/Executive/Inspector_General/Internal_Audit/docs/FY2017-2018/AHCA-1617-02-AEmployeeBackgroundScreeningProcess.pdf)

F.S. 110-1127

[http://leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=110-1127&URL=0100-0199/0110/Sections/0110.1127.html](http://leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=110-1127&URL=0100-0199/0110/Sections/0110.1127.html)

F.S. Chapter 435 Most documents refer back to this chapter.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0435/0435.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0435/0435.html)