

By the Committees on Law Enforcement & Public Safety, Law Enforcement & Public Safety and Representatives Futch and Fasano

1 A bill to be entitled
2 An act relating to law enforcement; amending s.
3 384.287, F.S.; permitting certain support
4 personnel, including a crime scene analyst,
5 forensic technologist, and crime lab analyst,
6 to request, and seek court orders for,
7 screening of a person for a sexually
8 transmissible disease, under specified
9 circumstances; amending s. 943.03, F.S.;
10 requiring the Department of Law Enforcement to
11 develop and maintain, in consultation with the
12 Criminal and Juvenile Justice Information
13 Systems Council, an information system in
14 administrative support of the state criminal
15 and juvenile justice system; providing duties
16 of the department as custodial manager;
17 amending s. 20.315, F.S.; providing for
18 maintenance by the Department of Corrections of
19 an offender-based information system; amending
20 s. 20.316, F.S.; conforming terminology
21 relating to development by the Department of
22 Juvenile Justice of a juvenile justice
23 information system; removing a provision
24 requiring a report by the department to the
25 council; amending s. 186.022, F.S., relating to
26 state agency strategic plans; providing for
27 review by the Executive Office of the Governor
28 of recommendations of the council; amending s.
29 282.1095, F.S., relating to the state agency
30 law enforcement radio system; reducing the
31 membership of the Joint Task Force on State

1 Agency Law Enforcement Communications to
2 eliminate a representative of the council;
3 amending s. 282.111, F.S., relating to the
4 statewide system of regional law enforcement
5 communications; removing a provision requiring
6 certain consultation by the Division of
7 Communications with the council; amending s.
8 318.18, F.S., relating to civil penalties;
9 redesignating regional criminal justice
10 assessment centers as criminal justice
11 selection centers; amending s. 943.031, F.S.,
12 relating to the Florida Violent Crime Council;
13 conforming cross references; amending s.
14 943.08, F.S.; deleting obsolete provisions;
15 requiring the council to review proposed plans
16 and policies for the information system of the
17 specified agencies to assist in facilitating
18 the standardization, sharing, and coordination
19 of criminal and juvenile justice data and other
20 specified data; requiring the council to make
21 recommendations to specified agencies;
22 requiring recommendations regarding the
23 installation and operation of the Florida
24 Criminal Justice Intranet Service Network, of
25 which the department will be the custodial
26 manager, and specifying its functions;
27 requiring recommendations concerning
28 installation and operation of such a statewide
29 network in each judicial circuit; providing
30 legislative intent that future equipment
31 capable of certain technologies within the

1 specified entities be compatible with certain
2 standards; amending s. 943.135, F.S.; allowing
3 law enforcement officers who are also elected
4 or appointed public officials to maintain
5 certification in a special status while holding
6 office; creating s. 943.146, F.S., relating to
7 copyrighting and sale of work products of the
8 Department of Law Enforcement; defining
9 "product"; prescribing powers and duties of the
10 department and guidelines for securing and
11 enforcing copyrights; providing for certain
12 notification to the Department of State;
13 providing for deposit of proceeds of sales or
14 products or certain rights in products;
15 amending s. 943.256, F.S.; providing for the
16 regional criminal justice assessment centers,
17 which are directed by a postsecondary public
18 school or a criminal justice agency, to be
19 redesignated as criminal justice selection
20 centers; amending s. 943.325, F.S., relating to
21 blood specimen testing for DNA analysis;
22 requiring entities responsible for a county
23 jail, correctional facility, or juvenile
24 facility to ensure that required blood
25 specimens from certain offenders are secured
26 and transmitted to the department under
27 specified provisions; prohibiting release of
28 the offender from the custody of the court and
29 release of bond or surety until blood specimens
30 have been taken as required; prescribing duties
31 of the chief administrative judge of each

1 circuit and the sheriff or other entity
2 maintaining the county jail with respect to
3 collection and forwarding of blood specimens;
4 providing for a statewide protocol for securing
5 blood specimens of certain offenders to be
6 developed by the department in conjunction with
7 the sheriffs, the court, the Department of
8 Corrections, and the Department of Juvenile
9 Justice; requiring certain offenders to submit
10 or resubmit to blood testing, under specified
11 circumstances; providing for certain immunity
12 from liability as a result of withdrawal of
13 blood specimens; providing for court orders
14 authorizing the taking of the person into
15 custody for purposes of securing the required
16 blood specimens; providing for issuance of the
17 court order; providing for transportation or
18 release of the person taken into custody, under
19 specified circumstances; providing that the
20 offender is liable for actual costs of blood
21 collection, unless declared indigent; providing
22 for construction; reenacting s. 760.40(2)(a),
23 F.S., relating to genetic testing and informed
24 consent therefor, and s. 948.03(10), F.S.,
25 relating to terms and conditions of probation
26 or community control, to incorporate said
27 amendment in references; amending s. 943.33,
28 F.S., relating to state-operated criminal
29 analysis laboratories; defining "good cause"
30 for purposes of certifying court orders for
31 state-operated laboratory services to the

1 criminal defendant; requiring the laboratory to
2 include a cost statement with the report of the
3 service provided; requiring provision of a copy
4 of the report and the cost statement to
5 prosecutor and court; providing an effective
6 date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Subsections (1) and (2) of section 384.287,
11 Florida Statutes, are amended to read:

12 384.287 Screening for sexually transmissible
13 disease.--

14 (1) An officer as defined in s. 943.10(14); support
15 personnel as defined in s. 943.10(11) who are employed by the
16 Department of Law Enforcement, including, but not limited to,
17 any crime scene analyst, forensic technologist, or crime lab
18 analyst; firefighter as defined in s. 633.30; or ambulance
19 driver, paramedic, or emergency medical technician as defined
20 in s. 401.23, acting within the scope of employment, who comes
21 into contact with a person in such a way that significant
22 exposure, as defined in s. 381.004, has occurred may request
23 that the person be screened for a sexually transmissible
24 disease that can be transmitted through a significant
25 exposure.

26 (2) If the person will not voluntarily submit to
27 screening, the officer, support personnel of the Department of
28 Law Enforcement, firefighter, ambulance driver, paramedic, or
29 emergency medical technician, or the employer of any of the
30 employees described in subsection (1)~~such person~~ acting on
31 behalf of the employee, may seek a court order directing that

1 the person who is the source of the significant exposure
2 submit to screening. A sworn statement by a physician licensed
3 under chapter 458 or chapter 459 that a significant exposure
4 has occurred and that, in the physician's medical judgment,
5 the screening is medically necessary to determine the course
6 of treatment for the employee, constitutes probable cause for
7 the issuance of the order by the court.

8 Section 2. Subsection (13) is added to section 943.03,
9 Florida Statutes, to read:

10 943.03 Department of Law Enforcement.--

11 (13) The department shall develop and maintain, in
12 consultation with the Criminal and Juvenile Justice
13 Information Systems Council under s. 943.08, an information
14 system that supports the administration of the state's
15 criminal and juvenile justice system in compliance with s.
16 943.05 and other provisions of law. The department shall serve
17 as custodial manager of the statewide telecommunications and
18 data network developed and maintained as part of the
19 information system authorized by this subsection.

20 Section 3. Subsection (11) of section 20.315, Florida
21 Statutes, is amended to read:

22 20.315 Department of Corrections.--There is created a
23 Department of Corrections.

24 (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There
25 shall be only one offender-based information and records
26 system maintained by the Department of Corrections for the
27 joint use of the department and the Parole Commission. This
28 data system is managed through the Justice Data Center, which
29 is hereby transferred to the department under this act
30 pursuant to a type two transfer authorized under s. 20.06(2).
31 The department shall develop and maintain, in consultation

1 with the Criminal and Juvenile Justice Information Systems
2 Council under s. 943.08, such offender-based information
3 system designed to serve the needs of both the department and
4 the Parole Commission. The department shall notify the
5 commission of all violations of parole and the circumstances
6 thereof.

7 Section 4. Paragraphs (a) and (f) of subsection (6) of
8 section 20.316, Florida Statutes, are amended to read:

9 20.316 Department of Juvenile Justice.--There is
10 created a Department of Juvenile Justice.

11 (6) INFORMATION SYSTEMS.--

12 (a) The Department of Juvenile Justice shall develop,
13 in consultation with the Criminal and Juvenile Justice
14 Information Systems Council under s. 943.08, a juvenile
15 justice information system which shall provide information
16 concerning the department's activities and programs.

17 (f) The department shall provide an annual report on
18 the juvenile justice information system to the Joint
19 Information Technology Resources Committee ~~and the Criminal~~
20 ~~and Juvenile Justice Information Systems Council~~. The
21 committee ~~and the council~~ shall review and ~~reach consensus on~~
22 ~~the report and shall~~ forward the report, along with its the
23 ~~consensus~~ comments, to the appropriate substantive and
24 appropriations committees of the House of Representatives and
25 the Senate delineating the development status of the system
26 and other information necessary for funding policy
27 formulation.

28 Section 5. Subsection (3) of section 186.022, Florida
29 Statutes, is amended to read:

30 186.022 State agency strategic plans; preparation,
31 form, and review.--

1 (3) The Executive Office of the Governor shall review
2 the state agency strategic plans to ensure that they are
3 consistent with the state comprehensive plan and other
4 requirements as specified in the written instructions. In its
5 review, the Executive Office of the Governor shall consider
6 all comments received in formulating required revisions. This
7 shall include:

8 (a) The findings of the Technology Review Workgroup as
9 to the consistency of the information resources management
10 portion of agency strategic plans with the State Annual Report
11 on Information Resources Management and statewide policies
12 recommended by the State Technology Council; and

13 (b) The findings and recommendations of the Criminal
14 and Juvenile Justice Information Systems Council's review with
15 respect to public safety system strategic information
16 resources management issues.

17
18 Within 60 days, reviewed plans shall be returned to the
19 agency, together with any required revisions. However, any
20 required revisions relating to information resources
21 management needs identified in the agency strategic plans are
22 subject to the notice and review procedures set forth in s.
23 216.177 and must be approved by the Administration Commission
24 for the executive branch and the Chief Justice for the
25 judicial branch.

26 Section 6. Paragraph (a) of subsection (2) of section
27 282.1095, Florida Statutes, is amended to read:

28 282.1095 State agency law enforcement radio system.--

29 (2)

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1 (a) The Joint Task Force on State Agency Law
2 Enforcement Communications shall consist of eight ~~nine~~
3 members, as follows:

4 1. A representative of the Division of Alcoholic
5 Beverages and Tobacco of the Department of Business and
6 Professional Regulation who shall be appointed by the
7 secretary of the department.

8 2. A representative of the Division of Florida Highway
9 Patrol of the Department of Highway Safety and Motor Vehicles
10 who shall be appointed by the executive director of the
11 department.

12 3. A representative of the Department of Law
13 Enforcement who shall be appointed by the executive director
14 of the department.

15 4. A representative of the Game and Fresh Water Fish
16 Commission who shall be appointed by the executive director of
17 the commission.

18 5. A representative of the Division of Law Enforcement
19 of the Department of Environmental Protection who shall be
20 appointed by the secretary of the department.

21 6. A representative of the Department of Corrections
22 who shall be appointed by the secretary of the department.

23 7. A representative of the Division of State Fire
24 Marshal of the Department of Insurance who shall be appointed
25 by the State Fire Marshal.

26 8. A representative of the Department of
27 Transportation who shall be appointed by the secretary of the
28 department.

29 ~~9. A representative of the Criminal and Juvenile~~
30 ~~Justice Information Systems Council who shall be appointed by~~
31 ~~the chair of the council.~~

1 Section 7. Subsection (5) of section 282.111, Florida
2 Statutes, is amended to read:

3 282.111 Statewide system of regional law enforcement
4 communications.--

5 (5) No law enforcement communications system shall be
6 established or present system expanded ~~after July 1, 1972,~~
7 without the prior approval of the Department of Management
8 Services Division of Communications. ~~After January 1, 1997,~~
9 ~~the Division of Communications shall consult with the Criminal~~
10 ~~and Juvenile Justice Information Systems Council before~~
11 ~~approving any law enforcement communications system or system~~
12 ~~expansion.~~

13 Section 8. Subsection (11) of section 318.18, Florida
14 Statutes, is amended to read:

15 318.18 Amount of civil penalties.--The penalties
16 required for a noncriminal disposition pursuant to s. 318.14
17 are as follows:

18 (11)(a) Court costs that ~~which~~ are to be in addition
19 to the stated fine shall be imposed by the court in an amount
20 not less than the following:

21
22 For pedestrian infractions.....\$ 3.
23 For nonmoving traffic infractions.....\$ 6.
24 For moving traffic infractions.....\$10.

25 (b) In addition to the court cost assessed under
26 paragraph (a), the court shall impose a \$3 court cost for each
27 infraction to be distributed as provided in s. 943.25(3).

28
29 ~~In no event may~~ Court costs imposed under this subsection may
30 not exceed \$30. A ~~regional~~ criminal justice selection

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1 ~~assessment~~ center or other local criminal justice access and
2 assessment center may be funded from these court costs.

3 Section 9. Paragraph (c) of subsection (7) of section
4 943.031, Florida Statutes, is amended to read:

5 943.031 Florida Violent Crime Council.--The
6 Legislature finds that there is a need to develop and
7 implement a statewide strategy to address violent criminal
8 activity. In recognition of this need, the Florida Violent
9 Crime Council is created within the department. The council
10 shall serve in an advisory capacity to the department.

11 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
12 MEETINGS AND RECORDS.--

13 (c)1. The Florida Violent Crime Council may close
14 portions of meetings during which the council will hear or
15 discuss active criminal investigative information or active
16 criminal intelligence information, and such portions of
17 meetings shall be exempt from the provisions of s. 286.011 and
18 s. 24(b), Art. I of the State Constitution, provided that the
19 following conditions are met:

20 a. The chair of the council shall advise the council
21 at a public meeting that, in connection with the performance
22 of a council duty, it is necessary that the council hear or
23 discuss active criminal investigative information or active
24 criminal intelligence information.

25 b. The chair's declaration of necessity for closure
26 and the specific reasons for such necessity shall be stated in
27 writing in a document that ~~which~~ shall be a public record and
28 shall be filed with the official records of the council.

29 c. The entire closed session shall be recorded. The
30 recording shall include the times of commencement and
31 termination of the closed session, all discussion and

1 proceedings, and the names of all persons present. No portion
2 of the session shall be off the record. Such recording shall
3 be maintained by the council, and is exempt from the
4 provisions of s. 119.07(1)~~s. 119.011~~ and s. 24(a)~~s. 24(b)~~,
5 Art. I of the State Constitution until such time as the
6 criminal investigative information or criminal intelligence
7 information that ~~which~~ justifies closure ceases to be active,
8 at which time the portion of the record related to the no
9 longer active information or intelligence shall be open for
10 public inspection and copying.

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12 The exemption in this paragraph is subject to the Open
13 Government Sunset Review Act of 1995 in accordance with s.
14 119.15 and shall stand repealed on October 2, 2002, unless
15 reviewed and saved from repeal through reenactment by the
16 Legislature.

17 2. Only members of the council, Department of Law
18 Enforcement staff supporting the council's function, and other
19 persons whose presence has been authorized by the council
20 shall be allowed to attend the exempted portions of the
21 council meetings. The council shall assure that any closure
22 of its meetings as authorized by this section is limited so
23 that the general policy of this state in favor of public
24 meetings is maintained.

25 Section 10. Section 943.08, Florida Statutes, is
26 amended to read:

27 943.08 Duties; Criminal and Juvenile Justice
28 Information Systems Council.--

29 (1) The council shall facilitate the identification,
30 standardization, sharing, and coordination of criminal and
31

1 juvenile justice data and other public safety system data
2 among federal, state, and local agencies.

3 (2) The council shall review ~~proposed rules and~~
4 ~~operating policies and procedures, and amendments thereto, of~~
5 ~~the Division of Criminal Justice Information Systems and make~~
6 ~~recommendations to the executive director which shall be~~
7 ~~represented in the meeting minutes of the council. In~~
8 ~~addition, the council shall review proposed~~ plans and
9 ~~policies, rules, and procedures~~ relating to the information
10 system of the Department of Corrections, the Department of
11 Highway Safety and Motor Vehicles, the Department of Juvenile
12 Justice, and the Department of Law Enforcement for the purpose
13 of determining whether the departments' strategic information
14 technology resource development efforts will facilitate the
15 effective identification, standardization, sharing, and
16 coordination of criminal and juvenile justice data and other
17 public safety system data among federal, state, and local
18 agencies. The council shall make recommendations as it deems
19 appropriate to the executive director and the secretaries of
20 these departments and make recommendations to the Secretary of
21 Juvenile Justice or designated assistant who shall attend
22 council meetings. Those recommendations shall relate to the
23 following areas:

24 (a) The management control of criminal and juvenile
25 justice information systems and applications supported by the
26 departments, criminal intelligence information systems, and
27 criminal investigative information systems maintained by the
28 department.

29 (b) The installation and operation of criminal and
30 juvenile justice information systems, criminal intelligence
31 information systems, and criminal investigative information

1 ~~systems~~ by the departments ~~department~~ and the exchange of such
2 information with other criminal and juvenile justice agencies
3 of this state and other states, including federal agencies.

4 (c) The operation and maintenance of computer hardware
5 and software within criminal and juvenile justice information
6 systems, ~~criminal intelligence information systems, and~~
7 ~~criminal investigative information systems~~ maintained by the
8 departments ~~department~~.

9 (d) ~~The operation, maintenance, and use of an~~
10 ~~automated fingerprint identification system, including~~
11 ~~interfacing with existing automated systems.~~

12 (d)(e) The physical security of the systems ~~system~~, to
13 prevent unauthorized disclosure of information contained in
14 the systems ~~system~~ and to ensure that the criminal and
15 juvenile justice information in the systems ~~system~~ is
16 accurately updated in a timely manner ~~currently and accurately~~
17 ~~revised to include subsequently revised information.~~

18 (e)(f) The security of the systems ~~system~~, to ensure
19 that criminal and juvenile justice information ~~is, criminal~~
20 ~~intelligence information, and criminal investigative~~
21 ~~information will be~~ collected, processed, stored, and
22 disseminated in such manner that it cannot be modified,
23 destroyed, accessed, changed, purged, or overlaid by
24 unauthorized individuals or agencies.

25 (f)(g) The purging, expunging, or sealing of criminal
26 and juvenile justice information upon order of a court of
27 competent jurisdiction or when authorized by law.

28 (g)(h) The dissemination of criminal and juvenile
29 justice information to persons or agencies not associated with
30 criminal justice when such dissemination is authorized by law.

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1 (h)(i) The access to criminal and juvenile justice
2 information maintained by any criminal or juvenile justice
3 agency by any person about whom such information is maintained
4 for the purpose of challenge, correction, or addition of
5 explanatory material.

6 (i)(j) The training, which should ~~may~~ be provided to
7 ~~pursuant to s. 938.01, s. 938.15, or s. 943.25,~~ of employees
8 of the departments ~~department~~ and other state and local
9 criminal and juvenile justice agencies in the proper use and
10 control of criminal and juvenile justice information.

11 (j)(k) The characteristics, structures, and
12 communications technologies linkages ~~needed~~ to allow the
13 transmittal of, sharing of, access to, and utilization of
14 information among the various state, local, private, and
15 federal agencies, organizations, and institutions in the
16 criminal and juvenile justice systems. ~~public safety system,~~
17 ~~including, but not limited to, recommendations regarding:~~

18 1. ~~The management control and administration of~~
19 ~~juvenile justice data and information.~~

20 2. ~~The installation and operation of local area~~
21 ~~networks.~~

22 3. ~~The installation and operation of statewide area~~
23 ~~networks.~~

24 4. ~~Electronic mail and file transport.~~

25 5. ~~The operation and maintenance of hardware and~~
26 ~~software.~~

27 6. ~~Access to juvenile justice information.~~

28 7. ~~The security and integrity of the information~~
29 ~~system.~~

30 8. ~~Training of information system users and user~~
31 ~~groups.~~

1 (k) The installation and operation of a statewide
2 telecommunications and data network, to be called the Florida
3 Criminal Justice Intranet Service Network, for which the
4 Department of Law Enforcement will serve as custodial manager
5 and which will be capable of electronically transmitting text
6 and image data, including electronic mail and file transport,
7 among criminal justice agencies within the state.

8 (l) The installation and operation, when feasible, of
9 equipment in each of the judicial circuits capable of
10 electronically transmitting over the Florida Criminal Justice
11 Intranet Service Network digitized photographs and live-scan
12 fingerprint images of each criminal defendant convicted or
13 found guilty, at the time and place of such disposition.

14 ~~(m)(1)~~ Such other areas as relate to the collection,
15 processing, storage, and dissemination of criminal and
16 juvenile justice and other public safety system information,
17 ~~criminal intelligence information, and criminal justice~~
18 ~~investigative information,~~including the development of
19 criteria, policies, and procedures for the standardization of
20 criminal and juvenile justice data and information-transfer
21 protocols for transmitting ~~electronic transmission of such~~
22 data.

23 (3) The council shall develop and approve a strategic
24 plan pursuant to the requirements set forth in s. 186.022(9).
25 Copies of the approved plan shall be transmitted,
26 electronically or in writing, to the Executive Office of the
27 Governor, the Speaker of the House of Representatives, the
28 President of the Senate, and the council members.

29 (4) It is the policy of this state and the intent of
30 the Legislature that all further installation, enhancement,
31 and planned utilization of equipment capable of transmitting

1 telecommunications and data which are performed by any state
2 court, the clerks of the court, state or local law enforcement
3 agencies, or the departments referred to in this section be
4 implemented in a manner to assure that such equipment is
5 compatible with the Florida Criminal Justice Intranet Service
6 Network standards.

7 Section 11. Subsection (4) of section 943.135, Florida
8 Statutes, is amended to read:

9 943.135 Requirements for continued employment.--

10 (4)(a) Notwithstanding any other provision of law, any
11 person holding active certification from the Criminal Justice
12 Standards and Training Commission as a law enforcement
13 officer, correctional officer, or correctional probation
14 officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8),
15 or (9), who resigns his or her position as law enforcement
16 officer, correctional officer, or correctional probation
17 officer for the sole purpose of serving in an office to which
18 the person has been elected or appointed and to thereby avoid
19 the prohibition against dual officeholding established in s.
20 5(a), Art. II of the State Constitution may be allowed to
21 retain active certification in a special status during the
22 tenure of the elected or appointed office if, at the time of
23 resignation, the person:

24 1. Was employed by or associated with an employing
25 agency in a manner authorized by this chapter;

26 2. Was not subject to an internal investigation or
27 employment action to discipline or dismiss by the employing
28 agency;

29 3. Was not subject to criminal investigation or
30 prosecution by any state or federal authority; and

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1 4. Was not subject to an investigation or action
2 against his or her certification by the Criminal Justice
3 Standards and Training Commission,
4
5 and that subsequent to the resignation the person otherwise
6 complies with this subsection.
7 (b) Any person who qualifies under paragraph (a) may,
8 for purposes of meeting the minimum mandatory continuing
9 training or education requirements of this section, at the
10 option of an employing agency, associate with that agency for
11 the sole purpose of securing continuing training or education
12 as required by this section and for allowing the agency to
13 report completion of the education or training to the Criminal
14 Justice Standards and Training Commission. The employing
15 agency with which the person has associated shall submit proof
16 of completion of any education or training so obtained for
17 purposes of demonstrating compliance with this section and
18 shall indicate that the person for whom the credits are
19 reported has secured the training under the special status
20 authorized by this section. An employing agency may require
21 any person so associated to attend continuing training or
22 education at the person's own expense and may determine the
23 courses or training that a person is to attend while
24 associated with the agency. Any person who is permitted to
25 associate with an employing agency for purposes of obtaining
26 and reporting education or continuing training credits while
27 serving in an elected or appointed public office shall not be
28 considered to be employed by the employing agency or
29 considered by the association with the employing agency to
30 maintain an office under s. 5(a), Art. II of the State
31 Constitution.

1 (c) The period of time a person serves in an elected
2 or appointed office and thereby maintains the special
3 certification status authorized by this section may not be
4 considered in calculating whether the person is considered to
5 have incurred a break in service for purposes of maintaining
6 active certification by the Criminal Justice Standards and
7 Training Commission.

8 (d) An employing agency that receives a resignation
9 from a person for the purpose of avoiding the dual office
10 holding prohibition as discussed in this subsection shall
11 verify that the person who has resigned is in fact serving in
12 an elected or public office and report the verification,
13 including an indication of the office in which the person is
14 serving to the Criminal Justice Standards and Training
15 Commission via the affidavit of separation of employment used
16 by the commission.

17 (e) Any person seeking the benefit of this subsection
18 shall, upon request, provide to the Criminal Justice Standards
19 and Training Commission any documentation or proof required by
20 the commission to evaluate the person's eligibility under this
21 subsection, to evaluate a submission of continuing training or
22 education credits as authorized by this subsection, or to
23 determine the duration of any tenure in an elected or
24 appointed public office, including any extension of the status
25 by reason of reelection or reappointment or by election or
26 appointment to a different office.~~The commission is~~
27 ~~authorized to develop this program for implementation on July~~
28 ~~1, 1985, for full-time, part-time, or auxiliary law~~
29 ~~enforcement officers and correctional officers and a program~~
30 ~~for correctional probation officers for implementation on July~~
31 ~~1, 1987.~~

1 Section 12. Section 943.146, Florida Statutes, is
2 created to read:

3 943.146 Securing of copyrights by the department and
4 sale of department work products.--

5 (1) As used in this section, the term "product"
6 includes any and all inventions, methodologies, techniques,
7 and creations that may be properly protected by patent,
8 copyright, or trademark. The term specifically includes, but
9 is not limited to, job task analyses; all curricula developed
10 for basic or post-basic training in the disciplines of law
11 enforcement, corrections, and correctional probation; support
12 materials, including, but not limited to, associated
13 instructor or student guides, textbooks, computer software,
14 and video, electronic, and digital materials; and all other
15 materials, regardless of form, developed by or on behalf of
16 the commission to support the delivery of the basic recruit or
17 post-basic training in the disciplines of law enforcement,
18 corrections, and correctional probation.

19 (2) Notwithstanding any other provision of law to the
20 contrary, the Department of Law Enforcement is authorized, in
21 its own name, to:

22 (a) Perform all things necessary to secure copyrights
23 on any legitimately acquired work product and to enforce its
24 rights therein.

25 (b) License, lease, assign, or otherwise give written
26 consent to any person, firm, or corporation for the
27 publication, manufacture, or use of any product protected by
28 copyright, whether on a royalty basis or for such other
29 consideration as the department may deem proper.

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1 (c) Take any action necessary, including legal action
2 to enforce its rights under any agreement and to protect its
3 property rights from improper or unlawful use or infringement.

4 (d) Enforce the collection of any payments or other
5 obligations due to the department for the publication or use
6 of any product by any other party.

7 (e) Sell any product, except where otherwise provided
8 by public records laws, which the department may create or
9 cause to be created, whether or not the product is protected
10 by a copyright of the department, and to execute all
11 instruments necessary to consummate any such sale.

12 (f) Do all other acts necessary and proper for the
13 execution of powers and duties conferred upon the department
14 under this section.

15 (3) The department shall notify the Department of
16 State in writing whenever property rights by copyright are
17 secured or exploited by the department.

18 (4) Any proceeds from the sale of products or the
19 right to publish or use a product shall be deposited in the
20 Grants and Donations Trust Fund of the department and may be
21 appropriated to finance activities of the department.

22 Section 13. Section 943.256, Florida Statutes, is
23 amended to read:

24 943.256 ~~Regional~~ Criminal justice selection assessment
25 centers; creation.--

26 (1) The creation of ~~regional~~ criminal justice
27 selection assessment centers is ~~hereby~~ authorized. Each
28 center shall be under the direction and control of a
29 postsecondary public school, hereinafter called the "directing
30 school," or of a criminal justice agency, hereinafter called
31 the "directing agency," within the region.

1 (2) Each center shall provide standardized evaluation
2 of preservice candidates for all units of the local criminal
3 justice system in the region, thereby establishing a pool of
4 qualified candidates for criminal justice agencies throughout
5 the region.

6 (3) Each center shall also provide standardized
7 evaluation of inservice officers for all units of the local
8 criminal justice system in the region, thereby establishing a
9 pool of qualified officers for criminal justice agencies
10 throughout each region.

11 Section 14. Section 943.325, Florida Statutes, is
12 amended to read:

13 943.325 Blood specimen testing for DNA analysis.--

14 (1)(a) Any person convicted, or who was previously
15 convicted and is still incarcerated, in this state for any
16 offense or attempted offense defined in chapter 794, chapter
17 800, s. 782.04, s. 784.045, s. 812.133, or s. 812.135, and who
18 is within the confines of the legal state boundaries, shall be
19 required to submit two specimens of blood to a Department of
20 Law Enforcement designated testing facility as directed by the
21 department.

22 (b) For the purpose of this section, the term "any
23 person" shall include both juveniles and adults committed to
24 or under the supervision of the Department of Corrections,~~or~~
25 the Department of Juvenile Justice, or a county jail.

26 (2) The withdrawal of blood for purposes of this
27 section shall be performed in a medically approved manner and
28 only under the supervision of a physician, registered nurse,
29 licensed practical nurse, or duly licensed medical personnel.

30 (3) Upon conviction of any person for any offense
31 under paragraph (1)(a), resulting in the commitment of the

1 offender to a county jail, correctional facility, or juvenile
2 facility, the entity responsible for the facility shall ensure
3 that a blood specimen as required by this section is promptly
4 secured and transmitted to the Department of Law Enforcement.
5 Should the disposition be any option other than commitment to
6 incarceration in a county jail, correctional facility, or
7 juvenile facility, the person shall not be released from the
8 custody of the court or, when a bond or surety has been
9 posted, shall not have the person's bond or surety released
10 until such time as the blood specimen required by this section
11 has been taken. The chief administrative judge of each circuit
12 shall, in conjunction with the sheriff of each county or other
13 entity maintaining the county jail, ensure that a method of
14 prompt collection of the required blood specimen and
15 forwarding to the Department of Law Enforcement is
16 implemented. The Department of Law Enforcement, in conjunction
17 with the sheriffs, courts, Department of Corrections, and
18 Department of Juvenile Justice shall develop a statewide
19 protocol for the securing of blood specimens for any person
20 required to provide the specimen under this section who will
21 not be incarcerated in such a manner as to allow the drawing
22 of the specimen by jail personnel, correctional personnel, or
23 juvenile justice personnel as part of the regular
24 in-processing of offenders.

25 (4) Any person convicted of an offense under this
26 section for which the submission of blood specimens is
27 required shall, upon request, submit to the drawing of the
28 person's blood. If the blood specimens submitted to the
29 Department of Law Enforcement are found not to be acceptable
30 for analysis and use under this section, or for any other
31 reason cannot be used by the department in the manner required

1 by this section, the department may require that another set
2 of blood specimens be taken as provided in subsection (11).

3 (5)~~(3)~~ The Department of Law Enforcement shall provide
4 the specimen vials, mailing tubes, labels, and instructions
5 for the collection of blood specimens. The specimens shall
6 thereafter be forwarded to the designated testing facility for
7 analysis to determine genetic markers and characteristics for
8 the purpose of individual identification of the person
9 submitting the sample.

10 (6)~~(4)~~ The analysis, when completed, shall be entered
11 into the automated database maintained by the Department of
12 Law Enforcement for such purpose, and shall not be included in
13 the state central criminal justice information repository.

14 (7)~~(5)~~ The results of a DNA analysis and the
15 comparison of analytic results shall be released only to
16 criminal justice agencies as defined in s. 943.045(10), at the
17 request of the agency. Otherwise, such information is
18 confidential and exempt from the provisions of s. 119.07(1)
19 and s. 24(a), Art. I of the State Constitution.

20 (8)~~(6)~~ The Department of Law Enforcement and the
21 statewide criminal laboratory analysis system shall establish,
22 implement, and maintain a statewide automated personal
23 identification system capable of, but not limited to,
24 classifying, matching, and storing analyses of DNA
25 (deoxyribonucleic acid) and other biological molecules. The
26 system shall be available to all criminal justice agencies.

27 (9)~~(7)~~ The Department of Law Enforcement shall:

28 (a) Receive, process, and store blood samples and the
29 data derived therefrom furnished pursuant to subsection (1) or
30 pursuant to a requirement of supervision imposed by the court
31

1 or the Parole Commission with respect to a person convicted of
2 any offense specified in subsection (1).

3 (b) Collect, process, maintain, and disseminate
4 information and records pursuant to this section.

5 (c) Strive to maintain or disseminate only accurate
6 and complete records.

7 (d) Adopt rules prescribing the proper procedure for
8 state and local law enforcement and correctional agencies to
9 collect and submit blood samples pursuant to this section.

10 (10)~~(8)~~(a) The court shall include in the judgment of
11 conviction for an offense specified in this section, or a
12 finding that a person described in subsection (1) violated a
13 condition of probation, community control, or any other
14 court-ordered supervision, an order stating that blood
15 specimens are required to be drawn by the appropriate agency
16 in a manner consistent with this section and, unless the
17 convicted person lacks the ability to pay, the person shall
18 reimburse the appropriate agency for the cost of drawing and
19 transmitting the blood specimens to the Florida Department of
20 Law Enforcement. The reimbursement payment may be deducted
21 from any existing balance in the inmates's bank account. If
22 the account balance is insufficient to cover the cost of
23 drawing and transmitting the blood specimens to the Florida
24 Department of Law Enforcement, 50 percent of each deposit to
25 the account must be withheld until the total amount owed has
26 been paid. If the judgment places the convicted person on
27 probation, community control, or any other court-ordered
28 supervision, the court shall order the convicted person to
29 submit to the drawing of the blood specimens as a condition of
30 the probation, community control, or other court-ordered
31 supervision. For the purposes of a person who is on

1 probation, community control, or any other court-ordered
2 supervision, the collection requirement must be based upon a
3 court order. If the judgment sentences the convicted person
4 to time served, the court shall order the convicted person to
5 submit to the drawing of the blood specimens as a condition of
6 such sentence.

7 (b) The appropriate agency shall cause the specimens
8 to be drawn as soon as practical after conviction but, in the
9 case of any person ordered to serve a term of incarceration as
10 part of the sentence, the specimen shall be drawn as soon as
11 practical after the receipt of the convicted person by the
12 custodial facility. For the purpose of this section, the
13 appropriate agency shall be the Department of Corrections
14 whenever the convicted person is committed to the legal and
15 physical custody of the department. Conviction information
16 contained in the offender information system of the Department
17 of Corrections shall be sufficient to determine applicability
18 under this section. The appropriate agency shall be the
19 sheriff or officer in charge of the county correctional
20 facility whenever the convicted person is placed on probation,
21 community control, or any other court-ordered supervision or
22 form of supervised release or is committed to the legal and
23 physical custody of a county correctional facility.

24 (c) Any person previously convicted of an offense
25 specified in this section, or a crime which, if committed in
26 this state, would be an offense specified in this section, and
27 who is also subject to the registration requirement imposed by
28 s. 775.13, shall be subject to the collection requirement of
29 this section when the appropriate agency described in this
30 section verifies the identification information of the person.

31

1 The collection requirement of this section does not apply to a
2 person as described in s. 775.13(5).

3 (d) For the purposes of this section, conviction shall
4 include a finding of guilty, or entry of a plea of nolo
5 contendere or guilty, regardless of adjudication or, in the
6 case of a juvenile, the finding of delinquency.

7 (e) If necessary, the state or local law enforcement
8 or correctional agency having authority over the person
9 subject to the sampling under this section shall assist in the
10 procedure. The law enforcement or correctional officer so
11 assisting may use reasonable force if necessary to require
12 such person to submit to the withdrawal of blood. The
13 withdrawal shall be performed in a reasonable manner. No
14 hospital, clinical laboratory, medical clinic, or similar
15 medical institution or physician, certified paramedic,
16 registered nurse, licensed practical nurse, or other personnel
17 authorized by a hospital to draw blood, or duly licensed
18 clinical laboratory director, supervisor, technologist, or
19 technician, or other person assisting a law enforcement
20 officer shall incur any civil or criminal liability as a
21 result of the withdrawal of blood specimens pursuant to
22 accepted medical standards when requested by a law enforcement
23 officer, or any jail, correctional, or juvenile justice
24 detention personnel to draw blood for the purposes of this
25 section, regardless of whether or not the subject resisted the
26 blood drawing.

27 (11) Upon a determination by the Department of Law
28 Enforcement that a person convicted of an offense for which
29 blood specimens are to be provided under this section has not
30 provided the required specimens, the department, any state
31 attorney, or any law enforcement agency may apply to the

1 circuit court for an order authorizing the taking of the
2 person into custody for the purposes of securing the required
3 specimen. The court, upon a showing of probable cause that the
4 person is required to provide a specimen and has not provided
5 the specimen, shall issue the order. Any person taken into
6 custody under an order authorized by this subsection shall be
7 promptly transported to a location acceptable to the agency
8 having custody of the person where blood specimens may be
9 drawn, and the blood specimens shall be withdrawn in a
10 reasonable manner. Upon securing the specimens, if there is no
11 other reason justifying retaining the person in custody, the
12 person shall be released. The agency taking any such person
13 into custody under the authority of this section may, but is
14 not required to, transport the person back to the location
15 where the person was taken into custody.

16 (12) Unless the offender has been declared indigent by
17 the court, the offender shall pay the actual costs of blood
18 collection as required under this section.

19 (13) The failure of any court or agency or the
20 department to strictly comply with this section or to abide by
21 a protocol shall not constitute a ground for challenging the
22 validity of the collection or use of the sample as provided in
23 this section or for exclusion of evidence based upon, or
24 derived from, any specimen so taken.

25 Section 15. For the purpose of incorporating the
26 amendment to section 943.325, Florida Statutes, in references
27 thereto, the following sections or subdivisions of Florida
28 Statutes are reenacted to read:

29 760.40 Genetic testing; informed consent;
30 confidentiality.--

31

1 (2)(a) Except for purposes of criminal prosecution,
2 except for purposes of determining paternity as provided in s.
3 742.12(1), and except for purposes of acquiring specimens from
4 persons convicted of certain offenses as provided in s.
5 943.325, DNA analysis may be performed only with the informed
6 consent of the person to be tested, and the results of such
7 DNA analysis, whether held by a public or private entity, are
8 the exclusive property of the person tested, are confidential,
9 and may not be disclosed without the consent of the person
10 tested. Such information held by a public entity is exempt
11 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
12 the State Constitution.

13 948.03 Terms and conditions of probation or community
14 control.--

15 (10) As a condition of probation, community control,
16 or any other court-ordered community supervision, the court
17 shall order persons convicted of offenses specified in s.
18 943.325 to submit to the drawing of the blood specimens as
19 prescribed in that section as a condition of the probation,
20 community control, or other court-ordered community
21 supervision. For the purposes of this subsection, conviction
22 shall include a finding of guilty, or entry of a plea of nolo
23 contendere or guilty, regardless of adjudication, or, in the
24 case of a juvenile, the finding of delinquency.

25 Section 16. Section 943.33, Florida Statutes, is
26 amended to read:

27 943.33 State-operated criminal analysis
28 laboratories.--The state-operated laboratories shall furnish
29 laboratory service upon request to law enforcement officials
30 in the state. The services of such laboratories shall also be
31 available to any defendant in a criminal case upon showing of

1 good cause and upon order of the court with jurisdiction in
2 the case. When such service is to be made available to the
3 defendant, the order shall be issued only after motion by the
4 defendant and hearing held after notice with a copy of the
5 motion being served upon the prosecutor and the state-operated
6 laboratory from which the service is being sought. For
7 purposes of this section, "good cause" means a finding by the
8 court that the laboratory service being sought by the
9 defendant is anticipated to produce evidence that is relevant
10 and material to the defense, that the service sought is one
11 which is reasonably within the capacity of the state-operated
12 laboratory and will not be unduly burdensome upon the
13 laboratory, and that the service cannot be obtained from any
14 qualified private or nonstate operated laboratory within the
15 state or otherwise reasonably available to the defense. The
16 court shall ~~may~~ assess the costs of such service ordered by
17 the court to the defendant or local public defender's office.
18 The laboratory providing the service ordered shall include
19 with the report of the analysis, comparison, or identification
20 a statement of the costs of the service provided and shall
21 provide a copy of all reports and analysis performed and cost
22 statement being provided to the prosecutor in the case and the
23 court.

24 Section 17. This act shall take effect July 1 of the
25 year in which enacted.

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