

By Senator Burt

16-620B-98

1 A bill to be entitled
2 An act relating to law enforcement; amending s.
3 943.03, F.S.; requiring the Department of Law
4 Enforcement to develop and maintain, in
5 consultation with the Criminal and Juvenile
6 Justice Information Systems Council, an
7 information system in administrative support of
8 the state criminal and juvenile justice system;
9 amending s. 20.315, F.S.; providing for
10 maintenance by the Department of Corrections of
11 an offender-based information system; amending
12 s. 20.316, F.S.; conforming terminology
13 relating to development by the Department of
14 Juvenile Justice of a juvenile justice
15 information system; removing a provision
16 requiring a report by the department to the
17 council; amending s. 186.022, F.S., relating to
18 state agency strategic plans; providing for
19 review by the Executive Office of the Governor
20 of recommendations of the council; amending s.
21 282.1095, F.S., relating to the state agency
22 law enforcement radio system; reducing the
23 membership of the Joint Task Force on State
24 Agency Law Enforcement Communications to
25 eliminate a representative of the council;
26 amending s. 282.111, F.S., relating to the
27 statewide system of regional law enforcement
28 communications; removing a provision requiring
29 certain consultation by the Division of
30 Communications with the council; amending s.
31 318.18, F.S., relating to civil penalties;

1 redesignating regional criminal justice
2 assessment centers as criminal justice
3 selection centers; amending s. 943.031, F.S.,
4 relating to the Florida Violent Crime Council;
5 conforming cross-references; amending s.
6 943.08, F.S.; deleting obsolete provisions;
7 requiring the council to review proposed plans
8 and policies for the information system of the
9 specified agencies to assist in facilitating
10 the standardization, sharing, and coordination
11 of criminal and juvenile justice data and other
12 specified data; requiring the council to make
13 recommendations to specified agencies;
14 requiring recommendations regarding the
15 installation and operation of the Florida
16 Criminal Justice Intranet Service Network, of
17 which the department will be the custodial
18 manager, and specifying its functions;
19 requiring recommendations concerning
20 installation and operation of such a statewide
21 network in each judicial circuit; providing
22 legislative intent that future equipment
23 capable of certain technologies within the
24 specified entities be compatible with certain
25 standards; amending s. 943.135, F.S.; allowing
26 law enforcement officers who are also elected
27 or appointed public officials to maintain
28 certification in a special status while holding
29 office; amending s. 943.256, F.S.; providing
30 for the regional criminal justice assessment
31 centers, which are directed by a postsecondary

1 public school or a criminal justice agency, to
2 be redesignated as criminal justice selection
3 centers; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Subsection (13) is added to section 943.03,
8 Florida Statutes, to read:

9 943.03 Department of Law Enforcement.--

10 (13) The department shall develop and maintain, in
11 consultation with the Criminal and Juvenile Justice
12 Information Systems Council under s. 943.08, an information
13 system that supports the administration of the state's
14 criminal and juvenile justice system in compliance with s.
15 943.05 and other provisions of law.

16 Section 2. Subsection (11) of section 20.315, Florida
17 Statutes, is amended to read:

18 20.315 Department of Corrections.--There is created a
19 Department of Corrections.

20 (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There
21 shall be only one offender-based information and records
22 system maintained by the Department of Corrections for the
23 joint use of the department and the Parole Commission. This
24 data system is managed through the Justice Data Center, which
25 is hereby transferred to the department under this act
26 pursuant to a type two transfer authorized under s. 20.06(2).
27 The department shall develop and maintain, in consultation
28 with the Criminal and Juvenile Justice Information Systems
29 Council under s. 943.08, such offender-based information
30 system designed to serve the needs of both the department and
31 the Parole Commission. The department shall notify the

1 commission of all violations of parole and the circumstances
2 thereof.

3 Section 3. Paragraphs (a) and (f) of subsection (6) of
4 section 20.316, Florida Statutes, are amended to read:

5 20.316 Department of Juvenile Justice.--There is
6 created a Department of Juvenile Justice.

7 (6) INFORMATION SYSTEMS.--

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

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

24 Section 4. Subsection (3) of section 186.022, Florida
25 Statutes, is amended to read:

26 186.022 State agency strategic plans; preparation,
27 form, and review.--

28 (3) The Executive Office of the Governor shall review
29 the state agency strategic plans to ensure that they are
30 consistent with the state comprehensive plan and other
31 requirements as specified in the written instructions. In its

1 review, the Executive Office of the Governor shall consider
2 all comments received in formulating required revisions. This
3 shall include:

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

9 (b) The findings and recommendations of the Criminal
10 and Juvenile Justice Information Systems Council's review with
11 respect to public safety system strategic information
12 resources management issues.

13

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

22 Section 5. Paragraph (a) of subsection (2) of section
23 282.1095, Florida Statutes, is amended to read:

24 282.1095 State agency law enforcement radio system.--

25 (2)

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

29 1. A representative of the Division of Alcoholic
30 Beverages and Tobacco of the Department of Business and
31

1 Professional Regulation who shall be appointed by the
2 secretary of the department.

3 2. A representative of the Division of Florida Highway
4 Patrol of the Department of Highway Safety and Motor Vehicles
5 who shall be appointed by the executive director of the
6 department.

7 3. A representative of the Department of Law
8 Enforcement who shall be appointed by the executive director
9 of the department.

10 4. A representative of the Game and Fresh Water Fish
11 Commission who shall be appointed by the executive director of
12 the commission.

13 5. A representative of the Division of Law Enforcement
14 of the Department of Environmental Protection who shall be
15 appointed by the secretary of the department.

16 6. A representative of the Department of Corrections
17 who shall be appointed by the secretary of the department.

18 7. A representative of the Division of State Fire
19 Marshal of the Department of Insurance who shall be appointed
20 by the State Fire Marshal.

21 8. A representative of the Department of
22 Transportation who shall be appointed by the secretary of the
23 department.

24 ~~9. A representative of the Criminal and Juvenile~~
25 ~~Justice Information Systems Council who shall be appointed by~~
26 ~~the chair of the council.~~

27 Section 6. Subsection (5) of section 282.111, Florida
28 Statutes, is amended to read:

29 282.111 Statewide system of regional law enforcement
30 communications.--

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

9 Section 7. Subsection (11) of section 318.18, Florida
10 Statutes, is amended to read:

11 318.18 Amount of civil penalties.--The penalties
12 required for a noncriminal disposition pursuant to s. 318.14
13 are as follows:

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

17
18 For pedestrian infractions.....\$ 3.
19 For nonmoving traffic infractions.....\$ 6.
20 For moving traffic infractions.....\$10.

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

24
25 ~~In no event may~~ Court costs imposed under this subsection may
26 not exceed \$30. A ~~regional~~ criminal justice selection
27 ~~assessment~~ center or other local criminal justice access and
28 assessment center may be funded from these court costs.

29 Section 8. Paragraph (c) of subsection (7) of section
30 943.031, Florida Statutes, is amended to read:

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1 943.031 Florida Violent Crime Council.--The
2 Legislature finds that there is a need to develop and
3 implement a statewide strategy to address violent criminal
4 activity. In recognition of this need, the Florida Violent
5 Crime Council is created within the department. The council
6 shall serve in an advisory capacity to the department.

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

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

16 a. The chair of the council shall advise the council
17 at a public meeting that, in connection with the performance
18 of a council duty, it is necessary that the council hear or
19 discuss active criminal investigative information or active
20 criminal intelligence information.

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

25 c. The entire closed session shall be recorded. The
26 recording shall include the times of commencement and
27 termination of the closed session, all discussion and
28 proceedings, and the names of all persons present. No portion
29 of the session shall be off the record. Such recording shall
30 be maintained by the council, and is exempt from the
31 provisions of s. 119.07(1)~~s. 119.011~~ and s. 24(a)~~s. 24(b)~~,

1 Art. I of the State Constitution until such time as the
2 criminal investigative information or criminal intelligence
3 information that ~~which~~ justifies closure ceases to be active,
4 at which time the portion of the record related to the no
5 longer active information or intelligence shall be open for
6 public inspection and copying.

7
8 The exemption in this paragraph is subject to the Open
9 Government Sunset Review Act of 1995 in accordance with s.
10 119.15 and shall stand repealed on October 2, 2002, unless
11 reviewed and saved from repeal through reenactment by the
12 Legislature.

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

21 Section 9. Section 943.08, Florida Statutes, is
22 amended to read:

23 943.08 Duties; Criminal and Juvenile Justice
24 Information Systems Council.--

25 (1) The council shall facilitate the identification,
26 standardization, sharing, and coordination of criminal and
27 juvenile justice data and other public safety system data
28 among federal, state, and local agencies.

29 (2) The council shall review ~~proposed rules and~~
30 ~~operating policies and procedures, and amendments thereto, of~~
31 ~~the Division of Criminal Justice Information Systems and make~~

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

19 (a) The management control of criminal and juvenile
20 justice information systems and applications supported by the
21 departments, criminal intelligence information systems, and
22 criminal investigative information systems maintained by the
23 department.

24 (b) The installation and operation of criminal and
25 juvenile justice information systems, criminal intelligence
26 information systems, and criminal investigative information
27 systems by the departments ~~department~~ and the exchange of such
28 information with other criminal and juvenile justice agencies
29 of this state and other states, including federal agencies.

30 (c) The operation and maintenance of computer hardware
31 and software within criminal and juvenile justice information

1 ~~systems, criminal intelligence information systems, and~~
2 ~~criminal investigative information systems~~ maintained by the
3 ~~departments~~ department.

4 ~~(d)~~ The operation, maintenance, and use of an
5 ~~automated fingerprint identification system, including~~
6 ~~interfacing with existing automated systems.~~

7 ~~(d)~~~~(e)~~ The physical security of the systems system, to
8 prevent unauthorized disclosure of information contained in
9 the systems system and to ensure that the criminal and
10 juvenile justice information in the systems system is
11 accurately updated in a timely manner ~~currently and accurately~~
12 ~~revised to include subsequently revised information.~~

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

20 ~~(f)~~~~(g)~~ The purging, expunging, or sealing of criminal
21 and juvenile justice information upon order of a court of
22 competent jurisdiction or when authorized by law.

23 ~~(g)~~~~(h)~~ The dissemination of criminal and juvenile
24 justice information to persons or agencies not associated with
25 criminal justice when such dissemination is authorized by law.

26 ~~(h)~~~~(i)~~ The access to criminal and juvenile justice
27 information maintained by any criminal or juvenile justice
28 agency by any person about whom such information is maintained
29 for the purpose of challenge, correction, or addition of
30 explanatory material.

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1 ~~(i)~~(j) The training, which ~~should~~ may be provided to
2 pursuant to ~~s. 938.01, s. 938.15, or s. 943.25,~~ of employees
3 of the ~~departments~~ department and other state and local
4 criminal and juvenile justice agencies in the proper use and
5 control of criminal and juvenile justice information.

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

13 ~~1. The management control and administration of~~
14 ~~juvenile justice data and information.~~

15 ~~2. The installation and operation of local area~~
16 ~~networks.~~

17 ~~3. The installation and operation of statewide area~~
18 ~~networks.~~

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

20 ~~5. The operation and maintenance of hardware and~~
21 ~~software.~~

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

23 ~~7. The security and integrity of the information~~
24 ~~system.~~

25 ~~8. Training of information system users and user~~
26 ~~groups.~~

27 (k) The installation and operation of a statewide
28 telecommunications and data network, to be called the Florida
29 Criminal Justice Intranet Service Network, for which the
30 Department of Law Enforcement will serve as custodial manager
31 and which will be capable of electronically transmitting text

1 and image data, including electronic mail and file transport,
2 among criminal justice agencies within the state.

3 (1) The installation and operation, when feasible, of
4 equipment in each of the judicial circuits capable of
5 electronically transmitting over the Florida Criminal Justice
6 Intranet Service Network digitized photographs and live-scan
7 fingerprint images of each criminal defendant convicted or
8 found guilty, at the time and place of such disposition.

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

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

24 (4) It is the policy of this state and the intent of
25 the Legislature that all further installation, enhancement,
26 and planned utilization of equipment capable of transmitting
27 telecommunications and data which is performed by any state
28 court, the clerks of the court, state or local law enforcement
29 agencies, or the departments referred to in this section be
30 implemented in a manner to assure that such equipment is
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1 compatible with the Florida Criminal Justice Intranet Service
2 Network standards.

3 Section 10. Subsection (4) of section 943.135, Florida
4 Statutes, is amended to read:

5 943.135 Requirements for continued employment.--

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

20 1. Was employed by or associated with an employing
21 agency in a manner authorized by chapter 943;

22 2. Was not subject to an internal investigation or
23 employment action to discipline or dismiss by the employing
24 agency;

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

27 4. Was not subject to an investigation or action
28 against his or her certification by the Criminal Justice
29 Standards and Training Commission,

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1 and that subsequent to the resignation the person otherwise
2 complies with this subsection.

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

28 (c) The period of time a person serves in an elected
29 or appointed office and thereby maintains the special
30 certification status authorized by this section may not be
31 considered in calculating whether the person is considered to

1 have incurred a break in service for purposes of maintaining
2 active certification by the Criminal Justice Standards and
3 Training Commission.

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

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

28 Section 11. Section 943.256, Florida Statutes, is
29 amended to read:

30 943.256 ~~Regional~~ Criminal justice selection assessment
31 centers; creation.--

1 (1) The creation of ~~regional~~ criminal justice
2 selection assessment centers is ~~hereby~~ authorized. Each
3 center shall be under the direction and control of a
4 postsecondary public school, hereinafter called the "directing
5 school," or of a criminal justice agency, hereinafter called
6 the "directing agency," within the region.

7 (2) Each center shall provide standardized evaluation
8 of preservice candidates for all units of the local criminal
9 justice system in the region, thereby establishing a pool of
10 qualified candidates for criminal justice agencies throughout
11 the region.

12 (3) Each center shall also provide standardized
13 evaluation of inservice officers for all units of the local
14 criminal justice system in the region, thereby establishing a
15 pool of qualified officers for criminal justice agencies
16 throughout each region.

17 Section 12. This act shall take effect July 1, 1998.

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20 SENATE SUMMARY

21 Requires that the Department of Law Enforcement and the
22 Department of Juvenile Justice develop and maintain
23 criminal and juvenile information systems. Revises the
24 membership of the Joint Task Force on State Agency Law
25 Enforcement Communications. Revises the duties of the
26 Criminal and Juvenile Justice Information Systems
27 Council. Requires that the council make recommendations
28 with respect to maintaining and operating the criminal
29 and juvenile justice information systems. Authorizes a
30 law enforcement officer who is also an elected or
31 appointed official to maintain his or her certification
in a special status while holding office. Provides
conditions and procedures for obtaining required training
and education. Provides for the regional criminal justice
assessment centers to be known as "criminal justice
selection centers." (See bill for details.)