

By the Committee on Law Enforcement & Public Safety and  
Representative Futch

1                                   A bill to be entitled  
2           An act relating to the Department of Law  
3           Enforcement; amending s. 20.201, F.S.;  
4           providing additional authority for the  
5           executive director of the department with  
6           respect to the organization of the department;  
7           providing for the department to be reorganized  
8           into specified programs; deleting the division  
9           structure of the department; amending s.  
10          943.01, F.S.; revising the short title of ch.  
11          943, F.S.; amending s. 943.03, F.S., relating  
12          to department employees; conforming provisions  
13          to changes made by the act; deleting obsolete  
14          provisions; requiring the department to develop  
15          and maintain an information system; amending s.  
16          943.04, F.S.; redesignating the Division of  
17          Criminal Investigation within the department as  
18          the Criminal Justice Investigations and  
19          Forensic Science Program; providing for  
20          supervision of the program; providing  
21          additional duties of the department with  
22          respect to the operation of the program;  
23          amending s. 943.05, F.S.; redesignating the  
24          Division of Criminal Justice Information  
25          Systems within the department as the Criminal  
26          Justice Information Program; providing for  
27          supervision of the program; amending s.  
28          943.051, F.S., relating to criminal justice  
29          information; conforming provisions to changes  
30          made by the act; authorizing the department to  
31          enter into contracts; providing that disclosure

1 of confidential information pursuant to such a  
2 contract does not waive any requirements of  
3 confidentiality; amending s. 943.0515, F.S.,  
4 relating to criminal history records of minors;  
5 conforming provisions to changes made by the  
6 act; conforming cross references; amending s.  
7 943.052, F.S.; deleting a requirement that  
8 certain agencies inform the department of  
9 persons incarcerated or released from jail;  
10 amending ss. 943.0525, 943.053, 943.055,  
11 943.056, and 943.08, F.S., relating to criminal  
12 justice information, criminal history records,  
13 and the Criminal and Juvenile Justice  
14 Information Systems Council; conforming  
15 provisions to changes made by the act; amending  
16 s. 943.09, F.S.; redesignating the Division of  
17 Criminal Justice Standards and Training within  
18 the department as the Criminal Justice  
19 Professionalism Program; providing for  
20 supervision of the program; amending ss.  
21 943.10, 943.133, 943.17, 943.173, 943.25,  
22 943.32, and 943.355, F.S., relating to  
23 definitions, employment qualifications,  
24 training programs, examinations, the Criminal  
25 Justice Standards and Training Trust Fund, the  
26 criminal analysis laboratory system, and the  
27 Florida Crime Laboratory Council; conforming  
28 provisions to changes made by the act; amending  
29 s. 943.35, F.S.; deleting the eligibility for  
30 state funding for a criminal analysis  
31 laboratory; amending s. 938.07, F.S., relating

1 to a fine imposed for driving under the  
2 influence; conforming provisions to changes  
3 made by the act; amending s. 316.640, F.S.,  
4 relating to enforcement of traffic laws;  
5 conforming provisions to changes made by the  
6 act; repealing ss. 943.26 and 943.381, F.S.,  
7 relating to the Division of Local Law  
8 Enforcement Assistance and the Division of  
9 Staff Services within the department; providing  
10 an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 20.201, Florida Statutes, is  
15 amended to read:

16 20.201 Department of Law Enforcement.--

17 (1) There is created a Department of Law Enforcement.  
18 The head of the department is the Governor and Cabinet. The  
19 executive director of the department shall be appointed by the  
20 Governor with the approval of three members of the Cabinet and  
21 subject to confirmation by the Senate. The executive director  
22 shall serve at the pleasure of the Governor and Cabinet. The  
23 executive director may establish a command, operational, and  
24 administrative services structure to assist and support the  
25 department in operating programs and delivering services.

26 (2) The following programs ~~divisions~~ of the Department  
27 of Law Enforcement are established:

28 (a) Criminal Justice Investigations and Forensic  
29 Science Program.

30 (b) Criminal Justice Information Program.

31 (c) Criminal Justice Professionalism Program.

- 1           ~~(a) Division of Criminal Investigation.~~  
2           ~~(b) Division of Local Law Enforcement Assistance.~~  
3           ~~(c) Division of Criminal Justice Information Systems.~~  
4           ~~(d) Division of Criminal Justice Standards and~~  
5 ~~Training.~~  
6           ~~(e) Division of Staff Services.~~

7           Section 2. Section 943.01, Florida Statutes, is  
8 amended to read:

9           943.01 Short title.--This chapter may be cited ~~shall~~  
10 ~~be known~~ as the "Department of Law Enforcement Act ~~of 1974.~~"

11           Section 3. Subsections (3) and (12) of section 943.03,  
12 Florida Statutes, are amended, and subsection (13) is added to  
13 that section, to read:

14           943.03 Department of Law Enforcement.--

15           (3) The department shall employ such administrative,  
16 clerical, technical, and professional personnel, including  
17 ~~division directors as hereinafter provided~~, as are ~~may be~~  
18 required, at salaries to be established by the department, to  
19 perform such duties as the department may prescribe.

20           (12) The department may establish, implement, and  
21 maintain a statewide, integrated violent crime information  
22 system capable of transmitting criminal justice information  
23 relating to violent criminal offenses to and between criminal  
24 justice agencies throughout the state. ~~In consultation with~~  
25 ~~the Florida Violent Crime Council, the department is~~  
26 ~~authorized to initiate a pilot project in order to demonstrate~~  
27 ~~and test such a system. The council must report on the status~~  
28 ~~of the development of the statewide, integrated violent crime~~  
29 ~~information system in the council's annual report due on~~  
30 ~~December 30, 1993.~~

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1       (13) The department shall develop and maintain, in  
2 consultation with the Criminal and Juvenile Justice  
3 Information Systems Council under s. 943.08, an information  
4 system that supports the administration of the state's  
5 criminal and juvenile justice system in compliance with this  
6 chapter and other provisions of law. The department shall  
7 serve as custodial manager of the statewide telecommunications  
8 and data network developed and maintained as part of the  
9 information system authorized by this subsection.

10       Section 4. Section 943.04, Florida Statutes, is  
11 amended to read:

12       943.04 Criminal Justice Investigations and Forensic  
13 Science Program ~~Division of Criminal Investigation~~; creation;  
14 investigative, forensic, and related authority.--

15       (1) There is created a Criminal Justice Investigations  
16 and Forensic Science Program ~~Division of Criminal~~  
17 ~~Investigation~~ within the Department of Law Enforcement. The  
18 program ~~division~~ shall be supervised by personnel ~~a director~~  
19 who shall be employed by the department upon the  
20 recommendation of the executive director. Such personnel ~~It~~  
21 ~~shall be the duty of the director to~~ supervise, direct,  
22 coordinate, and administer ~~all~~ activities of the program which  
23 are assigned by the executive director ~~division~~.

24       (2)(a) In carrying out the investigative services of  
25 the Criminal Justice Investigations and Forensic Science  
26 Program and under appropriate rules and regulations adopted by  
27 the department, ~~or~~ upon written order of the Governor, ~~or~~ by  
28 direction of the Legislature acting by a concurrent  
29 resolution, and at the direction of the executive director,  
30 the department ~~Division of Criminal Investigation~~ may  
31 investigate violations of any of the criminal laws of the

1 state, and shall have authority to bear arms, make arrests and  
2 apply for, serve and execute search warrants, arrest warrants,  
3 capias, and other process of the court.

4 (b) Investigations may also be conducted in connection  
5 with the faithful execution and effective enforcement of the  
6 laws of the state with reference to organized crime, vice,  
7 racketeering, rioting, inciting to riot, and insurrection.

8 (c) The department ~~Division of Criminal Investigation~~  
9 may also engage in such other investigative activities as will  
10 aid local law enforcement officers in preventing or solving  
11 crimes and controlling criminal activity.

12 (d) All investigators employed by the department shall  
13 be considered law enforcement officers for all purposes. The  
14 executive director shall have the authority to designate the  
15 person occupying any appropriate position within the  
16 department as a law enforcement officer, if such person is  
17 qualified under the department's personnel regulations  
18 relating to agents and is certified pursuant to s.  
19 943.1395(1), and all persons thus employed by the department  
20 shall be considered law enforcement officers for all purposes  
21 and shall be entitled to the privileges, protection, and  
22 benefits of ss. 112.19, 121.051, 122.34, and 870.05.

23 (3) Whenever it shall appear to the department that  
24 there is cause for the prosecution of a crime, the department  
25 shall refer the evidence of such crime to the officials  
26 authorized to conduct the prosecution.

27 (4)(a) The department is authorized to establish  
28 regional violent crime investigation coordinating teams  
29 composed of persons including, but not limited to, forensic  
30 investigators and law enforcement officers from both state and  
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1 local criminal justice agencies. The functions of a regional  
2 violent crime investigation coordinating team include:

3 1. Responding to violent crimes in a timely and  
4 comprehensive manner, utilizing analytic, forensic,  
5 investigative, and technical expertise and equipment to  
6 provide key support to local law enforcement agencies  
7 undertaking difficult violent crime investigations.

8 2. Facilitating communication and coordination among  
9 state and local criminal justice agencies, including  
10 facilitating and coordinating the use of state law enforcement  
11 resources for concentrated task force efforts in violent crime  
12 investigations constituting emergency situations within the  
13 region.

14 (b) Upon the request of a sheriff, a police chief, or  
15 other appropriate law enforcement administrator, the executive  
16 director may deploy a regional violent crime investigation  
17 team to assist a law enforcement agency in a violent crime  
18 investigation.

19 (5) In carrying out the services of the Criminal  
20 Justice Investigations and Forensic Science Program and under  
21 appropriate rules adopted by the department, the department  
22 may:

23 (a) Adopt and recommend cooperative policies for  
24 coordinating the law enforcement work of all state, county,  
25 and municipal agencies that are responsible for law  
26 enforcement.

27 (b) Assist local law enforcement agencies by providing  
28 consultation, research, and planning assistance, training, and  
29 field technical services and engage in other activities to aid  
30 local law enforcement officers in preventing and solving  
31 crimes and controlling criminal activity.

1           (c) Provide forensic services to state, local, and  
2 other law enforcement agencies and criminal justice agencies  
3 and, by rule, adopt policies, procedures, and standards for  
4 operating state-operated crime laboratories.

5           Section 5. Section 943.05, Florida Statutes, is  
6 amended to read:

7           943.05 ~~Division of~~ Criminal Justice Information  
8 Program Systems; duties; crime reports.--

9           (1) There is created a ~~Division of~~ Criminal Justice  
10 Information Program Systems within the Department of Law  
11 Enforcement. The program division shall be supervised by  
12 personnel a director who shall be employed by the department  
13 upon the recommendation of the executive director. Such  
14 personnel shall supervise, direct, coordinate, and administer  
15 activities of the program which are assigned by the executive  
16 director.

17           (2) The program division shall:

18           (a) Establish and maintain a communication system  
19 capable of transmitting criminal justice information to and  
20 between criminal justice agencies.

21           (b) Establish, implement, and maintain a statewide  
22 automated fingerprint identification system capable of, but  
23 not limited to, reading, classifying, matching, and storing  
24 fingerprints, rolled fingerprints, and latent fingerprints.  
25 The system shall be available to every criminal justice agency  
26 that is responsible for the administration of criminal  
27 justice.

28           (c) Initiate a crime information system that ~~which~~  
29 shall be responsible for:

30           1. Preparing and disseminating semiannual reports to  
31 the Governor, the Legislature, all criminal justice agencies,

1 and, upon request, the public. Each report shall include, but  
2 not be limited to, types of crime reported, offenders,  
3 arrests, and victims.

4         2. Upon request, providing other states and federal  
5 criminal justice agencies with Florida crime data. Where  
6 convenient, such data shall conform to definitions established  
7 by the requesting agencies.

8         3. In cooperation with other criminal justice  
9 agencies, developing and maintaining an offender-based  
10 transaction system.

11         (d) Adopt rules to effectively and efficiently  
12 implement, administer, manage, maintain, and use the automated  
13 fingerprint identification system and uniform offense reports  
14 and arrest reports. The rules shall be considered minimum  
15 requirements and shall not preclude a criminal justice agency  
16 from implementing its own enhancements.

17         (e) Establish, implement, and maintain a Domestic and  
18 Repeat Violence Injunction Statewide Verification System  
19 capable of electronically transmitting information to and  
20 between criminal justice agencies relating to domestic  
21 violence injunctions and repeat violence injunctions issued by  
22 the courts throughout the state. Such information must  
23 include, but is not limited to, information as to the  
24 existence and status of any such injunction for verification  
25 purposes.

26         (f) Establish, implement, and maintain a system for  
27 transmitting to and between criminal justice agencies  
28 information about writs of bodily attachment issued in  
29 connection with a court-ordered child support obligation. Such  
30 information shall include, but not be limited to, information  
31 necessary to identify the respondents and serve the writs.

1           Section 6. Subsections (1) and (2) and paragraph (a)  
2 of subsection (3) of section 943.051, Florida Statutes, are  
3 amended, and subsection (5) is added to that section, to read:

4           943.051 Criminal justice information; collection and  
5 storage; fingerprinting.--

6           (1) The ~~Division of~~ Criminal Justice Information  
7 Program Systems, acting as the state's central criminal  
8 justice information repository, shall:

9           (a) Collect, process, store, maintain, and disseminate  
10 criminal justice information and records necessary to the  
11 operation of the criminal justice information system of the  
12 department.

13           (b) Develop systems that inform one criminal justice  
14 agency of the criminal justice information held or maintained  
15 by other criminal justice agencies.

16           (2) Each adult person charged with or convicted of a  
17 felony, misdemeanor, or violation of a comparable ordinance by  
18 a state, county, municipal, or other law enforcement agency  
19 shall be fingerprinted, and such fingerprints shall be  
20 submitted to the department in the manner prescribed by rule.  
21 Exceptions to this requirement for specified misdemeanors or  
22 comparable ordinance violations may be made by the department  
23 by rule.

24           (3)(a) A minor who is charged with or found to have  
25 committed an offense that would be a felony if committed by an  
26 adult shall be fingerprinted and the fingerprints shall be  
27 submitted to the department in the manner prescribed by rule.

28           (5) The department is encouraged to develop innovative  
29 and progressive methods of serving the information management  
30 needs of criminal justice agencies and the public by providing  
31 access to appropriate public criminal history information. The

1 department may contract with other governmental agencies or  
2 private entities for the purpose of facilitating the  
3 department's responsibilities for receiving, maintaining,  
4 managing, processing, allowing access to, and disseminating  
5 criminal justice information, intelligence, and data; criminal  
6 history records and information available only to criminal  
7 justice agencies; and public criminal history information and  
8 records. Any agency or entity under contract with the  
9 department shall, as specified in the contract, be performing  
10 the department's function as a criminal justice agency for  
11 purposes of handling criminal justice information,  
12 intelligence, data, histories, and other records, and  
13 disclosure of such information to an agency or entity under  
14 contract does not waive any confidentiality or exemption from  
15 disclosure under s. 119.07 or any other applicable law.

16 Section 7. Subsection (1) of section 943.0515, Florida  
17 Statutes, is amended to read:

18 943.0515 Retention of criminal history records of  
19 minors.--

20 (1)(a) ~~The Division of Criminal Justice Information~~  
21 Program Systems shall retain the criminal history record of a  
22 minor who is classified as a serious or habitual juvenile  
23 offender under chapter 985 39 for 5 years after the date the  
24 offender reaches 21 years of age, at which time the record  
25 shall be expunged unless it meets the criteria of paragraph  
26 (2)(a) or paragraph (2)(b).

27 (b) If the minor is not classified as a serious or  
28 habitual juvenile under chapter 985 39, the program division  
29 shall retain the minor's criminal history record for 5 years  
30 after the date the minor reaches 19 years of age, at which  
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1 time the record shall be expunged unless it meets the criteria  
2 of paragraph (2)(a) or paragraph (2)(b).

3 Section 8. Section 943.052, Florida Statutes, is  
4 amended to read:

5 943.052 Disposition reporting.--The Criminal Justice  
6 Information Program ~~division~~ shall, by rule, establish  
7 procedures and a format for each criminal justice agency to  
8 monitor its records and submit reports, as provided by this  
9 section, to the program ~~division~~. The disposition report  
10 shall be developed by the program ~~division~~ and shall include  
11 the offender-based transaction system number.

12 (1) Each law enforcement officer or booking officer  
13 shall include on the arrest fingerprint card the  
14 offender-based transaction system number.

15 (2) Each clerk of the court shall submit the uniform  
16 dispositions to the program ~~division~~ or in a manner acceptable  
17 to the program ~~division~~. The report shall be submitted at  
18 least once a month and, when acceptable by the program  
19 ~~division~~, may be submitted in an automated format. The  
20 disposition report is mandatory for dispositions relating to  
21 adult offenders only.

22 (3)(a) The Department of Corrections shall submit  
23 information to the program ~~division~~ relating to the receipt or  
24 discharge of any person who is sentenced to a state  
25 correctional institution.

26 (b) The Department of Juvenile Justice shall submit  
27 information to the program ~~division~~ relating to the receipt or  
28 discharge of any minor who is found to have committed an  
29 offense that would be a felony if committed by an adult, or is  
30 found to have committed a misdemeanor specified in s.

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1 943.051(3), and is committed to the custody of the Department  
2 of Juvenile Justice.

3 ~~(4) Each sheriff or unit of government or agent~~  
4 ~~thereof shall submit information to the division relating to~~  
5 ~~the receipt or discharge of any person who is sentenced to a~~  
6 ~~jail facility.~~

7 Section 9. Section 943.0525, Florida Statutes, is  
8 amended to read:

9 943.0525 Criminal justice information systems; use by  
10 state and local agencies.--As a condition of participating in  
11 any criminal justice information system established by the  
12 Criminal Justice Information Program ~~division~~ or of receiving  
13 criminal justice information, state and local agencies shall  
14 be required to execute appropriate user agreements and to  
15 comply with applicable federal laws and regulations, this  
16 chapter, and rules of the department. The program ~~division~~  
17 shall, by rule, adopt a user agreement that must ~~which shall~~  
18 include, but is ~~be~~ limited to, compliance with the  
19 provisions of s. 943.052. The user agreement between the  
20 department and the criminal justice agency shall include  
21 conspicuous language that any criminal justice agency's  
22 failure to comply with laws, rules, and the user agreement  
23 shall constitute grounds for immediate termination of  
24 services. The department shall terminate the services to the  
25 criminal justice agency until the agency is in compliance.  
26 However, the department shall not terminate access to wanted  
27 persons or wanted property record information services to a  
28 law enforcement agency.

29 Section 10. Subsection (3) of section 943.053, Florida  
30 Statutes, is amended to read:

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1           943.053 Dissemination of criminal justice information;  
2 fees.--  
3           (3) Criminal history information, including  
4 information relating to minors juveniles, compiled by the  
5 ~~Division of Criminal Justice Information Program Systems~~ from  
6 intrastate sources shall be available on a priority basis to  
7 criminal justice agencies for criminal justice purposes free  
8 of charge and, otherwise, to governmental agencies not  
9 qualified as criminal justice agencies or to private entities  
10 on an approximate-cost basis. After providing the program  
11 ~~division~~ with all known identifying information, persons in  
12 the private sector may be provided criminal history  
13 information upon tender of fees as established and in the  
14 manner prescribed by rule of the Department of Law  
15 Enforcement. Such fees shall approximate the actual cost of  
16 producing the record information. Fees may be waived by the  
17 executive director of the Department of Law Enforcement for  
18 good cause shown.  
19           Section 11. Section 943.055, Florida Statutes, is  
20 amended to read:  
21           943.055 Records and audit.--  
22           (1) Criminal justice agencies disseminating criminal  
23 justice information derived from a Department of Law  
24 Enforcement criminal justice information system shall maintain  
25 a record of dissemination in accordance with rules adopted  
26 ~~promulgated~~ by the Department of Law Enforcement.  
27           (2) The ~~Division of~~ Criminal Justice Information  
28 Program Systems shall arrange for any audits of state and  
29 local criminal justice agencies necessary to assure compliance  
30 with federal laws and regulations, this chapter, and rules of  
31 the Department of Law Enforcement pertaining to the

1 establishment, operation, security, and maintenance of  
2 criminal justice information systems.

3 Section 12. Subsections (1) and (2) of section  
4 943.056, Florida Statutes, are amended to read:

5 943.056 Access to, review and challenge of, criminal  
6 history records.--

7 (1) For purposes of verification of the accuracy and  
8 completeness of a criminal history record, the Department of  
9 Law Enforcement shall provide, in the manner prescribed by  
10 rule, such record for review upon verification, by  
11 fingerprints, of the identity of the requesting person. If a  
12 minor, or the parent or legal guardian of a minor, requests a  
13 copy of the minor's criminal history record, the Department of  
14 Law Enforcement shall provide such copy for review upon  
15 verification, by fingerprints, of the identity of the minor.  
16 The providing of such record shall not require the payment of  
17 any fees, except those provided for by federal regulations.

18 (2) Criminal justice agencies subject to chapter 120  
19 shall be subject to hearings regarding those portions of  
20 criminal history records for which the agency served as  
21 originator. When it is determined what the record should  
22 contain in order to be complete and accurate, the ~~Division of~~  
23 Criminal Justice Information Program ~~Systems~~ shall be advised  
24 and shall conform state and federal records to the corrected  
25 criminal history record information.

26 Section 13. Subsection (2) of section 943.08, Florida  
27 Statutes, is amended to read:

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

30 (2) The council shall review proposed rules and  
31 operating policies and procedures, and amendments thereto, of

1 the ~~Division of~~ Criminal Justice Information Program Systems  
2 and make recommendations to the executive director which shall  
3 be represented in the meeting minutes of the council. In  
4 addition, the council shall review proposed policies, rules,  
5 and procedures relating to the information system of the  
6 Department of Juvenile Justice and make recommendations to the  
7 Secretary of Juvenile Justice or designated assistant who  
8 shall attend council meetings. Those recommendations shall  
9 relate to the following areas:

10 (a) The management control of criminal justice  
11 information systems, criminal intelligence information  
12 systems, and criminal investigative information systems  
13 maintained by the department.

14 (b) The installation and operation of criminal justice  
15 information systems, criminal intelligence information  
16 systems, and criminal investigative information systems by the  
17 department and the exchange of such information with other  
18 criminal justice agencies of this state and other states,  
19 including federal agencies.

20 (c) The operation and maintenance of computer hardware  
21 and software within criminal justice information systems,  
22 criminal intelligence information systems, and criminal  
23 investigative information systems maintained by the  
24 department.

25 (d) The operation, maintenance, and use of an  
26 automated fingerprint identification system, including  
27 interfacing with existing automated systems.

28 (e) The physical security of the system, to prevent  
29 unauthorized disclosure of information contained in the system  
30 and to ensure that the criminal justice information in the  
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1 system is currently and accurately revised to include  
2 subsequently revised information.

3 (f) The security of the system, to ensure that  
4 criminal justice information, criminal intelligence  
5 information, and criminal investigative information will be  
6 collected, processed, stored, and disseminated in such manner  
7 that it cannot be modified, destroyed, accessed, changed,  
8 purged, or overlaid by unauthorized individuals or agencies.

9 (g) The purging, expunging, or sealing of criminal  
10 justice information upon order of a court of competent  
11 jurisdiction or when authorized by law.

12 (h) The dissemination of criminal justice information  
13 to persons or agencies not associated with criminal justice  
14 when such dissemination is authorized by law.

15 (i) The access to criminal justice information  
16 maintained by any criminal justice agency by any person about  
17 whom such information is maintained for the purpose of  
18 challenge, correction, or addition of explanatory material.

19 (j) The training, which may be provided pursuant to s.  
20 938.01, s. 938.15, or s. 943.25, of employees of the  
21 department and other state and local criminal justice agencies  
22 in the proper use and control of criminal justice information.

23 (k) The characteristics, structures, and linkages  
24 needed to allow the access and utilization of information  
25 among the various state, local, private, and federal agencies,  
26 organizations, and institutions in the public safety system,  
27 including, but not limited to, recommendations regarding:

28 1. The management control and administration of  
29 juvenile justice data and information.

30 2. The installation and operation of local area  
31 networks.

- 1           3. The installation and operation of statewide area  
2 networks.  
3           4. Electronic mail and file transport.  
4           5. The operation and maintenance of hardware and  
5 software.  
6           6. Access to juvenile justice information.  
7           7. The security and integrity of the information  
8 system.  
9           8. Training of information system users and user  
10 groups.

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

19           Section 14. Section 943.09, Florida Statutes, is  
20 amended to read:

21           943.09 ~~Division of Criminal Justice~~ Professionalism  
22 Program Standards and Training.--There is created a ~~Division~~  
23 ~~of Criminal Justice~~ Professionalism Program Standards and  
24 Training within the Department of Law Enforcement. The program  
25 shall be supervised by personnel who shall be employed by the  
26 department upon the recommendation of the executive director.  
27 Such personnel shall supervise, direct, coordinate, and  
28 administer activities of the program which are assigned by the  
29 executive director. Personnel employed by the program ~~The~~  
30 ~~department shall employ a division director. However, the~~  
31 ~~executive director shall receive the advice of the commission~~

1 ~~prior to employing the division director. The division, as~~  
2 ~~the staff of the Criminal Justice Standards and Training~~  
3 ~~Commission, shall support and assist the commission in the~~  
4 ~~execution, administration, implementation, and evaluation of~~  
5 ~~its powers, duties, and functions under this chapter according~~  
6 ~~to acceptable and established departmental administrative,~~  
7 ~~managerial, and supervisory rules and policies. It is the duty~~  
8 ~~of the division director to supervise, direct, coordinate, and~~  
9 ~~administer all activities of the division.~~

10 Section 15. Subsection (12) of section 943.10, Florida  
11 Statutes, is amended to read:

12 943.10 Definitions; ss. 943.085-943.255.--The  
13 following words and phrases as used in ss. 943.085-943.255 are  
14 defined as follows:

15 (12) "Program"~~"Division"~~ means the ~~Division of~~  
16 ~~Criminal Justice Professionalism Program Standards and~~  
17 ~~Training~~ of the Department of Law Enforcement.

18 Section 16. Section 943.133, Florida Statutes, is  
19 amended to read:

20 943.133 Responsibilities of employing agency,  
21 commission, and program division with respect to compliance  
22 with employment qualifications and the conduct of background  
23 investigations; injunctive relief.--

24 (1) The employing agency is fully responsible for the  
25 collection, verification, and maintenance of documentation  
26 establishing that an applicant complies with the requirements  
27 of ss. 943.13 and 943.131, and any rules adopted pursuant to  
28 ss. 943.13 and 943.131 ~~thereto~~.

29 (2) Prior to the employment or appointment of any  
30 officer, the chief law enforcement or correctional officer  
31 administrator or probation and parole regional administrator

1 of the employing agency, or his or her designee, is required  
2 to execute and maintain a registration affidavit-of-compliance  
3 form adopted by the commission, attesting to compliance by the  
4 employing agency with subsection (1). The affidavit shall be  
5 executed under oath and constitutes an official statement  
6 within the purview of s. 837.06. The affidavit shall include  
7 conspicuous language that intentional false execution of the  
8 affidavit constitutes a misdemeanor of the second degree. The  
9 information contained in the registration  
10 affidavit-of-compliance form must be submitted, or  
11 electronically transmitted, to the commission.

12 (3) The commission shall adopt rules that establish  
13 procedures for conducting background investigations. The  
14 rules must specify a form for employing agencies to use to  
15 document the findings of the background investigation. Before  
16 employing or appointing any officer, the employing agency must  
17 conduct a thorough background investigation in accordance with  
18 the rules. The background information should include  
19 information setting forth the facts and reasons for any of the  
20 applicant's previous separations from private or public  
21 employment or appointment, as the applicant understands them.  
22 For the purposes of this subsection, the term "separation from  
23 employment or appointment" includes any firing, termination,  
24 resignation, retirement, or voluntary or involuntary extended  
25 leave of absence from any salaried or nonsalaried position.  
26 The employing agency must maintain the original background  
27 investigation form, which must be signed by the administrator  
28 of the employing agency or his or her designee.

29 (4) When the employing agency is a private entity  
30 under contract to the county or the state pursuant to s.  
31 944.105, s. 951.062, or chapter 957, the contracting agency

1 shall be responsible for meeting the requirements of  
2 subsections (1), (2), and (3).

3 (5) The commission may ~~has the authority to~~ inspect  
4 and copy the documentation of an employing agency to ensure  
5 compliance with subsection (1).

6 (6) If an employing agency employs or appoints an  
7 officer in violation of this section or of s. 943.13, s.  
8 943.131, or s. 943.135, or any rules adopted pursuant thereto,  
9 the Department of Legal Affairs, at the request of the chair  
10 of the commission, shall apply to the circuit court in the  
11 county of the employing agency for injunctive relief  
12 prohibiting the employment or appointment of the person  
13 contrary to this section.

14 (7) The employing agency must annually submit  
15 information to the commission, as specified by rule, relating  
16 to all certified officers employed by or appointed to the  
17 employing agency so that the commission may update its records  
18 for all certified officers.

19 Section 17. Subsection (3) of section 943.17, Florida  
20 Statutes, is amended to read:

21 943.17 Basic recruit, advanced, and career development  
22 training programs; participation; cost; evaluation.--The  
23 commission shall, by rule, design, implement, maintain,  
24 evaluate, and revise job-related curricula and performance  
25 standards for basic recruit, advanced, and career development  
26 training programs and courses. The rules shall include, but  
27 are not limited to, a methodology to assess relevance of the  
28 subject matter to the job, student performance, and instructor  
29 competency.

30 (3) The program division ~~division~~ shall be responsible for the  
31 accuracy of curriculum content through the identification and

1 revision of typographical or grammatical errors, incorrect  
2 statutory citations, or information which can be identified as  
3 inaccurate by superior references. The commission shall be  
4 advised of any revision, and a copy of revised curricula shall  
5 be provided to all criminal justice training schools.

6 Section 18. Subsection (1) of section 943.173, Florida  
7 Statutes, is amended to read:

8 943.173 Examinations; administration; materials not  
9 public records; disposal of materials.--

10 (1) Each officer certification examination shall be  
11 administered by the Criminal Justice Professionalism Program  
12 ~~division~~ pursuant to s. 943.1397.

13 Section 19. Subsection (2), paragraphs (c) and (e) of  
14 subsection (5), and subsection (9) of section 943.25, Florida  
15 Statutes, are amended to read:

16 943.25 Criminal justice trust funds; source of funds;  
17 use of funds.--

18 (2) There is created, within the Department of Law  
19 Enforcement, the Criminal Justice Standards and Training Trust  
20 Fund for the purpose of providing for the payment of necessary  
21 and proper expenses incurred by the operation of the  
22 commission and the Criminal Justice Professionalism Program  
23 personnel assigned to support the commission,~~division and~~  
24 providing commission-approved criminal justice advanced and  
25 specialized training and criminal justice training school  
26 enhancements,and of establishing the provisions of s. 943.17,  
27 and developing the specific tests provided under s.  
28 943.12(10). The program ~~division~~ shall administer the Criminal  
29 Justice Standards and Training Trust Fund and shall report the  
30 status of the fund at each regularly scheduled commission  
31 meeting.

1           (5) The commission shall authorize the establishment  
2 of regional training councils to advise and assist the  
3 commission in developing and maintaining a plan assessing  
4 regional criminal justice training needs and to act as an  
5 extension of the commission in the planning, programming, and  
6 budgeting for expenditures of the moneys in the Criminal  
7 Justice Standards and Training Trust Fund.

8           (c) By rule, the commission may establish criteria and  
9 procedures for use by the program ~~division~~ and regions to  
10 amend the approved plan when an emergency exists. The program  
11 ~~division~~ shall, with the consent of the chair of the  
12 commission, initially grant, modify, or deny the requested  
13 amendment pending final approval by the commission. The  
14 commission's plan and amendments thereto must comply with the  
15 provisions of chapter 216.

16           (e) Commission members, regional training council  
17 members, program ~~division~~ staff personnel, and other  
18 authorized persons who are performing duties directly related  
19 to the trust fund may be reimbursed for reasonable per diem  
20 and travel expenses as provided in s. 112.061.

21           (9) The Executive Office of the Governor may approve,  
22 for disbursement from funds appropriated to the Department of  
23 Law Enforcement, Criminal Justice Standards and Training Trust  
24 Fund, those sums necessary and required for the administration  
25 of the program pursuant to subsection (2) ~~division~~ and  
26 implementation of the training programs approved by the  
27 commission.

28           Section 20. Subsection (2) of section 943.32, Florida  
29 Statutes, is amended to read:

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1           943.32 Statewide criminal analysis laboratory  
2 system.--There is established a statewide criminal analysis  
3 laboratory system to be composed of:  
4           (2) The existing locally funded laboratories in  
5 Broward, Dade, Indian River, ~~Monroe~~, Palm Beach, and Pinellas  
6 Counties, specifically designated in s. 943.35 to be eligible  
7 for state matching funds; and  
8           Section 21. Subsection (1) of section 943.35, Florida  
9 Statutes, is amended to read:  
10           943.35 Funding for existing laboratories.--  
11           (1) The following existing criminal analysis  
12 laboratories are eligible for receipt of state funding:  
13           (a) The Broward County Sheriff's Crime Laboratory;  
14           (b) The Metro-Dade Police Department Crime Laboratory;  
15           (c) The Indian River Crime Laboratory;  
16           ~~(d) The Monroe County Sheriff's Crime Laboratory;~~  
17           (d)~~(e)~~ The Palm Beach County Crime Laboratory; and  
18           (e)~~(f)~~ The Pinellas County Forensic Laboratory.  
19           Section 22. Subsection (1) of section 943.355, Florida  
20 Statutes, is amended to read:  
21           943.355 Florida Crime Laboratory Council.--There is  
22 created a Florida Crime Laboratory Council within the  
23 department.  
24           (1) The council shall be composed of 10 members,  
25 consisting of the agency heads of the existing laboratories  
26 specified in s. 943.35(1)(a)-(e)~~(a)-(f)~~, the president of the  
27 state attorney's association, the Attorney General or his or  
28 her designee, and two members to be appointed by the Governor  
29 consisting of a medical examiner and a circuit judge of the  
30 criminal court.  
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1           Section 23. Section 938.07, Florida Statutes, is  
2 amended to read:

3           938.07 Driving under the influence.--Notwithstanding  
4 any other provision of s. 316.193, a court cost of \$135 shall  
5 be added to any fine imposed pursuant to s. 316.193, of which  
6 \$25 shall be deposited in the Emergency Medical Services Trust  
7 Fund, \$50 shall be deposited in the Criminal Justice Standards  
8 and Training Trust Fund of the Department of Law Enforcement  
9 to be used for operational expenses ~~of the Division of Local~~  
10 ~~Law Enforcement Assistance~~ in conducting the statewide  
11 criminal analysis laboratory system established in s. 943.32,  
12 and \$60 shall be deposited in the Brain and Spinal Cord Injury  
13 Rehabilitation Trust Fund created in s. 413.613.

14           Section 24. Paragraph (a) of subsection (4) of section  
15 316.640, Florida Statutes, is amended to read:

16           316.640 Enforcement.--The enforcement of the traffic  
17 laws of this state is vested as follows:

18           (4)(a) Any sheriff's department, or any police  
19 department of a municipality, may employ as a traffic control  
20 officer any individual who successfully completes at least 8  
21 hours of instruction in traffic control procedures through a  
22 program approved by the ~~Division of Criminal Justice~~  
23 Professionalism Program Standards and Training of the  
24 Department of Law Enforcement, or through a similar program  
25 offered by the local sheriff's department or police  
26 department, but who does not necessarily otherwise meet the  
27 uniform minimum standards established by the Criminal Justice  
28 Standards and Training Commission for law enforcement officers  
29 or auxiliary law enforcement officers under s. 943.13. A  
30 traffic control officer employed pursuant to this subsection  
31 may direct traffic or operate a traffic control device only at

1 a fixed location and only upon the direction of a fully  
2 qualified law enforcement officer; however, it is not  
3 necessary that the traffic control officer's duties be  
4 performed under the immediate supervision of a fully qualified  
5 law enforcement officer.

6 Section 25. Sections 943.26 and 943.381, Florida  
7 Statutes, are repealed.

8 Section 26. This act shall take effect July 1 of the  
9 year in which enacted.

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LEGISLATIVE SUMMARY

Revises the organizational structure of the Department of Law Enforcement so that the department is composed of the Criminal Justice Investigations and Forensic Science Program, the Criminal Justice Information Program, and the Criminal Justice Professionalism Program. Abolishes the five divisions within the department which are headed by division directors. Provides for the newly established programs to be supervised by personnel employed by the department at the recommendation of the executive director of the department. Authorizes the department to contract for certain information services. (See bill for details.)