

By the Committees on Governmental Operations, 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, 943.057, and 943.08, F.S., relating to
12 criminal justice information, criminal history
13 records, 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, and
22 943.32, F.S., relating to definitions,
23 employment qualifications, training programs,
24 examinations, the Criminal Justice Standards
25 and Training Trust Fund, and the criminal
26 analysis laboratory system; conforming
27 provisions to changes made by the act; amending
28 s. 943.35, F.S.; deleting the eligibility for
29 state funding for a criminal analysis
30 laboratory; amending s. 938.07, F.S., relating
31 to a fine imposed for driving under the

1 influence; conforming provisions to changes
2 made by the act; repealing ss. 943.26 and
3 943.381, F.S., relating to the Division of
4 Local Law Enforcement Assistance and the
5 Division of Staff Services within the
6 department; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Section 20.201, Florida Statutes, is
11 amended to read:

12 20.201 Department of Law Enforcement.--

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

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

24 (a) Criminal Justice Investigations and Forensic
25 Science Program.

26 (b) Criminal Justice Information Program.

27 (c) Criminal Justice Professionalism Program.

28 ~~(a) Division of Criminal Investigation.~~

29 ~~(b) Division of Local Law Enforcement Assistance.~~

30 ~~(c) Division of Criminal Justice Information Systems.~~
31

1 ~~(d) Division of Criminal Justice Standards and~~
2 ~~Training.~~

3 ~~(e) Division of Staff Services.~~

4 Section 2. Section 943.01, Florida Statutes, is
5 amended to read:

6 943.01 Short title.--This chapter may be cited ~~shall~~
7 ~~be known~~ as the "Department of Law Enforcement Act ~~of 1974.~~"

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

11 943.03 Department of Law Enforcement.--

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

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

28 (13) The department shall develop and maintain, in
29 consultation with the Criminal and Juvenile Justice
30 Information Systems Council under s. 943.08, an information
31 system that supports the administration of the state's

1 criminal and juvenile justice system in compliance with this
2 chapter and other provisions of law. The department shall
3 serve as custodial manager of the statewide telecommunications
4 and data network developed and maintained as part of the
5 information system authorized by this subsection.

6 Section 4. Section 943.04, Florida Statutes, is
7 amended to read:

8 943.04 Criminal Justice Investigations and Forensic
9 Science Program ~~Division of Criminal Investigation~~; creation;
10 investigative, forensic, and related authority.--

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

20 (2)(a) In carrying out the investigative services of
21 the Criminal Justice Investigations and Forensic Science
22 Program and under appropriate rules and regulations adopted by
23 the department, ~~or~~ upon written order of the Governor, ~~or~~ by
24 direction of the Legislature acting by a concurrent
25 resolution, and at the direction of the executive director,
26 the ~~department~~ ~~Division of Criminal Investigation~~ may
27 investigate violations of any of the criminal laws of the
28 state, and shall have authority to bear arms, make arrests and
29 apply for, serve and execute search warrants, arrest warrants,
30 capias, and other process of the court.

31

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

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

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

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

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

30 1. Responding to violent crimes in a timely and
31 comprehensive manner, utilizing analytic, forensic,

1 | investigative, and technical expertise and equipment to
2 | provide key support to local law enforcement agencies
3 | undertaking difficult violent crime investigations.

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

10 | (b) Upon the request of a sheriff, a police chief, or
11 | other appropriate law enforcement administrator, the executive
12 | director may deploy a regional violent crime investigation
13 | team to assist a law enforcement agency in a violent crime
14 | investigation.

15 | (5) In carrying out the services of the Criminal
16 | Justice Investigations and Forensic Science Program and under
17 | appropriate rules and regulations adopted by the department,
18 | the department may:

19 | (a) Adopt and recommend cooperative policies for
20 | coordinating the law enforcement work of all state, county,
21 | and municipal agencies that are responsible for law
22 | enforcement.

23 | (b) Assist local law enforcement agencies by providing
24 | consultation, research, and planning assistance, training, and
25 | field technical services and engage in other activities to aid
26 | local law enforcement officers in preventing and solving
27 | crimes and controlling criminal activity.

28 | (c) Provide forensic services to state, local, and
29 | other law enforcement agencies and criminal justice agencies
30 | and, by rule, adopt policies, procedures, and standards for
31 | operating state-operated crime laboratories.

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

3 943.05 ~~Division of~~ Criminal Justice Information
4 Program Systems; duties; crime reports.--

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

13 (2) The program division shall:

14 (a) Establish and maintain a communication system
15 capable of transmitting criminal justice information to and
16 between criminal justice agencies.

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

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

26 1. Preparing and disseminating semiannual reports to
27 the Governor, the Legislature, all criminal justice agencies,
28 and, upon request, the public. Each report shall include, but
29 not be limited to, types of crime reported, offenders,
30 arrests, and victims.

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

5 3. In cooperation with other criminal justice
6 agencies, developing and maintaining an offender-based
7 transaction system.

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

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

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

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

1 943.051 Criminal justice information; collection and
2 storage; fingerprinting.--

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

6 (a) Collect, process, store, maintain, and disseminate
7 criminal justice information and records necessary to the
8 operation of the criminal justice information system of the
9 department.

10 (b) Develop systems that inform one criminal justice
11 agency of the criminal justice information held or maintained
12 by other criminal justice agencies.

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

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

25 (5) The department is encouraged to develop innovative
26 and progressive methods of serving the information management
27 needs of criminal justice agencies and the public by providing
28 access to appropriate public criminal history information. The
29 department may contract with other governmental agencies or
30 private entities for the purpose of facilitating the
31 department's responsibilities for receiving, maintaining,

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

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

15 943.0515 Retention of criminal history records of
16 minors.--

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

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

30 Section 8. Section 943.052, Florida Statutes, is
31 amended to read:

1 943.052 Disposition reporting.--The Criminal Justice
2 Information Program ~~division~~ shall, by rule, establish
3 procedures and a format for each criminal justice agency to
4 monitor its records and submit reports, as provided by this
5 section, to the program ~~division~~. The disposition report
6 shall be developed by the program ~~division~~ and shall include
7 the offender-based transaction system number.

8 (1) Each law enforcement officer or booking officer
9 shall include on the arrest fingerprint card the
10 offender-based transaction system number.

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

18 (3)(a) The Department of Corrections shall submit
19 information to the program ~~division~~ relating to the receipt or
20 discharge of any person who is sentenced to a state
21 correctional institution.

22 (b) The Department of Juvenile Justice shall submit
23 information to the program ~~division~~ relating to the receipt or
24 discharge of any minor who is found to have committed an
25 offense that would be a felony if committed by an adult, or is
26 found to have committed a misdemeanor specified in s.
27 943.051(3), and is committed to the custody of the Department
28 of Juvenile Justice.

29 ~~(4) Each sheriff or unit of government or agent~~
30 ~~thereof shall submit information to the division relating to~~
31

1 ~~the receipt or discharge of any person who is sentenced to a~~
2 ~~jail facility.~~

3 Section 9. Section 943.0525, Florida Statutes, is
4 amended to read:

5 943.0525 Criminal justice information systems; use by
6 state and local agencies.--As a condition of participating in
7 any criminal justice information system established by the
8 Criminal Justice Information Program ~~division~~ or of receiving
9 criminal justice information, state and local agencies shall
10 be required to execute appropriate user agreements and to
11 comply with applicable federal laws and regulations, this
12 chapter, and rules of the department. The program ~~division~~
13 shall, by rule, adopt a user agreement that must ~~which shall~~
14 include, but is not ~~be~~ limited to, compliance with the
15 provisions of s. 943.052. The user agreement between the
16 department and the criminal justice agency shall include
17 conspicuous language that any criminal justice agency's
18 failure to comply with laws, rules, and the user agreement
19 shall constitute grounds for immediate termination of
20 services. The department shall terminate the services to the
21 criminal justice agency until the agency is in compliance.
22 However, the department shall not terminate access to wanted
23 persons or wanted property record information services to a
24 law enforcement agency.

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

27 943.053 Dissemination of criminal justice information;
28 fees.--

29 (3) Criminal history information, including
30 information relating to minors ~~juveniles~~, compiled by the
31 ~~Division of Criminal Justice Information Program Systems~~ from

1 intrastate sources shall be available on a priority basis to
2 criminal justice agencies for criminal justice purposes free
3 of charge and, otherwise, to governmental agencies not
4 qualified as criminal justice agencies on an approximate-cost
5 basis. After providing the program ~~division~~ with all known
6 identifying information, persons in the private sector may be
7 provided criminal history information upon tender of fees as
8 established and in the manner prescribed by rule of the
9 Department of Law Enforcement. Such fees shall approximate
10 the actual cost of producing the record information. Fees may
11 be waived by the executive director of the Department of Law
12 Enforcement for good cause shown.

13 Section 11. Section 943.055, Florida Statutes, is
14 amended to read:

15 943.055 Records and audit.--

16 (1) Criminal justice agencies disseminating criminal
17 justice information derived from a Department of Law
18 Enforcement criminal justice information system shall maintain
19 a record of dissemination in accordance with rules adopted
20 ~~promulgated~~ by the Department of Law Enforcement.

21 (2) The ~~Division of~~ Criminal Justice Information
22 Program Systems shall arrange for any audits of state and
23 local criminal justice agencies necessary to assure compliance
24 with federal laws and regulations, this chapter, and rules of
25 the Department of Law Enforcement pertaining to the
26 establishment, operation, security, and maintenance of
27 criminal justice information systems.

28 Section 12. Subsections (1) and (2) of section
29 943.056, Florida Statutes, are amended to read:

30 943.056 Access to, review and challenge of, criminal
31 history records.--

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

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

20 Section 13. Section 943.057, Florida Statutes, is
21 amended to read:

22 943.057 Access to criminal justice information for
23 research or statistical purposes.--The Department of Law
24 Enforcement may provide by rule for access to and
25 dissemination and use of criminal justice information for
26 research or statistical purposes. All requests for records or
27 information in the criminal justice information systems of the
28 department shall require the requesting individual or entity
29 to enter into an appropriate privacy and security agreement
30 which provides that the requesting individual or entity shall
31 comply with all laws and rules governing the use of criminal

1 justice information for research or statistical purposes. The
2 department may charge a fee for the production of criminal
3 justice information under this section ~~hereunder~~. Such fee
4 shall approximate the actual cost of production. This section
5 does ~~shall not be construed to~~ require the release of
6 confidential information or to require the department to
7 accommodate requests that ~~which~~ would disrupt ongoing
8 operations beyond the extent required by s. 119.07.

9 Section 14. Subsection (2) of section 943.08, Florida
10 Statutes, is amended to read:

11 943.08 Duties; Criminal and Juvenile Justice
12 Information Systems Council.--

13 (2) The council shall review proposed rules and
14 operating policies and procedures, and amendments thereto, of
15 the ~~Division of Criminal Justice Information Program Systems~~
16 and make recommendations to the executive director which shall
17 be represented in the meeting minutes of the council. In
18 addition, the council shall review proposed policies, rules,
19 and procedures relating to the information system of the
20 Department of Juvenile Justice and make recommendations to the
21 Secretary of Juvenile Justice or designated assistant who
22 shall attend council meetings. Those recommendations shall
23 relate to the following areas:

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

28 (b) The installation and operation of criminal justice
29 information systems, criminal intelligence information
30 systems, and criminal investigative information systems by the
31 department and the exchange of such information with other

1 criminal justice agencies of this state and other states,
2 including federal agencies.

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

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

11 (e) The physical security of the system, to prevent
12 unauthorized disclosure of information contained in the system
13 and to ensure that the criminal justice information in the
14 system is currently and accurately revised to include
15 subsequently revised information.

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

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

25 (h) The dissemination of criminal justice information
26 to persons or agencies not associated with criminal justice
27 when such dissemination is authorized by law.

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

- 1 (j) The training, which may be provided pursuant to s.
2 938.01, s. 938.15, or s. 943.25, of employees of the
3 department and other state and local criminal justice agencies
4 in the proper use and control of criminal justice information.
- 5 (k) The characteristics, structures, and linkages
6 needed to allow the access and utilization of information
7 among the various state, local, private, and federal agencies,
8 organizations, and institutions in the public safety system,
9 including, but not limited to, recommendations regarding:
- 10 1. The management control and administration of
11 juvenile justice data and information.
 - 12 2. The installation and operation of local area
13 networks.
 - 14 3. The installation and operation of statewide area
15 networks.
 - 16 4. Electronic mail and file transport.
 - 17 5. The operation and maintenance of hardware and
18 software.
 - 19 6. Access to juvenile justice information.
 - 20 7. The security and integrity of the information
21 system.
 - 22 8. Training of information system users and user
23 groups.
- 24 (1) Such other areas as relate to the collection,
25 processing, storage, and dissemination of criminal and
26 juvenile justice and other public safety system information,
27 criminal intelligence information, and criminal justice
28 investigative information, including the development of
29 criteria, policies, and procedures for the standardization of
30 criminal justice data and electronic transmission of such
31 data.

1 Section 15. Section 943.09, Florida Statutes, is
2 amended to read:

3 943.09 ~~Division of~~ Criminal Justice Professionalism
4 Program Standards and Training.--There is created a ~~Division~~
5 ~~of~~ Criminal Justice Professionalism Program Standards and
6 Training within the Department of Law Enforcement. The program
7 shall be supervised by personnel who shall be employed by the
8 department upon the recommendation of the executive director.
9 Such personnel shall supervise, direct, coordinate, and
10 administer activities of the program which are assigned by the
11 executive director. Personnel employed by the program ~~The~~
12 ~~department shall employ a division director. However, the~~
13 ~~executive director shall receive the advice of the commission~~
14 ~~prior to employing the division director. The division, as~~
15 the staff of the Criminal Justice Standards and Training
16 Commission, shall support and assist the commission in the
17 execution, administration, implementation, and evaluation of
18 its powers, duties, and functions under this chapter according
19 to acceptable and established departmental administrative,
20 managerial, and supervisory rules and policies. ~~It is the duty~~
21 ~~of the division director to supervise, direct, coordinate, and~~
22 ~~administer all activities of the division.~~

23 Section 16. Subsection (12) of section 943.10, Florida
24 Statutes, is amended to read:

25 943.10 Definitions; ss. 943.085-943.255.--The
26 following words and phrases as used in ss. 943.085-943.255 are
27 defined as follows:

28 (12) "Program" ~~"Division"~~ means the ~~Division of~~
29 Criminal Justice Professionalism Program Standards and
30 Training of the Department of Law Enforcement.

31

1 Section 17. Section 943.133, Florida Statutes, is
2 amended to read:

3 943.133 Responsibilities of employing agency,
4 commission, and program ~~division~~ with respect to compliance
5 with employment qualifications and the conduct of background
6 investigations; injunctive relief.--

7 (1) The employing agency is fully responsible for the
8 collection, verification, and maintenance of documentation
9 establishing that an applicant complies with the requirements
10 of ss. 943.13 and 943.131, and any rules adopted pursuant to
11 ss. 943.13 and 943.131 ~~thereto~~.

12 (2) Prior to the employment or appointment of any
13 officer, the chief law enforcement or correctional officer
14 administrator or probation and parole regional administrator
15 of the employing agency, or his or her designee, is required
16 to execute and maintain a registration affidavit-of-compliance
17 form adopted by the commission, attesting to compliance by the
18 employing agency with subsection (1). The affidavit shall be
19 executed under oath and constitutes an official statement
20 within the purview of s. 837.06. The affidavit shall include
21 conspicuous language that intentional false execution of the
22 affidavit constitutes a misdemeanor of the second degree. The
23 information contained in the registration
24 affidavit-of-compliance form must be submitted, or
25 electronically transmitted, to the commission.

26 (3) The commission shall adopt rules that establish
27 procedures for conducting background investigations. The
28 rules must specify a form for employing agencies to use to
29 document the findings of the background investigation. Before
30 employing or appointing any officer, the employing agency must
31 conduct a thorough background investigation in accordance with

1 the rules. The background information should include
2 information setting forth the facts and reasons for any of the
3 applicant's previous separations from private or public
4 employment or appointment, as the applicant understands them.
5 For the purposes of this subsection, the term "separation from
6 employment or appointment" includes any firing, termination,
7 resignation, retirement, or voluntary or involuntary extended
8 leave of absence from any salaried or nonsalaried position.
9 The employing agency must maintain the original background
10 investigation form, which must be signed by the administrator
11 of the employing agency or his or her designee.

12 (4) When the employing agency is a private entity
13 under contract to the county or the state pursuant to s.
14 944.105, s. 951.062, or chapter 957, the contracting agency
15 shall be responsible for meeting the requirements of
16 subsections (1), (2), and (3).

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

20 (6) If an employing agency employs or appoints an
21 officer in violation of this section or of s. 943.13, s.
22 943.131, or s. 943.135, or any rules adopted pursuant thereto,
23 the Department of Legal Affairs, at the request of the chair
24 of the commission, shall apply to the circuit court in the
25 county of the employing agency for injunctive relief
26 prohibiting the employment or appointment of the person
27 contrary to this section.

28 (7) The employing agency must annually submit
29 information to the commission, as specified by rule, relating
30 to all certified officers employed by or appointed to the
31

1 employing agency so that the commission may update its records
2 for all certified officers.

3 Section 18. Subsection (3) of section 943.17, Florida
4 Statutes, is amended to read:

5 943.17 Basic recruit, advanced, and career development
6 training programs; participation; cost; evaluation.--The
7 commission shall, by rule, design, implement, maintain,
8 evaluate, and revise job-related curricula and performance
9 standards for basic recruit, advanced, and career development
10 training programs and courses. The rules shall include, but
11 are not limited to, a methodology to assess relevance of the
12 subject matter to the job, student performance, and instructor
13 competency.

14 (3) The program division shall be responsible for the
15 accuracy of curriculum content through the identification and
16 revision of typographical or grammatical errors, incorrect
17 statutory citations, or information which can be identified as
18 inaccurate by superior references. The commission shall be
19 advised of any revision, and a copy of revised curricula shall
20 be provided to all criminal justice training schools.

21 Section 19. Subsection (1) of section 943.173, Florida
22 Statutes, is amended to read:

23 943.173 Examinations; administration; materials not
24 public records; disposal of materials.--

25 (1) Each officer certification examination shall be
26 administered by the Criminal Justice Professionalism Program
27 division pursuant to s. 943.1397.

28 Section 20. Subsection (2), paragraphs (c) and (e) of
29 subsection (5), and subsection (9) of section 943.25, Florida
30 Statutes, are amended to read:

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1 943.25 Criminal justice trust funds; source of funds;
2 use of funds.--
3 (2) There is created, within the Department of Law
4 Enforcement, the Criminal Justice Standards and Training Trust
5 Fund for the purpose of providing for the payment of necessary
6 and proper expenses incurred by the operation of the
7 commission and the Criminal Justice Professionalism Program,
8 for ~~division and~~ providing commission-approved criminal
9 justice advanced and specialized training and criminal justice
10 training school enhancements, for ~~and of~~ establishing the
11 provisions of s. 943.17, and for developing the specific tests
12 provided under s. 943.12(10). The program ~~division~~ shall
13 administer the Criminal Justice Standards and Training Trust
14 Fund and shall report the status of the fund at each regularly
15 scheduled commission meeting.
16 (5) The commission shall authorize the establishment
17 of regional training councils to advise and assist the
18 commission in developing and maintaining a plan assessing
19 regional criminal justice training needs and to act as an
20 extension of the commission in the planning, programming, and
21 budgeting for expenditures of the moneys in the Criminal
22 Justice Standards and Training Trust Fund.
23 (c) By rule, the commission may establish criteria and
24 procedures for use by the program ~~division~~ and regions to
25 amend the approved plan when an emergency exists. The program
26 ~~division~~ shall, with the consent of the chair of the
27 commission, initially grant, modify, or deny the requested
28 amendment pending final approval by the commission. The
29 commission's plan and amendments thereto must comply with the
30 provisions of chapter 216.
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1 (e) Commission members, regional training council
2 members, program ~~division~~ staff personnel, and other
3 authorized persons who are performing duties directly related
4 to the trust fund may be reimbursed for reasonable per diem
5 and travel expenses as provided in s. 112.061.

6 (9) The Executive Office of the Governor may approve,
7 for disbursement from funds appropriated to the Department of
8 Law Enforcement, Criminal Justice Standards and Training Trust
9 Fund, those sums necessary and required for the administration
10 of the program ~~division~~ and implementation of the training
11 programs approved by the commission.

12 Section 21. Subsection (2) of section 943.32, Florida
13 Statutes, is amended to read:

14 943.32 Statewide criminal analysis laboratory
15 system.--There is established a statewide criminal analysis
16 laboratory system to be composed of:

17 (2) The existing locally funded laboratories in
18 Broward, Dade, Indian River, ~~Monroe~~, Palm Beach, and Pinellas
19 Counties, specifically designated in s. 943.35 to be eligible
20 for state matching funds; and

21 Section 22. Subsection (1) of section 943.35, Florida
22 Statutes, is amended to read:

23 943.35 Funding for existing laboratories.--

24 (1) The following existing criminal analysis
25 laboratories are eligible for receipt of state funding:

- 26 (a) The Broward County Sheriff's Crime Laboratory;
27 (b) The Metro-Dade Police Department Crime Laboratory;
28 (c) The Indian River Crime Laboratory;
29 ~~(d) The Monroe County Sheriff's Crime Laboratory;~~
30 (d)(e) The Palm Beach County Crime Laboratory; and
31 (e)(f) The Pinellas County Forensic Laboratory.

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. Sections 943.26 and 943.381, Florida
15 Statutes, are repealed.

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

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