

By Senator Silver

38-517-98

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 title of ch. 943,  
11          F.S.; amending s. 943.03, F.S., relating to  
12          department employees; conforming provisions to  
13          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; amending s. 943.052, F.S.; deleting a  
7 requirement that certain agencies inform the  
8 department of persons incarcerated or released  
9 from jail; amending ss. 943.0525, 943.053,  
10 943.055, 943.056, 943.057, 943.08, F.S.,  
11 relating to criminal justice information,  
12 criminal history records, and the Criminal and  
13 Juvenile Justice Information Systems Council;  
14 conforming provisions to changes made by the  
15 act; amending s. 943.09, F.S.; redesignating  
16 the Division of Criminal Justice Standards and  
17 Training within the department as the Criminal  
18 Justice Professionalism Program; providing for  
19 supervision of the program; amending ss.  
20 943.10, 943.133, 943.17, 943.173, 943.25, F.S.,  
21 relating to definitions, employment  
22 qualifications, training programs,  
23 examinations, and the Criminal Justice  
24 Standards and Training Trust Fund; conforming  
25 provisions to changes made by the act; amending  
26 s. 943.35, F.S.; deleting the eligibility for  
27 state funding for a criminal analysis  
28 laboratory; amending s. 938.07, F.S., relating  
29 to a fine imposed for driving under the  
30 influence; conforming provisions to changes  
31 made by the act; repealing ss. 943.26, 943.381,

1 F.S., relating to the Division of Local Law  
2 Enforcement Assistance and the Division of  
3 Staff Services within the department; providing  
4 an effective date.

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

7  
8 Section 1. Section 20.201, Florida Statutes, is  
9 amended to read:

10 20.201 Department of Law Enforcement.--

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

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

22 (a) Criminal Justice Investigations and Forensic  
23 Science Program.

24 (b) Criminal Justice Information Program.

25 (c) Criminal Justice Professionalism Program.

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

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

28 ~~(c) Division of Criminal Justice Information Systems.~~

29 ~~(d) Division of Criminal Justice Standards and~~  
30 ~~Training.~~

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

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

3           943.01 Short title.--This chapter may be cited ~~shall~~  
4 ~~be known~~ as the "Department of Law Enforcement Act ~~of 1974.~~"

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

8           943.03 Department of Law Enforcement.--

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

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

25           (13) Subject to sufficient annual appropriations, the  
26 department shall develop and maintain, in consultation with  
27 the Criminal and Juvenile Justice Information Systems Council  
28 under s. 943.08, an information system that supports the  
29 administration of the state's criminal and juvenile justice  
30 system in compliance with this chapter and other provisions of  
31 law. The department shall serve as custodial manager of the

1 statewide telecommunications and data network developed and  
2 maintained as part of the information system authorized by  
3 this subsection.

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

6 943.04 Criminal Justice Investigations and Forensic  
7 Science Program ~~Division of Criminal Investigation~~; creation;  
8 investigative, forensic, and related authority.--

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

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

30 (b) Investigations may also be conducted in connection  
31 with the faithful execution and effective enforcement of the

1 laws of the state with reference to organized crime, vice,  
2 racketeering, rioting, inciting to riot, and insurrection.

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

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

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

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

28 1. Responding to violent crimes in a timely and  
29 comprehensive manner, utilizing analytic, forensic,  
30 investigative, and technical expertise and equipment to  
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1 provide key support to local law enforcement agencies  
2 undertaking difficult violent crime investigations.

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

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

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

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

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

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

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

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

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

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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 or departmental guidelines. Exceptions to this requirement for  
22 specified misdemeanors or comparable ordinance violations may  
23 be made by the department by rule or guidelines.

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 or departmental guidelines.

29           (5) The department is encouraged to develop innovative  
30 and progressive methods of serving the information management  
31 needs of the criminal justice community by providing access to

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

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

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

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

28 (b) If the minor is not classified as a serious or  
29 habitual juvenile under chapter 39, the program division shall  
30 retain the minor's criminal history record for 5 years after  
31 the date the minor reaches 19 years of age, at which time the

1 record shall be expunged unless it meets the criteria of  
2 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 or guidelines,  
7 establish procedures and a format for each criminal justice  
8 agency to monitor its records and submit reports, as provided  
9 by this section, to the program ~~division~~. The disposition  
10 report shall be developed by the program ~~division~~ and shall  
11 include 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 or guidelines of the department. The  
17 program ~~division~~ shall, by rule or guideline, adopt a user  
18 agreement that must ~~which shall~~ include, but is not ~~be~~ limited  
19 to, compliance with the provisions of s. 943.052. The user  
20 agreement between the department and the criminal justice  
21 agency shall include conspicuous language that any criminal  
22 justice agency's failure to comply with laws, rules,  
23 guidelines, and the user agreement shall constitute grounds  
24 for immediate termination of services. The department shall  
25 terminate the services to the criminal justice agency until  
26 the agency is in compliance. However, the department shall  
27 not terminate access to wanted persons or wanted property  
28 record information services to a law enforcement agency.

29 Section 10. Subsections (1) and (3) of section  
30 943.053, Florida Statutes, are amended to read:

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1           943.053 Dissemination of criminal justice information;  
2 fees.--

3           (1) The Department of Law Enforcement shall  
4 disseminate criminal justice information only in accordance  
5 with federal and state laws, regulations, ~~and~~ rules, and  
6 department guidelines.

7           (3) Criminal history information, including  
8 information relating to minors ~~juveniles~~, compiled by the  
9 ~~Division of Criminal Justice Information Program Systems~~ from  
10 intrastate sources shall be available on a priority basis to  
11 criminal justice agencies for criminal justice purposes free  
12 of charge and, otherwise, to governmental agencies not  
13 qualified as criminal justice agencies on an approximate-cost  
14 basis. After providing the program ~~division~~ with all known  
15 identifying information, persons in the private sector may be  
16 provided criminal history information upon tender of fees as  
17 established and in the manner prescribed by rule or guidelines  
18 of the Department of Law Enforcement. Such fees shall  
19 approximate the actual cost of producing the record  
20 information. Fees may be waived by the executive director of  
21 the Department of Law Enforcement for good cause shown.

22           Section 11. Section 943.055, Florida Statutes, is  
23 amended to read:

24           943.055 Records and audit.--

25           (1) Criminal justice agencies disseminating criminal  
26 justice information derived from a Department of Law  
27 Enforcement criminal justice information system shall maintain  
28 a record of dissemination in accordance with rules or  
29 guidelines adopted ~~promulgated~~ by the Department of Law  
30 Enforcement.

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1           (2) The ~~Division of~~ Criminal Justice Information  
2 Program Systems shall arrange for any audits of state and  
3 local criminal justice agencies necessary to assure compliance  
4 with federal laws and regulations, this chapter, and rules or  
5 guidelines of the Department of Law Enforcement pertaining to  
6 the establishment, operation, security, and maintenance of  
7 criminal justice information systems.

8           Section 12. Subsections (1), (2), and (3) of section  
9 943.056, Florida Statutes, are amended to read:

10           943.056 Access to, review and challenge of, criminal  
11 history records.--

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

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

1           (3) Criminal justice agencies not subject to chapter  
2 120 shall be subject to administrative proceedings for  
3 challenges to criminal history record information in  
4 accordance with rules or guidelines established by the  
5 Department of Law Enforcement.

6           Section 13. Section 943.057, Florida Statutes, is  
7 amended to read:

8           943.057 Access to criminal justice information for  
9 research or statistical purposes.--The Department of Law  
10 Enforcement may provide by rule or department guidelines for  
11 access to and dissemination and use of criminal justice  
12 information for research or statistical purposes. All requests  
13 for records or information in the criminal justice information  
14 systems of the department shall require the requesting  
15 individual or entity to enter into an appropriate privacy and  
16 security agreement which provides that the requesting  
17 individual or entity shall comply with all laws, and rules,  
18 and guidelines governing the use of criminal justice  
19 information for research or statistical purposes. The  
20 department may charge a fee for the production of criminal  
21 justice information under this section hereunder. Such fee  
22 shall approximate the actual cost of production. This section  
23 does ~~shall not be construed to~~ require the release of  
24 confidential information or ~~to~~ require the department to  
25 accommodate requests that ~~which~~ would disrupt ongoing  
26 operations beyond the extent required by s. 119.07.

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

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

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

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

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

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

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

30           (e) The physical security of the system, to prevent  
31 unauthorized disclosure of information contained in the system

1 and to ensure that the criminal justice information in the  
2 system is currently and accurately revised to include  
3 subsequently revised information.

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

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

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

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

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

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

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

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- 1           2. The installation and operation of local area  
2 networks.  
3           3. The installation and operation of statewide area  
4 networks.  
5           4. Electronic mail and file transport.  
6           5. The operation and maintenance of hardware and  
7 software.  
8           6. Access to juvenile justice information.  
9           7. The security and integrity of the information  
10 system.  
11          8. Training of information system users and user  
12 groups.  
13           (1) Such other areas as relate to the collection,  
14 processing, storage, and dissemination of criminal and  
15 juvenile justice and other public safety system information,  
16 criminal intelligence information, and criminal justice  
17 investigative information, including the development of  
18 criteria, policies, and procedures for the standardization of  
19 criminal justice data and electronic transmission of such  
20 data.

21           Section 15. Section 943.09, Florida Statutes, is  
22 amended to read:

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

1 ~~department shall employ a division director. However, the~~  
2 ~~executive director shall receive the advice of the commission~~  
3 ~~prior to employing the division director. The division, as~~  
4 ~~the staff of the commission, shall support and assist the~~  
5 ~~commission in the execution, administration, implementation,~~  
6 ~~and evaluation of its powers, duties, and functions under this~~  
7 ~~chapter according to acceptable and established departmental~~  
8 ~~administrative, managerial, and supervisory rules, guidelines,~~  
9 ~~and policies. It is the duty of the division director to~~  
10 ~~supervise, direct, coordinate, and administer all activities~~  
11 ~~of the division.~~

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

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

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

20 Section 17. Section 943.133, Florida Statutes, is  
21 amended to read:

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

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

31

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

15           (3) The commission shall adopt rules or guidelines  
16 that establish procedures for conducting background  
17 investigations. The rules or guidelines must specify a form  
18 for employing agencies to use to document the findings of the  
19 background investigation. Before employing or appointing any  
20 officer, the employing agency must conduct a thorough  
21 background investigation in accordance with the rules or  
22 guidelines. The background information should include  
23 information setting forth the facts and reasons for any of the  
24 applicant's previous separations from private or public  
25 employment or appointment, as the applicant understands them.  
26 For the purposes of this subsection, the term "separation from  
27 employment or appointment" includes any firing, termination,  
28 resignation, retirement, or voluntary or involuntary extended  
29 leave of absence from any salaried or nonsalaried position.  
30 The employing agency must maintain the original background  
31

1 investigation form, which must be signed by the administrator  
2 of the employing agency or his or her designee.

3 (4) When the employing agency is a private entity  
4 under contract to the county or the state pursuant to s.  
5 944.105, s. 951.062, or chapter 957, the contracting agency  
6 shall be responsible for meeting the requirements of  
7 subsections (1), (2), and (3).

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

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

19 (7) The employing agency must annually submit  
20 information to the commission, as specified by rule or  
21 guideline, relating to all certified officers employed by or  
22 appointed to the employing agency so that the commission may  
23 update its records for all certified officers.

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

26 943.17 Basic recruit, advanced, and career development  
27 training programs; participation; cost; evaluation.--The  
28 commission shall, by rule, design, implement, maintain,  
29 evaluate, and revise job-related curricula and performance  
30 standards for basic recruit, advanced, and career development  
31 training programs and courses. The rules shall include, but

1 are not limited to, a methodology to assess relevance of the  
2 subject matter to the job, student performance, and instructor  
3 competency.

4 (3) The program ~~division~~ shall be responsible for the  
5 accuracy of curriculum content through the identification and  
6 revision of typographical or grammatical errors, incorrect  
7 statutory citations, or information which can be identified as  
8 inaccurate by superior references. The commission shall be  
9 advised of any revision, and a copy of revised curricula shall  
10 be provided to all criminal justice training schools.

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

13 943.173 Examinations; administration; materials not  
14 public records; disposal of materials.--

15 (1) Each officer certification examination shall be  
16 administered by the Criminal Justice Professionalism Program  
17 ~~division~~ pursuant to s. 943.1397.

18 Section 20. Subsections (2) and (4), paragraphs (c)  
19 and (e) of subsection (5), and subsection (9) of section  
20 943.25, Florida Statutes, are amended to read:

21 943.25 Criminal justice trust funds; source of funds;  
22 use of funds.--

23 (2) There is created, within the Department of Law  
24 Enforcement, the Criminal Justice Standards and Training Trust  
25 Fund for the purpose of providing for the payment of necessary  
26 and proper expenses incurred by the operation of the  
27 commission and the Criminal Justice Professionalism Program  
28 ~~division~~ and providing commission-approved criminal justice  
29 advanced and specialized training and criminal justice  
30 training school enhancements and of establishing the  
31 provisions of s. 943.17 and developing the specific tests

1 provided under s. 943.12(10). The program ~~division~~ shall  
2 administer the Criminal Justice Standards and Training Trust  
3 Fund and shall report the status of the fund at each regularly  
4 scheduled commission meeting.

5 (4) The commission shall, by rule or guideline,  
6 establish, implement, supervise, and evaluate the expenditures  
7 of the Criminal Justice Standards and Training Trust Fund for  
8 approved advanced and specialized training program courses.  
9 Criminal justice training school enhancements may be  
10 authorized by the commission subject to the provisions of  
11 subsection (7). The commission may approve the training of  
12 appropriate support personnel when it can be demonstrated that  
13 these personnel directly support the criminal justice  
14 function.

15 (5) The commission shall authorize the establishment  
16 of regional training councils to advise and assist the  
17 commission in developing and maintaining a plan assessing  
18 regional criminal justice training needs and to act as an  
19 extension of the commission in the planning, programming, and  
20 budgeting for expenditures of the moneys in the Criminal  
21 Justice Standards and Training Trust Fund.

22 (c) By rule or guideline, the commission may establish  
23 criteria and procedures for use by the program ~~division~~ and  
24 regions to amend the approved plan when an emergency exists.  
25 The program ~~division~~ shall, with the consent of the chair of  
26 the commission, initially grant, modify, or deny the requested  
27 amendment pending final approval by the commission. The  
28 commission's plan and amendments thereto must comply with the  
29 provisions of chapter 216.

30 (e) Commission members, regional training council  
31 members, program ~~division~~ staff personnel, and other



1 authorized persons who are performing duties directly related  
2 to the trust fund may be reimbursed for reasonable per diem  
3 and travel expenses as provided in s. 112.061.

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

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

12 943.35 Funding for existing laboratories.--

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

15 (a) The Broward County Sheriff's Crime Laboratory;

16 (b) The Metro-Dade Police Department Crime Laboratory;

17 (c) The Indian River Crime Laboratory;

18 ~~(d) The Monroe County Sheriff's Crime Laboratory;~~

19 (d)~~(e)~~ The Palm Beach County Crime Laboratory; and

20 (e)~~(f)~~ The Pinellas County Forensic Laboratory.

21 Section 22. Section 938.07, Florida Statutes, is  
22 amended to read:

23 938.07 Driving under the influence.--Notwithstanding  
24 any other provision of s. 316.193, a court cost of \$135 shall  
25 be added to any fine imposed pursuant to s. 316.193, of which  
26 \$25 shall be deposited in the Emergency Medical Services Trust  
27 Fund, \$50 shall be deposited in the Criminal Justice Standards  
28 and Training Trust Fund of the Department of Law Enforcement  
29 to be used for operational expenses ~~of the Division of Local~~  
30 ~~Law Enforcement Assistance~~ in conducting the statewide  
31 criminal analysis laboratory system established in s. 943.32,

1 and \$60 shall be deposited in the Brain and Spinal Cord Injury  
2 Rehabilitation Trust Fund created in s. 413.613.

3 Section 23. Sections 943.26 and 943.381, Florida  
4 Statutes, are repealed.

5 Section 24. This act shall take effect July 1, 1998.

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8 SENATE SUMMARY

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