

By the Committee on Criminal Justice and Senator Silver

307-834A-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, manage, and
19 support the department in operating programs and delivering
20 services.

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

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

25 (b) Criminal Justice Information Program.

26 (c) Criminal Justice Professionalism Program.

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

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

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

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

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

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

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

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

9 943.03 Department of Law Enforcement.--

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

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

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

1 law. The department shall serve as custodial manager of the
2 statewide telecommunications and data network developed and
3 maintained as part of the information system authorized by
4 this subsection.

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

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

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

19 (2)(a) In carrying out the investigative services of
20 the Criminal Justice Investigations and Forensic Science
21 Program and under appropriate rules and regulations adopted by
22 the department, ~~or~~ upon written order of the Governor, ~~or~~ by
23 direction of the Legislature acting by a concurrent
24 resolution, and at the direction of the executive director,
25 the department ~~Division of Criminal Investigation~~ may
26 investigate violations of any of the criminal laws of the
27 state, and shall have authority to bear arms, make arrests and
28 apply for, serve and execute search warrants, arrest warrants,
29 capias, and other process of the 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
31

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 and regulations adopted by the department,
17 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.

31

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.

31

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 the criminal justice community. The department may
28 contract with other agencies or private entities for the
29 purpose of facilitating the department's responsibilities for
30 receiving, maintaining, managing, processing, allowing access
31 to, and disseminating criminal justice information,

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

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

14 943.0515 Retention of criminal history records of
15 minors.--

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

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

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

31

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. Subsections (1) and (3) of section
26 943.053, Florida Statutes, are amended to read:

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

29 (1) The Department of Law Enforcement shall
30 disseminate criminal justice information only in accordance
31 with federal and state laws, regulations, and rules.

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

16 Section 11. Section 943.055, Florida Statutes, is
17 amended to read:

18 943.055 Records and audit.--

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

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

31

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

3 943.056 Access to, review and challenge of, criminal
4 history records.--

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

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

24 Section 13. Section 943.057, Florida Statutes, is
25 amended to read:

26 943.057 Access to criminal justice information for
27 research or statistical purposes.--The Department of Law
28 Enforcement may provide by rule for access to and
29 dissemination and use of criminal justice information for
30 research or statistical purposes. All requests for records or
31 information in the criminal justice information systems of the

1 department shall require the requesting individual or entity
2 to enter into an appropriate privacy and security agreement
3 which provides that the requesting individual or entity shall
4 comply with all laws and rules governing the use of criminal
5 justice information for research or statistical purposes. The
6 department may charge a fee for the production of criminal
7 justice information under this section hereunder. Such fee
8 shall approximate the actual cost of production. This section
9 does ~~shall not be construed to~~ require the release of
10 confidential information or ~~to~~ require the department to
11 accommodate requests that ~~which~~ would disrupt ongoing
12 operations beyond the extent required by s. 119.07.

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

15 943.08 Duties; Criminal and Juvenile Justice
16 Information Systems Council.--

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

28 (a) The management control of criminal justice
29 information systems, criminal intelligence information
30 systems, and criminal investigative information systems
31 maintained by the department.

1 (b) The installation and operation of criminal justice
2 information systems, criminal intelligence information
3 systems, and criminal investigative information systems by the
4 department and the exchange of such information with other
5 criminal justice agencies of this state and other states,
6 including federal agencies.

7 (c) The operation and maintenance of computer hardware
8 and software within criminal justice information systems,
9 criminal intelligence information systems, and criminal
10 investigative information systems maintained by the
11 department.

12 (d) The operation, maintenance, and use of an
13 automated fingerprint identification system, including
14 interfacing with existing automated systems.

15 (e) The physical security of the system, to prevent
16 unauthorized disclosure of information contained in the system
17 and to ensure that the criminal justice information in the
18 system is currently and accurately revised to include
19 subsequently revised information.

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

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

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

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

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

9 (k) The characteristics, structures, and linkages
10 needed to allow the access and utilization of information
11 among the various state, local, private, and federal agencies,
12 organizations, and institutions in the public safety system,
13 including, but not limited to, recommendations regarding:

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

16 2. The installation and operation of local area
17 networks.

18 3. The installation and operation of statewide area
19 networks.

20 4. Electronic mail and file transport.

21 5. The operation and maintenance of hardware and
22 software.

23 6. Access to juvenile justice information.

24 7. The security and integrity of the information
25 system.

26 8. Training of information system users and user
27 groups.

28 (l) Such other areas as relate to the collection,
29 processing, storage, and dissemination of criminal and
30 juvenile justice and other public safety system information,
31 criminal intelligence information, and criminal justice

1 | investigative information, including the development of
2 | criteria, policies, and procedures for the standardization of
3 | criminal justice data and electronic transmission of such
4 | data.

5 | Section 15. Section 943.09, Florida Statutes, is
6 | amended to read:

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

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

29 | 943.10 Definitions; ss. 943.085-943.255.--The
30 | following words and phrases as used in ss. 943.085-943.255 are
31 | defined as follows:

1 (12) "Program"~~"Division"~~ means the ~~Division of~~
2 Criminal Justice Professionalism Program Standards and
3 ~~Training~~ of the Department of Law Enforcement.

4 Section 17. Section 943.133, Florida Statutes, is
5 amended to read:

6 943.133 Responsibilities of employing agency,
7 commission, and program division with respect to compliance
8 with employment qualifications and the conduct of background
9 investigations; injunctive relief.--

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

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

29 (3) The commission shall adopt rules that establish
30 procedures for conducting background investigations. The
31 rules must specify a form for employing agencies to use to

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

15 (4) When the employing agency is a private entity
16 under contract to the county or the state pursuant to s.
17 944.105, s. 951.062, or chapter 957, the contracting agency
18 shall be responsible for meeting the requirements of
19 subsections (1), (2), and (3).

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

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

31

1 (7) The employing agency must annually submit
2 information to the commission, as specified by rule, relating
3 to all certified officers employed by or appointed to the
4 employing agency so that the commission may update its records
5 for all certified officers.

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

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

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

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

26 943.173 Examinations; administration; materials not
27 public records; disposal of materials.--

28 (1) Each officer certification examination shall be
29 administered by the Criminal Justice Professionalism Program
30 ~~division~~ pursuant to s. 943.1397.

31

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

4 943.25 Criminal justice trust funds; source of funds;
5 use of funds.--

6 (2) There is created, within the Department of Law
7 Enforcement, the Criminal Justice Standards and Training Trust
8 Fund for the purpose of providing for the payment of necessary
9 and proper expenses incurred by the operation of the
10 commission and the Criminal Justice Professionalism Program
11 ~~division~~ and providing commission-approved criminal justice
12 advanced and specialized training and criminal justice
13 training school enhancements and of establishing the
14 provisions of s. 943.17 and developing the specific tests
15 provided under s. 943.12(10). The program ~~division~~ shall
16 administer the Criminal Justice Standards and Training Trust
17 Fund and shall report the status of the fund at each regularly
18 scheduled commission meeting.

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

26 (c) By rule, the commission may establish criteria and
27 procedures for use by the program ~~division~~ and regions to
28 amend the approved plan when an emergency exists. The program
29 ~~division~~ shall, with the consent of the chair of the
30 commission, initially grant, modify, or deny the requested
31 amendment pending final approval by the commission. The

1 commission's plan and amendments thereto must comply with the
2 provisions of chapter 216.

3 (e) Commission members, regional training council
4 members, program division staff personnel, and other
5 authorized persons who are performing duties directly related
6 to the trust fund may be reimbursed for reasonable per diem
7 and travel expenses as provided in s. 112.061.

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

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

16 943.35 Funding for existing laboratories.--

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

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

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

21 (c) The Indian River Crime Laboratory;

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

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

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

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

27 938.07 Driving under the influence.--Notwithstanding
28 any other provision of s. 316.193, a court cost of \$135 shall
29 be added to any fine imposed pursuant to s. 316.193, of which
30 \$25 shall be deposited in the Emergency Medical Services Trust
31 Fund, \$50 shall be deposited in the Criminal Justice Standards

1 and Training Trust Fund of the Department of Law Enforcement
2 to be used for operational expenses ~~of the Division of Local~~
3 ~~Law Enforcement Assistance~~ in conducting the statewide
4 criminal analysis laboratory system established in s. 943.32,
5 and \$60 shall be deposited in the Brain and Spinal Cord Injury
6 Rehabilitation Trust Fund created in s. 413.613.

7 Section 23. Sections 943.26 and 943.381, Florida
8 Statutes, are repealed.

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

10
11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 486

- 14
15 1. Deletes all references to "guidelines" and continues the
16 requirement that FDLE promulgate rules to implement,
17 maintain, and provide details as to the operations and
18 standards of the department's programs under its
19 reorganization.
20 2. Deletes obsolete language.
21 3. Deletes language that could have been construed to mean
22 all information in the possession of FDLE is public
23 record; thus, current law applies to determine the
24 information to which the public may have access.
25
26
27
28
29
30
31