

1  
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 \_\_\_\_\_  
 2 statewide telecommunications and data network developed and  
 3 maintained as part of the information system authorized by

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

7 Criminal Justice Investigations and Forensic  
 8 \_\_\_\_\_ Division of Criminal Investigation  
 9 investigative, forensic,

10 (1) There is created a Criminal Justice Investigations  
 11 and Forensic Science Program \_\_\_\_\_

12 Investigation

13 program division shall be supervised by \_\_\_\_\_ ~~a director~~

15 recommendation of the executive director. Such personnel ~~it~~  
 16 shall \_\_\_\_\_ supervise, direct,  
 17 coordinate, and administer — activities of the program which  
 18 are assigned by the executive director \_\_\_\_\_.

19 (2)(a) \_\_\_\_\_  
 20 the Criminal Justice Investigations and Forensic Science  
 21 Program and under appropriate rules and regulations adopted by  
 22 ~~or~~ upon written order of the Governor ~~or~~ by  
 23 direction of the Legislature acting by a concurrent

24 the department ~~Division of Criminal Investigation~~ may

25 state, and shall have authority to bear arms, make arrests and  
 26 apply for, serve and execute search warrants, arrest warrants,  
 27 and other process of the court.

28 \_\_\_\_\_  
 29 \_\_\_\_\_  
 30 \_\_\_\_\_  
 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

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1           943.052 Disposition reporting.--The Criminal Justice  
2 Information Program \_\_\_\_\_ shall, by rule, establish  
3 procedures and a format for each criminal justice agency to  
4  
5 section, to the program division. The disposition report  
6   program \_\_\_\_\_ and shall include  
7 the offender-based transaction system number.  
8  
9 shall include on the arrest fingerprint card the  
10 offender-based transaction system number.  
11  
12 dispositions to the program division or in a manner acceptable  
13   program \_\_\_\_\_. The report shall be submitted at  
14 least once a month and, when acceptable by the \_\_\_\_\_  
15 division  
16 disposition report is mandatory for dispositions relating to  
17 adult offenders only.

18  
19 information to the program division relating to the receipt or  
20  
21 correctional institution.

22           (b) The Department of Juvenile Justice shall submit  
23   program \_\_\_\_\_ relating to the receipt or  
24 discharge of any minor who is found to have committed an  
25  
26 found to have committed a misdemeanor specified in s.  
27 943.051(3), and is committed to the custody of the Department

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

31  
CODING: Words \_\_\_\_\_ are deletions; words underlined

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  
  
4 comply with all laws and rules governing the use of criminal  
5 justice information for research or statistical purposes. The  
  
7 justice information under this section ~~hereunder~~. Such fee  
  
9 does ~~shall~~ not \_\_\_\_\_ require the release of  
10 confidential information or — require the department to  
11 accommodate requests \_\_\_\_ ~~which~~  
12 operations beyond the extent required by s. 119.07.

13 Section 14. Subsection (2) of section 943.08, Florida  
  
15 943.08 Duties; Criminal and Juvenile Justice  
16 Information Systems Council.--

18 operating policies and procedures, and amendments thereto, of  
19 the \_\_\_\_\_ Criminal Justice Information Program Systems  
20 and make recommendations to the executive director which shall  
  
22 addition, the council shall review proposed policies, rules,  
23 and procedures relating to the information system of the  
  
25 Secretary of Juvenile Justice or designated assistant who  
26 shall attend council meetings. Those recommendations shall

28 (a) The management control of criminal justice  
29 information systems, criminal intelligence information  
  
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

3 | criminal justice data and electronic transmission of such  
4 | data.

6 | amended to read:

7 |           943.09       \_\_\_\_\_ Criminal Justice Professionalism  
8 | Program \_\_\_\_\_.--There is created a Division  
9 | ~~of Criminal Justice~~ \_\_\_\_\_ ~~Standards and~~  
10 | ~~Training~~ within the Department of Law Enforcement. \_\_\_\_\_  
11 | shall be supervised by personnel who shall be employed by the  
12 | department upon the recommendation of the executive director.

13 | \_\_\_\_\_  
14 | administer activities of the program which are assigned by the  
15 | executive director. Personnel employed by the program —  
16 | ~~department shall employ a division director. However, the~~  
17 | ~~executive director shall receive the advice of the commission~~  
18 | \_\_\_\_\_, as  
19 | the staff of the commission, shall support and assist the

21 | and evaluation of its powers, duties, and functions under this  
22 | chapter according to acceptable and established departmental

24 | ~~policies. It is the duty of the division director to~~  
25 | ~~supervise, direct, coordinate, and administer all activities~~

26 | \_\_\_\_\_

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

30 | following words and phrases as used in ss. 943.085-943.255 are  
31 | defined as follows:

**CODING:**Words \_\_\_\_\_ are deletions; words underlined

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

2 information to the commission, as specified by rule, relating  
3 to all certified officers employed by or appointed to the  
5 for all certified officers.

6 Section 18. Subsection (3) of section 943.17, Florida

8 943.17 Basic recruit, advanced, and career development  
9 training programs; participation; cost; evaluation.--The

11 evaluate, and revise job-related curricula and performance  
12 standards for basic recruit, advanced, and career development

14 are not limited to, a methodology to assess relevance of the  
15 subject matter to the job, student performance, and instructor

17 (3) The program ~~division~~ shall be responsible for the

19 revision of typographical or grammatical errors, incorrect  
20 statutory citations, or information which can be identified as

22 advised of any revision, and a copy of revised curricula shall  
23 be provided to all criminal justice training schools.

25 Statutes, is amended to read:

26 943.173 Examinations; administration; materials not

28 (1) Each officer certification examination shall be  
29 administered by the \_\_\_\_\_

30 ~~division~~

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 ~~of the Division of Local~~  
3 \_\_\_\_\_ in conducting the statewide  
4 criminal analysis laboratory system established in s. 943.32,  
5  
6 Rehabilitation Trust Fund created in s. 413.613.  
7 Section 23. \_\_\_\_\_  
8 Statutes, are repealed.

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