

By Senator Burt

16-741-01

1 A bill to be entitled
2 An act relating to criminal justice programs;
3 amending s. 943.031, F.S.; renaming the Florida
4 Violent Crime Council as the Florida Violent
5 Crime and Drug Control Council; adding members;
6 revising powers and duties of the council,
7 particularly with respect to money laundering
8 and with drug control; limiting funding that
9 agencies may receive from the council; amending
10 s. 943.042, F.S.; redesignating the Violent
11 Crime Emergency Account as the Violent Crime
12 Emergency and Drug Control Strategy
13 Implementation Account; prescribing uses that
14 may be made of moneys from the account;
15 limiting funding that agencies may receive from
16 the account; requiring rules that provide
17 funding criteria; providing for
18 disqualification of an agency from funding
19 eligibility and for demand for reimbursement by
20 an agency for failure to use funds as
21 authorized; amending ss. 943.0585, 943.059,
22 F.S.; prescribing additional criminal
23 violations for which a criminal history record
24 may not be expunged or sealed; amending ss.
25 938.01, 943.25, F.S.; providing for deposit of
26 certain court-cost proceeds into the Department
27 of Law Enforcement Operating Trust Fund;
28 prescribing authorized uses of assets in such
29 fund; transferring the criminal justice program
30 of the Department of Community Affairs to the
31 Department of Law Enforcement; providing for

1 the latter department to adopt rules relating
2 to the program; transferring the Prevention of
3 Domestic and Sexual Violence Program from the
4 Department of Community Affairs to the
5 Department of Children and Family Services;
6 providing for funding the program; providing an
7 effective date.

8

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

10

11 Section 1. Section 943.031, Florida Statutes, is
12 amended to read:

13 943.031 Florida Violent Crime and Drug Control
14 Council.--The Legislature finds that there is a need to
15 develop and implement a statewide strategy to address violent
16 criminal activity and drug-control efforts by state and local
17 law enforcement agencies, including investigations of illicit
18 money laundering. In recognition of this need, the Florida
19 Violent Crime and Drug Control Council is created within the
20 department. The council shall serve in an advisory capacity
21 to the department.

22 (1) MEMBERSHIP.--The council shall consist of 14 ~~12~~
23 members, as follows:

24 (a) The Attorney General or a designee ~~designate~~.

25 (b) A designee ~~designate~~ of the executive director of
26 the Department of Law Enforcement.

27 (c) The secretary of the Department of Corrections or
28 a designee ~~designate~~.

29 (d) The Secretary of Juvenile Justice or a designee
30 ~~designate~~.

31

1 (e) The Commissioner of Education or a designee
2 designate.

3 (f) The president of the Florida Network of
4 Victim/Witness Services, Inc., or a designee ~~designate~~.

5 (g) The Director of the Office of Drug Control,
6 Executive Office of the Governor, or a designee.

7 (h) The Comptroller, or a designee.

8 (i)~~(g)~~ Six members appointed by the Governor,
9 consisting of two sheriffs, two chiefs of police, one medical
10 examiner, and one state attorney.

11
12 The Governor, when making appointments under this subsection,
13 must take into consideration representation by geography,
14 population, ethnicity, and other relevant factors to ensure
15 that the membership of the council is representative of the
16 state at large. A designee appearing on behalf of a council
17 member who is unable to attend a meeting of the council may
18 vote on issues before the council to the same extent the
19 designating council member may do so.

20 (2) TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;
21 STAFF.--

22 (a) Members appointed by the Governor shall be
23 appointed for terms of 2 years. The other members are
24 standing members of the council. In no event shall a member
25 serve beyond the time he or she ceases to hold the office or
26 employment which was the basis for appointment to the council.
27 In the event of a vacancy, an appointment to fill the vacancy
28 shall be only for the unexpired term.

29 (b) The Legislature finds that the council serves a
30 legitimate state, county, and municipal purpose and that
31 service on the council is consistent with a member's principal

1 service in a public office or employment. Membership on the
2 council does not disqualify a member from holding any other
3 public office or being employed by a public entity, except
4 that no member of the Legislature shall serve on the council.

5 (c) The members of the council shall elect a chair and
6 a vice chair every 2 years, to serve for a 2-year term. As
7 deemed appropriate, other officers may be elected by the
8 members.

9 (d) Members of the council shall serve without
10 compensation but are entitled to reimbursement for per diem
11 and travel expenses pursuant to s. 112.061. Reimbursements
12 made pursuant to this paragraph shall be paid from funds
13 available in the Violent Crime Emergency and Drug Control
14 Strategy Implementation Account within the Department of Law
15 Enforcement ~~Operating Trust Fund~~.

16 (e) The department shall provide the council with
17 staff necessary to assist the council in the performance of
18 its duties.

19 (3) MEETINGS.--The council must meet at least
20 semiannually. Additional meetings may be held when it is
21 determined ~~deemed appropriate~~ by the chair that extraordinary
22 circumstances prompt an additional meeting of the council ~~or a~~
23 ~~majority of the council members~~. A majority of the members of
24 the council constitutes a quorum.

25 (4) DUTIES OF COUNCIL.--The council shall provide
26 advice and make recommendations, as necessary, to the
27 executive director of the department.

28 (a) The council may advise the executive director on
29 the feasibility of undertaking initiatives which include, but
30 are not limited to, the following:

31

1 1. Establishing a program which provides grants to
2 criminal justice agencies that develop and implement effective
3 violent crime prevention and investigative programs and
4 providing grants to law enforcement agencies for the purpose
5 of investigative or task force efforts relating to illicit
6 money laundering and drug control which are determined by the
7 council to significantly contribute to achieving the state's
8 goal of reducing drug-related crime as articulated by the
9 Office of Drug Control, which represent a significant
10 investigative effort into illicit money laundering, or which
11 otherwise significantly support statewide strategies developed
12 by the Statewide Drug Policy Advisory Council established
13 under s. 397.333 under the limitations provided in this
14 section. The grant program may ~~shall~~ include an innovations
15 grant program to provide startup funding for new initiatives
16 by local and state law enforcement agencies to combat violent
17 crime or to implement law enforcement drug-control or illicit
18 money-laundering investigative or task force efforts,
19 including, but not limited to, initiatives such as:
20 a. Providing ~~Provision~~ of enhanced community-oriented
21 policing.
22 b. Providing ~~Provision~~ of additional undercover
23 officers and other investigative officers to assist with
24 violent crime investigations in emergency situations.
25 c. Providing funding of multi-agency or statewide
26 investigations or task force efforts relating to illicit money
27 laundering and drug control which cannot be reasonably totally
28 funded by alternative sources and which significantly
29 contribute to achieving the state's goal of reducing
30 drug-related crime as articulated by the Office of Drug
31 Control, which represent a significant investigative effort

1 into money laundering, or which otherwise significantly
2 support statewide strategies developed by the Statewide Drug
3 Policy Advisory Council established under s. 397.333.

4 ~~2. Creating a criminal justice research and behavioral~~
5 ~~science center. The center shall provide key support to local~~
6 ~~law enforcement agencies undertaking unique or emergency~~
7 ~~violent crime investigations, including the mobilization of~~
8 ~~special task forces to directly target violent crime in~~
9 ~~specific areas.~~

10 ~~2.3.~~ Expanding the use of automated fingerprint
11 identification systems at the state and local level.

12 ~~3.4.~~ Identifying methods to prevent violent crime.

13 4. Identifying methods to enhance multi-agency or
14 statewide investigations or task force efforts relating to
15 illicit money laundering or drug control which significantly
16 contribute to achieving the state's goal of reducing
17 drug-related crime as articulated by the Office of Drug
18 Control, which represent a significant investigative effort
19 into money laundering, or which otherwise significantly
20 support statewide strategies developed by the Statewide Drug
21 Policy Advisory Council established under s. 397.333.

22 5. Enhancing criminal justice training programs which
23 address violent crime or investigative techniques or efforts
24 relating to illicit money laundering or drug control.

25 6. Developing and promoting crime prevention services
26 and educational programs that serve the public, including, but
27 not limited to:

28 a. Enhanced victim and witness counseling services
29 that also provide crisis intervention, information referral,
30 transportation, and emergency financial assistance.

31

1 b. A well-publicized rewards program for the
2 apprehension and conviction of criminals who perpetrate
3 violent crimes.

4 7. Enhancing information sharing and assistance in the
5 criminal justice community by expanding the use of community
6 partnerships and community policing programs. Such expansion
7 may include the use of civilian employees or volunteers to
8 relieve law enforcement officers of clerical work in order to
9 enable the officers to concentrate on street visibility within
10 the community.

11 (b) ~~Additionally,~~The council shall:

12 1. Receive periodic reports from ~~Advise the executive~~
13 ~~director on the creation of regional violent crime~~
14 investigation and statewide drug-control strategy
15 implementation coordinating teams related to violent crime
16 trends or investigative needs or successes in the regions, and
17 factors and trends relevant to the implementation of the
18 statewide drug strategy and the results of investigative
19 efforts funded in part by the council and relating to drug
20 control and illicit money laundering.

21 2. Maintain and use ~~Develop~~ criteria for the
22 disbursement of funds from the Violent Crime Emergency and
23 Drug Control Strategy Implementation Account within the
24 Department of Law Enforcement ~~Operating Trust Fund~~. Funding
25 from the council for any single investigative effort is
26 limited to a maximum of \$100,000. No individual investigating
27 agency may receive more than \$200,000 in council funding
28 during the agency's fiscal year.

29 3. Review and approve all requests for disbursement of
30 funds from the Violent Crime Emergency Account and Drug
31 Control Strategy Implementation within the Department of Law

1 ~~Enforcement Operating Trust Fund.~~ An expedited approval
2 procedure shall be established for rapid disbursement of funds
3 in violent crime emergency situations.

4 ~~4. Advise the executive director on the development of~~
5 ~~a statewide violent crime information system.~~

6 (5) REPORTS.--The council shall report annually on its
7 activities, on or before December 30 of each calendar year, to
8 the executive director, the President of the Senate, the
9 Speaker of the House of Representatives, and the chairs of the
10 Committees on Criminal Justice in both chambers. Comments and
11 responses of the executive director to the report are to be
12 included must respond to the annual report and any other
13 recommendations of the council in writing. All written
14 responses must be forwarded to the council members, the
15 President of the Senate, the Speaker of the House of
16 Representatives, and the chairs of the Committees on Criminal
17 Justice in both chambers.

18 (6) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

19 (a) The Victim and Witness Protection Review Committee
20 is created within the Florida Violent Crime Council,
21 consisting of the statewide prosecutor or a state attorney, a
22 sheriff, a chief of police, and the designee of the executive
23 director of the Department of Law Enforcement. The committee
24 shall be appointed from the membership of the council by the
25 chair of the council after the chair has consulted with the
26 executive director of the Department of Law Enforcement.
27 Committee members shall meet in conjunction with the meetings
28 of the council.

29 (b) The committee shall:

30 1. Maintain and use ~~Develop~~ criteria for disbursing
31 funds to reimburse law enforcement agencies for costs

1 associated with providing victim and witness protective or
2 temporary relocation services.

3 2. Review and approve or deny, in whole or in part,
4 all reimbursement requests submitted by law enforcement
5 agencies.

6 (c) The lead law enforcement agency providing victim
7 or witness protective or temporary relocation services
8 pursuant to the provisions of s. 914.25 may submit a request
9 for reimbursement to the Victim and Witness Protection Review
10 Committee in a format approved by the committee. The lead law
11 enforcement agency shall submit such reimbursement request on
12 behalf of all law enforcement agencies that cooperated in
13 providing protective or temporary relocation services related
14 to a particular criminal investigation or prosecution. As part
15 of the reimbursement request, the lead law enforcement agency
16 must indicate how any reimbursement proceeds will be
17 distributed among the agencies that provided protective or
18 temporary relocation services.

19 (d) The committee, in its discretion, may use funds
20 available to the committee to provide all or partial
21 reimbursement to the lead law enforcement agency for such
22 costs, or may decline to provide any reimbursement.

23 (e) The committee may conduct its meeting by
24 teleconference or conference phone calls when the chair of the
25 committee finds that the need for reimbursement is such that
26 delaying until the next scheduled council meeting will
27 adversely affect the requesting agency's ability to provide
28 the protection services.

29 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
30 MEETINGS AND RECORDS.--

31

1 (a)1. The Legislature finds that during limited
2 portions of the meetings of the Florida Violent Crime and Drug
3 Control Council it is necessary that the council be presented
4 with and discuss details, information, and documents related
5 to active criminal investigations or matters constituting
6 active criminal intelligence, as those concepts are defined by
7 s. 119.011. These presentations and discussions are necessary
8 for the council to make its funding decisions as required by
9 the Legislature. The Legislature finds that to reveal the
10 contents of documents containing active criminal investigative
11 or intelligence information or to allow active criminal
12 investigative or active criminal intelligence matters to be
13 discussed in a meeting open to the public negatively impacts
14 the ability of law enforcement agencies to efficiently
15 continue their investigative or intelligence gathering
16 activities. The Legislature finds that information coming
17 before the council that pertains to active criminal
18 investigations or intelligence should remain confidential and
19 exempt from public disclosure. The Legislature finds that the
20 Florida Violent Crime and Drug Control Council may, by
21 declaring only those portions of council meetings in which
22 active criminal investigative or active criminal intelligence
23 information is to be presented or discussed closed to the
24 public, assure an appropriate balance between the policy of
25 this state that meetings be public and the policy of this
26 state to facilitate efficient law enforcement efforts.

27 2. The Legislature finds that it is a public necessity
28 that portions of the meetings of the Florida Violent Crime and
29 Drug Control Council be closed when the confidential details,
30 information, and documents related to active criminal
31 investigations or matters constituting active criminal

1 intelligence are discussed. The Legislature further finds
2 that it is no less a public necessity that portions of public
3 records generated at closed council meetings, such as tape
4 recordings, minutes, and notes, memorializing the discussions
5 regarding such confidential details, information, and
6 documents related to active criminal investigations or matters
7 constituting active criminal intelligence, also shall be held
8 confidential.

9 (b) The Florida Violent Crime and Drug Control Council
10 shall be considered a "criminal justice agency" within the
11 definition of s. 119.011(4).

12 (c)1. The Florida Violent Crime and Drug Control
13 Council may close portions of meetings during which the
14 council will hear or discuss active criminal investigative
15 information or active criminal intelligence information, and
16 such portions of meetings shall be exempt from the provisions
17 of s. 286.011 and s. 24(b), Art. I of the State Constitution,
18 provided that the following conditions are met:

19 a. The chair of the council shall advise the council
20 at a public meeting that, in connection with the performance
21 of a council duty, it is necessary that the council hear or
22 discuss active criminal investigative information or active
23 criminal intelligence information.

24 ~~b. The chair's declaration of necessity for closure~~
25 ~~and the specific reasons for such necessity shall be stated in~~
26 ~~writing in a document that shall be a public record and shall~~
27 ~~be filed with the official records of the council.~~

28 b.c. The entire closed session shall be recorded. The
29 recording shall include the times of commencement and
30 termination of the closed session, all discussion and
31 proceedings, and the names of all persons present. No portion

1 of the session shall be off the record. Such recording shall
2 be maintained by the council, and is exempt from the
3 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution until such time as the criminal investigative
5 information or criminal intelligence information that
6 justifies closure ceases to be active, at which time the
7 portion of the record related to the no longer active
8 information or intelligence shall be open for public
9 inspection and copying.

10
11 The exemption in this paragraph is subject to the Open
12 Government Sunset Review Act of 1995 in accordance with s.
13 119.15 and shall stand repealed on October 2, 2002, unless
14 reviewed and saved from repeal through reenactment by the
15 Legislature.

16 2. Only members of the council, Department of Law
17 Enforcement staff supporting the council's function, and other
18 persons whose presence has been authorized by the chair of the
19 council shall be allowed to attend the exempted portions of
20 the council meetings. The council shall assure that any
21 closure of its meetings as authorized by this section is
22 limited so that the general policy of this state in favor of
23 public meetings is maintained.

24 (d) Those portions of any public record, such as a
25 tape recording, minutes, and notes, generated during that
26 portion of a Florida Violent Crime and Drug Control Council
27 meeting which is closed to the public pursuant to this
28 section, which contain information relating to active criminal
29 investigations or matters constituting active criminal
30 intelligence, are confidential and exempt from the provisions
31 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution

1 until such criminal investigative information or criminal
2 intelligence information ceases to be active. The exemptions
3 in this paragraph are subject to the Open Government Sunset
4 Review Act of 1995 in accordance with s. 119.15 and shall
5 stand repealed on October 2, 2002, unless reviewed and saved
6 from repeal through reenactment by the Legislature.

7 Section 2. Section 943.042, Florida Statutes, is
8 amended to read:

9 943.042 Violent Crime Emergency and Drug Control
10 Strategy Implementation Account within the Department of Law
11 Enforcement Operating Trust Fund.--

12 (1) There is created a Violent Crime Emergency and
13 Drug Control Strategy Implementation Account within the
14 Department of Law Enforcement Operating Trust Fund. The
15 account shall be used to provide emergency supplemental funds
16 to:

17 (a) State and local law enforcement agencies which are
18 involved in complex and lengthy violent crime investigations
19 or multi-agency or statewide investigations or task force
20 efforts relating to illicit money laundering and drug control
21 which significantly contribute to achieving the state's goal
22 of reducing drug-related crime as articulated by the Office of
23 Drug Control, which represent a significant investigative
24 effort relating to illicit money laundering, or which
25 otherwise significantly support statewide strategies developed
26 by the Statewide Drug Policy Advisory Council established
27 under s. 397.333;

28 (b) State and local law enforcement agencies which are
29 involved in violent crime investigations which constitute a
30 significant emergency within the state; or
31

1 (c) Counties which demonstrate a significant hardship
2 or an inability to cover extraordinary expenses associated
3 with a violent crime trial.

4 (2) In consultation with the Florida Violent Crime and
5 Drug Control Council, the department must maintain ~~promulgate~~
6 rules which, at minimum, address the following:

7 (a) Criteria for determining what constitutes a
8 complex and lengthy violent crime investigation for the
9 purpose of this section.

10 (b) Criteria for determining those violent crime
11 investigations which constitute a significant emergency within
12 the state for the purpose of this section.

13 (c) Criteria for determining the circumstances under
14 which counties may receive emergency supplemental funds for
15 extraordinary expenses associated with a violent crime trial
16 under this section.

17 (d) Guidelines which establish a \$100,000 maximum
18 limit ~~limits~~ on the amount that may be disbursed on a single
19 investigation and a \$200,000 maximum limit on funds that may
20 be provided to a single agency during the agency's fiscal
21 year.

22 (e) Procedures for law enforcement agencies to use
23 when applying for funds, including certification by the head
24 of the agency that a request complies with the requirements
25 established by the council.

26 (f) Annual evaluation and audit of the trust fund.

27 (3) With regard to the funding of investigations or
28 task force efforts relating to illicit money-laundering or
29 drug control, the department must adopt rules that, at a
30 minimum, address the following:

31

1 (a) Criteria for determining what constitutes a
2 multi-agency or statewide investigation or task force effort
3 relating to illicit money laundering or drug control eligible
4 to seek funding under this section.

5 (b) Criteria for determining whether a multi-agency or
6 statewide investigation or task force effort significantly
7 contributes to achieving the state's goals and strategies.

8 (c) Limitations upon the amount that may be disbursed
9 yearly to a single multi-agency or statewide illicit
10 money-laundering or drug-control investigation or task force.

11 (d) Procedures to use when applying for funds,
12 including a required designation of the amount of matching
13 funds being provided by the task force or participating
14 agencies and a signed commitment by the head of each agency
15 seeking funds that funds so designated will be used as
16 represented if council funding is provided.

17 (e) Requirements to expend council-provided funds in
18 the manner authorized by the council and a method of
19 accounting for the receipt, use, and disbursement of any funds
20 expended in money-laundering or drug-control investigative or
21 task force efforts funded in part under the authority of this
22 section.

23 (f) Requirements for reporting by recipient agencies
24 of the performance and accomplishments secured by the
25 investigative or task-force efforts, including a requirement
26 that the reports demonstrate how the state's drug-control
27 goals and strategies have been promoted by the efforts and how
28 other investigative goals have been met, including arrests due
29 to such efforts, results of prosecutions based on such
30 arrests, impact upon organized criminal enterprise structures
31 by reason of efforts, property or currency seizures made,

1 illicit money-laundering operations disrupted or otherwise
2 impacted, forfeiture of assets by reason of such efforts, and
3 anticipated or actual use of assets received by reason of a
4 forfeiture based in whole or in part upon an investigation
5 funded in whole or in part by council funds.

6 (4)(a)(3)(a) Except as allowed in this section, a
7 disbursement from for the Violent Crime Emergency and Drug
8 Control Strategy Implementation Account shall not be used to
9 supplant existing appropriations of state and local law
10 enforcement agencies and counties or to otherwise fund
11 expenditures that are ordinarily or reasonably predictable for
12 the operation of a state or local law enforcement agency.

13 (b) The moneys placed in the account shall consist of
14 appropriations from the Legislature or moneys received from
15 any other public or private source. Any local law enforcement
16 agency that acquires funds pursuant to the Florida Contraband
17 Forfeiture Act is authorized to donate a portion of such funds
18 to the account.

19 (c) Upon a finding by a majority of the members of the
20 council, any unexcused failure by recipient agencies or task
21 forces to use funds in the manner authorized by this section
22 and the Florida Violent Crime and Drug Control Council or to
23 timely provide required accounting, reports, or other
24 information requested by the council or by the department
25 related to funding requested or provided, shall:

26 1. Constitute a basis for a demand by the council for
27 the immediate return of all or any portion of funds previously
28 provided to the recipient by the council;

29 2. Result in termination or limitation of any pending
30 funding by the council under this section

31

1 and may, upon specific direction of a majority of the council,
2 result in disqualification of the involved agencies or task
3 force from consideration of additional or future funding for
4 efforts as provided by this section for a period of not more
5 than 2 years following the council's action. The council, by
6 and through the department, is authorized to pursue any
7 collection remedies necessary if a recipient agency fails to
8 return funds as demanded.

9 Section 3. Section 943.0585, Florida Statutes, is
10 amended to read:

11 943.0585 Court-ordered expunction of criminal history
12 records.--The courts of this state have jurisdiction over
13 their own procedures, including the maintenance, expunction,
14 and correction of judicial records containing criminal history
15 information to the extent such procedures are not inconsistent
16 with the conditions, responsibilities, and duties established
17 by this section. Any court of competent jurisdiction may
18 order a criminal justice agency to expunge the criminal
19 history record of a minor or an adult who complies with the
20 requirements of this section. The court shall not order a
21 criminal justice agency to expunge a criminal history record
22 until the person seeking to expunge a criminal history record
23 has applied for and received a certificate of eligibility for
24 expunction pursuant to subsection (2). A criminal history
25 record that relates to a violation of s. 787.025,chapter 794,
26 s. 796.03,s. 800.04, s. 817.034, s. 825.1025,s. 827.071,
27 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,s.
28 893.135, or a violation enumerated in s. 907.041 may not be
29 expunged, without regard to whether adjudication was withheld,
30 if the defendant was found guilty of or pled guilty or nolo
31 contendere to the offense, or if the defendant, as a minor,

1 was found to have committed, or pled guilty or nolo contendere
2 to committing, the offense as a delinquent act. The court may
3 only order expunction of a criminal history record pertaining
4 to one arrest or one incident of alleged criminal activity,
5 except as provided in this section. The court may, at its sole
6 discretion, order the expunction of a criminal history record
7 pertaining to more than one arrest if the additional arrests
8 directly relate to the original arrest. If the court intends
9 to order the expunction of records pertaining to such
10 additional arrests, such intent must be specified in the
11 order. A criminal justice agency may not expunge any record
12 pertaining to such additional arrests if the order to expunge
13 does not articulate the intention of the court to expunge a
14 record pertaining to more than one arrest. This section does
15 not prevent the court from ordering the expunction of only a
16 portion of a criminal history record pertaining to one arrest
17 or one incident of alleged criminal activity. Notwithstanding
18 any law to the contrary, a criminal justice agency may comply
19 with laws, court orders, and official requests of other
20 jurisdictions relating to expunction, correction, or
21 confidential handling of criminal history records or
22 information derived therefrom. This section does not confer
23 any right to the expunction of any criminal history record,
24 and any request for expunction of a criminal history record
25 may be denied at the sole discretion of the court.

26 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY
27 RECORD.--Each petition to a court to expunge a criminal
28 history record is complete only when accompanied by:
29 (a) A certificate of eligibility for expunction issued
30 by the department pursuant to subsection (2).

31

1 (b) The petitioner's sworn statement attesting that
2 the petitioner:

3 1. Has never, prior to the date on which the petition
4 is filed, been adjudicated guilty of a criminal offense or
5 comparable ordinance violation or adjudicated delinquent for
6 committing a felony or a misdemeanor specified in s.
7 943.051(3)(b).

8 2. Has not been adjudicated guilty of, or adjudicated
9 delinquent for committing, any of the acts stemming from the
10 arrest or alleged criminal activity to which the petition
11 pertains.

12 3. Has never secured a prior sealing or expunction of
13 a criminal history record under this section, former s.
14 893.14, former s. 901.33, or former s. 943.058, or from any
15 jurisdiction outside the state.

16 4. Is eligible for such an expunction to the best of
17 his or her knowledge or belief and does not have any other
18 petition to expunge or any petition to seal pending before any
19 court.

20
21 Any person who knowingly provides false information on such
22 sworn statement to the court commits a felony of the third
23 degree, punishable as provided in s. 775.082, s. 775.083, or
24 s. 775.084.

25 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior
26 to petitioning the court to expunge a criminal history record,
27 a person seeking to expunge a criminal history record shall
28 apply to the department for a certificate of eligibility for
29 expunction. The department shall, by rule adopted pursuant to
30 chapter 120, establish procedures pertaining to the
31 application for and issuance of certificates of eligibility

1 for expunction. The department shall issue a certificate of
2 eligibility for expunction to a person who is the subject of a
3 criminal history record if that person:

4 (a) Has obtained, and submitted to the department, a
5 written, certified statement from the appropriate state
6 attorney or statewide prosecutor which indicates:

7 1. That an indictment, information, or other charging
8 document was not filed or issued in the case.

9 2. That an indictment, information, or other charging
10 document, if filed or issued in the case, was dismissed or
11 nolle prosequi by the state attorney or statewide prosecutor,
12 or was dismissed by a court of competent jurisdiction.

13 3. That the criminal history record does not relate to
14 a violation of s. 787.025,chapter 794, s. 796.03,s. 800.04,
15 s. 817.034, s. 825.1025,s. 827.071, chapter 839, s. 847.0133,
16 s. 847.0135, s. 847.0145,s. 893.135, or a violation
17 enumerated in s. 907.041, where the defendant was found guilty
18 of, or pled guilty or nolo contendere to any such offense, or
19 that the defendant, as a minor, was found to have committed,
20 or pled guilty or nolo contendere to committing, such an
21 offense as a delinquent act, without regard to whether
22 adjudication was withheld.

23 (b) Remits a \$75 processing fee to the department for
24 placement in the Department of Law Enforcement Operating Trust
25 Fund, unless such fee is waived by the executive director.

26 (c) Has submitted to the department a certified copy
27 of the disposition of the charge to which the petition to
28 expunge pertains.

29 (d) Has never, prior to the date on which the
30 application for a certificate of eligibility is filed, been
31 adjudicated guilty of a criminal offense or comparable

1 ordinance violation or adjudicated delinquent for committing a
2 felony or a misdemeanor specified in s. 943.051(3)(b).

3 (e) Has not been adjudicated guilty of, or adjudicated
4 delinquent for committing, any of the acts stemming from the
5 arrest or alleged criminal activity to which the petition to
6 expunge pertains.

7 (f) Has never secured a prior sealing or expunction of
8 a criminal history record under this section, former s.
9 893.14, former s. 901.33, or former s. 943.058.

10 (g) Is no longer under court supervision applicable to
11 the disposition of the arrest or alleged criminal activity to
12 which the petition to expunge pertains.

13 (h) Is not required to wait a minimum of 10 years
14 prior to being eligible for an expunction of such records
15 because all charges related to the arrest or criminal activity
16 to which the petition to expunge pertains were dismissed prior
17 to trial, adjudication, or the withholding of adjudication.
18 Otherwise, such criminal history record must be sealed under
19 this section, former s. 893.14, former s. 901.33, or former s.
20 943.058 for at least 10 years before such record is eligible
21 for expunction.

22 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

23 (a) In judicial proceedings under this section, a copy
24 of the completed petition to expunge shall be served upon the
25 appropriate state attorney or the statewide prosecutor and
26 upon the arresting agency; however, it is not necessary to
27 make any agency other than the state a party. The appropriate
28 state attorney or the statewide prosecutor and the arresting
29 agency may respond to the court regarding the completed
30 petition to expunge.

31

1 (b) If relief is granted by the court, the clerk of
2 the court shall certify copies of the order to the appropriate
3 state attorney or the statewide prosecutor and the arresting
4 agency. The arresting agency is responsible for forwarding the
5 order to any other agency to which the arresting agency
6 disseminated the criminal history record information to which
7 the order pertains. The department shall forward the order to
8 expunge to the Federal Bureau of Investigation. The clerk of
9 the court shall certify a copy of the order to any other
10 agency which the records of the court reflect has received the
11 criminal history record from the court.

12 (c) For an order to expunge entered by a court prior
13 to July 1, 1992, the department shall notify the appropriate
14 state attorney or statewide prosecutor of an order to expunge
15 which is contrary to law because the person who is the subject
16 of the record has previously been convicted of a crime or
17 comparable ordinance violation or has had a prior criminal
18 history record sealed or expunged. Upon receipt of such
19 notice, the appropriate state attorney or statewide prosecutor
20 shall take action, within 60 days, to correct the record and
21 petition the court to void the order to expunge. The
22 department shall seal the record until such time as the order
23 is voided by the court.

24 (d) On or after July 1, 1992, the department or any
25 other criminal justice agency is not required to act on an
26 order to expunge entered by a court when such order does not
27 comply with the requirements of this section. Upon receipt of
28 such an order, the department must notify the issuing court,
29 the appropriate state attorney or statewide prosecutor, the
30 petitioner or the petitioner's attorney, and the arresting
31 agency of the reason for noncompliance. The appropriate state

1 attorney or statewide prosecutor shall take action within 60
2 days to correct the record and petition the court to void the
3 order. No cause of action, including contempt of court, shall
4 arise against any criminal justice agency for failure to
5 comply with an order to expunge when the petitioner for such
6 order failed to obtain the certificate of eligibility as
7 required by this section or such order does not otherwise
8 comply with the requirements of this section.

9 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
10 criminal history record of a minor or an adult which is
11 ordered expunged by a court of competent jurisdiction pursuant
12 to this section must be physically destroyed or obliterated by
13 any criminal justice agency having custody of such record;
14 except that any criminal history record in the custody of the
15 department must be retained in all cases. A criminal history
16 record ordered expunged that is retained by the department is
17 confidential and exempt from the provisions of s. 119.07(1)
18 and s. 24(a), Art. I of the State Constitution and not
19 available to any person or entity except upon order of a court
20 of competent jurisdiction. A criminal justice agency may
21 retain a notation indicating compliance with an order to
22 expunge.

23 (a) The person who is the subject of a criminal
24 history record that is expunged under this section or under
25 other provisions of law, including former s. 893.14, former s.
26 901.33, and former s. 943.058, may lawfully deny or fail to
27 acknowledge the arrests covered by the expunged record, except
28 when the subject of the record:

- 29 1. Is a candidate for employment with a criminal
30 justice agency;
31 2. Is a defendant in a criminal prosecution;

1 3. Concurrently or subsequently petitions for relief
2 under this section or s. 943.059;

3 4. Is a candidate for admission to The Florida Bar;

4 5. Is seeking to be employed or licensed by or to
5 contract with the Department of Children and Family Services
6 or the Department of Juvenile Justice or to be employed or
7 used by such contractor or licensee in a sensitive position
8 having direct contact with children, the developmentally
9 disabled, the aged, or the elderly as provided in s.
10 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
11 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
12 985.407, or chapter 400; or

13 6. Is seeking to be employed or licensed by the Office
14 of Teacher Education, Certification, Staff Development, and
15 Professional Practices of the Department of Education, any
16 district school board, or any local governmental entity that
17 licenses child care facilities.

18 (b) Subject to the exceptions in paragraph (a), a
19 person who has been granted an expunction under this section,
20 former s. 893.14, former s. 901.33, or former s. 943.058 may
21 not be held under any provision of law of this state to commit
22 perjury or to be otherwise liable for giving a false statement
23 by reason of such person's failure to recite or acknowledge an
24 expunged criminal history record.

25 (c) Information relating to the existence of an
26 expunged criminal history record which is provided in
27 accordance with paragraph (a) is confidential and exempt from
28 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
29 State Constitution, except that the department shall disclose
30 the existence of a criminal history record ordered expunged to
31 the entities set forth in subparagraphs (a)1., 4., 5., and 6.

1 for their respective licensing and employment purposes, and to
2 criminal justice agencies for their respective criminal
3 justice purposes. It is unlawful for any employee of an
4 entity set forth in subparagraph (a)1., subparagraph (a)4.,
5 subparagraph (a)5., or subparagraph (a)6. to disclose
6 information relating to the existence of an expunged criminal
7 history record of a person seeking employment or licensure
8 with such entity or contractor, except to the person to whom
9 the criminal history record relates or to persons having
10 direct responsibility for employment or licensure decisions.
11 Any person who violates this paragraph commits a misdemeanor
12 of the first degree, punishable as provided in s. 775.082 or
13 s. 775.083.

14 (5) STATUTORY REFERENCES.--Any reference to any other
15 chapter, section, or subdivision of the Florida Statutes in
16 this section constitutes a general reference under the
17 doctrine of incorporation by reference.

18 Section 4. Section 943.059, Florida Statutes, is
19 amended to read:

20 943.059 Court-ordered sealing of criminal history
21 records.--The courts of this state shall continue to have
22 jurisdiction over their own procedures, including the
23 maintenance, sealing, and correction of judicial records
24 containing criminal history information to the extent such
25 procedures are not inconsistent with the conditions,
26 responsibilities, and duties established by this section. Any
27 court of competent jurisdiction may order a criminal justice
28 agency to seal the criminal history record of a minor or an
29 adult who complies with the requirements of this section. The
30 court shall not order a criminal justice agency to seal a
31 criminal history record until the person seeking to seal a

1 criminal history record has applied for and received a
2 certificate of eligibility for sealing pursuant to subsection
3 (2). A criminal history record that relates to a violation of
4 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
5 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
6 s. 847.0145, s. 893.135, or a violation enumerated in s.
7 907.041 may not be sealed, without regard to whether
8 adjudication was withheld, if the defendant was found guilty
9 of or pled guilty or nolo contendere to the offense, or if the
10 defendant, as a minor, was found to have committed or pled
11 guilty or nolo contendere to committing the offense as a
12 delinquent act. The court may only order sealing of a
13 criminal history record pertaining to one arrest or one
14 incident of alleged criminal activity, except as provided in
15 this section. The court may, at its sole discretion, order the
16 sealing of a criminal history record pertaining to more than
17 one arrest if the additional arrests directly relate to the
18 original arrest. If the court intends to order the sealing of
19 records pertaining to such additional arrests, such intent
20 must be specified in the order. A criminal justice agency may
21 not seal any record pertaining to such additional arrests if
22 the order to seal does not articulate the intention of the
23 court to seal records pertaining to more than one arrest.
24 This section does not prevent the court from ordering the
25 sealing of only a portion of a criminal history record
26 pertaining to one arrest or one incident of alleged criminal
27 activity. Notwithstanding any law to the contrary, a criminal
28 justice agency may comply with laws, court orders, and
29 official requests of other jurisdictions relating to sealing,
30 correction, or confidential handling of criminal history
31 records or information derived therefrom. This section does

1 not confer any right to the sealing of any criminal history
2 record, and any request for sealing a criminal history record
3 may be denied at the sole discretion of the court.

4 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each
5 petition to a court to seal a criminal history record is
6 complete only when accompanied by:

7 (a) A certificate of eligibility for sealing issued by
8 the department pursuant to subsection (2).

9 (b) The petitioner's sworn statement attesting that
10 the petitioner:

11 1. Has never, prior to the date on which the petition
12 is filed, been adjudicated guilty of a criminal offense or
13 comparable ordinance violation or adjudicated delinquent for
14 committing a felony or a misdemeanor specified in s.
15 943.051(3)(b).

16 2. Has not been adjudicated guilty of or adjudicated
17 delinquent for committing any of the acts stemming from the
18 arrest or alleged criminal activity to which the petition to
19 seal pertains.

20 3. Has never secured a prior sealing or expunction of
21 a criminal history record under this section, former s.
22 893.14, former s. 901.33, former s. 943.058, or from any
23 jurisdiction outside the state.

24 4. Is eligible for such a sealing to the best of his
25 or her knowledge or belief and does not have any other
26 petition to seal or any petition to expunge pending before any
27 court.

28
29 Any person who knowingly provides false information on such
30 sworn statement to the court commits a felony of the third
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to
4 petitioning the court to seal a criminal history record, a
5 person seeking to seal a criminal history record shall apply
6 to the department for a certificate of eligibility for
7 sealing. The department shall, by rule adopted pursuant to
8 chapter 120, establish procedures pertaining to the
9 application for and issuance of certificates of eligibility
10 for sealing. The department shall issue a certificate of
11 eligibility for sealing to a person who is the subject of a
12 criminal history record provided that such person:

13 (a) Has submitted to the department a certified copy
14 of the disposition of the charge to which the petition to seal
15 pertains.

16 (b) Remits a \$75 processing fee to the department for
17 placement in the Department of Law Enforcement Operating Trust
18 Fund, unless such fee is waived by the executive director.

19 (c) Has never, prior to the date on which the
20 application for a certificate of eligibility is filed, been
21 adjudicated guilty of a criminal offense or comparable
22 ordinance violation or adjudicated delinquent for committing a
23 felony or a misdemeanor specified in s. 943.051(3)(b).

24 (d) Has not been adjudicated guilty of or adjudicated
25 delinquent for committing any of the acts stemming from the
26 arrest or alleged criminal activity to which the petition to
27 seal pertains.

28 (e) Has never secured a prior sealing or expunction of
29 a criminal history record under this section, former s.
30 893.14, former s. 901.33, or former s. 943.058.

31

1 (f) Is no longer under court supervision applicable to
2 the disposition of the arrest or alleged criminal activity to
3 which the petition to seal pertains.

4 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

5 (a) In judicial proceedings under this section, a copy
6 of the completed petition to seal shall be served upon the
7 appropriate state attorney or the statewide prosecutor and
8 upon the arresting agency; however, it is not necessary to
9 make any agency other than the state a party. The appropriate
10 state attorney or the statewide prosecutor and the arresting
11 agency may respond to the court regarding the completed
12 petition to seal.

13 (b) If relief is granted by the court, the clerk of
14 the court shall certify copies of the order to the appropriate
15 state attorney or the statewide prosecutor and to the
16 arresting agency. The arresting agency is responsible for
17 forwarding the order to any other agency to which the
18 arresting agency disseminated the criminal history record
19 information to which the order pertains. The department shall
20 forward the order to seal to the Federal Bureau of
21 Investigation. The clerk of the court shall certify a copy of
22 the order to any other agency which the records of the court
23 reflect has received the criminal history record from the
24 court.

25 (c) For an order to seal entered by a court prior to
26 July 1, 1992, the department shall notify the appropriate
27 state attorney or statewide prosecutor of any order to seal
28 which is contrary to law because the person who is the subject
29 of the record has previously been convicted of a crime or
30 comparable ordinance violation or has had a prior criminal
31 history record sealed or expunged. Upon receipt of such

1 notice, the appropriate state attorney or statewide prosecutor
2 shall take action, within 60 days, to correct the record and
3 petition the court to void the order to seal. The department
4 shall seal the record until such time as the order is voided
5 by the court.

6 (d) On or after July 1, 1992, the department or any
7 other criminal justice agency is not required to act on an
8 order to seal entered by a court when such order does not
9 comply with the requirements of this section. Upon receipt of
10 such an order, the department must notify the issuing court,
11 the appropriate state attorney or statewide prosecutor, the
12 petitioner or the petitioner's attorney, and the arresting
13 agency of the reason for noncompliance. The appropriate state
14 attorney or statewide prosecutor shall take action within 60
15 days to correct the record and petition the court to void the
16 order. No cause of action, including contempt of court, shall
17 arise against any criminal justice agency for failure to
18 comply with an order to seal when the petitioner for such
19 order failed to obtain the certificate of eligibility as
20 required by this section or when such order does not comply
21 with the requirements of this section.

22 (e) An order sealing a criminal history record
23 pursuant to this section does not require that such record be
24 surrendered to the court, and such record shall continue to be
25 maintained by the department and other criminal justice
26 agencies.

27 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
28 criminal history record of a minor or an adult which is
29 ordered sealed by a court of competent jurisdiction pursuant
30 to this section is confidential and exempt from the provisions
31 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution

1 and is available only to the person who is the subject of the
2 record, to the subject's attorney, to criminal justice
3 agencies for their respective criminal justice purposes, or to
4 those entities set forth in subparagraphs (a)1., 4., 5., and
5 6. for their respective licensing and employment purposes.

6 (a) The subject of a criminal history record sealed
7 under this section or under other provisions of law, including
8 former s. 893.14, former s. 901.33, and former s. 943.058, may
9 lawfully deny or fail to acknowledge the arrests covered by
10 the sealed record, except when the subject of the record:

11 1. Is a candidate for employment with a criminal
12 justice agency;

13 2. Is a defendant in a criminal prosecution;

14 3. Concurrently or subsequently petitions for relief
15 under this section or s. 943.0585;

16 4. Is a candidate for admission to The Florida Bar;

17 5. Is seeking to be employed or licensed by or to
18 contract with the Department of Children and Family Services
19 or the Department of Juvenile Justice or to be employed or
20 used by such contractor or licensee in a sensitive position
21 having direct contact with children, the developmentally
22 disabled, the aged, or the elderly as provided in s.

23 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
24 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
25 415.103, s. 985.407, or chapter 400; or

26 6. Is seeking to be employed or licensed by the Office
27 of Teacher Education, Certification, Staff Development, and
28 Professional Practices of the Department of Education, any
29 district school board, or any local governmental entity which
30 licenses child care facilities.

31

1 (b) Subject to the exceptions in paragraph (a), a
2 person who has been granted a sealing under this section,
3 former s. 893.14, former s. 901.33, or former s. 943.058 may
4 not be held under any provision of law of this state to commit
5 perjury or to be otherwise liable for giving a false statement
6 by reason of such person's failure to recite or acknowledge a
7 sealed criminal history record.

8 (c) Information relating to the existence of a sealed
9 criminal record provided in accordance with the provisions of
10 paragraph (a) is confidential and exempt from the provisions
11 of s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution, except that the department shall disclose the
13 sealed criminal history record to the entities set forth in
14 subparagraphs (a)1., 4., 5., and 6. for their respective
15 licensing and employment purposes. It is unlawful for any
16 employee of an entity set forth in subparagraph (a)1.,
17 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.
18 to disclose information relating to the existence of a sealed
19 criminal history record of a person seeking employment or
20 licensure with such entity or contractor, except to the person
21 to whom the criminal history record relates or to persons
22 having direct responsibility for employment or licensure
23 decisions. Any person who violates the provisions of this
24 paragraph commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (5) STATUTORY REFERENCES.--Any reference to any other
27 chapter, section, or subdivision of the Florida Statutes in
28 this section constitutes a general reference under the
29 doctrine of incorporation by reference.

30 Section 5. Section 938.01, Florida Statutes, is
31 amended to read:

1 938.01 Additional Court Cost Clearing Trust Fund.--
2 (1) All courts created by Art. V of the State
3 Constitution shall, in addition to any fine or other penalty,
4 assess \$3 as a court cost against every person convicted for
5 violation of a state penal or criminal statute or convicted
6 for violation of a municipal or county ordinance. Any person
7 whose adjudication is withheld pursuant to the provisions of
8 s. 318.14(9) or (10) shall also be assessed such cost. In
9 addition, \$3 from every bond estreature or forfeited bail bond
10 related to such penal statutes or penal ordinances shall be
11 forwarded to the Treasurer as described in this subsection.
12 However, no such assessment may be made against any person
13 convicted for violation of any state statute, municipal
14 ordinance, or county ordinance relating to the parking of
15 vehicles.

16 (a) All such costs collected by the courts shall be
17 remitted to the Department of Revenue, in accordance with
18 administrative rules adopted by the executive director of the
19 Department of Revenue, for deposit in the Additional Court
20 Cost Clearing Trust Fund and shall be earmarked to the
21 Department of Law Enforcement ~~and the Department of Community~~
22 ~~Affairs~~ for distribution as follows:

23 1. Two dollars and seventy-five cents of each \$3
24 assessment shall be deposited in the Criminal Justice
25 Standards and Training Trust Fund, and the remaining 25 cents
26 of each such assessment shall be deposited into the Department
27 of Law Enforcement Operating Trust Fund and shall be disbursed
28 to the ~~Bureau of Public Safety Management of the~~ Department of
29 Law Enforcement ~~Community Affairs~~.

30 2. Ninety-two percent of the money distributed to the
31 Additional Court Cost Clearing Trust Fund pursuant to s.

1 318.21 shall be earmarked to the Department of Law Enforcement
2 for deposit in the Criminal Justice Standards and Training
3 Trust Fund, and 8 percent of such money shall be deposited
4 into the Department of Law Enforcement Operating Trust Fund
5 and shall be disbursed to the ~~Bureau of Public Safety~~
6 ~~Management of the~~ Department of Law Enforcement ~~Community~~
7 ~~Affairs~~.

8 (b) The funds deposited in the Criminal Justice
9 Standards and Training Trust Fund and the Department of Law
10 Enforcement Operating Trust Fund may be invested. Any interest
11 earned from investing such funds and any unencumbered funds
12 remaining at the end of the budget cycle shall remain in the
13 respective trust fund until the following year.

14 (c) All funds in the Criminal Justice Standards and
15 Training Trust Fund earmarked to the Department of Law
16 Enforcement shall be disbursed only in compliance with s.
17 943.25(9).

18 (2) Except as provided by s. 938.15 and
19 notwithstanding any other provision of law, no funds collected
20 and deposited pursuant to this section or s. 943.25 shall be
21 expended unless specifically appropriated by the Legislature.

22 Section 6. Subsection (1) of section 943.25, Florida
23 Statutes, is amended to read:

24 943.25 Criminal justice trust funds; source of funds;
25 use of funds.--

26 (1) The Department of Law Enforcement ~~Community~~
27 ~~Affairs~~ may approve, for disbursement from the Department of
28 Law Enforcement ~~its~~ Operating Trust Fund, those appropriated
29 sums necessary and required by the state for grant matching,
30 implementing, administering, evaluating, and qualifying for
31 such federal funds. Disbursements from the trust fund for the

1 purpose of supplanting state general revenue funds may not be
2 made without specific legislative appropriation.

3 Section 7. The criminal justice program of the
4 Department of Community Affairs is transferred to the
5 Department of Law Enforcement by a type two transfer, as
6 defined in section 20.06, Florida Statutes. The criminal
7 justice program so transferred is composed of the Byrne State
8 and Local Law Enforcement Assistance Program, local law
9 enforcement block grants, the Drug-Free Communities Program,
10 residential substance abuse treatment of state prisoners, the
11 bulletproof vest program, the Guantanamo Bay Refugee and
12 Entrant Assistance Program, the national criminal history
13 improvement program, and the Violent Offender Incarceration
14 and Truth-in-Sentencing Program.

15 Section 8. The Department of Law Enforcement may adopt
16 rules necessary for the operation of the criminal justice
17 program.

18 Section 9. (1) The Prevention of Domestic and Sexual
19 Violence Program is transferred from the Department of
20 Community Affairs to the Department of Children and Family
21 Services by a type two transfer, as defined in section 20.06,
22 Florida Statutes. The Domestic and Sexual Violence Program so
23 transferred is composed of the Governor's Task Force on
24 Domestic and Sexual Violence and the Violence Against Women
25 Program.

26 (2) From the funds deposited into the Department of
27 Law Enforcement Operating Trust Fund pursuant to section
28 939.01(1)(a)1. and 2., Florida Statutes, the Department of Law
29 Enforcement shall transfer funds to the Department of Children
30 and Family Services to be used as matching funds for the
31 administration of the Prevention of Domestic and Sexual

1 Violence Program transferred from the Department of Community
2 Affairs. The amount of the transfer for fiscal year 2001-2002
3 shall be determined by the Governor's Office of Planning and
4 Budgeting in consultation with the Department of Community
5 Affairs, the Department of Law Enforcement, and the Department
6 of Children and Family Services and shall be based on the
7 historic use of these funds and current needs of the
8 Prevention of Domestic and Sexual Violence Program. In
9 subsequent years, the transfer of funds shall be based on the
10 amount appropriated.

11 Section 10. This act shall take effect July 1, 2001.

12

13 *****

14 SENATE SUMMARY

15 Redesignates the Florida Violent Crime Council as the
16 Florida Violent Crime and Drug Control Council and the
17 Violent Crime Emergency Account as the Violent Crime
18 Emergency and Drug Control Strategy Implementation
19 Account. Delegates duties to the council with respect to
20 statewide investigations and task force efforts addressed
21 to money laundering and drug control. Provides for
22 guidelines for local agencies receiving funds from the
23 council and account. Provides for reimbursement of moneys
24 inappropriately used and for declaration of ineligibility
25 of local agencies for further grants. Enumerates
26 additional offenses the perpetrator of which is
27 ineligible to have his or her criminal history record
28 expunged or sealed. Provides for deposit of court-cost
29 proceeds into the Department of Law Enforcement Operating
30 Trust Fund and prescribes uses of those proceeds.
31 Transfers the criminal justice program of the Department
of Community Affairs to the Department of Law Enforcement
and the Prevention of Domestic and Sexual Violence
Program from the Department of Community Affairs to the
Department of Children and Family Services.