

1 A bill to be entitled
2 An act relating to the Department of Law Enforcement;
3 amending s. 790.065, F.S.; requiring the department to
4 review other records in addition to criminal history
5 records to evaluate a potential buyer or transferee of a
6 firearm, including an adjudication of mental defectiveness
7 or a commitment to a mental institution as criteria that
8 prohibit a person from purchasing a firearm; providing
9 definitions; requiring the department to maintain an
10 automated database of persons who are prohibited from
11 purchasing a firearm; requiring each clerk of court to
12 submit certain court records to the department within a
13 certain period; requiring the department to delete certain
14 records from the automated database upon the request of an
15 individual meeting specified conditions; authorizing the
16 department to disclose collected data to other federal or
17 state agencies with regard to the sale or transfer of a
18 firearm; authorizing the department to disclose certain
19 information to the Department of Agriculture and Consumer
20 Services for determining the eligibility of an applicant
21 for a concealed weapons or concealed firearms license;
22 requiring the clerk of court or mental hospital to provide
23 additional information upon request following an appeal of
24 an unapproved sale or transfer of a firearm; amending s.
25 914.25, F.S.; providing for recertification for protective
26 services for an additional period, with reimbursement for
27 expenses from the Victim and Witness Protection Review
28 Committee; providing for unlimited protective services for

29 a victim or witness without reimbursement; amending s.
 30 937.021, F.S.; providing immunity to the department, other
 31 law enforcement agencies, and media representatives from
 32 civil liability for complying in good faith with a request
 33 to record or report information of an Amber Alert or
 34 Missing Child Alert; providing that a technical or
 35 clerical error or incorrect or incomplete information does
 36 not overcome the presumption of good faith in reporting
 37 information about an Amber Alert or Missing Child Alert;
 38 providing that it is a discretionary decision of the law
 39 enforcement agency or its employees to report, record, or
 40 display Amber Alert or Missing Child Alert information;
 41 amending s. 938.07, F.S.; requiring that a portion of
 42 certain court costs imposed for a conviction of driving or
 43 boating under the influence be deposited into the
 44 department's Operating Trust Fund instead of the Criminal
 45 Justice Standards and Training Trust Fund; amending s.
 46 938.27, F.S.; requiring that investigative costs recovered
 47 on behalf of the department be deposited into the
 48 Forfeiture and Investigative Trust Fund of the department;
 49 amending s. 943.052, F.S.; requiring that disposition
 50 reports for dispositions relating to minor offenders are
 51 mandatory after a specified date; amending s. 943.053,
 52 F.S.; authorizing a criminal justice agency to obtain a
 53 criminal history background check of a noncertified agency
 54 employee by submitting fingerprints to the department;
 55 requiring the department to adopt rules setting a fee for
 56 conducting the criminal history background search and

57 | establishing procedures; amending s. 943.0585, F.S.;

58 | prohibiting a court from expunging a criminal history

59 | record containing certain sexual offenses or certain

60 | offenses that require registration as a sexual offender or

61 | career criminal; requiring a valid certificate of

62 | eligibility for expunction in a petition to expunge a

63 | criminal history record; specifying the time during which

64 | a certificate of eligibility for expunction is valid;

65 | requiring that a trial may not have occurred in order for

66 | a person to obtain a statement from the state attorney

67 | authorizing the expunction of a criminal record;

68 | authorizing a person who has secured a prior sealing or

69 | expunction of a criminal history record to seek a

70 | certificate of eligibility for expunction if the criminal

71 | history record was previously sealed for a certain number

72 | of years and is otherwise eligible for expunction;

73 | amending s. 943.059, F.S.; enumerating certain sexual

74 | offenses and offenses that require registration as a

75 | sexual offender or career criminal which may not be

76 | sealed; requiring a valid certificate of eligibility for

77 | sealing in a petition to seal a criminal history record;

78 | specifying the period during which a certificate of

79 | eligibility for sealing is valid; providing that the

80 | information contained in a sealed criminal record is

81 | available to a criminal justice agency for the purpose of

82 | conducting a criminal history background check for

83 | approval of a firearms purchase or transfer; prohibiting a

84 | person from denying arrests covered by his or her sealed

85 | criminal record when attempting to purchase a firearm;
86 | amending s. 943.13, F.S.; requiring the department to
87 | enter the fingerprints of law enforcement or correctional
88 | officers into a statewide automated fingerprint
89 | identification system; requiring the department to search
90 | each arrest fingerprint card received against fingerprints
91 | retained in the statewide automated fingerprint
92 | identification system; providing for refingerprinting by a
93 | certain date; amending ss. 943.1715 and 943.1716, F.S.;
94 | deleting the minimum number of hours required for basic
95 | skills training and continued employment training relating
96 | to diverse populations for law enforcement officers;
97 | repealing s. 943.2569, F.S., relating to an annual
98 | financial audit of criminal justice selection centers;
99 | amending s. 943.257, F.S.; authorizing the Criminal
100 | Justice Standards and Training Commission and the advisory
101 | board of a criminal justice selection center to inspect
102 | and copy any documents from a center in order to carry out
103 | oversight responsibilities, including documents pertaining
104 | to any internal or independent audits; amending s.
105 | 943.401, F.S.; requiring the department to investigate all
106 | public assistance that is provided by the state; requiring
107 | public assistance recipients to consent in writing to an
108 | investigation into their employment and financial
109 | histories by the Agency for Workforce Innovation;
110 | requiring the department to report the results of the
111 | investigations to the Agency for Workforce Innovation;
112 | authorizing the department to purchase goodwill and

113 promotional materials; limiting the annual amount of such
 114 expenditures; prohibiting the unauthorized use of the
 115 department's emblems and names; providing a penalty;
 116 providing an effective date.

117

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

119

120 Section 1. Paragraph (a) of subsection (2) of section
 121 790.065, Florida Statutes, is amended to read:

122 790.065 Sale and delivery of firearms.--

123 (2) Upon receipt of a request for a criminal history
 124 record check, the Department of Law Enforcement shall, during
 125 the licensee's call or by return call, forthwith:

126 (a) Review criminal history records and other records that
 127 have been provided to the department to determine if the
 128 potential buyer or transferee:

129 1. Has been convicted of a felony and is prohibited from
 130 receipt or possession of a firearm pursuant to s. 790.23;

131 2. Has been convicted of a misdemeanor crime of domestic
 132 violence, and therefore is prohibited from purchasing a firearm;
 133 ~~or~~

134 3. Has had adjudication of guilt withheld or imposition of
 135 sentence suspended on any felony or misdemeanor crime of
 136 domestic violence unless 3 years have elapsed since probation or
 137 any other conditions set by the court have been fulfilled or
 138 expunction has occurred; or-

139 4. Has been adjudicated mentally defective or has been
 140 committed to a mental institution by a court and as a result is

141 prohibited by federal law from purchasing a firearm.

142 a. As used in this subparagraph, "adjudicated mentally
 143 defective" means a determination by a court that a person, as a
 144 result of marked subnormal intelligence, or mental illness,
 145 incompetency, condition, or disease, is a danger to himself or
 146 herself or to others or lacks the mental capacity to contract or
 147 manage his or her own affairs. The phrase shall include a
 148 judicial finding of incapacity under s. 744.331(6)(a), an
 149 acquittal by reason of insanity of a person charged with a
 150 criminal offense, and a judicial finding that a criminal
 151 defendant is not competent to stand trial.

152 b. As used in this subparagraph, "committed to a mental
 153 institution" means involuntary commitment, commitment for mental
 154 defectiveness or mental illness, and commitment for substance
 155 abuse. The phrase shall include involuntary inpatient placement
 156 as defined in s. 394.467, involuntary assessment and
 157 stabilization under s. 397.6818, and involuntary substance abuse
 158 treatment under s. 397.6957, but shall not include a person in a
 159 mental institution for observation or discharged from a mental
 160 institution based upon the initial review by the physician or a
 161 voluntary admission to a mental institution.

162 c. In order to check for these conditions, the department
 163 shall compile and maintain an automated database of persons who
 164 are prohibited from purchasing a firearm based on court records
 165 of adjudications of mental defectiveness or commitments to
 166 mental institutions. Clerks of court are required to submit
 167 these records to the department within one month of the
 168 rendition of the adjudication or commitment. Reports may be

169 submitted in an automated format. The reports must, at a
170 minimum, include the name, along with any known alias or former
171 name, the sex, and the date of birth of the subject. The
172 department shall delete any mental health record from the
173 database upon request of an individual, when 5 years have
174 elapsed since the individual's restoration to capacity by court
175 order after being adjudicated an incapacitated person under s.
176 744.331, or similar laws of any other state; or, in the case of
177 an individual who was previously committed to a mental
178 institution under chapter 394, or similar laws of any other
179 state, when the individual produces a certificate from a
180 licensed psychiatrist that he or she has not suffered from
181 disability for at least 5 years prior to the date of request for
182 removal of the record. Where the department has received a
183 subsequent record of an adjudication of mental defectiveness or
184 commitment to a mental institution for such individual, the 5-
185 year timeframe would be calculated from the most recent
186 adjudication of incapacitation or commitment.

187 d. The department is authorized to disclose the collected
188 data to agencies of the Federal Government and other states for
189 use exclusively in determining the lawfulness of a firearm sale
190 or transfer. The department is also authorized to disclose any
191 applicable collected data to the Department of Agriculture and
192 Consumer Services for determination of eligibility for issuance
193 of a concealed weapons or concealed firearms license upon
194 receipt of an applicant fingerprint submission forwarded
195 pursuant to s. 790.06(6)(a). When a potential buyer or
196 transferee appeals a nonapproval based on these records, the

197 clerks of court and mental institutions shall, upon request by
198 the department, provide information to help determine whether
199 the potential buyer or transferee is the same person as the
200 subject of the record. Photographs and any other data that could
201 confirm or negate identity must be made available to the
202 department for such purposes, notwithstanding any other
203 provision of state law to the contrary. Any such information
204 which is made confidential or exempt from disclosure by law
205 shall retain such confidential or exempt status when transferred
206 to the department.

207 Section 2. Subsections (4) and (5) of section 914.25,
208 Florida Statutes, are amended to read:

209 914.25 Protective services for certain victims and
210 witnesses.--

211 (4)(a) When a victim or witness is certified as provided
212 in subsection (3), a law enforcement agency, in consultation
213 with the certifying state attorney or the statewide prosecutor,
214 may provide appropriate protective services. If a victim or
215 witness needs to be temporarily relocated, the statewide
216 prosecutor or the state attorney must notify the Department of
217 Law Enforcement. The Department of Law Enforcement, in
218 consultation with the statewide prosecutor or the state
219 attorney, and any other law enforcement agency involved in the
220 criminal investigation or prosecution, shall coordinate the
221 temporary relocation of the victim or witness.

222 (b) Protective services, including temporary relocation
223 services, may initially be provided for up to 1 year or until
224 the risk giving rise to the certification has diminished,

225 whichever occurs sooner. ~~If deemed necessary,~~ The statewide
 226 prosecutor or the state attorney may, at the end of the
 227 certification year, recertify a victim or witness at risk of
 228 harm for an additional period of up to 1 year or until the risk
 229 giving rise to the certification has diminished, whichever
 230 occurs first. A victim or witness at risk of harm may be
 231 certified and recertified annually as provided in this section
 232 to provide a maximum of 4 years of eligibility for protective
 233 services.

234 (5) The lead law enforcement agency that provides
 235 protective services, as authorized in this section, may seek
 236 reimbursement for its reasonable expenses from the Victim and
 237 Witness Protection Review Committee, pursuant to ~~the provisions~~
 238 ~~of~~ s. 943.031. This section does not prevent any law enforcement
 239 agency from providing protective services at the agency's
 240 expense beyond the 4-year maximum period established in this
 241 section. Any such additional expenditures for protective
 242 services are not eligible for the reimbursement provided in this
 243 section.

244 Section 3. Subsection (3) is added to section 937.021,
 245 Florida Statutes, to read:

246 937.021 Missing child reports.--

247 (3)(a) Upon receiving a request to record, report,
 248 transmit, display, or release Amber Alert or Missing Child Alert
 249 information from the law enforcement agency having jurisdiction
 250 over the missing or endangered child, the Department of Law
 251 Enforcement as the state Amber Alert coordinator; any state or
 252 local law enforcement agency and the personnel of these

253 agencies; any radio or television network, broadcaster, or other
 254 media representative; or any agency, employee, individual, or
 255 entity is immune from civil liability for damages for complying
 256 in good faith with the request, and is presumed to have acted in
 257 good faith in recording, reporting, transmitting, displaying, or
 258 releasing Amber Alert or Missing Child Alert information
 259 pertaining to such child.

260 (b) The presumption of good faith is not overcome if a
 261 technical or clerical error is made by any such agency,
 262 employee, individual, or entity acting at the request of the
 263 local law enforcement agency having jurisdiction, or if the
 264 Amber Alert or Missing Child Alert information is incomplete or
 265 incorrect because the information received from the local law
 266 enforcement agency was incomplete or incorrect.

267 (c) This subsection or any other provision of law does not
 268 create a duty of the agency, employee, individual, or entity to
 269 record, report, transmit, display, or release the Amber Alert or
 270 Missing Child Alert information received from the local law
 271 enforcement agency having jurisdiction. The decision to record,
 272 report, transmit, display, or release information is
 273 discretionary with the agency, employee, individual, or entity
 274 receiving that information from the local law enforcement agency
 275 having jurisdiction.

276 Section 4. Section 938.07, Florida Statutes, is amended to
 277 read:

278 938.07 Driving or boating under the
 279 influence.--Notwithstanding any other provision of s. 316.193 or
 280 s. 327.35, a court cost of \$135 shall be added to any fine

281 imposed pursuant to s. 316.193 or s. 327.35. The clerks shall
 282 remit the funds to the Department of Revenue, \$25 of which shall
 283 be deposited in the Emergency Medical Services Trust Fund, \$50
 284 shall be deposited in the Operating Criminal Justice Standards
 285 ~~and Training~~ Trust Fund of the Department of Law Enforcement to
 286 be used for operational expenses in conducting the statewide
 287 criminal analysis laboratory system established in s. 943.32,
 288 and \$60 shall be deposited in the Brain and Spinal Cord Injury
 289 Rehabilitation Trust Fund created in s. 381.79.

290 Section 5. Subsection (7) of section 938.27, Florida
 291 Statutes, is amended to read:

292 938.27 Judgment for costs on conviction.--

293 (7) Investigative costs that ~~which~~ are recovered shall be
 294 returned to the appropriate investigative agency that ~~which~~
 295 incurred the expense. Such costs ~~shall~~ include actual expenses
 296 incurred in conducting the investigation and prosecution of the
 297 criminal case; however, costs may also include the salaries of
 298 permanent employees. Any investigative costs recovered on behalf
 299 of a state agency must be remitted to the Department of Revenue
 300 for deposit in the agency operating trust fund, and a report of
 301 the payment must be sent to the agency, except that any
 302 investigative costs recovered on behalf of the Department of Law
 303 Enforcement shall be deposited in the department's Forfeiture
 304 and Investigative Support Trust Fund under s. 943.362.

305 Section 6. Subsection (2) of section 943.052, Florida
 306 Statutes, is amended to read:

307 943.052 Disposition reporting.--The Criminal Justice
 308 Information Program shall, by rule, establish procedures and a

309 format for each criminal justice agency to monitor its records
310 and submit reports, as provided by this section, to the program.

311 The disposition report shall be developed by the program and
312 shall include the offender-based transaction system number.

313 (2) Each clerk of the court shall submit the uniform
314 dispositions to the program or in a manner acceptable to the
315 program. The report shall be submitted at least once a month
316 and, when acceptable by the program, may be submitted in an
317 automated format. The disposition report is mandatory for
318 dispositions relating to adult offenders only. Beginning July 1,
319 2008, a disposition report for each disposition relating to a
320 minor offender is mandatory.

321 Section 7. Subsection (10) is added to section 943.053,
322 Florida Statutes, to read:

323 943.053 Dissemination of criminal justice information;
324 fees.--

325 (10) A criminal justice agency that is authorized under
326 federal rules or law to conduct a criminal history background
327 check on an agency employee who is not certified by the Criminal
328 Justice Standards and Training Commission under s. 943.12 may
329 submit to the department the fingerprints of the noncertified
330 employee to obtain state and national criminal history
331 information. The fingerprints submitted shall be retained and
332 entered in the statewide automated fingerprint identification
333 system authorized by s. 943.05 and shall be available for all
334 purposes and uses authorized for arrest fingerprint cards
335 entered in the statewide automated fingerprint identification
336 system pursuant to s. 943.051. The department shall search all

337 arrest fingerprint cards received pursuant to s. 943.051 against
 338 the fingerprints retained in the statewide automated fingerprint
 339 identification system pursuant to this section. In addition to
 340 all purposes and uses authorized for arrest fingerprint cards
 341 for which submitted fingerprints may be used, any arrest record
 342 that is identified with the retained employee fingerprints must
 343 be reported to the submitting employing agency. The department
 344 shall adopt rules setting the amount of the fee to be imposed
 345 upon each submitting agency for performing a search, which may
 346 not exceed the actual cost of performing the search, and for
 347 establishing procedures for retaining the fingerprints and
 348 disseminating search results to a submitting agency.

349 Section 8. Section 943.0585, Florida Statutes, is amended
 350 to read:

351 943.0585 Court-ordered expunction of criminal history
 352 records.--The courts of this state have jurisdiction over their
 353 own procedures, including the maintenance, expunction, and
 354 correction of judicial records containing criminal history
 355 information to the extent such procedures are not inconsistent
 356 with the conditions, responsibilities, and duties established by
 357 this section. Any court of competent jurisdiction may order a
 358 criminal justice agency to expunge the criminal history record
 359 of a minor or an adult who complies with the requirements of
 360 this section. The court shall not order a criminal justice
 361 agency to expunge a criminal history record until the person
 362 seeking to expunge a criminal history record has applied for and
 363 received a certificate of eligibility for expunction pursuant to
 364 subsection (2). A criminal history record that relates to a

365 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
366 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
367 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
368 893.135, s. 916.1075, ~~or~~ a violation enumerated in s. 907.041,
369 or any violation specified as a predicate offense for
370 registration as a sexual predator pursuant to s. 775.21, as a
371 sexual offender pursuant to s. 943.0435, or as a career offender
372 pursuant to s. 775.26, may not be expunged, without regard to
373 whether adjudication was withheld, if the defendant was found
374 guilty of or pled guilty or nolo contendere to the offense, or
375 if the defendant, as a minor, was found to have committed, or
376 pled guilty or nolo contendere to committing, the offense as a
377 delinquent act. The court may only order expunction of a
378 criminal history record pertaining to one arrest or one incident
379 of alleged criminal activity, except as provided in this
380 section. The court may, at its sole discretion, order the
381 expunction of a criminal history record pertaining to more than
382 one arrest if the additional arrests directly relate to the
383 original arrest. If the court intends to order the expunction of
384 records pertaining to such additional arrests, such intent must
385 be specified in the order. A criminal justice agency may not
386 expunge any record pertaining to such additional arrests if the
387 order to expunge does not articulate the intention of the court
388 to expunge a record pertaining to more than one arrest. This
389 section does not prevent the court from ordering the expunction
390 of only a portion of a criminal history record pertaining to one
391 arrest or one incident of alleged criminal activity.
392 Notwithstanding any law to the contrary, a criminal justice

393 agency may comply with laws, court orders, and official requests
 394 of other jurisdictions relating to expunction, correction, or
 395 confidential handling of criminal history records or information
 396 derived therefrom. This section does not confer any right to the
 397 expunction of any criminal history record, and any request for
 398 expunction of a criminal history record may be denied at the
 399 sole discretion of the court.

400 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.--Each
 401 petition to a court to expunge a criminal history record is
 402 complete only when accompanied by:

403 (a) A valid certificate of eligibility for expunction
 404 issued by the department pursuant to subsection (2).

405 (b) The petitioner's sworn statement attesting that the
 406 petitioner:

407 1. Has never, prior to the date on which the petition is
 408 filed, been adjudicated guilty of a criminal offense or
 409 comparable ordinance violation, or been adjudicated delinquent
 410 for committing any a felony or a misdemeanor specified in s.
 411 943.051(3)(b).

412 2. Has not been adjudicated guilty of, or adjudicated
 413 delinquent for committing, any of the acts stemming from the
 414 arrest or alleged criminal activity to which the petition
 415 pertains.

416 3. Has never secured a prior sealing or expunction of a
 417 criminal history record under this section, former s. 893.14,
 418 former s. 901.33, or former s. 943.058, or from any jurisdiction
 419 outside the state.

420 4. Is eligible for such an expunction to the best of his

421 or her knowledge or belief and does not have any other petition
 422 to expunge or any petition to seal pending before any court.

423
 424 Any person who knowingly provides false information on such
 425 sworn statement to the court commits a felony of the third
 426 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 427 775.084.

428 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to
 429 petitioning the court to expunge a criminal history record, a
 430 person seeking to expunge a criminal history record shall apply
 431 to the department for a certificate of eligibility for
 432 expunction. The department shall, by rule adopted pursuant to
 433 chapter 120, establish procedures pertaining to the application
 434 for and issuance of certificates of eligibility for expunction.
 435 A certificate of eligibility for expunction is valid for 12
 436 months after the date stamped on the certificate when issued by
 437 the Department of Law Enforcement. After that time, the
 438 petitioner must reapply to the department for a new certificate
 439 of eligibility. Eligibility for a renewed certification of
 440 eligibility must be based on the status of the applicant and the
 441 law in effect at the time of the most recent application. The
 442 department shall issue a certificate of eligibility for
 443 expunction to a person who is the subject of a criminal history
 444 record if that person:

- 445 (a) Has obtained, and submitted to the department, a
 446 written, certified statement from the appropriate state attorney
 447 or statewide prosecutor which indicates:
 448 1. That an indictment, information, or other charging

449 document was not filed or issued in the case.

450 2. That an indictment, information, or other charging
 451 document, if filed or issued in the case, was dismissed or nolle
 452 prosequi by the state attorney or statewide prosecutor, or was
 453 dismissed by a court of competent jurisdiction, and that none of
 454 the charges related to the arrest or alleged criminal activity
 455 to which the petition to expunge pertains resulted in a trial,
 456 without regard to whether the outcome of the trial was other
 457 than an adjudication of guilt.

458 3. That the criminal history record does not relate to a
 459 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 460 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
 461 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
 462 893.135, s. 916.1075, ~~or~~ a violation enumerated in s. 907.041,
 463 or any violation specified as a predicate offense for
 464 registration as a sexual predator pursuant to s. 775.21, as a
 465 sexual offender pursuant to s. 943.0435, or as a career offender
 466 pursuant to s. 775.26, where the defendant was found guilty of,
 467 or pled guilty or nolo contendere to any such offense, or that
 468 the defendant, as a minor, was found to have committed, or pled
 469 guilty or nolo contendere to committing, such an offense as a
 470 delinquent act, without regard to whether adjudication was
 471 withheld.

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

475 (c) Has submitted to the department a certified copy of
 476 the disposition of the charge to which the petition to expunge

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477 | pertains.

478 | (d) Has never, prior to the date on which the application
479 | for a certificate of eligibility is filed, been adjudicated
480 | guilty of a criminal offense or comparable ordinance violation,
481 | or been adjudicated delinquent for committing any a felony or a
482 | misdemeanor specified in s. 943.051(3)(b).

483 | (e) Has not been adjudicated guilty of, or adjudicated
484 | delinquent for committing, any of the acts stemming from the
485 | arrest or alleged criminal activity to which the petition to
486 | expunge pertains.

487 | (f) Has never secured a prior sealing or expunction of a
488 | criminal history record under this section, former s. 893.14,
489 | former s. 901.33, or former s. 943.058, unless expunction is
490 | sought of a criminal history record previously sealed for 10
491 | years pursuant to paragraph (h) and the record is otherwise
492 | eligible for expunction.

493 | (g) Is no longer under court supervision applicable to the
494 | disposition of the arrest or alleged criminal activity to which
495 | the petition to expunge pertains.

496 | (h) Has previously obtained a court order sealing the
497 | record under this section, former s. 893.14, former s. 901.33,
498 | or former s. 943.058 for a minimum of 10 years because
499 | adjudication was withheld or because all charges related to the
500 | arrest or alleged criminal activity to which the petition to
501 | expunge pertains were not dismissed prior to trial, without
502 | regard to whether the outcome of the trial was other than an
503 | adjudication of guilt. The requirement for the record to have
504 | previously been sealed for a minimum of 10 years does not apply

505 when a plea was not entered or all charges related to the arrest
 506 or alleged criminal activity to which the petition to expunge
 507 pertains were dismissed prior to trial. ~~Is not required to wait~~
 508 ~~a minimum of 10 years prior to being eligible for an expunction~~
 509 ~~of such records because all charges related to the arrest or~~
 510 ~~criminal activity to which the petition to expunge pertains were~~
 511 ~~dismissed prior to trial, adjudication, or the withholding of~~
 512 ~~adjudication. Otherwise, such criminal history record must be~~
 513 ~~sealed under this section, former s. 893.14, former s. 901.33,~~
 514 ~~or former s. 943.058 for at least 10 years before such record is~~
 515 ~~eligible for expunction.~~

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

517 (a) In judicial proceedings under this section, a copy of
 518 the completed petition to expunge shall be served upon the
 519 appropriate state attorney or the statewide prosecutor and upon
 520 the arresting agency; however, it is not necessary to make any
 521 agency other than the state a party. The appropriate state
 522 attorney or the statewide prosecutor and the arresting agency
 523 may respond to the court regarding the completed petition to
 524 expunge.

525 (b) If relief is granted by the court, the clerk of the
 526 court shall certify copies of the order to the appropriate state
 527 attorney or the statewide prosecutor and the arresting agency.
 528 The arresting agency is responsible for forwarding the order to
 529 any other agency to which the arresting agency disseminated the
 530 criminal history record information to which the order pertains.
 531 The department shall forward the order to expunge to the Federal
 532 Bureau of Investigation. The clerk of the court shall certify a

533 | copy of the order to any other agency which the records of the
 534 | court reflect has received the criminal history record from the
 535 | court.

536 | (c) For an order to expunge entered by a court prior to
 537 | July 1, 1992, the department shall notify the appropriate state
 538 | attorney or statewide prosecutor of an order to expunge which is
 539 | contrary to law because the person who is the subject of the
 540 | record has previously been convicted of a crime or comparable
 541 | ordinance violation or has had a prior criminal history record
 542 | sealed or expunged. Upon receipt of such notice, the appropriate
 543 | state attorney or statewide prosecutor shall take action, within
 544 | 60 days, to correct the record and petition the court to void
 545 | the order to expunge. The department shall seal the record until
 546 | such time as the order is voided by the court.

547 | (d) On or after July 1, 1992, the department or any other
 548 | criminal justice agency is not required to act on an order to
 549 | expunge entered by a court when such order does not comply with
 550 | the requirements of this section. Upon receipt of such an order,
 551 | the department must notify the issuing court, the appropriate
 552 | state attorney or statewide prosecutor, the petitioner or the
 553 | petitioner's attorney, and the arresting agency of the reason
 554 | for noncompliance. The appropriate state attorney or statewide
 555 | prosecutor shall take action within 60 days to correct the
 556 | record and petition the court to void the order. No cause of
 557 | action, including contempt of court, shall arise against any
 558 | criminal justice agency for failure to comply with an order to
 559 | expunge when the petitioner for such order failed to obtain the
 560 | certificate of eligibility as required by this section or such

561 order does not otherwise comply with the requirements of this
 562 section.

563 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 564 criminal history record of a minor or an adult which is ordered
 565 expunged by a court of competent jurisdiction pursuant to this
 566 section must be physically destroyed or obliterated by any
 567 criminal justice agency having custody of such record; except
 568 that any criminal history record in the custody of the
 569 department must be retained in all cases. A criminal history
 570 record ordered expunged that is retained by the department is
 571 confidential and exempt from the provisions of s. 119.07(1) and
 572 s. 24(a), Art. I of the State Constitution and not available to
 573 any person or entity except upon order of a court of competent
 574 jurisdiction. A criminal justice agency may retain a notation
 575 indicating compliance with an order to expunge.

576 (a) The person who is the subject of a criminal history
 577 record that is expunged under this section or under other
 578 provisions of law, including former s. 893.14, former s. 901.33,
 579 and former s. 943.058, may lawfully deny or fail to acknowledge
 580 the arrests covered by the expunged record, except when the
 581 subject of the record:

- 582 1. Is a candidate for employment with a criminal justice
 583 agency;
- 584 2. Is a defendant in a criminal prosecution;
- 585 3. Concurrently or subsequently petitions for relief under
 586 this section or s. 943.059;
- 587 4. Is a candidate for admission to The Florida Bar;
- 588 5. Is seeking to be employed or licensed by or to contract

589 with the Department of Children and Family Services or the
 590 Department of Juvenile Justice or to be employed or used by such
 591 contractor or licensee in a sensitive position having direct
 592 contact with children, the developmentally disabled, the aged,
 593 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 594 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 595 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s.
 596 985.407, or chapter 400; or

597 6. Is seeking to be employed or licensed by the Department
 598 of Education, any district school board, any university
 599 laboratory school, any charter school, any private or parochial
 600 school, or any local governmental entity that licenses child
 601 care facilities.

602 (b) Subject to the exceptions in paragraph (a), a person
 603 who has been granted an expunction under this section, former s.
 604 893.14, former s. 901.33, or former s. 943.058 may not be held
 605 under any provision of law of this state to commit perjury or to
 606 be otherwise liable for giving a false statement by reason of
 607 such person's failure to recite or acknowledge an expunged
 608 criminal history record.

609 (c) Information relating to the existence of an expunged
 610 criminal history record which is provided in accordance with
 611 paragraph (a) is confidential and exempt from the provisions of
 612 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 613 except that the department shall disclose the existence of a
 614 criminal history record ordered expunged to the entities set
 615 forth in subparagraphs (a)1., 4., 5., and 6. for their
 616 respective licensing and employment purposes, and to criminal

617 justice agencies for their respective criminal justice purposes.
 618 It is unlawful for any employee of an entity set forth in
 619 subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or
 620 subparagraph (a)6. to disclose information relating to the
 621 existence of an expunged criminal history record of a person
 622 seeking employment or licensure with such entity or contractor,
 623 except to the person to whom the criminal history record relates
 624 or to persons having direct responsibility for employment or
 625 licensure decisions. Any person who violates this paragraph
 626 commits a misdemeanor of the first degree, punishable as
 627 provided in s. 775.082 or s. 775.083.

628 (5) STATUTORY REFERENCES.--Any reference to any other
 629 chapter, section, or subdivision of the Florida Statutes in this
 630 section constitutes a general reference under the doctrine of
 631 incorporation by reference.

632 Section 9. Section 943.059, Florida Statutes, is amended
 633 to read:

634 943.059 Court-ordered sealing of criminal history
 635 records.--The courts of this state shall continue to have
 636 jurisdiction over their own procedures, including the
 637 maintenance, sealing, and correction of judicial records
 638 containing criminal history information to the extent such
 639 procedures are not inconsistent with the conditions,
 640 responsibilities, and duties established by this section. Any
 641 court of competent jurisdiction may order a criminal justice
 642 agency to seal the criminal history record of a minor or an
 643 adult who complies with the requirements of this section. The
 644 court shall not order a criminal justice agency to seal a

645 criminal history record until the person seeking to seal a
 646 criminal history record has applied for and received a
 647 certificate of eligibility for sealing pursuant to subsection
 648 (2). A criminal history record that relates to a violation of s.
 649 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 650 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 651 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 652 916.1075, ~~or~~ a violation enumerated in s. 907.041, or any
 653 violation specified as a predicate offense for registration as a
 654 sexual predator pursuant to s. 775.21, as a sexual offender
 655 pursuant to s. 943.0435, or as a career offender pursuant to s.
 656 775.26 may not be sealed, without regard to whether adjudication
 657 was withheld, if the defendant was found guilty of or pled
 658 guilty or nolo contendere to the offense, or if the defendant,
 659 as a minor, was found to have committed or pled guilty or nolo
 660 contendere to committing the offense as a delinquent act. The
 661 court may only order sealing of a criminal history record
 662 pertaining to one arrest or one incident of alleged criminal
 663 activity, except as provided in this section. The court may, at
 664 its sole discretion, order the sealing of a criminal history
 665 record pertaining to more than one arrest if the additional
 666 arrests directly relate to the original arrest. If the court
 667 intends to order the sealing of records pertaining to such
 668 additional arrests, such intent must be specified in the order.
 669 A criminal justice agency may not seal any record pertaining to
 670 such additional arrests if the order to seal does not articulate
 671 the intention of the court to seal records pertaining to more
 672 than one arrest. This section does not prevent the court from

673 ordering the sealing of only a portion of a criminal history
 674 record pertaining to one arrest or one incident of alleged
 675 criminal activity. Notwithstanding any law to the contrary, a
 676 criminal justice agency may comply with laws, court orders, and
 677 official requests of other jurisdictions relating to sealing,
 678 correction, or confidential handling of criminal history records
 679 or information derived therefrom. This section does not confer
 680 any right to the sealing of any criminal history record, and any
 681 request for sealing a criminal history record may be denied at
 682 the sole discretion of the court.

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

686 (a) A valid certificate of eligibility for sealing issued
 687 by the department pursuant to subsection (2).

688 (b) The petitioner's sworn statement attesting that the
 689 petitioner:

690 1. Has never, prior to the date on which the petition is
 691 filed, been adjudicated guilty of a criminal offense or
 692 comparable ordinance violation, or been adjudicated delinquent
 693 for committing any a felony or a misdemeanor specified in s.
 694 943.051(3)(b).

695 2. Has not been adjudicated guilty of or adjudicated
 696 delinquent for committing any of the acts stemming from the
 697 arrest or alleged criminal activity to which the petition to
 698 seal pertains.

699 3. Has never secured a prior sealing or expunction of a
 700 criminal history record under this section, former s. 893.14,

701 former s. 901.33, former s. 943.058, or from any jurisdiction
 702 outside the state.

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

706
 707 Any person who knowingly provides false information on such
 708 sworn statement to the court commits a felony of the third
 709 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 710 775.084.

711 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to
 712 petitioning the court to seal a criminal history record, a
 713 person seeking to seal a criminal history record shall apply to
 714 the department for a certificate of eligibility for sealing. The
 715 department shall, by rule adopted pursuant to chapter 120,
 716 establish procedures pertaining to the application for and
 717 issuance of certificates of eligibility for sealing. A
 718 certificate of eligibility for sealing is valid for 12 months
 719 after the date stamped on the certificate when issued by the
 720 Department of Law Enforcement. After that time, the petitioner
 721 must reapply to the department for a new certificate of
 722 eligibility. Eligibility for a renewed certification of
 723 eligibility must be based on the status of the applicant and the
 724 law in effect at the time of the most recent application. The
 725 department shall issue a certificate of eligibility for sealing
 726 to a person who is the subject of a criminal history record
 727 provided that such person:

728 (a) Has submitted to the department a certified copy of

729 the disposition of the charge to which the petition to seal
 730 pertains.

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

734 (c) Has never, prior to the date on which the application
 735 for a certificate of eligibility is filed, been adjudicated
 736 guilty of a criminal offense or comparable ordinance violation,
 737 or been adjudicated delinquent for committing any a felony or a
 738 misdemeanor specified in s. 943.051(3)(b).

739 (d) Has not been adjudicated guilty of or adjudicated
 740 delinquent for committing any of the acts stemming from the
 741 arrest or alleged criminal activity to which the petition to
 742 seal pertains.

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

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

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

750 (a) In judicial proceedings under this section, a copy of
 751 the completed petition to seal shall be served upon the
 752 appropriate state attorney or the statewide prosecutor and upon
 753 the arresting agency; however, it is not necessary to make any
 754 agency other than the state a party. The appropriate state
 755 attorney or the statewide prosecutor and the arresting agency
 756 may respond to the court regarding the completed petition to

757 seal.

758 (b) If relief is granted by the court, the clerk of the
759 court shall certify copies of the order to the appropriate state
760 attorney or the statewide prosecutor and to the arresting
761 agency. The arresting agency is responsible for forwarding the
762 order to any other agency to which the arresting agency
763 disseminated the criminal history record information to which
764 the order pertains. The department shall forward the order to
765 seal to the Federal Bureau of Investigation. The clerk of the
766 court shall certify a copy of the order to any other agency
767 which the records of the court reflect has received the criminal
768 history record from the court.

769 (c) For an order to seal entered by a court prior to July
770 1, 1992, the department shall notify the appropriate state
771 attorney or statewide prosecutor of any order to seal which is
772 contrary to law because the person who is the subject of the
773 record has previously been convicted of a crime or comparable
774 ordinance violation or has had a prior criminal history record
775 sealed or expunged. Upon receipt of such notice, the appropriate
776 state attorney or statewide prosecutor shall take action, within
777 60 days, to correct the record and petition the court to void
778 the order to seal. The department shall seal the record until
779 such time as the order is voided by the court.

780 (d) On or after July 1, 1992, the department or any other
781 criminal justice agency is not required to act on an order to
782 seal entered by a court when such order does not comply with the
783 requirements of this section. Upon receipt of such an order, the
784 department must notify the issuing court, the appropriate state

785 attorney or statewide prosecutor, the petitioner or the
786 petitioner's attorney, and the arresting agency of the reason
787 for noncompliance. The appropriate state attorney or statewide
788 prosecutor shall take action within 60 days to correct the
789 record and petition the court to void the order. No cause of
790 action, including contempt of court, shall arise against any
791 criminal justice agency for failure to comply with an order to
792 seal when the petitioner for such order failed to obtain the
793 certificate of eligibility as required by this section or when
794 such order does not comply with the requirements of this
795 section.

796 (e) An order sealing a criminal history record pursuant to
797 this section does not require that such record be surrendered to
798 the court, and such record shall continue to be maintained by
799 the department and other criminal justice agencies.

800 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
801 history record of a minor or an adult which is ordered sealed by
802 a court of competent jurisdiction pursuant to this section is
803 confidential and exempt from the provisions of s. 119.07(1) and
804 s. 24(a), Art. I of the State Constitution and is available only
805 to the person who is the subject of the record, to the subject's
806 attorney, to criminal justice agencies for their respective
807 criminal justice purposes, which include conducting a criminal
808 history background check for approval of firearms purchases or
809 transfers as authorized by state or federal law, or to those
810 entities set forth in subparagraphs (a)1., 4., 5., and 6. for
811 their respective licensing and employment purposes.

812 (a) The subject of a criminal history record sealed under

813 this section or under other provisions of law, including former
 814 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 815 deny or fail to acknowledge the arrests covered by the sealed
 816 record, except when the subject of the record:

817 1. Is a candidate for employment with a criminal justice
 818 agency;

819 2. Is a defendant in a criminal prosecution;

820 3. Concurrently or subsequently petitions for relief under
 821 this section or s. 943.0585;

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

823 5. Is seeking to be employed or licensed by or to contract
 824 with the Department of Children and Family Services or the
 825 Department of Juvenile Justice or to be employed or used by such
 826 contractor or licensee in a sensitive position having direct
 827 contact with children, the developmentally disabled, the aged,
 828 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 829 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 830 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
 831 (13), s. 985.407, or chapter 400; ~~or~~

832 6. Is seeking to be employed or licensed by the Department
 833 of Education, any district school board, any university
 834 laboratory school, any charter school, any private or parochial
 835 school, or any local governmental entity that licenses child
 836 care facilities; or-

837 7. Is attempting to purchase a firearm from a licensed
 838 importer, licensed manufacturer, or licensed dealer and is
 839 subject to a criminal history background check under state or
 840 federal law.

841 (b) Subject to the exceptions in paragraph (a), a person
842 who has been granted a sealing under this section, former s.
843 893.14, former s. 901.33, or former s. 943.058 may not be held
844 under any provision of law of this state to commit perjury or to
845 be otherwise liable for giving a false statement by reason of
846 such person's failure to recite or acknowledge a sealed criminal
847 history record.

848 (c) Information relating to the existence of a sealed
849 criminal record provided in accordance with the provisions of
850 paragraph (a) is confidential and exempt from the provisions of
851 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
852 except that the department shall disclose the sealed criminal
853 history record to the entities set forth in subparagraphs (a)1.,
854 4., 5., and 6. for their respective licensing and employment
855 purposes. It is unlawful for any employee of an entity set forth
856 in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5.,
857 or subparagraph (a)6. to disclose information relating to the
858 existence of a sealed criminal history record of a person
859 seeking employment or licensure with such entity or contractor,
860 except to the person to whom the criminal history record relates
861 or to persons having direct responsibility for employment or
862 licensure decisions. Any person who violates the provisions of
863 this paragraph commits a misdemeanor of the first degree,
864 punishable as provided in s. 775.082 or s. 775.083.

865 (5) STATUTORY REFERENCES.--Any reference to any other
866 chapter, section, or subdivision of the Florida Statutes in this
867 section constitutes a general reference under the doctrine of
868 incorporation by reference.

869 Section 10. Subsection (5) of section 943.13, Florida
 870 Statutes, is amended to read:

871 943.13 Officers' minimum qualifications for employment or
 872 appointment.--On or after October 1, 1984, any person employed
 873 or appointed as a full-time, part-time, or auxiliary law
 874 enforcement officer or correctional officer; on or after October
 875 1, 1986, any person employed as a full-time, part-time, or
 876 auxiliary correctional probation officer; and on or after
 877 October 1, 1986, any person employed as a full-time, part-time,
 878 or auxiliary correctional officer by a private entity under
 879 contract to the Department of Corrections, to a county
 880 commission, or to the Department of Management Services shall:

881 (5) Have documentation of his or her processed
 882 fingerprints on file with the employing agency or, if a private
 883 correctional officer, have documentation of his or her processed
 884 fingerprints on file with the Department of Corrections or the
 885 Criminal Justice Standards and Training Commission. If
 886 administrative delays are caused by the department or the
 887 Federal Bureau of Investigation and the person has complied with
 888 subsections (1)-(4) and (6)-(9), he or she may be employed or
 889 appointed for a period not to exceed 1 calendar year from the
 890 date he or she was employed or appointed or until return of the
 891 processed fingerprints documenting noncompliance with
 892 subsections (1)-(4) or subsection (7), whichever occurs first.
 893 Beginning July 1, 2005, the department shall retain and enter
 894 into the statewide automated fingerprint identification system
 895 authorized by s. 943.05 all fingerprints submitted to the
 896 department as required by this section and all fingerprints

897 related to any law enforcement, correctional, or correctional
 898 probation officers which are submitted to the department for any
 899 other reason. Thereafter, the fingerprints shall be available
 900 for all purposes and uses authorized for arrest fingerprint
 901 cards entered in the statewide automated fingerprint
 902 identification system pursuant to s. 943.051 in order to ensure
 903 compliance with any applicable federal law. The department shall
 904 search all arrest fingerprints cards received pursuant to s.
 905 943.051 against the fingerprints retained in the statewide
 906 automated fingerprint identification system pursuant to this
 907 section and report to the employing agency any arrest records
 908 that are identified with the retained employee's fingerprints.
 909 By January 1, 2007, a person who must meet minimum
 910 qualifications as provided in this section and whose
 911 fingerprints are not retained by the department pursuant to this
 912 section must be refingerprinted. These fingerprints must be
 913 forwarded to the department for processing and retention.

914 Section 11. Section 943.1715, Florida Statutes, is amended
 915 to read:

916 943.1715 Basic skills training relating to diverse
 917 populations.--The commission shall establish and maintain
 918 standards for instruction of officers in the subject of
 919 interpersonal skills relating to diverse populations, with an
 920 emphasis on the awareness of cultural differences. Every basic
 921 skills course required in order for officers to obtain initial
 922 certification must include ~~a minimum of 8 hours~~ training in
 923 interpersonal skills with diverse populations.

924 Section 12. Section 943.1716, Florida Statutes, is amended

925 to read:

926 943.1716 Continued employment training relating to diverse
 927 populations.--The commission shall by rule require that each
 928 officer receive, as part of the 40 hours of required instruction
 929 for continued employment or appointment as an officer, ~~8 hours~~
 930 ~~of~~ instruction in the subject of interpersonal skills relating
 931 to diverse populations, with an emphasis on the awareness of
 932 cultural differences.

933 Section 13. Section 943.2569, Florida Statutes, is
 934 repealed.

935 Section 14. Section 943.257, Florida Statutes, is amended
 936 to read:

937 943.257 Independent audit documentation subject to
 938 inspection.--The Criminal Justice Standards and Training
 939 Commission or a center's advisory board may inspect and copy any
 940 documents from the center as required to carry out the
 941 commission's or the respective board's oversight
 942 responsibilities, including information and documents related to
 943 applicant evaluations and center expenditures. In addition, the
 944 commission or board may inspect and copy the documentation of
 945 any internal or independent audits conducted by or on behalf of
 946 the centers to ensure that candidate and inservice officer
 947 assessments have been made and that expenditures are in
 948 conformance with the requirements of this act and with other
 949 applicable procedures.

950 Section 15. Subsections (1) and (3) of section 943.401,
 951 Florida Statutes, are amended to read:

952 943.401 Public assistance fraud.--

953 (1)(a) The Department of Law Enforcement shall investigate
 954 all public assistance provided to residents of the state or
 955 provided to others by the state ~~made under the provisions of~~
 956 ~~chapter 409 or chapter 414~~. In the course of such investigation
 957 the Department of Law Enforcement shall examine all records,
 958 including electronic benefits transfer records and make inquiry
 959 of all persons who may have knowledge as to any irregularity
 960 incidental to the disbursement of public moneys, food stamps, or
 961 other items or benefits authorizations to recipients.

962 (b) All public assistance recipients, as a condition
 963 precedent to qualification for public assistance ~~under the~~
 964 ~~provisions of chapter 409 or chapter 414~~, shall first give in
 965 writing, to the Agency for Health Care Administration, the
 966 Department of Health, the Agency for Workforce Innovation, and
 967 the Department of Children and Family Services, as appropriate,
 968 and to the Department of Law Enforcement, consent to make
 969 inquiry of past or present employers and records, financial or
 970 otherwise.

971 (3) The results of such investigation shall be reported by
 972 the Department of Law Enforcement to the appropriate legislative
 973 committees, the Agency for Health Care Administration, the
 974 Department of Health, the Agency for Workforce Innovation, and
 975 the Department of Children and Family Services, and to such
 976 others as the Department of Law Enforcement may determine.

977 Section 16. Authority to purchase goodwill and promotional
 978 materials.--

979 (1) The Legislature recognizes that the department
 980 functions as one of the state's primary law enforcement

981 representatives in national and international meetings,
 982 conferences, and cooperative efforts. The department often hosts
 983 delegates from other federal, state, local, and international
 984 agencies and is in a position to function as a representative of
 985 the state fostering goodwill and effective interagency working
 986 relationships. It is the intent of the Legislature that the
 987 department be allowed, consistent with the dignity and integrity
 988 of the state, to purchase and distribute material and items of
 989 collection to those with whom the department has contact in
 990 meetings, conferences, and cooperative efforts.

991 (2) In addition to expenditures separately authorized by
 992 law, the department may expend not more than \$5,000 annually to
 993 purchase and distribute promotional materials or items that
 994 serve to advance with dignity and integrity the goodwill of this
 995 state and the department and to provide basic refreshments at
 996 official functions, seminars, or meetings of the department in
 997 which dignitaries or representatives from the Federal
 998 Government, other states or nationalities, or other agencies are
 999 in attendance.

1000 Section 17. Unauthorized use of Department of Law
 1001 Enforcement emblems or names prohibited.--

1002 (1) Whoever, except with the written permission of the
 1003 executive director of the department or as otherwise expressly
 1004 authorized by the department, knowingly uses the words "Florida
 1005 Department of Law Enforcement," the initials "F.D.L.E." or
 1006 "FDLE," or the words "Florida Capitol Police," or any colorable
 1007 imitation of such words or initials, or who uses a logo or
 1008 emblem used by the department in connection with any

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1009 advertisement, circular, book, pamphlet, or other publication,
1010 play, motion picture, broadcast, telecast, or other production,
1011 in any Internet web page or upon any product in a manner
1012 reasonably calculated to convey the impression that such
1013 advertisement, circular, book, pamphlet, or other publication,
1014 play, motion picture, broadcast, telecast, or other production,
1015 Internet web page, or product is approved, endorsed, or
1016 authorized by the Department of Law Enforcement commits a
1017 misdemeanor of the first degree, punishable as provided in s.
1018 775.082 or s. 775.083.

1019 (2) A violation of this section may be enjoined upon suit
1020 by the department or the Department of Legal Affairs upon
1021 complaint filed in any court of competent jurisdiction.

1022 Section 18. This act shall take effect July 1, 2005.